



**NEW SOUTH WALES  
GOVERNMENT**

**GAS SUPPLY ACT 1996**

**RETICULATOR'S AUTHORISATION**



**New South Wales  
Gas Supply Act 1996**

**Variation of Ministerially-Imposed Conditions of  
Gas Reticulators' Authorisations**

I, the Hon. Don Harwin MLC, Minister for Energy and Utilities, make this determination under section 12 of the *NSW Gas Supply Act 1996* (the Act) to vary the Ministerially-Imposed Conditions of Gas Reticulators' Authorisations granted under the Act as follows:

- i) Delete condition 3 "Compliance with Network Code" in its entirety;
- ii) Delete the following defined terms from condition 9.1:
  - a. "designated distribution pipeline";
  - b. "Network Code; and
  - c. "Director-General" and
- iii) Delete the words "authorised supplier" from condition 9.2

Signed on this 2nd day of October 2018.

A handwritten signature in black ink, appearing to read "Harwin", written over a horizontal line.

The Hon Don Harwin MLC,  
Minister for Energy and Utilities  
Minister for Resources  
Minister for the Arts  
Vice-President of the Legislative Assembly

**Explanatory Notes:**

- ▼ This is a “Consolidated Authorisation” that incorporates the Minister’s variation.
- ▼ The Authorisation has been consolidated by IPART.

# 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 Condition removed 2 October 2018 by Ministerial variation

#### 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:

<b>Act</b>	<i>Gas Supply Act 1996 (NSW)</i> .
<b>approved scheme</b>	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.
<b>business rules</b>	The rules of an entity, established under an <i>approved scheme</i> , governing the operation of <i>retail market business systems</i> .
<b>conditions</b>	These <i>conditions</i> made by the Minister under s 11 (1) (b) of the Act, expressed in this document as clauses.
<b>FRC obligations</b>	Those obligations of a <i>reticulator</i> which the Minister 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> .
<b>gas</b>	Natural gas
<b>Minister</b>	The <i>Minister</i> responsible for administering the Act.
<b>premises</b>	Includes a building or part of a building, a structure or part of a structure and land (whether built on or not.)
<b>retail market business systems</b>	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:

**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.

<b>Name of Reticulator</b>	<b>Distribution district</b>
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
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