

AUSTRALIAN ENERGY MARKET COMMISSION

Rule Proposal

National Gas Amendment (Minor Changes Rule 1) Rule 2026

Proponents

AEMC

4 June 2026

RULE

Enquiries

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About the AEMC

The AEMC reports to the energy ministers. We have two functions. We make and amend the national electricity, gas and energy retail rules and conduct independent reviews for the energy ministers.

Acknowledgement of Country

The AEMC acknowledges and shows respect for the Traditional Custodians of the many different lands across Australia on which we live and work. The AEMC office is located on the land of the Gadigal people of the Eora nation. We pay respect to all Elders past and present, and to the enduring connection of Aboriginal and Torres Strait Islander peoples to Country.



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1 Introduction

1.1 Background

As part of its rule-making function, the Australian Energy Market Commission (**Commission** or **AEMC**) reviews, amends and maintains the National Gas Rules (**NGR**) in accordance with the National Gas Law (**NGL**). The purpose of this function, among other things, is to improve and enhance the quality of the NGR.

The Commission initiates rule changes to correct minor errors in the energy rules or make clarifications that are non-material in nature. This rule change proposal includes proposed amendments identified by the Commission since the last gas minor rule change, which was completed in May 2025.

This consultation paper has been prepared to facilitate public consultation on the rule change proposal and to seek stakeholder submissions.

This paper:

- provides a summary of, and background to, the rule change proposal, and sets out the proposed assessment framework (below)
- outlines the rule-making process the Commission proposes to use for this rule change proposal (chapter 2)
- outlines the process for making submissions (chapter 3).

1.2 Proposed Rule

The National Gas Amendment (Minor changes 1) Rule 2026 (the **Proposed Rule**) is proposed by the Commission to correct minor errors and make non-material changes in the NGR.

Most of the proposed changes in the Proposed Rule relate to the NGR as it is applied in Western Australia (**WA Gas Rules**). The version of the NGR that applies in Western Australia is different to the version that applies in other participating jurisdictions. See section 1.3.2 for more detail.

In particular, the Proposed Rule seeks to:

- update notes relating to civil penalty and conduct provisions in the WA Gas Rules to reflect the classification of these provisions under the *National Gas Access (WA) (Part 3) Regulations 2009* (**WA Regulations**);
- address minor issues relating to the implementation of the *National Gas Rules (Gas Pipelines) Amendment Rules 2023* (**Gas Pipelines Rule**), *National Gas Amendment (Harmonising the national energy rules with the updated national energy objectives) Rule 2024* (**Harmonisation Rule**) and the *National Gas Amendment (Other Gases) Rule 2024* (**Other Gases Rule**) in Western Australia; and
- correct minor grammatical, typographical and cross-referencing errors and remove duplication in the WA Gas Rules.

The Proposed Rule also includes a small number of changes to the NGR as it is applied in other participating jurisdictions (outside of Western Australia), to correct grammatical, typographical and cross-referencing errors.

Further detail on the proposed changes is set out below. The Proposed Rule is published with this rule proposal.

1.2.1 Updating notes relating to civil penalty and conduct provisions in the WA Gas Rules

The *National Gas Access (WA) Act 2009* adopts a modified version of the NGL known as the National Gas Access (Western Australia) Law (**WA Gas Law**). Certain provisions of the WA Gas Rules are classified as civil penalty provisions or conduct provisions for the purposes of the NGL as it applies in Western Australia. These are specified in the WA Regulations.

Changes to the classification of civil penalty provisions in the WA Gas Law and WA Gas Rules took effect in September 2024, following adoption in Western Australia of the *Statutes Amendment (National Energy Laws) (Penalties and Enforcement) Act 2020* (South Australia).¹ Modifications to the WA Gas Law provided for civil penalty provisions to be classified as either Tier 1, Tier 2 or Tier 3 provisions, attracting different maximum penalties. Modifications to the WA Regulations provided for classification of certain provisions of the WA Gas Law and WA Gas Rules in accordance with the new tiered structure.²

The WA Gas Rules contains notes indicating which provisions are classified as civil penalty and/or conduct provisions under the WA Regulations. However, these notes have not been updated to reflect the new tiering classification. Therefore, the Proposed Rule includes several changes to update the civil penalty and conduct provisions to align with the current WA Regulations.

1.2.2 **Minor issues relating to the implementation of the Gas Pipelines Rule and the Harmonisation Rule in Western Australia**

The Gas Pipelines Rule took effect in other participating jurisdictions (outside Western Australia) on 16 March 2023. It provided for certain modifications to the rules relating to the classification and economic regulation of gas pipelines.³

The Gas Pipelines Rule does not yet apply in Western Australia. The Commission understands that:

- the Gas Pipelines Rule is expected to take effect in Western Australia at the end of 2026, when related amendments to the WA Gas Law are adopted and an order is made by the Minister; and
- when the Gas Pipelines Rule takes effect in Western Australia, Schedule 2 of the Harmonisation Rule will also commence operation.⁴

When the Gas Pipelines Rule and Schedule 2 of the Harmonisation Rule commence operation in Western Australia, certain minor amendments will need to be made to ensure that these rules are fully effective and operate as intended. These amendments are necessary due to differences between the current WA Gas Rules and the version of the NGR that applied in other participating jurisdictions at the time the Gas Pipelines Rule and Harmonisation Rule commenced operation in those other jurisdictions.

The Proposed Rule addresses the following minor issues relating to adoption of the Gas Pipelines Rule and Schedule 2 of the Harmonisation Rule in Western Australia:

- Item 4(7) of the Gas Pipelines Rule provides for insertion of the “existing access contract” definition after the definition of “exempt seller”. However, the WA Gas Rules does not contain a definition of “exempt seller”.
- Item 17 of the Gas Pipelines Rule provides for insertion of a new rule 34(2) into the WA Gas Rules which includes the italicised term “expedited consultation procedure”. However, this term

1 National Gas Access (WA) Adoption of Amendments Order 2024, made by the Minister for Energy under section 7A of the *National Gas Access (WA) Act 2009*, on 4 September 2024.

2 Modifications to Regulation 6 and Schedule 3 of the WA Regulations under the National Gas Access (WA) (Part 3) Amendment Regulations 2024.

3 The Gas Pipelines rule can be accessed here: <https://www.aemc.gov.au/regulation/energy-rules/national-gas-rules/gas-rules-made-south-australian-minister>.

4 Under the Harmonisation Rule transitional provisions, Schedule 2 of that rule does not apply in Western Australia until the date the Gas Pipelines Rule takes effect in Western Australia. See Schedule 1, Part 20, Rule 102.

is not defined in the WA Gas Rules and instead should be referred to as “expedited consultative procedure”.

- Item 4 in Schedule 2 of the Harmonisation Rule has an instruction to omit subrule 39A(3)(c) and replace it with a new subrule (4). However, at the time this takes effect in Western Australia, the WA Gas Rules will not contain a subrule 39A(3)(c). Instead, the relevant subrule that is to be omitted and replaced will be numbered 39A(4). Therefore, the Proposed Rule instruction is to omit and replace subrule 39A(4), to reflect the correct numbering of the rule in the WA Gas Rules.
- Item 21 of the Gas Pipelines Rule provides for insertion of a new Part 8, Division A1 into the WA Gas Rules which includes a rule 40. This insertion will result in two rule 40s in the WA Gas Rules. The Proposed Rule therefore removes the existing rule 40 in the WA Gas Rules, which does not have any substantive content to avoid duplication.
- Items 42 and 59 of the Gas Pipelines Rule will have the effect of replacing rule 103 of the WA Gas Rules (which relates to the queuing requirements) with a new Rule 68D. However, rule 103 is currently referenced in the note in subrule 48(1)(e). The Proposed Rule updates this note to refer to rule 68D.
- Item 65 of the Gas Pipelines Rule provides for amendments to rule 133, including a new definition of “designated day”. This is defined as the “day on which Part 19 of Schedule 3 of the NGL (inserted into the NGL by the *National Energy Laws Amendment (Gas Pipelines) Act 2022*) came into operation”. In other jurisdictions, this date is 2 March 2023 (which is the date that *National Energy Laws Amendment (Gas Pipelines) Act 2022* and hence Part 19 of Schedule 3 of the NGL came into operation). However, for the purposes of the WA Gas Rules, the “designated day” should be a reference to the date it comes into operation in Western Australia and not the date it commenced in other jurisdictions. Therefore, the Proposed Rule clarifies that this date is referring to the date on which Part 19 of Schedule 3 of NGL comes into operation in Western Australia.
- Item 99 of the Gas Pipelines rule inserts a new Schedule 6 which includes a definition of “commencement day”. For the same reasons as above, the Proposed rule makes the same amendment to the definition of “commencement day” to remove the reference to “inserted into the NGL by the *National Energy Laws Amendment (Gas Pipelines) Act 2022*”.

It is proposed that these minor amendments will take effect on the same day as, and immediately following, commencement of the Gas Pipelines Rule in Western Australia.

1.2.3 Minor issues relating to the implementation of the Other Gases Rule in Western Australia

The Other Gases Rule has already taken effect in other participating jurisdictions (outside of Western Australia). Different parts of the Rule commenced operation on specified dates during 2024 and 2025.⁵

The Other Gases Rule does not yet apply Western Australia. The Commission understands that the Other Gases Rule is expected to commence operation in Western Australia at the end of 2026, when related amendments to the WA Gas Law are adopted and an order is made by the Minister.

When the Other Gases Rule commences operation in Western Australia, certain minor amendments will need to be made to ensure that it is fully effective. These amendments are necessary partly because of the delayed commencement of the Other Gases Rule in Western Australia.

The Proposed Rule addresses the following specific issues relating to adoption of the Other Gases Rule in Western Australia:

⁵ The Other Gases rule can be accessed here: <https://www.aemc.gov.au/regulation/energy-rules/national-gas-rules/gas-rules-made-south-australian-minister>.

- Schedule 9, item 1 of the Other Gases Rule provides for the insertion of a new Schedule 7 (Transitional provisions) into the WA Gas Rules. The Proposed Rule includes the following minor changes to these transitional provisions:
 - the definition of “commencement date” is amended to clarify that, for the purposes of the WA Gas Rules, it is referring to the date on which Schedule 1 of the Other Gases Rule commences in Western Australia; and
 - changes to address cross-referencing errors.

It is proposed that these minor amendments will take effect on the same day as, and immediately following, commencement of the Other Gases Rule in Western Australia.

1.2.4 Other minor amendments in the WA Gas Rules

The Proposed Rule also addresses the following minor grammatical, typographical or cross-referencing errors in the current WA Gas Rules:

- Certain provisions of the WA Gas Rules incorrectly refer to the “*National Gas Access (Western Australia) Act 2008 (WA)*”. The correct reference is to the “*National Gas Access (Western Australia) Act 2009 (WA)*”.
- Notes in certain provisions of the WA Gas Rules incorrectly refer to Rule 40(2) which does not exist in the WA Gas Rules.
- Item 5 of the Gas Pipelines Rule provides for insertion of a new rule 3A which has a heading “Section 2(1) of the NGL”, but the WA Gas Law has a heading that states “Section 2”. The Proposed Rule amends this cross-reference to reflect the current numbering in the WA Gas Law.

1.2.5 Other minor amendments in the NGR

The Proposed Rule addresses the following typographical and cross-referencing errors in the NGR as it is applied in participating jurisdictions other than Western Australia:

- The *National Gas Amendment (Establishing a regulatory framework for retail customer initiated gas abolition)* Rule 2026 No. 1 will add rule 121C which has two subrules numbered (3). The Proposed Rule renumbers the second of these subrules to be new subrule (4).
- The *Gas Pipelines Amendment* rule 119A includes a definition of “distributor” as “an non-scheme pipeline”. However, this definition should be “a non-scheme pipeline”.
- Rule 197(4) incorrectly refers to the “*expedited consultation procedure*”. This should be a reference to the “*expedited consultative procedure*”.
- Schedule 7 of the NGR, which contains transitional provisions for the Other Gases Rule, contains minor cross-referencing errors.⁶

1.3 Assessment framework

1.3.1 Achieving the national gas objective

National Gas Objective

The Commission may only make a rule if it is satisfied that the gas rule will, or is likely to, contribute to the achievement of the national gas objective (NGO).⁷ This is the decision making framework that the Commission must apply.

The NGO is:⁸

⁶ Proposed Rule, Schedule 2, items 4 – 8.
⁷ Section 291(1) of the NGL and WA Gas Law.
⁸ Section 23 of the NGL and WA Gas Law.

to promote efficient investment in, and efficient operation and use of, covered gas services for the long term interests of consumers of covered gas with respect to—

- (a) price, quality, safety, reliability and security of supply of covered gas; and
- (b) the achievement of targets set by a participating jurisdiction—
 - (i) for reducing Australia's greenhouse gas emissions; or
 - (ii) that are likely to contribute to reducing Australia's greenhouse gas emissions.

The [targets statement](#), available on the AEMC website, lists the emissions reduction targets to be considered, as a minimum, in having regard to the NGO.⁹

Contribution of Proposed Rules to the achievement of the NGO

The Commission considers that the Proposed Rule is likely to contribute to the achievement of the NGO because the Proposed Rule, if made, will improve the quality of the NGR and WA NGR in terms of accuracy, consistency and clarity.

As with previous minor rule changes initiated by the Commission, these minor corrections and non-material changes will make the WA Gas Rules and the NGR clearer to stakeholders. This is important as the WA Gas Rules and the NGR inform stakeholders of their rights and obligations in relation to participating in the wholesale gas market, and stakeholders rely on these rules in their commercial transactions. Clearer and more consistent rules will reduce the regulatory burden on stakeholders and allow for more efficient provision of gas services.

1.3.2 Making gas rules in Western Australia

The versions of the NGL and NGR that apply in Western Australia differ from the NGL and NGR as they apply in other participating jurisdictions.¹⁰

As a result the Commission's power to make rules for Western Australia differs from its rule-making power under the NGL.¹¹

Schedules 1, 3 and 4 of the Proposed Rule contain amendments to the WA Gas Rules. These are amendments to address minor errors in the WA Gas Rules and issues arising from the implementation of certain amending rules in Western Australia. These amendments, which are described in sections 1.2.1 – 1.2.4 above, will only apply in Western Australia.

Schedule 2 of the Proposed Rule contains amendments to the NGR as it applies outside Western Australia. These are amendments to address minor grammatical, numbering or cross-referencing errors in rules that do not currently apply in Western Australia. These amendments, which are described in section 1.2.5 above, will not apply in Western Australia.

9 Section 72A(5) of the NGL.

10 Under the *National Gas Access (WA) Act 2009* (WA Gas Act), a modified version of the NGL, known as the National Gas Access (Western Australia) Law (WA Gas Law), was adopted. Under the WA Gas Law, the National Gas Rules applying in Western Australia are version 1 of the uniform NGR as amended by the SA Minister under an adoption of amendments order made by the WA Minister for Energy and by the AEMC in accordance with its rule making power under section 74 of the WA Gas Law. See the AEMC website for further information, <https://www.aemc.gov.au/regulation/energy-rules/national-gas-rules/western-australia>

11 See section 74 of the WA Gas Law for the subject matters for the AEMC's rule making power in Western Australia.

2 Process for this rule change

2.1 The Commission's power to initiate the making of a rule

Under section 295(2) of the NGL and section 295(2) of the WA Gas Law:

The AEMC must not make a Rule without a request under subsection (1) unless-

- (a) it considers the Rule corrects a minor error in the Rules; or
- (b) it considers the Rule involves a non-material change to the Rules; or
- (c) the Rule is in respect of any matter that is prescribed by the Regulations as a matter on which it may make a Rule on its own initiative.

As the Proposed Rules outlined in chapter 1 make changes that are minor and non-material in nature, the Commission considers that the Proposed Rules satisfy the requirements of section 295(2) of the NGL and section 295(2) of the WA Gas Law.

2.2 Treatment as a non-controversial rule change

Under section 290 of the NGL and section 290 of the WA Gas Law, a “non-controversial Rule” is defined as “a Rule that is unlikely to have a significant effect on a market for gas or the regulation of pipeline services”. As the proposed changes to the NGR are minor or non-material in nature, the Commission considers that the Proposed Rule is unlikely to have a significant effect on a market for gas or the regulation of pipeline services. The Proposed Rule therefore falls within the definition of a non-controversial rule under section 290 of the NGL and section 290 of the WA Gas Law.

Rule changes that are considered to be non-controversial may be processed under an expedited (faster) process under which there is only one round of consultation and the Commission is required to publish its final rule determination within eight weeks of commencing the rule change process.

The Commission has decided to use an expedited process to consider this rule change proposal provided that it does not receive any written requests not to use the expedited process by 18 June 2026.¹²

If the Commission receives a written request not to expedite the process, the Commission will consider whether the reasons set out in that request are misconceived or lacking in substance. An objection to the use of the expedited process must be in writing and must set out the reasons why the rule change proposal is not unlikely to have a significant effect on a market for gas or the regulation of pipeline services.

2.3 Key dates

The key dates for stakeholders in this process are as follows:

- Commencement of this rule change process: 4 June 2026
- Objections to an expedited process to be received by: 18 June 2026
- Submissions to the rule change proposal to be received by: 2 July 2026
- Final decision to be published under an expedited process by: 30 July 2026
- Rule changes to be implemented under an expedited process from: 30 July 2026

¹² The Commission has published a notice under ss. 303 and 304 of the National Gas Law to commence and assess this rule change proposal as a non-controversial rule.

3 Lodging a submission

The Commission invites written requests not to make a rule under the expedited process and written submissions on this rule change proposal.

If you have questions on this project please contact the AEMC on (02) 8296 7800 or aemc@aemc.gov.au, noting the project code.

3.1 Requests not to make a rule under an expedited process

Written requests not to make a rule under the expedited process in section 304 of the NGL or section 304 of the WA Gas Law respectively, must include reasons for the request, and must be lodged with the Commission by 18 June 2026 in accordance with the process specified below.

3.2 Submissions to this rule change proposal

Written submissions on the rule change proposal must be lodged with the Commission by 2 July 2026 in accordance with the process specified below. Tips for making a submission are available on the Commission website.¹³

The Commission publishes submissions on its website. However, we will not publish parts of a submission that we agree are confidential, or that we consider inappropriate (for example offensive, defamatory, vexatious or irrelevant content, or content that is likely to infringe intellectual property rights).¹⁴

3.3 How to lodge a request or submission

Please lodge submissions, or requests not to make a rule under the expedited process, online via the Commission's website, www.aemc.gov.au, using the "lodge a submission" function under the "Contact Us" tab, and selecting the project reference code GRC0092.

The request or submission must be on letterhead (if submitted on behalf of an organisation), signed and dated. If you are not able to lodge submissions or requests online, please contact us and we will provide instructions for alternative methods to lodge the submission or request.

¹³ See: <https://www.aemc.gov.au/our-work/changing-energy-rules-unique-process/making-rule-change-request/submission-tips>
¹⁴ Further information is available here: <https://www.aemc.gov.au/contact-us/lodge-submission>

Abbreviations

AEMC	Australian Energy Market Commission
Commission	See AEMC
Gas Pipelines Rule	<i>National Gas Rules (Gas Pipelines) Amendment Rules 2023</i>
Harmonisation Rule	<i>National Gas Amendment (Harmonising the national energy rules with the updated national energy objectives) Rule 2024</i>
NERL	National Energy Retail Law
NERR	National Energy Retail Rules
NGL	National Gas Law
NGO	National Gas Objective
NGR	National Gas Rules
Other Gases Rule	<i>National Gas Amendment (Other Gases) Rule 2024</i>
WA Gas Law	National Gas Access Law as applied in Western Australia under the <i>National Gas Access (WA) Act 2009</i>
WA Gas Rules	National Gas Rules applicable in Western Australia
WA Regulations	<i>National Gas Access (WA) (Part 3) Regulations 2009</i>