



## **National Gas Amendment (Recognition of exempt sellers in retail market) Rule 2019 No. 2**

under the National Gas Law to the extent applied by:

- (a) the National Gas (South Australia) Act 2008 of South Australia;
- (b) the National Gas (ACT) Act 2008 of the Australian Capital Territory;
- (c) the National Gas (New South Wales) Act 2008 of New South Wales;
- (d) the National Gas (Queensland) Act 2008 of Queensland;
- (e) the National Gas (Tasmania) Act 2008 of Tasmania;
- (f) the National Gas (Victoria) Act 2008 of Victoria; and
- (g) the National Gas (Northern Territory) Act 2008 of Northern Territory;
- (h) the Australian Energy Market Act 2004 of the Commonwealth.

The Australian Energy Market Commission makes the following Rule under the National Gas Law.

John Pierce  
Chairman  
Australian Energy Market Commission

## **National Gas Amendment (Recognition of exempt sellers in retail market) Rule 2019 No. 2**

### **1 Title of Rule**

This Rule is the *National Gas Amendment (Recognition of exempt sellers in retail market) Rule 2019 No. 2*.

### **2 Commencement**

This Rule commences operation on 8 August 2019.

### **3 Amendment to the National Gas Rules**

The National Gas Rules are amended as set out in Schedule 1.

## **Schedule 1            Amendment to the National Gas Rules**

(Clause 3)

### **[1] Rule 3                    Interpretation**

Insert the following definitions in alphabetical order:

*exempt seller* has the meaning given in section 2(1) of the *NERL*.

*related body corporate* means in relation to a body corporate, a body corporate that is related to the first-mentioned body by virtue of the *Corporations Act 2001* (Cth).

### **[2] Rule 135AB            Retail market participation**

Omit subrule 135AB(1)(b) and substitute:

(b) Registrable capacity: retailer

A user or non-scheme pipeline user that:

(i) is a *retailer*; or

(ii) is an *exempt seller* that is a party to a contract with a service provider for the provision of haulage services in New South Wales or the Australian Capital Territory, other than an *exempt seller* that is a self contracting user under paragraph (c).

### **[3] Rule 135AB            Retail market participation**

Omit subrule 135AB(1)(c)(ii) and substitute:

(ii) is an end user or an *exempt seller* that sells gas only to end users that are *related bodies corporate* of that *exempt seller*; and

### **[4] Rule 135AB            Retail market participation**

Omit subrule 135AB(2)(b) and substitute:

(b) Registrable capacity: retailer

A user or non-scheme pipeline user that:

(i) is a *retailer*; or

(ii) is an *exempt seller* that is a party to a contract with a service provider that participates in the retail gas market of Queensland with the registrable capacity of distributor, other than an *exempt seller* that is a self contracting user under paragraph (c).

**[5] Rule 135AB Retail market participation**

Omit subrule 135AB(2)(c)(ii) and substitute:

- (ii) is an end user or an *exempt seller* that sells gas only to end users that are *related bodies corporate* of that *exempt seller*; and

**[6] Rule 135AB Retail market participation**

Omit subrule 135AB(3)(c) and substitute:

- (c) Registrable capacity: retailer

A user or non-scheme pipeline user that:

- (i) is a *retailer*; or
- (ii) is an *exempt seller* that is a party to a contract with a service provider for the provision of haulage services in South Australia, other than an *exempt seller* that is a self contracting user under paragraph (d).

**[7] Rule 135AB Retail market participation**

Omit subrule 135AB(3)(d)(ii) and substitute:

- (ii) is an end user or an *exempt seller* that sells gas only to end users that are *related bodies corporate* of that *exempt seller*; and

**[8] Rule 135AB Retail market participation**

Omit subrule 135AB(4)(c) and substitute:

- (c) Registrable capacity: market participant – retailer

- (i) A *retailer* or an *exempt seller* that is a user of a declared distribution system, other than an *exempt seller* that sells gas only to end users that are *related bodies corporate* of that *exempt seller*.
- (ii) A *retailer* or an *exempt seller* that is a user or non-scheme pipeline user of a distribution pipeline in Victoria, that does not form part of a declared distribution system, other than an *exempt seller* that sells gas only to end users that are *related bodies corporate* of that *exempt seller*.
- (iii) A *retailer* or an *exempt seller* that is a user of the Albury gas distribution system, other than an *exempt seller* that sells gas only to end users that are *related bodies corporate* of that *exempt seller*.

**[9] Rule 138A            General confidentiality obligation of  
Registered participant**

In subrule 138A(4), italicise "related body corporate" wherever occurring.

**[10] Rule 138A            General confidentiality obligation of  
Registered participant**

In subrule 138A(5)(b), italicise "related body corporate".

**[11] Rule 585            Exemption categories**

In subrules 585(5)(a)(ii) and (iii), italicise "related body corporate" wherever occurring.

**[12] Rule 585            Exemption categories**

At the end of subrule 585(5)(b)(ii), omit "; and" and substitute ".".

**[13] Rule 585            Exemption categories**

Omit paragraph (c) of subrule 585(5).

**[14] Rule 593            Definitions and interpretation**

In subrule 593(1), delete the definition "related body corporate".

**[15] Rule 607            Nomination, election and appointment of  
members**

In subrule 607(2), italicise "related bodies corporate".

**[16] Rule 611            Exemptions granted by the AER**

In subrules 611(4)(a)(ii) and (iii), italicise "related body corporate" wherever occurring.

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[END OF RULE AS MADE]

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