

GAS SERVICES INFORMATION ACT 2012
GAS SERVICES INFORMATION REGULATIONS 2012
GAS SERVICES INFORMATION RULES

GSI Rules made by the Minister for Energy.

I, Mr Bill Johnston, Minister for Energy for the State of Western Australia hereby give notice of GSI Rules made in accordance with regulation 7(6) of the *Gas Services Information Regulations 2012*.

These GSI Rules may be cited as the *Gas Services Information Amendment (AEMO Allowable Revenue) Rules 2021* and are to commence at 8:00am (WST) on the day this notice is published in the *Gazette*.

Dated at Perth this 13th day of December 2021.

Hon. BILL JOHNSTON, MLA, Minister for Energy.

1. Rule 8 amended

- 1.1 Amend subrule 8(1)(b) by inserting “or deregister” after “register”.
- 1.2 Amend subrule 8(1)(c) by inserting “or deregister” after “register” and removing “as Registered Facilities,”.
- 1.3 Amend subrule 8(1)(j) by inserting “the GSI Act,” after “conferred on AEMO under”.
- 1.4 Amend subrule 8(1)(jb) by deleting “and” after “under the Rules;”.
- 1.5 Insert a new subrule 8(1)(jc), after subrule 8(1)(jb), as follows—
 - (jc) to support the Coordinator’s role, and to facilitate and implement decisions by the Coordinator and the Minister, regarding the evolution and development of the GSI Rules; and
- 1.6 Amend subrule 8(1B)(f) by removing “[Blank]” and replacing with “to support the Coordinator’s role, and to facilitate and implement decisions by the Coordinator and the Minister, regarding the evolution and development of the GSI Rules”.

2. Part 7 Division 1 heading amended

- 2.1 Amend Part 7 Division 1 heading by removing “GSI Services” and replacing with “functions”.

3. Rule 107 heading amended

- 3.1 Rule 107 heading amended by removing “GSI Services” and replacing with “functions”.

4. Rule 107 amended

- 4.1 Delete subrule 107(1) and replace it with the following—
 - (1) Subject to the requirements of this Part, AEMO may recover its costs for performing its functions under the GSI Act, the GSI Regulations and GSI Rules.

5. Rule 108A amended

- 5.1 Amend subrule 108A(1) by removing “the AEMO GSI Services” and replacing with “performing its functions”.
- 5.2 Amend subrule 108A(2) by removing “30 November” and replacing with “31 October”, by removing “provision of the AEMO GSI Services” and replacing with “performance of its functions”, and inserting “, in accordance with the proposal guidelines referred to in subrule 109(7)(a)” after “over that Review Period”.
- 5.3 Delete subrule 108A(3) and replace with the following—
 - (3) By 31 March of the year in which the Review Period commences, the ERA must publish on its website a draft determination of AEMO’s proposed Allowable Revenue and Forecast Capital Expenditure for public consultation.
- 5.4 Amend subrule 108A(4) by removing “determine” and replacing with “prepare and publish on its website its final determination of” and removing “31 March” and replacing with “30 April”.
- 5.5 Amend subrule 108A(5) by removing “31 March” and replacing with “the date in subrule 108A(4) or 108B(1)(d)”, and by removing “Allowable Revenue and Forecast Capital Expenditure of AEMO from the previous Review Period continues” and replacing with “GSI Fees calculated under Division 4 of Part 7 of the Rules for the current Financial Year continue”.
- 5.6 Insert a new subrule 108A(6), after subrule 108A(5), as follows—
 - AEMO’s proposal under subrule 108A(2) or 108B(1)(b) or application for adjustment under subrule 111A(4) or 111A(5) must, to the extent practicable, identify proposed costs that are associated with a specific project or where not practicable, a specific function or functions.

6. Rule 108B amended

- 6.1 Amend subrules 108B(1)(a), 108B(1)(b), 108B(1)(c), 108B(1)(d) by removing each occurrence of “Economic Regulation Authority” and replacing with “ERA”.

7. Rule 109 amended

- 7.1 Amend subrule 109(1) by inserting “, and any other matters the ERA considers relevant to its considerations” after “rule into account”.
- 7.2 Amend subrule 109(1)(a) by inserting “and 108B” after “rule 108A”.
- 7.3 Amend subrule 109(1)(b) by removing “in any of the circumstances set out in” and replacing with “under”.
- 7.4 Amend subrule 109(2) by removing “AEMO providing AEMO GSI Services” and replacing with “performing AEMO’s functions”.
- 7.5 Amend subrule 109(2)(a) by inserting “and” after “expenditure:”.
- 7.6 Amend subrule 109(2)(b) by removing “;and” and replacing with a full stop.
- 7.7 Delete subrule 109(2)(c).
- 7.8 Amend subrule 109(3) by removing “relevant AEMO GSI Services” and replacing with “services provided by AEMO in performing its functions” and removing “those services in accordance with the Rules” and replacing with “AEMO’s functions”.
- 7.9 Amend subrule 109(4) by removing “services” and replacing with “functions and/or projects”.
- 7.10 Insert a new subrule 109(6), after subrule 109(5), as follows—
 - (6) The ERA may approve project and/or function costs or, if some costs do not meet the requirements of this rule 109, reject fully or partially or substitute those costs and recommend to AEMO that some of the costs be considered in a subsequent Review Period and/or in a reassessment.
- 7.11 Insert a new subrule 109(7), after new subrule 109(6), as follows—
 - (7) The ERA must consult on and issue guidelines in relation to this Division, including—
 - (a) proposal guidelines, which must consider how uncertain future projects may be dealt with, including any required approvals before the initiation of new projects, and provide clarity and guidance to AEMO and Gas Market Participants about the level of detail regarding projects, functions and costs expected in AEMO’s proposal under rule 108A(2) or rule 110(1); and
 - (b) regulatory reporting guidelines, which—
 - i. must contain annual reporting obligations and provide clarity and guidance to AEMO and Gas Market Participants about the scope of reporting and how AEMO should annually report to the ERA and Gas Market Participants; and
 - ii. are aimed at providing transparency and accountability in relation to AEMO’s functions and Allowable Revenue and Forecast Capital Expenditure.
- 7.12 Insert a new subrule 109(8), after new subrule 109(7), as follows—
 - (8) The ERA may amend guidelines issued under subrule 109(7) at any time, following consultation which allows a reasonable opportunity for relevant stakeholders to present their views.
- 8. Rule 110 amended**
 - 8.1 Amend subrule 110(1) by removing “or” and replacing with “and/or”.
 - 8.2 Amend subrule 110(1)(a) by inserting “and/or” after “111A(4);”.
 - 8.3 Amend subrule 110(1)(b) by removing “; or” and replacing with a full stop.
 - 8.4 Delete subrule 110(1)(c).
 - 8.4 Amend subrule 110(2) by removing “and” and replacing with “and/or”, and removing “where such approval is not required under subrules 111A(4) or 111A(5) or rule 112” and replacing with a colon.
 - 8.5 Insert new subrules 110(2)(a), 110(2)(b) and 110(2)(c), immediately after subrule 110(2), as follows—
 - (a) costs previously rejected pursuant to rule 109;
 - (b) new costs for project and/or functions since AEMO’S proposal for its Allowable Revenue and Forecast Capital Expenditure for the current Review Period; and
 - (c) costs which were not able to be estimated with reasonable confidence at the time of the relevant Allowable Revenue and Forecast Capital Expenditure review process.
 - 8.6 Delete subrule 110(4) and replace it as follows—
 - (4) The ERA may seek information from AEMO in relation to the performance of its functions under this Division 2.
 - 8.7 Amend subrule 110(5) by removing “public consultation process, which must include publishing an issues paper and inviting submissions from interested persons” and replacing with “such consultation as the ERA considers appropriate in the circumstances”.
- 9. Rule 110B amended**
 - 9.1 Amend subrule (2)(b) by removing “rule” and replacing with “subrule”.
 - 9.2 Amend subrule 110B(2) by removing “(2)” and replacing with “(2A)”.
- 10. Rule 111A amended**
 - 10.1 Amend subrule 111A(1)(a) by removing “GSI Services” and replacing with “costs AEMO will incur in performing its functions”.

- 10.2 Amend subrule 111A(1)(b) by inserting “, in accordance with the regulatory reporting guidelines issued by the ERA in accordance with subrule 109(7)(b)” after “Financial Year”.
- 10.3 Delete subrule 111A(2) and replace it as follows—
 - (2) AEMO must ensure its budget is—
 - (a) consistent with the Allowable Revenue and Forecast Capital Expenditure determined by the ERA for the relevant Review Period and any adjustment; and
 - (b) reported in accordance with the regulatory reporting guidelines issued by the ERA in accordance with subrule 109(7)(b).
- 10.4 Delete subrule 111A(3) and replace it as follows—
 - (3) Where the revenue earned for the functions performed by AEMO via GSI Fees in the previous Financial Year is greater than or less than AEMO’s expenditure for its functions for that Financial Year, the AEMO Budget must take into account any difference between GSI Fees revenue and AEMO’s expenditure in the previous Financial Year by—
 - (a) decreasing the budgeted revenue by the amount of any revenue surplus; or
 - (b) increasing the budgeted revenue the amount of any revenue shortfall.
- 10.5 Amend subrule 111A(4) by removing “15% above AEMO’s” and replacing “the lower of 10% of the Allowable Revenue or \$0.5 million greater than the”.
- 10.6 Amend subrule 111A(5) by inserting “the lower of” before “10%”, inserting “of the Forecast Capital Expenditure or \$0.5 million,” after “10%” and removing “approved” and replacing with “determined”.
- 10.7 Amend subrule 111A(6) by removing “endeavour to”, removing “insufficient time” and replacing with “under subrule 4 or with respect to Allowable Revenue under subrule 110(2) by 31 March” and inserting “of the Allowable Revenue” after “make a determination”.
- 11. Rule 112 heading amended**
- 11.1 Delete rule 112 heading and replace with [Blank].
- 12. Rule 112 amended**
- 12.1 Delete subrule 112(1).
- 12.2 Delete subrule 112(2).
- 13. Rule 114 heading amended**
- 13.1 Amend rule 114 heading by removing “AEMO GSI Services” and replacing with “AEMO’s functions,” and removing “and” and inserting “and Coordinator Fees” after “Regulator Fees”.
- 14. Rule 114 amended**
- 14.1 Amend rule 114 by removing “Operators–” and replacing with “Operators:”.
- 14.2 Amend subrule 114(a) by removing “and”.
- 14.3 Amend subrule 114(b) by removing the full stop and replacing with “;and”.
- 14.4 Insert new subrule 114(c) as follows—
 - (c) an amount equal to the Coordinator Fees, which amount must be consistent with the amount notified by the Coordinator in accordance with subrule 110B(3) or, where such amount has not been notified by the Coordinator in accordance with subrule 110B(3), published by AEMO in accordance with subrule 110B(5) or subrule 110B(6).
- 15. Rule 116 amended**
- 15.1 Amend subrule 116(1) by removing “as–” and replacing with “as:”, inserting “+ Coordinator Fees(y)” after “Regulator Fees(y)”, removing “Where–” and replacing with “Where:” and inserting “Coordinator Fees(y) are the Coordinator Fees for Financial Year y;” on a new line after “Regulator Fees(y) are the Regulator Fees for Financial Year y;”.
- 16. Rule 117 amended**
- 16.1 Amend subrule 117(1) by removing “period–” and replacing with “period:”.
- 16.2 Amend subrule 117(1)(b) by removing “itemises–” and replacing with “itemises:”.
- 16.3 Amend subrule 117(1)(b)(ii) by removing “and”.
- 16.4 Amend subrules 117(b)(iii) and 117(3)(b)(iv) by removing the full stop and replacing with “;and”.
- 16.5 Insert new subrules 117(1)(b)(iv) and 117(3)(b)(iv) as follows—
 - (iv) the proportion of the GSI Fee attributable to Coordinator Fees for that period.
- 16.6 Amend subrule 117(1)(b)(4) by removing “may–” and replacing with “may:”.
- 17. Schedule 1—Glossary amended**
- 17.1 Delete definition for “AEMO GSI Services”.
- 17.2 Amend definition for “Allowable Revenue” by removing “the AEMO GSI Services” and replacing with “AEMO’s functions”.
- 17.3 Delete definition for “GSI Project”.
- 17.4 Insert new definition for “Coordinator Fees” as follows—

Coordinator Fees means the fees payable by Registered Shippers and Registered Production Facility Operators to AEMO for the services provided by the Coordinator of Energy in undertaking their functions under the Rules and the GSI Regulations.
- 17.5 Amend definition for “Regulator Fees” by removing “and the Rule Change Panel”.

