

National Energy Retail Law (South Australia) Act 2011

(Section 34)

**NOTICE OF EXEMPTION BY THE
MINISTER FOR MINERAL RESOURCES AND ENERGY**

**ONESTEEL MANUFACTURING PTY LTD
(ACN 004 651 325)**

Notice

PURSUANT to section 34 of the *National Energy Retail Law (South Australia) Act 2011*, I, Tom Koutsantonis, Minister for Mineral Resources and Energy, grant an exemption to OneSteel Manufacturing Pty Ltd (ACN 004 651 325) ('Exempt Seller') from the requirement to hold a current retailer authorisation under Part 5 of the *NERL*, subject to the conditions listed below.

Conditions

1. Interpretation

- 1.1. Words appearing in italics are defined in Part 1 of the Schedule.

2. Form of energy

- 2.1. The form of energy authorised by this Exemption is electricity.

3. Limitation

- 3.1. The *Exempt Seller* is limited to retailing electricity to any person for consumption in the localities defined in Part 2 of the Schedule.

4. Commencement, variation and revocation

- 4.1. This Exemption commences on the date the *NERL* comes into operation in South Australia and continues in force until it is revoked by the *AER* under section 111 of the *NERL*.
- 4.2. Subject to section 34(5) of the *National Energy Retail Law (South Australia) Act 2011*, the *AER* may decide to vary or revoke this Exemption.

5. Compliance with Laws

- 5.1. The *Exempt Seller* must comply with all applicable laws and any technical or safety requirements or standards contained in regulations made under the *Electricity Act 1996* (SA).

6. Compliance Audits

- 6.1. The *Exempt Seller* must, if so required by the AER, carry out an audit of the *Exempt Seller's* compliance with the requirements of this Exemption, the NERL, *National Energy Retail Regulations* and the *NERR* in relation to aspects of the activities of the *Exempt Seller* that are specified by the AER.
- 6.2. If the AER requires the *Exempt Seller* to carry out a compliance audit under clause 6, the *Exempt Seller* may arrange for the audit to be carried out on its behalf by contractors or other persons, but the *Exempt Seller* remains responsible for the audit.

7. Dispute Resolution

- 7.1. The *Exempt Seller* must develop and make available to *customers* a set of procedures for handling customer complaints and disputes.
- 7.2. The procedures must be substantially consistent with the Australian Standard AS ISO 10002-2006 "Customer Satisfaction – Guidelines for Complaints Handling in Organisations" as amended and updated from time-to-time.
- 7.3. The procedures must be regularly reviewed and kept up to date.

8. Information provision to the Australian Energy Regulator

- 8.1. If the *Exempt Seller* commits a *material breach* of a provision of an applicable law or a condition of this Exemption, the *Exempt Seller* must provide a written report on breaches of obligations to the AER as soon as reasonably practicable and in any case within five business days of the breach occurring.
- 8.2. The *Exempt Seller* must, from time to time, in a manner and form determined by the AER, provide to the AER:
 - a. details of the *Exempt Seller's* financial, technical and other capacity to continue the *operations* authorised by this Exemption, and
 - b. such other information as the AER may require.

9. Maintaining records

- 9.1. The *Exempt Seller* must maintain records of the following information, in respect of the *operations* authorised by this Exemption for each financial year:
 - a. the number of *customers* by *customer* category;
 - b. the number of *customers* disconnected for failure to pay a bill;
 - c. in respect of the *Exempt Seller's* compliance with its regulatory obligations under this Exemption, a statement describing;

- i. any instances of non-compliance with those regulatory obligations;
 - ii. measures taken by the *Exempt Seller* to rectify reported non-compliance, and;
- d. any other information as specified by the *AER*.

10. Confidentiality

- 10.1. The *Exempt Seller* must, unless otherwise required or permitted by law, ensure that information concerning a *customer* is not disclosed without the prior express consent of, or as agreed in writing with, the *customer*.

Dated this 23rd day of January 2013



Hon Tom Koutsantonis MP
Minister for Mineral Resources and Energy

SCHEDULE

PART 1: DEFINITIONS

AER means the Australian Energy Regulator.

customer means a person:

- (a) to whom electricity is sold for premises by the Exempt Seller; or
- (b) who proposes to purchase electricity for premises from the Exempt Seller.

Exempt Seller means OneSteel Manufacturing Pty Ltd (ACN 004 651 325).

material breach means a breach:

- a. that the *AER* considers to be material, and has been notified to the *Exempt Seller* as such; or
- b. that the *Exempt Seller* considers to be material, having regard to:
 - (i) the impact (financial or otherwise) on *customers*;
 - (ii) the number of *customers* affected; and
 - (iv) any potential or actual risk to public safety.

National Energy Retail Regulations means the National Energy Retail Regulations under the *NERL*.

NERL means the National Energy Retail Law set out in the Schedule to the *National Energy Retail Law (South Australia) Act 2011*.

NERR means National Energy Retail Rules under the *NERL*.

operations means operations of the *Exempt Seller* authorised by this Exemption.

PART 2: LOCALITIES

Localities in the vicinity of Iron Knob, Iron Baron and the Whyalla District.