

GAS SERVICES INFORMATION ACT 2012**GAS SERVICES INFORMATION REGULATIONS 2012****GAS SERVICES INFORMATION RULES****Amending Rules 2015**

I, Dr Mike Nahan, 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 30 November 2015.

Dated at Perth this 26th day of November 2015.

MIKE NAHAN MLA, Minister for Energy.

1. Rule 3 amended

(1) Amend subrule 3(2) by deleting the word “its” and replacing it with the word “their” in each place where it occurs.

2. Rule 3A added

(1) Insert a new Rule 3A, after Rule 3, as follows—

3A GSI Website

Where the IMO is required by the Rules to publish or release a document or information or maintain a document or information on the GSI Website, then—

- (a) the IMO must promptly provide the document or information to AEMO;
- (b) AEMO must publish the document or information on the GSI Website as soon as practicable; and
- (c) the IMO is deemed to have published or released the document or information, and maintained it on the GSI Website, once AEMO has published it on the GSI Website.

3. Rule 5 amended

(1) Amend Rule 5 by inserting the word “, AEMO” after the word “IMO”, in each place where it occurs.

4. Rule 7 amended

(1) Amend subrule 7(2) by inserting the words “and AEMO (as applicable)” after the word “IMO”, in the first place where it occurs.

5. Rule 8 amended

(1) Delete the existing subrule 8(1) and replace it with the following—

(1) AEMO has the following functions and powers—

- (a) to establish, operate and maintain the GBB;
- (b) to register certain Gas Market Participants as Registered Participants;
- (c) to register certain Facilities as Registered Facilities, and to exempt certain facilities from the requirement to be registered;
- (d) to prepare and publish the GSOO;
- (e) [blank];
- (f) Procedure making functions, to the extent to which the Procedures relate to its functions under the Rules;
- (g) [blank];
- (h) [blank];
- (i) [blank];
- (j) information gathering and disclosure functions, to the extent to which the information gathering and disclosure functions relate to its other functions conferred on AEMO under the GSI Regulations and the Rules;
- (ja) to support—
 - (i) the IMO’s monitoring of persons’ compliance with the Rules or Procedures;
 - (ii) the IMO’s investigation of breaches or possible breaches of the Rules or the Procedures (including by reporting possible breaches to the IMO); and
 - (iii) any enforcement action taken by the IMO under the GSI Regulations or Rules; and

- (k) any other functions conferred on AEMO under the GSI Act, the GSI Regulations and the Rules.
- (2) Insert a new subrule 8(1A), after subrule 8(1), as follows—
 - (1A) The IMO has the following functions and powers—
 - (a) Rule making functions;
 - (b) Procedure making functions, to the extent to which the Procedures relate to its functions under the Rules;
 - (c) to monitor compliance by persons with the Rules or Procedures;
 - (d) to investigate breaches or possible breaches of the Rules or the Procedures;
 - (e) to take enforcement action under the GSI Regulations and Rules;
 - (f) information gathering and disclosure functions, to the extent to which the information gathering and disclosure functions relate to its other functions conferred on the IMO under the GSI Regulations and the Rules; and
 - (g) any other functions conferred on the IMO under the GSI Act, the GSI Regulations and the Rules.
- (3) Delete the existing subrule 8(2) and replace it with the following—
 - (2) Each of the IMO and AEMO has the power to do all things necessary or convenient to be done for or in connection with the performance of its respective functions as specified in subrule (1) and subrule (1A) (as applicable).

6. Rule 11 amended

- (1) Delete the existing subrule 11(2) and replace it with the following—
 - (2) The role of the Gas Advisory Board is to advise—
 - (a) the IMO in relation to Rule Change Proposals and the IMO and AEMO in relation to Procedure Change Proposals;
 - (b) the IMO in relation to matters concerning the development of the Rules and the IMO and AEMO in relation to matters concerning the development of Procedures;
 - (c) AEMO in relation to the operation of the GBB; and
 - (d) AEMO in relation to the preparation of a GSOO.

7. Rule 12 amended

- (1) Amend subrule 12(1)(b) by deleting the word “other” and deleting the words “the IMO” and replacing them with the word “AEMO”.

8. Rule 16 amended

- (1) Amend Rule 16 by deleting the words “its role” and replacing them with the words “their respective roles” instead.

9. Part 1, Division 7 amended

- (1) Amend the heading of Part 1, Division 7 by inserting the word “, AEMO” after the word “IMO”.

10. Rule 17 amended

- (1) Delete the existing Rule 17 and replace it with the following—
 - 17 IMO and AEMO may establish working groups**
 - Each of the IMO and AEMO may establish working groups to—
 - (a) provide advice on specified aspects of their respective functions; or
 - (b) undertake any other activity in relation to their respective functions as is specified by the IMO or AEMO (as applicable).

11. Rule 18 amended

- (1) Amend subrule 18(5) by deleting the words “the IMO’s” and replacing them with the word “AEMO’s”.

12. Rule 34 amended

- (1) Delete the existing subrule 34(4) and replace it with the following—
 - (4) Without limitation, an obligation imposed under subrule (3) may require compliance with specified requirements of the Rules, with any modifications specified by AEMO. AEMO must notify the IMO of any obligation imposed by AEMO under subrule (3).

13. Rule 36 amended

- (1) Delete the existing subrule 36(5) and replace it with the following—
 - (5) Any such obligation may continue, to the extent necessary, to apply after deregistration takes effect. AEMO must notify the IMO of any obligation imposed by AEMO under subrule (3).

14. Rule 39 amended

- (1) Delete the existing subrule 39(5) and replace it with the following—
 - (5) Without limitation, an obligation imposed under subrule (4) may require compliance with specified requirements of the Rules, with any modifications specified by AEMO and any such obligation may continue, to the extent necessary, to apply after the transfer of registration

takes effect. AEMO must notify the IMO of any obligation imposed by AEMO under subrule (4).

15. Rule 50 amended

(1) Amend subrule 50(3) by deleting the words “the IMO’s” and replacing them with the word “AEMO’s”.

16. Part 7 amended

(1) Amend the heading of Part 7 by deleting the word “IMO”.

17. Rule 107 amended

(1) Delete the existing Rule 107 and replace it with the following—

107 GSI Services for determination of Allowable Revenue by ERA

(1) For the purposes of this Part, the AEMO GSI Services are—

- (a) to establish, operate and maintain the GBB;
- (b) to register or deregister Registered Participants and Registered Facilities and to grant Exemptions;
- (c) to prepare and publish the GSOO;
- (d) to make Procedures, to the extent to which the Procedures relate to its functions under the Rules;
- (e) [blank];
- (f) to support—
 - (i) the IMO’s monitoring of persons’ compliance with the Rules or Procedures;
 - (ii) the IMO’s investigation of breaches or possible breaches of the Rules or the Procedures (including by reporting possible breaches to the IMO); and
 - (iii) any enforcement action taken by the IMO under the GSI Regulations or the Rules;
- (g) [blank];
- (h) to manage information gathering and disclosure functions under the GSI Regulations and the Rules, to the extent to which the information gathering and disclosure functions relate to its other functions conferred on AEMO under the GSI Act, the GSI Regulations or the Rules; and
- (i) services deriving from the exercise of any other functions conferred on the IMO under the GSI Act, the GSI Regulations or the Rules.

(2) For the purposes of this Part, the IMO GSI Services are—

- (a) to facilitate the processes of the Gas Advisory Board;
- (b) to make Amending Rules, including the initial Rules made by the Minister under regulation 6 of the GSI Regulations;
- (c) to make Procedures, to the extent to which the Procedures relate to its functions under the Rules;
- (d) to monitor compliance and investigate breaches or possible breaches of the Rules or the Procedures;
- (e) to take enforcement action under the GSI Regulations or the Rules;
- (f) to manage information gathering and disclosure functions under the GSI Regulations and the Rules, to the extent to which the information gathering and disclosure functions relate to its other functions conferred on the IMO under the GSI Act, the GSI Regulations or the Rules; and
- (g) services deriving from the exercise of any other functions conferred on the IMO under the GSI Act, the GSI Regulations or the Rules.

18. Rule 108 amended

(1) Delete the existing Rule 108 and replace it with the following—

108 ERA to determine Allowable Revenue and Forecast Capital Expenditure for the IMO

(1) The ERA must determine the Allowable Revenue and Forecast Capital Expenditure for the IMO for each Review Period for the IMO GSI Services in accordance with this Part.

(2) By 30 November of the year prior to the start of a Review Period, the IMO must submit a proposal to the ERA for its Allowable Revenue and Forecast Capital Expenditure for the provision of the IMO GSI Services over that Review Period.

(3) The ERA must, in relation to the proposed Allowable Revenue and Forecast Capital Expenditure put forward by the IMO, undertake a public consultation process which must include publishing an issues paper and inviting submissions from interested persons.

(4) The ERA must determine the Allowable Revenue and Forecast Capital Expenditure of the IMO by 31 March of the year in which the Review Period commences.

(5) Where the ERA does not determine the Allowable Revenue and Forecast Capital Expenditure of the IMO by 31 March, the Allowable Revenue and Forecast Capital Expenditure of the IMO from the previous Review Period continues to apply until the ERA makes a determination.

19. Rule 108A added

(1) Insert a new Rule 108A, after Rule 108, as follows—

108A ERA to determine Allowable Revenue and Forecast Capital Expenditure for AEMO

(1) The ERA must determine the Allowable Revenue and Forecast Capital Expenditure for AEMO for each Review Period for the AEMO GSI Services, in accordance with this Part.

(2) By 30 November of the year prior to the start of a Review Period, AEMO must submit a proposal to the ERA for its Allowable Revenue and Forecast Capital Expenditure for the provision of the AEMO GSI Services over that Review Period.

(3) The ERA must, in relation to the proposed Allowable Revenue and Forecast Capital Expenditure put forward by AEMO, undertake a public consultation process which must include publishing an issues paper and inviting submissions from interested persons.

(4) The ERA must determine the Allowable Revenue and Forecast Capital Expenditure of AEMO by 31 March of the year in which the Review Period commences.

(5) Where the ERA does not determine the Allowable Revenue and Forecast Capital Expenditure of AEMO by 31 March, the Allowable Revenue and Forecast Capital Expenditure of AEMO from the previous Review Period continues to apply until the ERA makes a determination.

20. Rule 109 amended

(1) Delete the existing Rule 109 and replace it with the following—

109 Matters for consideration by ERA in determining Allowable Revenue and Forecast Capital Expenditure

(1) The ERA must take the matters set out in this rule into account when—

(a) determining the Allowable Revenue and Forecast Capital Expenditure of the IMO or AEMO under rule 108 or rule 108A (as applicable); and

(b) approving adjustments to the current Allowable Revenue and Forecast Capital Expenditure for the IMO or AEMO in any of the circumstances set out in rule 110.

(2) The Allowable Revenue of the IMO and AEMO must be sufficient to cover the forward looking costs of the IMO or AEMO (as applicable) providing the relevant GSI Services in accordance with the following principles—

(a) recurring expenditure requirements and payments are recovered in the year of the expenditure;

(b) capital expenditures are to be recovered through the depreciation and amortisation of the assets acquired by the capital expenditures in a manner that is consistent with generally accepted accounting principles; and

(c) despite subrules (a) and (b), expenditure incurred, and depreciation and amortisation charged, in relation to any GSI Project are to be recovered over the period determined for that GSI Project.

(3) The Allowable Revenue and Forecast Capital Expenditure for each of the IMO and AEMO must include only costs which would be incurred by a prudent provider of the relevant GSI Services, acting efficiently, seeking to achieve the lowest practicably sustainable cost of delivering those services in accordance with the Rules, while effectively promoting the GSI Objectives.

(4) Where possible, the ERA should benchmark the Allowable Revenue and Forecast Capital Expenditure for the IMO and AEMO against the costs of providing similar services in other jurisdictions.

(5) Where costs incurred by AEMO relate to both the performance of functions in connection with the Rules, and the performance of AEMO's other functions, the costs must be allocated on a fair and reasonable basis between—

(a) costs recoverable as part of AEMO's Allowable Revenue and Forecast Capital Expenditure; and

(b) other costs not to be recovered under the Rules.

21. Rule 110 amended

(1) Delete the existing 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 the IMO or AEMO (as applicable) where—

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

(b) the IMO or AEMO (as applicable) applies to the ERA to reassess the Forecast Capital Expenditure under subrule 111(5) or subrule 111A(5) (as applicable); 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, the IMO or 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 111(4) and (5), subrules 111A(4) or 111A(5) or rule 112.

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

(4) A decision by the ERA to adjust the current Allowable Revenue or Forecast Capital Expenditure for the IMO or AEMO in response to an application made by the IMO or AEMO (as applicable) 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 the IMO or AEMO referred to subrule (1), and may do so in relation to an application for adjustment under subrule (2).

22. Rule 111 amended

(1) Amend the heading to Rule 111 by inserting the word “Proposal” after the word “Budget” where it appears.

(2) Amend Rule 111 by inserting the word “IMO” before the words “GSI Services” in each case where they appear.

(3) Amend Rule 111 by inserting the word “IMO’s” before the words “Allowable Revenue” in each case where they appear.

(4) Amend subrule 111(5) by inserting the word “IMO’s” before the words “Forecast Capital Expenditure”.

23. Rule 111A added

(1) Insert a new Rule 111A, after Rule 111, as follows—

111A Determination of the AEMO Budget

(1) AEMO must—

(a) by 30 June each year, publish on the GSI Website the AEMO Budget for the AEMO GSI Services for the coming Financial Year; and

(b) by 31 October each year, publish on the GSI Website a financial report showing AEMO’s actual financial performance against its budget for the previous Financial Year.

(2) The AEMO Budget must be consistent with AEMO’s Allowable Revenue and Forecast Capital Expenditure for the relevant Review Period.

(3) Where the revenue earned for the provision of the AEMO GSI Services via GSI Fees in the previous Financial Year is greater than or less than AEMO’s expenditure for the AEMO GSI Services for that Financial Year, the AEMO Budget must take this into account by decreasing the budgeted revenue by the amount of the surplus or adding to the budgeted revenue the amount of any shortfall, as the case may be.

(4) Where, taking into account any adjustment under subrule (3), the AEMO Budget is likely to result in revenue recovery, over the relevant Review Period, being at least 15% above AEMO’s Allowable Revenue determined by the ERA, AEMO must apply to the ERA to reassess AEMO’s Allowable Revenue for the Review Period.

(5) Where the AEMO Budget is likely to result in capital expenditure, over the relevant Review Period, being at least 10% greater than AEMO’s Forecast Capital Expenditure approved by the ERA, AEMO must apply to the ERA to reassess AEMO’s Forecast Capital Expenditure for the Review Period.

(6) AEMO must endeavour to make an application to the ERA in sufficient time for the ERA to make a determination before the commencement of the Financial Year to which the relevant AEMO Budget relates.

24. Rule 112 amended

(1) Amend the heading to Rule 112 by deleting the word “IMO” and replacing it with “AEMO”.

(2) Amend Rule 112 by deleting the words “the IMO” and replacing it with the word “AEMO” in each place where it occurs.

(3) Amend Rule 112 by inserting the word “AEMO” before the words “GSI Services” in each case where they appear.

(4) Amend Rule 112 by inserting the word “AEMO’s” before the words “Allowable Revenue” in each case where they appear.

25. Rule 114 amended

(1) Amend Rule 114 by deleting the words “Approved Annual Revenue for that Financial Year” and replacing them with the words “GSI Budget”.

26. Rule 116 amended

(1) Delete the existing subrule 116(1) and replace it with the following—

(1) The GSI Fees F for the GSI Invoice Period p in Financial Year y is calculated as—

$$F(p) = \text{Budget}(y) \times \frac{\text{days in } p}{\text{days in } y} + U(p) - UR(p)$$

Where—

Budget(y) is the GSI Budget for Financial Year *y*;

U(p) is the sum of any GSI Fees invoiced for preceding GSI Invoice Periods but unpaid at the time GSI Fees for GSI Invoice Period *p* are invoiced and which AEMO reasonably believes it will not be able to recover from the party invoiced (and has not been previously reallocated as a *U(p)* amount); and

UR(p) is the sum of any amounts included in the calculation of *U* for a preceding GSI Invoice Period which have been recovered since the GSI Fees for GSI Invoice Period *p-1* were invoiced.

27. Rule 117 amended

(1) Delete the existing Rule 117 and replace it with the following—

117 AEMO to issue GSI Invoice

(1) Where AEMO receives Aggregated Shipper Delivery Quantities under rule 115 within 20 Business Days after the end of the relevant GSI Invoice Period, AEMO must, within 30 Business Days of the end of that period—

- (a) calculate the GSI Fee for each Registered Shipper for that period in accordance with rule 116; and
- (b) issue a GSI Invoice to each Registered Shipper for that period, which separately itemises—
 - (i) the proportion of the GSI Fee attributable to the IMO's Approved Annual Revenue for that period; and
 - (ii) the proportion of the GSI Fee attributable to the AEMO Budget for that period.

(2) Where AEMO receives Aggregated Shipper Delivery Quantities under rule 115 later than 20 Business Days after the end of the relevant GSI Invoice Period, AEMO may—

- (a) issue a GSI Invoice later than the time specified in subrule (1); or
- (b) calculate the GSI Fees and issue GSI Invoices in accordance with subrule (1) based on the best data available to AEMO.

(3) Where AEMO is able to calculate the Aggregated Daily Actual Flow Data under rule 115A within 20 Business Days after the end of the relevant GSI Invoice Period, AEMO must, within 30 Business Days of the end of that period—

- (a) calculate the GSI Fee for each Registered Production Facility Operator for that period in accordance with rule 116; and
- (b) issue a GSI Invoice to each Registered Production Facility Operator for that period, which separately itemises—
 - (i) the proportion of the GSI Fee attributable to the IMO's Approved Annual Revenue for that period; and
 - (ii) the proportion of the GSI Fee attributable to the AEMO Budget for that period.

(4) Where AEMO is not able to calculate the Aggregated Daily Actual Flow Data under rule 115A within 20 Business Days after the end of the relevant GSI Invoice Period, AEMO may—

- (a) issue a GSI Invoice later than the time specified in subrule (3); or
- (b) calculate the GSI Fees and issue GSI Invoices in accordance with subrule (3) based on the best data available to AEMO.

28. Rule 118A added

(1) Insert a new Rule 118A, after Rule 118, as follows—

118A Payment of GSI Fees to IMO

(1) AEMO is an agent for the collection of the proportion of the GSI Fees attributable to the IMO's Approved Annual Revenue each Financial Year and payable by Registered Shippers and Registered Production Facility Operators to AEMO.

(2) The IMO 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 IMO an amount corresponding to the proportion of the GSI Fees attributable to the IMO's Approved Annual Revenue for the relevant Financial Year.

29. Rule 119 amended

(1) Amend subrule 119(1)(c) by inserting the word “Proposal” after the word “Budget”.

30. Rule 122 amended

(1) Delete the existing subrule 122(2) and replace it with the following—

[Blank]

31. Rule 123 amended

(1) Delete the existing subrule 123(1) and replace it with the following—

(1) All prices, fees, charges and amounts under the Rules exclude GST.

32. Rule 126 amended

- (1) Delete the existing Rule 126 and replace it with the following—

126 Ministerial policy statements

- (1) The Minister may, having regard to the GSI Objectives, issue a statement of policy principles to the IMO with respect to the GBB or the GSOO.
- (2) The Minister may provide the IMO with a draft of the proposed statement of policy principles and seek the IMO's views on it.
- (3) The IMO must have regard to the statement of policy principles given by the Minister in making Amending Rules under this Part.

33. Rule 128 amended

- (1) Amend subrule 128(a) by deleting the words “policy direction” and replacing them with the words “statement of policy principles”.

34. Rule 129 amended

- (1) Amend subrule 129(1) by deleting the words “(including the IMO)” after the word “person”.

35. Rule 133 amended

- (1) Amend subrule 133(1) by inserting the words “AEMO and” after the word “notify”.
- (2) Amend subrule 133(2) by inserting the words “AEMO or” after the words “Rule Change Notice.”.
- (3) Amend subrule 133(3) by inserting the words “AEMO and” before the words “the relevant Gas Market Participants” and inserting the words “(as applicable)” after the words “Gas Market Participants”.

36. Rule 151 amended

- (1) Amend the note to Rule 151 by deleting the words “Regulation 8” and replacing them with the words “Regulation 9”.

37. Rule 154 amended

- (1) Delete the existing Rule 154 and replace it with the following—

154 IMO and AEMO may make Procedures

- (1) The IMO may make Procedures to the extent to which the Procedures relate to its functions under the Rules, and must do so in accordance with this Part.
- (1A) AEMO may make Procedures to the extent to which the Procedures relate to its functions under the Rules, and must do so in accordance with this Part.
- (2) Procedures must be consistent with the GSI Objectives.
- (3) The IMO, AEMO and each person to whom the Procedures are applicable must comply with those Procedures.

38. Rule 155 amended

- (1) Amend subrule 155(2)(m) by inserting the words “and AEMO's” after the words “the IMO's”.
- (2) Insert a new subrule 155(3), after subrule 155(2), as follows—
- (3) Without limiting subrule (1) and subrule 154(1A), AEMO—
- (a) may make Procedures dealing with the matters referred to in subrule 155(2)(a) to (j) (inclusive) and subrule 155(2)(l) and any matter consequential or related to those matters;
- (b) may make Procedures dealing with the matters referred to in subrule 155(2)(k) and subrule 155(2)(m), to the extent the Procedures relate to its functions under the Rules; and
- (c) must not make Procedures dealing with the matters referred to in subrule 155(2)(n) to (s) (inclusive) and any matter consequential or related to those matters.
- (3) Insert a new subrule 155(4), after the new subrule 155(3), as follows—
- (4) Without limiting subrule (1) and subrule 154(1), the IMO—
- (a) may make Procedures dealing with the matters referred to in subrule 155(2)(n) to (s) (inclusive) and any matter consequential or related to those matters;
- (b) may make Procedures dealing with the matters referred to in subrule 155(2)(k) and subrule 155(2)(m), to the extent the Procedures relate to its functions under the Rules; and
- (c) must not make Procedures dealing with the matters referred to in 155(2)(a) to (j) (inclusive) and subrule 155(2)(l) and any matter consequential or related to those matters.

39. Rule 156 amended

- (1) Delete the existing Rule 156 and replace it with the following—

156 IMO and AEMO may initiate a Procedure Change Proposal

- (1) The IMO or AEMO may initiate a proposal to make a Procedure relating to its functions under these Rules (a Procedure Change Proposal).

- (2) A Gas Market Participant may notify in writing the IMO or AEMO (as applicable) where it considers a change to a Procedure or a new Procedure would be appropriate.
- (3) Within 20 Business Days of receipt of a notification under subrule (2), the IMO or AEMO (as applicable) must—
- (a) determine whether a change to a Procedure or a new Procedure is appropriate; and
 - (b) publish on the GSI Website details of whether a Procedure Change Proposal will be progressed with respect to the suggested change and the reasons for that decision.
- (4) If an Amending Rule requires the IMO or AEMO to make changes to Procedures, then the IMO or AEMO (as applicable) must develop an appropriate Procedure Change Proposal consistent with the Amending Rule.

40. Rule 159 amended

- (1) Delete the existing Rule 159 and replace it with the following—

159 Gas Advisory Board advice

- (1) [Blank]
- (2) The IMO must convene a meeting of the Gas Advisory Board concerning a Procedure Change Proposal if—
- (a) the Procedure Change Proposal relates to the IMO's functions under the Rules and the IMO considers that advice on the Procedure Change Proposal is required from the Gas Advisory Board;
 - (b) two or more members of the Gas Advisory Board have informed the IMO in writing that they consider that advice on the Procedure Change Proposal is required from the Gas Advisory Board; or
 - (c) AEMO requests the IMO to convene a meeting under subrule (3).
- (3) AEMO may request the IMO to convene a meeting of the Gas Advisory Board concerning a Procedure Change Proposal if the Procedure Change Proposal relates to AEMO's functions under the Rules.

41. Rule 163 amended

- (1) Delete the existing Rule 163 and replace it with the following—

163 IMO and AEMO to publish up to date version of Procedures

The IMO and AEMO (as applicable) must, at all times, maintain on the GSI Website a copy of all Procedures that relate to its functions under the Rules, as in force from time to time.

42. Rule 164 amended

- (1) Delete the existing Rule 164 and replace it with the following—

164 IMO and AEMO to publish historical Procedure Change Proposals

The IMO and AEMO (as applicable) must publish on the GSI Website documents relevant to previous Procedure Change Proposals that relate to its functions under the Rules that are no longer current, whether or not those proposals were accepted or rejected.

43. Rule 165 amended

- (1) Amend Rule 165 by inserting the words “and AEMO” after the words “Gas Market Participants” in each place where they occur.

44. Rule 165A added

- (1) Insert a new Rule 165A, after Rule 165, as follows—

165A Obligation of AEMO to support IMO

- (1) AEMO must support the IMO's function of monitoring Gas Market Participants' behaviour for compliance with the provisions of the Rules and the Procedures.
- (2) AEMO must co-operate with the IMO and facilitate any processes and systems put in place by the IMO under subrule 165(2), including by providing data and information necessary to enable the IMO to monitor Gas Market Participants' behaviour for compliance with the provisions of the Rules and the Procedures.
- (3) If AEMO becomes aware of an alleged breach of the Rules or the Procedures developed by AEMO by a Gas Market Participant then it must notify the IMO.
- (4) AEMO must comply with any investigation by the IMO in respect of AEMO's compliance with the Rules and the Procedures applicable to it.

45. Rule 173 amended

- (1) Insert a new subrule 173(1A), after subrule 173(1), as follows—

- (1A) The IMO must consult with AEMO prior to giving a direction under subrule (1).

46. Rule 174 amended

- (1) Delete the existing subrule 174(1) and replace it with the following—

- (1) AEMO must appoint one or more auditors to conduct an audit of AEMO at least annually, and may carry out additional audits as AEMO sees fit.

(2) Delete the existing subrule 174(2) and replace it with the following—

- (2) AEMO must ensure that the audit covers such matters as AEMO considers appropriate, which must include—
- (a) the compliance of AEMO's internal procedures and business processes with the Rules;
 - (b) AEMO's compliance with the Rules and Procedures; and
 - (c) AEMO's software systems for the GBB and the calculation of GSI Fees and processes for software management.

47. Glossary definitions amended

(1) Delete the existing definitions, shown below, from the Glossary and replace them with the following—

Allowable Revenue means—

- (a) in respect of AEMO, 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; or
- (b) in respect of the IMO, the allowable revenue for a Review Period to be recovered by AEMO in respect of the IMO's provision of the IMO GSI Services, determined by the ERA under rule 108, and includes any amendment made by the ERA under rule 110.

Approved Annual Revenue means, for a Financial Year, the budgeted revenue approved by the Minister for the IMO in the GSI Budget.

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

GSI Budget means, in respect of a Financial Year, the budget for the GSI Services for that Financial Year being the AEMO Budget, plus—

- (a) if the Minister has approved the GSI Budget Proposal for the IMO for a Financial Year, the Approved Annual Revenue for that Financial Year; or
- (b) if the Minister has not yet approved the GSI Budget Proposal for a Financial Year, the Approved Annual Revenue for the previous Financial Year.

GSI Budget Proposal means a budget proposal for the provision of the IMO GSI Services, prepared by the IMO and submitted to the Minister for approval under rule 111.

GSI Consultation Procedure means the consultation procedure set out in rule 7 that the IMO and AEMO must follow when either entity is required to make an instrument (however described) under the Rules in accordance with the GSI Consultation Procedure.

GSI Project means a project that is declared by AEMO to be a GSI Project under rule 112 that involves—

- (a) a major change to the AEMO GSI Services under the Rules; or
- (b) a major change to any of the computer software or systems that AEMO uses in the provision of the AEMO GSI Services under the Rules.

GSI Services means the IMO GSI Services and / or the AEMO GSI Services, as the context requires.

GSI Website has the meaning given in the GSI Regulations, and includes any website operated by AEMO to carry out its functions under the Rules.

(2) Insert new definitions as follows in their appropriate alphabetical order—

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

AEMO Budget means the budget for AEMO published under rule 111A for a Financial Year.

AEMO GSI Services means the services listed in subrule 107(1) for the purposes of determining the Allowable Revenue for AEMO.

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 2 added

(1) Insert a new Part 2 in Schedule 3 as follows—

Part 2 Transitional rules for conferral of functions on AEMO

Division 1 Definitions

1 Definitions

In this Part—

AEMO Transition Date means 8:00 AM on 30 November 2015.

Division 2 Transitional Rules**2 Validation of acts, instruments and decisions of AEMO****(1) On and from the AEMO Transition Date—**

- (a) where AEMO is required to do an act, matter or thing under a provision of the Rules, and that act, matter or thing was done by the IMO prior to the AEMO Transition Date, then the act, matter or thing is deemed to have been done by AEMO in accordance with the relevant provision;
- (b) where AEMO is required to do an act, matter or thing under a provision of a Procedure, and that act, matter or thing was done by the IMO prior to the AEMO Transition Date, then the act, matter or thing is deemed to have been done by AEMO in accordance with the relevant provision;
- (c) notwithstanding the operation of subrules 2(1)(a) and 2(1)(b), AEMO is not liable for any act, matter or thing done by the IMO prior to the AEMO Transition Date in breach of the Rules or any Procedure;
- (d) where AEMO is required to develop or maintain a Procedure, and that Procedure was developed or maintained by the IMO prior to the AEMO Transition Date, then—
 - (i) the Procedure is deemed to have been developed or maintained by AEMO in accordance with the Rules;
 - (ii) a reference to the IMO in that Procedure that should be a reference to AEMO having regard to AEMO's functions, powers, rights and obligations under the Rules and the other Procedures is deemed to be a reference to AEMO;
 - (iii) AEMO may amend the Procedure to refer to AEMO instead of the IMO (where appropriate) and make any necessary consequential amendments to the Procedure, and the provisions of rule 156 to 162 will not apply to AEMO to the extent to which it amends Procedures in accordance with this subrule 2(1)(d); and
 - (iv) any Procedure which is amended by AEMO in accordance with this subrule 2(1)(d) may commence operation on the date and time determined by AEMO and published on the GSI Website;
- (e) where AEMO is required to publish or release any information or document (other than a Procedure) (including, without limitation, a form, protocol, instrument or other thing) and that information or document was published or released by the IMO prior to the AEMO Transition Date, then—
 - (i) the information or document is deemed to have been published or released by AEMO in accordance with the Rules; and
 - (ii) any reference to the IMO in such information or document that should be a reference to AEMO having regard to AEMO's functions, powers, rights and obligations under the Rules and the Procedures is deemed to be a reference to AEMO; and
- (f) where a person (including, without limitation, a Gas Market Participant) is required to provide information to, or do an act, matter or thing for AEMO under the Rules or a Procedure and the person has provided that information to, or done that act, matter or thing for the IMO prior to the AEMO Transition Date, then the information, act or thing, is deemed to have been provided to, or done for, AEMO in accordance with the relevant Rules or Procedure.

3 Proposal and determination of Allowable Revenue and Forecast Capital Expenditure**(1) For the Review Period from 1 July 2016 to 1 July 2019—**

- (a) the proposal for Allowable Revenue and Forecast Capital Expenditure submitted by the IMO prior to the AEMO Transition Date is deemed to have been submitted jointly by the IMO and AEMO; and
- (b) the ERA is not required to determine each of the IMO's and AEMO's Allowable Revenue and Forecast Capital Expenditure for that Review Period until 30 June 2016.

(2) From the AEMO Transition Date until the date AEMO publishes the AEMO Budget under subrule 111A(1)—

- (a) AEMO is deemed to have prepared and adopted for the purposes of the Rules the IMO's current Approved Annual Revenue as at the AEMO Transition Date; and
- (b) the operation of rule 117 and subrule 118A is modified as follows—
 - (i) AEMO will not be required to separately itemise amounts in a GSI Invoice under subrule 117(1)(b) or subrule 117(3)(b); and
 - (ii) AEMO must pay a share of the payments received for GSI Fees to the IMO commensurate with the IMO's budgeted costs of the IMO GSI Services as determined by AEMO and subrule 118(A)(3) will not apply.

4 2015 annual compliance audit

AEMO is required to ensure that the auditor(s) that it appoints to carry out the audit described in rule 174 audits both—

- (a) AEMO in respect of AEMO's activities on and from the AEMO Transition Date; and
- (b) the IMO in respect of the IMO's activities prior to the AEMO Transition Date, that occurred during the relevant audit period.

49. Various references to the IMO amended

(1) In each place in the GSI Rules listed in the Table “IMO” is deleted and replaced with “AEMO”.

Table

Rule 24 Heading
Rule 37 Heading
Rule 40 Heading
Rule 48 Heading
Rule 49 Heading
Rule 50 Heading
Part 4, Division 2 Heading
Rule 93 Heading
Rule 102 Heading
Part 7 Heading
Rule 114 Heading
Subrule 118(5)

(2) In each place in the GSI Rules listed in the Table “the IMO” or “The IMO” is deleted and replaced with the word “AEMO”.

Table

Subrule 18(1) (in each place where it occurs)
Subrule 18(2) (in each place where it occurs)
Subrule 18(3) (in each place where it occurs)
Rule 19 (in each place where it occurs)
Rule 20 (in each place where it occurs)
Rule 21 (in each place where it occurs)
Rule 22 (in each place where it occurs)
Rule 23
Rule 24
Rule 25 (in each place where it occurs)
Rule 26 (in each place where it occurs)
Rule 27 (in each place where it occurs)
Rule 28 (in each place where it occurs)
Rule 29 (in each place where it occurs)
Rule 30 (in each place where it occurs)
Rule 31 (in each place where it occurs)
Rule 32 (in each place where it occurs)
Rule 33 (in each place where it occurs)
Subrule 34(1) (in each place where it occurs)
Subrule 34(2) (in each place where it occurs)
Subrule 34(3)
Subrule 34(6) (in each place where it occurs)
Rule 35 (in each place where it occurs)
Subrule 36(1) (in each place where it occurs)
Subrule 36(2) (in each place where it occurs)
Subrule 36(3)
Subrule 36(4)
Subrule 36(6)
Rule 37 (in each place where it occurs)
Rule 38 (in each place where it occurs)
Subrule 39(1) (in each place where it occurs)
Subrule 39(2)
Subrule 39(3) (in each place where it occurs)
Subrule 39(4)
Subrule 39(6) (in each place where it occurs)
Rule 40 (in each place where it occurs)
Rule 41 (in each place where it occurs)

Rule 42 (in each place where it occurs)
Rule 43 (in each place where it occurs)
Rule 44 (in each place where it occurs)
Rule 45 (in each place where it occurs)
Rule 46 (in each place where it occurs)
Rule 47 (in each place where it occurs)
Rule 48 (in each place where it occurs)
Rule 49 (in each place where it occurs)
Subrule 50(1)
Subrule 50(2)
Subrule 50(4)
Subrule 50(5) (in each place where it occurs)
Rule 51 (in each place where it occurs)
Rule 52
Rule 53 (in each place where it occurs)
Rule 54 (in each place where it occurs)
Rule 55 (in each place where it occurs)
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Rule 101 (in each place where it occurs)
Rule 102 (in each place where it occurs)
Rule 103
Rule 105 (in each place where it occurs)
Rule 106 Heading
Rule 106 (in each place where it occurs)
Subrule 113(3)
Rule 114
Rule 115 (in each place where it occurs)
Rule 115A (in each place where it occurs)
Subrule 116(3)
Rule 118 (in each place where it occurs)
Rule 119 (in each place where it occurs)
Rule 120 (in each place where it occurs)
Rule 121
Rule 123 (in each place where it occurs)
Rule 124 (in each place where it occurs)
Subrule 155(2)(a)
Subrule 155(2)(e)
Subrule 155(2)(j)
Subrule 155(2)(l)
Part 10, Division 3 Heading
Rule 174 Heading
Subrule 174(3) (in each place where it occurs)
Subrule 174(4) (in each place where it occurs)
Schedule 1 Glossary (in the definitions of “Bank Bill Rate” (in each place where it occurs), “Delivery Point”, “Exemption”, “Exemption Application”, “Exemption Cancellation Date”, “Exemption Criteria”, “Gate Station”, “GSI Fee”, “GSI Invoice”, “Medium Term Capacity Outlook” (in each place where it occurs), “Nominated and Forecast Flow Data”, “PIA Summary Information”, “Receipt Point”, “Registered Large User”, “Registered Pipeline Operator”, “Registered Production Facility Operator”, “Registered Shipper” and “Registered Storage Facility Operator”)

- (3) In each place in the GSI Rules listed in the Table after “IMO” insert the following—
“and AEMO”.

Table

Subrule 3(2)
Part 1, Division 4 Heading
Rule 8 Heading
Rule 9 Heading
Subrule 155(2)(k)

- (4) In each place in the GSI Rules listed in the Table after “IMO” insert the following—
“or AEMO”.

Table

Rule 7(1) (in the first place where it occurs)
Rule 9 (in the first place where it occurs)
Rule 16
Subrule 158(1)
Subrule 167(2)

- (5) In each place in the GSI Rules listed in the Table after “IMO” insert the following—
“or AEMO (as applicable)”

Table

Subrule 7(1) (in the second place where it occurs)
Subrule 7(2)(a) (in each place where it occurs)
Subrule 7(2)(b) (in each place where it occurs)
Subrule 7(2)(c)
Subrule 7(2)(d)
Subrule 7(3)
Subrule 7(4)
Rule 9 (in the second place where it occurs)
Subrule 11(3)
Rule 157 (in each place where it occurs)
Subrule 158(2)
Rule 160 (in each place where it occurs)
Rule 161 (in each place where it occurs)
Rule 162 (in each place where it occurs)
Rule 166 (in each place where it occurs)
Schedule 1 Glossary (in the definition of “Procedure Change Report”)
