

Passed by both Houses



New South Wales

Gas Supply Amendment (Ombudsman Scheme) Bill 2009

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2009*



New South Wales

Gas Supply Amendment (Ombudsman Scheme) Bill 2009

Act No , 2009

An Act to require gas reticulators to join the gas industry ombudsman scheme.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Gas Supply Amendment (Ombudsman Scheme) Act 2009*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

Schedule 1 Amendment of Gas Supply Act 1996 No 38

[1] Section 33G Gas industry ombudsman scheme

Insert after section 33G (1) (b):

- (b1) disputes between small retail customers and reticulators and complaints by small retail customers about reticulators, and

[2] Section 33G (2) (a) and (c)

Insert “and reticulators” after “suppliers”, wherever occurring.

[3] Section 33G (5)

Insert “or reticulator” after “supplier”.

[4] Section 33H

Omit the section. Insert instead:

33H Authorisation conditions relating to approved gas industry ombudsman schemes (cf section 96C of Electricity Supply Act 1995)

- (1) It is a condition of a reticulator’s authorisation and of any supplier’s authorisation under which a supplier supplies natural gas to small retail customers that:
 - (a) the authorisation holder must be a member of an approved gas industry ombudsman scheme, and
 - (b) the authorisation holder is bound by, and must comply with, any decision of the gas industry ombudsman under the scheme relating to a dispute or complaint involving the authorisation holder and a small retail customer.
- (2) This section does not apply in respect of an authorised reticulator if the authorised reticulator is exempt from the requirement to be a member of an approved gas industry ombudsman scheme.
- (3) The Minister may, by order in writing, exempt an authorised reticulator from the requirement to be a member of an approved gas industry ombudsman scheme if of the opinion that the authorised reticulator is not currently engaging in any activities for which an authorisation is required.

[5] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Gas Supply Amendment (Ombudsman Scheme) Act 2009

[6] Schedule 2, Part 6

Insert after clause 22:

**Part 6 Provision consequent on enactment of
Gas Supply Amendment (Ombudsman
Scheme) Act 2009**

**23 Extension of gas industry ombudsman scheme to authorised
reticulators**

- (1) A gas industry ombudsman scheme approved by the Minister under section 33G for which approval was in force immediately before the commencement of the *Gas Supply Amendment (Ombudsman Scheme) Act 2009*:
 - (a) is taken, on that commencement, to extend to authorised reticulators (despite the requirements of section 33G (2) (a)), and
 - (b) so extends to disputes or complaints dealt with by the gas industry ombudsman on or after that commencement (whether or not relating to conduct that occurred before that commencement).
- (2) This clause does not prevent the Minister from approving any changes to the gas industry ombudsman scheme in connection with its extension to authorised reticulators.