



**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

ISSN 1448-949X (print)

ISSN 2204-4264 (online)

PRINT POST APPROVED PP665002/00041



PERTH, FRIDAY, 25 NOVEMBER 2016 No. 209 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

© STATE OF WESTERN AUSTRALIA

ELECTRICITY INDUSTRY ACT 2004

**WHOLESALE ELECTRICITY
MARKET AMENDING
RULES 2016**

GAS SERVICES INFORMATION ACT 2012

**GAS SERVICES INFORMATION
AMENDING RULES 2016**

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

WHOLESALE ELECTRICITY MARKET RULES

Amending Rules 2016

I, Dr Mike Nahan, 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 8:00am (WST) on the day after the day of publication in the *Gazette*.

Dated at Perth this 24th day of November 2016.

MIKE NAHAN MLA, Minister for Energy.

1. Market Rule 1.5 amended

- (1) Amend clause 1.5.2 by deleting the word "and" at the end of sub-clause 1.5.2(dB).
- (2) Insert a new sub-clause 1.5.2(dC), after sub-clause 1.5.2(dB), as follows—
 - (dC) any other document or instrument issued, made or given by the Rule Change Panel under these Market Rules; and

2. Market Rule 1.7 amended

- (1) Amend clause 1.7.3 by deleting the words "Economic Regulation Authority is required" and replacing them with "Economic Regulation Authority or the Rule Change Panel is required".
- (2) Amend clause 1.7.3 by deleting the existing sub-clause 1.7.3(b)(iii) and replacing it with the following—
 - iii. the Economic Regulation Authority or the Rule Change Panel (as appropriate) is deemed to have published or released the document or information once the Economic Regulation Authority has published the document or information on its own web site, and has notified AEMO.

3. Market Rule 1.18 added

- (1) Insert a new Market Rule 1.18, after Market Rule 1.17, as follows—

1.18. Transition of certain IMO functions to the Rule Change Panel

1.18.1. On and from the Rule Change Panel Transfer Date—

- (a) where the Rule Change Panel is required to do an act, matter or thing under a provision of these Market Rules, and that act, matter or thing was done by the IMO prior to the Rule Change Panel Transfer Date, then the act, matter or thing is deemed to have been done by the Rule Change Panel in accordance with the relevant provision;
- (b) where the Rule Change Panel is required to do an act, matter or thing under a provision of a Market Procedure, and that act, matter or thing was done by the IMO prior to the Rule Change Panel Transfer Date, then the act, matter or thing is deemed to have been done by the Rule Change Panel in accordance with the relevant provision;
- (c) notwithstanding the operation of clauses 1.18.1(a) and 1.18.1(b), the Rule Change Panel is not liable for any act, matter or thing done by the IMO prior to the Rule Change Panel Transfer Date in breach of these Market Rules or any Market Procedure;
- (d) where the Rule Change Panel is required to develop or maintain a Market Procedure, and that Market Procedure was developed or maintained by the IMO prior to the Rule Change Panel Transfer Date, then—
 - i. the Market Procedure is deemed to have been developed or maintained by the Rule Change Panel in accordance with these Market Rules;
 - ii. a reference to the IMO in that Market Procedure that should be a reference to the Rule Change Panel having regard to the Rule Change Panel's functions, powers, rights and obligations under these Market Rules and the other Market Procedures is deemed to be a reference to the Rule Change Panel;
 - iii. the Rule Change Panel may amend the Market Procedure to refer to the Rule Change Panel instead of the IMO (where appropriate) and make any necessary consequential amendments without undertaking the Procedure Change Process; and

- iv. any Market Procedure which is amended by the Rule Change Panel in accordance with this clause 1.18.1(d) may commence operation on the date and time determined by the Rule Change Panel and published on the Market Web Site;
 - (e) where the Rule Change Panel is required to publish or release any information or document (other than a Market 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 Rule Change Panel Transfer Date, then—
 - i. the information or document is deemed to have been published or released by the Rule Change Panel in accordance with these Market Rules; and
 - ii. any reference to the IMO in that information or document that should be a reference to the Rule Change Panel having regard to the Rule Change Panel's functions, powers, rights and obligations under these Market Rules and the Market Procedures is deemed to be a reference to the Rule Change Panel;
 - (f) where a person (including, without limitation, a Rule Participant) is required to provide information to, or do an act, matter or thing for the Rule Change Panel under these Market Rules or a Market Procedure and the person has provided that information to, or done that act, matter or thing for the IMO prior to the Rule Change Panel Transfer Date, then the information, act, matter or thing, is deemed to have been provided to, or done for, the Rule Change Panel in accordance with the relevant Market Rules or Market Procedure; and
 - (g) if, by operation of this clause 1.18.1, the Rule Change Panel is deemed to have made a Reviewable Decision that was made by the IMO, then, on and from the Rule Change Panel Transfer Date any application to the Electricity Review Board for a review of the Reviewable Decision that might have been brought or continued by a Rule Participant against the IMO may be brought or continued against the Rule Change Panel as if all references to the IMO as the relevant decision-maker are references to the Rule Change Panel.
- 1.18.2. On and from the Rule Change Panel Transfer Date—
- (a) any Administration Procedure developed by AEMO under clause 2.9.5 prior to the Rule Change Panel Transfer Date is deemed to have been developed by the Rule Change Panel in accordance with clause 2.9.5;
 - (b) any reference to AEMO in the Administration Procedure that should be a reference to the Rule Change Panel having regard to the Rule Change Panel's functions, powers, rights and obligations under these Market Rules and the Market Procedures is deemed to be a reference to the Rule Change Panel;
 - (c) the Rule Change Panel may amend the Administration Procedure to refer to the Rule Change Panel instead of AEMO (where appropriate) and make any necessary consequential amendments without undertaking the Procedure Change Process;
 - (d) the Administration Procedure which is amended by the Rule Change Panel in accordance with this clause 1.18.2 may commence operation on the date and time determined by the Rule Change Panel and published on the Market Web Site; and
 - (e) notwithstanding the operation of this clause 1.18.2, the Rule Change Panel is not liable for any act, matter or thing done by AEMO prior to the Rule Change Panel Transfer Date in breach of these Market Rules or any Market Procedure (including the Administration Procedure).
- 1.18.3. On and from the Rule Change Panel Transfer Date—
- (a) any Rule Change Proposal that has, prior to the Rule Change Panel Transfer Date, been developed by or submitted to the IMO (and in respect of which the rule change process under clause 2.4, and clauses 2.5 to 2.8.13 is not, as at the Rule Change Panel Transfer Date, complete) will be deemed to have been developed by or submitted to the Rule Change Panel; and
 - (b) notwithstanding any other provision of these Market Rules, a Market Procedure or any document referred to in these Market Rules or a Market Procedure (including a Draft Rule Change Report), the normal timeframes for the Rule Change Panel or any other person to do any act, matter or thing in relation to a Rule Change Proposal referred to in clause 1.18.3(a) (including any extended timeframe determined by the IMO under clause 2.5.10 in respect of any such proposal) will be automatically extended for such period as determined by the Rule Change Panel (which determination may be made at a date after the date of the expiry of the normal, or previously extended, timeframe).
- 1.18.4. The Rule Change Panel must publish a notice of the extended timeframe(s) determined in accordance with clause 1.18.3(b), and must update any information already published in accordance with clause 2.5.7(f) (if applicable).

4. Market Rule 1.19 added

- (1) Insert a new Market Rule 1.19, after the new Market Rule 1.18, as follows—

1.19. Amendments to Market Procedures to reflect transfer of functions

- 1.19.1. In addition to the amendments to Market Procedures referred to in clauses 1.14.1, 1.16.1, 1.16.2, 1.17.1, 1.18.1 and 1.18.2, AEMO, System Management, the Economic Regulation Authority or the Rule Change Panel (as applicable) (each a **Transferee**) may make the

minimum necessary amendments to a Market Procedure required to be developed or maintained by the Transferee to—

- (a) reflect the transfer of functions, powers, rights and obligations from the IMO, Western Power or AEMO to the Transferee or another Transferee; or
- (b) maintain consistency between the Market Procedure and these Market Rules, without undertaking the Procedure Change Process.

1.19.2. Any Market Procedure which is amended by a Transferee in accordance with clause 1.19.1 may commence operation on the date and time determined by the Transferee required to develop or maintain the Market Procedure and published on the Market Web Site.

1.19.3. Until such time as the relevant Transferee makes the amendments referred to in clause 1.19.1, any reference in any Market Procedure—

- (a) to the IMO that should be a reference to AEMO having regard to AEMO's functions, powers, rights and obligations under these Market Rules and the other Market Procedures is deemed to be a reference to AEMO;
- (b) to the IMO that should be a reference to the Economic Regulation Authority having regard to the Economic Regulation Authority's functions, powers, rights and obligations under these Market Rules and the other Market Procedures is deemed to be a reference to the Economic Regulation Authority;
- (c) to Western Power (including in its former capacity as System Management) that should be a reference to System Management having regard to System Management's functions, powers, rights and obligations under these Market Rules and the other Market Procedures is deemed to be a reference to System Management;
- (d) to the IMO that should be a reference to the Rule Change Panel having regard to the Rule Change Panel's functions, powers, rights and obligations under these Market Rules and the other Market Procedures is deemed to be a reference to the Rule Change Panel; and
- (e) to AEMO that should be a reference to the Rule Change Panel having regard to the Rule Change Panel's functions, powers, rights and obligations under these Market Rules and the other Market Procedures is deemed to be a reference to the Rule Change Panel.

5. Market Rule 2.1 amended

(1) Amend clause 2.1.2 by deleting the words “to administer these Market Rules;” in sub-clause 2.1.2(a) and replacing them with “[Blank]”.

(2) Amend clause 2.1.2 by deleting the words “to develop amendments to these Market Rules and replacements for them;” in sub-clause 2.1.2(c) and replacing them with “[Blank]”.

6. Market Rule 2.1A amended

(1) Amend clause 2.1A.2 by deleting the words “IMO” and “IMO's” (each place where they occur) in sub-clause 2.1A.2(j) and replacing them with “Economic Regulation Authority” or “Economic Regulation Authority's” (as appropriate).

(2) Amend clause 2.1A.2 by deleting the words “the IMO and” in sub-clause 2.1A.2(k).

(3) Amend clause 2.1A.2 by deleting the words “the IMO and” in sub-clause 2.1A.2(l).

7. Market Rule 2.3A amended

(1) Amend Market Rule 2.3A by re-numbering it as Market Rule 2.2A and by re-numbering clause 2.3A.1 as clause 2.2A.1.

(2) Amend clause 2.2A.1 by inserting a new sub-clause 2.2A.1(bA), after sub-clause 2.2A.1(b), as follows—

- (bA) to provide the RCP Secretariat Support Services to the Rule Change Panel in accordance with the Panel Regulations;

(3) Amend clause 2.2A.1 by deleting the word “2.3A.1” and replacing it with “2.2A.1”.

8. Market Rule 2.2B added

(1) Insert a new Market Rule 2.2B, after the new Market Rule 2.2A, as follows—

2.2B. Rule Change Panel

2.2B.1. The Rule Change Panel is conferred functions in respect of the Wholesale Electricity Market under the WEM Regulations and the Panel Regulations.

2.2B.2. The WEM Regulations also provide for the Market Rules to confer functions on the Rule Change Panel. Subject to clause 2.2B.3, the functions conferred on the Rule Change Panel are to—

- (a) administer these Market Rules;
- (b) develop amendments to these Market Rules and replacements for them;
- (c) develop Market Procedures, and amendments and replacements for them, where required by these Market Rules;
- (d) do anything that the Rule Change Panel determines to be conducive or incidental to the performance of the functions set out in this clause 2.2B.2; and

- (e) carry out any other functions conferred, and perform any obligations imposed, on it under these Market Rules.

2.2B.3. Clause 2.2B.2(b) of these Market Rules commences operation on and from 08:00AM on 3 April 2017, in accordance with regulation 2(b) of the *Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No. 2) 2016*.

9. Market Rule 2.3 amended

- (1) Amend clause 2.3.1 by deleting the words “to advise AEMO regarding market operation and SWIS operation matters” in sub-clause 2.3.1(c) and replacing them with “[blank]”.
- (2) Amend clause 2.3.2 by deleting the words “Market Advisory Committee Secretariat” in sub-clause 2.3.2(f) and replacing them with “RCP Secretariat in respect of the Market Advisory Committee”.
- (3) Amend clause 2.3.2 by inserting the word “the” at the beginning of sub-clause 2.3.2(g).
- (4) Amend clause 2.3.5 by deleting the words “representative of the IMO” in sub-clause 2.3.5(i) and replacing them with “person appointed by the chairperson of the Rule Change Panel”.
- (5) Amend clause 2.3.14 by deleting the words “The IMO must provide the Secretariat for the Market Advisory Committee.” and replacing them with “[Blank]”.
- (6) Amend clause 2.3.15 by inserting the word “RCP” before the word “Secretariat” (in each place where it occurs).
- (7) Amend clause 2.3.15 by deleting the words “not less than once every six months so as to raise and discuss issues with respect to the operation of the market” in sub-clause 2.3.15(b) and replacing them with “[Blank]”.
- (8) Amend clause 2.3.15 by deleting the words “market operation” in sub-clause 2.3.15(c).
- (9) Amend clause 2.3.16 by deleting the words “clause 10.2.4” and replacing them with “its obligations of confidentiality under these Rules and the Panel Regulations”.
- (10) Amend clause 2.3.17 by deleting the words “IMO and AEMO” in sub-clause 2.3.17(a) and replacing them with “IMO, Rule Change Panel, Economic Regulation Authority and AEMO”.
- (11) Amend clause 2.3.17 by deleting the words “IMO and AEMO” in sub-clause 2.3.17(b) and replacing them with “IMO, Rule Change Panel, Economic Regulation Authority and AEMO”.

10. Market Rule 2.4 amended

- (1) Amend the heading to Market Rule 2.4 by inserting the words “made by the Rule Change Panel” after the words “Market Rules”.
- (2) Insert a new clause 2.4.1A, after clause 2.4.1, as follows—
 - 2.4.1A. This clause 2.4, clauses 2.5 to 2.8.13 (inclusive) and clause 3.8.4 of these Market Rules commence on and from 08:00AM on 3 April 2017, being the date on which the Rule Change Panel is conferred the function to develop amendments of and replacements for these Market Rules in accordance with regulation 2(b) of the *Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No.2) 2016*.
- (3) Amend clause 2.4.3 by deleting the words “any applicable policy direction given” in sub-clause 2.4.3(a) and replacing them with “any applicable statement of policy principles given”.
- (4) Insert a new clause 2.4.3A, after clause 2.4.3, as follows—
 - 2.4.3A. Without limiting clause 2.4.3, in deciding whether or not to make Amending Rules, the Rule Change Panel may request the RCP Secretariat to seek advice, and the Rule Change Panel may have regard to that advice, from any person that the Rule Change Panel considers is appropriate to assist it in assessing the relevant Rule Change Proposal.
- (5) Amend clause 2.4.4 by deleting the words “Rules Change Proposal” and replacing them with “Rule Change Proposal”.

11. Market Rule 2.4A added

- (1) Insert a new Market Rule 2.4A, after Market Rule 2.4, as follows—

2.4A. Market Rules made by the Minister

- 2.4A.1. This clause 2.4A applies from the Rule Change Panel Transfer Date until 08:00AM on 1 July 2017, being the date on which the Minister’s power to make Amending Rules under regulation 7(4) of the WEM Regulations ends.
- 2.4A.2. Despite anything in these Market Rules, the Minister may develop and make Amending Rules in accordance with regulation 7(4) of the WEM Regulations.

12. Market Rule 2.5 amended

- (1) Delete the existing clause 2.5.2 and replace it with the following—
 - 2.5.2. The Minister may issue a statement of policy principles to the Rule Change Panel with respect to the development of the market. The statement of policy principles must not be inconsistent with the Wholesale Market Objectives. Before giving a statement of policy principles, the Minister may provide a draft of the proposed statement to the Rule Change Panel and seek the Rule Change Panel’s views on it.
- (2) Delete the existing clause 2.5.3 and replace it with the following—
 - 2.5.3. The Rule Change Panel must have regard to any statement of policy principles given by the Minister in making Amending Rules in accordance with this Chapter.

(3) Delete the existing clause 2.5.4 and replace it with the following—

2.5.4. Where the Rule Change Panel considers that a change to the Market Rules is—

- (a) required to correct a manifest error in the Market Rules; or
- (b) of a minor or procedural nature,

the Rule Change Panel may develop a Rule Change Proposal and must publish it in accordance with clause 2.5.7.

13. Market Rule 2.7 amended

(1) Amend clause 2.7.2 by deleting the words “clause 10.2.4” and replacing them with “its obligations of confidentiality under these Rules and the Panel Regulations”.

14. Market Rule 2.8 amended

(1) Amend clause 2.8.13 by deleting the word “2.24” in sub-clause 2.8.13(b) and replacing it with “2.25”.

(2) Amend clause 2.8.13 by inserting the word “3.8.4” after the word “clauses” in sub-clause 2.8.13(c).

(3) Amend clause 2.8.13 by inserting the word “9.13.1” after the word “clauses” in sub-clause 2.8.13(f).

(4) Amend clause 2.8.13 by deleting the word “and” at the end of sub-clause 2.8.13(f).

(5) Amend clause 2.8.13 by inserting the word “; and” at the end of sub-clause 2.8.13(g).

(6) Amend clause 2.8.13 by inserting a new sub-clause 2.8.13(h), after sub-clause 2.8.13(g), as follows—

- (h) any other clauses of these Market Rules that must not be amended, repealed or replaced without the approval of the Minister in accordance with the WEM Regulations.

15. Market Rule 2.9 amended

(1) Insert a new clause 2.9.2C, after clause 2.9.2B, as follows—

2.9.2C. The Rule Change Panel must manage the development of, amendment of, and replacement for Market Procedures which these Market Rules require be developed by the Rule Change Panel.

(2) Amend clause 2.9.5 by deleting the words “AEMO must develop an Administration Procedure” and replacing them with “The Rule Change Panel must develop an Administration Procedure”.

(3) Amend clause 2.9.5 by deleting the words “, except when producing the first version of the Administration Procedure”.

(4) Amend clause 2.9.5 by deleting the word “and” at the end of sub-clause 2.9.5(bA).

(5) Amend clause 2.9.5 by inserting a new sub-clause 2.9.5(bB), after sub-clause 2.9.5(bA), as follows—

- (bB) the Rule Change Panel must follow the Administration Procedure when developing Procedure Change Proposals; and

(6) Insert a new clause 2.9.7C, after clause 2.9.7B, as follows—

2.9.7C. The Rule Change Panel must comply with Market Procedures applicable to it.

16. Market Rule 2.10 amended

(1) Insert a new clause 2.10.5C, after clause 2.10.5B, as follows—

2.10.5C. The Rule Change Panel must publish Procedure Change Proposals that the Rule Change Panel develops.

(2) Insert a new clause 2.10.12C, after clause 2.10.12B, as follows—

2.10.12C. The Rule Change Panel must publish Procedure Change Reports that the Rule Change Panel prepares.

(3) Amend clause 2.10.13 by deleting the word “and” at the end of sub-clause 2.10.13(e).

(4) Amend clause 2.10.13 by deleting the existing sub-clause 2.10.13(f) and replacing it with the following—

- (f) in the case of a Procedure Change Proposal developed by the Rule Change Panel, a proposed date and time for the Market Procedure or amendment or replacement to commence, which must, in the Rule Change Panel’s opinion, allow sufficient time after the date of publication of the Procedure Change Report for Rule Participants to implement changes required by it;

(5) Amend clause 2.10.13 by deleting the full-stop at the end of sub-clause 2.10.13(g) and replacing it with “; and”.

(6) Amend clause 2.10.13 by inserting a new sub-clause 2.10.13(h), after sub-clause 2.10.13(g), as follows—

- (h) in the case of a Procedure Change Proposal developed by the Economic Regulation Authority, a proposed date and time for the Market Procedure or amendment or replacement to commence, which must, in the Economic Regulation Authority’s opinion, allow sufficient time after the date of publication of the Procedure Change Report for Rule Participants to implement changes required by it.

17. Market Rule 2.11 amended

(1) Amend clause 2.11.2 by inserting the words “Rule Change Panel’s decision,” after the words “IMO’s decision,”.

(2) Amend clause 2.11.3 by deleting the words “under clause 2.10.13(e)” and replacing them with “under clauses 2.10.13(e), 2.10.13(f), 2.10.13(g) or 2.10.13(h) (as applicable)”.

18. Market Rule 2.16 amended

(1) Amend clause 2.16.6 by inserting the words “or the Rule Change Panel” after the words “Rule Participants” each place where they occur.

(2) Amend clause 2.16.6 by inserting the words “or the Rule Change Panel (as applicable)” after the words “Market Participants” in sub-clause 2.16.6(b).

19. Market Rule 2.17 amended

(1) Amend clause 2.17.2 by deleting the words “IMO, AEMO” and replacing them with “IMO, Rule Change Panel, AEMO,”.

20. Market Rule 2.21 amended

(1) Insert a new clause 2.21.7, after clause 2.21.6, as follows—

2.21.7. The Rule Change Panel must consult on such matters with such persons and over such timeframes as are specified in these Market Rules.

(2) Insert a new clause 2.21.8, after the new clause 2.21.7, as follows—

2.21.8. The Rule Change Panel must—

- (a) conduct its consultation processes in good faith; and
- (b) ensure that these consultation processes allow a reasonable opportunity for relevant stakeholders to present their views.

21. Market Rule 2.22 amended

(1) Delete the existing clause 2.22.1 and replace it with the following—

2.22.1. For the purposes of this clause 2.22, the services provided by the IMO are market administration services, including the IMO’s performance of the Market Procedure change process, related functions and other functions under these Market Rules.

22. Market Rule 2.24 amended

(1) Amend clause 2.24.3 by deleting the existing sub-clause 2.24.3(c) and replacing it with the following—

(c) Regulator Fees collected for—

- i. the Economic Regulation Authority’s monitoring, compliance, enforcement and regulation services and RCP Secretariat Support Services; and
- ii. the Rule Change Panel’s market administration services, where the amount to be earned for those services is equivalent to the costs identified by the Economic Regulation Authority as costs incurred in the performance of the Rule Change Panel’s functions under these Market Rules or the WEM Regulations,

and in each case, where the amount must be consistent with the relevant amount notified in accordance with clause 2.24.6.

(2) Delete the existing clause 2.24.5 and replace it with the following—

2.24.5. The Economic Regulation Authority may recover a portion of its budget determined by the Minister responsible for the Economic Regulation Authority which corresponds to the costs of the Economic Regulation Authority in undertaking its Wholesale Electricity Market related functions and other functions under these Market Rules, the WEM Regulations and the Panel Regulations from the collection of Regulator Fees under these Market Rules. The Economic Regulation Authority must identify in its budget the proportion of its costs that relate to the performance of its Wholesale Electricity Market related functions and its other functions.

(3) Insert a new clause 2.24.5B, after clause 2.24.5A, as follows—

2.24.5B. The Economic Regulation Authority may recover, on behalf of the Rule Change Panel, the costs identified by the Economic Regulation Authority as costs incurred in the performance of the Rule Change Panel’s functions under these Market Rules or the WEM Regulations, from the collection of Regulator Fees under these Market Rules.

(4) Delete the existing clause 2.24.6 and replace it with the following—

2.24.6. By the date which is five Business Days prior to 30 June each year, the Economic Regulation Authority must notify AEMO of—

- (a) the dollar amount that the Economic Regulation Authority may recover under clause 2.24.5; and
- (b) the dollar amount that the Economic Regulation Authority may recover under clause 2.24.5B (to the extent such amount is not already included in the dollar amount referred to in clause 2.24.6(a)).

23. Market Rule 2.25 amended

(1) Amend clause 2.25.4 by deleting the words “in respect of its services” in sub-clause 2.25.4(a) and replacing them with “in respect of the relevant services”.

(2) Insert a new clause 2.25.4A, after clause 2.25.4, as follows—

2.25.4A. The Economic Regulation Authority recovers the proportion of the payment referred to in clause 2.25.3(a) that relates to the costs contemplated in clause 2.24.5B on behalf of the Rule Change Panel.

24. Market Rule 2.29 amended

- (1) Amend clause 2.29.5E by deleting the word “or” at the end of sub-clause 2.29.5E(d).
- (2) Amend clause 2.29.5E by inserting the word “; or” at the end of sub-clause 2.29.5E(e).
- (3) Amend clause 2.29.5E by deleting the word “During” in sub-clause 2.29.5E(f) and replacing it with “during”.

25. Market Rule 3.8 amended

- (1) Amend clause 3.8.4 by deleting the words “the IMO must progress” and replacing them with “submit”.

26. Market Rule 4.1 amended

- (1) Delete the existing clause 4.1.33 and replace it with the following—
 - 4.1.33. The IMO must, if directed by the Minister—
 - (a) develop an auction process to replace the administered pricing provisions that are contained in section 4.29 with effect from 1 October 2017; and
 - (b) propose a rule change under section 2.5 seeking to implement the auction process, allowing reasonable time for the rule change process to be completed and any resulting rule changes to come into effect, in time for any resulting auction process to be used to determine the Monthly Reserve Capacity Price for the 2024 Reserve Capacity Year.

27. Market Rule 9.13 amended

- (1) Amend clause 9.13.1 by deleting the words “activities with respect to the Wholesale Electricity Market and other functions under these Market Rules” and replacing them with “and the Rule Change Panel’s activities with respect to the Wholesale Electricity Market and other functions under these Market Rules and the Regulations”.

28. Market Rule 10.2 amended

- (1) Amend clause 10.2.2 by deleting the words “a Network Operator” in sub-clause 10.2.2(c)(iiB) and replacing them with “[blank]”.
- (2) Amend clause 10.2.2 by inserting a new sub-clause 10.2.2(c)(iiC), after sub-clause 10.2.2(c)(iiB), as follows—
 - iiC. the Rule Change Panel;
- (3) Amend clause 10.2.2 by deleting the existing sub-clause 10.2.2(d) and replacing it with the following—
 - (d) Rule Participant Dispatch Restricted, in which case the relevant information or documents may only be made available to—
 - i. a specific Rule Participant;
 - ii. [blank];
 - iiA. a System Operator (but only to the extent necessary for it to carry out activities as a System Operator);
 - iii. the IMO;
 - iiiA. AEMO (including in its capacity as System Management);
 - iiiB. the Rule Change Panel;
 - iv. the Electricity Review Board;
 - v. the Economic Regulation Authority; and
 - vi. other Regulatory or Government Agencies in accord with applicable laws;
- (4) Amend clause 10.2.2 by deleting the word “[Blank]” in sub-clause 10.2.2(e)(iiA) and replacing it with “the Rule Change Panel;”.
- (5) Amend clause 10.2.2 by inserting a new sub-clause 10.2.2(f)(iiB), after sub-clause 10.2.2(f)(iiA), as follows—
 - iiB. the Rule Change Panel;
- (6) Amend clause 10.2.2 by deleting the word “[Blank]” in sub-clause 10.2.2(g)(ivA) and replacing it with “the Rule Change Panel;”.
- (7) Amend clause 10.2.3 by inserting a new sub-clause 10.2.3(cb), after sub-clause 10.2.3(ca), as follows—
 - (cb) the Rule Change Panel may make available to a person information if the Rule Change Panel is required to do so by law or these Market Rules;
- (8) Insert new clauses 10.2.3A, 10.2.3B and 10.2.3C, after clause 10.2.3, as follows—
 - 10.2.3A. AEMO must consult with the Economic Regulation Authority and obtain the Economic Regulation Authority’s consent, prior to setting the confidentiality status of a type of market related information or document under clause 10.2.1 relating to functions of the Economic Regulation Authority under these Market Rules.

- 10.2.3B. AEMO must consult with the Rule Change Panel and obtain the Rule Change Panel's consent, prior to setting the confidentiality status of a type of market related information or document under clause 10.2.1 relating to functions of the Rule Change Panel under these Market Rules.
- 10.2.3C. AEMO must consult with the IMO and obtain the IMO's consent, prior to setting the confidentiality status of a type of market related information or document under clause 10.2.1 relating to functions of the IMO under these Market Rules.

29. Market Rule 10.5 amended

- (1) Amend clause 10.5.1 by deleting the word "[Blank]" in sub-clause 10.5.1(r)(i) and replacing it with "the Rule Change Panel;"

30. Glossary definitions amended

- (1) Delete the definitions set out below and replace them with the following—

Administration Procedure: The Market Procedure developed by the Rule Change Panel in accordance with clause 2.9.5.

Draft Rule Change Report: The draft report described in clause 2.7.7 and published by the Rule Change Panel under clause 2.7.6(a) in relation to a Rule Change Proposal.

Final Rule Change Report: In respect of a Rule Change Proposal to which the Fast Track Rule Change Process applies, the report described in clause 2.6.4 and published by the Rule Change Panel in accordance with clause 2.6.3A(b). In respect of a Rule Change Proposal to which the Standard Rule Change Process applies, the report described in clause 2.7.8 and published by the Rule Change Panel in accordance with clause 2.7.7A(b).

Market Advisory Committee: An advisory body to the IMO, Rule Change Panel, Economic Regulation Authority and AEMO comprised of industry representatives established under clause 2.3.1.

Market Procedure: The procedures developed by the IMO, Rule Change Panel, AEMO, System Management and the Economic Regulation Authority, as applicable, in accordance with clause 2.9 (including the Power System Operation Procedures developed by System Management) as amended in accordance with the Procedure Change Process.

Procedure Change Proposal: A proposal developed by the IMO, Rule Change Panel, AEMO, System Management or the Economic Regulation Authority to initiate a Procedure Change Process.

Procedure Change Report: A final report prepared by the IMO, Rule Change Panel, AEMO, System Management or the Economic Regulation Authority in relation to a Procedure Change Proposal, containing the information described in clause 2.10.13.

Regulations: Any regulations made under the *Electricity Industry Act 2004* (WA) including the IMO Regulations, the WEM Regulations, AEMO Regulations and the Panel Regulations.

Regulator Fees: The fees determined by AEMO in accordance with clause 2.24, and payable by Market Participants to AEMO for the services provided by the Economic Regulation Authority and the Rule Change Panel in undertaking their respective Wholesale Electricity Market related functions and other functions under these Market Rules.

Reviewable Decision: Decisions made by the IMO, Rule Change Panel, AEMO or the Economic Regulation Authority, in respect of which an eligible person may apply to the Electricity Review Board in accordance with section 125 of the *Electricity Industry Act* and the Regulations, and does not include any decisions of a class specified for this purpose in the Regulations under section 125 of that Act.

Rule Change Proposal: A proposal made in accordance with clause 2.5 proposing that the Rule Change Panel make Amending Rules.

- (2) Insert the following new definitions, in alphabetical order, as follows—

Panel Regulations: Means the *Energy Industry (Rule Change Panel) Regulations 2016*.

RCP Secretariat: Means the executive officer of the Rule Change Panel made available by the Economic Regulation Authority in accordance with the Panel Regulations.

RCP Secretariat Support Services: Means the RCP Secretariat and such staff members, services, facilities and assistance as are made available by the Economic Regulation Authority to the Rule Change Panel in accordance with the Panel Regulations.

Rule Change Panel: Has the meaning given to it in the Panel Regulations.

Rule Change Panel Transfer Date: Means 08:00AM on the date the amending rules made under the *Electricity Industry (Wholesale Electricity Market) Regulations 2004* (WA), regulation 7(4) giving effect to the transfer of functions from the IMO to the Rule Change Panel commence operation.

- (3) Delete the definition of "Secretariat".

31. Appendix 1 amended

- (1) Amend clause h(xii) by deleting the word "and" at the end of the clause.
- (2) Amend clause h(xiii) by deleting the full stop at the end of the clause and replacing it with "; and".

32. Various references to IMO amended

(1) In each of the existing clauses listed in the Table, delete the words “IMO” and “IMO’s” and replace them with “Rule Change Panel” or “Rule Change Panel’s” (as appropriate)—

Table

Clause 1.6.1 (each place where it occurs)
Clause 2.3.1 (each place where it occurs except sub-clause 2.3.1(b))
Clause 2.3.2 (each place where it occurs)
Clause 2.3.4
Clause 2.3.5A
Clause 2.3.8
Clause 2.3.9
Clause 2.3.10
Clause 2.3.11 (each place where it occurs)
Clause 2.3.12
Clause 2.3.13
Clause 2.3.16
Clause 2.4.1
Clause 2.4.2
Clause 2.4.3 (each place where it occurs)
Clause 2.4.4
Clause 2.5.1
Clause 2.5.5
Clause 2.5.6 (each place where it occurs)
Clause 2.5.7 (each place where it occurs)
Clause 2.5.8
Clause 2.5.9
Clause 2.5.10 (each place where it occurs)
Clause 2.5.11
Clause 2.5.12
Clause 2.5.14
Clause 2.5.15
Clause 2.6.1
Clause 2.6.2
Clause 2.6.3 (each place where it occurs)
Clause 2.6.3A
Clause 2.6.4 (each place where it occurs)
Clause 2.7.1
Clause 2.7.2
Clause 2.7.3
Clause 2.7.4 (each place where it occurs)
Clause 2.7.5 (each place where it occurs)
Clause 2.7.6
Clause 2.7.7 (each place where it occurs)
Clause 2.7.7A
Clause 2.7.8 (each place where it occurs)
Clause 2.8
Clause 2.8.1 (each place where it occurs)
Clause 2.8.2 (each place where it occurs)
Clause 2.8.3 (each place where it occurs)
Clause 2.8.5
Clause 2.8.6
Clause 2.8.7
Clause 2.8.9 (each place where it occurs)

 Clause 2.8.10 (each place where it occurs)

 Clause 2.8.11

 Clause 2.8.12 (each place where it occurs)

 Clause 2.10.9 (each place where it occurs except sub-clause 2.10.9(a))

 Sub-clause 2.16.2(o)

33. Various references to Rule Change Panel inserted

(1) In each of the existing clauses listed in the Table, delete the words “IMO, AEMO” and replace them with “IMO, Rule Change Panel, AEMO” (each place where it occurs)—

Table

 Clause 1.4.1

 Clause 1.4.2

 Clause 1.5.1

 Clause 2.3.1

 Clause 2.9.5

 Clause 2.10.1

 Clause 2.10.2

 Clause 2.10.2A

 Clause 2.10.3

 Clause 2.10.7

 Sub-clause 2.10.9(a)

 Clause 2.10.10

 Clause 2.10.13

 Clause 2.10.17

 Clause 2.10.18

 Clause 2.11.1

 Clause 2.11.2

 Clause 2.11.4

 Clause 2.16.2

 Clause 2.17.1

 Clause 10.3.2

GAS SERVICES INFORMATION ACT 2012
GAS SERVICES INFORMATION REGULATIONS 2012

GAS SERVICES INFORMATION RULES

Amending Rules 2016

I, Dr Mike Nahan, Minister for Energy for the State of Western Australia, under regulation 7(5) of the *Gas Services Information Amendment Regulations (No. 3) 2015* (WA), hereby make the amending rules contained in this document.

These amending rules are to commence at 8:00am (WST) on the day after the day of publication in the *Gazette*.

Dated at Perth this 24th day of November 2016.

MIKE NAHAN MLA, Minister for Energy.

1. Rule 3A amended

- (1) Delete the existing subrule 3A(2) and replace it with the following—
- (2) Where the ERA or the Rule Change Panel 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 ERA must make that document or information available on its website;
 - (b) the ERA must promptly notify AEMO when the document or information is published on the ERA's website;
 - (c) AEMO must, as a minimum, promptly publish a link to the relevant area of the ERA's website on the GSI Website; and
 - (d) the ERA or the Rule Change Panel (as applicable) is deemed to have published or released the document or information, and maintained it on the GSI Website, once the ERA has published or released the document or information on its own website, and has notified AEMO.

2. Rule 5 amended

- (1) Amend subrule 5(1) by inserting the words “, the Panel Regulations” after the words “the GSI Regulations”.
- (2) Amend subrule 5(2) by inserting the words “, the Panel Regulations” after the words “the GSI Regulations” (each place where they occur).

3. Rule 8 amended

- (1) Amend subrule 8(1B) by deleting the word “and” at the end of subrule 8(1B)(f).
- (2) Amend subrule 8(1B) by inserting a new subrule 8(1B)(fa), after subrule 8(1B)(f), as follows—
 - (fa) to provide the RCP Secretariat Support Services to the Rule Change Panel in accordance with the Panel Regulations; and
- (3) Amend subrule 8(1B) by inserting the words “, the Panel Regulations” after the words “the GSI Regulations” in subrule 8(1B)(g).
- (4) Insert a new subrule 8(1C), after the new subrule 8(1B), as follows—
 - (1C) Subject to subrule (1D), the Rule Change Panel 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) information gathering and disclosure functions, to the extent to which the information gathering and disclosure functions relate to its other functions conferred on the Rule Change Panel under the GSI Regulations, the Panel Regulations and the Rules; and
 - (d) any other functions conferred on the Rule Change Panel under the GSI Act, the GSI Regulations, the Panel Regulations and the Rules.
- (5) Insert a new subrule 8(1D), after subrule 8(1C), as follows—
 - (1D) Subrule (1C)(a) commences operation on and from 08:00AM on 3 April 2017, in accordance with regulation 2(b) of the *Gas Services Information Amendment Regulations (No. 2) 2016*.
- (6) Amend subrule 8(2) by deleting the words “in subrule (1), subrule (1A) and subrule (1B) (as applicable.)” and replacing them with “in subrule (1), subrule(1A), subrule (1B) and subrule (1C) (as applicable.)”.

4. 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 Rule Change Panel in relation to Rule Change Proposals and the IMO, Rule Change Panel, AEMO and the ERA in relation to Procedure Change Proposals;
 - (b) the Rule Change Panel in relation to matters concerning the development of the Rules and the IMO, Rule Change Panel, AEMO and the ERA in relation to matters concerning the development of Procedures;
 - (c) [Blank]; and
 - (d) [Blank].
- (2) Amend subrule 11(3) by deleting the words “under the GSI Act and the GSI Regulations, provide the members” and replacing them with “under the GSI Act, the GSI Regulations and the Panel Regulations, provide the members”.

5. Rule 12 amended

- (1) Amend subrule 12(1) by deleting the words “representative of the IMO” in subrule 12(1)(a) and replacing them with “person appointed by the chairperson of the Rule Change Panel”.

6. Rule 15 amended

- (1) Amend the heading to Rule 15 by deleting all the existing words and replacing them with “ERA to make available RCP Secretariat for the Gas Advisory Board”.
- (2) Delete the existing subrule 15(1) and replace it with the following—
 - (1) The ERA must make available the RCP Secretariat, who will provide secretariat and other services to the Gas Advisory Board, in accordance with the Panel Regulations.
- (3) Amend subrule 15(2) by inserting the word “RCP” before the word “Secretariat” (each place where it occurs).

7. Rule 34 amended

- (1) Amend subrule 34(4) by deleting the word “IMO” and replacing it with “ERA”.

8. Rule 36 amended

- (1) Amend subrule 36(5) by deleting the word “IMO” and replacing it with “ERA”.

9. Rule 39 amended

- (1) Amend subrule 39(5) by deleting the word “IMO” and replacing it with “ERA”.

10. Rule 110A amended

- (1) Delete the existing subrule 110A(1) and replace it with the following—
 - (1) The ERA may recover a portion of its budget determined by the Minister responsible for the ERA which corresponds to the costs of the ERA in undertaking its functions under the Rules, the GSI Regulations and the Panel Regulations, from the collection of Regulator Fees under these Rules. The ERA must identify in its budget the proportion of its costs that relates to the performance of its functions under the Rules and the GSI Regulations and its other functions.
- (2) Insert a new subrule 110A(2A), after subrule 110A(2), as follows—
 - (2A) The ERA may recover, on behalf of the Rule Change Panel, the costs identified by the ERA as costs incurred in the performance of the Rule Change Panel’s functions under the Rules or the GSI Regulations, from the collection of Regulator Fees under these Rules.
- (3) Delete the existing subrule 110A(3) and replace it with the following—
 - (3) By the date which is five Business Days prior to 30 June each year, the ERA must notify AEMO of—
 - (a) the dollar amount that the ERA may recover under subrule (1); and
 - (b) the dollar amount that the ERA may recover under subrule (2A) (to the extent such amount is not already included in the dollar amount referred to in subrule (3)(a)).

11. Rule 118A amended

- (1) Insert a new subrule 118A(4), after subrule 118A(3), as follows—
 - (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.

12. Rule 125 amended

- (1) Delete the existing subrule 125(1) and replace it with the following—
 - (1) The Rule Change Panel, in accordance with the GSI Act, the GSI Regulations, the Panel Regulations and the Rules, may make Amending Rules for or with respect to any matter or thing referred to in the GSI Act, the GSI Regulations and the Panel Regulations, after the initial Rules have been made by the Minister.
- (2) Insert a new subrule 125(3), after subrule 125(2), as follows—
 - (3) This rule 125 and the remainder of Part 8 of the Rules (other than rule 125A) commence operation on and from 08:00AM on 3 April 2017, being the date on which the Rule Change Panel is conferred the function to develop amendments of and replacements for the Rules in

accordance with regulation 2(b) of the *Gas Services Information Amendment Regulations (No. 2) 2016*.

13. Rule 125A added

(1) Insert a new Rule 125A, after Rule 125, as follows—

125A.—Rule making by the Minister

- (1) This rule 125A applies from the Rule Change Panel Transfer Date until 08:00AM on 1 July 2017, being the date on which the Minister's power to make Amending Rules under regulation 7(5) of the GSI Regulations ends.
- (2) Despite anything in the Rules, the Minister may develop and make Amending Rules in accordance with regulation 7(5) of the GSI Regulations.

14. Rule 126 amended

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

- (1) The Minister may issue a statement of policy principles to the Rule Change Panel with respect to the GBB or the GSOO. The statement of policy principles must not be inconsistent with the GSI Objectives.

15. Rule 128 amended

(1) Re-number the existing text of rule 128 as subrule 128(1).

(2) Insert a new subrule 128(2), after the new subrule 128(1), as follows—

- (2) Without limiting subrule (1), in deciding whether or not to make Amending Rules, the Rule Change Panel may request the RCP Secretariat to seek advice, and the Rule Change Panel may have regard to that advice, from any person that the Rule Change Panel considers is appropriate to assist it in assessing the relevant Rule Change Proposal.

16. Rule 129 amended

(1) Delete the existing subrule 129(5) and replace it with the following—

- (5) Where the Rule Change Panel considers that a change to the Rules is—
 - (a) required to correct a manifest error in the Rules; or
 - (b) of a minor or procedural nature,

the Rule Change Panel may develop a Rule Change Proposal and must publish it in accordance with subrule 132(2)(a).

17. Rule 134 amended

(1) Amend subrule 134(2) by deleting the words “in rule 128” in subrule 134(2)(b)(ii) and replacing them with “in subrule 128(1)”.

18. Rule 136 amended

(1) Amend subrule 136(2) by deleting the words “in rule 128” in subrule 136(2)(b) and replacing them with “in subrule 128(1)”.

19. Rule 137 amended

(1) Amend subrule 137(2) by deleting the words “in rule 128” in subrule 137(2)(b)(ii) and replacing them with “in subrule 128(1)”.

20. Rule 139 amended

(1) Delete all the existing text in rule 139 and replace them with the following—

Subject to applicable requirements relating to Protected Information under the GSI Act, the GSI Regulations and the Panel Regulations, the Rule Change Panel must publish all written submissions received under this Part.

21. Rule 142 amended

(1) Amend subrule 142(1) by deleting the words “in IMO's opinion” and replacing them with “in the Rule Change Panel's opinion”.

(2) Amend subrule 142(2) by deleting subrule 142(2)(d) and replacing it with the following—

- (d) rules 107 to 114, and rules 116, 118A and 120;

(3) Amend subrule 142(2) by deleting the word “and” at the end of subrule 142(2)(h).

(4) Amend subrule 142(2) by inserting the word “; and” at the end of subrule 142(2)(i).

(5) Amend subrule 142(2) by inserting a new subrule 142(2)(j), after subrule 142(2)(i), as follows—

- (j) any other rules that must not be amended, repealed or replaced without the approval of the Minister in accordance with the GSI Regulations.

22. Rule 151 amended

(1) Amend the heading to rule 151 by deleting the words “IMO” and replacing them with “ERA”.

(2) Amend rule 151 by deleting all its words and replacing them with the following—

The ERA must, at all times, maintain on the website maintained by the ERA a copy of the Rules, as in force from time to time.

23. Rule 152

(1) Amend rule 152 by deleting the words “IMO” and replacing them with “ERA”.

24. Rule 154 amended

(1) Insert a new subrule 154(1C), after subrule 154(1B), as follows—

- (1C) The Rule Change Panel 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.

25. Rule 155 amended

(1) Amend subrule 155(1) by inserting the words “, the Panel Regulations” after the words “the GSI Regulations”.

(2) Insert a new subrule 155(6), after subrule 155(5), as follows—

- (6) Without limiting subrule (1) and subrule 154(1C), the Rule Change Panel—
- (a) may make Procedures dealing with the matters referred to in subrule 155(2)(k), to the extent the Procedures relate to its functions under the Rules; and
 - (b) must not make Procedures dealing with the matters referred to in subrule 155(2)(a) to (j) (inclusive) and subrule 155(2)(l) to (s) (inclusive) and any matter consequential or related to those matters.

26. Rule 158 amended

(1) Amend subrule 158(1) by inserting the words “(as applicable)” after the words “AEMO or the ERA”.

27. Schedule 1, Glossary definitions amended

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

Draft Rule Change Report means a report prepared by the Rule Change Panel under rule 136.

Final Rule Change Report means—

- (a) for a Fast Track Rule Change Process, a report published by the Rule Change Panel under rule 134 and includes a revised Final Rule Change Report published under subrule 148(2); and
- (b) for a Standard Rule Change Process, a report published by the Rule Change Panel under rule 137, and includes a revised Final Rule Change Report published under subrule 148(2).

Gas Advisory Board means the board established by the Rule Change Panel under rule 11.

GSI Consultation Procedure means the consultation procedure set out in rule 7 that the IMO, Rule Change Panel, AEMO and the ERA must follow when any of those entities are required to make an instrument (however described) under the Rules in accordance with the GSI Consultation Procedure.

Procedure Change Report means a report published by the IMO, Rule Change Panel, AEMO or the ERA (as applicable) under rule 160.

Protected Information has the meaning given in the GSI Act and includes any confidential information as defined in the Panel Regulations.

Regulator Fees means the fees payable by Registered Shippers and Registered Production Facility Operators to AEMO for the services provided by the ERA and the Rule Change Panel in undertaking their respective functions under the Rules, the GSI Regulations and the Panel Regulations (as applicable).

Rule Change Notice means a notice issued by the Rule Change Panel in accordance with rule 132.

Rule Change Proposal means a proposal made in accordance with rule 129 requesting that the Rule Change Panel make Amending Rules.

Rule Change Proposal Form means a form published by the Rule Change Panel on the GSI Website for the purposes of initiating a Rule Change Proposal (see rule 130).

(2) Insert new definitions in Schedule 1 (Glossary) as follows in their appropriate alphabetical order—

Panel Regulations means the *Energy Industry (Rule Change Panel) Regulations 2016*.

RCP Secretariat means the executive officer of the Rule Change Panel made available by the ERA in accordance with the Panel Regulations.

RCP Secretariat Support Services means the RCP Secretariat and such staff members, services, facilities and assistance as are made available by the ERA to the Rule Change Panel in accordance with the Panel Regulations.

Rule Change Panel has the meaning given in the Panel Regulations.

Rule Change Panel Transfer Date means 8:00AM on the date the amending rules made under the GSI Regulations, regulation 7(5) giving effect to the transfer of functions from the IMO to the Rule Change Panel commence operation.

(3) Delete the definition of “Secretariat”.

28. Schedule 3, Part 4 added

(1) Insert a new Part 4 in Schedule 3 as follows—

Part 4—Transitional rules for conferral of functions on Rule Change Panel

Division 1—Definitions

1 Definitions

In this Part—

Rule Change Panel Transfer Date has the meaning given in Schedule 1.

Division 2—Transitional Rules

2 Validation of acts, instruments and decisions of Rule Change Panel

(1) On and from the Rule Change Panel Transfer Date—

- (a) where the Rule Change Panel 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 Rule Change Panel Transfer Date, then the act, matter or thing is deemed to have been done by the Rule Change Panel in accordance with the relevant provision;
 - (b) where the Rule Change Panel 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 Rule Change Panel Transfer Date, then the act, matter or thing is deemed to have been done by the Rule Change Panel in accordance with the relevant provision;
 - (c) notwithstanding the operation of subrules 2(1)(a) and 2(1)(b), the Rule Change Panel is not liable for any act, matter or thing done by the IMO prior to the Rule Change Panel Transfer Date in breach of the Rules or any Procedure;
 - (d) where the Rule Change Panel is required to develop or maintain a Procedure, and that Procedure was developed or maintained by the IMO prior to the Rule Change Panel Transfer Date, then—
 - (i) the Procedure is deemed to have been developed or maintained by the Rule Change Panel in accordance with the Rules;
 - (ii) a reference to the IMO in that Procedure that should be a reference to the Rule Change Panel having regard to the Rule Change Panel's functions, powers, rights and obligations under the Rules and the other Procedures is deemed to be a reference to the Rule Change Panel;
 - (iii) the Rule Change Panel may amend the Procedure to refer to the Rule Change Panel instead of the IMO (where appropriate) and make any necessary consequential amendments to the Procedure, and the provisions of rules 156 to 162 will not apply to the Rule Change Panel to the extent to which it amends Procedures in accordance with this subrule 2(1)(d); and
 - (iv) any Procedure which is amended by the Rule Change Panel in accordance with this subrule 2(1)(d) may commence operation on the date and time determined by the Rule Change Panel and published on the GSI Website;
 - (e) where the Rule Change Panel 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 the Constitution) and that information or document was published or released by the IMO prior to the Rule Change Panel Transfer Date, then—
 - (i) the information or document is deemed to have been published or released by the Rule Change Panel in accordance with the Rules; and
 - (ii) any reference to the IMO in such information or document that should be a reference to the Rule Change Panel having regard to the Rule Change Panel's functions, powers, rights and obligations under the Rules and the Procedures is deemed to be a reference to the Rule Change Panel; 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 the Rule Change Panel 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 Rule Change Panel Transfer Date, then the information, act or thing, is deemed to have been provided to, or done for, the Rule Change Panel in accordance with the relevant Rules or Procedure.
- (2) If, by operation of subrule 2(1), the Rule Change Panel is deemed to have made a Reviewable Decision that was made by the IMO, then, on and from the Rule Change Panel Transfer Date, any application to the Board for a review of the Reviewable Decision that might have been brought or continued by a Gas Market Participant against the IMO may be brought or continued against the Rule Change Panel as if all references to the IMO as the relevant decision-maker are references to the Rule Change Panel.

29. Various references to IMO amended

(1) In each place in the existing Rules listed in the Table, delete the word "IMO" or "IMO's" (as the case may be) and replace it with "Rule Change Panel" or "Rule Change Panel's" (as appropriate)—

Table

Heading to rule 11
Subrule 11(1)

Subrule 12(1)(e)
Rule 13 (each place where it occurs)
Rule 14 (each place where it occurs)
Subrule 15(2)
Heading to Rule 125
Subrule 125(2)
Rule 126 (each place where it occurs)
Rule 127
Heading to Rule 128
Rule 128 (each place where it occurs)
Rule 129 (each place where it occurs except subrule 129(5))
Rule 130
Heading to Rule 131
Rule 131 (each place where it occurs)
Rule 132 (each place where it occurs)
Rule 133 (each place where it occurs)
Rule 134 (each place where it occurs)
Rule 135 (each place where it occurs)
Rule 136 (each place where it occurs)
Rule 137 (each place where it occurs)
Rule 138
Heading to Rule 139
Rule 140
Heading to Rule 141
Rule 141 (each place where it occurs)
Heading to Rule 143
Rule 143 (each place where it occurs)
Rule 144 (each place where it occurs)
Rule 145 (each place where it occurs)
Rule 147
Rule 148 (each place where it occurs)
Rule 149
Rule 150 (each place where it occurs)
Heading to Rule 153
Rule 153
Rule 159 (each place where it occurs)

30. Various references to Rule Change Panel inserted

(1) In each place in the existing Rules listed in the Table, delete the words “IMO, AEMO” and replace them with “IMO, Rule Change Panel, AEMO” (each place where it occurs)—

Table

Rule 3
Rule 5
Rule 7
Heading to Division 4 of the Rules
Heading to Rule 8
Subrule 8(2)
Heading to Rule 9
Rule 9
Subrule 11(3)
Rule 16
Heading to Rule 154
Rule 154

Rule 155
Heading to Rule 156
Rule 156
Rule 157
Rule 158
Rule 160
Rule 161
Rule 162 (including the Note to subrule 162(1))
Heading to Rule 163
Rule 163
Heading to Rule 164
Rule 164

31. Various rules deleted

(1) In each of the existing rules listed in the Table, delete the existing text and replace it with “[Blank]”—

Table

Subrule 8(1A)(a)
Subrule 15(2)(b)
Subrule 107(2)(a)
Subrule 107(2)(b)