



New South Wales

Gas Supply Amendment (Ombudsman Scheme) Bill 2009

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Gas Supply Act 1996* to require gas reticulators to join a gas industry ombudsman scheme approved by the Minister for Energy and to comply with any decisions of the ombudsman relating to a dispute or complaint. Currently, gas suppliers are required to be members of the scheme.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Schedule 1 Amendment of Gas Supply Act 1996 No 38

Schedule 1 [4] makes it a condition of a gas reticulator's authorisation that it must be a member of an approved gas industry ombudsman scheme and that it is bound by, and must comply with, any decision of the ombudsman relating to a dispute or

complaint between the gas reticulator and a small retail customer. This condition currently applies to gas suppliers' authorisations. Schedule 1 [4] also provides that the Minister may exempt certain authorised gas reticulators from the requirement to join the scheme. **Schedule 1 [1]–[3]** are consequential amendments.

Schedule 1 [5] provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.

Schedule 1 [6] inserts a transitional provision that allows a gas industry ombudsman scheme that has already been approved by the Minister for Energy for gas suppliers to be extended to gas reticulators without the need for further approval.

First print



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Gas Supply Amendment (Ombudsman Scheme) Bill 2009

No. , 2009

A Bill for

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

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Gas Supply Amendment (Ombudsman Scheme) Act 2009</i> .	3 4
2 Commencement	5
This Act commences on a day to be appointed by proclamation.	6

Schedule 1	Amendment of Gas Supply Act 1996	1
	No 38	2
[1]	Section 33G Gas industry ombudsman scheme	3
	Insert after section 33G (1) (b):	4
	(b1) disputes between small retail customers and reticulators	5
	and complaints by small retail customers about	6
	reticulators, and	7
[2]	Section 33G (2) (a) and (c)	8
	Insert “and reticulators” after “suppliers”, wherever occurring.	9
[3]	Section 33G (5)	10
	Insert “or reticulator” after “supplier”.	11
[4]	Section 33H	12
	Omit the section. Insert instead:	13
33H	Authorisation conditions relating to approved gas industry	14
	ombudsman schemes (cf section 96C of Electricity Supply Act 1995)	15
	(1) It is a condition of a reticulator’s authorisation and of any	16
	supplier’s authorisation under which a supplier supplies natural	17
	gas to small retail customers that:	18
	(a) the authorisation holder must be a member of an approved	19
	gas industry ombudsman scheme, and	20
	(b) the authorisation holder is bound by, and must comply	21
	with, any decision of the gas industry ombudsman under	22
	the scheme relating to a dispute or complaint involving the	23
	authorisation holder and a small retail customer.	24
	(2) This section does not apply in respect of an authorised reticulator	25
	if the authorised reticulator is exempt from the requirement to be	26
	a member of an approved gas industry ombudsman scheme.	27
	(3) The Minister may, by order in writing, exempt an authorised	28
	reticulator from the requirement to be a member of an approved	29
	gas industry ombudsman scheme if of the opinion that the	30
	authorised reticulator is not currently engaging in any activities	31
	for which an authorisation is required.	32
[5]	Schedule 2 Savings, transitional and other provisions	33
	Insert at the end of clause 1 (1):	34
	<i>Gas Supply Amendment (Ombudsman Scheme) Act 2009</i>	35

[6] Schedule 2, Part 6	1
Insert after clause 22:	2
Part 6 Provision consequent on enactment of Gas Supply Amendment (Ombudsman Scheme) Act 2009	3 4 5
23 Extension of gas industry ombudsman scheme to authorised reticulators	6 7
(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 <i>Gas Supply Amendment (Ombudsman Scheme) Act 2009</i> :	8 9 10 11
(a) is taken, on that commencement, to extend to authorised reticulators (despite the requirements of section 33G (2) (a)), and	12 13 14
(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).	15 16 17 18
(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.	19 20 21