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Australian Energy Markets Commission

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East Coast Gas System PASA draft determination and rule change

The Australian Competition and Consumer Commission (ACCC) appreciates the opportunity to make a submission on the draft determination and rule change that would introduce two new regular East Coast Gas System Projected Assessment of System Adequacy (ECGS PASA) reports.

We are supportive of measures that will improve the operation of the east coast gas market and efficiency of information collection and reporting arrangements. Our submission provides contextual information on the ACCC's role in gas market reporting, our views on the benefits of the proposed ECGS PASA and considerations on information sharing between the ACCC and AEMO to reduce and minimise regulatory burden where possible.

The ACCC's role in gas market reporting

The ACCC, as directed by the Federal Treasurer, has been conducting a wide-ranging Inquiry into the supply of and demand for wholesale gas in Australia since 2017 (the Gas Inquiry). The Terms of Reference to the Gas Inquiry has been updated several times since 2017, with the most recent Direction being published on 29 August 2025.¹

As part of our Gas Inquiry, we publish a supply-demand outlook for the east coast gas market each quarter to increase market transparency. This supply-demand outlook also provides information to the Minister for Resources that may be relevant to and used by the Minister in assessing whether there is a domestic gas shortfall risk in an upcoming quarter and making decisions under the Australian Domestic Gas Security Mechanism (ADGSM).²

ACCC Gas Inquiry reports also contain other information to support market operation and improve transparency, including on gas sales and contracting, competition, and the drivers of market conditions.

An important aspect of ACCC reporting is increasing the transparency of LNG export forecasts, given their impact on east gas coast supply. Our reporting differentiates between

¹ The original Gas Inquiry Direction and associated letters updating the Terms of Reference can be found here: <https://www.accc.gov.au/inquiries-and-consultations/gas-inquiry-2017-30/terms-of-reference>

The latest Gas Inquiry Direction as of 29 August 2025 can be found here: <https://www.legislation.gov.au/F2025L01012/latest/text>

² The ADGSM powers sit under the Customs (Prohibited Exports) Regulations 1958 and Customs (Prohibited Exports) (Operation of the Australian Domestic Gas Security Mechanism) Guidelines 2023. Further information can be found here: <https://www.industry.gov.au/mining-oil-and-gas/oil-and-gas/securing-australian-domestic-gas-supply>

exports that are required under long term foundational contracts and excess volumes sold onto international spot markets. This distinction improves and provides timely transparency on the gas that may be made available to the domestic market, including if an ADGSM determination is needed to ensure adequate domestic gas supply by restricting exports.

To prepare each supply-demand outlook, we issue information collection notices from market participants under Part VIIA of the Competition and Consumer Act 2010. These notices compel each gas producer to provide to the ACCC their latest forecast gas production over the requested period as well as additional information from certain producers on LNG exports, gas swaps and storage forecasts. We also rely on domestic gas demand forecasts published by AEMO's annual Gas Statement of Opportunities report.

Producers are compelled to provide accurate information through mandatory information gathering powers under section 95ZK of the CCA, with failure to comply without reasonable excuse a criminal offence which can attract penalties under the CCA of up to \$6,600 for individuals or up to \$33,000 for companies. The provision of false or misleading information or documents is a serious offence under the Criminal Code (Cth) (sections 137.1 and 137.2) that can give rise to a period of imprisonment.

We generally issue information collection notices at the start of each financial year quarter and use the data provided for the subsequent quarterly Gas Inquiry report. For example, the data for our supply-demand outlook used in our 30 June 2025 report was collected through notices issued on 1 April 2025.

Benefits of an ECGS PASA

The proposed ECGS PASA could potentially support more timely and transparent supply-demand forecasts to inform the market and government decision making than is currently available. Further, the data contained in the ECGS PASA may be more easily usable by industry participants and governments than the underlying data used for ACCC reporting given the statutory limitations and obligations on the ACCC publishing the commercial data collected under our powers.

We understand that it is currently proposed that AEMO collect forecasts of total LNG exports 12 months ahead from each LNG producer, which would differ from our approach (outlined above) to support ADGSM decision making.

We suggest that the AEMC consider whether the ECGS PASA should collect additional LNG producer information, such as that currently collected by the ACCC on a quarterly basis to inform ADGSM decision-making, which would allow for a single collection point for supply forecasts and potentially provide a basis for more streamlined reporting.

Reducing regulatory burden through information sharing

While we recognise the value of the proposed ECGS PASA, we also note the continued concerns raised by gas producers on the increasing regulatory burden placed on them from gas market reporting.

If the AEMO were able to share gas supply and LNG export data collected to prepare the ECGS PASA with the ACCC (and potentially other agencies), this could help reduce regulatory burden by limiting the need for duplicative information collection from industry.

As you are aware, the Commonwealth Gas Market Review (the Review) Consultation Paper³ raises the idea of a central repository for all gas market information collected from industry to inform gas reporting requirements for the AER, AEMO and ACCC.

As noted in our Submission to the Review Consultation Paper,⁴ we support the development of a central repository for all gas market information from producers to minimise the burden on industry. Similar to the views set out in this letter, we have noted that the central repository would have to be carefully designed, including to provide for the ACCC, and other bodies, to continue to be able to undertake their respective functions by having access to information in the form, manner and level of veracity they require, which would avoid the need to additionally request this information from gas industry participants.

We would be interested in further engaging with the AEMC as it proceeds with the ECGS PASA proposal, including in relation to any implications arising the Gas Market Review.

If you have any questions on this submission, please contact Evan Lutton, Director, ACCC Gas Markets Branch.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'N. Ross', is positioned above the printed name.

Nicole Ross
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³ Gas Market Review Consultation Paper – Accessed online - <https://consult.dcccew.gov.au/gas-market-review-consultation>

⁴ ACCC Submission to the Commonwealth Gas Market Review – Accessed online – <https://www.accc.gov.au/inquiries-and-consultations/accc-submissions-to-external-consultations#toc-energy>