

National Energy Retail Law (South Australia) Act 2011

(Section 34)

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

**BHP BILLITON OLYMPIC DAM CORPORATION PTY LTD
(ACN 007 835 761)**

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 BHP Billiton Olympic Dam Corporation Pty Ltd (ACN 007 835 761) ('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 the power distribution authority described in the Olympic Dam and Stuart Shelf Indenture which is set out in the Schedule to the *Roxby Downs (Indenture Ratification) Act 1982*, and *business customers* of the *Exempt Seller* in the Olympic Dam region.

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. Dispute Resolution

- 6.1. The *Exempt Seller* must develop and make available to *customers* a set of procedures for handling customer complaints and disputes.
- 6.2. 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.
- 6.3. The procedures must be regularly reviewed and kept up to date.

7. Compliance Audits

- 7.1. 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*.
- 7.2. If the *AER* requires the *Exempt Seller* to carry out a compliance audit under this clause 7, 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.
- 7.3. The *Exempt Seller* must, within a period specified and in a manner and form required by the *AER*, provide the *AER* with the results of a compliance audit carried out under this clause 7.
- 7.4. The cost of conducting a compliance audit under this clause 7 is to be borne by the *Exempt Seller*.

8. Confidentiality

- 8.1. 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.

business customer has the same meaning as in the *NERL*.

customer means a person:

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

Exempt Seller means BHP Billiton Olympic Dam Corporation Pty Ltd (ACN 007 835 761).

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*.