

Gas Compliance Reporting Manual

Energy Coordination Act 1994

March 2009

Economic Regulation Authority



WESTERN AUSTRALIA

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1 Introduction

The licensing of gas supply in Western Australia is provided for under the *Energy Coordination Act 1994* (Act). The Act creates two licence classifications: distribution and trading.

The Authority is responsible for administering the licensing scheme under the Act, including determining the terms and conditions, and granting, of licences.

In October 2006, the Authority published a discussion paper on best practice regulation, which sets out its interpretation of best practice regulation, particularly in relation to utility licensing, and proposed mechanisms for achieving it. The discussion paper can be obtained from the Authority's [web site](#)¹. In line with that discussion paper, the Authority places priority on developing a compliance culture among licensees through a framework that encourages licensees to self-assess compliance with licence conditions and to report breaches on a self-reporting basis.

In conjunction with the preparation of its discussion paper, the Authority has reviewed and amended the gas trading and distribution licences. A copy of the amended standard form licences can be obtained from the Authority's [web site](#)². The standard form licences have been designed to reduce any unnecessary regulatory burden on licensees while promoting the Authority's aim of best practice regulation.

A business licensed by the Authority is required to comply with a range of obligations prescribed by the Act and in the licence itself. In the future, it is also expected that licensees will need to comply with various associated regulations and codes as they are developed by the Government and imposed upon licensees by way of licence conditions. It is anticipated that the Authority will update this manual from time to time to take account of any new obligations with which licensees are required to comply.

It is the Authority's responsibility under the Act to monitor, and report to the Minister on, the operation of the licensing scheme and to inform the Minister of any failure by a licensee to comply with its licence conditions.

It is important that there is a shared understanding amongst all stakeholders in respect of licence terms and conditions applicable to a licensee and the way in which the Authority will fulfil its responsibilities under the Act including in monitoring and reporting on licence compliance. In support of this objective, the Authority has issued this Gas Compliance Reporting Manual (Reporting Manual) in order to provide:

- a consolidated list of the terms and conditions of distribution and trading licences to assist licensees with identifying the compliance obligations relevant to the licence(s) they have been granted;
- a categorisation of licence conditions to assist with reporting obligations;
- a self-assessment framework for licensees to facilitate compliance with licence conditions and report non-compliance to the Authority on a self reporting basis; and
- the reports that licensees must provide to the Authority and the timing of these reports.

¹ <http://www.era.wa.gov.au/2/320/51/publications.pm>

² http://www.era.wa.gov.au/2/315/51/licence_holders.pm

This Reporting Manual aims to identify all the compliance requirements for both distribution and trading licensees. The Authority notes that many of the compliance requirements may only come into play in certain circumstances (for example the dispute resolution obligations). Licensees are encouraged to assess the compliance requirements that apply to their business based on their licence type and circumstances.

While the Authority has taken care to compile the compliance requirements for distribution and trading licensees, the omission of a compliance requirement in this Reporting Manual does not infer a licensee is exempt from fulfilling that requirement. Notwithstanding the information presented in this Reporting Manual, licensees are required to ensure they are aware of the statutory obligations relevant to their licence and take measures to comply with these obligations.

The Authority will separately issue Data Sheets (which will be available on the Authority's [web site](#)³) for the reporting of operational and performance information to the Authority, including statistics or performance information required under licence conditions, for each financial year. In addition, the National Energy Retail Performance Indicators published by the Steering Committee on National Regulatory Reporting Requirements (**SCONRRR**) in its 2007 report (**2007 SCONRRR Report**)⁴ will be included as part of the regulatory reporting requirements applying to gas trading licences.

The Data Sheets will be provided to licensees prior to the end of each financial year and licensees will be given three months to complete the Data Sheets and return them to the Authority.

This Reporting Manual is structured as follows:

- Section 2 details the factors that might give rise to future amendments to this Reporting Manual.
- Section 3 details the nature of licensees' performance reporting requirements, including the timing of reports.
- Section 4 details the nature of licensees' compliance reporting requirements, including the timing and format of reports.
- Section 5 details the format of the compliance report template.
- Section 6 details the format for reporting non-compliances with licence conditions.
- Section 7 details the Type 1 reporting obligations for all licence types.
- Sections 8 to 13 detail the licence compliance requirements applicable to each licence under the Act other regulations and applicable codes.
- Section 14 details the performance reporting obligations for gas trading licensees and gas distribution licensees.

2 Amending this Reporting Manual

The Authority may amend this Reporting Manual from time to time to:

³ http://www.era.wa.gov.au/2/319/51/regulatory_guid.pm

⁴ May 2007 'National Energy Retail Performance Indicators' Utility Regulators Forum: Steering Committee on National Regulatory Reporting Requirements – Retail Working Group, which is available on the Authority's web site: http://www.era.wa.gov.au/2/281/51/regulatory_guid.pm

- reflect amendments to the Act;
- include references to new licence obligations;
- delete references to licence obligations that are no longer relevant or that have been replaced with a new obligation;
- amend the performance information that must be provided to the Authority; and
- improve the compliance and reporting process.

The Authority will undertake consultation with licensees, and other stakeholders as appropriate, prior to making any significant revisions to this Reporting Manual.

2.1 Current and Planned Amendments to this Reporting Manual

The *Gas Marketing Code of Conduct 2008* (Code of Conduct) was gazetted on 23 January 2009. The Code of Conduct replaced the Gas Marketing Standard in Schedule 2 of the gas trading licences. Section 13 of this Reporting Manual has been amended to incorporate the amendments to Schedule 2 resulting from the gazettal of the Code of Conduct.

In January 2009, the Authority announced that it has approved a range of customer protection licence conditions under section 11M of the Act. These licence conditions are in parts 3 – 13 of the *Compendium of Gas Customer Licensing Obligations* (also known as the *Gas Customer Code 2008*). The Authority plans to amend gas distribution and trading licences such that parts 3-13 of the Compendium take effect from 1 July 2009. This Reporting Manual will be amended to incorporate the Compendium shortly after the new licence conditions take effect.

3 Performance Reporting

Licensees are required to provide the non-financial performance information specified in section 14 of this Reporting Manual no later than 30 September for the reporting year ending 30 June. As noted in section 1, the Authority will issue data sheets to licensees to facilitate the collection of annual performance information prior to the end of each reporting year.

4 COMPLIANCE REPORTING REQUIREMENTS

4.1 Reporting Cycle

Compliance reporting by gas licensees is based on the financial year ending 30 June. Licensees are required to submit to the Authority a compliance report in respect of their Type 1 and Type 2 licence obligations, as defined in Table 1, for the year ending 30 June by 31 August immediately following the year that is the subject of the report.

4.2 Classification of Conditions

The Authority considers that there is a need to develop and publish transparent criteria for the classification of regulatory obligations in this Reporting Manual. Table 1 proposes a suite of criteria which seek to balance:

- The cost to licensees of monitoring and reporting against their compliance obligations – for example, through recognition and appropriate classification of obligations which are inherently unmeasurable or which have minimal impact. This objective will also be supported through the introduction of a more high-level and ‘exception-based’ reporting framework for Type 2 breaches.
- The provision of appropriate incentives to licensees to ensure that regulatory obligations are adhered to and that non-compliances do not become systemic – for example, through a weighting towards the classification of obligations as Type 2 and the ability to reclassify non-compliances in circumstances where, although the impact may not be significant, the incidence of non-compliance has become systemic.

Table 1: Criteria for classification

Rating (Type)	Classification of Non-compliance	Criteria for Classification
1	Major	Classified on the basis that: <ul style="list-style-type: none"> • the consequences of non-compliance would cause major damage, loss or disruption to customers; or • the consequences of non-compliance would endanger or threaten to endanger the safety or health of a person.
2	Moderate	Classified on the basis that: <ul style="list-style-type: none"> • the consequences of non-compliance impact the efficiency and effectiveness of the licensee’s operations or service provision but do not cause major damage, loss or disruption to customers; or • the regulatory obligation is not otherwise classified as Type 1 or Type NR non-compliance. Reclassification of Type 2 to Type 1 may occur in circumstances of systemic non-compliance.

Rating (Type)	Classification of Non-compliance	Criteria for Classification
NR	Minor	<p>Classified on the basis that:</p> <ul style="list-style-type: none"> the consequences of non-compliance are relatively minor – i.e. non-compliance will have minimal impact on the licensee’s operations or service provision and do not cause damage, loss or disruption to customers; or compliance with the obligation is unmeasurable; or the non-compliance is required to be reported to the Regulator under another instrument, guideline or code;⁵ or the non-compliance is identified by a party other than the licensee; or the licensee only needs to use its reasonable endeavours or best endeavours to achieve compliance or where the obligation does not otherwise impose a firm obligation on the licensee. <p>Reclassification of Type NR to Type 2 may occur in circumstances of:</p> <ul style="list-style-type: none"> systemic non-compliance; or a failure to resolve non-compliance promptly.

4.3 Immediate Notification

A licensee must immediately notify the Authority when it becomes aware of a breach of a Type 1 licence obligation. This notification must include:

- a telephone call to the Executive Director - Licensing, Monitoring & Customer Protection or the Assistant Director Monitoring on (08) 9213 1900 to explain the nature and impact of the breach; and
- a letter from the licensee’s senior executive officer to the Authority’s Chairman within 5 business days of the breach, which details:
 - the licence obligation that has been breached;
 - the nature and extent of the breach;
 - the impact of the breach including the number of customers and other licensees affected;
 - the reasons for the breach;
 - the actions that the licensee has taken to rectify the breach;
 - the actions taken to prevent recurrence of the breach; and
 - the date the licensee has, or expects to, comply again fully with the licence obligation that has been breached.

The format of the letter that must be used for reporting breaches of Type 1 obligations is provided in section 6.

⁵ This is to account for the future development of a jurisdictionally-based incident reporting regime which, consistent with the approach adopted in other jurisdictions, would be supported by a separate reporting regime.

4.4 Compliance Reports

The licensee is required to submit compliance reports to the Authority for Type 2 licence obligations that:

- confirm that the licensee has to the best of their knowledge, and after making all reasonable enquiries, complied with all relevant licence obligations during the period, other than those specifically referred to in the report;
- identify any licence obligations that have been breached during the period and provide details of:
 - the licence obligation that has been breached;
 - the nature and extent of the breach;
 - the impact of the breach including the number of customers and other licensees affected;
 - the reasons for the breach;
 - the actions that the licensee has taken to rectify the breach; and
 - the date the licensee has, or expects to, comply again fully with the licence obligation that has been breached.

The compliance report, which must be approved by the licensee's senior executive officer, is provided in section 5. Licensees should note that these compliance reports are in addition to the Data Sheets referred to in section 1.

4.5 Lodging Immediate Notifications and Compliance Reports

A licensee must lodge any Type 1 immediate notification and its compliance reports (including Data Sheets) both electronically and in writing to the following addresses:

Electronic lodgement:

glicensing@era.wa.gov.au

Hard copy lodgement:

Chairman
Economic Regulation Authority
PO Box 8469
Perth Business Centre
Western Australia 6849

As noted above, any Type 1 immediate notification must also include a telephone call to the Executive Director, Licensing, Monitoring & Customer Protection Division on (08) 9213 1900.

5 COMPLIANCE REPORT TEMPLATE

Licensees must use the following format for their compliance reports. The format of “Schedule A” referred to below is detailed in section 6 of this Reporting Manual. Licensees should note that the most recent version of the Data Sheets is available on the Authority’s [web site](#)⁶.

⁶ http://www.era.wa.gov.au/2/319/51/regulatory_guid.pm

Compliance Report

Period: [Date] 200_ to [Date] 200_

Submitted by: [Licensee]

ACN: [Number]

To: Chairman
Economic Regulation Authority
PO Box 8469
Perth Business Centre
Western Australia 6849

[Name] reports as follows:

1. This report documents compliance during [Period] with all obligations classified as Type[s] [Number] obligations in the Authority's current "[Licence Name]".
2. This report has been prepared by [Licensee] with all due care and skill in full knowledge of the obligations to which it is subject under the Regulations and Codes made pursuant to the Energy Coordination Act 1994 and in compliance with the Authority's current "[Licence Name]".
3. Schedule A to this report provides information on all obligations with which [Licensee] did not comply during [Period] as required by the Authority's current "[Licence Name]".
4. I confirm that to, the best of my knowledge, and after making all reasonable enquiries [Licensee] has complied with all Type 2 obligations to which it is subject other than the information provided in Schedule A..
5. This compliance report has been approved and signed by [Licensee]'s senior executive officer.

DATE:

Signed

Name

Designation

6 FORMAT FOR REPORTING NON-COMPLIANCES

Licencees must use the following format for reporting to the Authority:

- A non-compliance with a Type 1 licence obligation.
- A non-compliance of a licence obligation in “Schedule A” of an annual compliance report referred to in section 5 of this Reporting Manual.

Table 2: Format for reporting Type 1 non-compliances

Format for reporting Type 1 non-compliances		
Licence obligation # from table 7	Brief description of licence obligation that has been breached	Describe: <ol style="list-style-type: none"> 1. The nature and extent of the breach; 2. The impact of the breach including the number of customers and other licencees affected; 3. The reasons for the breach; 4. The actions that the licensee has taken to rectify the breach; 5. The actions taken to prevent recurrence of the breach; and 6. The date the licensee has, or expects to, comply again fully with the licence obligation that has been breached.

7 TYPE 1 REPORTING OBLIGATIONS FOR ALL LICENCE TYPES

No	Obligations Under	Licence Condition	Description	Licensee	Type
25	Energy Coordination Act section 11Z	Distribution Licence Clause 5.1	A licensee must comply with the applicable standards of the <i>Gas Standards Act 1972</i> .	Distribution, Trading	1
26	Energy Coordination Act section 11Z; Gas Standards Act 1972 Section 8(1)	Distribution Licence Clause 5.1	A licensee must not supply gas at less than the relevant approved minimum heating value.	Distribution,	1
27	Energy Coordination Act section 11Z; Gas Standards Act 1972 Section 9(1)	Distribution Licence Clause 5.1	A licensee shall not cause or permit any alteration to be made in the specific gravity, flame speed or other prescribed characteristic of gas supplied by him unless he has first applied for, and obtained, the written approval of the Minister	Distribution,	1
28	Energy Coordination Act section 11Z; Gas Standards Act 1972 Section 13(1)	Distribution Licence Clause 5.1	A licensee shall not commence to supply gas to a consumer's gas installation unless that installation meets the requirements prescribed in respect of that installation.	Distribution,	1
92	Energy Coordination Act section 11M	Distribution Licence clause 12	The licensee must continuously operate those parts of the distribution system required to meet its obligations to supply gas, except to the extent necessary for compliance with the <i>Gas Standards (Gas Supply and System Safety) Regulations 2000</i> .	Distribution	1

8 LICENCE COMPLIANCE REQUIREMENTS – ENERGY COORDINATION ACT 1994

No	Obligations Under	Licence Condition	Description	Licensee	Type
1.	Energy Coordination Act section 11Q(1-2)	Distribution Licence clause 4.1 Trading Licence clause 4.1	A licensee must pay the applicable fees in accordance with the Regulations. (Energy Coordination (Licensing Fees) Reg Clause 4 & 5)	Distribution, Trading	2
2.	Energy Coordination Act section 11WG(1)	Trading Licence clause 12.1	A licensee must, subject to the regulations, not supply gas to a customer other than under a standard form or non-standard contract.	Trading	2
3.	Energy Coordination Act section 11WG(2)	Trading Licence clause 13.1	A licensee must comply with a direction given to the licensee under section 11WI.	Trading	2
4.	Energy Coordination Act section 11WK(1-2)	n/a	Gas is deemed to be supplied under the standard form contract if a customer commences to take a supply of gas at premises without entering into a contract with the holder of a trading licence.	Trading	NR
5.	Energy Coordination Act section 11WK(3)	n/a	A standard form contract continues in force until it is terminated or supply becomes subject to a non-standard contract with the supplier.	Trading	NR
6.	Energy Coordination Act section 11X(3)	n/a	A licensee must take reasonable steps to minimise the extent of the duration of any interruption, suspension or restriction of the supply of gas due to an accident, emergency, potential danger or other unavoidable cause.	Distribution, Trading	NR
7.	Energy Coordination Act section 11Y(1)(a)	Distribution Licence clause 14.1	A licensee must provide for an asset management system in respect of its assets.	Distribution	NR
8.	Energy Coordination Act section 11Y(1)(b)	Distribution Licence clause 14.1 and 14.2	A licensee must notify details of the asset management system and any substantial changes to it to the Authority.	Distribution	2

No	Obligations Under	Licence Condition	Description	Licensee	Type
9.	Energy Coordination Act section 11Y(1)(c)	Distribution Licence clause 14.3	A licensee must provide the Authority with a report by an independent expert acceptable to the Authority within 24 months of commencement and every 24 months thereafter (or longer if the Authority allows) as to the effectiveness of the asset management system.	Distribution	NR
10.	Energy Coordination Act section 11ZA(1)	Distribution Licence clause 15.1 Trading Licence clause 18.1	A licensee must provide the Authority with a performance audit by an independent expert acceptable to the Authority within 24 months of commencement and every 24 months thereafter (or longer if the Authority allows).	Distribution, Trading	2
11.	Energy Coordination Act section 11ZAF(a)	Trading Licence clause 16.1	A licensee must submit a draft last resort supply plan to the Authority within 3 months (or longer if the Authority allows) of being designated with that role.	Trading	NR
12.	Energy Coordination Act section 11ZAF(b)	Trading Licence clause 16.1	A licensee must consult with the Authority with a view to obtaining approval of its draft last resort supply plan.	Trading	NR
13.	Energy Coordination Act section 11ZAF(c)	Trading Licence clause 16.1	A licensee must carry out the arrangements and other provisions in the approved last resort supply plan if it comes into operation.	Trading	2
14.	Energy Coordination Act section 11ZAH(2)	Trading Licence clause 16.1	A licensee must submit any proposed amendment to its last resort supply plan to the Authority for approval.	Trading	NR
15.	Energy Coordination Act section 11ZAJ	Trading Licence clause 16.1	A licensee, who is designated as a supplier of last resort, must perform the functions of the supplier of last resort and carry out the arrangements and provisions of the last resort supply plan if it comes into operation.	Trading	2
16.	Energy Coordination Act section 11ZAJ Energy Coordination (Customer Contracts) Reg 38A (4)	Trading Licence clause 16.1	A licensee, (supplier of last resort) must supply a transferred customer for at least 3 months after the date of transfer unless the transferred customer terminates the contract.	Trading	NR
17.	Energy Coordination Act section 11ZK(3)	n/a	A licensee must pay the costs and expenses incurred in the taking of an interest or easement in respect of land held by a public authority.	Distribution, Trading	NR
18.	Energy Coordination Act section 11ZOR(1)	Distribution Licence clause 17.1	A licensee that transports gas through a distribution system must be a member of an approved retail market scheme if a scheme is in force.	Distribution	2

No	Obligations Under	Licence Condition	Description	Licensee	Type
19.	Energy Coordination Act section 11ZOR(2)	Trading Licence clause 20.1	A licensee that sells gas that is transported through a distribution system must be a member of an approved retail market scheme if a scheme is in force.	Trading	2
20.	Energy Coordination Act section 11ZOV(1)	Trading Licence clause 16.1	A licensee must not engage in prohibited conduct relating to the operation of a retail market scheme.	Distribution, Trading	2
21.	Energy Coordination Act section 11ZOV(2)	Trading Licence clause 16.1	A licensee must not assist another party to engage in prohibited conduct relating to the operation of a retail market scheme.	Distribution, Trading	2
22.	Energy Coordination Act section 11ZOZ(3)	Trading Licence clause 20.1	A licensee, as a member of a retail scheme, must comply with a direction given to it by the Authority to amend the scheme, and to do so within a specified time.	Distribution, Trading	2
23.	Energy Coordination Act schedule 3, section 2(1)	n/a	A licensee, as the operator of a supply system, must notify the Minister if a state of emergency exists in relation to a supply system as soon as practicable after becoming aware of it.	Distribution	2
24.	Energy Coordination Act section 11ZQH	Distribution Licence clause 17, Trading Licence clause 20	The licensee must not supply gas to customers unless the licensee is a member of an approved Gas Industry Ombudsman Scheme and is bound by any decision or direction of the ombudsman under the Scheme.	Distribution, Trading	2

9 LICENCE COMPLIANCE REQUIREMENTS – GAS STANDARDS ACT 1972

No	Obligations Under	Licence Condition	Description	Licensee	Type
25.	Energy Coordination Act section 11Z	n/a	A licensee must comply with the applicable standards of the <i>Gas Standards Act 1972</i> .	Distribution, Trading	1
26.	Energy Coordination Act section 11Z Gas Standards Act 1972 Section 8(1)	Distribution Licence clause 5.1	A licensee must not supply gas at less than the relevant approved minimum heating value.	Distribution,	1
27.	Energy Coordination Act section 11Z Gas Standards Act 1972 Section 9(1)	Distribution Licence clause 5.1	A licensee shall not cause or permit any alteration to be made in the specific gravity, flame, speed or other prescribed characteristic of gas supplied by him unless he has first applied for, and obtained, the written approval of the Minister	Distribution,	1
28.	Energy Coordination Act section 11Z Gas Standards Act 1972 Section 13(1)	Distribution Licence clause 5.1	A licensee shall not commence to supply gas to a customer's gas installation unless that installation meets the requirements prescribed in respect of that installation.	Distribution,	1

10 LICENCE COMPLIANCE REQUIREMENTS – ENERGY COORDINATION (GAS TARIFFS) REGULATIONS 2000

No	Obligations Under	Licence Condition	Description	Licensee	Type
29.	Energy Coordination Act section 11M Energy Coordination (Gas Tariffs) Regulations 2000 reg. 5(1)	Trading Licence clause 5.1	A licensee supplying gas in an area referred to in Regulation 3(a), (b), or (c) is required to have at least one capped tariff for any supply of gas in that area.	Trading	2
30.	Energy Coordination Act section 11M Energy Coordination (Gas Tariffs) Regulations 2000 reg. 6(2)	Trading Licence clause 5.1	A licensee is required to offer to supply gas to each of its existing standard contract customers under the terms of the customer's existing contract but at a capped tariff unless the existing contract already entitles the customer to be supplied at a capped tariff.	Trading	2
31.	Energy Coordination Act section 11M Energy Coordination (Gas Tariffs) Regulations 2000 reg. 6(4)	Trading Licence clause 5.1	When offering to supply gas to a new customer, a licensee is to offer to supply gas under an approved contract but at a capped tariff.	Trading	2

11 LICENCE COMPLIANCE REQUIREMENTS – ENERGY COORDINATION (CUSTOMER CONTRACTS) REGULATIONS 2004

No	Obligations Under	Licence Condition	Description	Licensee	Type
32.	Energy Coordination (Customer Contracts) Reg 12.1.2	n/a	Except in prescribed circumstances, a licensee must not disconnect or cause disconnection to occur if — (a) a customer has provided to the licensee a written statement from a medical practitioner to the effect that supply is necessary in order to protect the health of a person who lives at the customer’s supply address; and (b) the customer has entered into arrangements acceptable to the licensee in relation to payment for gas supplied.	Trading	NR
33.	Energy Coordination (Customer Contracts) Reg 12.1.4(a)	n/a	Before disconnecting supply for non-payment of a bill, a licensee must give a written reminder notice to a customer not less than 14 business days after the day on which a bill was issued advising the customer that payment is overdue and requiring payment to be made on or before the day specified in the reminder notice (being a day not less than 20 business days after the billing day).	Trading	NR
34.	Energy Coordination (Customer Contracts) Reg 12.1.4(b)	n/a	Before disconnecting supply for non-payment of a bill, a licensee must give a disconnection warning to a customer not less than 22 business days after the billing day advising the customer that disconnection will occur unless payment is made on or before the day specified in the disconnection warning (being a day not less than 10 business days after the day on which the disconnection warning is given).	Trading	NR
35.	Energy Coordination (Customer Contracts) Reg 12.1.5 (a)	n/a	A licensee must reconnect supply to a customer within 10 business days after disconnection for non-payment of a bill if the customer pays the overdue amount or makes an arrangement for its payment and the customer has paid any applicable reconnection fee.	Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
36.	Energy Coordination (Customer Contracts) Reg 12.1.5 (b)	n/a	A licensee must reconnect supply to a customer within 10 business days after disconnection for denial of access to a meter, if the customer provides access to the meter and the customer has paid any applicable reconnection fee.	Trading	NR
37.	Energy Coordination (Customer Contracts) Reg 12.1.5 (c)	n/a	A licensee must reconnect supply to a customer within 10 business days after disconnection for unlawful consumption of gas, if the customer pays for the gas consumed and the customer has paid any applicable reconnection fee.	Trading	NR
38.	Energy Coordination (Customer Contracts) Reg 12.1.5 (d)	n/a	A licensee must reconnect supply to a customer within 10 business days after disconnection for refusal to pay a refundable advance, if the customer pays the refundable advance and the customer has paid any applicable reconnection fee.	Trading	NR
39.	Energy Coordination (Customer Contracts) Reg 12.1.5 (e)	n/a	A licensee must reconnect supply to a customer within 20 business days after disconnection in an emergency situation or for health, safety or maintenance reasons, if the situation or problem giving rise to the need for disconnection has been rectified, and if the customer has paid any applicable reconnection fee.	Trading	NR
40.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clause 5.1.1.2 AGA Code	n/a	A licensee must not disconnect supply to a customer who is unable to pay until: alternative payment options have been offered to the customer; the customer is given information on government funded concessions; it has used its best endeavors to contact the customer; and it has provided the customer a written notice of its intention to disconnect at least 5 business days prior to the disconnection date, and the customer has refused to accept the alternative payment option or failed to make payments under it.	Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
41.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clause 5.1.1.3 AGA Code	n/a	A licensee must not disconnect supply to a business customer until: it has used its best endeavors to contact the customer; it has offered the customer an extension of time to pay the bill; and it has provided the customer a written notice of its intention to disconnect at least 5 business days notice prior to the disconnection date, and the customer has refused to accept the alternative payment option or failed to make payments under it.	Trading	NR
42.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clauses 5.1.2.1 & 5.1.2.2 AGA Code	n/a	A licensee must not disconnect supply to a customer who denies access to a meter until: the customer has refused access on at least 3 concurrent billing cycles, the customer is given the option to offer alternative access arrangements; the customer is provided written advice on each occasion access was denied; it has used its best endeavors to contact the customer; and it has provided the customer a written notice of its intention to disconnect at least 5 business days prior to the disconnection date.	Trading	NR
43.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clauses 5.1.3.1 & 5.1.3.2 AGA Code	n/a	A licensee who disconnects in the event of an emergency must provide a 24 hour information service, estimate the time when gas supply will be restored and use best endeavors to restore supply when the emergency is over.	Trading	NR
44.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clauses 5.1.4.1 & 5.1.4.2 AGA Code	n/a	A licensee who disconnects supply for health and safety reasons must provide the customer written notice of the reason; allow the customer 5 business days to remove the reason where the customer is able to; and after the 5 business days issued a notice to the customer of its intention to disconnect supply at least 5 business days notice prior to the disconnection date.	Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
45.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clauses 5.1.5.1 & 5.1.5.2 AGA Code	n/a	A licensee who disconnects supply for planned maintenance must provide the customer 4 days written notice; and used best endeavors to minimise disruption and restore supply.	Trading	NR
46.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clause 5.1.7.2 AGA Code	n/a	A licensee must not disconnect supply for failure by a customer to pay a refundable advance without giving a written notice to the customer of its intention to disconnect at least 5 business days prior to the disconnection date.	Trading	NR
47.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clause 5.1.8.1(a) AGA Code	n/a	A licensee must not disconnect supply where the bill owing is less than the average bill over the past 12 months and the customer has agreed to pay.	Trading	NR
48.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clause 5.1.8.1(b) AGA Code	n/a	A licensee must not disconnect supply where the issue is the subject of complaint by the customer and is being reviewed externally and is not resolved.	Trading	NR
49.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clause 5.1.8.1(c) AGA Code	n/a	A licensee must not disconnect supply where an application for a government concession has not been decided.	Trading	NR
50.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clause 5.1.8.1(d) AGA Code	n/a	A licensee must not disconnect supply where a customer has failed to pay a debt that is not a direct service charge.	Trading	NR
51.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clause 5.1.8.1(e) and (f) AGA Code	n/a	A licensee must not disconnect supply after 3pm on any day; and not on a Friday, weekend or public holiday or on a day before a public holiday unless it is a planned interruption.	Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
52.	Energy Coordination (Customer Contracts) Reg 12.1.6, Clause 5.2.2.2 AGA Code	n/a	If a licensee is under an obligation to reconnect supply and the customer makes a request for reconnection after 3pm on a business day, the licensee use best endeavours to reconnect the customer as soon as possible on the next business day.	Trading	NR
53.	Energy Coordination (Customer Contracts) Reg 13 (1), Clause 4.4.6.2 AGA Code	n/a	If a licensee uses a refundable advance to offset an amount owed, it must provide to the customer an account of its use and pay any balance within 10 business days to the customer.	Trading	NR
54.	Energy Coordination (Customer Contracts) Reg 13 (3)	n/a	A licensee must place refundable advances in separate trust accounts and separately identify the amounts in its accounting records.	Trading	NR
55.	Energy Coordination (Customer Contracts) Reg 13 (4)	n/a	A licensee must return interest earned on refundable advances accounts to customers.	Trading	NR
56.	Energy Coordination (Customer Contracts) Reg 14 (2),	n/a	A licensee must inform customers that the supply charge is either for residential or non residential supply; includes a specified fixed component and specified usage component; and describes the circumstances a customer needs to meet to qualify for residential tariffs.	Trading	NR
57.	Energy Coordination (Customer Contracts) Reg 14 (3), Clauses 4.1.2.1 & 4.1.2.2 AGA Code	n/a	A licensee must give notice of the tariffs charged and provide these notices to customers without charge upon request.	Trading	NR
58.	Energy Coordination (Customer Contracts) Reg 14, Clause 4.1.3.1 & 4.1.3.2 AGA Code	n/a	A licensee must give notice of a variation in tariffs charged and provide these notices to customers affected by the change no later than the next bill.	Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
59.	Energy Coordination (Customer Contracts) Reg 15(1), Clause 4.2.1 AGA Code	n/a	A licensee must issue a bill to a customer at least once every 3 months, unless agreed otherwise.	Trading	NR
60.	Energy Coordination (Customer Contracts) Reg 15(1), Clause 4.2.3.1, 4.2.3.2 & 4.2.3.3 AGA Code	n/a	A licensee must prepare a bill in accordance with the terms specified in the AGA code, including the inclusion of any refundable advance.	Trading	NR
61.	Energy Coordination (Customer Contracts) Reg 15(1), Clause 4.2.3.2 AGA Code	n/a	A licensee must apply payments received from a customer as directed by the customers (if the bill includes charges for other goods and services).	Trading	NR
62.	Energy Coordination (Customer Contracts) Reg 15(1) and (2)	n/a	If a customer does not direct how a payment is to be allocated, a licensee must apply the payment — (i) to charges for the supply of gas before applying any portion of it to such goods or services; or (ii) if such goods or services include electricity, to the charges for gas and the charges for electricity in equal proportion before applying any portion of it to any other such goods or services.	Trading	NR
63.	Energy Coordination (Customer Contracts) Reg 15(1) and 47(2) and (4), Clause 4.2.3.4 AGA Code	n/a	A licensee must provide available bill data to customers upon request free of charge subject to clause 47 (2) and (4) of the Energy Coordination (Customer Contracts) Regulations 2004.	Trading	NR
64.	Energy Coordination (Customer Contracts) Reg 15(1), Clause 4.2.4.1 AGA Code	n/a	A licensee must base a customer's bill on a meter reading and meters must be read at least once per year.	Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
65.	Energy Coordination (Customer Contracts) Reg 15(1), Clause 4.2.4.2 AGA Code	n/a	A licensee, who accepts a customer reading of the meter, must not adjust the bill in favour of the licensee if the licensee subsequently discovers the reading was incorrect in favour of the customer.	Trading	NR
66.	Energy Coordination (Customer Contracts) Reg 15(1), Clause 4.2.4.4 AGA Code	n/a	A licensee, who provides a customer with an estimated bill and is subsequently able to read the meter, must adjust the estimated bill in accordance with the meter reading.	Trading	NR
67.	Energy Coordination (Customer Contracts) Reg 15(1), Clause 4.2.4.5 AGA Code	n/a	A licensee must read a customer's meter upon request and may impose a fee for doing so.	Trading	NR
68.	Energy Coordination (Customer Contracts) Reg 15(1), Clause 4.3.2.1 AGA Code	n/a	A licensee must offer payment in person and payment by mail..	Trading	NR
69.	Energy Coordination (Customer Contracts) Reg 15(1), Clause 4.3.2.2 AGA Code	n/a	A licensee must offer customers who are absent for a long period, payment in advance facilities and the option of redirecting the bill.	Trading	NR
70.	Energy Coordination (Customer Contracts) Reg 16(3)	n/a	A licensee must not terminate a contract if a customer commits a breach of the contract (other than a substantial breach) unless — (a) the licensee has a right to disconnect supply under the contract, a written law or a relevant code; and (b) the licensee has disconnected supply at all supply addresses of the customer covered by the contract.	Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
71.	Energy Coordination (Customer Contracts) Reg 19	n/a	A licensee must provide a customer (a) a copy of their customer service charter; (b) copies of regulations or any relevant code; (c) information about fees and charges payable under the contract; (d) with information on energy efficiency; (e) billing data; and (f) with information on Government Assistance Programs and Financial Counseling Services if requested by the customer.	Trading	NR
72.	Energy Coordination (Customer Contracts) Reg 20(2) Clause 4.3.5.1 AGA Code	n/a	A licensee must offer a customer who is experiencing payment difficulties: installment plan options; right to have bill redirected to third person; information or referral on government assistance programs; and information on independent financial counseling services.	Trading	NR
73.	Energy Coordination (Customer Contracts) Reg 27(4) and 40(3)	n/a	A licensee must not supply gas to the customer under a door to door contract during the cooling-off period unless the customer requests supply.	Trading	NR
74.	Energy Coordination (Customer Contracts) Reg 20(3) and 48	n/a	A licensee must not commence legal action in relation to a customer debt if the customer has entered into arrangements to pay and is maintaining this arrangement.	Trading	NR
75.	Energy Coordination (Customer Contracts) Reg 22 and 49 (2)	n/a	A licensee must only provide a credit reporting agency with default information relevant to one of their bills.	Trading	NR
76.	Energy Coordination (Customer Contracts) Reg 49 (3)	n/a	A licensee must notify a credit reporting agency immediately if a customer has cleared their debt.	Trading	NR
77.	Energy Coordination (Customer Contracts) Reg 49 (4)	n/a	If a customer remedies a default and demonstrates extenuating circumstances, a licensee must request the credit reporting agency to remove the default record.	Trading	NR
78.	Energy Coordination (Customer Contracts) Reg 49 (5)	n/a	A licensee must not refer a default to a credit reporting agency that is the subject of a complaint or matter of review.	Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
79.	Energy Coordination (Customer Contracts) Reg 50	n/a	A licensee must include information about its complaint handling process and contact details of the energy ombudsman on any disconnection warning given to a customer.	Trading	NR
80.	Energy Coordination (Customer Contracts) Reg 44	n/a	When a non-standard contract is due to expire a licensee must issue a notice in writing to a customer at least 2 months prior to the expiry date (or at the commencement of the contract if the contract is less than 1 month) with information about: the expiry date; alternative supply options, and the terms and conditions for continued supply post contract expiry.	Trading	NR
81.	Energy Coordination Act section 11M, Energy Coordination (Customer Contracts) Reg 45 (1)	Trading Licence clause 14.1	Upon request, a licensee must provide a customer free of charge with a copy of its customer service charter within 2 business days of the request.	Trading	NR
82.	Energy Coordination Act section 11M, Energy Coordination (Customer Contracts) Reg 45 (2)	Trading Licence clause 14.1	A licensee must from time to time provide the customer with advice with their bill that a customer service charter is available free of charge.	Trading	NR
83.	Energy Coordination (Customer Contracts) Reg 46 (1) & (2)	n/a	Upon request, a licensee must provide a customer with a copy of the <i>Electricity Industry (Customer Contract) Regulations 2004</i> or a relevant code.	Trading	NR
84.	Energy Coordination (Customer Contracts) Reg 46 (4)	n/a	A licensee must ensure that a copy of the <i>Electricity Coordination (Customer Contract) Regulations 2004</i> or a relevant code is available for inspection at its offices at no charge.	Trading	NR
85.	Energy Coordination (Customer Contract) Reg 28, clause 3.1.1(a) AGA Code	n/a	A licensee must provide, install and maintain equipment for the supply of gas up to the point of supply.	Distribution	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
86.	Energy Coordination (Customer Contract) Reg 28, clause 3.1.1(b) AGA Code	n/a	A licensee must provide, install and maintain metering and necessary equipment at the supply address.	Distribution	NR
87.	Energy Coordination (Customer Contract) Reg 28, clause 3.1.2 AGA Code	n/a	The licensee must re-connect to a supply address (subject to supply, available gas installations, adherence to regulatory requirements and a meter) within 1 business day or period agreed with the customer from the date of the application and subject to the customer meeting the requirements in clause 3.1.2.2 of the AGA code.	Distribution	NR
88.	Energy Coordination Act section 11M, Energy Coordination (Customer Contract) Reg 28, clause 3.1.3.1 AGA Code	Distribution Licence Schedule 2 clause 4	A licensee must connect a new supply address (subject to supply, available gas installations, adherence to regulatory requirements and a meter) within 20 business days from the date of the application.	Distribution	NR
89.	Energy Coordination (Customer Contract) Reg 33(3), clause 3.5.2.1 AGA Code	n/a	A licensee must give at least four days notice to a customer of its intentions to undertake inspections, repairs, testing or maintenance at the customer's supply address.	Distribution	NR
90.	Energy Coordination (Customer Contract) Reg 33(3), clause 3.5.2.2 AGA Code	n/a	A licensee must ensure that any representatives seeking access to the supply address on its behalf wear, carry and show official identification.	Trading, Distribution	NR
91.	Energy Coordination (Customer Contract) Reg 42	n/a	A licensee must notify a customer of any amendment to a non-standard contract.	Trading	NR

12 LICENCE COMPLIANCE REQUIREMENTS – LICENCE CONDITIONS

No	Obligations Under	Licence Condition	Description	Licensee	Type
92.	Energy Coordination Act section 11M	Distribution Licence clause 12	A licensee must continuously operate those parts of the distribution system required to meet its obligations to supply gas, except to the extent necessary for compliance with the <i>Gas Standards (Gas Supply and System Safety) Regulations 2000</i> .	Distribution	1
93.	Energy Coordination Act section 11M	Distribution Licence clause 13	A licensee must give the Authority written notice where it proposes to permanently cease or substantially decrease its activities under the licence 6 months before the cessation or decrease or, if this is not practicable, as soon as possible.	Distribution	2
94.	Energy Coordination Act section 11M	Distribution Licence clause 14.4	A licensee must comply and require its expert to comply with the Authority's standard guidelines dealing with the asset management review.	Distribution	2
95.	Energy Coordination Act section 11M	Distribution Licence clause 14.6	A licensee's independent expert must be approved by the Authority prior to reviewing the effectiveness of the asset management system.	Distribution	NR
96.	Energy Coordination Act section 11M	Distribution Licence clause 15.2 Trading Licence clause 18.2	A licensee must comply and require its expert to comply with the Authority's standard guidelines dealing with the performance audit.	Distribution, Trading	2
97.	Energy Coordination Act section 11M	Distribution Licence clause 15.4 Trading Licence clause 18.4	A licensee's independent auditor must be approved by the Authority prior to the audit.	Distribution, Trading	NR
98.	Energy Coordination Act section 11M	Distribution Licence clause 16 Trading Licence clause 19	A licensee may be subject to individual performance standards.	Distribution, Trading	NR
99.	Energy Coordination Act section 11M	Distribution Licence clause 18, Trading Licence clause 22	Unless otherwise specified, all notices must be in writing and will be regarded as having been sent and received in accordance with defined parameters.	Distribution, Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
100.	Energy Coordination Act section 11M	Distribution Licence clause 19.1, Trading Licence clause 23.1	A licensee and any related body corporate must maintain accounting records that comply with the Australian Accounting Standards Board or equivalent International Accounting Standards.	Distribution, Trading	2
101.	Energy Coordination Act section 11M	Distribution Licence clause 20, Trading Licence clause 24	A licensee must report to the Authority if the licensee is under external administration or experiences a significant change in its corporate, financial or technical circumstances.	Distribution, Trading	2
102.	Energy Coordination Act section 11M	Distribution Licence clause 21.1, Trading Licence clause 25.1	A licensee must provide to the Authority any information that the Authority may require in connection with its functions under the Energy Coordination Act 1994 in the time, manner and form specified by the Authority.	Distribution, Trading	2
103.	Energy Coordination Act section 11M	Distribution Licence clause 22, Trading Licence clause 26	A licensee must publish any information it is directed by the Authority to publish, within the timeframes specified.	Distribution, Trading	2
104.	Energy Coordination Act section 11M	Distribution Licence Schedule 2 clause 1.1	A licensee must use its best endeavours to maintain a level of customer service at least consistent with the customer service code, except where the Authority permits otherwise.	Distribution	NR
105.	Energy Coordination Act section 11M	Distribution Licence Schedule 2 clause 2 Trading Licence Schedule 3 clause 3	A licensee must develop and lodge with the Authority, and thereafter be in a position to implement, a complaints handling process that complies with clause 2.5 of the customer service code.	Distribution, Trading	2
106.	Energy Coordination Act section 11M AGA Code clause 2.5.1(a)	Distribution Licence Schedule 2 clause 2.2 Trading Licence Schedule 3 clause 3.2	A licensee must ensure that its complaints handling process provides for the licensee to manage a complaint made to it by a customer in accordance with the Australian Standard on Complaints Handling (AS 4269) 1995.	Distribution, Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
107.	Energy Coordination Act section 11M AGA Code clause 2.5.1(b)	Distribution Licence Schedule 2 clause 2.2 Trading Licence Schedule 3 clause 3.2	A licensee must ensure that it publishes information which will assist its customers in utilising its complaints handling process.	Distribution, Trading	NR
108.	Energy Coordination Act section 11M AGA Code clause 2.5.1(c)	Distribution Licence Schedule 2 clause 2.2 Trading Licence Schedule 3 clause 3.2	A licensee must ensure that, when requested by a customer, the licensee provides the customer with information about the licensee's complaints handling process and external dispute resolution bodies.	Distribution, Trading	NR
109.	Energy Coordination Act section 11M AGA Code clause 2.5.2(a)	Distribution Licence Schedule 2 clause 2.2 Trading Licence Schedule 3 clause 3.2	A licensee must ensure that its complaints handling process provides for the customer to make a complaint to the licensee about the licensee's acts or omissions.	Distribution, Trading	NR
110.	Energy Coordination Act section 11M AGA Code clause 2.5.2(b)	Distribution Licence Schedule 2 clause 2.2 Trading Licence Schedule 3 clause 3.2	A licensee must ensure that its complaints handling process provides that, where the customer is not satisfied with the licensee's response to the complaint, the customer may raise the complaint to a higher level with the licensee's management structure.	Distribution, Trading	NR
111.	Energy Coordination Act section 11M AGA Code clause 2.5.2(c)	Distribution Licence Schedule 2 clause 2.2 Trading Licence Schedule 3 clause 3.2	A licensee must ensure that its complaints handling process provides that, where, after raising the complaint to a higher level, the customer is not satisfied with the licensee's response, the customer may refer the complaint to an external dispute resolution body, as appropriate.	Distribution, Trading	NR

No	Obligations Under	Licence Condition	Description	Licensee	Type
112.	Energy Coordination Act section 11M	Distribution Licence Schedule 2 clause 3.1	A licensee must, in relation to pipelines not covered by the National Access Code, exchange information with a trading licensee under section 9.5 of the National Access Code as if they were covered pipelines.	Distribution	2
113.	Energy Coordination Act section 11M	n/a	A licensee must provide the Authority with the information under Schedule 2 for each financial year by no later than the 31 August immediately following the financial year to which the information relates.	Distribution	2
114.	Energy Coordination Act section 11M	Distribution Licence Schedule 2 clause 4.2	A licensee must offer to connect residential premises located within the licence area to the distribution system if requested by a trader, subject to certain defined conditions.	Distribution	2
115.	Energy Coordination Act section 11M	Trading Licence clause 12.2	A licensee must, if directed by the Authority, review the standard form contract and submit to the Authority the results of that review within the time specified by the Authority.	Trading	NR
116.	Energy Coordination Act section 11M	Trading Licence clause 12.3	A licensee must comply with any direction given by the Authority in relation to the scope, process and methodology of the standard form contract review.	Trading	NR
117.	Energy Coordination Act section 11M	Trading Licence clause 13.1	A licensee must only amend the standard form contract in accordance with the Energy Coordination Act 1994 and Regulations.	Trading	2
118.	Energy Coordination Act section 11M	Trading Licence clause 14.1	A licensee must prepare a customer service charter.	Trading	2
119.	Energy Coordination Act section 11M	Trading Licence clause 14.2	A licensee must, unless otherwise notified in writing by the Authority, review the customer service charter at least once every 36 months and submit the results of that review to the Authority within 5 days after it is completed.	Trading	2
120.	Energy Coordination Act section 11M	Trading Licence clause 17.1 and 17.2	A licensee must maintain supply to a customer if it supplies, or within the last 12 months supplied, gas to that customer's premises unless another supplier starts supplying the customer.	Trading	2
121.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 1.5	A licensee must provide the Authority within 3 business days of a request by the Authority with reasons for refusing to commence supply to a customer if requested by the Authority.	Trading	2

No	Obligations Under	Licence Condition	Description	Licensee	Type
122.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 1.7	A licensee must comply with a direction from the Authority to supply a customer, subject to specified conditions.	Trading	2
123.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 2.1	Subject to specified conditions, a licensee must use its best endeavours to maintain a level of customer service at least consistent with the customer service code.	Trading	NR
124.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 2.3	A licensee must make available to the Authority a copy of its customer service charter which must at least include a statement of the general principles upon which it will provide services to its customers.	Trading	2
125.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 2.5	A licensee must make certain information available to its customers whether under its customer service charter or otherwise.	Trading	2
126.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 2.6	A licensee must make the information referred to in Schedule 3, clause 2.5, or a list of that information, available to each customer either on, or before, the date of the first gas invoice.	Trading	2
127.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 2.7	A licensee must make available at its own expense a copy of the terms of the standard form contract to any customer or prospective customer who requests them.	Trading	2
128.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clauses 2.8 to 2.9	A licensee must provide a copy of any changed terms of its standard form contract to each affected customer.	Trading	2
129.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 4.1	A licensee must lodge a customer safety awareness program with the Authority within 3 months of the commencement date.	Trading	2
130.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 4.2	A licensee must consult with the Authority when preparing the customer safety awareness program.	Trading	NR
131.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 4.3	A licensee must address, at a minimum, the information specified in Schedule 3, clause 4.3 in its customer safety awareness program.	Trading	2

No	Obligations Under	Licence Condition	Description	Licensee	Type
132.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 5.1 to 5.2	A licensee must provide reasonable information relating to its activities under the licence as requested by the holder of a distribution licence to enable for the safe and efficient operation of the relevant distribution system, provided such disclosure does not prejudice the commercial interests of the licensee.	Trading	2
133.	Energy Coordination Act section 11M	Trading Licence Schedule 3 clause 6.1	A licensee must notify the Minister at least one month before a change to any price, price structure, fee or interest rate under the standard form contract is to come into effect.	Trading	2

13 LICENCE COMPLIANCE REQUIREMENTS – GAS MARKETING CODE OF CONDUCT

No	Obligations Under	Licence Condition	Description	Licensee	Type
134.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2	A licensee must comply with the Gas Marketing Code of Conduct.	Trading	2
135.	Energy Coordination Act sections 11ZPP and 11M	Trading Licence clause 21.2	A licensee must ensure all agents and employees comply with the Gas Marketing Code of Conduct.	Trading	2
136.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 Code of Conduct clause 2.1	A marketer must ensure that its marketing representatives comply with Part 2 of the Code of Conduct.	Trading	2
137.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.2	A marketer must ensure that standard and non-standard contracts are entered into in the manner and satisfying the conditions specified.	Trading	2
138.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.3(1)	A marketing representative must ensure that the information specified is provided to the customer before arranging a contract and that the customer is provided with a written copy of the contract on request.	Trading	2
139.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.3(2)	Where a standard form contract is not entered into as a result of door to door marketing or for a non-standard contract initiated by telephone, a marketing representative must obtain and make a record of the customer's verifiable consent that the specified information has been given.	Trading	2
140.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.3(3)	Where a standard form contract is entered into as a result of door to door marketing or for a non-standard contract (other than that initiated by the customer by telephone or electronic means), a marketing representative must obtain the customer's written acknowledgement that the specified information has been given.	Trading	2

No	Obligations Under	Licence Condition	Description	Licensee	Type
141.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.4(1)	Where the customer has entered into a new contractual relationship with a retailer, a retailer or marketing representative must offer to provide the customer with a copy of the contract and, where this offer is accepted by the customer, provide a copy of the contract at that time or as soon as possible thereafter.	Trading	2
142.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.4(2)	Where the customer has entered into a new contractual relationship with a retailer, a retailer or marketing representative must give the information specified to the customer.	Trading	2
143.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.4(3)	In circumstances where a standard form contract is not entered into as a result of door to door marketing, a retailer or marketing representative must give the specified information no later than with or on the customer's first bill and a copy of the contract if requested by the customer (and the customer has not previously received a copy).	Trading	2
144.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.4(4)	In circumstances where a standard form contract is entered into as a result of door to door marketing or a non-standard contract, a retailer or marketing representative must give the specified information and a copy of the contract before the customer has entered into the contract and must obtain a written acknowledgement that the information has been given.	Trading	2
145.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.5(1)	A marketing representative must not, when marketing, engage in conduct that is misleading, deceptive or likely to mislead or deceive or that is unconscionable.	Trading	2
146.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.5(2)	A marketing representative must not exert undue pressure on a customer, nor harass or coerce a customer.	Trading	2

No	Obligations Under	Licence Condition	Description	Licensee	Type
147.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.5(3)	A marketing representative must ensure that the inclusion of concessions is made clear to customers and any prices that exclude concessions are disclosed.	Trading	2
148.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.5(4)	A marketing representative must ensure that all standard form contracts that are entered into as a result of door to door marketing and all non-standard contracts are in writing.	Trading	2
149.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.5(5)	A marketer must ensure that a customer is able to contact the marketer on the marketer's telephone number during normal business hours for the purposes of enquiries, verifications and complaints.	Trading	2
150.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.6(1)	A marketing representative must provide the information specified to the customer when marketing by means other than face to face and after having identified the purpose of the contact, if the contact is not by electronic means, the marketing representative must ask the customer whether they wish to proceed further.	Trading	2
151.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.6(2)	A marketing representative must, on request, provide the customer with its and the retailer's complaints telephone number and marketing identification number.	Trading	2
152.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.6(3)	A marketing representative who meets with a customer face to face must: <ul style="list-style-type: none"> • as soon as practicable tell the customer the purpose of the visit; • wear a clearly visible and legible identity card showing the information specified; and • as soon as practicable provide the information specified in writing to the customer. 	Trading	2

No	Obligations Under	Licence Condition	Description	Licensee	Type
153.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.6(4)	If, when marketing to a customer, the customer indicates that they wish to end the contact, the marketing representative must end the contact as soon as practicable and not attempt to contact the customer for the next 30 days unless the customer agrees otherwise.	Trading	2
154.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.6(5)	Unless requested by the customer, a marketing representative must not make contact with a customer outside the permitted call times, unless the contact is by electronic means or the contact arises outside the customer's premises in circumstances where the customer initiates contact.	Trading	2
155.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.6(6)	A marketing representative must ensure that contact for the purposes of marketing does not continue for more than 15 minutes past the end of the permitted call times without the customer's verifiable consent unless the contact is by electronic means.	Trading	2
156.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clauses 2.6(7) and 2.6(8)	Except in response to a customer request or query, a marketer must keep the specified records each time it initiates contact with a customer for the purposes of marketing.	Trading	NR
157.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.7(1)	Where the customer requests not to be contacted for the purposes of marketing a marketer must ensure that a customer is not contacted on its behalf in relation to the supply of gas for a period of two years unless: <ul style="list-style-type: none"> the customer requests contact; or the customer has moved premises; or a marketer has a legal obligation to contact the customer. 	Trading	2
158.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.7(2)	A marketer must keep a record of each customer who has requested not to be contacted, that includes the name, address and telephone number of the customer at the time the customer made the request.	Trading	2

No	Obligations Under	Licence Condition	Description	Licensee	Type
159.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.7(3)	A marketer must give a copy of the record to the Gas Ombudsman or the Authority on request.	Trading	2
160.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.7(4)	A marketer must provide the customer on request with written confirmation that the customer will not be contacted for the next two years.	Trading	2
161.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.7(5)	A marketing representative must comply with a notice on or near the premises indicating that the customer does not wish to receive unsolicited mail or other marketing information.	Trading	2
162.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.8	A retailer and a marketer must comply with the National Privacy Principles as set out in the Privacy Act 1998 in relation to information collected under Part 2 of the Code of Conduct.	Trading	2
163.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.11(1)	A marketer must keep a record of each complaint made by a customer or a person contacted for the purposes of marketing and, on request, give all information relating to the complaint to the Gas Ombudsman.	Trading	2
164.	Energy Coordination Act section 11ZPP	Trading Licence clause 21.1 and 21.2 Code of Conduct clause 2.11(2)	A marketer must keep a record or other information required by the Code to be kept for at least 2 years.	Trading	2

14 PERFORMANCE REPORTING REQUIREMENTS FOR GAS TRADING AND GAS DISTRIBUTION LICENSEES

14.1 Performance Information – Trading Licensees

Licensees' reporting obligations are encapsulated in a series of indicators. As shown below, all the indicators that fall under the Reporting Information for trading licensees are prefixed with the letter 'R'.

Data reported in this section relates to small use customers: defined as consuming below 1 TJ per annum⁷.

Figure 1: Customers and Customer Information

No.	Indicator
RA 1	Total number of residential customers
RA 2	Total number of contestable residential customers ⁸
RA 3	Total number of non-residential customers
RA 4	Total number of contestable non-residential customers ⁹

⁷ This data has been taken from pages 46-48 of the Utility Regulators' Forum's National Energy Retail Performance Indicators 2006 Report which can be accessed on the Authority's web site at http://www.era.wa.gov.au/2/281/51/regulatory_guid.pm. Refer to pages 49-53 of the report to view definitions of the indicators.

⁸ Alinta Sales is required to report on the number of residential customers consuming between 180GJ and 1TJ of gas per annum in the supply areas that are subject to the 2007 Gas Marketing Moratorium.

⁹ Alinta Sales is required to report on the number of non-residential customers consuming between 180GJ and 1TJ of gas per annum in the supply areas that are subject to the 2007 Gas Marketing Moratorium.

Figure 2: Affordability

No.	Indicator
RB 1	Number of residential customers on instalment payment plans
RB 2	Percentage of residential customers on instalment payment plans
RB 3	Number of non-residential customers on instalment payment plans
RB 4	Percentage of non-residential customers on instalment payment plans
RB 5	Number of residential customer direct debit plans terminated as a result of defaults
RB 6	Percentage of residential customer direct debit plans terminated as a result of defaults
RB 7	Number of non-residential customer direct debit plan termination as a result of defaults
RB 8	Percentage of non-residential customer direct debit plans terminated as a result of defaults

Figure 3: Disconnections and Reconnections

No.	Indicator
RC 1	Number of residential customers disconnected for failure to pay
RC 2	Percentage of residential customers disconnected for failure to pay
RC 3	Number of non-residential customers disconnected for failure to pay
RC 4	Percentage of non-residential customers disconnected for failure to pay
RC 5	Number of residential customers disconnected previously on an instalment payment plan
RC 6	Percentage of residential customers disconnected previously on an instalment payment plan
RC 7	Number of residential customers who were previously disconnected within the past 24 months
RC 8	Percentage of residential customers who were previously disconnected within the past 24 months
RC 9	Number of government funded rebate customers disconnected
RC 10	Percentage of government funded rebate customers disconnected
RC 11	Number of residential customers reconnected within 7 days
RC 12	Percentage of residential customers reconnected within 7 days
RC 13	Number of non-residential customers reconnected within 7 days
RC 14	Percentage of non-residential customers reconnected within 7 days

No.	Indicator
RC 15	Number of residential customers reconnected previously on an instalment payment plan
RC 16	Percentage of residential customers reconnected previously on an instalment payment plan
RC 17	Number of residential customers reconnected who were previously disconnected within the past 24 months
RC 18	Percentage of residential customers reconnected who were previously disconnected within the past 24 months
RC 19	Number of government funded rebate customers reconnected
RC 20	Percentage of government funded rebate customers reconnected

Figure 4: Security Deposits

No.	Indicator
RD1	Number of residential customers who have lodged security deposits
RD2	Percentage of residential customers who have lodged security deposits
RD3	Number of non-residential customers who have lodged security deposits
RD4	Percentage of non-residential customers who have lodged security deposits

Figure 5: Contact Centre Performance

No.	Indicator
RE1	Total number of telephone calls to an operator
RE2	Number of operator calls responded to within 30 seconds
RE3	Percentage of operator calls responded to within 30 seconds
RE4	Average wait before call answered by operator (secs)
RE5	Percentage of calls that are unanswered

Figure 6: Complaints

No.	Indicator
RF1	Total number of residential customer complaints
RF2	Residential billing complaints as a percentage of total complaints
RF3	Residential marketing complaints as a percentage of total complaints
RF4	Residential transfer complaints as a percentage of total complaints
RF5	Residential other complaints as a percentage of total complaints
RF6	Percentage of residential complaints concluded within 15 business days
RF7	Total number of non-residential complaints
RF8	Non-residential billing complaints as a percentage of total complaints
RF9	Non-residential marketing complaints as a percentage of total complaints
RF10	Non-residential transfer complaints as a percentage of total complaints
RF11	Non-residential other complaints as a percentage of total complaints
RF12	Percentage of non-residential complaints concluded within 15 business days

14.2 Performance Information – Distribution Licensees

Figure 7: Customer Connections

No.	Indicator
DA 1	Total number of customer connections on the distribution network
DA 2	Total number of residential customer connections on the distribution network
DA 3	Total number of non-residential customer connections on the distribution network
DA 4	Total number of new residential customer connections provided during the period
DA 5	Total number of new non-residential customer connections provided during the period
DA 6	Total number of new customer connections not established by the date agreed with the customer

Figure 8: Gas consumption

No.	Indicator
DB 1	Gas consumption – residential (GJ)
DB 2	Gas consumption – residential percentage change from previous year
DB 3	Gas consumption – non-residential (GJ)
DB 4	Gas consumption – non-residential percentage change from previous year
DB 5	Peak gas demand (GJ/hour)
DB 6	Unaccounted for gas (GJ)

Figure 9: Leaks

No.	Indicator	HP	MP	LP
	Total number of leak repairs -			
DC 1	Mains			
DC 2	Service connections			
DC 3	Meters			

Figure 10: Network Reliability

No.	Indicator
DD 1	Number of customer connections that have been interrupted for more than 12 hours continuously during the reporting period
DD 2	Number of customer connections affected by 5 or more unplanned interruptions during the reporting period
DD 3	The average percentage of time that gas has been supplied to customer premises
	Overall interruptions -
DD 4	Overall SAIDI
DD 5	Overall SAIFI
DD 6	Overall CAIDI
	Unplanned interruptions -
DD 7	Unplanned SAIDI
DD 8	Unplanned SAIFI
DD 9	Unplanned CAIDI
	Planned interruptions -
DD 10	Planned SAIDI
DD 11	Planned SAIFI
DD 12	Planned CAIDI
	Normalised interruptions -
DD 13	Normalised SAIDI
DD 14	Normalised SAIFI
DD 15	Normalised CAIDI

Figure 11: Complaints

No.	Indicator
DE 1	Total number of complaints received
DE 2	Connection and augmentation complaints as a percentage of total complaints
DE 3	Reliability of supply complaints as a percentage of total complaints
DE 4	Quality of supply complaints as a percentage of total complaints
DE 5	Network charges and costs complaints as a percentage of total complaints
DE 6	Administrative processes or customer service complaints as a percentage of total complaints
DE 7	Other complaints as a percentage of total complaints

Figure 12: Contact Centre Performance

No.	Indicator
DF 1	Total number of telephone calls to an operator
DF 2	Number of operator calls responded to within 30 seconds
DF 3	Percentage of operator calls responded to within 30 seconds
DF 4	Average wait before call answered by operator (secs)
DF 5	Percentage of calls that are unanswered

Figure 13: Network Construction

No.	Indicator	HP	MP	LP
	Length of gas distribution mains constructed from (km) -			
DG 1	Cast iron			
DG 2	Unprotected steel			
DG 3	Protected steel			
DG 4	PVC			
DG 5	Polyethylene			
DG 6	Other			
DG 7	Total length of all distribution mains installed and in service			
DG 8	Number of service connections per km of gas mains			

14.3 Guaranteed Service Level Payments – AlintaGas Coastal Supply Area

The AlintaGas Access Arrangement for the Mid-West and South-West gas distribution systems, which are the subject of the coastal supply area defined in gas distribution licence GDL8, includes provision for the payment of Guaranteed Service Level Payments (GSL):

- Contractor arrives more than 15 minutes late for a reported gas fault appointment or an emergency appointment – an inconvenience fee of \$25 will be paid;
- Failure to establish a gas connection (mains runs past an established home) within 5 business days of notice from retailer – a payment of \$40 per day up to a maximum of \$120;
- Small use customer experiences more than 4 unplanned supply interruptions in a calendar year – a payment of \$100 for each subsequent unplanned interruption; and
- Small use customer experiences an interruption of more than 12 hours continuously – a payment of \$80 for each interruption.

Figure 14: Guaranteed service level (GSL) payments

No.	Indicator
AA 1	Total number of GSL payments for late arrival for a gas fault or emergency appointment
AA 2	Total amount of GSL payments for late arrival for a gas fault or emergency appointment
AA 3	Total number of GSL payments for late establishment of a gas service
AA 4	Total amount of GSL payments for late establishment of a gas service
AA 5	Total number of GSL payments for more than 4 unplanned interruptions in a calendar year
AA 6	Total amount of GSL payments for more than 4 unplanned interruptions in a calendar year
AA 7	Total number of GSL payments for unplanned interruptions greater than 12 hours continuously
AA 8	Total amount of GSL payments for unplanned interruptions greater than 12 hours continuously

Appendix 1 – Gas Licence Reporting in Other Jurisdictions

New South Wales

In New South Wales, the Department of Energy, Utilities and Sustainability (DEUS) introduced a Gas Networks Annual Reporting Template in November 2005 for gas networks operating under the *Gas Supply Act 1996* and the *Gas Supply (Safety Management) Regulation 2002*¹⁰. The template contains three categories of reporting requirements:

- Immediate reporting of certain matters to the Director-General of DEUS as soon as practicable after the event, including in relation to incidents and emergencies, accidents, non-compliant gas, odorant non-compliance and disconnection notices;
- Periodic audit reports on safety and operating plans and reports relating to unlicensed high pressure pipelines; and
- Annual performance reporting requirements including:
 - Network asset information;
 - Network integrity and safety information;
 - Network reliability and consumer-related matters; and
 - The performance of unlicensed high pressure pipelines.

Victoria

In Victoria, the Essential Services Commission (ESC) prepares an annual comparative performance report for the three gas distribution businesses in order to promote competition by comparison¹¹. The report details the businesses’:

- Financial performance based on the regulatory information collected by the ESC under its *Gas Industry Guideline No. 17: Regulatory Accounting Information Requirements*¹²;
- Reliability of supply performance;
- Network integrity; and
- Customer service performance.

¹⁰ <http://www.deus.nsw.gov.au/Publications/Gas%20Networks%20Annual%20Reporting%20Template%20-%20Nov%202005.pdf>

¹¹ <http://www.esc.vic.gov.au/public/Energy/Regulation+and+Compliance/Performance+Reports/Gas+Distribution+Businesses+-+Gas+Industry+Comparative+Performance+Report+2005/Gas+Distribution+Businesses+-+Comparative+Performance+Report+2005.htm>

¹² <http://www.esc.vic.gov.au/NR/exeres/A43EAC46-2FAF-4730-BF74-A8BB674B9168.htm>

Queensland

In Queensland, the Queensland Competition Authority (QCA) issued a decision in June 2003 entitled “Gas Distribution – Monitoring Service Quality”¹³. The QCA’s decision included a service quality reporting template that requires the two distribution businesses to report:

- Background information about their supply area, customers, unaccounted for gas and length of distribution network;
- Reliability of supply performance; and
- Customer service performance.

South Australia

In South Australia, the Essential Services Commission of South Australia issued its “Gas Regulatory Information Requirements - Distribution System Gas Industry Guideline No. 1” in August 2004¹⁴. The gas distributor is required to report on:

- Operational performance information (i.e. promptness of connection, network extension and expansion charges, major interruptions, various statistical and technical information about the network and the gas delivered and complaints); and
- Financial performance.

ACT

In the Australian Capital Territory, the Independent Competition and Regulatory Commission issue an annual “Licensed Electricity, Gas and Water and Sewerage Utilities Compliance Report”¹⁵. The report details the distribution licensee’s compliance with its regulatory obligations under various relevant instruments. The report includes information in relation to:

- Licence breaches;
- Network operations;
- Network performance;
- Consumer protection;
- Rebates paid for non-compliances; and
- Ring-fencing compliance.

¹³ <http://www.qca.org.au/files/MonitoringServiceQualityDecision.pdf>

¹⁴ http://www.escosa.sa.gov.au/webdata/resources/files/040825-D-Guideline1-GasDistribution_pdf.pdf

¹⁵ http://www.icrc.act.gov.au/_data/assets/pdf_file/20550/Report_4_of_2006.pdf

Amendment Record Sheet:

Amendment Date	Description of amendment
27 March 2008	Amendments to this Manual include: <ul style="list-style-type: none"> • Updating the performance reporting obligations for trading licensees (section 14.1) to align, where possible, with the reporting obligations for electricity retail licensees. • Updating the performance reporting obligations for distribution licensees (section 14.2) to align, where possible, with the reporting obligations for trading and also remove redundant obligations. • Move the guaranteed service level payment performance reporting indicators into a new section (14.3) because they only apply to the AlintaGas Networks Access Arrangement.
24 February 2009	Amendments to this Manual include: <ul style="list-style-type: none"> • Section 1 (Scope) deleted. • Section 2 amended and renumbered to section 1. • Section 3 (Additional Performance Reporting Obligations) deleted. • Section 4.5 renumbered to section 2. • Section 4.6 updated and renumbered to section 2.1. • Section 4.1 amended. • Section 4.6 renumbered to section 4.4 • Section 13 amended to replace obligations under the Gas Marketing Standard with the obligations under the Gas Marketing Code of Conduct 2008. Section 14.1 – definition of indicators RC7 and RC8 amended.