

Notice to all Participants,

9 July 2012

National Gas Retail Market Amendment Procedures

Attached is a copy of the National Gas Retail Market Amendment Procedures, made by the South Australian Minister (“Minister Amendments”).

Note, as stated in the AEMO notice dated 12 June 2012:

- whilst the Minister Amendments will be made by 1 July 2012, they will not take effect in any participating jurisdiction until the National Energy Retail Law is applied in that jurisdiction; and
- the AEMO approved amendments to the Retail Market Procedures will take effect on the date and immediately after the time of commencement of the Minister Amendments in the relevant jurisdiction.

The National Energy Retail Law commenced on 1 July 2012 in the ACT and Tasmania.

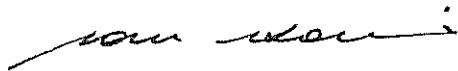
The Retail Market Procedures (NSW and ACT) version 9.0, as published on the website include the Minister Amendments and the AEMO approved amendments, apply in the ACT from 1 July 2012.

Making of National Gas Retail Market Amendment Procedures 2012

National Gas Law

I, Tom Koutsantonis, Minister for Mineral Resources and Energy for the Crown in right of the State of South Australia, as the Minister administering the *National Energy Retail Law (South Australia) Act 2011* of South Australia, hereby make of the National Gas Retail Market Amendment Procedures 2012 under the *National Gas Law* on the recommendation of the Ministerial Council on Energy.

These Procedures have been signed by me for the purposes of identification as the National Gas Retail Market Amendment Procedures 2012 and commence operation on 1 July 2012.



Hon Tom Koutsantonis MP
Minister for Mineral Resources and Energy

27 June 2012

NATIONAL GAS RETAIL MARKET AMENDMENT PROCEDURES 2012

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Part 1 Formal provisions

1 Citation

These Procedures may be cited as the *National Gas Retail Market Amendment Procedures 2012*.

2 Commencement

These Procedures will come into operation on the day on which Schedule 1 of the *National Energy Retail Law (South Australia) Act 2011* (No 6 of 2011) comes into operation.

Note—These Procedures do not apply in a participating jurisdiction until the *National Energy Retail Law* is applied in that jurisdiction as a law of that jurisdiction.

Part 2 Amendment of Retail Market Procedures (Victoria)

3 Procedures amended

This Part amends the Retail Market Procedures (Victoria).

4 Clause 1.1 (Definitions)

- (1) Clause 1.1.1, definition of ***aged debt***, omit, substitute:

aged debt in relation to a *customer* (but not a *small customer*) means an amount or amounts owed by that *customer* to a *Market Participant* for the sale of gas by the *Market Participant* to that *customer* where, at that time, the amount or the aggregate of those amounts:

- (a) exceeds \$100; and
- (b) has been due and payable for more than 40 *business days*.

- (2) Clause 1.1.1, definition of ***complete customer listing***, omit “*non-declared host Retailer*” (twice occurring), substitute “*non-local area retailer*” (in each case)

- (3) Clause 1.1.1, definition of ***explicit informed consent***, omit, substitute:

explicit informed consent has the same meaning as in the National Energy Retail Law.

- (4) Clause 1.1.1, definition of ***failed Retailer***, omit, substitute:

failed retailer has the same meaning as in the National Energy Retail Law.

- (5) Clause 1.1.1, definition of **non-declared host Retailer**, omit, substitute:

non local area retailer means a *retailer* that is not a *local area retailer*.

- (6) Clause 1.1.1, definition of **RoLR gas day**, omit, substitute:

RoLR gas day is the gas day on which the *RoLR event* occurs.

- (7) Clause 1.1.1, definition of **second tier supply point**, omit “*declared host Retailer*”, substitute “*local area retailer*”.

- (8) Clause 1.1.1, new definitions, insert (in alphabetical order):

designated RoLR has the same meaning as in the National Energy Retail Law.

insolvency official has the same meaning as in Part 6 of the National Energy Retail Law.

local area retailer has the same meaning as in the National Energy Retail Law.

RoLR event has the same meaning as in the National Energy Retail Law.

RoLR notice has the same meaning as in the National Energy Retail Law.

small customer has the same meaning as in the National Energy Retail Law.

5 **Clause 4.3 (Objections to Transfer)**

Clause 4.3.1(c)(ii), omit, substitute:

- (ii) at the time the *objection notice* is delivered to AEMO, and *aged debt* is owing to that *FRO* by the *customer* who is then purchasing *gas* at the *supply point* to which the *transfer request* relates (and that *customer* is not a *small customer*).

6 **Clause 6.1 (Retailer of Last Resort Event)**

- (1) Clause 6.1.1, omit, substitute:

6.1.1 Application of this Chapter

This Chapter applies if:

- (a) AEMO issues a *suspension notice* to a *Retailer* under Part 19 of the *Rules*; or
- (b) the AER issues a *RoLR notice* under Part 6 of the National Energy Retail Law.

(2) Clause 6.1.3 (and note), omit, substitute:

6.1.3 Metering register update

Before the *RoLR gas day*, for each *MIRN* for which the *failed Retailer* is recorded as the *FRO* and to which clause 6.1.2 does not apply, AEMO must amend the *metering register* by recording the *designated RoLR* for the relevant *distribution area* as the *FRO*.

- (3) Clause 6.1.4 omit “*declared host Retailer*” (wherever occurring), substitute “*designated RoLR*” (in each case)
- (4) Clause 6.1.5 omit “*declared host Retailer*” (wherever occurring), substitute “*designated RoLR*” (in each case)
- (5) Clause 6.1.6 omit “*declared host Retailer*”, substitute “*designated RoLR*”
- (6) Clause 6.1.7 omit “*declared host Retailer*”, substitute “*designated RoLR*”

Part 3 Amendment of Retail Market Procedures (Queensland)

7 Procedures amended

This Part amends the Retail Market Procedures (Queensland).

8 Clause 1.1 (Definitions)

(1) Clause 1.1.1, definition of ***aged debt***, omit, substitute:

aged debt in relation to a *customer* (but not a *small customer*) means an amount or amounts owed by that *customer* to a *Market Participant* for the sale of gas by the *Market Participant* to that *customer* where, at that time, the amount or the aggregate of those amounts:

- (c) exceeds \$100; and

- (d) has been due and payable for more than 40 *business days*.
- (2) Clause 1.1.1, definition of **explicit informed consent**, omit, substitute:
- explicit informed consent** has the same meaning as in the National Energy Retail Law.
- (3) Clause 1.1.1, definition of **host retailer**, omit, substitute:
- host retailer** means the local area retailer under the National Energy Retail Law for the *distribution region* of Allgas Energy Pty Ltd (ACN 009 656 446) or the *distribution region* of Envestra Limited (ACN 078 551 685)(as the case may require).
- (4) Clause 1.1.1, definition of **Procedures**, omit “made in accordance with the *Rules*”.

9 **Clause 4.3 (Objections to Transfer)**

- (1) Clause 4.3.1(c)(ii), omit, substitute:
- (ii) at the time the *objection notice* is delivered to AEMO, and *aged debt* is owing to that *FRO* by the *customer* who is then purchasing gas at the *supply point* to which the *transfer request* relates (and that *customer* is not a *small customer*).

Part 4 **Amendment of Retail Market Procedures (NSW and ACT)**

10 **Procedures amended**

This Part amends the Retail Market Procedures (NSW and ACT).

11 **Clause 1.3 (Definitions)**

- (1) Clause 1.3, definition of **affected user**, omit, substitute:
- affected user** means a *failed retailer*.
- (2) Clause 1.3, definitions of **last resort supply event** and **last resort supply arrangements**, omit.
- (3) Clause 1.3, definition of **Procedures**, omit “made and amended in accordance with the National Gas Law and the *Rules*”.
- (4) Clause 1.3, definition of **retailer of last resort**, omit.
- (5) Clause 1.3, definition of **RoLR affected delivery point**, omit the

words 'located in New South Wales'.

In paragraph (2), omit, substitute:

(2) a *default RoLR* is recorded in the *delivery point registry*.

- (6) Clause 1.3, definition of **RoLR effective date**, paragraph (1), omit, substitute:

(1) the *RoLR transfer date*; or

In paragraph (2), omit the words: "*retailer of last resort*" and substitute "*designated RoLR*".

- (7) Clause 1.3, definition of **Country Energy**, omit and insert new definition "**Envestra (NSW)** which means Envestra (NSW) Pty Limited ACN 083 199 839."

Replace all references to "Country Energy" with "Envestra (NSW)" wherever occurring in the Procedures.

- (8) Clause 1.3, omit the definition of **current user**, and substitute:

current user means, in respect of a *delivery point*, the *user* responsible for the supply of *gas* and *network* charges for that *delivery point*. For the purposes of the definition of "financially responsible retailer" under the National Energy Retail Law, the *current user*, other than a *self-contracting user*, is responsible for settling the account for *gas* withdrawn from the *delivery point*.

- (9) Clause 1.3, omit the definition of **last cooling off day** and substitute "means the last day on which a *customer* is entitled to terminate a *market retail contract* under rule 47 of the National Energy Retail Rules."

- (10) Clause 1.3, definition of **low consumption delivery point**, omit the words "a "small retail customer" within the meaning of section 33R of the Gas Supply Act" and substitute "a "regulated offer customer" within the meaning of the National Energy Retail Law as applied in NSW under the National Energy Retail Law (Adoption) Act 2012."

- (11) Clause 1.3, omit the definition of **negotiated customer supply contract** and substitute, in alphabetical order:

market retail contract has the same meaning as in the National Energy Retail Law.

Replace all references in the Procedures to "*negotiated customer supply contract*" with "*market retail contract*" wherever occurring.

- (12) Clause 1.3, new definitions, insert (in alphabetical order):

default RoLR has the same meaning as in Part 6 of the National Energy Retail Law.

designated RoLR has the same meaning as in Part 6 of the National Energy Retail Law.

failed retailer has the same meaning as in Part 6 of the National Energy Retail Law.

RoLR event has the same meaning as in Part 6 of the National Energy Retail Law.

RoLR notice has the same meaning as in Part 6 of the National Energy Retail Law.

RoLR transfer date has the same meaning as “transfer date” in Part 6 of the National Energy Retail Law.

12 Clause 2.2 (Scope of delivery point information)

In clause 2.2(4) omit and substitute “*default RoLR*”.

13 Clause 5 (Requirement to provide customer information)

(1) Clause 5.1, definition of **customer information**, paragraph (15) omit, substitute:

(15) the identity of the *default RoLR*.

(2) Clause 5.2(2), omit “*retailer of last resort*”, substitute “*default RoLR*”

(3) Clause 5.3, heading, omit “**last resort supply event**”, substitute “**RoLR event**”

(4) Clause 5.3, omit “*low consumption delivery point*”, substitute “*delivery point identifier*”

(5) Clause 5.4(2), omit, substitute:

(2) If the *Rules administrator* receives a *RoLR notice*, the *Rules administrator* will provide the *designated RoLR* for the *RoLR affected delivery point* with:

(a) the latest *customer information* supplied by the *affected user* under **clause 5.2** in relation to that *delivery point* within one *business day* of receipt of the *RoLR notice*; and

(b) the *customer information* supplied by the *affected user* under **clause 5.3** in relation to that *delivery point* within one *business day* of receipt of that information from the *affected user*.

14 Clause 6 (Change of User Transactions)

In clauses 6.2(3), 6.8(1)(i) and 6.8(3)(b)(ix), omit "*retailer of last resort*" and substitute "*default RoLR*".

15 Clause 8 (Change of Delivery Point Standing Data Transactions)

In clauses 8.1(2)(e) and 8.3(1)(i), omit "*retailer of last resort*" and substitute "*default RoLR*".

16 Clause 9 (Creation of Delivery Point Transaction)

(1) In clauses 9.2(3), 9.3(1)(h) and 9.3(3)(b)(vii), omit "*retailer of last resort*" and substitute "*default RoLR*".

(2) In clause 9.4(4)(c), insert "the" before "*relevant network operator*".

17 Clause 11 (Correction of Errors in Delivery Point Registry Transaction)

In clause 11.1(3)(d)(i), omit "*retailer of last resort*" and substitute "*default RoLR*".

18 Clause 12 (Retailer of Last Resort Information)

(1) Omit the heading to clause 12 and substitute "**RoLR Information**"

(2) Clause 12.1, omit, substitute:

12.1 Incoming users to identify default RoLR in change of user transaction

If:

(1) an *incoming user* initiates a change of user transaction for a *delivery point* under **clause 6**; and

(2) the *incoming user* is not the *default RoLR* for that *delivery point*,

then the *incoming user* must provide the *registry operator* with the name of the *default RoLR* for the relevant *delivery point* under **clause 6.2(3)**.

(3) Clause 12.2, omit, substitute:

12.2 Current user to identify default RoLR in creation of delivery point transaction

If:

- (1) a *current user* initiates a creation of *delivery point* transaction for a new *delivery point* under **clause 9**; and
 - (2) the *current user* is not the *default RoLR* for that *delivery point*,
then the *current user* must provide the *registry operator* with the name of the *default RoLR* for the relevant *delivery point* under **clause 9.2(3)**.
- (4) Clause 12.3, amend as follows:
- (a) heading and subclauses (1), (2) and (3), omit “*retailer of last resort*” (wherever it occurs), substitute in each case “*default RoLR*”
 - (b) subclauses (1) and (2), omit “any regulatory agency” (wherever occurring), substitute “the AER” (in each case)
 - (c) subclause (3), omit “*low consumption*”
- (5) Clauses 12.4 and 12.5, omit.

19 Clause 13 (Last Resort Supply Event)

- (1) Omit the heading to clause 13 and substitute “**RoLR Event**”
- (2) Clause 13.1, omit, substitute:

13.1 Notification of RoLR event

- (1) If the *Rules administrator* receives a *RoLR notice*, the *Rules administrator* will as soon as practicable, but in any event not later than one *business day* after receiving the notice:
 - (a) notify each *market participant*:
 - (i) that a *RoLR event* has occurred; and
 - (ii) of the *RoLR transfer date*; and
 - (iii) of the name of the *affected user*; and
 - (b) request the *affected user* to provide it with *customer information* (as defined in **clause 5.1**) in accordance with **clause 5.3**; and
 - (c) create a list by *network section* of all the *delivery points* for which the *affected user* is the *current user* (current as at the time and date the list is provided) specifying the *designated RoLR* for each *delivery point*.
- (2) The *Rules administrator* must, as soon as practicable, but in any

event not more than 2 *business days* after the *RoLR transfer date* provide each *designated RoLR* with:

- (a) a list by *network section* of the *delivery points* for which the *affected user* is the *current user*, and
 - (b) the latest information required to be notified under **clause 32.1**;
- (3) The *Rules administrator* must, as soon as practicable but in any event not more than 2 *business days* after the *RoLR transfer date*, provide the relevant *network operators* with a list of *delivery points* in their *network section* transferred from the *affected user* to the *designated retailer*.
- (3) Clause 13.2, omit, substitute:

13.2 Acceleration of transactions

- (1) AEMO will, no later than 2 *business days* after the *RoLR transfer date*:
- (a) identify the following *open transactions* in respect of *RoLR affected delivery points* (each an ***affected user open transaction***):
 - (i) all *open change of standing data*, creation of *delivery point*, and *deactivation of delivery point* transactions initiated by the *affected user*;
 - (ii) all *open correction of error transactions* initiated by the *affected user*;
 - (iii) all *open correction of error transactions* where:
 - (A) the relevant transaction (as defined in **clause 11**) was a change of user transaction for a *delivery point*; and
 - (B) at the time the change of user transaction was initiated, the *affected user* was the *current user* of the *delivery point*; and
 - (b) notwithstanding any contrary provisions:
 - (i) complete each *affected user open transaction* in the *delivery point registry*; and
 - (ii) notify the parties to those transactions of their completion.

(4) Clause 13.3, omit, substitute:

13.3 Cancellation of open change of user transactions

AEMO will, no later than 2 *business days* after the *RoLR transfer date*:

- (a) identify all *open change of user transactions* initiated by:
 - (i) the *affected user* in respect of *delivery points*; or
 - (ii) a *user* other than the *affected user* in respect of *delivery points* for which the *current user* is the *affected user*, and
- (b) notwithstanding any contrary provisions:
 - (i) cancel those transactions in the *delivery point registry*; and
 - (ii) notify the former parties to those transactions of their cancellation.

(5) Omit the heading to clause 13.4 and substitute "**Transfer to designated RoLR**".

(6) Clause 13.4, omit "retailer of last resort" wherever it occurs in the heading and subclauses (1), (2) and (3), substitute in each case "*designated RoLR*"

(7) Clause 13.5, omit, substitute:

13.5 Provision of meter reading for transfer to designated RoLR

As soon as practicable, but in any event not later than 30 *business days* after the *RoLR notice* is issued, the *meter data agent* must provide AEMO with a *meter reading* for the relevant *delivery point* up to the *RoLR effective date* as the end date.

(8) Clauses 13.6, 13.7, 13.8, 13.9 and 13.10, omit.

20 Clause 17 (DPI Discovery)

(1) In clause 17.8(3)(a)(ii), omit the word "be the *user*" and insert the words "by the *user*".

**Part 5 Amendment of Retail Market Procedures
(South Australia)**

21 Procedures amended

This Part amends the Retail Market Procedures (South Australia).

22 Clause 2 (Definitions)

- (1) Clause 2, definition of “**explicit informed consent**”, omit and substitute:

“**explicit informed consent**” has the same meaning as in the National Energy Retail Law.

- (2) Clause 2, definitions of **ROLR**, **ROLR administrator**, **ROLR event** and **ROLR scheme**, omit.

23 Part 7.1 (Explicit Informed Consent)

Omit the heading Part 7.1 (Explicit Informed Consent) and substitute:

Part 7.1- There is no Part 7.1.

24 Clause 349 (Requirements for explicit informed consent)

Omit clause 349 and substitute:

349. There is no clause 349.

[END OF AMENDING PROCEDURE]
