

# Corrigenda - Gas Compliance Reporting Manual

September 2009

Economic Regulation Authority

 WESTERN AUSTRALIA

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## Scope and Purpose of the Corrigenda

### Development of the Gas Compliance Reporting Manual

The Economic Regulation Authority (Authority) first published the Gas Compliance Reporting Manual (Manual) in September 2007.

The Authority published the Manual in order to provide:

- A consolidated list of the terms and conditions for gas licences to assist licensees with identifying the compliance obligations relevant to the licence(s) they have been granted;
- 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.

After publishing the Manual in September 2007, the Authority received a number of formal and informal comments from licensees indicating that there is scope to further improve the utility of the Manual, which resulted in the publication of an amended Manual in April 2008.

After incorporating licence compliance obligations under the *Gas Marketing Code of Conduct 2008*, as well as some amendments to improve the utility of the Manual, the Authority published an updated Manual in March 2009.

### Summary of Amendments to the Gas Compliance Reporting Manual

The Authority has taken the opportunity to further amend the Manual to include:

1. the gas trading and distribution licence obligations under Parts 3-13 of the *Compendium of Gas Customer Licence Obligations* (Compendium). These obligations are now listed in sections 8 and 15 of the Manual;
2. amendments to clarify or streamline some of the compliance and performance reporting procedures;
3. updated the section describing current and planned amendments to the manual;
4. changes to obligations as a result of amendments to the gas trading and distribution licences resulting from the introduction of the Compendium; and
5. some amendments to correct minor errors and improve the utility of the manual.

These amendments are described in more detail in the following sections of this Corrigenda.

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## Amendments to the Manual

### SECTION 1 – INTRODUCTION

Section 1 has incorporated some minor amendments to clarify some of the information presented.

### SECTION 2 – AMENDMENTS TO THIS MANUAL

#### *Section 2.1 – Current and Planned Amendments to this Reporting Manual*

Section 2.1 of the Manual contains minor amendments to bring it up to date with the current status of the Manual. These amendments refer to the incorporation of the obligations relating to the Compendium in the Manual.

### SECTION 3 – PERFORMANCE REPORTING

Section 3 has incorporated some minor amendments to clarify some of the information presented.

### SECTION 4 – COMPLIANCE REPORTING SECTION

#### *Section 4.2 – Classification of Conditions*

Amendments include some minor clarifications and the incorporation of a footnote to clarify that compliance obligations classified as Type 'NR' are not reportable for purposes of the annual compliance report, but will be assessed during the independent performance audit.

#### *Section 4.3 – Immediate Notification*

An amendment has been made to the persons to whom immediate notification must be given for a Type 1 non-compliance. The licensee must now telephone the Executive Director - Licensing, Monitoring & Customer Protection or the Assistant Director Monitoring. Previously this was only the Executive Director - Licensing, Monitoring & Customer Protection.

#### *Section 4.4 – Annual Compliance Reports*

The amendments clarify that annual Compliance Reports now cover both Type 1 and 2 obligations. Also, the Manual now states the template for the compliance report is provided in section 5, while section 6 provides a template, referred to as Schedule A, for reporting non-compliances. The amendments also emphasise that an original, signed copy of the Compliance Report must be provided to the Authority by 31 August.

## **SECTION 5 – REPORT LODGING REQUIREMENTS**

The Report lodging requirements have now been changed to incorporate a new section 5. This information was previously provided as part of section 4.

### ***Section 5.1 – Immediate Notification***

Previously part of section 4, the new section 5.1 has incorporated some minor amendments to improve the presentation and align it with amendments in other sections.

### ***Section 5.2 – Performance Reports***

Previously part of section 4, the new section 5.2 includes amendments explaining that the Excel Data Sheets (i.e. performance reporting) should be filled out electronically in Excel and the Excel spreadsheet should be sent as an e-mail attachment to the stated e-mail address. The amendments clarify that the Authority will not accept scanned or hard copies of Data Sheets.

### ***Section 5.3 – Compliance Reports***

Previously part of section 4, the new section 5.3 includes an amendment providing the physical address of the Authority, so the licensee can lodge original signed compliance reports, in person.

## **SECTION 6 – COMPLIANCE REPORT TEMPLATE**

The previous section 5 has been re-numbered to section 6 with an amendment that clarifies that if there are no non-compliances to report, the licensee is required to make a positive statement to this effect in Schedule A.

## **SECTION 7 – FORMAT FOR REPORTING NON-COMPLIANCES**

The previous section 6 has been re-numbered to section 7 and amended to clarify the format for Schedule A.

## **SECTION 8 – TYPE 1 REPORTING OBLIGATIONS FOR ALL LICENCE TYPES**

The previous section 7 has been re-numbered to section 8 and updated for the new Type 1 (obligation no. 224). Section 8 of the Manual lists all the Type 1 major obligations (For a definition of Type 1, see Attachment 1, page 7). Section 8 has been amended to include Type 1 obligation no. 224, required by clause 8.2 of the Compendium. The description of obligation no. 224 in the Manual states:

A retailer or a distributor must not arrange for disconnection or disconnect a customer's supply address in the circumstances specified.

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## **SECTION 9 – LICENCE COMPLIANCE REQUIREMENTS – ENERGY COORDINATION ACT 1994**

The previous section 8 has been re-numbered to section 9 and the licence conditions updated to incorporate the new gas trading and distribution licence formats.

## **SECTION 10 – LICENCE COMPLIANCE REQUIREMENTS – GAS STANDARDS ACT 1972**

The previous Section 9 has been re-numbered to section 10 and licence conditions updated to incorporate the new gas trading and distribution licence formats.

## **SECTION 11 – LICENCE COMPLIANCE REQUIREMENTS – ENERGY COORDINATION (GAS TARIFFS) REGULATIONS 2000**

The previous section 10 has been re-numbered to section 11.

## **SECTION 12 – LICENCE COMPLIANCE REQUIREMENTS – ENERGY COORDINATION (CUSTOMER CONTRACTS) REGULATIONS 2004**

The previous section 11 has been re-numbered to section 12 and the licence conditions have been updated to incorporate the new gas trading and distribution licence formats. Also obligations 83 and 84 have been amended to correct minor typographical errors and the description for obligation 88 has also been amended to more closely reflect clause 3.1.3.1 of the Australian Gas Association Natural Gas Customer Service Code (1998) (AGA Code). The description for obligation 88 now states:

A licensee must connect a new supply address (subject to supply, available gas installations, adherence to regulatory requirements and a meter) within an agreed date, or where no date is agreed then within 20 business days from the date of the application.

Previously the description made no reference to the agreed date.

## **SECTION 13 – LICENCE COMPLIANCE REQUIREMENTS – LICENCE CONDITIONS**

The previous section 12 has been re-numbered to section 13 with:

- Previous obligations 104 to 111, 113, and 123 to 131 deleted (no longer required due to the amendment of the gas licences to include the Compendium);
- Previous obligation 112 re-numbered to 104;
- Previous obligations 114 to 122 re-numbered to 105 to 113; and
- Previous obligations 132 to 133 re-numbered to 114 to 115.

## **SECTION 14 – LICENCE COMPLIANCE REQUIREMENTS – GAS MARKETING CODE OF CONDUCT**

The previous section 13 has been re-numbered to section 14 with:

- Previous obligations 134 to 164 re-numbered to 115 to 146; and
- The “Code of Conduct” reference moved to “Obligation Under” Column for the re-numbered obligations 118 -146.

## **SECTION 15 – LICENCE COMPLIANCE REQUIREMENTS – GAS CUSTOMER CODE**

A new section 15 has been inserted to include the obligations arising from Parts 3 -13 of the Compendium licensing Obligations. A total of 121 new obligations have been included in the manual.

## **SECTION 16 – PERFORMANCE REPORTING REQUIREMENTS FOR GAS TRADING AND GAS DISTRIBUTION LICENSEES**

The previous section 14 has been re-numbered to section 16, otherwise no change.



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