

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.
