

Australian Gas Networks (NSW) Pty Ltd⁴ ACN 083 199 839

Details of authorisation

Gas Reticulator's Authorisation under the *Gas Supply Act 1996*.

Details concerning the conditions imposed by the Minister

Refer to the authorisation.

Determinations made by the Minister with respect to authorisations and their conditions

24 June 1997

Authorisation granted to Great Southern Energy to supply gas within the local government area of the City of Wagga Wagga.

20 August 1998

Variation to the conditions of a gas reticulator's authorisation to replace the definition of distribution district with:

- ▼ the local government areas of the City of Wagga Wagga, Gundagai, Junee, Lockhart and Tumut as from the date of grant and
- ▼ the local government areas of Culcairn and Holbrook as from 17 September 1998.

21 August 1998

Variation to the conditions of a gas reticulator's authorisation to transfer the authorisation to **Great Southern Energy Gas Networks Pty Limited⁵**.

6 August 1999

Variation to the conditions of a gas reticulator's authorisation to replace the definition of distribution district with "the local government areas of the City of Wagga Wagga, Gundagai, Junee, Lockhart, Tumut, Culcairn, Holbrook, Bombala and Cooma-Monaro; and to insert Clause 18 "Identification of Pipes".

⁴ Australian Gas Networks (NSW) Pty Ltd was formerly Envestra (NSW) Pty Ltd until 9 January 2015.

⁵ On 14 June 2002, Great Southern Energy changed its company name to Country Energy Gas Pty Limited. Effective 29 November 2010, Country Energy Gas Pty Ltd was purchased by Envestra and changed its name to Envestra (NSW) Pty Ltd.

24 December 1999

Variation to the conditions of a gas reticulator's authorisation to add new condition 19 "Network Code".

31 July 2000

Variation to the conditions of a gas reticulator's authorisation to amend condition 19 "Network Code".

23 March 2001

Variation to the condition of a gas reticulator's authorisation to add new condition 20 "Requirement to participate in an Approved Scheme to support full competition in the gas retail market in New South Wales"; plus additional definitions in condition 3.

6 August 2001

Variation to the condition of a gas reticulator's authorisation to add the local government areas of Cootamundra and Temora to the definition of distribution district.

6 September 2001

Variation to the conditions of a gas reticulator's authorisation to add a new condition 21 "Retail Market Business Systems"; plus additional definitions in condition 3.

20 August 2002

Variation to the conditions of a gas reticulator's authorisation to add new condition 22 "Audit of Compliance with FRC obligations".

1 August 2004

Variation to the conditions of a gas reticulator's authorisation to standardise conditions, remove redundant conditions and simplify reporting arrangements.

9 January 2015

The Minister for Resources and Energy approved:

- ▼ the addition of Central Ranges Pipeline Pty Ltd and its distribution districts to the Standardised authorisation.
- ▼ changes to reflect corporate name changes from 'The Albury Gas Co Ltd' to 'Australian Gas Networks (Albury) Ltd', and from 'Envestra (NSW) Pty Ltd' to 'Australian Gas Networks (NSW) Pty Ltd'.
- ▼ the Wesfarmers Kleenheat Gas Pty Ltd authorisation be cancelled.



The Hon Anthony Roberts MP
Minister for Resources and Energy
Special Minister of State

13/432, 10/559

Mr Des Petherick
Acting Chief Executive Officer
Australian Gas Networks Ltd
Level 10, 81 Flinders Street
Adelaide SA 5000 Australia

Dear Mr Petherick

I refer to Australian Gas Networks Ltd's (formerly Envestra Limited) request to make changes to its two natural gas reticulator's authorisations under the *Gas Supply Act 1996* as part of its rebranding exercise. I am pleased to advise that I approve the changes as requested to the natural gas reticulator authorisations as follows:

- ▼ change of name from Albury Gas Company to Australian Gas Networks (Albury) Ltd
- ▼ change of name from Envestra (NSW) Pty Ltd to Australian Gas Networks (NSW) Pty Ltd.

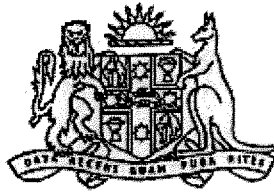
If you have any questions or would like to discuss this further, please do not hesitate to contact Nicole Ikenberg on (02) 9113 7732 or nicole_ikenberg@ipart.nsw.gov.au.

Yours sincerely

Anthony Roberts MP
Minister for Resources and Energy
Special Minister of State

Encl. Standardised natural gas reticulator's authorisation

26 FEB 2015



**NEW SOUTH WALES
GOVERNMENT**

GAS SUPPLY ACT 1996

RETICULATOR'S AUTHORISATION

SCHEDULE

Reticulator's Authorisation

Conditions Imposed by the Minister under s 11(1) (b) of the *Gas Supply Act 1996*

1 Application

This *reticulator's authorisation* is subject to these *Conditions*. The *distribution district* of an individual *reticulator* to which this *reticulator's authorisation* extends is listed in the Attachment to these *Conditions*.

2 Cessation of operations

A *reticulator* must, where practicable, give the *Tribunal* at least 3 months prior written notice of its intention to cease operating the whole or any substantial part of a *distribution pipeline* specified in its *reticulator's authorisation*.

3 Compliance with Network Code

3.1 Where a *reticulator's distribution pipeline* is a *designated distribution pipeline*, the *reticulator* must develop, adopt and comply with a *Network Code* for its *distribution pipeline*.

3.2 Where the *reticulator* has not previously operated within the NSW *gas* market, the obligation under clause 3.1 will apply when the *reticulator* commences to convey *gas* through its *distribution pipeline*.

3.3 The *reticulator* must notify the *Director-General* and the *Tribunal* of any amendment to the *Network Code* proposed by the *reticulator* or by an *authorised supplier*. The *reticulator* must seek submissions on the proposed amendment from *authorised suppliers* in accordance with any guidelines notified by the *Director-General*. The *reticulator* must notify all *authorised suppliers* in NSW, the *Director-General*, and the *Tribunal* of any amendments made to the *Network Code* adopted by the *reticulator*.

3.4 The *reticulator* must make a copy of the *Network Code* adopted by the *reticulator* available to any person on request for a reasonable charge to cover the costs of providing the copy.

4 **Condition removed 24 June 2009 by notice published in Government Gazette No. 93 on 26 June 2009**

5 Insurances and indemnity

- 5.1 A *reticulator* must maintain with a reputable insurance company, workers compensation insurance, public liability insurance and other insurances which it is necessary or prudent for it to maintain covering liability for it, its employees and agents for any loss or damage to property or for death or personal injury to any person for an amount which in all the circumstances is reasonable or for an amount which the *Minister* may from time to time specify.
- 5.2 A *reticulator* must produce to the *Minister* and the *Tribunal* on request satisfactory evidence that such insurance is in force.
- 5.3 A *reticulator* must not do or fail to do anything that would have the effect of avoiding the policy of insurance.
- 5.4 The *reticulator* must indemnify the *Minister* and the *Tribunal* and shall keep them indemnified against loss or damage, (including legal costs on an indemnity basis and the cost of rectifying any breach by the *reticulator* of the *Act* or its *reticulator's authorisation*) which they may jointly or severally sustain arising from any of the following:
- (a) the *reticulator's* failure to comply with the *reticulator's authorisation*;
 - (b) any negligent act or omission of the *reticulator*, its employees or agents.

6 Audit of compliance with conditions

- 6.1 To enable the *Minister* or an auditor appointed by the *Minister* to audit compliance by the *reticulator* with,
- (a) the *reticulator's FRC obligations*; or
 - (b) the *reticulator's* procedures and systems for ensuring compliance with *FRC obligations*,
- the *reticulator* must provide the *Minister* or the auditor with:
- (c) access to its premises and personnel;
 - (d) access to its records in whatever form they may be stored;
 - (e) such information about its records as may be requested for the conduct of the audit; and
 - (f) such assistance and co-operation as may reasonably be required for the conduct of the audit.
- 6.2 The *reticulator* must pay as directed by the *Minister* the costs of any audit conducted under this condition.

7 Compliance management systems

The *reticulator* must develop and maintain internal systems capable of effectively managing compliance with its *reticulator's authorisation*.

8 Compliance with statistical reporting obligations

A *reticulator* must provide the *Minister* or the *Minister's* nominee such operating statistics and performance indicators as may be requested from time to time by the *Minister* or the *Minister's* nominee. The *Minister* or the *Minister's* nominee will provide the *reticulator* with reasons for its request when the initial request is made and after that when a request relates to operating statistics and performance indicators that are of materially different type or category to that provided under the initial or a subsequent request.

9 Definitions and Interpretation

Definitions

9.1 In these *Conditions*, the following expressions have the meaning given to them:

Act	<i>Gas Supply Act 1996 (NSW)</i> .
approved scheme	A scheme, approved by the <i>Minister</i> , to develop, administer and implement appropriate <i>business rules</i> and <i>retail market business systems</i> to support full competition in the <i>gas</i> retail market in New South Wales.
business rules	The rules of an entity, established under an <i>approved scheme</i> , governing the operation of <i>retail market business systems</i> .
conditions	These <i>conditions</i> made by the <i>Minister</i> under s 11 (1) (b) of the <i>Act</i> , expressed in this document as clauses.
designated distribution pipeline	A <i>distribution pipeline</i> specified by the <i>Minister</i> as a designated <i>distribution pipeline</i> by publication in the NSW Government Gazette.
Director-General	The <i>Director-General</i> of the Ministry of Energy and Utilities.
FRC obligations	Those obligations of a <i>reticulator</i> which the <i>Minister</i> considers are obligations that relate to full competition in the retail market for <i>gas</i> in New South Wales and includes those which the <i>Minister</i> considers arise under the <i>Act</i> , the <i>Gas Supply (Natural Gas Retail Competition) Regulation 2001</i> and conditions imposed by the <i>Minister</i> .
gas	Natural <i>gas</i> .
Minister	The <i>Minister</i> responsible for administering the <i>Act</i> .
Network Code	A Code developed by the <i>reticulator</i> in accordance with guidelines approved by the <i>Director General</i> , on 20 December 2001 (as amended) that documents the <i>reticulator's</i> policies, practices and procedures with respect to the provision of services to <i>gas</i> suppliers, which are necessary to facilitate the operation of a competitive retail market.
premises	Includes a building or part of a building, a structure or part of a structure and land (whether built on or not).
retail market business systems	Has the meaning given to that term in section 33J of the <i>Gas Supply Act 1996</i> .

9.2 In these *Conditions*, the following expressions have the same meaning as in the Dictionary of the Act:

authorised supplier
distribution district
distribution pipeline
reticulator
reticulator's authorisation
supplier
supplier's authorisation
Tribunal

Interpretation

9.3 Wherever these *Conditions* require the *reticulator* to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the *reticulator* from performing the obligation.

9.4 In these *Conditions*:

- (a) the singular includes the plural and vice versa;
- (b) headings are used for convenience only and do not affect the interpretation of these *authorisation* conditions;
- (c) a reference to a document, instrument or law includes any amendments, revisions, renewals, replacements or reprints from time to time;
- (d) a person includes an individual, body corporate, an unincorporated body or other entity;
- (e) the law includes legislation, regulations, licences, orders, codes, permits and directions;
- (f) italicised expressions are defined in clause 9.1, or defined by reference in clause 9.2;
- (g) where a word is defined, any other grammatical form of that word has a corresponding meaning;
- (h) a financial year means a year commencing on 1 July and ending on 30 June in the subsequent calendar year.

ATTACHMENT

Reticulators' Distribution districts

Each reticulator listed in this Attachment has a distribution district comprising the local government areas, or parts of local government areas, corresponding to that reticulator in this Attachment.

Name of Reticulator	Distribution district
ActewAGL Distribution Limited (ACN 073 025 224) and AGL Gas Company (ACT) Limited (ACN 008 552 663) as partners in the partnership styled <i>ActewAGL Distribution</i>	Eastern Capital City Regional, Greater Queanbeyan, Shoalhaven, Tumut
Jemena Gas Networks (ACN 003 004 322)	Ashfield, Auburn, Bankstown, Bathurst, Baulkham Hills, Berrigan, Blacktown, Bland, Blayney, Blue Mountains, Bombala, Boorowa, Botany, Burwood, Cabonne, Camden, Campbelltown, Canada Bay, Canterbury, Cessnock, Conargo, Coolah, Coolamon, Coonabarabran, Cooma-Monaro, Cootamundra, Corowa, Cowra, Culcairn, Deniliquin, Dubbo, Eastern Capital City Regional, Evans, Fairfield, Forbes, Gilgandra, Gosford, Greater Argyle, Greater Queanbeyan, Lithgow, Griffith, Gundagai, Gunnedah, Harden, Hawkesbury, Holbrook, Holroyd, Hornsby, Hume, Hunters Hill, Hurstville, Jerilderie, Junee, Kiama, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leeton, Leichhardt, Liverpool, Maitland, Manly, Marrickville, Moree Plains, Mosman, Mudgee, Murray, Muswellbrook, Narrabri, Narrandera, Narromine, Newcastle, North Sydney, Oberon, Orange, Parkes, Parramatta, Parry, Penrith, Pittwater, Port Stephens, Quirindi, Randwick, Rockdale, Ryde, Shellharbour, Shoalhaven, Singleton, Snowy River, Strathfield, Sutherland, Sydney, Tamworth, Temora, Tumut, Upper Lachlan, Warringah, Waverley, Weddin, Wellington, Willoughby, Wingecarribee, Wollondilly, Wollongong, Woollahra, Wyong, Yass Valley, Young
Australian Gas Networks (Albury) Ltd (ACN 000 001 249)	Albury, Berrigan, Conargo, Corowa, Deniliquin, Hume, Jerilderie, Murray
Allgas Energy Ltd (ACN 009 656 446)	Tweed, Narrabri
Australian Gas Networks (NSW) Pty Ltd (ACN 083 199 839)	Bombala, Cooma-Monaro, Cootamundra, Culcairn, Gundagai, Holbrook, Junee, Lockhart, Temora, Tumut, Wagga Wagga
Central Ranges Pipeline Pty Ltd (ACN 108 218 355)	Dubbo City Council, Gilgandra Shire Council, Gunnedah Shire Council, Liverpool Plains Shire Council, Mid-Western Regional Council, Tamworth Regional Council, Warrumbungle Shire Council

Department of Water and Energy

WATER ACT 1912

APPLICATIONS for licences under section 10 of Part 2 of the Water Act 1912, have been received as follows:

William Michael NEVILLE and Heather Nancy NEVILLE for a pump on the Goulburn River, on part Lot 156, DP 753767, Parish Arndell, County Hunter, for irrigation of 6 hectares (split of existing entitlement) (Reference: 20SL061793).

William Michael NEVILLE and Heather Nancy NEVILLE for a pump on the Goulburn River, on an easement within Lot 156, DP 753767, Parish Arndell, County Hunter, for water supply for stock and domestic purposes (to proposed Lot 1, exempt from current 22BA embargo) (Reference: 20SL061795).

William Michael NEVILLE and Heather Nancy NEVILLE for a pump on the Goulburn River, on an easement within Lot 156, DP 753767, Parish Arndell, County Hunter, for water supply for stock and domestic purposes (to proposed Lot 2, exempt from current 22BA embargo) (Reference: 20SL061796).

William Michael NEVILLE and Heather Nancy NEVILLE for a pump on the Goulburn River, on an easement within Lot 156, DP 753767, Parish Arndell, County Hunter, for water supply for stock and domestic purposes (to proposed Lot 3, exempt from current 22BA embargo) (Reference: 20SL061797).

Robert James LLOYD for a pump on Halls Creek, on an easement within Lot 40, DP 750963, Parish Wickham, County Brisbane, for water supply for stock and domestic purposes and irrigation of 7 hectares (split of existing entitlement, exempt from current 22BA embargo) (Reference: 20SL061804).

Written objections to the application specifying grounds thereof must be lodged with the Department of Water and Energy, PO Box 796, Murwillumbah NSW 2484, within 28 days of the date of publication.

D. MILLING,
Manager,
Licensing

WATER ACT 1912

APPLICATION for a licence under Part 5 of the Water Act, 1912, as amended, has been received as follows;

Murrumbidgee Valley

Jason William MARSH for a bore licence on Lot 145 DP754559, Parish of Mimosa, County of Mitchell for a water supply for irrigation purposes (cereals and pastures). Conversion of a test bore lodged prior to the existing embargo. New Licence. (Ref.40BL192145) Any inquiries regarding the above should be directed to the undersigned on (02) 6953 0700. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the Department of Water and Energy, PO Box 156, Leeton NSW 2705, within 28 days of the date of this publication.

S.F. WEBB,
Licensing Manager

GAS SUPPLY ACT 1996

Section 12

Notice Of Variation of Conditions of Supplier's Authorisation

THIS Notice applies to the conditions of Supplier's Authorisation granted by the Minister for Energy on 9 July 2004 under section 11(1)(b) Gas Supply Act 1996. Under section 12 Gas Supply Act 1996 the conditions are varied as follows:

1. Clause 3 (Requirement to participate in an approved scheme) is deleted in its entirety.

All remaining conditions of the Supplier's Authorisation remain in force. This variation shall take effect on the 'changeover date' as defined in the National Gas Law adopted in New South Wales through the National Gas (New South Wales) Act 2008.

Dated at Sydney, this 24th day of June 2009.

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

GAS SUPPLY ACT 1996

Section 12

Notice of Variation of Conditions of Reticulator's Authorisation

THIS Notice applies to the conditions of Reticulator's Authorisation granted by the Minister for Energy on 9 July 2004 under section 11(1)(b) Gas Supply Act 1996. Under section 12 Gas Supply Act 1996 the conditions are varied as follows:

1. Clause 4 (Requirement to participate in an approved scheme) is deleted in its entirety.

All remaining conditions of the Reticulator's Authorisation remain in force. This variation shall take effect on the 'changeover date' as defined in the National Gas Law adopted in New South Wales through the National Gas (New South Wales) Act 2008.

Dated at Sydney, this 24th day of June 2009.

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

NATIONAL GAS LAW

Schedule 3, Section 67

Notice of Allocation Order

PURSUANT to section 67(1) of Schedule 3 of the National Gas Law, I, Ian Macdonald, Minister for Energy, New South Wales make the following Allocation Order with effect on and from the Relevant Date as defined in the Allocation Order.

Dated at Sydney, this 24th day of June 2009.

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



**NEW SOUTH WALES
GOVERNMENT**

GAS SUPPLY ACT 1996

RETICULATOR'S AUTHORISATION

SCHEDULE

Reticulator's Authorisation

Conditions Imposed by the Minister under s 11(1) (b) of the *Gas Supply Act 1996*

1 Application

This *reticulator's authorisation* is subject to these *Conditions*. The *distribution district* of an individual *reticulator* to which this *reticulator's authorisation* extends is listed in the Attachment to these *Conditions*.

2 Cessation of operations

A *reticulator* must, where practicable, give the *Tribunal* at least 3 months prior written notice of its intention to cease operating the whole or any substantial part of a *distribution pipeline* specified in its *reticulator's authorisation*.

3 Compliance with Network Code

3.1 Where a *reticulator's distribution pipeline* is a *designated distribution pipeline*, the *reticulator* must develop, adopt and comply with a *Network Code* for its *distribution pipeline*.

3.2 Where the *reticulator* has not previously operated within the NSW *gas* market, the obligation under clause 3.1 will apply when the *reticulator* commences to convey *gas* through its *distribution pipeline*.

3.3 The *reticulator* must notify the *Director-General* and the *Tribunal* of any amendment to the *Network Code* proposed by the *reticulator* or by an *authorised supplier*. The *reticulator* must seek submissions on the proposed amendment from *authorised suppliers* in accordance with any guidelines notified by the *Director-General*. The *reticulator* must notify all *authorised suppliers* in NSW, the *Director-General*, and the *Tribunal* of any amendments made to the *Network Code* adopted by the *reticulator*.

3.4 The *reticulator* must make a copy of the *Network Code* adopted by the *reticulator* available to any person on request for a reasonable charge to cover the costs of providing the copy.

4 Condition removed 24 June 2009 by notice published in Government Gazette No. 93 on 26 June 2009

5 Insurances and indemnity

- 5.1 A *reticulator* must maintain with a reputable insurance company, workers compensation insurance, public liability insurance and other insurances which it is necessary or prudent for it to maintain covering liability for it, its employees and agents for any loss or damage to property or for death or personal injury to any person for an amount which in all the circumstances is reasonable or for an amount which the *Minister* may from time to time specify.
- 5.2 A *reticulator* must produce to the *Minister* and the *Tribunal* on request satisfactory evidence that such insurance is in force.
- 5.3 A *reticulator* must not do or fail to do anything that would have the effect of avoiding the policy of insurance.
- 5.4 The *reticulator* must indemnify the *Minister* and the *Tribunal* and shall keep them indemnified against loss or damage, (including legal costs on an indemnity basis and the cost of rectifying any breach by the *reticulator* of the *Act* or its *reticulator's* *authorisation*) which they may jointly or severally sustain arising from any of the following:
- (a) the *reticulator's* failure to comply with the *reticulator's* *authorisation*;
 - (b) any negligent act or omission of the *reticulator*, its employees or agents.

6 Audit of compliance with conditions

- 6.1 To enable the *Minister* or an auditor appointed by the *Minister* to audit compliance by the *reticulator* with,
- (a) the *reticulator's* *FRC* obligations; or
 - (b) the *reticulator's* procedures and systems for ensuring compliance with *FRC* obligations,
- the *reticulator* must provide the *Minister* or the auditor with:
- (c) access to its premises and personnel;
 - (d) access to its records in whatever form they may be stored;
 - (e) such information about its records as may be requested for the conduct of the audit; and
 - (f) such assistance and co-operation as may reasonably be required for the conduct of the audit.
- 6.2 The *reticulator* must pay as directed by the *Minister* the costs of any audit conducted under this condition.

7 Compliance management systems

The *reticulator* must develop and maintain internal systems capable of effectively managing compliance with its *reticulator's* *authorisation*.

8 Compliance with statistical reporting obligations

A *reticulator* must provide the *Minister* or the *Minister's* nominee such operating statistics and performance indicators as may be requested from time to time by the *Minister* or the *Minister's* nominee. The *Minister* or the *Minister's* nominee will provide the *reticulator* with reasons for its request when the initial request is made and after that when a request relates to operating statistics and performance indicators that are of materially different type or category to that provided under the initial or a subsequent request.

9 Definitions and Interpretation

Definitions

9.1 In these *Conditions*, the following expressions have the meaning given to them:

Act	<i>Gas Supply Act 1996 (NSW)</i> .
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business rules	The rules of an entity, established under an <i>approved scheme</i> , governing the operation of <i>retail market business systems</i> .
conditions	These <i>conditions</i> made by the <i>Minister</i> under s 11 (1) (b) of the Act, expressed in this document as clauses.
designated distribution pipeline	A <i>distribution pipeline</i> specified by the <i>Minister</i> as a designated <i>distribution pipeline</i> by publication in the NSW Government Gazette.
Director-General	The <i>Director-General</i> of the Ministry of Energy and Utilities.
FRC obligations	Those obligations of a <i>reticulator</i> which the <i>Minister</i> considers are obligations that relate to full competition in the retail market for <i>gas</i> in New South Wales and includes those which the <i>Minister</i> considers arise under the Act, the <i>Gas Supply (Natural Gas Retail Competition) Regulation 2001</i> and conditions imposed by the <i>Minister</i> .
gas	Natural <i>gas</i>
Minister	The <i>Minister</i> responsible for administering the Act.
Network Code	A Code developed by the <i>reticulator</i> in accordance with guidelines approved by the Director General, on 20 December 2001 (as amended) that documents the <i>reticulator's</i> policies, practices and procedures with respect to the provision of services to gas suppliers, which are necessary to facilitate the operation of a competitive retail market
premises	Includes a building or part of a building, a structure or part of a structure and land (whether built on or not.)
retail market business systems	Has the meaning given to that term in section 33J of the <i>Gas Supply Act 1996</i> .

9.2 In these *Conditions*, the following expressions have the same meaning as in the Dictionary of the Act:

authorised supplier
distribution district
distribution pipeline
reticulator
reticulator's authorisation
supplier
supplier's authorisation
Tribunal

Interpretation

9.3 Wherever these *Conditions* require the *reticulator* to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the *reticulator* from performing the obligation.

9.4 In these *Conditions*:

- (a) the singular includes the plural and vice versa;
- (b) headings are used for convenience only and do not affect the interpretation of these *authorisation* conditions;
- (c) a reference to a document, instrument or law includes any amendments, revisions, renewals, replacements or reprints from time to time;
- (d) a person includes an individual, body corporate, an unincorporated body or other entity;
- (e) the law includes legislation, regulations, licences, orders, codes, permits and directions;
- (f) italicised expressions are defined in clause 9.1, or defined by reference in clause 9.2
- (g) where a word is defined, any other grammatical form of that word has a corresponding meaning;
- (h) a financial year means a year commencing on 1 July and ending on 30 June in the subsequent calendar year.

ATTACHMENT

Reticulators' Distribution districts

Each reticulator listed in this Attachment has a distribution district comprising the local government areas, or parts of local government areas, corresponding to that reticulator in this Attachment.

Name of reticulator	Distribution district
Actew Distribution Limited (ACN 073 025 224) and AGL Gas Company (ACT) Limited (ACN 008 552 663) as partners in the partnership styled <i>ActewAGL Distribution</i>	Eastern Capital City Regional, Greater Queanbeyan, Shoalhaven, Tumut
<i>Jemena Gas Networks</i> (ACN 003 004 322)	Ashfield, Auburn, Bankstown, Bathurst, Baulkham Hills, Berrigan, Blacktown, Bland, Blayney, Blue Mountains, Bombala, Boorowa, Botany, Burwood, Cabonne, Camden, Campbelltown, Canada Bay, Canterbury, Cessnock, Conargo, Coolah, Coolamon, Coonabarabran, Cooma-Monaro, Cootamundra, Corowa, Cowra, Culcairn, Deniliquin, Dubbo, Eastern Capital City Regional, Evans, Fairfield, Forbes, Gilgandra, Gosford, Greater Argyle, Greater Queanbeyan, Lithgow, Griffith, Gundagai, Gunnedah, Harden, Hawkesbury, Holbrook, Holroyd, Hornsby, Hume, Hunters Hill, Hurstville, Jerilderie, Junee, Kiama, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leeton, Leichhardt, Liverpool, Maitland, Manly, Marrickville, Moree Plains, Mosman, Mudgee, Murray, Muswellbrook, Narrabri, Narrandera, Narromine, Newcastle, North Sydney, Oberon, Orange, Parkes, Parramatta, Parry, Penrith, Pittwater, Port Stephens, Quirindi, Randwick, Rockdale, Ryde, Shellharbour, Shoalhaven, Singleton, Snowy River, Strathfield, Sutherland, Sydney, Tamworth, Temora, Tumut, Upper Lachlan, Warringah, Waverley, Weddin, Wellington, Willoughby, Wingecarribee, Wollondilly, Wollongong, Woollahra, Wyong, Yass Valley, Young
<i>Albury Gas Company</i> (ACN 000 001 249)	Albury, Berrigan, Conargo, Corowa, Deniliquin, Hume, Jerilderie, Murray
<i>Allgas Energy Ltd</i> (ACN 009 656 446)	Tweed, Narrabri
<i>Country Energy Gas Pty Limited</i> (ACN 083 199 839)	Bombala, Cooma-Monaro, Cootamundra, Culcairn, Gundagai, Holbrook, Junee, Lockhart, Temora, Tumut, Wagga Wagga
<i>Wesfarmers Kleenheat Gas Pty Limited</i> (ACN 008 679 543)	Armidale Dumaresq



FAXED
30/7/04

INDEPENDENT PRICING AND REGULATORY TRIBUNAL
OF NEW SOUTH WALES

Our reference: 02/240

23 July 2004

Contact Ms Kumi Cuthbertson,
Analyst, Energy Licensing
Ph: (02) 9290 8479 Fax: (02) 9290 8462
Email: kumi_cuthbertson@ipart.nsw.gov.au

Mr Craig Murray
Chief Executive Officer
Country Energy Gas Pty Limited
PO Box 718
QUEENBEYAN NSW 2620

Dear Mr Murray

**Ministerially-imposed natural gas reticulators' authorisation conditions
under Section 11(1) (b) of the *Gas Supply Act 1996***

In its major licensing report, *Review of Electricity and Gas Licensing Regimes in NSW*, the Tribunal recommended a review of existing Ministerially-imposed gas authorisation conditions to standardise obligations across the industry. (A copy of the report, released in January 2003, is available on the Tribunal's website at www.ipart.nsw.gov.au). Following consultation with stakeholders in 2003, the Tribunal finalised the standard conditions for the Minister's approval. I am now pleased to inform you that the Minister has varied the gas authorisation conditions as recommended by the Tribunal.

The attached schedule replaces your company's existing Ministerially-imposed reticulator authorisation conditions. In standardising these conditions, the Minister has removed redundant conditions and simplified reporting arrangements. The conditions are enforceable from 1 August 2004.

As these conditions are standard across the industry in NSW, they will also be available on the Tribunal's website. If you have any questions on this matter, please contact Gary Drysdale on (02) 9290 8477 or Kumi Cuthbertson on (02) 9290 8479.

Yours sincerely,

James Cox
Acting Chairman



**NEW SOUTH WALES
GOVERNMENT**

GAS SUPPLY ACT 1996

RETICULATOR'S AUTHORISATION

SCHEDULE

Reticulator's Authorisation Conditions Imposed by the Minister under s 11(1) (b) of the *Gas Supply Act 1996*

1 Application

This *reticulator's authorisation* is subject to these *Conditions*. The *distribution district* of an individual *reticulator* to which this *reticulator's authorisation* extends is listed in the Attachment to these *Conditions*.

2 Cessation of operations

A *reticulator* must, where practicable, give the *Tribunal* at least 3 months prior written notice of its intention to cease operating the whole or any substantial part of a *distribution pipeline* specified in its *reticulator's authorisation*.

3 Compliance with Network Code

- 3.1 Where a *reticulator's distribution pipeline* is a *designated distribution pipeline*, the *reticulator* must develop, adopt and comply with a *Network Code* for its *distribution pipeline*.
- 3.2 Where the *reticulator* has not previously operated within the NSW *gas* market, the obligation under clause 3.1 will apply when the *reticulator* commences to convey *gas* through its *distribution pipeline*.
- 3.3 The *reticulator* must notify the *Director-General* and the *Tribunal* of any amendment to the *Network Code* proposed by the *reticulator* or by an *authorised supplier*. The *reticulator* must seek submissions on the proposed amendment from *authorised suppliers* in accordance with any guidelines notified by the *Director-General*. The *reticulator* must notify all *authorised suppliers* in NSW, the *Director-General*, and the *Tribunal* of any amendments made to the *Network Code* adopted by the *reticulator*.
- 3.4 The *reticulator* must make a copy of the *Network Code* adopted by the *reticulator* available to any person on request for a reasonable charge to cover the costs of providing the copy.

4 Requirement to participate in an approved scheme

- 4.1 This condition applies only to a *reticulator* whose *distribution pipeline* specified in that *reticulator's authorisation* is a *designated distribution pipeline*.

- 4.2 A *reticulator* must participate in an *approved scheme*.
- 4.3 The *reticulator* must provide to the *Minister* or the *Minister's* nominee information about the operation of the *approved scheme* as may be required from time to time by the *Minister*.

5 Insurances and indemnity

- 5.1 A *reticulator* must maintain with a reputable insurance company, workers compensation insurance, public liability insurance and other insurances which it is necessary or prudent for it to maintain covering liability for it, its employees and agents for any loss or damage to property or for death or personal injury to any person for an amount which in all the circumstances is reasonable or for an amount which the *Minister* may from time to time specify.
- 5.2 A *reticulator* must produce to the *Minister* and the *Tribunal* on request satisfactory evidence that such insurance is in force.
- 5.3 A *reticulator* must not do or fail to do anything that would have the effect of avoiding the policy of insurance.
- 5.4 The *reticulator* must indemnify the *Minister* and the *Tribunal* and shall keep them indemnified against loss or damage, (including legal costs on an indemnity basis and the cost of rectifying any breach by the *reticulator* of the *Act* or its *reticulator's authorisation*) which they may jointly or severally sustain arising from any of the following:
- (a) the *reticulator's* failure to comply with the *reticulator's authorisation*;
 - (b) any negligent act or omission of the *reticulator*, its employees or agents.

6 Audit of compliance with conditions

- 6.1 To enable the *Minister* or an auditor appointed by the *Minister* to audit compliance by the *reticulator* with,
- (a) the *reticulator's FRC obligations*; or
 - (b) the *reticulator's* procedures and systems for ensuring compliance with *FRC obligations*,
- the *reticulator* must provide the *Minister* or the auditor with:
- (c) access to its premises and personnel;
 - (d) access to its records in whatever form they may be stored;
 - (e) such information about its records as may be requested for the conduct of the audit; and
 - (f) such assistance and co-operation as may reasonably be required for the conduct of the audit.
- 6.2 The *reticulator* must pay as directed by the *Minister* the costs of any audit conducted under this condition.

7 Compliance management systems

The *reticulator* must develop and maintain internal systems capable of effectively managing compliance with its *reticulator's authorisation*.

8 Compliance with statistical reporting obligations

A *reticulator* must provide the *Minister* or the *Minister's* nominee such operating statistics and performance indicators as may be requested from time to time by the *Minister* or the *Minister's* nominee. The *Minister* or the *Minister's* nominee will provide the *reticulator* with reasons for its request when the initial request is made and after that when a request relates to operating statistics and performance indicators that are of materially different type or category to that provided under the initial or a subsequent request.

9 Definitions and Interpretation

Definitions

9.1 In these *Conditions*, the following expressions have the meaning given to them:

Act	<i>Gas Supply Act 1996 (NSW)</i> .
approved scheme	A scheme, approved by the <i>Minister</i> , to develop, administer and implement appropriate <i>business rules</i> and <i>retail market business systems</i> to support full competition in the gas retail market in New South Wales.
business rules	The rules of an entity, established under an <i>approved scheme</i> , governing the operation of <i>retail market business systems</i> .
conditions	These <i>conditions</i> made by the <i>Minister</i> under s 11 (1) (b) of the Act, expressed in this document as clauses.
designated distribution pipeline	A <i>distribution pipeline</i> specified by the <i>Minister</i> as a designated <i>distribution pipeline</i> by publication in the NSW Government Gazette.
Director-General	The <i>Director-General</i> of the Ministry of Energy and Utilities.
FRC obligations	Those obligations of a <i>reticulator</i> which the <i>Minister</i> considers are obligations that relate to full competition in the retail market for gas in New South Wales and includes those which the <i>Minister</i> considers arise under the Act, the <i>Gas Supply (Natural Gas Retail Competition) Regulation 2001</i> and conditions imposed by the <i>Minister</i> .
gas	Natural gas
Minister	The <i>Minister</i> responsible for administering the Act.
Network Code	A Code developed by the <i>reticulator</i> in accordance with guidelines approved by the Director General, on 20 December 2001 (as amended) that documents the <i>reticulator's</i> policies, practices and procedures with respect to the provision of services to gas suppliers, which are necessary to facilitate the operation of a competitive retail

	market
premises	Includes a building or part of a building, a structure or part of a structure and land (whether built on or not.)
retail market business systems	Has the meaning given to that term in section 33J of the <i>Gas Supply Act 1996</i> .

9.2 In these *Conditions*, the following expressions have the same meaning as in the Dictionary of the Act:

authorised supplier
distribution district
distribution pipeline
reticulator
reticulator's authorisation
supplier
supplier's authorisation
Tribunal

Interpretation

9.3 Wherever these *Conditions* require the *reticulator* to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the *reticulator* from performing the obligation.

9.4 In these *Conditions*:

- (a) the singular includes the plural and vice versa;
- (b) headings are used for convenience only and do not affect the interpretation of these *authorisation conditions*;
- (c) a reference to a document, instrument or law includes any amendments, revisions, renewals, replacements or reprints from time to time;
- (d) a person includes an individual, body corporate, an unincorporated body or other entity;
- (e) the law includes legislation, regulations, licences, orders, codes, permits and directions;
- (f) italicised expressions are defined in clause 9.1, or defined by reference in clause 9.2
- (g) where a word is defined, any other grammatical form of that word has a corresponding meaning;
- (h) a financial year means a year commencing on 1 July and ending on 30 June in the subsequent calendar year.

ATTACHMENT

Reticulators' Distribution districts

Each reticulator listed in this Attachment has a distribution district comprising the local government areas, or parts of local government areas, corresponding to that reticulator in this Attachment.

Name of reticulator	Distribution district
Actew Distribution Limited (ACN 073 025 224) and AGL Gas Company (ACT) Limited (ACN 008 552 663) as partners in the partnership styled <i>ActewAGL Distribution</i>	Eastern Capital City Regional, Greater Queanbeyan, Shoalhaven, Tumut
<i>AGL Gas Networks</i> (ACN 003 004 322)	Ashfield, Auburn, Bankstown, Bathurst, Baulkham Hills, Berrigan, Blacktown, Bland, Blayney, Blue Mountains, Bombala, Boorowa, Botany, Burwood, Cabonne, Camden, Campbelltown, Canada Bay, Canterbury, Cessnock, Conargo, Coolah, Coolamon, Coonabarabran, Cooma-Monaro, Cootamundra, Corowa, Cowra, Culcairn, Deniliquin, Dubbo, Eastern Capital City Regional, Evans, Fairfield, Forbes, Gilgandra, Gosford, Greater Argyle, Greater Queanbeyan, Lithgow, Griffith, Gundagai, Gunnedah, Harden, Hawkesbury, Holbrook, Holroyd, Hornsby, Hume, Hunters Hill, Hurstville, Jerilderie, Junee, Kiama, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leeton, Leichhardt, Liverpool, Maitland, Manly, Marrickville, Moree Plains, Mosman, Mudgee, Murray, Muswellbrook, Narrabri, Narrandera, Narromine, Newcastle, North Sydney, Oberon, Orange, Parkes, Parramatta, Parry, Penrith, Pittwater, Port Stephens, Quirindi, Randwick, Rockdale, Ryde, Shellharbour, Shoalhaven, Singleton, Snowy River, Strathfield, Sutherland, Sydney, Tamworth, Temora, Tumut, Upper Lachlan, Warringah, Waverley, Weddin, Wellington, Willoughby, Wingecarribee, Wollondilly, Wollongong, Woollahra, Wyong, Yass Valley, Young
<i>Albury Gas Company</i> (ACN 000 001 249)	Albury, Berrigan, Conargo, Corowa, Deniliquin, Hume, Jerilderie, Murray
<i>Allgas Energy Ltd</i> (ACN 009 656 446)	Tweed, Narrabri
<i>Country Energy Gas Pty Limited</i> (ACN 083 199 839)	Bombala, Cooma-Monaro, Cootamundra, Culcairn, Gundagai, Holbrook, Junee, Lockhart, Temora, Tumut, Wagga Wagga
<i>Wesfarmers Kleenheat Gas Pty Limited</i> (ACN 008 679 543)	Armidale Dumaresq



INDEPENDENT PRICING AND REGULATORY TRIBUNAL
OF NEW SOUTH WALES

Our reference: 01/325-5

Contact Gary Drysdale
Phone (02) 9290 8477, Fax (02) 92902061
Email: gary_drysdale@ipart.nsw.gov.au

12 September 2002

Mr Geoffrey Walker
Manager, Gas Networks
Country Energy Gas Pty Limited
PO Box 718
QUEENBEYAN NSW 2620

Dear Mr Walker

Gas Supply Act 1996 - Section 11(1)(b)
Notice of Variation to the Gas Reticulator Authorisation Held by
Country Energy Gas Pty Limited

On 4 December 2001 the Minister advised all natural gas authorisation holders of his intention to add a new condition to supplier and reticulator authorisations. The condition would require authorisation holders to have their compliance with authorisation conditions externally audited to Australian Audit Standards.

As a result of submissions received the Minister has agreed to limit the proposed audit condition to compliance with Full Retail Competition (FRC) related obligations only. This does not preclude the possibility of the Minister choosing to widen the scope of compliance audits at a later stage, should he consider this necessary.

I therefore advise of the Minister's decision under s11(1)(b) of the Gas Supply Act 1996 to incorporate a new condition to the gas reticulator authorisation that your company holds in New South Wales.

The schedule accompanying the grant of authorisation shall be varied in the following manner:

Add new condition 22 as per the following:

"Condition 22 Audit of Compliance with FRC obligations

1. *To enable the Minister for Energy or an auditor appointed by the Minister to audit compliance by the holder of a natural gas suppliers authorisation with:*
 - *the authorisation holder's FRC obligations; or*
 - *the authorisation holder's procedures and systems for ensuring its compliance with FRC obligations,*

the authorisation holder must provide the Minister or the auditor with:

- a) access to its premises and personnel;*
 - b) access to its records in whatever form they may be stored;*
 - c) such information about its records as may be requested for the conduct of the audit;*
 - d) such assistance and co-operation as may reasonably be required for the conduct of the audit*
- 2. The authorisation holder must pay as directed by the Minister the costs of any audit conducted under this condition.*
 - 3. In this condition "FRC obligations" means those obligations of an authorisation holder which the Minister considers are obligations that relate to full retail competition in the market for natural gas in New South Wales and includes those which the Minister considers arise under the Gas Supply Act 1996, regulations imposed under the Act including the Gas Supply (Natural Gas Retail Competition) Regulation 2001 and conditions imposed by the Minister."*

The Minister approved of this variation on 20 August 2002.

A complete copy of your company's authorisation conditions will be re-issued when the Tribunal's current work toward standardising gas authorisation conditions has been completed.

Any enquiries should be directed to Mr Gary Drysdale, Program Manager, Energy Compliance on (02) 9290 8477.

Yours sincerely,



Thomas G Parry
Chairman



New South Wales

MINISTER FOR INFORMATION TECHNOLOGY,
MINISTER FOR ENERGY, MINISTER FOR FORESTRY, AND
MINISTER FOR WESTERN SYDNEY

DITM Ref: D11517
MEU Ref: 01/00827
File No: M01/3090

Mr Geoffrey Walker
Manager, Gas Network Development and Business
Great Southern Energy Gas Networks Pty Ltd
PO Box 718
QUEANBEYAN NSW 2620

- 6 SEP 2001

Dear Mr Walker

Variation of Great Southern Energy Gas Networks Pty Ltd's Authorisation

I refer to correspondence on 20 June 2001 from the Director-General of the Ministry of Energy and Utilities notifying my intention to vary the conditions to the authorisation held by Great Southern Energy Gas Networks Pty Ltd.

I hereby give notice of the following variation to the conditions of the authorisation held by Great Southern Energy Gas Networks Pty Ltd - ACN 083 199 839.

21 **RETAIL MARKET BUSINESS SYSTEMS**
21.1 **CONTRIBUTION TOWARDS APPROVED SCHEME**

21.1.1 The Director-General (or any person nominated by the Director-General) may, by notice in writing to the authorisation holder, direct the authorisation holder to provide such assistance as the Director-General considers necessary for the development or amendment of the Business Rules and functional specifications of the Retail Market Business Systems of an Approved Scheme.

21.1.2 The Director-General (or any person nominated by the Director-General) may, by notice in writing to the authorisation holder, direct the authorisation holder to develop (or participate in the development of) and participate in the testing of:

- (a) the Retail Market Business Systems of an Approved Scheme;
- (b) the Authorisation Holder's Systems for interfacing with the Retail Market Business Systems of an Approved Scheme; or

- (c) the Authorisation Holder's Systems for interfacing with another authorisation holder's information technology and business systems.

21.1.3 The authorisation holder must comply with any directions given by the Director-General under clauses 21.1.1 and 21.1.2 except where such compliance would, in the opinion of the Director-General, be unduly onerous or would cause the authorisation holder to breach any statutory obligations.

21.2 BUSINESS SYSTEMS PROJECT PLAN

21.2.1 The Director-General may, in consultation with market participants, approve a Business Systems Project Plan (and amend that plan from time to time) to facilitate the development of:

- (a) the Retail Market Business Systems of an Approved Scheme; and/or
- (b) the Authorisation Holder's Systems for interfacing with the Retail Market Business Systems of an Approved Scheme.

21.2.2 The Director-General will provide the authorisation holder with a copy of or access to any Business Systems Project Plan approved under clause 21.2.1.

21.2.3 The Director-General will notify the authorisation holder of any amendments to the Business Systems Project Plan.

21.3 DATA MIGRATION PLAN

21.3.1 The Director-General may, in consultation with market participants, approve a Data Migration Plan (and amend that plan from time to time) to establish the Data Conversion Requirements for the testing and operation of the Retail Market Business Systems.

21.3.2 The Director-General will provide the authorisation holder with a copy of or access to any Data Migration Plan approved under clause 21.3.1.

21.3.3 The Director-General will notify the authorisation holder of any amendments to the Data Migration Plan.

21.4 COMPLIANCE WITH BUSINESS SYSTEMS PROJECT PLAN AND DATA MIGRATION PLAN

21.4.1 The authorisation holder must comply with the Milestones set out in the Business Systems Project Plan and the Data Migration Plan.

21.5 OBLIGATION TO PROVIDE INFORMATION

21.5.1 The authorisation holder must furnish the Director-General with such information as the Director-General (or any person nominated by the Director-General) may from time to time require to enable the Director-General to assess the authorisation holder's progress towards achieving the Milestones. That information must be furnished within 7 days of the date of that request or within such additional period as is specified by the Director-General (or any person nominated by the Director-General).

21.6 REPORTING OBLIGATIONS

21.6.1 The authorisation holder must, by the 15th day of each month (or such other day or days as may be notified to the authorisation holder by the Director-General or any person nominated by the Director-General), prepare and furnish the Director-General with a report which sets out the authorisation holder's progress towards achieving the Milestones.

21.6.2 The report referred to in clause 21.6.1 must be in a form and contain a level of detail that is acceptable to the Director-General. If, in the Director-General's opinion, the form or level of detail of the report is inadequate, the Director-General may require the authorisation holder to submit a revised report within 7 days.

21.6.3 The Minister may, by notice in writing to the authorisation holder, release the authorisation holder from its obligations under clauses 21.6.1 and 21.6.2.

21.6.4 Upon receipt of a notice under clause 21.6.3, the authorisation holder will be released from its obligations under clauses 21.6.1 and 21.6.2 on and from the date stipulated in the notice.

21.7 INSPECTION OF RECORDS AND SYSTEMS

21.7.1 The Director-General, or any person nominated by the Director-General, may at reasonable times and on reasonable notice, speak to a representative of the authorisation holder, enter the authorisation holder's premises and (under the supervision of the authorisation holder) inspect:

- (a) the operation of the Authorisation Holder's Systems for interfacing with the Retail Market Business Systems of an Approved Scheme;
- (b) the operation of the Authorisation Holder's Systems for interfacing with another authorisation holder's information technology and business systems; and
- (c) all related documents and equipment.

to assess the authorisation holder's progress towards achieving the Milestones.

21.7.2

If the Director-General reasonably forms the view that the authorisation holder has not achieved or will not achieve the Milestones:

- (a) the Director-General may require the authorisation holder to consult with a person nominated by the Director-General to discuss the reasons for the failure to achieve the Milestones and the actions required to achieve the Milestones;
- (b) the Director-General may require the authorisation holder to establish, to the satisfaction of the Director-General or a person nominated by the Director-General, a recovery plan to ensure that the authorisation holder will be able to meet the Milestones;
- (c) the Director-General may require the authorisation holder to undertake an audit or review of the recovery plan at intervals specified by the Director-General; and
- (d) the authorisation holder must comply with the recovery plan.

21.8

EXPIRY

21.8.1

Clauses 21 - 21.7.2 will cease to have effect within 12 months of the date on which they were incorporated into these authorisation conditions unless, prior to that date, the Minister determines that these clauses will continue in operation until a later specified date.

21.8.2

If such a determination is made, the Director-General (or any person nominated by the Director-General) must notify the authorisation holder of the making of that determination. However, no failure to notify the authorisation holder will invalidate the determination.

3

DEFINITIONS

3

In these Authorisation conditions:

Authorisation Holder's Systems means the information technology and business systems of the authorisation holder that will facilitate the introduction and operation of a competitive retail market for gas in New South Wales.

Business Rules means the business rules which form part of an Approved Scheme.

5

Business Systems Project Plan means the business systems project plan referred to in clause 21.2.1 of these authorisation conditions.

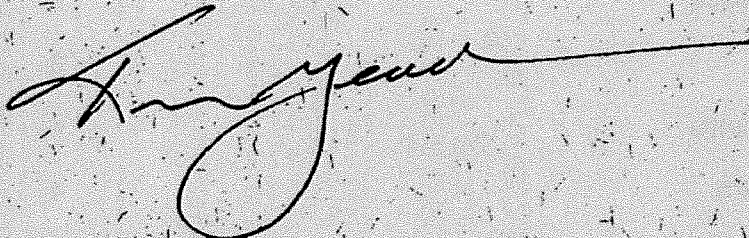
Data Conversion Requirements means the rules governing the transfer of data from relevant authorisation holders to the retail market business systems.

Data Migration Plan means the data migration plan referred to in clause 21.3.1 of these authorisation conditions.

Milestones means the milestones referred to in clause 21.4.1 of these authorisation conditions

Retail Market Business Systems has the meaning set out in section 33J of the *Gas Supply Act 1996*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kim Yeadon', with a long horizontal flourish extending to the right.

Kim Yeadon MP
Minister for Energy

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CONDITIONS OF AUTHORISATION

1. Commencement

This Authorisation commences on the date of grant.

2. Application of Laws

This Authorisation is issued under, and subject to, the Act and Regulations, and is otherwise subject to the laws of the State of New South Wales.

3. Definitions

In this Authorisation, except to the extent that the context or subject matter otherwise indicates or requires:

"Act" means the *Gas Supply Act 1996*, every amendment thereto and any Act of the New South Wales Parliament passed in substitution therefore

"Approved Scheme" means a scheme, approved by the Minister, to develop, administer and implement appropriate business rules and retail market business systems to support full competition in the gas retail market in New South Wales

"Authorisation Holder" means Great Southern Energy Gas Networks Pty Ltd

"Authorisation Holder's System" means the information technology and business systems of the authorisation holder that will facilitate the introduction and operation of a competitive retail market for gas in New South Wales

"Business rules" means business rules which form part of an Approved Scheme

"Business Systems Project Plan" means the business systems project plan referred to in clause 21.2.1 of these authorisation conditions

"Data Conversion Requirements" means the rules governing the transfer of data from relevant authorisation holders to the retail market business systems

"Data Migration Plan" means the data migration plan referred to in clause 21.3.1 of these authorisation conditions

"Director-General" refers to the person from time to time holding office (or equivalent office) as Director-General, Ministry of Energy and Utilities

"Director-General's Guidelines" means the guidelines published by the Director-General from time to time in relation to the reporting of gas losses in the reticulator's gas distribution system

"distribution district" means:

- (a) the local government areas of the City Of Wagga Wagga, Gundagai, Junee, Lockhart and Tumut as from the date of grant and
- (b) the local government areas of Culcairn and Holbrook as from 17 September 1998

"gas" means natural gas only

"gas reticulation business" means the storage by the Reticulator of gas and its distribution by the Reticulator through a distribution system to the premises of gas users in the distribution district

"Milestones" means the milestones referred to in clause 21.4.1 of these authorisation conditions

"Minister" means the person for the time being holding office as Minister for Energy in and for the State of New South Wales

"regulations" means regulations made under the Act

"Retail Market Business Systems" has the meaning set out in section 33J of the Gas Supply Act 1996

"relevant year" means a financial year commencing on 1 July and ending on 30 June in the subsequent calendar year

4. Incorporation of Director-General Guidelines

Where any condition of this Authorisation makes reference to guidelines or criteria established or adopted by the Director-General, the Authorisation Holder must comply with such guidelines or criteria, and they shall be deemed to be incorporated in these conditions.

5. Obligations not extinguished by effluxion of time

Wherever these conditions require the Authorisation Holder to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the Authorisation Holder from performing the obligation.

6. Limitation on Supply

This Authorisation only entitles the Authorisation Holder to convey gas within the distribution district by means of a distribution system to gas users within the distribution district.

7. Supply of Information

1. The Authorisation Holder must keep records for each relevant year, showing details of the Authorisation Holder's financial status, having particular regard to its obligation under Clause 15 of these conditions.
2. The Authorisation Holder must also furnish the Minister with such information as the Minister may determine from time to time to enable the Minister to ascertain whether or not the Authorisation Holder is complying with the conditions imposed on this Authorisation.
3. The Authorisation Holder must forward the information required by Sub-Clauses (1) and (2) to the Minister within such time as the Minister specifies.

8. Cessation or Reduction in Activities

The Authorisation Holder must, wherever applicable, give the Director-General at least 12 months prior written notice of any intention to cease operating the whole or any material part of the distribution system.

9. Distribution System Losses

- (1) Within 30 days of the end of each financial year the Authorisation Holder must submit to the Director-General a report quantifying the gas losses from the Authorisation Holder's distribution system in the prior financial year. The report will include a plan to minimise gas losses in the forthcoming financial year and an assessment of the effectiveness of the prior financial year's plan.
- (2) The obligation to submit a report referred to in Subsection 1 will commence from 1 July 1998.
- (3) If the Director-General issues Director-General's Guidelines, the annual plan and the report on the effectiveness of plans referred to in Subclause (1) must be in accordance with any such Director-General's Guidelines but provided such Guidelines have been in force for at least three months.

10. Gas works

- (1) The Authorisation Holder must restore areas disturbed by the installation, maintenance or repairs to its gas works to as near as possible the conditions existing prior to the commencement of such works. In carrying out such works, the Authorisation Holder must satisfy the reasonable requirements of landowners affected by such works having regard to any specific terms of agreement reached for the gas works crossing the landowner's land.
- (2) The Authorisation Holder must make good and repair at its own expense, or where appropriate pay the costs of repair of, all loss, harm or damage caused to any person, property or the environment, being loss, harm or damage arising out of or in any way connected with the actions or inactions of the Authorisation Holder, or any of its agents, officers or employees or any

contractor or subcontractor of the Authorisation Holder, concerning matters arising from the operation conducted pursuant to this Authorisation. Such reparation must meet the reasonable requirements of the affected party or parties.

11. Ring fencing Arrangements

1. Reference to repealed section 19 of the Act.
2. Reference to repealed section 19 of the Act.

Ring fencing requirements covered by the National Code.

12. Safe Gas Supply System

The Authorisation Holder must develop and maintain a safe distribution system in the distribution district and take all reasonable steps to operate the distribution system safely.

13. Emergency Service

The Authorisation Holder must, in respect of the Distribution System:

1. make arrangements for an effective 24 hour emergency telephone service to be accessible to the public on every day of the year to receive reports of escapes of gas supplied, or believed to be supplied, by the Authorisation Holder;
2. make effective arrangements for the receipt of such reports made in person during normal business hours at the Authorisation Holder's business premises;
3. act promptly on every such report, doing all things necessary to stop the escape of, and to disperse, any gas that presents a hazard of ignition or explosion, or a risk of suffocation or other harm to any person;
4. ensure that adequate publicity is given of the ways in which the Authorisation Holder can be contacted for the purpose of reporting any escape of gas; and
5. make available to any person on request the details of its emergency service, together with a statement that it will make safe, free of charge, any escapes of gas which it supplies, or the circumstances in which a gas user may be liable for the costs of repairs associated with an escape.

14. Insurances and Indemnity

- (1) The Authorisation Holder must take out and maintain insurances sufficient to provide full and continuing indemnity in respect of the following risks:
 - (a) claims by any local or public authority relating to interruption of services, interruption of supply of other utilities, or damage or disturbance to any

road or public works caused by the Authorisation Holder's distribution system or the gas conveyed in it (other than disturbance arising from the initial laying of pipes and their subsequent repair and maintenance);

- (b) loss or damage to any private property, including personal property, caused either directly or indirectly by the conduct of the gas reticulation business by the Authorisation Holder; and
- (c) death of, or personal injury to, any gas user or other member of the public attributable either directly or indirectly to the conduct of the gas reticulation business by the Authorisation Holder.

✓ (2) The Authorisation Holder must ensure that the insurance cover referred to in Sub-Clause (1) includes cover for legal professional costs on a full indemnity basis.

(3) The Authorisation Holder must produce to the Director-General on or before each anniversary of the date on which this Authorisation was granted:

✓ (a) satisfactory evidence that such insurance is in force; and

(b) a certificate by a senior, responsible officer of the Authorisation Holder has taken all reasonable steps to ensure that no circumstances exist under which the insurer has or may have the right to deny indemnity under, or avoid, any such policy.

✓ (4) The Authorisation Holder must not by any act or omission whatsoever do anything that would have the effect of avoiding or reducing the indemnity to be provided in any policy of insurance required or envisaged by this Clause.

(5) The Authorisation Holder must indemnify the Minister, the Director-General and the Ministry of Energy and Utilities, and shall keep them indemnified, against all of the following contingencies:

✓ (a) any claim, demand, legal process, judgement, execution, attachment or award arising from or relating to any act or omission (whether negligent or not) of the Authorisation Holder, its servants or agents in relation to the gas reticulation business;

✓ (b) the full cost of rectifying any breach of the Act, the Regulations or this Authorisation by the Authorisation Holder, its servants or agents, whenever such breach is detected and whether or not the Minister or any person hereby indemnified is liable for any reason to a third party to carry out such rectification; and

✓ (c) the legal costs of the Minister, the Director-General or the Ministry of Energy and Utilities in relation to any of the foregoing contingencies, on a full indemnity basis.

15. Operation of a Viable Business

The Authorisation Holder must satisfy, and continue to satisfy, such technical and prudential criteria as may be adopted by the Minister to determine whether it is able to operate a viable business as an authorised reticulator under the Act.

16. Severability

If any condition of this Authorisation becomes unlawful, or inconsistent with any condition subsequently imposed by the Act or Regulation, the former condition shall be deemed severed from this Authorisation to the extent of such unlawfulness or inconsistency and (where applicable) then subsequently imposed condition shall be deemed to have replaced the material so severed.

17. Notices

Any notice required or envisaged to be served by the Minister on the Authorisation Holder under these conditions, the Act or the Regulations shall be deemed sufficiently served if sent by ordinary post by the Minister or any office of the Ministry of Energy and Utilities to the Authorisation Holder's registered office in New South Wales. Any such notice shall be deemed to have been received on the second business day after posting.

18. Identification of Pipes

The Authorisation Holder must clearly and permanently mark its name on all new pipes installed by it within the Distribution District, at intervals of no greater than two metres.

19. Network Code

- (1) The Authorisation Holder must develop, adopt and comply with a Network Code within two weeks of this Authorisation condition coming into effect. The Network Code must at all times be consistent with any guidelines notified from time to time by the Director-General, Ministry of Energy and Utilities. The Network Code adopted by the Authorisation Holder must set out the Authorisation Holder's policies, practices and procedures with respect to the provision of services to gas suppliers which are necessary to facilitate the operation of a competitive retail market within the Authorisation Holder's reticulation system.

This condition expires on a date determined by the Director-General, Ministry of Energy and Utilities and notified in writing by the Director-General to the Authorisation Holder.

- (2) The Authorisation Holder must notify the Director-General, Ministry of Energy and Utilities and advise the Independent Pricing and Regulatory Tribunal of any amendment to the Network Code proposed by the Authorisation Holder or by an authorised gas supplier. The Authorisation Holder must seek submissions on the proposed amendment from authorised

gas suppliers in accordance with any guidelines notified by the Director-General, Ministry of Energy and Utilities. The Authorisation Holder must notify all authorised gas suppliers in NSW and the Director-General, Ministry of Energy and Utilities, of any amendments made to the Network Code adopted by the Authorisation Holder.

This condition expires on a date determined by the Director-General, Ministry of Energy and Utilities and notified in writing by the Director-General to the Authorisation Holder.

- (3) The Authorisation Holder must make copies of the Network Code adopted by the Authorisation Holder available to any person on request for a reasonable charge to cover the costs of supply.

This condition expires on a date determined by the Director-General, Ministry of Energy and Utilities and notified in writing by the Director-General to the Authorisation Holder.

- (4) (1) The Authorisation Holder must appoint an independent, appropriately qualified person to undertake, in accordance with any guidelines notified from time to time by the Director-General, Ministry of Energy and Utilities, an audit report on:

- the Actual Total Costs incurred by the Authorisation Holder in providing Market Services and the difference between the Actual Costs and the Projected Total Costs in providing Market Services;
- the best estimate of the actual volume of gas supplied in the 1 - 10 terajoule retail market; and
- the revenue received by the Authorisation Holder for providing Market Services, and Additional Services

for the following periods:

- 1 October 1999 to 30 June 2000; and
- 1 July 2000 to 30 June 2001 or another date determined by the Director-General, Ministry of Energy and Utilities and notified in writing by the Director-General to the Authorisation Holder.

- (2) The Authorisation Holder must provide a copy of the independent audit report to the Director-General, Ministry of Energy and Utilities by no later than two months after the expiry of the periods referred to in 19(4)(1) or a later date determined by the Director-General, Ministry of Energy and Utilities and notified in writing by the Director-General to the Authorisation Holder.

- (3) This condition expires on a date determined by the Director-General, Ministry of Energy and Utilities and notified in writing by the Director-General to the Authorisation Holder.

- (4) In this condition, the following words have the following meanings:

“Actual Total Costs” are the actual costs incurred by the Authorised Reticulator in providing Market Services for each of the periods referred to in 19(4)(1).

“Additional Services” are any of the following services provided by the Authorisation Holder upon request by an authorised gas supplier:

- provision and installation of Daily Meter Reading Facilities at a delivery point
- metering services for a delivery point above the minimum requirements including installation and provision of additional metering facilities, undertaking special meter reads and altering the meter reading cycle; and
- carrying out a disconnection or reconnection of a delivery point.

“Market Services” are services (excluding Additional Services) to be provided by the Authorised Reticulator that are necessary to support retail competition.

“Projected Total Costs” are the estimated total costs to be incurred by the Authorised Reticulator in providing Market Services for each of the periods referred to in 19(4)(1).

“Daily Meter Reading Facilities” means the equipment necessary to enable gas meters to be read electronically on a daily basis.

20. Requirement to participate in an Approved Scheme to support full retail competition in the gas retail market in New South Wales

1. The authorisation holder is required to participate in a scheme approved by the Minister [an Approved Scheme] to develop, administer and implement appropriate business rules and retail market business systems to support full retail competition in the gas retail market in New South Wales.
2. The authorisation holder is required to be a party to a binding arrangement with all other participants in an Approved Scheme and to comply with all terms and conditions contained in the binding arrangement, the business rules and any guidelines issued from time to time by the Director-General regarding the business rules.
3. The authorisation holder is required to provide to the Minister or the Minister’s nominee information about the operation of the Approved Scheme as may be required from time to time by the Minister or the Minister’s nominee.

21. Retail Market Business Systems

21.1 Contribution towards approved scheme

21.1. The Director-General (or any person nominated by the Director-General) may, by notice in writing to the authorisation holder, direct the authorisation holder to provide such assistance as the Director-General considers necessary for the development or amendment of the Business Rules and functional specifications of the Retail Market Business Systems of an Approved Scheme.

21.1.1 The Director-General (or any other person nominated by the Director-General) may, by notice in writing to the authorisation holder, direct the authorisation holder to provide such assistance as the Director-General considers necessary for the development or amendment of the Business Rules and functional specifications of the Retail Market Business Systems of an Approved Scheme.

21.1.2 The Director-General (or any other person nominated by the Director-General) may, by notice in writing to the authorisation holder, direct the authorisation holder to develop (or participate in the development of) and participate in the testing of:

- (a) the Retail Market Business Systems of an approved scheme;
- (b) the Authorisation Holder's Systems for interfacing with the Retail Market Business Systems of an approved scheme; or
- (c) the Authorisation Holder's Systems for interfacing with another authorisation holder's information technology and business systems.

21.1.3 The authorisation holder must comply with any directions given by the Director-General under 21.1.1 and 21.1.2 except where such compliance would, in the opinion of the Director-General, be unduly onerous or would cause the authorisation holder to breach any statutory obligations

21.2 BUSINESS SYSTEMS PROJECT PLAN

21.2.1 The Director-General may, in consultation with market participants, approve a Business Systems Project Plan (and amend that plan from time to time) to facilitate the development of:

- (a) the Retail Market Business Systems of an Approved Scheme; and/or
- (b) the authorisation holder's systems for interfacing with the Retail Market Business Systems of an Approved Scheme.

21.2.2 The Director-General will provide the authorisation holder with a copy of or access to any Business Systems Project Plan approved under clause 21.2.1.

21.2.3 The Director-General will notify the authorisation holder of any amendments to the Business Systems Project Plan.

21.3. DATA MIGRATION PLAN

21.3.1 The Director-General may, in consultation with market participants, approve a Data Migration Plan (and amend that plan from time to time) to establish the Data Conversion Requirements for the testing and operation of the Retail Market Business Systems.

21.3.2 The Director-General will provide the authorisation holder with a copy of or access to any Data Migration Plan approved under clause 21.3.1

21.3.3 The Director-General will notify the authorisation holder of any amendments to the Data Migration Plan.

21.4. COMPLIANCE WITH BUSINESS SYSTEMS PROJECT PLAN AND DATA MIGRATION PLAN

21.4.1 The authorisation holder must comply with the Milestones set out in the Business Systems Project Plan and the Data Migration Plan.

21.5. OBLIGATION TO PROVIDE INFORMATION

21.5.1 The authorisation holder must furnish the Director-General with such information as the Director-General (or any person nominated by the Director-General) may from time to time require to enable the Director-General to assess the authorisation holder's progress towards achieving the Milestones. That information must be furnished within 7 days of the date of that request or within such additional period as is specified by the Director-General (or any person nominated by the Director-General).

21.6. REPORTING OBLIGATIONS

21.6.1 The authorisation holder must, by the 15th day of each month (or such other day or days as may be notified to the authorisation holder by the Director-General or any person nominated by the Director-General), prepare and furnish the Director-General with a report which sets out the authorisation holder's progress towards achieving the Milestones.

21.6.2 The report referred to in clause 21.6.1 must be in a form and contain a level of detail that is acceptable to the Director-General. If, in the Director-General's opinion, the form or level of detail of the report is inadequate, the Director-General may require the authorisation holder to submit a revised report within 7 days.

21.6.3 The Minister may, by notice in writing to the authorisation holder, release the authorisation holder from its obligations under clauses 21.6.1 and 21.6.2.

21.6.4 Upon receipt of a notice under clause 21.6.3, the authorisation holder will be released from its obligations under clauses 21.6.1 and 21.6.2 on and from the date stipulated in the notice.

21.7. INSPECTION OF RECORDS AND SYSTEMS

21.7.1 The Director-General, or any person nominated by the Director-General, may at reasonable times and on reasonable notice, speak to a representative of the authorisation holder, enter the authorisation holder's premises and (under the supervision of the authorisation holder) inspect:

- (a) the operation of the Authorisation Holder's Systems for interfacing with the Retail Market Business Systems of an Approved Scheme;
- (b) the operation of the Authorisation Holder's Systems for interfacing with another authorisation holder's information technology and business systems; and
- (c) all related documents and equipment

to assess the authorisation holder's progress towards achieving the Milestones.

21.7.2 If the Director-General reasonably forms the view that the authorisation holder has not achieved or will not achieve the Milestones:

- (a) The Director-General may require the authorisation holder to consult with a person nominated by the Director-General to discuss the reasons for the failure to achieve the Milestones and the actions required to achieve the Milestones;
- (b) The Director-General may require the authorisation holder to establish, to the satisfaction of the Director-General or a person nominated by the Director-General, a recovery plan to ensure that the authorisation holder will be able to meet the Milestones;
- (c) The Director-General may require the authorisation holder to undertake an audit or review of the recovery plan at intervals specified by the Director-General; and
- (d) The authorisation holder must comply with the recovery plan.

21.8. EXPIRY

- 21.8.1 Clauses 21 - 21.7.2 will cease to have effect within 12 months of the date on which they were incorporated into these authorisation conditions unless, prior to that date, the Minister determines that these clauses will continue in operation until a later specified date.
- 21.8.2 If such a determination is made, the Director-General (or any person nominated by the Director-General) must notify the authorisation holder of the making of that determination. However, no failure to notify the authorisation holder will invalidate the determination.



New South Wales

MINISTER FOR INFORMATION TECHNOLOGY,
MINISTER FOR ENERGY, MINISTER FOR FORESTRY, AND
MINISTER FOR WESTERN SYDNEY

Minister's Ref: D11686
IPART file: 00/239


Mr Geoff Walker
Manager, Gas Networks
Great Southern Energy Gas Networks Pty Ltd
59-87 Hammond Avenue
Wagga Wagga NSW 2650

Dear Mr Walker

I write to advise that in response to Great Southern Energy Gas Networks Pty. Ltd's (ACN: 083 199 839) application of 28 May 2001, I have varied the definition of "distribution district" contained in Clause 3 of the reticulator's authorisation conditions by appending the Local Government Areas of Coolamundra and Temora.

This will be noted in the register of authorisations maintained by IPART, and will shortly appear on its website.

Yours sincerely


Kim Yeadon, MP
Minister for Energy

- 6 Aug 2001

Level 34, Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
Phone (02) 9228 3688 Fax (02) 9228 3801
Email: kim.yeadon@www.nsw.gov.au



New South Wales

MINISTER FOR INFORMATION TECHNOLOGY,
MINISTER FOR ENERGY, MINISTER FOR FORESTRY, AND
MINISTER FOR WESTERN SYDNEY

Mr Geoffrey Walker
Manager, Gas Network Development and Business
Great Southern Energy Gas Networks Pty Ltd
PO Box 718
QUEANBEYAN NSW 2620

File No: M00/8248

23 MAR 2001

Dear Mr Walker

**Variation of Great Southern Energy Gas Networks Pty Ltd's Supplier
Authorisation**

I refer to Ms McAloon's letter on my behalf of 10 January 2001 notifying my intention to vary the conditions to the authorisation held by Great Southern Energy Gas Networks Pty Ltd.

I hereby give notice of the following variation to the conditions of the authorisation held by Great Southern Energy Gas Networks Pty Ltd - ACN 083 199 839.

20 *Requirement to participate in an Approved Scheme to support full
competition in the gas retail market in New South Wales*

1. The authorisation holder is required to participate in a scheme approved by the Minister [an **Approved Scheme**] to develop, administer and implement appropriate business rules and retail market business systems to support full competition in the gas retail market in New South Wales.
2. The authorisation holder is required to be a party to a binding arrangement with all other participants in an Approved Scheme and to comply with all terms and conditions contained in the binding arrangement, the business rules and any guidelines issued from time to time by the Director-General regarding the business rules.
3. The authorisation holder is required to provide to the Minister or the Minister's nominee information about the operation of the Approved Scheme as may be required from time to time by the Minister or the Minister's nominee.

In these Authorisation conditions:

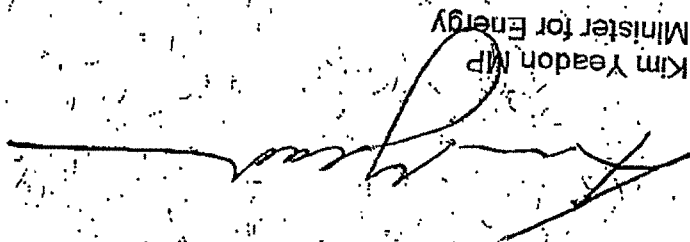
3

Approved Scheme means a scheme, approved by the Minister, to develop, administer and implement appropriate business rules and retail market business systems, to support full competition in the gas retail market in New South Wales.

Business rules means the rules of an entity, established under an Approved Scheme, governing the operation of retail market business systems.

Retail market business systems means those IT and information communication services provided to retailers and network operators which are required to support full retail competition in gas.

Yours sincerely



Kim Yeadon MP
Minister for Energy



New South Wales

MINISTER FOR INFORMATION TECHNOLOGY,
MINISTER FOR ENERGY, MINISTER FOR FORESTRY, AND
MINISTER FOR WESTERN SYDNEY

DITM Ref: D07445
MEU Ref: 00/00672
File: 11784.8

Mr Geoffrey Walker
Manager Gas Projects
Great Southern Energy Gas Networks Pty Ltd.
PO Box 718
QUEANBEYAN NSW 2680

31 JUL 2000

Dear Mr Walker,

**Variation of Great Southern Energy Gas Networks Pty Ltd's Reticulator's
Authorisation**

I refer to Mr Bosler's letter on my behalf of 9 June 2000 notifying my intention to vary the conditions to the authorisation held by Great Southern Energy Gas Networks Pty Ltd.

I hereby give notice of the following variation to the conditions of the authorisation held by Great Southern Energy Gas Networks Pty Ltd ACN 083 199 839.

19 Network Code

- (1) The Authorisation Holder must develop, adopt and comply with a Network Code within two weeks of this Authorisation condition coming into effect. The Network Code must at all times be consistent with any guidelines notified from time to time by the Director, Ministry of Energy and Utilities. The Network Code adopted by the Authorisation Holder must set out the Authorisation Holder's policies, practices and procedures with respect to the provision of services to gas suppliers which are necessary to facilitate the operation of a competitive retail market within the Authorisation Holder's reticulation system.

This condition expires on a date to be determined by the Director, Ministry of Energy and Utilities and notified in writing by the Director to the Authorisation Holder.

- (2) The Authorisation Holder must notify the Director, Ministry of Energy and Utilities and advise the Independent Pricing and Regulatory Tribunal of any amendment to the Network Code proposed by the Authorisation Holder or by an authorised gas supplier. The Authorisation Holder must seek submissions on the proposed

Level 34 Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
Phone (02) 9228 3688, Fax (02) 9228 3801
Email: kim.yeadon@www.nsw.gov.au

amendment from authorised gas suppliers in accordance with any guidelines notified by the Director, Ministry of Energy and Utilities. The Authorisation Holder must notify all authorised gas suppliers in NSW and the Director, Ministry of Energy and Utilities, of any amendments made to the Network Code adopted by the Authorisation Holder.

This condition expires on a date to be determined by the Director, Ministry of Energy and Utilities and notified in writing by the Director to the Authorisation Holder.

- (3) The Authorisation Holder must make copies of the Network Code adopted by the Authorisation Holder available to any person on request for a reasonable charge to cover the costs of supply.

This condition expires on a date to be determined by the Director, Ministry of Energy and Utilities and notified in writing by the Director to the Authorisation Holder.

- (4) (1) The Authorisation Holder must appoint an independent, appropriately qualified person to undertake, in accordance with any guidelines notified from time to time by the Director, Ministry of Energy and Utilities, an audit and report on:

- the Actual Total Costs incurred by the Authorisation Holder in providing Market Services and the difference between the Actual Total Costs and the Projected Total Costs in providing Market Services;
- the best estimate of the actual volume of gas supplied in the 1 – 10 terajoule retail market; and
- the revenue received by the Authorisation Holder for providing Market Services and Additional Services;

for the following periods:

- 1 October 1999 to 30 June 2000; and
- 1 July 2000 to 30 June 2001 or another date determined by the Director, Ministry of Energy and Utilities and notified in writing by the Director to the Authorisation Holder.

- (2) The Authorisation Holder must provide a copy of the independent audit report to the Director, Ministry of Energy and Utilities by no later than two months after the expiry of the periods referred to in 19(4)(1) or a later date determined by the Director, Ministry of Energy and Utilities and notified in writing by the Director to the Authorisation Holder.

Kim Yeadon MP
Minister for Energy

SIGNED

Yours sincerely

"Market Services" are services (excluding Additional Services) to be provided by the Authorised Reticulator that are necessary to support retail competition.

"Projected Total Costs" are the estimated total costs to be incurred by the Authorised Reticulator in providing Market Services for each of the periods referred to in 19(4)(1).

"Daily Meter Reading Facilities" means the equipment necessary to enable gas meters to be read electronically on a daily basis.

- provision and installation of Daily Meter Reading Facilities at a delivery point;
- metering services for a delivery point above the minimum requirements including installation and provision of additional metering facilities, undertaking special meter reads and altering the meter reading cycle; and
- carrying out a disconnection or reconnection of a delivery point.

"Actual Total Costs" are the actual costs incurred by the Authorised Reticulator in providing Market Services for each of the periods referred to in 19(4)(1).

"Additional Services" are any of the following services provided by the Authorisation Holder upon request by an authorised gas supplier:

- (3) This condition expires on a date to be determined by the Director, Ministry of Energy and Utilities and notified in writing by the Director to the Authorisation Holder
- (4) In this condition, the following words have the following meanings:



New South Wales

MINISTER FOR INFORMATION TECHNOLOGY,
MINISTER FOR ENERGY, MINISTER FOR FORESTRY, AND
MINISTER FOR WESTERN SYDNEY

File 11784.8

Mr. Geoffrey Walker
Manager Gas Projects
Great Southern Energy Gas Networks Pty Ltd.
PO Box 718
QUEANBEYAN NSW 2680

24 DEC 1999

Dear Mr. Walker

**Variation of Great Southern Energy Gas Networks Pty Ltd's Reticulator's
Authorisation**

I refer to Mr. Neil's letter on my behalf of 8 December 1999 notifying my intention to vary the conditions to the authorisation held by Great Southern Energy Gas Networks Pty Ltd.

I hereby give notice of the following variation to the conditions of the authorisation held by Great Southern Energy Gas Networks Pty Ltd ACN 083 199 839:

19 Network Code

- (1) The Authorisation Holder must develop, adopt and comply with a Network Code within two weeks of this Authorisation condition coming into effect. The Network Code must at all times be consistent with any guidelines notified from time to time by the Director, Ministry of Energy and Utilities. The Network Code adopted by the Authorisation Holder must set out the Authorisation Holder's policies, practices and procedures with respect to the provision of services to gas suppliers which are necessary to facilitate the operation of a competitive retail market within the Authorisation Holder's reticulation system.

This condition expires on 1 July 2000, unless varied prior to that date.

- (2) The Authorisation Holder must notify the Director, Ministry of Energy and Utilities and advise the Independent Pricing and Regulatory Tribunal of any amendment to the Network Code proposed by the Authorisation Holder or by an authorised gas supplier. The Authorisation Holder must seek submissions on the

Level 34 Governor Macquarie Tower
1 Farrer Place, Sydney NSW 2000
Phone (02) 9228 3688 Fax (02) 9228 3801
Email: kim.yeadon@www.nsw.gov.au

proposed amendment from authorised gas suppliers in New South Wales in accordance with any guidelines notified by the Director, Ministry of Energy and Utilities. The Authorisation Holder must notify all authorised gas suppliers in NSW and the Director, Ministry of Energy and Utilities, of any amendments made to the Network Code adopted by the Authorisation Holder.

This condition expires on 1 July 2000, unless varied prior to that date.

- (3) The Authorisation Holder must make copies of the Network Code adopted by the Authorisation Holder available to any person on request for a reasonable charge to cover the costs of supply.

This condition expires on 1 July 2000, provided that the Authorisation Holder must still comply with any requests received in the days prior to 1 July 2000 but not processed before that date.

- (4) (1) The Authorisation Holder must appoint an independent, appropriately qualified person to undertake, in accordance with any guidelines notified from time to time by the Director, Ministry of Energy and Utilities, an audit and report on:

- the Actual Total Costs incurred by the Authorisation Holder in providing Market Services and the difference between the Actual Total Costs and the Projected Total Costs in providing Market Services;
- the best estimate of the actual volume of gas supplied in the 1 – 10 terajoule retail market for the period 1 October 1999 to 30 June 2000; and
- the revenue received by the Authorisation Holder for providing Market Services, Daily Meter Reading Facilities and additional metering facilities under the Network Code in the period 1 October 1999 to 30 June 2000.

- (2) The Authorisation Holder must provide a copy of the independent audit report to the Director, Ministry of Energy and Utilities by no later than 30 August 2000 or by a later date determined by the Director, Ministry of Energy and Utilities.

- (3) This condition expires on 30 September 2000, unless varied prior to that date.

- (4) In this condition, the following words have the following meanings:

"Actual Total Costs" are the actual costs incurred by the Authorised Reticulator in providing Market Services for the period 1 October 1999 to 30 June 2000.

"Market Services" are those services to be provided by the Authorised Reticulator that are necessary to support retail competition.

"Projected Total Costs" are the estimated total costs to be incurred by the Authorised Reticulator in providing Market Services for the period 1 October 1999 to 30 June 2000.

"Daily Meter Reading Facilities" means the equipment necessary to enable gas meters to be read electronically on a daily basis.

- (5) Where a condition is expressed to expire on a given date "unless varied prior to that date", the variation referred to should be taken to mean a variation in the expiry date, rather than any variation in the substantive terms of the condition.

Yours sincerely

Signed by

Minister for IT, Forestry, Ports and
Minister Assisting the Premier on Western Sydney

Kim Yeadon MP
Minister for Energy

DITM Ref: DO3343
MEU Ref: 99/00663
File No: 11799

Mr Geoffrey S Walker
Manager Gas Projects
Great Southern Energy Gas Networks Pty Ltd
PO Box 718
Queanbeyan NSW 2620

- 6 AUG 1999

Dear Mr Walker

GAS SUPPLY ACT

NOTICE OF VARIATION OF THE CONDITIONS OF GREAT SOUTHERN ENERGY GAS NETWORKS PTY LTD'S RETICULATOR'S AUTHORISATION

I hereby advise that I have approved the variation of the conditions of Great Southern Energy Gas Networks Pty Ltd's Reticulator's Authorisation in the following manner:

- replace the definition of "distribution district" with the following:

"distribution district" means

the local government areas of the City of Wagga Wagga, Gundagai, Junee, Lockhart, Tumut, Culcairn, Holbrook, Bombala and Cooma-Monaro.

- insert the following immediately after Clause 17:

Clause 18. Identification of Pipes

The Authorisation Holder must clearly and permanently mark its name on all new pipes installed by it within the Distribution District, at intervals of no greater than two metres.

Yours sincerely

Signed by

Minister for IT, Forestry, Ports and
Minister Assisting the Premier on Western Sydney

Kim Yeadon MP
Minister for Energy

MINISTER FOR ENERGY
MINISTER FOR TOURISM
MINISTER FOR CORRECTIVE SERVICES
MINISTER FOR EMERGENCY SERVICES
MINISTER ASSISTING THE PREMIER ON THE ARTS



Dept Ref: 98/00920
File No: 11799

21 AUG 1998

Mr Peter Hoogland
Manager, Regulatory Affairs
Great Southern Energy
PO Box 718
QUEANBEYAN NSW 2620

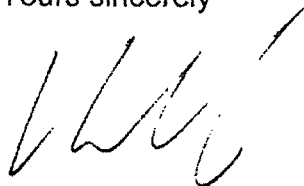
Dear Mr Hoogland

GAS SUPPLY ACT 1996

**TRANSFER OF RETICULATOR'S AUTHORISATION FROM
GREAT SOUTHERN ENERGY TO
GREAT SOUTHERN ENERGY GAS NETWORKS PTY LIMITED**

I hereby advise that I have approved the transfer of Great Southern Energy's Reticulator's Authorisation to Great Southern Energy Gas Networks Pty Limited, ACN 083 199 839, of 34 Lowe Street, Queanbeyan in the State of New South Wales.

Yours sincerely



Bob Debus



Dept Ref: 98/00921
File No: 11716

20 AUG 1998

Mr Peter Hoogland
Manager, Regulatory Affairs
Great Southern Energy
PO Box 718
QUEANBEYAN NSW 2620

Dear Mr Hoogland

GAS SUPPLY ACT 1996

**NOTICE OF VARIATION OF THE CONDITIONS OF
GREAT SOUTHERN ENERGY'S RETICULATOR'S AUTHORISATION**

I hereby advise that I have approved the variation of the conditions of Great Southern Energy's Reticulator's Authorisation in the following manner:

- replace the definition of "distribution district" with the following:

"distribution district" means

- (a) *the local government areas of the City of Wagga Wagga, Gundagai, Junee, Lockhart and Tumut as from the date of grant and*
- (b) *the local government areas of Culcairn and Holbrook as from 17 September 1998.*

Yours sincerely

Bob Debus



**NEW SOUTH WALES
GOVERNMENT**

GAS SUPPLY ACT 1996

RETICULATOR'S AUTHORISATION

GAS SUPPLY ACT 1996

**RETICULATOR'S AUTHORISATION
TO CONVEY NATURAL GAS**

GRANTED TO

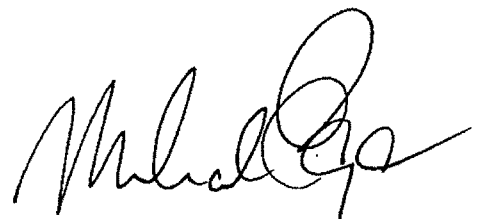
GREAT SOUTHERN ENERGY

I, MICHAEL RUEBEN EGAN, Minister for Energy, pursuant to section 9 of the *Gas Supply Act 1996*, **grant** a Reticulator's Authorisation for the purposes of conveying natural gas in the distribution district hereafter defined,

TO GREAT SOUTHERN ENERGY of 34 Lowe Street, Queanbeyan, in the State of New South Wales,

subject to the conditions imposed by the *Gas Supply Act 1996*, the Regulations made under it and the conditions set out in the Schedule.

DATED: 24 JUN 1997



MINISTER FOR ENERGY

**RETICULATOR'S AUTHORISATION
GRANTED TO GREAT SOUTHERN ENERGY**

THE SCHEDULE

CONDITIONS OF AUTHORISATION

1. Commencement

This Authorisation commences on the date of grant.

2. Application of Laws

This Authorisation is issued under, and subject to, the Act and Regulations, and is otherwise subject to the laws of the State of New South Wales.

3. Definitions

In this Authorisation, except to the extent that the context or subject matter otherwise indicates or requires:

"Access Code" means the Access Code published in the Gazette by order of the Minister pursuant to section 31 of the Gas Supply Act 1996;

"Act" means the *Gas Supply Act 1996*, every amendment thereto and any Act of the New South Wales Parliament passed in substitution therefor;

"Authorisation Holder" means Great Southern Energy.

"Director-General" refers to the person from time to time holding office (or equivalent office) as Director-General, Department of Energy;

"Director-General's Guidelines" means the guidelines published by the Director-General from time to time in relation to the reporting of gas losses in the reticulator's gas distribution system;

"distribution district" means the local government area of the City of Wagga Wagga;

"gas" means natural gas only;

"gas reticulation business" means the storage by the Reticulator of gas and its distribution by the Reticulator through a distribution system to the premises of gas users in the distribution district;

"Minister" means the person for the time being holding office as Minister for Energy in and for the State of New South Wales;

"regulations" means regulations made under the Act;

"relevant year" means a financial year commencing on 1 July and ending on 30 June in the subsequent calendar year;

4. Incorporation of Director-General Guidelines

Where any condition of this Authorisation makes reference to guidelines or criteria established or adopted by the Director-General, the Authorisation Holder must comply with such guidelines or criteria, and they shall be deemed to be incorporated in these conditions.

5. Obligations not extinguished by effluxion of time

Wherever these conditions require the Authorisation Holder to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the Authorisation Holder from performing the obligation.

6. Limitation on Supply

This Authorisation only entitles the Authorisation Holder to convey gas within the distribution district by means of a distribution system to gas users within the distribution district.

7. Supply of Information

- (1) The Authorisation Holder must keep records for each relevant year, showing details of the Authorisation Holder's financial status, having particular regard to its obligations under Clause 15 of these conditions.
- (2) The Authorisation Holder must also furnish the Minister with such information as the Minister may determine from time to time to enable the Minister to ascertain whether or not the Authorisation Holder is complying with the conditions imposed on this Authorisation.
- (3) The Authorisation Holder must forward the information required by Sub-clauses (1) and (2) to the Minister within such time as the Minister specifies.

8. Cessation or Reduction in Activities

The Authorisation Holder must, wherever practicable, give the Director-General at least 12 months prior written notice of any intention to cease operating the whole or any material part of the distribution system.

9. Distribution System Losses

- (1) Within 30 days of the end of each financial year the Authorisation Holder must submit to the Director-General a report quantifying the gas losses from the Authorisation Holder's distribution system in the prior financial year. The report will include a plan to minimise gas losses in the forthcoming financial year and an assessment of the effectiveness of the prior financial year's plan.
- (2) The obligation to submit a report referred to in Subsection 1 will commence from 1 July 1998.
- (3) If the Director-General issues Director-General's Guidelines, the annual plan and the report on the effectiveness of plans referred to in Subclause (1) must be in accordance with any such Director-General's Guidelines but provided such Guidelines have been in force for at least three months.

10. Gas Works

- (1) The Authorisation Holder must restore areas disturbed by the installation, maintenance or repairs to its gas works to as near as possible the condition existing prior to the commencement of such works. In carrying out such works, the Authorisation Holder must satisfy the reasonable requirements of landowners affected by such works having regard to any specific terms of agreement reached for the gas works crossing the landowner's land.
- (2) The Authorisation Holder must make good and repair at its own expense, or where appropriate pay the costs of repair of, all loss, harm or damage caused to any person, property or the environment, being loss, harm or damage arising out of or in any way connected with the actions or inactions of the Authorisation Holder, or any of its agents, officers or employees or any contractor or subcontractor of the Authorisation Holder, concerning matters arising from the operation conducted pursuant to this Authorisation. Such reparation must meet the reasonable requirements of the affected party or parties.

11. Ring Fencing Arrangements

- (1) Within 10 months of the date of any declaration of the Authorisation Holder's distribution systems pursuant to section 19 of the Act, the Authorisation Holder must be in compliance with the ring fencing requirements of the Access Code.

- (2) Within 30 days of the date of any declaration of the Authorisation Holder's distribution systems pursuant to section 19 of the Act the Authorisation Holder will submit to the Director-General a plan outlining the steps proposed to be taken to achieve compliance with the ring fencing requirements of the Access Code. Thereafter the Authorisation Holder will submit a monthly progress report to the Director-General until ring fencing of the gas reticulation business is complete.

12. Safe Gas Supply System

The Authorisation Holder must develop and maintain a safe distribution system in the distribution district and take all reasonable steps to operate the distribution system safely.

13. Emergency Service

The Authorisation Holder must, in respect of the distribution system in the distribution district:

- (1) make arrangements for an effective 24-hour emergency telephone service to be accessible to the public on every day of the year to receive reports of escapes of gas supplied, or believed to be supplied, by the Authorisation Holder;
- (2) make effective arrangements for the receipt of such reports made in person during normal business hours at the Authorisation Holder's business premises;
- (3) act promptly on every such report, doing all things necessary to stop the escape of gas and to disperse any escaped gas that presents a hazard of ignition or explosion, or a risk of suffocation or other harm to any person;
- (4) ensure that adequate publicity is given of the ways in which the Authorisation Holder can be contacted for the purpose of reporting escapes of gas; and
- (5) make available to any person on request the details of its emergency service, together with a statement that it will make safe, free of charge, any escapes of gas which it supplies, or the circumstances in which a gas user may be liable for the costs of repairs associated with an escape.

14. Insurances and Indemnity

- (1) The Authorisation Holder must take out and maintain insurances sufficient to provide full and continuing indemnity in respect of the following risks:

- (a) claims by any local or public authority relating to interruption of services, interruption of the supply of other utilities, or damage or disturbance to any road or public works caused by the Authorisation Holder's distribution system or the gas conveyed in it (other than disturbance arising from the initial laying of pipes and their subsequent repair and maintenance);
 - (b) loss or damage to any private property, including personal property, caused either directly or indirectly by the conduct of the gas reticulation business by the Authorisation Holder; and
 - (c) death of, or personal injury to, any gas user or other member of the public attributable either directly or indirectly to the conduct of the gas reticulation business by the Authorisation Holder.
- (2) The Authorisation Holder must ensure that the insurance cover referred to in Sub-clause (1) includes cover for legal professional costs on a full indemnity basis.
- (3) The Authorisation Holder must produce to the Director-General on or before each anniversary of the date on which this Authorisation was granted:
- (a) satisfactory evidence that such insurance is in force; and
 - (b) a certificate signed by a senior, responsible officer of the Authorisation Holder, stating that the Authorisation Holder has taken all reasonable steps to ensure that no circumstances exist under which the insurer has or may have the right to deny indemnity under, or avoid, any such policy.
- (4) The Authorisation Holder must not by any act or omission whatsoever do anything that would have the effect of avoiding or reducing the indemnity to be provided in any policy of insurance required or envisaged by this Clause.
- (5) The Authorisation Holder must indemnify the Minister, the Director-General and the Department of Energy, and shall keep them indemnified, against all of the following contingencies:
- (a) any claim, demand, legal process, judgment, execution, attachment or award arising from or relating to any act or omission (whether negligent or not) of the Authorisation Holder, its servants or agents in relation to the gas reticulation business;
 - (b) the full cost of rectifying any breach of the Act, the Regulations or this Authorisation by the Authorisation Holder, its servants or agents, whenever such breach is detected and whether or not the

Minister or any person hereby indemnified is liable for any reason to a third party to carry out such rectification; and

- (c) the legal costs of the Minister, the Director-General or the Department of Energy in relation to any of the foregoing contingencies, on a full indemnity basis.

15. Operation of a Viable Business

The Authorisation Holder must satisfy, and continue to satisfy, such technical and prudential criteria as are adopted by the Minister to determine whether it is able to operate a viable business as an authorised reticulator under the Act.

16. Severability

If any condition of this Authorisation becomes unlawful, or inconsistent with any condition subsequently imposed by the Act or Regulations, the former condition shall be deemed severed from this Authorisation to the extent of such unlawfulness or inconsistency and (where applicable) the subsequently imposed condition shall be deemed to have replaced the material so severed.

17. Notices

Any notice required or envisaged to be served by the Minister on the Authorisation Holder under these conditions, the Act or the Regulations shall be deemed sufficiently served if sent by ordinary prepaid post by the Minister or any officer of the Department of Energy to the Authorisation Holder's registered office in New South Wales. Any such notice shall be deemed to have been received on the second business day after posting.

Good to go.

Allgas Energy Ltd ACN 009 656 446

Details of authorisation

Gas Reticulator's Authorisation under the *Gas Supply Act 1996*.

Details concerning the conditions imposed by the Minister

Refer to the authorisation.

Determinations made by the Minister with respect to authorisations and their conditions

10 March 1999

Reticulator's Authorisation granted to Allgas Energy Ltd to supply gas within the local government areas of Tweed and Narrabri.

6 September 2001

Variation to the conditions of a gas reticulator's authorisation to add a new condition 15 "Retail Market Business Systems"; plus additional definitions in condition 5.

20 August 2002

Variation to the conditions of a gas reticulator's authorisation to add a new condition: 16 "Audit of Compliance with FRC obligations".

1 August 2004

Variation to the conditions of a gas reticulator's authorisation to standardise conditions, remove redundant conditions and simplify reporting arrangements.

9 January 2015

The Minister for Resources and Energy approved:

- ▼ the addition of Central Ranges Pipeline Pty Ltd and its distribution districts to the Standardised authorisation.
- ▼ changes to reflect corporate name changes from 'The Albury Gas Co Ltd' to 'Australian Gas Networks (Albury) Ltd', and from 'Envestra (NSW) Pty Ltd' to 'Australian Gas Networks (NSW) Pty Ltd'.
- ▼ the Wesfarmers Kleenheat Gas Pty Ltd authorisation be cancelled.



**NEW SOUTH WALES
GOVERNMENT**

GAS SUPPLY ACT 1996

RETICULATOR'S AUTHORISATION

SCHEDULE

Reticulator's Authorisation

Conditions Imposed by the Minister under s 11(1) (b) of the *Gas Supply Act 1996*

1 Application

This *reticulator's authorisation* is subject to these *Conditions*. The *distribution district* of an individual *reticulator* to which this *reticulator's authorisation* extends is listed in the Attachment to these *Conditions*.

2 Cessation of operations

A *reticulator* must, where practicable, give the *Tribunal* at least 3 months prior written notice of its intention to cease operating the whole or any substantial part of a *distribution pipeline* specified in its *reticulator's authorisation*.

3 Compliance with Network Code

3.1 Where a *reticulator's distribution pipeline* is a *designated distribution pipeline*, the *reticulator* must develop, adopt and comply with a *Network Code* for its *distribution pipeline*.

3.2 Where the *reticulator* has not previously operated within the NSW *gas market*, the obligation under clause 3.1 will apply when the *reticulator* commences to convey *gas* through its *distribution pipeline*.

3.3 The *reticulator* must notify the *Director-General* and the *Tribunal* of any amendment to the *Network Code* proposed by the *reticulator* or by an *authorised supplier*. The *reticulator* must seek submissions on the proposed amendment from *authorised suppliers* in accordance with any guidelines notified by the *Director-General*. The *reticulator* must notify all *authorised suppliers* in NSW, the *Director-General*, and the *Tribunal* of any amendments made to the *Network Code* adopted by the *reticulator*.

3.4 The *reticulator* must make a copy of the *Network Code* adopted by the *reticulator* available to any person on request for a reasonable charge to cover the costs of providing the copy.

4 Condition removed 24 June 2009 by notice published in Government Gazette No. 93 on 26 June 2009

5 Insurances and indemnity

- 5.1 A *reticulator* must maintain with a reputable insurance company, workers compensation insurance, public liability insurance and other insurances which it is necessary or prudent for it to maintain covering liability for it, its employees and agents for any loss or damage to property or for death or personal injury to any person for an amount which in all the circumstances is reasonable or for an amount which the *Minister* may from time to time specify.
- 5.2 A *reticulator* must produce to the *Minister* and the *Tribunal* on request satisfactory evidence that such insurance is in force.
- 5.3 A *reticulator* must not do or fail to do anything that would have the effect of avoiding the policy of insurance.
- 5.4 The *reticulator* must indemnify the *Minister* and the *Tribunal* and shall keep them indemnified against loss or damage, (including legal costs on an indemnity basis and the cost of rectifying any breach by the *reticulator* of the *Act* or its *reticulator's* *authorisation*) which they may jointly or severally sustain arising from any of the following:
- (a) the *reticulator's* failure to comply with the *reticulator's* *authorisation*;
 - (b) any negligent act or omission of the *reticulator*, its employees or agents.

6 Audit of compliance with conditions

- 6.1 To enable the *Minister* or an auditor appointed by the *Minister* to audit compliance by the *reticulator* with,
- (a) the *reticulator's* *FRC* obligations; or
 - (b) the *reticulator's* procedures and systems for ensuring compliance with *FRC* obligations,
- the *reticulator* must provide the *Minister* or the auditor with:
- (c) access to its premises and personnel;
 - (d) access to its records in whatever form they may be stored;
 - (e) such information about its records as may be requested for the conduct of the audit; and
 - (f) such assistance and co-operation as may reasonably be required for the conduct of the audit.
- 6.2 The *reticulator* must pay as directed by the *Minister* the costs of any audit conducted under this condition.

7 Compliance management systems

The *reticulator* must develop and maintain internal systems capable of effectively managing compliance with its *reticulator's* *authorisation*.

8 Compliance with statistical reporting obligations

A *reticulator* must provide the *Minister* or the *Minister's* nominee such operating statistics and performance indicators as may be requested from time to time by the *Minister* or the *Minister's* nominee. The *Minister* or the *Minister's* nominee will provide the *reticulator* with reasons for its request when the initial request is made and after that when a request relates to operating statistics and performance indicators that are of materially different type or category to that provided under the initial or a subsequent request.

9 Definitions and Interpretation

Definitions

9.1 In these *Conditions*, the following expressions have the meaning given to them:

Act	<i>Gas Supply Act 1996 (NSW)</i> .
approved scheme	A scheme, approved by the <i>Minister</i> , to develop, administer and implement appropriate <i>business rules</i> and <i>retail market business systems</i> to support full competition in the <i>gas</i> retail market in New South Wales.
business rules	The rules of an entity, established under an <i>approved scheme</i> , governing the operation of <i>retail market business systems</i> .
conditions	These <i>conditions</i> made by the <i>Minister</i> under s 11 (1) (b) of the <i>Act</i> , expressed in this document as clauses.
designated distribution pipeline	A <i>distribution pipeline</i> specified by the <i>Minister</i> as a designated <i>distribution pipeline</i> by publication in the NSW Government Gazette.
Director-General	The <i>Director-General</i> of the Ministry of Energy and Utilities.
FRC obligations	Those obligations of a <i>reticulator</i> which the <i>Minister</i> considers are obligations that relate to full competition in the retail market for <i>gas</i> in New South Wales and includes those which the <i>Minister</i> considers arise under the <i>Act</i> , the <i>Gas Supply (Natural Gas Retail Competition) Regulation 2001</i> and conditions imposed by the <i>Minister</i> .
gas	Natural <i>gas</i> .
Minister	The <i>Minister</i> responsible for administering the <i>Act</i> .
Network Code	A Code developed by the <i>reticulator</i> in accordance with guidelines approved by the <i>Director General</i> , on 20 December 2001 (as amended) that documents the <i>reticulator's</i> policies, practices and procedures with respect to the provision of services to gas suppliers, which are necessary to facilitate the operation of a competitive retail market.
premises	Includes a building or part of a building, a structure or part of a structure and land (whether built on or not).
retail market business systems	Has the meaning given to that term in section 33J of the <i>Gas Supply Act 1996</i> .

9.2 In these *Conditions*, the following expressions have the same meaning as in the Dictionary of the *Act*:

authorised supplier
distribution district
distribution pipeline
reticulator
reticulator's authorisation
supplier
supplier's authorisation
Tribunal

Interpretation

9.3 Wherever these *Conditions* require the *reticulator* to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the *reticulator* from performing the obligation.

9.4 In these *Conditions*:

- (a) the singular includes the plural and vice versa;
- (b) headings are used for convenience only and do not affect the interpretation of these *authorisation* conditions;
- (c) a reference to a document, instrument or law includes any amendments, revisions, renewals, replacements or reprints from time to time;
- (d) a person includes an individual, body corporate, an unincorporated body or other entity;
- (e) the law includes legislation, regulations, licences, orders, codes, permits and directions;
- (f) italicised expressions are defined in clause 9.1, or defined by reference in clause 9.2;
- (g) where a word is defined, any other grammatical form of that word has a corresponding meaning;
- (h) a financial year means a year commencing on 1 July and ending on 30 June in the subsequent calendar year.

ATTACHMENT

Reticulators' Distribution districts

Each reticulator listed in this Attachment has a distribution district comprising the local government areas, or parts of local government areas, corresponding to that reticulator in this Attachment.

Name of Reticulator	Distribution district
ActewAGL Distribution Limited (ACN 073 025 224) and AGL Gas Company (ACT) Limited (ACN 008 552 663) as partners in the partnership styled <i>ActewAGL Distribution</i>	Eastern Capital City Regional, Greater Queanbeyan, Shoalhaven, Tumut
Jemena Gas Networks (ACN 003 004 322)	Ashfield, Auburn, Bankstown, Bathurst, Baukham Hills, Berrigan, Blacktown, Bland, Blayney, Blue Mountains, Bombala, Boorowa, Botany, Burwood, Cabonne, Camden, Campbelltown, Canada Bay, Canterbury, Cessnock, Conargo, Coolah, Coolamon, Coonabarabran, Cooma-Monaro, Cootamundra, Corowa, Cowra, Culcairn, Deniliquin, Dubbo, Eastern Capital City Regional, Evans, Fairfield, Forbes, Gilgandra, Gosford, Greater Argyle, Greater Queanbeyan, Lithgow, Griffith, Gundagai, Gunnedah, Harden, Hawkesbury, Holbrook, Holroyd, Hornsby, Hume, Hunters Hill, Hurstville, Jerilderie, Junee, Kiama, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leeton, Leichhardt, Liverpool, Maitland, Manly, Marrickville, Moree Plains, Mosman, Mudgee, Murray, Muswellbrook, Narrabri, Narrandera, Narromine, Newcastle, North Sydney, Oberon, Orange, Parkes, Parramatta, Parry, Penrith, Pittwater, Port Stephens, Quirindi, Randwick, Rockdale, Ryde, Shellharbour, Shoalhaven, Singleton, Snowy River, Strathfield, Sutherland, Sydney, Tamworth, Temora, Tumut, Upper Lachlan, Warringah, Waverley, Weddin, Wellington, Willoughby, Wingecarribee, Wollondilly, Wollongong, Woollahra, Wyong, Yass Valley, Young
Australian Gas Networks (Albury) Ltd (ACN 000 001 249)	Albury, Berrigan, Conargo, Corowa, Deniliquin, Hume, Jerilderie, Murray
Allgas Energy Ltd (ACN 009 656 446)	Tweed, Narrabri
Australian Gas Networks (NSW) Pty Ltd (ACN 083 199 839)	Bombala, Cooma-Monaro, Cootamundra, Culcairn, Gundagai, Holbrook, Junee, Lockhart, Temora, Tumut, Wagga Wagga
Central Ranges Pipeline Pty Ltd (ACN 108 218 355)	Dubbo City Council, Gilgandra Shire Council, Gunnedah Shire Council, Liverpool Plains Shire Council, Mid-Western Regional Council, Tamworth Regional Council, Warrumbungle Shire Council

Department of Water and Energy

WATER ACT 1912

APPLICATIONS for licences under section 10 of Part 2 of the Water Act 1912, have been received as follows:

William Michael NEVILLE and Heather Nancy NEVILLE for a pump on the Goulburn River, on part Lot 156, DP 753767, Parish Arndell, County Hunter, for irrigation of 6 hectares (split of existing entitlement) (Reference: 20SL061793).

William Michael NEVILLE and Heather Nancy NEVILLE for a pump on the Goulburn River, on an easement within Lot 156, DP 753767, Parish Arndell, County Hunter, for water supply for stock and domestic purposes (to proposed Lot 1, exempt from current 22BA embargo) (Reference: 20SL061795).

William Michael NEVILLE and Heather Nancy NEVILLE for a pump on the Goulburn River, on an easement within Lot 156, DP 753767, Parish Arndell, County Hunter, for water supply for stock and domestic purposes (to proposed Lot 2, exempt from current 22BA embargo) (Reference: 20SL061796).

William Michael NEVILLE and Heather Nancy NEVILLE for a pump on the Goulburn River, on an easement within Lot 156, DP 753767, Parish Arndell, County Hunter, for water supply for stock and domestic purposes (to proposed Lot 3, exempt from current 22BA embargo) (Reference: 20SL061797).

Robert James LLOYD for a pump on Halls Creek, on an easement within Lot 40, DP 750963, Parish Wickham, County Brisbane, for water supply for stock and domestic purposes and irrigation of 7 hectares (split of existing entitlement, exempt from current 22BA embargo) (Reference: 20SL061804).

Written objections to the application specifying grounds thereof must be lodged with the Department of Water and Energy, PO Box 796, Murwillumbah NSW 2484, within 28 days of the date of publication.

D. MILLING,
Manager,
Licensing

WATER ACT 1912

APPLICATION for a licence under Part 5 of the Water Act, 1912, as amended, has been received as follows;

Murrumbidgee Valley

Jason William MARSH for a bore licence on Lot 145 DP754559, Parish of Mimosa, County of Mitchell for a water supply for irrigation purposes (cereals and pastures). Conversion of a test bore lodged prior to the existing embargo. New Licence. (Ref.40BL192145) Any inquiries regarding the above should be directed to the undersigned on (02) 6953 0700. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the Department of Water and Energy, PO Box 156, Leeton NSW 2705, within 28 days of the date of this publication.

S.F. WEBB,
Licensing Manager

GAS SUPPLY ACT 1996

Section 12

Notice Of Variation of Conditions of Supplier's Authorisation

THIS Notice applies to the conditions of Supplier's Authorisation granted by the Minister for Energy on 9 July 2004 under section 11(1)(b) Gas Supply Act 1996. Under section 12 Gas Supply Act 1996 the conditions are varied as follows:

1. Clause 3 (Requirement to participate in an approved scheme) is deleted in its entirety.

All remaining conditions of the Supplier's Authorisation remain in force. This variation shall take effect on the 'changeover date' as defined in the National Gas Law adopted in New South Wales through the National Gas (New South Wales) Act 2008.

Dated at Sydney, this 24th day of June 2009.

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

GAS SUPPLY ACT 1996

Section 12

Notice of Variation of Conditions of Reticulator's Authorisation

THIS Notice applies to the conditions of Reticulator's Authorisation granted by the Minister for Energy on 9 July 2004 under section 11(1)(b) Gas Supply Act 1996. Under section 12 Gas Supply Act 1996 the conditions are varied as follows:

1. Clause 4 (Requirement to participate in an approved scheme) is deleted in its entirety.

All remaining conditions of the Reticulator's Authorisation remain in force. This variation shall take effect on the 'changeover date' as defined in the National Gas Law adopted in New South Wales through the National Gas (New South Wales) Act 2008.

Dated at Sydney, this 24th day of June 2009.

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

NATIONAL GAS LAW

Schedule 3, Section 67

Notice of Allocation Order

PURSUANT to section 67(1) of Schedule 3 of the National Gas Law, I, Ian Macdonald, Minister for Energy, New South Wales make the following Allocation Order with effect on and from the Relevant Date as defined in the Allocation Order.

Dated at Sydney, this 24th day of June 2009.

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



**NEW SOUTH WALES
GOVERNMENT**

GAS SUPPLY ACT 1996

RETICULATOR'S AUTHORISATION

SCHEDULE

Reticulator's Authorisation

Conditions Imposed by the Minister under s 11(1) (b) of the *Gas Supply Act 1996*

1 Application

This *reticulator's authorisation* is subject to these *Conditions*. The *distribution district* of an individual *reticulator* to which this *reticulator's authorisation* extends is listed in the Attachment to these *Conditions*.

2 Cessation of operations

A *reticulator* must, where practicable, give the *Tribunal* at least 3 months prior written notice of its intention to cease operating the whole or any substantial part of a *distribution pipeline* specified in its *reticulator's authorisation*.

3 Compliance with Network Code

- 3.1 Where a *reticulator's distribution pipeline* is a *designated distribution pipeline*, the *reticulator* must develop, adopt and comply with a *Network Code* for its *distribution pipeline*.
- 3.2 Where the *reticulator* has not previously operated within the NSW *gas* market, the obligation under clause 3.1 will apply when the *reticulator* commences to convey *gas* through its *distribution pipeline*.
- 3.3 The *reticulator* must notify the *Director-General* and the *Tribunal* of any amendment to the *Network Code* proposed by the *reticulator* or by an *authorised supplier*. The *reticulator* must seek submissions on the proposed amendment from *authorised suppliers* in accordance with any guidelines notified by the *Director-General*. The *reticulator* must notify all *authorised suppliers* in NSW, the *Director-General*, and the *Tribunal* of any amendments made to the *Network Code* adopted by the *reticulator*.
- 3.4 The *reticulator* must make a copy of the *Network Code* adopted by the *reticulator* available to any person on request for a reasonable charge to cover the costs of providing the copy.

4 Condition removed 24 June 2009 by notice published in Government Gazette No. 93 on 26 June 2009

5 Insurances and indemnity

- 5.1 A *reticulator* must maintain with a reputable insurance company, workers compensation insurance, public liability insurance and other insurances which it is necessary or prudent for it to maintain covering liability for it, its employees and agents for any loss or damage to property or for death or personal injury to any person for an amount which in all the circumstances is reasonable or for an amount which the *Minister* may from time to time specify.
- 5.2 A *reticulator* must produce to the *Minister* and the *Tribunal* on request satisfactory evidence that such insurance is in force.
- 5.3 A *reticulator* must not do or fail to do anything that would have the effect of avoiding the policy of insurance.
- 5.4 The *reticulator* must indemnify the *Minister* and the *Tribunal* and shall keep them indemnified against loss or damage, (including legal costs on an indemnity basis and the cost of rectifying any breach by the *reticulator* of the *Act* or its *reticulator's authorisation*) which they may jointly or severally sustain arising from any of the following:
- (a) the *reticulator's* failure to comply with the *reticulator's authorisation*;
 - (b) any negligent act or omission of the *reticulator*, its employees or agents.

6 Audit of compliance with conditions

- 6.1 To enable the *Minister* or an auditor appointed by the *Minister* to audit compliance by the *reticulator* with,
- (a) the *reticulator's FRC obligations*; or
 - (b) the *reticulator's* procedures and systems for ensuring compliance with *FRC obligations*,
- the *reticulator* must provide the *Minister* or the auditor with:
- (c) access to its premises and personnel;
 - (d) access to its records in whatever form they may be stored;
 - (e) such information about its records as may be requested for the conduct of the audit; and
 - (f) such assistance and co-operation as may reasonably be required for the conduct of the audit.
- 6.2 The *reticulator* must pay as directed by the *Minister* the costs of any audit conducted under this condition.

7 Compliance management systems

The *reticulator* must develop and maintain internal systems capable of effectively managing compliance with its *reticulator's authorisation*.

8 Compliance with statistical reporting obligations

A *reticulator* must provide the *Minister* or the *Minister's* nominee such operating statistics and performance indicators as may be requested from time to time by the *Minister* or the *Minister's* nominee. The *Minister* or the *Minister's* nominee will provide the *reticulator* with reasons for its request when the initial request is made and after that when a request relates to operating statistics and performance indicators that are of materially different type or category to that provided under the initial or a subsequent request.

9 Definitions and Interpretation

Definitions

9.1 In these *Conditions*, the following expressions have the meaning given to them:

Act	<i>Gas Supply Act 1996 (NSW)</i> .
approved scheme	A scheme, approved by the <i>Minister</i> , to develop, administer and implement appropriate <i>business rules</i> and <i>retail market business systems</i> to support full competition in the <i>gas</i> retail market in New South Wales.
business rules	The rules of an entity, established under an <i>approved scheme</i> , governing the operation of <i>retail market business systems</i> .
conditions	These <i>conditions</i> made by the <i>Minister</i> under s 11 (1) (b) of the <i>Act</i> , expressed in this document as clauses.
designated distribution pipeline	A <i>distribution pipeline</i> specified by the <i>Minister</i> as a designated <i>distribution pipeline</i> by publication in the NSW Government Gazette.
Director-General	The <i>Director-General</i> of the Ministry of Energy and Utilities.
FRC obligations	Those obligations of a <i>reticulator</i> which the <i>Minister</i> considers are obligations that relate to full competition in the retail market for <i>gas</i> in New South Wales and includes those which the <i>Minister</i> considers arise under the <i>Act</i> , the <i>Gas Supply (Natural Gas Retail Competition) Regulation 2001</i> and conditions imposed by the <i>Minister</i> .
gas	Natural <i>gas</i>
Minister	The <i>Minister</i> responsible for administering the <i>Act</i> .
Network Code	A Code developed by the <i>reticulator</i> in accordance with guidelines approved by the Director General, on 20 December 2001 (as amended) that documents the <i>reticulator's</i> policies, practices and procedures with respect to the provision of services to <i>gas</i> suppliers, which are necessary to facilitate the operation of a competitive retail market
premises	Includes a building or part of a building, a structure or part of a structure and land (whether built on or not.)
retail market business systems	Has the meaning given to that term in section 33J of the <i>Gas Supply Act 1996</i> .

9.2 In these *Conditions*, the following expressions have the same meaning as in the Dictionary of the Act:

authorised supplier
distribution district
distribution pipeline
reticulator
reticulator's authorisation
supplier
supplier's authorisation
Tribunal

Interpretation

9.3 Wherever these *Conditions* require the *reticulator* to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the *reticulator* from performing the obligation.

9.4 In these *Conditions*:

- (a) the singular includes the plural and vice versa;
- (b) headings are used for convenience only and do not affect the interpretation of these *authorisation* conditions;
- (c) a reference to a document, instrument or law includes any amendments, revisions, renewals, replacements or reprints from time to time;
- (d) a person includes an individual, body corporate, an unincorporated body or other entity;
- (e) the law includes legislation, regulations, licences, orders, codes, permits and directions;
- (f) italicised expressions are defined in clause 9.1, or defined by reference in clause 9.2
- (g) where a word is defined, any other grammatical form of that word has a corresponding meaning;
- (h) a financial year means a year commencing on 1 July and ending on 30 June in the subsequent calendar year.

ATTACHMENT

Reticulators' Distribution districts

Each reticulator listed in this Attachment has a distribution district comprising the local government areas, or parts of local government areas, corresponding to that reticulator in this Attachment.

Name of reticulator	Distribution district
Actew Distribution Limited (ACN 073 025 224) and AGL Gas Company (ACT) Limited (ACN 008 552 663) as partners in the partnership styled <i>ActewAGL Distribution</i>	Eastern Capital City Regional, Greater Queanbeyan, Shoalhaven, Tumut
<i>Jemena Gas Networks</i> (ACN 003 004 322)	Ashfield, Auburn, Bankstown, Bathurst, Baulkham Hills, Berrigan, Blacktown, Bland, Blayney, Blue Mountains, Bombala, Boorowa, Botany, Burwood, Cabonne, Camden, Campbelltown, Canada Bay, Canterbury, Cessnock, Conargo, Coolah, Coolamon, Coonabarabran, Cooma-Monaro, Cootamundra, Corowa, Cowra, Culcairn, Deniliquin, Dubbo, Eastern Capital City Regional, Evans, Fairfield, Forbes, Gilgandra, Gosford, Greater Argyle, Greater Queanbeyan, Lithgow, Griffith, Gundagai, Gunnedah, Harden, Hawkesbury, Holbrook, Holroyd, Hornsby, Hume, Hunters Hill, Hurstville, Jerilderie, Junee, Kiama, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leeton, Leichhardt, Liverpool, Maitland, Manly, Marrickville, Moree Plains, Mosman, Mudgee, Murray, Muswellbrook, Narrabri, Narrandera, Narromine, Newcastle, North Sydney, Oberon, Orange, Parkes, Parramatta, Parry, Penrith, Pittwater, Port Stephens, Quirindi, Randwick, Rockdale, Ryde, Shellharbour, Shoalhaven, Singleton, Snowy River, Strathfield, Sutherland, Sydney, Tamworth, Temora, Tumut, Upper Lachlan, Warringah, Waverley, Weddin, Wellington, Willoughby, Wingecarribee, Wollondilly, Wollongong, Woollahra, Wyong, Yass Valley, Young
<i>Albury Gas Company</i> (ACN 000 001 249)	Albury, Berrigan, Conargo, Corowa, Deniliquin, Hume, Jerilderie, Murray
<i>Allgas Energy Ltd</i> (ACN 009 656 446)	Tweed, Narrabri
<i>Country Energy Gas Pty Limited</i> (ACN 083 199 839)	Bombala, Cooma-Monaro, Cootamundra, Culcairn, Gundagai, Holbrook, Junee, Lockhart, Temora, Tumut, Wagga Wagga
<i>Wesfarmers Kleenheat Gas Pty Limited</i> (ACN 008 679 543)	Armidale Dumaresq



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INDEPENDENT PRICING AND REGULATORY TRIBUNAL
OF NEW SOUTH WALES

Our reference: 02/240

23 July 2004

Contact Ms Kumi Cuthbertson,
Analyst, Energy Licensing
Ph: (02) 9290 8479 Fax: (02) 9290 8462
Email: kumi_cuthbertson@ipart.nsw.gov.au

Mr Tom Bloxsom
Chief Executive Officer
Allgas Energy Limited
PO Box 1461
BRISBANE QLD 4001

Dear Mr Bloxsom

**Ministerially-imposed natural gas reticulators' authorisation conditions
under Section 11(1) (b) of the *Gas Supply Act 1996***

In its major licensing report, *Review of Electricity and Gas Licensing Regimes in NSW*, the Tribunal recommended a review of existing Ministerially-imposed gas authorisation conditions to standardise obligations across the industry. (A copy of the report, released in January 2003, is available on the Tribunal's website at www.ipart.nsw.gov.au). Following consultation with stakeholders in 2003, the Tribunal finalised the standard conditions for the Minister's approval. I am now pleased to inform you that the Minister has varied the gas authorisation conditions as recommended by the Tribunal.

The attached schedule replaces your company's existing Ministerially-imposed reticulator authorisation conditions. In standardising these conditions, the Minister has removed redundant conditions and simplified reporting arrangements. The conditions are enforceable from 1 August 2004.

As these conditions are standard across the industry in NSW, they will also be available on the Tribunal's website. If you have any questions on this matter, please contact Gary Drysdale on (02) 9290 8477 or Kumi Cuthbertson on (02) 9290 8479.

Yours sincerely,

James Cox
Acting Chairman



**NEW SOUTH WALES
GOVERNMENT**

GAS SUPPLY ACT 1996

RETICULATOR'S AUTHORISATION

SCHEDULE

Reticulator's Authorisation

Conditions Imposed by the Minister under

s 11(1) (b) of the *Gas Supply Act 1996*

1 Application

This *reticulator's authorisation* is subject to these *Conditions*. The *distribution district* of an individual *reticulator* to which this *reticulator's authorisation* extends is listed in the Attachment to these *Conditions*.

2 Cessation of operations

A *reticulator* must, where practicable, give the *Tribunal* at least 3 months prior written notice of its intention to cease operating the whole or any substantial part of a *distribution pipeline* specified in its *reticulator's authorisation*.

3 Compliance with Network Code

3.1 Where a *reticulator's distribution pipeline* is a *designated distribution pipeline*, the *reticulator* must develop, adopt and comply with a *Network Code* for its *distribution pipeline*.

3.2 Where the *reticulator* has not previously operated within the NSW *gas* market, the obligation under clause 3.1 will apply when the *reticulator* commences to convey *gas* through its *distribution pipeline*.

3.3 The *reticulator* must notify the *Director-General* and the *Tribunal* of any amendment to the *Network Code* proposed by the *reticulator* or by an *authorised supplier*. The *reticulator* must seek submissions on the proposed amendment from *authorised suppliers* in accordance with any guidelines notified by the *Director-General*. The *reticulator* must notify all *authorised suppliers* in NSW, the *Director-General*, and the *Tribunal* of any amendments made to the *Network Code* adopted by the *reticulator*.

3.4 The *reticulator* must make a copy of the *Network Code* adopted by the *reticulator* available to any person on request for a reasonable charge to cover the costs of providing the copy.

4 Requirement to participate in an approved scheme

4.1 This condition applies only to a *reticulator* whose *distribution pipeline* specified in that *reticulator's authorisation* is a *designated distribution pipeline*.

- 4.2 A *reticulator* must participate in an *approved scheme*.
- 4.3 The *reticulator* must provide to the *Minister* or the *Minister's* nominee information about the operation of the *approved scheme* as may be required from time to time by the *Minister*.

5 Insurances and indemnity

- 5.1 A *reticulator* must maintain with a reputable insurance company, workers compensation insurance, public liability insurance and other insurances which it is necessary or prudent for it to maintain covering liability for it, its employees and agents for any loss or damage to property or for death or personal injury to any person for an amount which in all the circumstances is reasonable or for an amount which the *Minister* may from time to time specify.
- 5.2 A *reticulator* must produce to the *Minister* and the *Tribunal* on request satisfactory evidence that such insurance is in force.
- 5.3 A *reticulator* must not do or fail to do anything that would have the effect of avoiding the policy of insurance.
- 5.4 The *reticulator* must indemnify the *Minister* and the *Tribunal* and shall keep them indemnified against loss or damage, (including legal costs on an indemnity basis and the cost of rectifying any breach by the *reticulator* of the *Act* or its *reticulator's* *authorisation*) which they may jointly or severally sustain arising from any of the following:
- (a) the *reticulator's* failure to comply with the *reticulator's* *authorisation*;
 - (b) any negligent act or omission of the *reticulator*, its employees or agents.

6 Audit of compliance with conditions

- 6.1 To enable the *Minister* or an auditor appointed by the *Minister* to audit compliance by the *reticulator* with,
- (a) the *reticulator's* *FRC obligations*; or
 - (b) the *reticulator's* procedures and systems for ensuring compliance with *FRC obligations*,
- the *reticulator* must provide the *Minister* or the auditor with:
- (c) access to its premises and personnel;
 - (d) access to its records in whatever form they may be stored;
 - (e) such information about its records as may be requested for the conduct of the audit; and
 - (f) such assistance and co-operation as may reasonably be required for the conduct of the audit.
- 6.2 The *reticulator* must pay as directed by the *Minister* the costs of any audit conducted under this condition.

7 Compliance management systems

The *reticulator* must develop and maintain internal systems capable of effectively managing compliance with its *reticulator's authorisation*.

8 Compliance with statistical reporting obligations

A *reticulator* must provide the *Minister* or the *Minister's* nominee such operating statistics and performance indicators as may be requested from time to time by the *Minister* or the *Minister's* nominee. The *Minister* or the *Minister's* nominee will provide the *reticulator* with reasons for its request when the initial request is made and after that when a request relates to operating statistics and performance indicators that are of materially different type or category to that provided under the initial or a subsequent request.

9 Definitions and Interpretation

Definitions

9.1 In these *Conditions*, the following expressions have the meaning given to them:

Act	<i>Gas Supply Act 1996 (NSW)</i> .
approved scheme	A scheme, approved by the <i>Minister</i> , to develop, administer and implement appropriate <i>business rules</i> and <i>retail market business systems</i> to support full competition in the gas retail market in New South Wales.
business rules	The rules of an entity, established under an <i>approved scheme</i> , governing the operation of <i>retail market business systems</i> .
conditions	These <i>conditions</i> made by the <i>Minister</i> under s 11 (1) (b) of the <i>Act</i> , expressed in this document as clauses.
designated distribution pipeline	A <i>distribution pipeline</i> specified by the <i>Minister</i> as a designated <i>distribution pipeline</i> by publication in the NSW Government Gazette.
Director-General	The <i>Director-General</i> of the Ministry of Energy and Utilities.
FRC obligations	Those obligations of a <i>reticulator</i> which the <i>Minister</i> considers are obligations that relate to full competition in the retail market for <i>gas</i> in New South Wales and includes those which the <i>Minister</i> considers arise under the <i>Act</i> , the <i>Gas Supply (Natural Gas Retail Competition) Regulation 2001</i> and conditions imposed by the <i>Minister</i> .
gas	Natural gas
Minister	The <i>Minister</i> responsible for administering the <i>Act</i> .
Network Code	A Code developed by the <i>reticulator</i> in accordance with guidelines approved by the <i>Director General</i> , on 20 December 2001 (as amended) that documents the <i>reticulator's</i> policies, practices and procedures with respect to the provision of services to gas suppliers, which are necessary to facilitate the operation of a competitive retail

	market
premises	Includes a building or part of a building, a structure or part of a structure and land (whether built on or not.)
retail market business systems	Has the meaning given to that term in section 33J of the <i>Gas Supply Act 1996</i> .

9.2 In these *Conditions*, the following expressions have the same meaning as in the Dictionary of the Act:

authorised supplier
distribution district
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Interpretation

9.3 Wherever these *Conditions* require the *reticulator* to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the *reticulator* from performing the obligation.

9.4 In these *Conditions*:

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- (d) a person includes an individual, body corporate, an unincorporated body or other entity;
- (e) the law includes legislation, regulations, licences, orders, codes, permits and directions;
- (f) italicised expressions are defined in clause 9.1, or defined by reference in clause 9.2
- (g) where a word is defined, any other grammatical form of that word has a corresponding meaning;
- (h) a financial year means a year commencing on 1 July and ending on 30 June in the subsequent calendar year.

ATTACHMENT

Reticulators' Distribution districts

Each reticulator listed in this Attachment has a distribution district comprising the local government areas, or parts of local government areas, corresponding to that reticulator in this Attachment.

Name of reticulator	Distribution district
<p>Actew Distribution Limited (ACN 073 025 224) and AGL Gas Company (ACT) Limited (ACN 008 552 663) as partners in the partnership styled <i>ActewAGL Distribution</i></p>	<p>Eastern Capital City Regional, Greater Queanbeyan, Shoalhaven, Tumut</p>
<p><i>AGL Gas Networks</i> (ACN 003 004 322)</p>	<p>Ashfield, Auburn, Bankstown, Bathurst, Baulkham Hills, Berrigan, Blacktown, Bland, Blayney, Blue Mountains, Bombala, Boorowa, Botany, Burwood, Cabonne, Camden, Campbelltown, Canada Bay, Canterbury, Cessnock, Conargo, Coolah, Coolamon, Coonabarabran, Cooma-Monaro, Cootamundra, Corowa, Cowra, Culcairn, Deniliquin, Dubbo, Eastern Capital City Regional, Evans, Fairfield, Forbes, Gilgandra, Gosford, Greater Argyle, Greater Queanbeyan, Lithgow, Griffith, Gundagai, Gunnedah, Harden, Hawkesbury, Holbrook, Holroyd, Hornsby, Hume, Hunters Hill, Hurstville, Jerilderie, Junee, Kiama, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leeton, Leichhardt, Liverpool, Maitland, Manly, Marrickville, Moree Plains, Mosman, Mudgee, Murray, Muswellbrook, Narrabri, Narrandera, Narromine, Newcastle, North Sydney, Oberon, Orange, Parkes, Parramatta, Parry, Penrith, Pittwater, Port Stephens, Quirindi, Randwick, Rockdale, Ryde, Shellharbour, Shoalhaven, Singleton, Snowy River, Strathfield, Sutherland, Sydney, Tamworth, Temora, Tumut, Upper Lachlan, Warringah, Waverley, Weddin, Wellington, Willoughby, Wingecarribee, Wollondilly, Wollongong, Woollahra, Wyong, Yass Valley, Young</p>
<p><i>Albury Gas Company</i> (ACN 000 001 249)</p>	<p>Albury, Berrigan, Conargo, Corowa, Deniliquin, Hume, Jerilderie, Murray</p>
<p><i>Allgas Energy Ltd</i> (ACN 009 656 446)</p>	<p>Tweed, Narrabri</p>
<p><i>Country Energy Gas Pty Limited</i> (ACN 083 199 839)</p>	<p>Bombala, Cooma-Monaro, Cootamundra, Culcairn, Gundagai, Holbrook, Junee, Lockhart, Temora, Tumut, Wagga Wagga</p>
<p><i>Wesfarmers Kleenheat Gas Pty Limited</i> (ACN 008 679 543)</p>	<p>Armidale Dumaresq</p>



INDEPENDENT PRICING AND REGULATORY TRIBUNAL
OF NEW SOUTH WALES

Our reference: 01/325-5

Contact Gary Drysdale
Phone (02) 9290 8477, Fax (02) 92902061
Email: gary_drysdale@ipart.nsw.gov.au

12 September 2002

Mr Tom Bloxsom
Chief Executive Officer
Allgas Energy Limited
PO Box 1461
BRISBANE QLD 4001

Dear Mr Bloxsom

Gas Supply Act 1996 - Section 11(1)(b)
Notice of Variation to the Gas Reticulator Authorisation Held by Allgas Energy Limited

On 4 December 2001 the Minister advised all natural gas authorisation holders of his intention to add a new condition to supplier and reticulator authorisations. The condition would require authorisation holders to have their compliance with authorisation conditions externally audited to Australian Audit Standards.

As a result of submissions received the Minister has agreed to limit the proposed audit condition to compliance with Full Retail Competition (FRC) related obligations only. This does not preclude the possibility of the Minister choosing to widen the scope of compliance audits at a later stage, should he consider this necessary.

I therefore advise of the Minister's decision under s11(1)(b) of the Gas Supply Act 1996 to incorporate a new condition to the gas reticulator authorisation that your company holds in New South Wales.

The schedule accompanying the grant of authorisation shall be varied in the following manner:

Add new condition 16 as per the following:

"Condition 16 Audit of Compliance with FRC obligations

1. *To enable the Minister for Energy or an auditor appointed by the Minister to audit compliance by the holder of a natural gas suppliers authorisation with:*
 - *the authorisation holder's FRC obligations; or*
 - *the authorisation holder's procedures and systems for ensuring its compliance with FRC obligations,*

the authorisation holder must provide the Minister or the auditor with:


- a) access to its premises and personnel;*
 - b) access to its records in whatever form they may be stored;*
 - c) such information about its records as may be requested for the conduct of the audit;*
 - d) such assistance and co-operation as may reasonably be required for the conduct of the audit*
- 2. The authorisation holder must pay as directed by the Minister the costs of any audit conducted under this condition.*
 - 3. In this condition "FRC obligations" means those obligations of an authorisation holder which the Minister considers are obligations that relate to full retail competition in the market for natural gas in New South Wales and includes those which the Minister considers arise under the Gas Supply Act 1996, regulations imposed under the Act including the Gas Supply (Natural Gas Retail Competition) Regulation 2001 and conditions imposed by the Minister."*

The Minister approved of this variation on 20 August 2002.

A complete copy of your company's authorisation conditions will be re-issued when the Tribunal's current work toward standardising gas authorisation conditions has been completed.

Any enquiries should be directed to Mr Gary Drysdale, Program Manager, Energy Compliance on (02) 9290 8477.

Yours sincerely,



Thomas G Parry
Chairman



New South Wales

MINISTER FOR INFORMATION TECHNOLOGY,
MINISTER FOR ENERGY, MINISTER FOR FORESTRY, AND
MINISTER FOR WESTERN SYDNEY

DITM Ref: D11517
MEU Ref: 01/00827
File No: M01/3090

Mr Dennis Cucchiaro
Energy Regulation Manager
Energex Retail Pty Ltd
GPO Box 1461
BRISBANE QLD 4001

- 6 SEP 2001

Dear Mr Cucchiaro

Variation of Allgas Energy Ltd's Authorisation

I refer to correspondence on 20 June 2001 from the Director-General of the Ministry of Energy and Utilities notifying my intention to vary the conditions to the reticulator's authorisation held by Allgas Energy Ltd.

I hereby give notice of the following variation to the conditions of the reticulator's authorisation held by Allgas Energy Ltd - ACN 009 656 446.

- 15 **RETAIL MARKET BUSINESS SYSTEMS**
- 15.1 **CONTRIBUTION TOWARDS APPROVED SCHEME**
- 15.1.1 The Director-General (or any person nominated by the Director-General) may, by notice in writing to the authorisation holder, direct the authorisation holder to provide such assistance as the Director-General considers necessary for the development or amendment of the Business Rules and functional specifications of the Retail Market Business Systems of an Approved Scheme.
- 15.1.2 The Director-General (or any person nominated by the Director-General) may, by notice in writing to the authorisation holder, direct the authorisation holder to develop (or participate in the development of) and participate in the testing of:
- (a) the Retail Market Business Systems of an Approved Scheme;
 - (b) the Authorisation Holder's Systems for interfacing with the Retail Market Business Systems of an Approved Scheme; or

(c) the Authorisation Holders Systems for interfacing with another authorisation holder's information technology and business systems.

The authorisation holder must comply with any directions given by the Director-General under clauses 15.1.1 and 15.1.2 except where such compliance would, in the opinion of the Director-General, be unduly onerous or would cause the authorisation holder to breach any statutory obligations.

BUSINESS SYSTEMS PROJECT PLAN

The Director-General may, in consultation with market participants, approve a Business Systems Project Plan (and amend that plan from time to time) to facilitate the development of:

(a) the Retail Market Business Systems of an Approved Scheme; and/or

(b) the Authorisation Holder's Systems for interfacing with the Retail Market Business Systems of an Approved Scheme.

The Director-General will provide the authorisation holder with a copy of or access to any Business Systems Project Plan approved under clause 15.2.1.

The Director-General will notify the authorisation holder of any amendments to the Business Systems Project Plan.

DATA MIGRATION PLAN

The Director-General may, in consultation with market participants, approve a Data Migration Plan (and amend that plan from time to time) to establish the Data Conversion Requirements for the testing and operation of the Retail Market Business Systems.

The Director-General will provide the authorisation holder with a copy of or access to any Data Migration Plan approved under clause 15.3.1.

The Director-General will notify the authorisation holder of any amendments to the Data Migration Plan.

COMPLIANCE WITH BUSINESS SYSTEMS PROJECT PLAN AND DATA MIGRATION PLAN

The authorisation holder must comply with the Milestones set out in the Business Systems Project Plan and the Data Migration Plan.

15.4.1
15.4
15.3.3
15.3.2
15.3.1
15.3
15.2.3
15.2.2
15.2.1
15.2
15.1.3

15.5

OBLIGATION TO PROVIDE INFORMATION

15.5.1

The authorisation holder must furnish the Director-General with such information as the Director-General (or any person nominated by the Director-General) may from time to time require to enable the Director-General to assess the authorisation holder's progress towards achieving the Milestones. That information must be furnished within 7 days of the date of that request or within such additional period as is specified by the Director-General (or any person nominated by the Director-General).

15.6

REPORTING OBLIGATIONS

15.6.1

The authorisation holder must, by the 15th day of each month (or such other day or days as may be notified to the authorisation holder by the Director-General or any person nominated by the Director-General), prepare and furnish the Director-General with a report which sets out the authorisation holder's progress towards achieving the Milestones.

15.6.2

The report referred to in clause 15.6.1 must be in a form and contain a level of detail that is acceptable to the Director-General. If, in the Director-General's opinion, the form or level of detail of the report is inadequate, the Director-General may require the authorisation holder to submit a revised report within 7 days.

15.6.3

The Minister may, by notice in writing to the authorisation holder, release the authorisation holder from its obligations under clauses 15.6.1 and 15.6.2.

15.6.4

Upon receipt of a notice under clause 15.6.3, the authorisation holder will be released from its obligations under clauses 15.6.1 and 15.6.2 on and from the date stipulated in the notice.

15.7

INSPECTION OF RECORDS AND SYSTEMS

15.7.1

The Director-General, or any person nominated by the Director-General, may at reasonable times and on reasonable notice, speak to a representative of the authorisation holder, enter the authorisation holder's premises and (under the supervision of the authorisation holder) inspect:

- (a) the operation of the Authorisation Holder's Systems for interfacing with the Retail Market Business Systems of an Approved Scheme;
- (b) the operation of the Authorisation Holder's Systems for interfacing with another authorisation holder's information technology and business systems; and
- (c) all related documents and equipment,

to assess the authorisation holder's progress towards achieving the Milestones.

15.7.2

If the Director-General reasonably forms the view that the authorisation holder has not achieved or will not achieve the Milestones:

- (a) the Director-General may require the authorisation holder to consult with a person nominated by the Director-General to discuss the reasons for the failure to achieve the Milestones and the actions required to achieve the Milestones;
- (b) the Director-General may require the authorisation holder to establish, to the satisfaction of the Director-General or a person nominated by the Director-General, a recovery plan to ensure that the authorisation holder will be able to meet the Milestones;
- (c) the Director-General may require the authorisation holder to undertake an audit or review of the recovery plan at intervals specified by the Director-General; and
- (d) the authorisation holder must comply with the recovery plan.

15.8

EXPIRY

15.8.1

Clauses 15 - 15.7.2 will cease to have effect within 12 months of the date on which they were incorporated into these authorisation conditions unless, prior to that date, the Minister determines that these clauses will continue in operation until a later specified date.

15.8.2

If such a determination is made, the Director-General (or any person nominated by the Director-General) must notify the authorisation holder of the making of that determination. However, no failure to notify the authorisation holder will invalidate the determination.

5

DEFINITIONS

5

In these Authorisation conditions:

Authorisation Holder's Systems means the information technology and business systems of the authorisation holder that will facilitate the introduction and operation of a competitive retail market for gas in New South Wales.

Business Rules means the business rules which form part of an Approved Scheme.

5

Business Systems Project Plan means the business systems project plan referred to in clause 15.2.1 of these authorisation conditions.

Data Conversion Requirements means the rules governing the transfer of data from relevant authorisation holders to the retail market business systems.

Data Migration Plan means the data migration plan referred to in clause 15.3.1 of these authorisation conditions.

Milestones means the milestones referred to in clause 15.4.1 of these authorisation conditions.

Retail Market Business Systems has the meaning set out in section 33J of the *Gas Supply Act 1996*.

Yours, sincerely,



Kim Yeadon MP
Minister for Energy

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THE SCHEDULE

CONDITIONS OF AUTHORISATION UNDER THE GAS SUPPLY ACT 1996

AUTHORISATION

1. Grant of Authorisation

The Authorisation Holder is authorised to operate a distribution system for the purposes of conveying natural gas to other persons.

CONDITIONS IMPOSED BY THE ACT

2. Introduction

Under section 11(1) of the Act, the Authorisation is subject to the following conditions:

- (a) the conditions imposed by the Act and the Regulations;
- (b) such other conditions (not inconsistent with those imposed by the Act and the Regulations) as the Minister may from time to time impose in relation to the Authorisation.

3. Obligations

Wherever these conditions require the Authorisation Holder to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the Authorisation Holder from performing the obligation.

DEFINITIONS

4. Interpretation

In these Authorisation conditions, unless the context requires otherwise:

- (a) the singular includes the plural and vice versa;
- (b) headings are used for convenience only and do not affect the interpretation of these Authorisation conditions;
- (c) a reference to a document includes the document as modified from time to time and any document replacing it;
- (d) the word "person" includes a natural person and any body or entity whether incorporated or not; and
- (e) references to clauses are references to clauses in these Authorisation conditions.

5. Definitions

In this Authorisation conditions:

"Act" means the *Gas Supply Act 1996*.

"Authorisation" means the Reticulator's Authorisation granted to Allgas Energy Ltd pursuant to section 9 of the Act.

"Authorisation Holder" means Allgas Energy Ltd.

"Authorisation Holder's Systems" means the information technology and business systems of the authorisation holder that will facilitate the introduction and operation of a competitive retail market for gas in New South Wales.

"Business Rules" means the business rules which form part of an Approved Scheme.

"Business Systems Project Plan" means the business systems project plan referred to in clause 15.2.1 of these authorisation conditions.

"Data Conversion Requirements" means the rules governing the transfer of data from one relevant authorisation holders to the retail market business systems.

"Data Migration Plan" means the data migration plan referred to in clause 15.3.1 of these authorisation conditions.

"Director-General" means the Director-General of the Ministry of Energy and Utilities.

"distribution district" means the local government areas of Tweed and Narrabri.

"financial year" means a year commencing on 1 July and ending on 30 June in the subsequent calendar year.

"gas" means natural gas only.

"Milestones" means the milestones referred to in clause 15.4.1 of these authorisation conditions.

"Minister" means the Minister responsible for administering the Act.

"Regulations" means regulations made under the Act.

"Retail Market Business Systems" has the meaning set out in section 33J of the *Gas Supply Act 1996*.

Expressions used in these Authorisation conditions that are defined in the dictionary at the end of the Act have the meanings set out in that dictionary.

6. Incorporation of Guidelines

Where any condition of this Authorisation makes reference to guidelines or criteria established or adopted by the Minister or the Director-General, the Authorisation Holder must comply with such guidelines or criteria, and they shall be deemed to be incorporated in these conditions.

CONDITIONS IMPOSED BY THE MINISTER

7. Limitation on Supply

This Authorisation only entitles the Authorisation Holder to convey gas within the distribution districts by means of a distribution system to gas users within the distribution district.

8. Supply of Information

(1) The Authorisation Holder must:

- (a) keep records for each financial year, showing details of the Authorisation Holder's financial status, having particular regard to its obligations under clause 14 of these conditions;
- (b) keep other records to demonstrate compliance with this authorisation as required by the Director-General from time to time; and
- (c) supply copies of such records to the Director-General from time to time.

(2) The Authorisation Holder must furnish to the Director-General (in respect of such periods that the Director-General may determine) such information that the Director-General may determine, to enable the Director-General to ascertain whether or not the Authorisation Holder is complying with the conditions imposed on this Authorisation.

(3) The Authorisation Holder must forward the information or records required by Sub-Clauses (1) and (2) to the Director-General within such time as the Director-General specifies.

9. Cessation or Reduction in Activities

The Authorisation Holder must, wherever practicable, give the Director-General at least 12 months prior written notice of any intention to cease operating the whole or any substantial part of the distribution system.

10. Distribution System Losses

- (1) Within 120 days of the end of each financial year the Authorisation Holder must submit to the Director-General a report quantifying unaccounted for gas and estimating the gas losses from the Authorisation Holder's distribution system in the prior financial year. The report will include a plan which establishes measures to minimise gas losses to reasonable levels in the forthcoming financial year and an assessment of the effectiveness of the prior financial year's plan.
- (2) The obligation to submit a report referred to in Sub-Clause (1) will commence from 1 July 1999.
- (3) The annual plan and the report on the effectiveness of plans referred to in Sub-Clause (1) must be in accordance with the Director-General's Guidelines issued from time to time.

11. Safe Gas Supply System

The Authorisation Holder must develop, maintain and operate a safe distribution system having regard to the safety and operating plan established by the Authorisation Holder under the Regulations.

12. Emergency Service

The Authorisation Holder must, in respect of the Distribution System:

- (1) make arrangements for an effective 24 hour emergency telephone service to be accessible to the public on every day of the year to receive telephone reports relating to any escape of gas from the distribution system or from premises directly connected to the distribution system;
- (2) make effective arrangements for the receipt of such reports made in person during normal business hours at the Authorisation Holder's business premises;
- (3) act promptly on every such report, doing all things necessary to stop the escape of, and to disperse, any gas that presents a hazard of ignition or explosion, or a risk of suffocation or other harm to any person;
- (4) ensure that adequate publicity is given of the ways in which the Authorisation Holder can be contacted for the purpose of reporting any escape of gas; and
- (5) make available to any person on request the details of its emergency service, together with a statement that it will make safe any escape of gas from its distribution system and from that part of a gas installation directly connected to its distribution system up to and including the gas meter outlet. The statement must also state the circumstances in which a gas user may be liable for the cost of repairs associated with a gas escape.

13. Insurances and Indemnity

- (1) The Authorisation Holder must arrange and maintain with a reputable insurance company, appropriate insurance, including public liability insurance, to cover its legal liability for any loss or damage to property or death or injury to any person caused by the Authorisation Holder, its employees or agents.
- (2) The Authorisation Holder must produce to the Director-General on or before each anniversary of the date on which this Authorisation was granted satisfactory evidence that such insurance is in force.
- (3) The Authorisation Holder must not by any act or omission whatsoever do anything that would have the effect of avoiding or reducing the indemnity to be provided in any policy of insurance required or envisaged by this Clause.
- (4) The Authorisation Holder must indemnify the Minister, the Director-General and the Ministry of Energy and Utilities, and shall keep them indemnified, against all of the following:
 - (a) all liability or loss arising from and any costs (including legal costs on a full indemnity basis), charges or expenses incurred as a result of any breach of this Authorisation or any negligent act or omission of the Authorisation Holder, its employees or agents;
 - (b) the full cost of rectifying any breach of the Act, the Regulations or this Authorisation by the Authorisation Holder, its servants or agents; and
 - (c) all legal costs (on a full indemnity basis) incurred by the Minister, the Director-General or the Ministry of Energy and Utilities in connection with the enforcement of the indemnity provided under this Clause.

14. Operation of a Viable Business

- 14.1 The Authorisation Holder must satisfy, and continue to satisfy, such technical and prudential criteria as may be adopted by the Minister to determine whether it is able to operate a viable business as an authorised Reticulator under the Act.

15. Retail Market Business Systems

15.1 Contribution towards Approved Scheme

- 15.1.1 The Director-General (or any person nominated by the Director-General) may, by notice in writing to the authorisation holder, direct the authorisation holder to provide such assistance as the Director-General considers necessary for the development or amendment of the Business Rules and functional specifications of the Retail Market Business Systems of an Approved Scheme.
- 15.1.2 The Director-General (or any other person nominated by the Director-General), may by notice in writing to the authorisation holder, direct the authorisation holder to develop and participate in any testing of:

- (a) the Retail Market Business Systems of an Approved Scheme;
- (b) the Authorisation Holder's Systems for interfacing with the Retail Market Business Systems of an Approved Scheme; or
- (c) the Authorisation Holder's Systems for interfacing with another authorisation holder's information technology and business systems.

15.1.3 The authorisation holder must comply with any directions given by the Director-General under clauses 15.1.1 and 15.1.2 except where such compliance would, in the opinion of the Director-General, be unduly onerous or would cause the authorisation holder to breach any statutory obligations.

15.2 Business Systems Project Plan

15.2.1 The Director-General may, in conjunction with market participants, approve a Business Systems Project Plan (and amend that plan from time to time) to facilitate the development of:

- (a) the Retail Market Business Systems of an Approved Scheme; and/or
- (b) the Authorisation Holder's systems for interfacing with the Retail Market Business Systems of an Approved Scheme

15.2.2 The Director-General will provide the authorisation holder with a copy of or access to any Business Systems Project Plan approved under clause 15.2.1.

15.2.3 The Director-General will notify the authorisation holder of any amendments to the Business Systems Project Plan.

15.3 Data Migration Plan

15.3.1 The Director-General may, in consultation with market participants, approve a Data Migration Plan (and amend that plan from time to time) to establish the Data Conversion Requirements for the testing and operation of the Retail Market Business Systems.

15.3.2 The Director-General will provide the authorisation holder with a copy of or access to any Data Migration Plan approved under clause 15.3.1.

15.3.3 The Director General will notify the authorisation holder of any amendments to the Data Migration Plan.

15.4 Compliance with Business Systems Project Plan and Data Migration Plan

15.4.1 The authorisation holder must comply with the Milestones set out in the Business Systems Project Plan and the Data Migration Plan.

15.5 Obligation to Provide Information

15.5.1 The authorisation holder must, furnish the Director General with such information as the Director-General (or any person nominated by the Director-General) may require to enable the Director-General to assess the authorisation holder's progress towards achieving the Milestones. That information must be furnished within 7 days of the date of that a request or within such additional period as specified by the Director-General (or any person nominated by the Director-General).

15.6 Reporting Obligations

15.6.1 The authorisation holder must, by the 15th day of each month (or such other day or days as may be notified to the Authorisation Holder by the Director-General or any person nominated by the Director-General), prepare and furnish the Director-General with a report which sets out the authorisation holder's progress towards achieving the Milestones.

15.6.2 The report referred to in clause 15.6.1 must be in a form and contain a level of detail that is acceptable to the Director-General. If, in the Director-General's opinion, the form or level of detail of the report is inadequate, the Director-General may require the authorisation holder to submit a revised report within 7 days.

15.6.3 The Minister may, by notice in writing to the authorisation holder, release the authorisation holder from its obligations under clauses 15.6.1 and 15.6.2.

15.6.4 Upon receipt of a notice under clause 15.6.3, the authorisation holder will be released from its obligations under clauses 15.6.1 and 15.6.2 on and from the date stipulated in the notice.

15.7 Inspection of records and systems

15.7.1 The Director-General, or any person nominated by the Director-General, may at reasonable times and on reasonable notice, speak to a representative of the authorisation holder, enter the authorisation holder's premises and (under the supervision of the authorisation holder) inspect:

- (a) the operation of the Authorisation Holder's Systems for interfacing with the Retail Market Business Systems of an Approved Scheme;
- (b) the operation of the Authorisation Holder's Systems for interfacing with another authorisation holder's systems; and
- (c) all related documents and equipment,

to assess the authorisation holder's progress towards achieving the Milestones.

15.7.2 If the Director-General reasonably forms the view that the authorisation holder has not achieved or will not achieve the Milestones:

- (a) The Director-General may require the authorisation holder to consult with a person nominated by the Director-General to discuss the reasons for the failure to achieve the Milestones and the actions required to achieve the Milestones;

- (b) The Director-General may require the authorisation holder to establish, to the satisfaction of the Director-General or a person nominated by the Director-General, a recovery plan to ensure that the authorisation holder will be able to meet the Milestones;
- (c) The Director-General may require the authorisation holder to undertake an audit or review of the recovery plan at intervals specified by the Director-General; and
- (d) The authorisation holder must comply with the recovery plan.

15.8 Expiry

15.8.1 Clauses 15 -15.7.2 will cease to have effect within 12 months of the date on which they were incorporated into these authorisation conditions unless, prior to that date, the Minister determines that these clauses will continue in operation until a later specified date.

15.8.2 If such a determination is made, the Director-General (or any person nominated by the Director-General) must notify the authorisation holder of the making of that determination. However, no failure to notify the authorisation holder will invalidate the determination.

Dept Ref: 99/00196
File No: M98/5114

Mr George Harris
Manager Projects
Allgas Energy Ltd
PO Box 2025
MANSFIELD DC QLD 4122

10 MAR 1999

Dear Mr Harris

GAS SUPPLY ACT 1996

GRANT OF RETICULATOR'S AUTHORISATION TO ALLGAS ENERGY LTD

I hereby advise that I have granted, pursuant to section 9 of the Gas Supply Act 1996, Allgas Energy Ltd, ACN 009 656 446, of 150 Charlotte Street, Brisbane, Queensland, a Reticulator's Authorisation for the local government areas of Narrabri and Tweed.

A copy of the Reticulator's Authorisation is attached.

Yours sincerely



Bob Debus

GAS SUPPLY ACT 1996

**RETICULATOR'S AUTHORISATION
TO CONVEY NATURAL GAS**

GRANTED TO

Allgas Energy Ltd

(ACN 009 656 446)

I, ROBERT JOHN DEBUS, Minister for Energy, pursuant to section 9 of the *Gas Supply Act 1996*, grant a Reticulator's Authorisation for the purposes of conveying natural gas in the distribution district hereafter defined,

TO Allgas Energy Ltd ACN 009 656 446 of 150 Charlotte Street, Brisbane, in the State of Queensland,

subject to the conditions imposed by the *Gas Supply Act 1996*, the Regulations made under it and the conditions set out in the Schedule.

DATED: 10 March 1999.


MINISTER FOR ENERGY

RETICULATOR'S AUTHORISATION
GRANTED TO: Allgas Energy Ltd
ACN 009 656 446

THE SCHEDULE

CONDITIONS OF AUTHORISATION UNDER THE GAS SUPPLY ACT 1996

AUTHORISATION

1. Grant of Authorisation

The Authorisation Holder is authorised to operate a distribution system for the purposes of conveying natural gas to other persons.

CONDITIONS IMPOSED BY THE ACT

2. Introduction

Under section 11(1) of the Act, the Authorisation is subject to the following conditions:

- (a) the conditions imposed by the Act and the Regulations;
- (b) such other conditions (not inconsistent with those imposed by the Act and the Regulations) as the Minister may from time to time impose in relation to the Authorisation.

3. Obligations

Wherever these conditions require the Authorisation Holder to perform any obligation within a specified time, and that time has expired without the obligation being performed, the expiry of the time will not excuse the Authorisation Holder from performing the obligation.

DEFINITIONS

4. Interpretation

In these Authorisation conditions, unless the context requires otherwise:

- (a) the singular includes the plural and vice versa;
- (b) headings are used for convenience only and do not affect the interpretation of these Authorisation conditions;
- (c) a reference to a document includes the document as modified from time to time and any document replacing it;
- (d) the word "person" includes a natural person and any body or entity whether incorporated or not; and

- (e) references to clauses are references to clauses in these Authorisation conditions.

5. Definitions

In this Authorisation conditions:

"Act" means the *Gas Supply Act 1996*.

"Authorisation" means the reticulator's Authorisation granted to Allgas Energy Ltd pursuant to section 9 of the Act.

"Authorisation Holder" means Allgas Energy Ltd.

"Director-General" means the Director-General of the Department of Energy.

"distribution district" means the local government areas of Tweed and Narrabri.

"financial year" means a year commencing on 1 July and ending on 30 June in the subsequent calendar year.

"gas" means natural gas only.

"Minister" means the Minister responsible for administering the Act.

"Regulations" means regulations made under the Act.

Expressions used in these Authorisation conditions that are defined in the dictionary at the end of the Act have the meanings set out in that dictionary.

6. Incorporation of Guidelines

Where any condition of this Authorisation makes reference to guidelines or criteria established or adopted by the Minister or the Director-General, the Authorisation Holder must comply with such guidelines or criteria, and they shall be deemed to be incorporated in these conditions.

CONDITIONS IMPOSED BY THE MINISTER

7. Limitation on Supply

This Authorisation only entitles the Authorisation Holder to convey gas within the distribution district by means of a distribution system to gas users within the distribution district.

8. Supply of Information

- (1) The Authorisation Holder must:
- (a) keep records for each financial year, showing details of the Authorisation Holder's financial status, having particular regard to its obligations under Clause 14 of these conditions;

- (b) keep other records to demonstrate compliance with this Authorisation as required by the Director-General from time to time; and
 - (c) supply copies of such records to the Director-General as directed by the Director-General from time to time.
- (2) The Authorisation Holder must furnish to the Director-General (in respect of such periods that the Director-General may determine) such information that the Director-General may determine, to enable the Director-General to ascertain whether or not the Authorisation Holder is complying with the conditions imposed on this Authorisation.
- (3) The Authorisation Holder must forward the information or records required by Sub-Clauses (1) and (2) to the Director-General within such time as the Director-General specifies.

9. Cessation or Reduction in Activities

The Authorisation Holder must, wherever practicable, give the Director-General at least 12 months prior written notice of any intention to cease operating the whole or any substantial part of the distribution system.

10. Distribution System Losses

- (1) Within 120 days of the end of each financial year the Authorisation Holder must submit to the Director-General a report quantifying unaccounted for gas and estimating the gas losses from the Authorisation Holder's distribution system in the prior financial year. The report will include a plan which establishes measures to minimise gas losses to reasonable levels in the forthcoming financial year and an assessment of the effectiveness of the prior financial year's plan.
- (2) The obligation to submit a report referred to in Sub-Clause (1) will commence from 1 July 1999.
- (3) The annual plan and the report on the effectiveness of plans referred to in Sub-Clause (1) must be in accordance with the Director-General's Guidelines issued from time to time.

11. Safe Gas Supply System

The Authorisation Holder must develop, maintain and operate a safe distribution system having regard to the safety and operating plan established by the Authorisation Holder under the Regulations.

12. Emergency Service

The Authorisation Holder must, in respect of the distribution system:

- (1) make arrangements for an effective 24 hour emergency telephone service to be accessible to the public on every day of the year to receive telephone reports relating to any escape of gas from the distribution system or from premises directly connected to the distribution system;

- (2) make effective arrangements for the receipt of such reports made in person during normal business hours at the Authorisation Holder's business premises;
- (3) act promptly on every such report, doing all things necessary to stop the escape of, and to disperse, any gas that presents a hazard of ignition or explosion, or a risk of suffocation or other harm to any person;
- (4) ensure that adequate publicity is given of the ways in which the Authorisation Holder can be contacted for the purpose of reporting any escape of gas; and
- (5) make available to any person on request the details of its emergency service, together with a statement that it will make safe any escape of gas from its distribution system and from that part of a gas installation directly connected to its distribution system up to and including the gas meter outlet. The statement must also state the circumstances in which a gas user may be liable for the cost of repairs associated with a gas escape.

13. Insurances and Indemnity

- (1) The Authorisation Holder must arrange and maintain with a reputable insurance company, appropriate insurance, including public liability insurance, to cover its legal liability for any loss or damage to property or death or injury to any person caused by the Authorisation Holder, its employees or agents.
- (2) The Authorisation Holder must produce to the Director-General on or before each anniversary of the date on which this Authorisation was granted satisfactory evidence that such insurance is in force.
- (3) The Authorisation Holder must not by any act or omission whatsoever do anything that would have the effect of avoiding or reducing the indemnity to be provided in any policy of insurance required or envisaged by this Clause.
- (4) The Authorisation Holder must indemnify the Minister, the Director-General and the Department of Energy, and shall keep them indemnified, against all of the following:
 - (a) all liability or loss arising from and any costs (including legal costs on a full indemnity basis), charges or expenses incurred as a result of any breach of this Authorisation or any negligent act or omission of the Authorisation Holder, its employees or agents;
 - (b) the full cost of rectifying any breach of the Act, the Regulations or this Authorisation by the Authorisation Holder, its servants or agents; and
 - (c) all legal costs (on a full indemnity basis) incurred by the Minister, the Director-General or the Department of Energy in

connection with the enforcement of the indemnity provided under this Clause.

14. Operation of a Viable Business

The Authorisation Holder must satisfy, and continue to satisfy, such technical and prudential criteria as may be adopted by the Minister to determine whether it is able to operate a viable business as an authorised Reticulator under the Act.