



New South Wales

Gas Supply (Natural Gas Retail Competition) Amendment (Scheme Operator) Regulation 2008

under the

Gas Supply Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gas Supply Act 1996*.

IAN MACDONALD, M.L.C.,
Minister for Energy

Explanatory note

Section 33K (1) (d1) of the *Gas Supply Act 1996* (*the Act*) enables the Minister for Energy to approve market operations rules for or with respect to the establishment and operation of a wholesale natural gas market scheme. Section 33LA of the Act provides that the scheme operator under the scheme or an officer or employee of the scheme operator does not incur civil monetary liability when exercising functions under the scheme except in circumstances where the scheme operator or officer or employee acts in bad faith or through negligence. Section 33LA (3) of the Act permits the regulations to prescribe a cap on civil monetary liability in circumstances where negligence is found.

The object of this Regulation is to prescribe a cap for the purposes of section 33LA (3) of the Act. The maximum amount payable by the scheme operator is \$50,000 to any person for any particular negligent act or omission and \$500,000 in total for all negligent acts and omissions occurring in any calendar year. The maximum amount payable by an officer or employee of the scheme operator is nil.

This Regulation is made under the *Gas Supply Act 1996*, including section 33LA (3) and 83 (the general regulation-making power).

2008 No 191

Clause 1

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1 Name of Regulation

This Regulation is the *Gas Supply (Natural Gas Retail Competition) Amendment (Scheme Operator) Regulation 2008*.

2 Amendment of Gas Supply (Natural Gas Retail Competition) Regulation 2001

The *Gas Supply (Natural Gas Retail Competition) Regulation 2001* is amended by inserting the following after clause 80:

80A Liability of scheme operator under market operations rules

For the purposes of section 33LA (3) of the Act:

- (a) the maximum amount payable by the scheme operator is as follows:
 - (i) \$50,000 to any person for any particular negligent act or omission,
 - (ii) \$500,000 in total for all negligent acts or omissions occurring in any calendar year, and
- (b) the maximum amount payable by an officer or employee of the scheme operator is nil.

BY AUTHORITY