

Australian Energy Market Commission

NATIONAL GAS RULES - GUIDELINES

Guidelines for proponents: Preparing a Rule change proposal

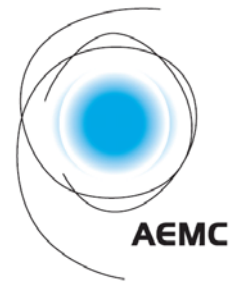
May 2009

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Preparing a Rule change proposal - gas

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1 Objective of the Guidelines

The Australian Energy Market Commission (AEMC) has prepared these guidelines to assist in the submission of a request to the AEMC to change the National Gas Rules (the request is referred to as a “Rule change proposal” in these guidelines). The National Gas Law (NGL)¹ and the NGL Regulations² set out the legal requirements for Rule change proposals. A complete guide to Rule change procedures is outlined on the AEMC’s website – www.aemc.gov.au.

2 Initiating a Rule change proposal

The AEMC is the body responsible for the National Gas Rules (referred to as ‘the Rules’), this role includes making changes to those Rules. The NGL sets out the steps that must be followed before the AEMC may make any changes to the Rules. These steps are known as the “Rule making process”. The process generally includes two stages of public consultation, the application of a Rule making test and a final decision on whether or not to make a Rule.

The Rule making process begins when any person (referred to in these guidelines as a ‘proponent’) submits a Rule change proposal to the AEMC, requesting an amendment to the Rules.

A proponent can be an individual, a company or any other legal person. The proponent of a Rule change proposal must be expressly identified (with full name and address) in the proposal.

If the proponent is an individual person (or group of individuals), the full name and address of all individuals must be included in the proposal. A Rule change proposal must provide evidence that the person or persons named as the proponent has duly authorised the lodging of the proposal. Where this is an individual person or persons, the proponents must sign the Rule change proposal.

Where a proponent is an organisation, the Rule change proposal must be authorised by the signature of a person or persons with authority to sign on behalf of that organisation.

Instructions for submitting a Rule change proposal are set out in section 10 of these guidelines – “Lodging a Rule Change proposal”.

¹ The NGL is contained in the schedule to the *National Gas (South Australia) Act 2008* and sets out the detailed requirements for the Rule making process.

² See clause 13 of the *National Gas Regulations (South Australia)*.

3 Subject matter for Rule change proposals

The AEMC's legal powers to change the National Gas Rules are limited to the subject matters of those Rules as set out in the National Gas Law. Attachment 2 reproduces the relevant sections as well as Schedule 1 of the National Gas Law.

A Rule change proposal must therefore relate to the subject matters of the National Gas Rules.

At a general level, the NGL describes the subject matter of the Rules as follows:

- regulating access to pipeline services;
- regulating the provision of pipeline services;
- regulating the collection, use, disclosure, copying, recording, management and publication of information in relation to natural gas services; and
- any matter or thing contemplated by the NGL, or is necessary or expedient for the purposes of the NGL

Examples of some categories of the specific subject matters for the Rules (listed in Attachment 2 in detail) include:

- classification and coverage of pipelines;
- access to pipeline services;
- access arrangements;
- regulatory economic methodologies;
- ring fencing requirements; and
- Natural Gas Services Bulletin Board.

Proponents of Rule change proposals should ensure that the subject matter of their proposal falls within the matters on which the AEMC is permitted to make changes to the Rules.

4 The requirements for a Rule change proposal

The AEMC is responsible for ensuring that a Rule change proposal that proceeds to a full Rule making process is clear and understandable so that interested parties can readily comprehend the proposal and fully participate in the consultation processes. The Commission is also required, at the early stage of the Rule making process, to ensure that a proposed Rule has the potential to result in a final Rule at the end of the consultation process that amends the National Gas Rules.

A Rule change proposal must be in writing and must contain certain minimum information:

- a description of the proposed Rule;
- a statement of the nature and scope of the issue(s) concerning the existing Rules and an explanation of how the proposed Rule will address this issue or issues;
- an explanation of how the proposed Rule would or would be likely to contribute to the achievement of the national gas objective;
- an explanation of the expected benefits and costs of the proposed change and the potential impacts of the change on those likely to be affected; and
- in the case of a Rule change request from a gas market regulatory body that could be a “fast tracked” Rule under section 305 of the NGL, a summary of the consultation conducted by the gas market regulatory body including information about:
 - the extent of the consultation;
 - the issues raised during the consultation; and
 - the gas market regulatory body’s response to those issues raised during consultation.

A Rule change proposal must adequately address all of the above criteria for the proposal to be considered by the AEMC to proceed to the first consultation stage of the Rule making process or in the case of a “fast track” Rule, to the draft determination stage of the Rule making process. Further guidance to proponents on each of the key components of a Rule change proposal is set out below.

5 What is a description of the proposed Rule?

A proponent is required to describe (in narrative form as distinct from the drafted rules), the changes that they are proposing be made to the National Gas Rules. This may involve describing amendments to existing rules, the addition of new rules, or the removal of existing rules. The description of the proposed Rule should be closely linked to the Statement of Issues, describing the way in which the various changes in the proposed Rule are intended to achieve the resolution of the identified issues.

Some Rule change proposals may require consequential changes to other parts of the Rules as a result of the proposed Rule, and where possible, these should be identified and described as to why they are needed.

The AEMC requests that proponents provide a draft of the proposed Rule, although this is not mandatory. A Rule change proposal that does not include draft wording for the proposed Rule, however, would generally need to provide sufficient detail in the description of the proposed Rule to enable the AEMC to prepare a proposed Rule for the purposes of first round consultation.

6 What should a Statement of Issue include?

A Rule change proposal must provide a Statement of Issue that has two components:

1. the identification of the nature and scope of each problem or issue with the existing Rules; and
2. a description of how the proponent's proposal addresses the identified problem or issue – the proposed solution for each issue identified.

The proponent's Statement of Issue in a Rule change proposal forms a key foundation for the understanding, consultation and assessment of a Rule change proposal by both interested stakeholders and by the Commission. Proponents should therefore prepare both components of the Statement of Issue to ensure that the nature and scope of each of the issues to be addressed by the proposal are comprehensive in terms of the problem or issue. This will assist in ensuring the proposal is readily understood and can be fully evaluated by all.

Identifying the issues with the Rules

In its Rule making role for elements of the natural gas markets, the AEMC is only able to respond to issues or problems with the National Gas Rules. Proponents of a Rule Change proposal should therefore ensure that the problem or issue identified is a problem or issue *with the existing Rules*, which, if the Rules are changed, would be addressed. While there may be other issues of concern in the natural gas markets, if they do not relate to the existing Rules, then the Rule change process is not the appropriate mechanism to resolve those issues.

Describing the proposed solution

The proposed solution should be described and explained in narrative form, as well as being set out in a proposed Rule. The form of such a proposed Rule should be such that it would, if made, amend the National Gas Rules to either modify existing rules or add new rules. As noted earlier, a proposed solution may also include any consequential changes required to other parts of the Rules to address the issue.

The Rule making regime contemplates that a proposed Rule may be altered during the course of the Rule making process, whether in response to submissions or as a result of the Commission's own evaluation under the Rule Making Test. Further, the NGL expressly states that the AEMC may make a Rule that is different (including materially different) from a market initiated proposed Rule (a more preferable Rule).

7 Explaining how a proposed Rule contributes to the National Gas Objective

The National Gas Objective (NGO) is stated in section 23 of the NGL where the object of the NGL is:

“to promote efficient investment in, and efficient operation and use of, natural gas services for the long term interests of consumers of natural gas with respect to price, quality, safety, reliability and security of supply of natural gas.”

Before the AEMC can make a Rule that becomes part of the National Gas Rules, it must apply the Rule making test set out in the NGL. The test requires that the AEMC be satisfied that the Rule will or is likely to contribute to the NGO.

Therefore, as part of a Rule change proposal, a proponent is required:

- to support propositions of fact made in the proposal by evidence;
- to support propositions as to effects by analysis (both quantitative and/or qualitative)
- to identify how the proposed Rule (if made) will contribute or is likely contribute to the achievement of this objective.

Proponents should demonstrate why and how they consider that the Rule they are proposing satisfies the same criteria of the Rule making test that the AEMC is obliged to apply in assessing that proposed Rule.

A Rule change proposal presents the proponent with the opportunity at the earliest stage of the Rule making process (ie when preparing and initiating a Rule change proposal) to clearly and comprehensively set out the reasons why the proponent considers the proposed Rule satisfies the NGO.

8 What should an explanation of the expected costs and benefits and potential impacts include?

A Rule change proposal is required to include an explanation of the expected costs and benefits of a change and the potential impacts of the change on those likely to be affected. This explanation will contribute to the Proponent’s case for the change. As such, the Rule change proposal should comprehensively address the following two components:

1. the expected benefits and costs of the proposed change; and
2. the potential impacts of the change on those likely to be affected.

Explaining the benefits and costs of the proposed change

As part of the AEMC’s decision to make a Rule, the AEMC will need to assess what will be the effects of the proposed change on the current arrangements concerning

relevant natural gas markets. An explanation of the expected benefits and costs of the Proponent's proposed change should be provided in narrative form. In addition, the Proponent may also submit this explanation in a form other than narrative that better captures the information.

This explanation should support the Proponent's Statement of the Issue(s) and the explanation of how the proposed Rule meets the NGL. A thorough explanation of what the Proponent considers to be both the expected benefits from the proposed change as well as the costs will ensure the effects of the proposed change in the context of the current arrangements are fully assessed by the AEMC and stakeholders.

Explaining the potential impacts of the change on those likely to be affected

In addition to identifying and assessing the expected costs and benefits of the proposed change, the AEMC will also identify and assess the potential impacts on those governed by the Rules. The Rules place different obligations on different parties.

A Rule change proposal should identify who is likely to be affected by the proposed change and explain how and why that person or groups of persons is likely to be affected by the change.

9 What should a summary of consultation include?

Section 305 of the NGL allows the AEMC to deal with certain Rule changes expeditiously. This fast track procedure will allow the AEMC to shorten the time it is required to take to make a Rule where the AEMC considers that there has been prior adequate consultation on the proposal by a gas market regulatory body. The AEMC has prepared guidelines to assist a gas market regulatory body in meeting the consultation requirements under the NGL.

In order to fast track a Rule change proposal, the gas market regulatory body must include in its Rule change proposal, a summary of the consultation conducted by that body. This summary must include information about:

1. the extent of the consultation;
2. the issues raised during the consultation; and
3. the gas market regulatory body's response to those issues raised during consultation.

This information will contribute to the AEMC's determination as to whether there has been adequate consultation as the basis for fast tracking the Rule making process and skipping the first round of consultation required under the NGL.

10 Lodging a Rule change proposal

A Rule change proposal may be submitted to the AEMC electronically or in hard copy (via ordinary mail).

Lodging a Rule change proposal online:

- the Rule change proposal submitted electronically must be lodged online via the AEMC's website;
- the Rule change proposal must be on letterhead (if an organisation), signed and dated by the proponent;
- the Rule change proposal must be in PDF format;
- if the Rule change proposal contains a draft of the proposed Rule, a WORD version of that draft Rule must also be sent with the PDF version of the proposal;
- upon receipt of the Rule change proposal, the AEMC will issue a confirmation email. If this confirmation email is not received within 3 business days, it is the proponent's responsibility to ensure successful delivery of the Rule change proposal has occurred; and
- the Rule change proposal should also be forwarded to the AEMC via ordinary mail.

Lodging a Rule change proposal via ordinary mail:

- the Rule change proposal must be on letterhead (if an organisation), signed and dated by the proponent;
- the Rule change proposal should be sent to:

Australian Energy Market Commission
PO Box A2449
Sydney South NSW 1235

- upon receipt of the Rule change proposal, the AEMC will issue a confirmation letter. If this confirmation letter is not received within 3 business days, it is the proponent's responsibility to ensure successful delivery of the Rule change proposal has occurred.

Your privacy in relation to your Rule change proposal to the AEMC

If you lodge a Rule change proposal with the AEMC by post or via the AEMC's website, you will be providing your personal information to the AEMC (including your name and email address and any other information that you have included in the Rule change proposal from which your identity can be ascertained).

The AEMC will use and disclose this personal information for the consideration and publication of the Rule change proposal, for consideration of the Rule change proposal within the context of the AEMC's published decisions and the identification of interested parties that have made Rule change proposal.

Your personal information that forms part of the Rule change proposal will be published on the AEMC website (subject to a claim of confidentiality). The AEMC may exchange your information with its contractors and agents (including our consultants, information technology providers, marketing and communications agencies, conference organisers and printers) where required.

The AEMC's collection and publication of the information contained in your Rule change proposal is authorised under the National Gas Law as set out in the *National Gas (South Australia) Act 2008*.

If you would like to access the personal information that the AEMC holds about you (including if you would like to correct or update it) please call (02) 8296 7800.

Proponent's checklist for lodging a Rule change proposal

- Proponent is expressly identified with full name and address.
- Evidence as to authority to lodge Rule change proposal.
- Ensure that the subject matter of the Rule change proposal falls within the matters on which the AEMC is permitted to make changes to the Rules.
- Description of the proposed Rule.
- Statement of Issue identifying the nature and scope of each problem or issue with the existing Rules.
- Statement of Issue describing the proposed solution for each issue identified.
- Analysis of how the proposed Rule (if made) will contribute or is likely contribute to the achievement of the NGL.
- Explanation of the expected benefits and costs of the change and the potential impacts on the change on those likely to be affected.
- In relation to a request by a gas market regulatory body that could be fast tracked under section 305 of the NGL, a summary of the consultation conducted.
- Attached a draft of the proposed Rule.

Checklist for Online Lodgement

- Rule change proposal on letterhead (if an organisation), signed and dated in PDF format.
- A WORD version of the draft of the proposed Rule sent with the PDF version of the Rule change proposal.
- Receipt of confirmation email from AEMC.
- Rule change proposal forwarded to the AEMC via ordinary mail.

National Gas Law - excerpt

74 – Subject matter for National Gas Rules

- (1) Subject to this Division, the AEMC, in accordance with this Law and the Regulations, may make Rules, to be known, collectively, as the "National Gas Rules", for or with respect to –
 - (a) regulating –
 - (i) access to pipeline services;
 - (ii) the provision of pipeline services;
 - (iii) the collection, use, disclosure, copying, recording, management and publication of information in relation to natural gas services;
 - (b) any matter or thing contemplated by this Law, or is necessary or expedient for the purposes of this Law.

Note –

The procedure for the making of a Rule by the AEMC is set out in Chapter 9 Part 3.

- (2) Without limiting subsection (1), the AEMC, in accordance with this Law and the Regulations, may make Rules for or with respect to any matter or thing specified in Schedule 1 to this Law.
- (3) Rules made by the AEMC in accordance with this Law and the Regulations may –
 - (a) be of general or limited application;
 - (b) vary according to the persons, times, places or circumstances to which they are expressed to apply;
 - (c) confer functions or powers on, or leave any matter or thing to be decided or determined by –
 - (i) the AER, the AEMC or the Bulletin Board operator; or
 - (ii) any panel or committee established by the AEMC; or
 - (iii) any other body established, or person appointed, in accordance with the Rules;
 - (d) confer rights or impose obligations on any person or a class of person (other than the AER or the AEMC);
 - (e) confer a function on the AER, the AEMC or the Bulletin Board operator to make or issue guidelines, tests, standards, procedures or any other document (however described) in accordance with the Rules, including guidelines, tests, standards, procedures or any other document (however described) that leave any matter or thing to be determined by the AER, the AEMC or the Bulletin Board operator;

- (f) empower or require any person (other than a person referred to in paragraph (e)) or body to make or issue guidelines, tests, standards, procedures or any other document (however described) in accordance with the Rules;
- (g) apply, adopt or incorporate wholly or partially, or as amended by the Rules, the provisions of any standard, rule, specification, method or document (however described) formulated, issued, prescribed or published by any person, authority or body whether –
 - (i) as formulated, issued, prescribed or published at the time the Rules are made or at any time before the Rules are made; or
 - (ii) as amended from time to time;
- (h) confer a power of direction on the AER, the AEMC or the Bulletin Board operator to require a person conferred a right, or on whom an obligation is imposed, under the Rules to comply with –
 - (i) a guideline, test, standard, procedure or other document (however described) referred to in paragraph (e) or (f); or
 - (ii) a standard, rule, specification, method or document (however described) referred to in paragraph (g);
- (i) if this section authorises or requires Rules that regulate any matter or thing, prohibit that matter or thing or any aspect of that matter or thing;
- (j) provide for the review of, or a right of appeal against, a decision or determination made under the Rules and for that purpose, confer jurisdiction on the Court;
- (k) require a form prescribed by or under the Rules, or information or documents included in, attached to or given with the form, to be verified by statutory declaration;
- (l) in a specified case or class of case, exempt a person or body performing or exercising a function or power, or conferred a right, or on whom an obligation is imposed, under the Rules or a class of any such person or body from complying with a provision, or a part of a provision, of the Rules;
- (m) provide for the modification or variation of a provision of the Rules (with or without substitution of a provision of the Rules or a part of a provision of the Rules) as it applies to a person or body performing or exercising a function or power, or conferred a right, or on whom an obligation is imposed, under the Rules or a class of any such person or body;
- (n) confer an immunity on, or limit the liability of, any person or body performing or exercising a function or power, or conferred a right, or on whom an obligation is imposed under the Rules;
- (o) contain provisions of a savings or transitional nature consequent on the amendment or revocation of a Rule.

Schedule 1—Subject matter for the National Gas Rules

(section 74 NGL)

Classification and coverage of pipelines

- 1 The content of applications for coverage determinations, coverage revocation determinations and 15-year no-coverage determinations.
- 2 The content of coverage recommendations, coverage revocation recommendations and no-coverage recommendations.
- 3 The content of decisions about coverage determinations, coverage revocation determinations and 15-year no-coverage determinations.
- 4 The classification of pipelines by the NCC—
 - (a) after a tender approval decision becomes irrevocable; or
 - (b) during the process the approval of a voluntarily submitted access arrangement.
- 5 The content of applications for the reclassification of pipelines and reclassification decisions.

Price regulation exemptions

- 6 The content of applications for price regulation exemptions.
- 7 The content of recommendations by the NCC in relation to price regulation exemptions.
- 8 The content of decisions about price regulation exemptions.

Light regulation determinations

- 9 The content of applications for light regulation determinations or the revocation of light regulation determinations.
- 10 The content of decisions about light regulation determinations or the revocation of light regulation determinations.
- 11 The matters to be addressed by the NCC in making decisions about light regulation determinations or the revocation of light regulation determinations.

Tender approvals for the construction of pipelines

- 12 Applications for and the approval by the AER of a tender for the construction of a pipeline (by means of which pipeline services are intended to be provided) as a competitive tender process.
- 13 The content of tender approval decisions.
- 14 The procedure for the making and the publication of a tender approval decision.
- 15 Reports on the conduct of tender processes approved under tender approval decisions.
- 16 The lapsing or revocation of tender approval decisions.

Access to pipeline services

- 17 Access to pipeline services provided or that may be provided by means of a scheme pipeline.
- 18 The facilitation of requests for access to pipeline services provided by means of a scheme pipeline.
- 19 The transfer of capacity of a pipeline to deliver pipeline services, including –
 - (a) the circumstances when and how it is to happen; and
 - (b) the legal consequences of a transfer of that capacity.
- 20 The establishment and maintenance of registers of unutilised capacity of pipelines to deliver pipeline services, including the information to be included in such registers.
- 21 The public availability of information on registers referred to in item 20.
- 22 The provision of information to users of information about unutilised capacity of pipelines to deliver pipeline services.
- 23 The disclosure to the AER of information relating to access to light regulation services.
- 24 Reports on negotiations relating to access to light regulation services.
- 25 The publication of prices and other terms and conditions of access to light regulation services.
- 26 The conditions a service provider may impose for the provision of pipeline services.

Access arrangements

- 27 The submission to the AER, by service providers, of access arrangements or revisions to applicable access arrangements for approval by the AER including requiring service providers to –
 - (a) submit full access arrangements for pipeline services (that are not light regulation services) provided by means of covered pipelines;
 - (b) submit limited access arrangements for pipeline services provided by means of international pipelines to which price regulation exemptions apply;
 - (c) submit more than 1 access arrangement;
 - (d) to consolidate access arrangements.
- 28 The content of access arrangements and applicable access arrangements including –
 - (a) a description of pipeline services provided or that may be provided by means of scheme pipelines, including reference services;
 - (b) the content of expansion and extension requirements;

- (c) the content of queuing requirements;
 - (d) review submission dates, expiry dates and dates when revisions to access arrangements and applicable access arrangements are to take effect.
- 29 Variations to applicable access arrangements.
- 30 Information to accompany access arrangements submitted for approval, or proposals for revisions or variations to access arrangements, including information to enable a person to understand the background or basis or derivation of the access arrangement or proposal.
- 31 The provision and publication of information referred to in item 30.
- 32 Decisions of the AER that approve (with or without revisions or modifications) or not approve access arrangements or proposals for revisions or variations to access arrangements.
- 33 The making of access arrangements by the AER when it does not approve access arrangements.
- 34 The contents of decisions of the AER that –
 - (a) approve or do not approve access arrangements or proposals for revisions or variations to access arrangements;
 - (b) make access arrangements.
- 35 The procedure for the approval or making by the AER of access arrangements, or approval by the AER of proposals for revisions or variations to applicable access arrangements, including the publication and giving of –
 - (a) access arrangements and proposals;
 - (b) decisions of the AER;
 - (c) applicable access arrangements;
 - (d) drafts of decisions of access arrangements and proposals and decisions of the AER.
- 36 Matters to be addressed by the AER in approving or not approving an access arrangement, or making an access arrangement, or approving or not approving revisions or variations to an applicable access arrangement.

Access disputes

- 37 The procedure and time limits for the making of access determinations.
- 38 The appointment of persons to inquire into and report on the safe operation of pipelines for the purpose of enabling the dispute resolution body to make an access determination.
- 39 The kinds of access determinations that may be made including determinations –

- (a) requiring prospective users or users to make capital contributions towards a service provider's capital expenditure for the installation or construction of new facilities for the expansion of the capacity of pipelines;
- (b) that enable service providers to charge prospective users or users surcharges to recover capital expenditure for the installation or construction of new facilities for the expansion of the capacity of pipelines.

Regulatory economic methodologies

- 40 The regulatory economic methodologies (including the use of the methodology known as the "building block approach") to be applied by –
- (a) the AER in approving or making a full access arrangement;
 - (b) the AER in approving revisions or a variation to an applicable access arrangement that is a full access arrangement;
 - (c) the dispute resolution body in making an access determination.
- 41 If the Rules provide for the regulatory economic methodology known as the "building block approach" to be applied by –
- (a) the AER for the purpose of approving or making a full access arrangement; or
 - (b) the AER for the purpose of approving revisions or a variation to an applicable access arrangement that is a full access arrangement; or
 - (c) the dispute resolution body for the purpose of making an access determination,
- the determination by the AER or the dispute resolution body (as the case requires) of allowances for –
- (d) depreciation;
 - (e) the operating costs of a service provider;
 - (f) if the service provider is a corporation, the income tax payable by corporations;
 - (g) a rate of return on assets.
- 42 The methodology known as "total factor productivity" –
- (a) as a regulatory economic methodology to be applied by –
 - (i) the AER for the purpose of approving or making a full access arrangement;
 - (ii) the AER for the purpose of approving revisions or a variation to an applicable access arrangement that is a full access arrangement;
 - (iii) the dispute resolution body for the purpose of making an access determination;

- (b) as an economic regulatory tool to inform and assist the AER in applying, or analysing the application of, the regulatory economic methodology known as the "building block approach" by the AER for the purpose of—
 - (i) approving or making a full access arrangement; or
 - (ii) approving revisions or a variation to an applicable access arrangement that is a full access arrangement;
 - (c) as an economic regulatory tool to inform and assist the dispute resolution body in applying, or analysing the application of, the regulatory economic methodology known as the "building block approach" by the dispute resolution body for the purpose of making an access determination.
- 43 The capital base with respect to a covered pipeline, and of a new facility for the purposes of—
 - (a) approving or making a full access arrangement; or
 - (b) approving revisions or a variation to an applicable access arrangement that is a full access arrangement; or
 - (c) making an access determination.
- 44 The assessment, or treatment of, investment in covered pipelines and new facilities by—
 - (a) the AER for the purposes of approving or making a full access arrangement;
 - (b) the AER for the purposes of approving revisions or a variation to an applicable access arrangement that is a full access arrangement;
 - (c) the dispute resolution body for the purposes of making an access determination.
- 45 The economic framework and methodologies to be applied by the AER or the dispute resolution body for the purposes of item 44.
- 46 Incentives for service providers to make efficient operating and investment decisions including, where applicable, service performance incentive schemes.
- 47 The treatment of capital contributions referred to in item 39(a) when determining the capital base with respect to a covered pipeline.
- 48 The handling of surcharges referred to in item 39(b).

AER economic regulatory function or powers

- 49 The way in which the AER performs or exercises an AER economic regulatory function or power, including the basis on which the AER makes an AER economic regulatory decision.
- 50 Principles to be applied, and procedures to be followed, by the AER in exercising or performing an AER economic regulatory function or power.

Ring fencing requirements

- 51 The content of a minimum ring fencing requirement.
- 52 AER ring fencing determinations and additional ring fencing requirements.
- 53 Exemptions from a minimum ring fencing requirement.

Associate contracts

- 54 The approval by the AER of associate contracts and variations to associate contracts.
- 55 The grounds on which the AER may approve associate contracts and variations to associate contracts, including grounds different from those specified in section 147 or section 148.

Natural Gas Services Bulletin Board

- 56 The establishment and maintenance of a website that contains information in relation to natural gas services.
- 57 Principles to be applied, and procedures to be followed, by the Bulletin Board operator in exercising a power or performing a function in relation to the Natural Gas Services Bulletin Board.
- 58 The kinds of information that may or must be given to the Bulletin Board operator, the circumstances in which the information may or must be given, and the procedure for giving the information.
- 59 The kinds of information that may or must be included on the Natural Gas Services Bulletin Board and the manner in which information is to be dealt with before being put on the Natural Gas Services Bulletin Board, including, but not limited to, the removal of information that would identify the person who gave the information.
- 60 Persons, or classes of persons, to whom the requirement to give information does not apply and the circumstances in which the requirement does not apply, including, but not limited to, the grant of power to the Bulletin Board operator to exempt persons, or classes of persons, from that requirement.
- 61 The circumstances in which the requirement to give information may start to apply again to the persons, or classes of persons, mentioned in item 60.
- 62 Persons, or classes of persons, who may access the Natural Gas Services Bulletin Board and the class, or classes, of information to which they may have access.
- 63 The terms and conditions on which the persons, or classes of persons, mentioned in item 62 may access the Natural Gas Services Bulletin Board.
- 64 The procedure for dealing with information that was, but is no longer, on the Natural Gas Services Bulletin Board.

- 65 Persons, or classes of persons, who may have access to information that was, but is no longer on the Natural Gas Services Bulletin Board and the class, or classes, of information to which they may have access.
- 66 The terms and conditions on which the persons, or classes of persons, mentioned in item 65 may have access to information that was, but is no longer on the Natural Gas Services Bulletin Board.
- 67 The terms and conditions on which service providers, or classes of service providers, may recover amounts from the Bulletin Board operator for aggregating Bulletin Board information for the Bulletin Board operator.
- 68 Matters mentioned in items 56 to 67, in so far as they relate to emergency situations.

Miscellaneous

- 69 Specification of pipeline services as reference services.
- 70 The preparation (including public consultation) and publication by the AER of discussion papers relating to the AER's functions and powers under this Law and the Rules.
- 71 Reviews by or on behalf of—
- (a) the AER or the AEMC; or
 - (b) any other person appointed, in accordance with the Rules.
- 72 Reporting and disclosing information to the AER.
- 73 Procedure to be followed by the NCC or a relevant Minister in dealing with an application for—
- (a) a coverage determination;
 - (b) a coverage revocation determination;
 - (c) a 15-year no-coverage determination;
 - (d) a price regulation exemption;
 - (e) a reclassification decision;
 - (f) a light regulation determination;
 - (g) a determination to revoke a light regulation determination.
- 74 The publication and the giving of NCC recommendations or decisions or Ministerial coverage decisions.
- 75 The establishment and maintenance of a register by the AEMC of all previous and current—
- (a) coverage determinations; and
 - (b) coverage revocation determinations; and
 - (c) greenfields pipeline incentives; and
 - (d) decisions under section 99 not to make a coverage determination; and

- (e) decisions under section 106 not to make a coverage revocation determination; and
- (f) decisions under section 156 not to make a 15-year no-coverage determination; and
- (g) decisions under section 1.13 of the Gas Code that a pipeline is not covered under the old access law and Gas Code; and
- (h) decisions under section 1.34 of the Gas Code that coverage of a covered pipeline under the old access law and Gas Code is not revoked; and
- (i) tender approval decisions; and
- (j) light regulation determinations; and
- (k) decisions revoking light regulation determinations; and
- (l) covered pipelines, including their description and classification as transmission pipelines or distribution pipelines; and
- (m) covered pipelines by means of which light regulation services are or intended to be provided; and
- (n) international pipelines; and
- (o) applicable access arrangements.

76 The inclusion on the register referred to in item 75 of descriptions of—

- (a) all old scheme transmission pipelines and old scheme distribution pipelines; and
- (b) all old scheme classifications or determinations.

77 Time periods within which—

- (a) the NCC must make an NCC recommendation or decision;
- (b) the AER must make a decision (including an AER economic regulatory decision).

78 Extensions to periods of time referred to in item 77.

79 Reports into failures to make decisions within a specified period of time and the publication of such reports.

80 Confidential information held by service providers, users, prospective users, end users, the AER, the AEMC, the NCC, the Bulletin Board operator and other persons or bodies conferred a function, or exercising a power or right, or on whom an obligation is imposed, under the Rules, and the manner and circumstances in which that information may be disclosed.

81 The modification of section 3, 8 or 10.8 of the Gas Code as those sections apply to a transitioned access arrangement (as defined in clause 1 of Schedule 3 to this Law).

Note—

See also clause 30 of Schedule 3 to this Law.

82 Any other matter or thing that is the subject of, or is of a kind dealt with by, a provision of the Gas Code as in operation and effect immediately before the commencement of section 20 of the *National Gas (South Australia) Act 2008* of South Australia.

83 Any matter or thing relating to gas prescribed by the Regulations.