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ELECTRICITY INDUSTRY ACT 2004  
GAS SERVICES INFORMATION ACT 2012

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**ELECTRICITY INDUSTRY (INDEPENDENT  
MARKET OPERATOR) REPEAL  
REGULATIONS 2018**

ELECTRICITY INDUSTRY ACT 2004  
ELECTRICITY INDUSTRY (WHOLESALE ELECTRICITY MARKET)  
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**WHOLESALE ELECTRICITY MARKET  
AMENDING RULES 2018**

GAS SERVICES INFORMATION ACT 2012  
GAS SERVICES INFORMATION REGULATIONS 2012

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**GAS SERVICES INFORMATION AMENDING  
RULES 2018**



Western Australia

## **Electricity Industry (Independent Market Operator) Repeal Regulations 2018**

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## Electricity Industry (Independent Market Operator) Repeal Regulations 2018

Made by the Governor in Executive Council.

### Part 1 — Preliminary

#### 1. Citation

These regulations are the *Electricity Industry (Independent Market Operator) Repeal Regulations 2018*.

#### 2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

#### 3. Terms used

- (1) In these regulations —

**AEMO** means the Australian Energy Market Operator Limited (ACN 072 010 327);

**asset** means property of any kind whether tangible, intangible, real or personal and includes (without limitation) any chose in action, goodwill, right, interest or claim of any kind, whether arising from, accruing under, created or evidenced by or the subject of an instrument or otherwise and whether liquidated or unliquidated or actual, contingent or prospective;

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**Coordinator** means the Coordinator of Energy under the *Energy Coordination Act 1994* section 4;

**IMO Regulations** means the *Electricity Industry (Independent Market Operator) Regulations 2004*;

**liability** means any liability, duty or obligation —

- (a) whether liquidated or unliquidated or actual, contingent or prospective; and
- (b) whether owed alone or jointly or jointly and severally with any other person;

**market participant** means —

- (a) a participant as defined in the *Electricity Industry Act 2004* section 121(2); or
- (b) a gas market participant as defined in the *Gas Services Information Act 2012* section 3(1);

**repeal day** means the day on which regulation 4 comes into operation;

**reporting officer** means the person designated as the reporting officer under regulation 8(2);

**right** means any right, power, privilege or immunity whether actual, contingent or prospective;

**WEM rules** means the market rules made under the *Electricity Industry (Wholesale Electricity Market) Regulations 2004* Part 2.

- (2) A term has the same meaning in these regulations as it has in the IMO Regulations, as in force immediately before repeal day.

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Repeal of IMO Regulations

**Part 2**

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**Part 2 — Repeal of IMO Regulations**

**4. Regulations repealed**

The *Electricity Industry (Independent Market Operator) Regulations 2004* are repealed.

**5. Directors and chief executive officer go out of office**

When the IMO Regulations are repealed, the directors and the chief executive officer go out of office.

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## **Part 3 — Winding up of affairs of IMO**

### **Division 1 — IMO continues for transitional purposes**

#### **6. IMO to continue for transitional purposes**

- (1) Despite the repeal of the IMO Regulations, the IMO continues in existence for the purposes of these regulations.
- (2) The IMO has the functions and powers necessary or convenient for the purposes referred to in subregulation (1).
- (3) The reporting officer constitutes the governing body of the IMO and is to —
  - (a) perform, in the name of the IMO, the functions of the IMO under these regulations; and
  - (b) perform any function of the board, or a director, either relating to the functions referred to in paragraph (a) or otherwise necessary for the purposes of these regulations.

### **Division 2 — Residual assets and liabilities of IMO**

#### **7. Dealing with residual assets and liabilities of IMO**

- (1) This regulation applies to an asset or liability that —
  - (a) the IMO had immediately before repeal day; or
  - (b) becomes an asset or liability of the IMO on or after repeal day and before the day fixed by the Minister under regulation 12.
- (2) An asset to which this regulation applies is to be dealt with as the Minister directs.
- (3) A liability to which this regulation applies is to be discharged or otherwise dealt with as the Minister, with the concurrence of the Treasurer, directs.

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- (4) The Minister has all the powers that are necessary or convenient for the purposes of this regulation.
- (5) If an asset or liability is transferred to the State or another entity under this regulation —
- (a) the Minister may, without limiting subregulation (4), specify that an agreement or instrument that relates to or creates the asset or liability has effect on and after the day of transfer as if a reference in it to the IMO were, on that day, replaced by a reference to the successor entity; and
  - (b) any proceedings or remedy that might have been commenced by, or available against or to, the IMO in relation to the asset or liability may be commenced by, or is available against or to, the successor entity; and
  - (c) anything relating to the asset or liability that was done or omitted to be done by, to or in respect of the IMO before the day of transfer and that is of any effect is to be taken, on and after that day, to have been done or omitted to be done by, to or in respect of the successor entity.
- (6) The reference in subregulation (5)(a) to an instrument does not include a reference to an instrument having legislative effect.
- (7) A direction or specification by the Minister under this regulation must be in writing and, to the extent practicable, a copy must be given to each person who has a direct interest in the matter.

**Division 3 — Final reporting, final reconciliation and  
dissolution of IMO**

**8. Reporting officer**

- (1) In this regulation —

***Department*** means the department of the Public Service principally assisting the Minister in the administration of the Act;

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*employee* has the meaning given in the *Public Sector Management Act 1994* section 3(1).

- (2) As soon as practicable after repeal day, the Minister must designate an employee in the Department as the reporting officer for the purposes of these regulations.
- (3) It is a function of the AEMO to assist the reporting officer in the performance of the reporting officer's functions under these regulations.

**9. Final reporting**

- (1) The reporting officer must prepare and give to the Minister a report (the ***final report***) in respect of the IMO for the period (the ***final reporting period***) commencing on 1 July 2017 and ending immediately before repeal day.
- (2) Despite its repeal, the IMO Regulations regulation 35 has effect, to the extent necessary for the purposes of subregulation (1), as if references in it to the annual report were references to the final report.
- (3) The final report is to include, in addition to the matters required under subregulation (2) —
  - (a) a report on the operations of the IMO during the final reporting period; and
  - (b) a brief description of the transferring of the functions of the IMO to other persons; and
  - (c) a report on the activities undertaken under this Part to wind up the affairs of the IMO, including the reconciliation of a surplus or deficit referred to in regulation 10.
- (4) The final report is in substitution for any financial reporting obligation that the IMO would otherwise have under the WEM rules or the GSI rules in respect of the final reporting period.

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- (5) Despite their repeal, the IMO Regulations regulations 37 and 51 and Schedule 3 have effect, to the extent necessary (and with all necessary modifications) for the purposes of subregulation (2), as if —
- (a) references in them to an annual report were references to the final report; and
  - (b) references in them to a financial year were references to the final reporting period; and
  - (c) Schedule 3 Division 6 were deleted; and
  - (d) the words “but not later than the close of business on the prescribed day” were deleted from Schedule 3 clause 30(2); and
  - (e) Schedule 3 clause 31(b) were deleted.

**10. Final reconciliation**

- (1) The reporting officer must determine whether the IMO had, immediately before repeal day —
  - (a) a surplus or deficit in relation to the recovery of the costs of performing its functions under the *Electricity Industry (Wholesale Electricity Market) Regulations 2004*; and
  - (b) a surplus or deficit in relation to the recovery of the costs of performing its functions under the *Gas Services Information Regulations 2012*.
- (2) The reporting officer must do so in accordance with the WEM rules and the GSI rules.
- (3) The determination of a surplus or deficit is not to take into account the equity of the State.
- (4) The WEM rules and the GSI rules may provide for a surplus to be distributed to, or a deficit to be recovered from, market participants, whether directly or indirectly.

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**11. Closing bank accounts**

Once the reporting officer is satisfied that a bank account of the IMO is no longer needed, the reporting officer must close it.

**12. IMO dissolved**

- (1) The IMO ceases to exist at the end of the day fixed, for the purposes of this regulation, by the Minister by notice published in the *Gazette*.
- (2) A notice cannot be published under subregulation (1) unless the Minister is satisfied that there is no reason for the IMO to continue to exist.

**Division 4 — General matters****13. Reporting officer entitled to access to information**

- (1) For the purposes of these regulations, the reporting officer is entitled to have access at all reasonable times to all accounts and any other information, documents and records, in the possession of any person, that the reporting officer considers necessary for those purposes.
- (2) The reporting officer may make copies of, or take extracts from, any of those accounts, documents or records or make a record of any of that information.
- (3) A person who has possession of any accounts, information, documents or records of the kind referred to in subregulation (1) must at any reasonable time, on the request of the reporting officer, produce any of those accounts, documents or records, or any of that information, specified in the request.

Penalty for this subregulation: a fine of \$10 000.

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**14. Delivery of and access to records**

- (1) As soon as practicable after repeal day, the IMO must deliver to the Minister all of the accounts, documents and records in the possession of the IMO immediately before repeal day.
- (2) The Minister must ensure that a former director or former officer has access to the accounts, documents and records referred to in subregulation (1), to the extent necessary to deal with a claim made against the former director or former officer, whether made before, on or after repeal day, in relation to the performance of their functions under the IMO Regulations.
- (3) In subregulation (2) —  
*officer* means the chief executive officer or a member of staff.
- (4) The Minister must ensure that the AEMO has access to the accounts, documents and records referred to in subregulation (1), to the extent necessary for the performance of its functions under a written law.
- (5) The rights of access under subregulations (2) and (4) do not require the accounts, documents and records to be retained for longer than required under the relevant record keeping plan under the *State Records Act 2000*.

**15. Registration of documents**

- (1) In this regulation —  
*relevant officials* means —
  - (a) the Registrar of Titles under the *Transfer of Land Act 1893*; and
  - (b) the Registrar of Deeds and Transfers under the *Registration of Deeds Act 1856*; and
  - (c) the Minister administering the *Land Administration Act 1997*; and

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- (d) any other person authorised by a written law to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land or any other property.
- (2) The relevant officials are to take notice of these regulations and are empowered to record and register in the appropriate manner the documents necessary to show the effect of these regulations or anything done under them.

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**Part 4 — Miscellaneous matters**

**16. Effect of regulations on existing rights and obligations**

The operation of these regulations, and any act or omission under them, is not to be regarded as —

- (a) a breach of contract or confidence or other civil wrong;  
or
- (b) a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information; or
- (c) giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any assets, rights or liabilities; or
- (d) causing any contract or instrument to be void or otherwise unenforceable; or
- (e) releasing or allowing the release of any surety.

**17. Application of *Interpretation Act 1984***

The provisions of these regulations are in addition to the relevant provisions of the *Interpretation Act 1984*.

**18. Repeal of these regulations**

- (1) These regulations are repealed at the end of the day fixed, for the purposes of this regulation, by the Minister by notice published in the *Gazette*.



**ELECTRICITY INDUSTRY ACT 2004**  
**ELECTRICITY INDUSTRY (WHOLESALE ELECTRICITY MARKET)**  
**REGULATIONS 2004**

WHOLESALE ELECTRICITY MARKET RULES

Amending Rules 2018

I, Mr Ben Wyatt, Minister for Energy for the State of Western Australia, under regulation 7(4) of the *Electricity Industry (Wholesale Electricity Market) Regulations 2004* hereby make the amending rules contained in this document.

These amending rules are to commence at 08:00am (WST) on 28 April 2018.

Dated at Perth this day 23rd day of April 2018.

BEN WYATT, MLA, Minister for Energy.

**1. Market Rule 1.4 amended**

- (1) Amend clause 1.4.1(n) by removing “if the IMO, Rule Change Panel” and replacing it with “(amendments): if the Rule Change Panel”
- (2) Amend clause 1.4.1(n) by removing “IMO” and accompanying comma.
- (3) Amend clause 1.4.1(r) by removing “(Headings and comments)” and replacing it with “(headings and comments)”.
- (4) Amend clause 1.4.2 by removing “IMO” and accompanying comma.

**2. Market Rule 1.5 amended**

- (1) Amend clause 1.5.1(b) by removing “IMO” and accompanying comma.
- (2) Amend clause 1.5.2(dA) by removing “and”.
- (3) Amend clause 1.5.2(dB) by inserting “and” after the semicolon.
- (4) Amend clause 1.5.2(dC) by removing the semicolon and “and”, and replacing with a full stop.
- (5) Delete clause 1.5.2(e) and replace with “[Blank]”.

**3. Market Rule 1.7 amended**

- (1) Delete clause 1.7.2 and replace with “[Blank]”.

**4. Market Rule 1.9 amended**

- (1) Delete Market Rule 1.9 and replace with “[Blank]”.

**5. Market Rule 1.10 amended**

- (1) Delete Market Rule 1.10 and replace with “[Blank]”.

**6. Market Rule 1.11 amended**

- (1) Delete Market Rule 1.11 and replace with “[Blank]”.

**7. Market Rule 1.14 amended**

- (1) Amend clause 1.14.1(e) by replacing each occurrence of “IMO” with “Economic Regulation Authority”.
- (2) Amend clause 1.14.1(f)(i) by removing “the IMO” and replacing it with “the Rule Change Panel”.
- (3) Amend clause 1.14.2(c)(ii) by inserting a full stop after “ii”.
- (4) Amend clause 1.14.2(c)(ii) by removing the semicolon and “and”, and replacing with a full stop.
- (5) Delete clauses 1.14.2(d), 1.14.5, 1.14.6 and 1.14.7.

**8. Market Rule 1.17 amended**

- (1) Delete clause 1.17.2 and replace with “[Blank]”.
- (2) Delete clause 1.17.4 and replace with “[Blank]”.
- (3) Delete clause 1.17.6.

**9. Market Rule 1.25 added**

- (1) Insert a new clause 1.25, after clause 1.24, as follows—

**1.25. Transitional arrangements on abolition of the IMO**

- 1.25.1. Clause 11 of the *Electricity Industry (Independent Market Operator) Repeal Regulations 2018* requires a reporting officer to produce a final report for the IMO and determine whether the IMO had, immediately before the repeal day, a surplus or deficit in relation to the recovery of the costs of performing its functions under the *Electricity Industry (Wholesale Electricity Market) Regulations 2004*.

- 1.25.2. After the Auditor General has provided his or her opinion on relevant portions of the IMO's final report, the reporting officer must:
- (a) if the reporting officer determines the IMO had an accumulated operating deficit, request payment from AEMO of an amount equal to that deficit and AEMO must pay that amount to the IMO immediately; or
  - (b) if the reporting officer determines the IMO had an accumulated operating surplus, immediately arrange for the IMO to pay to AEMO an amount equal to that surplus.
- 1.25.3. AEMO's payment or receipt of an amount in accordance with clause 1.25.2 is taken to be provision of a market administration service referred to in clause 2.22A.1(c) and a corresponding adjustment to AEMO's Allowable Revenue is to be made accordingly.
- 1.25.4. An adjustment to AEMO's Allowable Revenue made in accordance with clause 1.25.3 is taken to be approved by the Economic Regulation Authority and a corresponding adjustment to Market Fees is to be made as soon as practicable.

#### **10. Market Rule 2.1 amended**

- (1) Delete Market Rule 2.1 and replace with "[Blank]".

#### **11. Market Rule 2.2A amended**

- (1) Amend Market Rule 2.2A heading by inserting "**The Economic Regulation Authority**".
- (2) Amend clause 2.2A.1 by removing "(subject to clause 1.17.6)".
- (3) Delete clause 2.2A.1(b) and replace with "[Blank]".

#### **12. Market Rule 2.3 amended**

- (1) Amend clause 2.3.1A by removing "non voting" and replacing it with "non-voting".
- (2) Amend clauses 2.3.1(b), 2.3.17(a) and 2.3.17(b) by removing each occurrence of "IMO" and accompanying comma.
- (3) Amend clause 2.3.17(a) by removing "comprised of" and replacing it with "comprising".

#### **13. Market Rule 2.9 amended**

- (1) Delete clause 2.9.1 and replace with "[Blank]".
- (2) Amend clause 2.9.5(a) by removing "the IMO and".
- (3) Amend clause 2.9.5(c) by removing "IMO" and accompanying comma.
- (4) Delete clause 2.9.6 and replace with "[Blank]".
- (5) Amend clause 2.9.8 by removing "the IMO" and accompanying comma.

#### **14. Market Rule 2.10 amended**

- (1) Amend clauses 2.10.1, 2.10.2, 2.10.2A, 2.10.3, 2.10.7, 2.10.9(a), 2.10.10, 2.10.13(c), 2.10.17 and 2.10.18 by removing each occurrence of "IMO" and accompanying comma.
- (2) Delete clause 2.10.5 and replace with "[Blank]".
- (3) Delete clause 2.10.12 and replace with "[Blank]".
- (4) Delete clause 2.10.13(e) and replace with "[Blank]".

#### **15. Market Rule 2.11 amended**

- (1) Amend clauses 2.11.1, 2.11.2 and 2.11.4 by removing each occurrence of "IMO" and accompanying comma.
- (2) Amend clause 2.11.2 by removing "IMO's decision" and accompanying comma.
- (3) Amend clause 2.11.3 by removing "2.10.13(e)".

#### **16. Market Rule 2.16 amended**

- (1) Amend clause 2.16.2(p) by removing "IMO" and accompanying comma.

#### **17. Market Rule 2.17 amended**

- (1) Amend clauses 2.17.1 and 2.17.2 by removing each occurrence of "IMO" and accompanying comma.
- (2) Amend clause 2.17.2 by removing "AEMO,," and replacing it with "AEMO,".

#### **18. Market Rule 2.22 amended**

- (1) Delete Market Rule 2.22 and replace with "[Blank]".

#### **19. Market Rule 2.24 amended**

- (1) Delete existing clause 2.24.2 and replace it with the following—

- 2.24.2. Before 30 June each year, AEMO must determine and publish the level of the Market Fee rate, System Management Fee rate and Regulator Fee rate, and the level of each of the Application Fees, and the level of the Reassessment Fee to apply over the year starting 1 July in accordance with AEMO's budget published under clause 2.22A.4 and information provided by the Economic Regulation Authority under clause 2.24.6 (if any). Where the Economic Regulation Authority has not provided AEMO with the information required under clause 2.24.6 by the date which is five Business Days prior to 30 June, AEMO will determine and publish the expected level of Regulator Fee rate based on the

most recent information provided to AEMO by the Economic Regulation Authority under clause 2.24.6.

(2) Delete the existing clause 2.24.2A and replace it with the following—

2.24.2A. AEMO must determine and publish a level of revised Market Fee rate, System Management Fee rate or Regulator Fee rate (as applicable) within five Business Days of making any adjustment to AEMO's budget and receiving the information, if in any year the Economic Regulation Authority provides AEMO with the information required under clause 2.24.6 later than the date which is five Business Days prior to 30 June.

(3) Delete clause 2.24.3(a)(i) and replace with "[Blank]".

#### **20. Market Rule 2.25 amended**

(1) Amend clause 2.25.1A by removing "Market Fees (insofar as they are collected for the IMO) and".

(2) Amend clause 2.25.1B by removing "IMO, and the" and ", as applicable,".

(3) Amend clause 2.25.3(a) by removing "each of the IMO and".

(4) Amend clause 2.25.4 by removing "the IMO" and accompanying comma.

#### **21. Market Rule 2.26 amended**

(1) Insert a new clause 2.26.5, after clause 2.26.4, as follows—

2.26.5. If the Economic Regulation Authority recommends changes as a result of the report prepared under clause 2.26.4, the Economic Regulation Authority must either submit a Rule Change Proposal or initiate a Procedure Change Process, as the case may be, to implement those changes.

#### **22. Market Rule 2.28 amended**

(1) Amend clause 2.28.1(dA) by inserting "and" after semi-colon.

(2) Delete clause 2.28.1(e) and insert "[Blank]".

(3) Delete clause 2.28.15 and insert "[Blank]".

#### **23. Market Rule 4.1 amended**

(1) Delete clause 4.1.33 and replace with "[Blank]".

#### **24. Market Rule 4.11 amended**

(1) Amend clause 4.11.1E by removing "IMO" and replacing it with "The Economic Regulation Authority, in consultation with AEMO,".

(2) Amend clause 4.11.1E by removing "2019" and replacing it with "2020".

(3) Amend clause 4.11.1E by removing "2021" and replacing it with "2022".

(4) Insert new clause 4.11.1F, after clause 4.11.1E, as follows—

4.11.1F. If the Economic Regulation Authority recommends a rule change resulting from the review in clause 4.11.1E, the Economic Regulation Authority must submit a Rule Change Proposal to implement the change.

#### **25. Market Rule 4.16 amended**

(1) Amend clause 4.16.3 by removing "IMO" and replacing it with "Economic Regulation Authority".

(2) Insert new clause 4.16.10, after clause 4.16.9, as follows—

4.16.10. If the Economic Regulation Authority recommends changes as a result of the review in clause 4.16.9, the Economic Regulation Authority must either submit a Rule Change Proposal or initiate a Procedure Change Process, as the case may be, to implement those changes.

#### **26. Market Rule 4.26 amended**

(1) Amend clause 4.26.1D by removing "IMO" and replacing it with "The Economic Regulation Authority, in consultation with AEMO,".

(2) Insert new clause 4.26.1E, after 4.26.1D, as follows—

4.26.1E. If the Economic Regulation Authority recommends changes in the review in clause 4.26.1D, the Economic Regulation Authority must submit a Rule Change Proposal to implement those changes.

#### **27. Market Rule 4.29 amended**

(1) Delete clause 4.29.1(b)(iv) and replace with "for a Reserve Capacity Cycle from the 2022 Reserve Capacity Cycle onwards, insert values for the relevant Reserve Capacity Cycle into the equation for the 2021 Reserve Capacity Cycle set out in clause 4.29.1(b)(iii)."

#### **28. Market Rule 8.1 amended**

(1) Amend clause 8.1.4. by removing "the IMO" and replacing it with "AEMO".

#### **29. Market Rule 9.13 amended**

(1) Amend clause 9.13.1 by removing "and the IMO's services".

#### **30. Market Rule 9.15 amended**

(1) Amend clause 9.15.1 by removing "the IMO" and accompanying comma.

**31. Market Rule 10.2 amended**

- (1) Delete clause 10.2.2(c)(ii) and insert “[Blank]”.
- (2) Delete clause 10.2.2(d)(iii) and insert “[Blank]”.
- (3) Delete clause 10.2.2(e)(ii) and insert “[Blank]”.
- (4) Amend clause 10.2.2(f) by removing “IMO and”.
- (5) Delete clause 10.2.2(f)(i) and insert “[Blank]”.
- (6) Delete clause 10.2.2(g)(iv) and insert “[Blank]”.
- (7) Delete clause 10.2.3(c) and replace with “AEMO may make available to a person information if AEMO is required to do so by law or these Market Rules;”.
- (8) Amend clause 10.2.3(e) by removing “IMO and”
- (9) Delete clause 10.2.3C and replace with “[Blank]”.

**32. Market Rule 10.3 amended**

- (1) Amend clause 10.3.2 by removing each occurrence of “the IMO” and accompanying comma.

**33. Market Rule 10.5 amended**

- (1) Amend clause 10.5.1(t) by removing “and the IMO”.

**34. Chapter 11 Glossary amended**

- (1) Insert new definition for “AEMO Confidential”, after “AEMO” definition, as follows—

**AEMO Confidential:** An information confidentiality status whereby information or documents, and any information or documents to which a confidentiality status under clause 10.2.2(f) may only be made available to the parties described in clause 10.2.2(f).

This includes an information confidentiality status which was set by the IMO under clause 10.2.2(f) prior to its abolition on the day *the Electricity Industry (Independent Market Operator) Repeal Regulations 2018* commenced<sup>1</sup>.

<sup>1</sup>Note: the *Electricity Industry (Independent Market Operator) Repeal Regulations 2018* commenced on 28 April 2018.

- (2) Delete definition for “Allowable Revenue” and replace it as follows—

**Allowable Revenue:** Means the allowable revenue for AEMO in providing the services set out in clause 2.22A.1 as approved by the Economic Regulation Authority in accordance with clause 2.22A.14.

- (3) Delete definition for “Balancing Market Commencement Day” and replace it as follows—

**Balancing Market Commencement Day:** Means the Trading Day commencing at 8:00 AM on 1 July 2012.

- (4) Delete definition for “IMO” and replace it as follows—

**IMO:** The former Independent Market Operator that was abolished by the *Electricity Industry (Independent Market Operator) Repeal Regulations 2018* (which also repealed the *Electricity Industry (Independent Market Operator) Regulations 2004*).

- (5) Delete definition for “IMO and AEMO Confidential”.
- (6) Delete definition for “IMO Regulations”.
- (7) Amend definition for “LFAS Downwards Merit Order” by removing “IMO” and replacing it with “AEMO”.
- (8) Amend definition for “Market Advisory Committee” by removing “IMO” and the accompanying comma.
- (9) Amend definition for “Market Advisory Committee” by removing “comprised of” and replacing it with “comprising”.
- (10) Amend definition for “Market Procedure” by removing “IMO” and the accompanying comma.
- (11) Amend definition for “Procedure Change Proposal” by removing “IMO” and the accompanying comma.
- (12) Amend definition for “Procedure Change Report” by removing “IMO” and the accompanying comma.
- (13) Delete definition for “Regulations” and replace it as follows—

**Regulations:** Any regulations made under the *Electricity Industry Act 2004* (WA) including the WEM Regulations, AEMO Regulations, the Panel Regulations and the *Electricity Industry (Independent Market Operator) Repeal Regulations 2018*.
- (14) Amend definition for “Reviewable Decision” by removing “IMO” and accompanying comma.
- (15) Delete definition for “Transitional Compliance Functions”.

**GAS SERVICES INFORMATION ACT 2012**  
**GAS SERVICES INFORMATION REGULATIONS 2012**  
**GAS SERVICES INFORMATION RULES**

Amending Rules 2018

I, Mr Ben Wyatt, Minister for Energy for the State of Western Australia, under regulation 7(5) of the *Gas Services Information Regulations 2012* hereby make the amending rules contained in this document.

These amending rules are to commence at 08:00am (WST) on 28 April 2018.

Dated at Perth this day 23rd day of April 2018.

BEN WYATT, MLA, Minister for Energy.

**1. Rule 3 amended**

(1) Amend subrule 3(2) by removing “IMO” and accompanying comma.

**2. Rule 3A amended**

(1) Delete subrule 3A(1) and replace with “[Blank]”.

**3. Rule 5 amended**

(1) Amend subrules 5(1) and 5(2) by removing each occurrence of “IMO” and accompanying comma.

**4. Rule 7 amended**

(1) Amend subrules 7(1), 7(2)(a), 7(2)(b), 7(2)(c), 7(2)(d), 7(3) and 7(4) by removing each occurrence of “IMO” and accompanying comma.

(2) Amend subrule 7(2) by removing “The IMO and AEMO (as applicable)” and replace with “The Rule Change Panel, AEMO or the ERA (as applicable)”.

**5. Part 1 Division 4 heading amended**

(1) Amend Part 1 Division 4 heading by removing “IMO” and accompanying comma.

**6. Rule 8 amended**

(1) Amend subrule 8 heading by removing “IMO” and accompanying comma.

(2) Delete subrule 8(1A) and replace with “[Blank]”.

(3) Delete subrule 8(1B)(f) and replace with “[Blank]”.

(4) Amend subrule 8(2) by removing “IMO” and “subrule (1A)”, and accompanying commas.

**7. Rule 9 heading amended**

(1) Amend rule 9 heading by removing “IMO” and accompanying comma.

**8. Rule 9 amended**

(1) Amend rule 9 by removing each occurrence of “IMO” and accompanying comma.

**9. Rule 11 amended**

(1) Amend subrules 11(2)(a), 11(2)(b) and 11(3) by removing each occurrence of “IMO” and accompanying comma.

**10. Rule 16 amended**

(1) Amend rule 16 by removing “IMO” and accompanying comma.

**11. Part 1 Division 7 heading amended**

(1) Amend Part 1 Division 7 heading by removing “IMO” and accompanying comma.

**12. Rule 17 heading amended**

(1) Amend rule 17 heading by removing “IMO” and accompanying comma.

**13. Rule 17 amended**

(1) Amend rule 17 by removing “the IMO” and accompanying comma.

(2) Amend subrule 17(b) by removing “the IMO” and accompanying comma.

**14. Part 7 Division 1 heading amended**

(1) Amend Part 7 Division 1 heading by inserting “AEMO” before “GSI Services”.

**15. Rule 107 heading amended**

(1) Amend rule 107 heading by inserting “AEMO” before “GSI Services”.

**16. Rule 107 amended**

(1) Delete subrule 107(2).

**17. Rule 108 amended**

(1) Delete rule 108 and replace with “[Blank]”.

**18. Rule 109 amended**

(1) Delete existing subrule 109(1)(a) and replace with “determining the Allowable Revenue and Forecast Capital Expenditure of AEMO under rule 108A; and”.

(2) Amend subrule 109(1)(b) by removing “the IMO or”.

(3) Amend subrule 109(2) by removing “the IMO and”, “the IMO or”, “(as applicable)” and “the relevant”.

(4) Amend subrule 109(2) by inserting “AEMO” before “GSI Services”.

(5) Amend subrule 109(3) by removing “each of the IMO and”.

(6) Amend subrule 109(3) by inserting “AEMO” before “GSI Services”.

(7) Amend subrule 109(4) by removing “the IMO and”.

**19. Rule 110 amended**

(1) Delete Rule 110 and replace it with the following—

**110 ERA may adjust Allowable Revenue or Forecast Capital Expenditure**

(1) The ERA must reassess and may adjust the Allowable Revenue or Forecast Capital Expenditure for the current Review Period for AEMO where—

(a) AEMO applies to the ERA to reassess the Allowable Revenue under subrule 111A(4);

(b) AEMO applies to the ERA to reassess the Forecast Capital Expenditure under subrule 111A(5); or

(c) AEMO applies to the ERA for approval of an increase in the Allowable Revenue relevant to a GSI Project under rule 112.

(2) During a Review Period, AEMO may apply to the ERA for approval of an adjustment to its Allowable Revenue and Forecast Capital Expenditure for that Review Period, where such approval is not required under subrules 111A(4) or 111A(5) or rule 112.

(3) If the ERA receives an application from AEMO under subrule (2), the ERA may make a determination to adjust the Allowable Revenue and Forecast Capital Expenditure for the Review Period for AEMO.

(4) A decision by the ERA to adjust the current Allowable Revenue or Forecast Capital Expenditure for AEMO in response to an application made by AEMO under subrule (2) is binding on the ERA, but a decision not to make such a determination creates no presumption that future expenditure will not meet the relevant criteria under subrule 109(3).

(5) The ERA must undertake a public consultation process, which must include publishing an issues paper and inviting submissions from interested persons, in relation to applications for adjustment of the current Allowable Revenue and Forecast Capital Expenditure for AEMO referred to in subrule (1), and may do so in relation to an application for adjustment under subrule (2).

**20. Part 7 Division 3 heading amended**

(1) Amend Part 7 Division 3 heading by removing “GSI” and replacing with “AEMO”.

**21. Rule 111 amended**

(1) Delete rule 111 and replace with “[Blank]”.

**22. Rule 113 amended**

(1) Delete rule 113 and replace with “[Blank]”.

**23. Rule 114 amended**

(1) Amend rule 114 heading by inserting “AEMO” before “GSI Services”.

(2) Amend subrule 114(a) by removing “GSI” and replacing with “AEMO”.

**24. Rule 116 amended**

(1) Amend subrule 116(1) by removing “GSI Budget” and replacing with “AEMO Budget”.

**25. Rule 117 amended**

(1) Delete subrule 117(1)(b)(i) and replace with “[Blank]”.

(2) Delete subrule 117(3)(b)(i) and replace with “[Blank]”.

**26. Rule 118A amended**

(1) Delete Rule 118A and replace it with the following—

**118A Payment of GSI Fees to ERA**

(1) AEMO is an agent for the ERA for the collection of the Regulator Fees each Financial Year and payable by Registered Shippers and Registered Production Facility Operators to AEMO.

(2) The ERA must, if requested by AEMO, do all things reasonably necessary (including entering into any agreements) to enable AEMO to give effect to subrule (1).

(3) Following receipt of a payment of GSI Fees in accordance with rule 118 or rule 119, AEMO must pay to the ERA an amount corresponding to the proportion of the GSI Fees attributable to the Regulator Fees for the relevant Financial Year.

(4) The ERA recovers the proportion of the payment referred to in subrule (3) that relates to the costs contemplated in subrule 110A(2A) on behalf of the Rule Change Panel.

**27. Rule 119 amended**

(1) Amend subrule 119(1)(b) by inserting “or” after the semicolon.

(2) Delete subrule 119(1)(c) and replace with “[Blank]”.

**28. Rule 154 heading amended**

(1) Amend rule 154 heading by removing “IMO” and accompanying comma.

**29. Rule 154 amended**

(1) Delete subrule 154(1) and insert “[Blank]”.

(2) Amend subrule 154(3) by removing “IMO” and accompanying comma.

**30. Rule 155 amended**

(1) Amend subrule 155(2)(k) by removing “IMO” and accompanying comma.

(2) Delete subrule 155(4) and insert “[Blank]”.

**31. Rule 156 heading amended**

(1) Amend rule 156 heading by removing “IMO” and accompanying comma.

**32. Rule 156 amended**

(1) Amend subrules 156(1), 156(2), 156(3) and 156(4) by removing each occurrence of “IMO” and accompanying comma.

**33. Rule 157 amended**

(1) Amend rule 157 by removing each occurrence of “IMO” and accompanying comma.

**34. Rule 158 amended**

(1) Amend subrules 158(1) and 158(2) by removing each occurrence of “IMO” and accompanying comma.

**35. Rule 160 amended**

(1) Amend subrules 160(1), 160(2), 160(3)(b) and 160(4) by removing each occurrence of “IMO” and accompanying comma.

**36. Rule 161 amended**

(1) Amend subrules 161(1), 161(2) and 161(4) by removing each occurrence of “IMO” and accompanying comma.

**37. Rule 162 amended**

(1) Amend subrules 162(1) (and accompanying Note), 162(2), 162(3) and 162(3)(c) by removing each occurrence of “IMO” and accompanying comma.

**38. Rule 163 heading amended**

(1) Amend rule 163 heading by removing “IMO” and accompanying comma.

**39. Rule 163 amended**

(1) Amend rule 163 by removing “IMO” and accompanying comma.

**40. Rule 164 heading amended**

(1) Amend rule 164 heading by removing “IMO” and accompanying comma.

**41. Rule 164 amended**

(1) Amend rule 164 by removing “IMO” and accompanying comma.

**42. Rule 165 amended**

(1) Amend subrule 165(1) by removing “AEMO and the IMO” and preceding comma, and replacing with “and AEMO”.

(2) Amend subrule 165(2) by removing “AEMO and the IMO” and preceding comma, and replacing with “and AEMO”.

**43. Rule 165A amended**

(1) Amend subrule 165A(4) by removing both “and the IMO” and “or the IMO’s”.

**44. Schedule 1—Glossary amended**

(1) Delete definition for “Allowable Revenue” and replace it as follows—

**Allowable Revenue** means the allowable revenue for a Review Period to be recovered by AEMO for the provision of the AEMO GSI Services, determined by the ERA under rule 108A, and includes any amendment made by the ERA under rule 110.

(2) Delete definition for “Approved Annual Revenue”.

(3) Amend definition for “Electricity Laws” by inserting “and” after the semicolon in part (b) and deleting part (c) and replacing with “[Blank]”.

(4) Amend definition for “Electricity Laws” by removing “*Electricity Industry (Wholesale Electricity Market) Regulations 2004*” where it appears in both part (b) and (d) and replacing it with “*Electricity Industry (Wholesale Electricity Market) Regulations 2004*”.

(5) Delete definition for “Forecast Capital Expenditure” and replace it as follows—

**Forecast Capital Expenditure** means the predicted sum of capital expenditure required by AEMO for a Review Period which must be approved by the ERA under rule 108A and includes any amendment made by the ERA under rule 110.

(6) Delete definition for “GSI Budget”.

(7) Delete definition for “GSI Budget Proposal”.

(8) Amend definition for “GSI Consultation Procedure” by removing “IMO” and accompanying comma.

(9) Delete definition for “GSI Services”.

(10) Delete definition for “IMO” and replace it as follows—

**IMO** means the former Independent Market Operator that was abolished by the *Electricity Industry (Independent Market Operator) Repeal Regulations 2018* (which also repealed the *Electricity Industry (Independent Market Operator) Regulations 2004*).

(11) Delete definition for “IMO GSI Services”.

(12) Delete definition for “Independent Market Operator”.

(13) Amend definition for “Procedure Change Report” by deleting “IMO” and accompanying comma.

#### **45. Schedule 3 Part 1 Rule 15 amended**

(1) Amend subrule 15(6) by inserting “Initial” before “GSI Budget Proposal later than 30 June 2013”.

#### **46. Schedule 3 Part 1 Rule 16 amended**

(1) Amend subrule 16(2) by inserting “Initial” before “GSI Budget Proposal”.

#### **47. Schedule 3 Part 2 Rule 1 amended**

(1) Insert definition for “IMO GSI Services” as follows—

**IMO GSI Services** means the services listed in subrule 107(2) for the purposes of determining the Allowable Revenue for the IMO.

#### **48. Schedule 3 Part 3 Rule 1 amended**

(1) Insert definition for “IMO GSI Services” as follows—

**IMO GSI Services** means the services listed in subrule 107(2) for the purposes of determining the Allowable Revenue for the IMO.

#### **49. Schedule 3 Part 2 Rule 5 added**

(1) Insert a new rule 5 to Schedule 3 Part 2, after rule 4 of the same section, as follows—

##### **5 Transitional arrangements on abolition of the IMO**

(1) Clause 11 of the *Electricity Industry (Independent Market Operator) Repeal Regulations 2018* requires a reporting officer to produce a final report for the IMO and determine whether the IMO had, immediately before the repeal day, a surplus or deficit in relation to the recovery of the costs of performing its functions under the *Gas Services Information Regulations 2012*.

(2) After the Auditor General has provided his or her opinion on relevant portions of the IMO’s final report, the reporting officer must:

- (a) if the reporting officer determines the IMO had an accumulated operating deficit, request payment from AEMO of an amount equal to that deficit and AEMO must pay that amount to the IMO immediately; or
- (b) if the reporting officer determines the IMO had an accumulated operating surplus, immediately arrange for the IMO to pay to AEMO an amount equal to that surplus.

(3) AEMO’s payment or receipt of an amount in accordance with subrule (2) is taken to be provision of AEMO GSI Services referred to in subrule 107(1)(i) and a corresponding adjustment to AEMO’s Allowable Revenue is to be made accordingly.

(4) An adjustment to AEMO’s Allowable Revenue made in accordance with subrule (3) is taken to be approved by the ERA and a corresponding adjustment to GSI Fees is to be made as soon as practicable.

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