| **Reference** | **Comment** |
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| **Appendix A – Changes to the WEM Rules** | |
| Disclaimer | Amend the text as follows:  “…and ~~each of~~ its officers and employees disclaim…” |
| Terminology | The WEM Rules use both the term “Website” and “Web Site”. For consistency within the rules and to match common usage of the word, change the words “Web Site” to “Website” throughout the document. |
| 1.7.3.  1.7.4. | The WEM Rules require the ERA (and the Network Operator) to publish documents on the Market Web Site, which is achieved by:   * having AMEO maintain a Market Web Site; * having the ERA (and the Network Operator) publish the documents on their own website; * having AEMO publish a link on the Market Web Site to the ERA website (and to the Network Operator website); and * requiring the ERA (and the Network Operator) to notify AEMO when it has published a document on the ERA website (and the Network Operator website) and deeming that the ERA (and the Network Operator) has published the document on the Market Web Site once this notice is provided.   This process is unnecessarily complicated, adds cost, and provides no value (no increased transparency). Market Participants simply go to the ERA website (or Market Operator website) if they want information published by the ERA (or Market Operator).  The similar requirement for publication of documents by Rule Change Panel has not been transferred to the Coordinator – instead, the Coordinator can simply publish information on the Coordinator’s Website.  The ERA (and the Network Operators) should also only ever be required to publish information on their own website. This can be accomplished by:   * moving 1.7.3(a) into 1.7.3 and replacing “; and” with a full stop; * deleting 1.7.3(b), 1.7.3(b)i, 1.7.3(b)ii, and 1.7.3(b)iii; * moving 1.7.4(a) into 1.7.4 and replacing “; and” with a full stop; and * deleting 1.7.4(b), 1.7.4(b)i, 1.7.4(b)ii, and 1.7.4(b)iii. |
| 1.7.3A. | Change the word “section” to “clause”.  Also, this clause could be inserted in the [Blank] clause 1.7.2 rather than as a new clause 1.7.3A. |
| 1.17.1(d)iv | Change “Market Web Site” to “its website”. |
| 1.17.5(d)ii | Change “Market Web Site” to “its website”. |
| 1.18.1(d)iv | Change “Market Web Site” to “its website”. |
| 1.18A.1(d)iv | Change “Market Web Site” to “Coordinator’s Website”. |
| 1.18.2(d) | Change “Market Web Site” to “its website”. |
| 1.19.2. | Change “Market Web Site” to “Coordinator’s Website”. |
| 1.18A.1(d). | Change the long dash to a colon. |
| 1.18A.1(e) | Change the long dash to a colon. |
| 1.18A.3. | Change the long dash to a colon. |
| 2.8.7. | Change “Market Web Site” to “Coordinator’s Website”. |
| 1.18A.2.  1.18A.3. | This drafting is confusing – clauses 1.18A.2 and 1.18A.3 appear to be amendments of clauses 1.18.3 and 1.18.4 (respectively), but this is inconsistent with the drafting note indicating that clause 1.18 is to remain unchanged.  We presume that clauses 1.18.3 and 1.18.3 are to remain unchanged and that new clauses 1.18A.2 and 1.18A.3 are to be inserted. If this is the case, then all of clauses 1.18A.2 and 1.18A3 should be marked as insertions (as was done for new clauses 1.18A.1 and 1.18A.4). |
| 1.19.3(d) | Delete this clause and move the “and” to clause 1.19.3(c). |
| 1.19.3(f) | Insert “to the” at the beginning of the clause. |
| 2.1A. | Clause 2.5.3B allows the Chair of the MAC to develop and submit Rule Change Proposals. To do this, the Chair will likely require support and access to information, so AEMO should be required to support the Chair in this role. This can be done by inserting a new clause (kA) along the lines of:  “to support the Chair of the Market Advisory Committee in their role to develop and submit Rule Change Proposals; and” |
| 2.2B.  2.2D. | Rather than making 2.2B a [Blank] clause and inserting a new clause 2.2D, suggest inserting the new Coordinator of Energy section into clause 2.2B. |
| 2.2A. | Clause 2.5.3B allows the Chair of the MAC to develop and submit Rule Change Proposals. To do this, the Chair will likely require support and access to information, so the ERA should be required to support the Chair in this role. This can be done by deleting the [Blank] clause (bA) and replacing it with something along the lines of:  “to support the Chair of the Market Advisory Committee in their role to develop and submit Rule Change Proposals; and”  If this is not done, then the new clause (bB) should be inserted at (bA) rather than making (bA) [Blank] and inserting a new clause (bB). |
| 2.2D(e) | Delete the work “independent”. |
| 2.2.4. | Change “Market Web Site” to “its website”. |
| 2.3.1(b) | Presumably the MAC is also to be allowed to provide advise to Network Operators on the development of Procedure Change Proposals. If so, then this clause should be further amended as follows:  “…Coordinator, AEMO, ~~and~~ the Economic Regulation Authority and Network Operators… |
| 2.3.1C | Insert a full stop at the end of the clause number.  Revise the text as follows:  If, after allowing a reasonable time for discussion, the ~~independent~~ Chair of the Market Advisory Committee determines that a consensus position either will not be achieved, or is unlikely to be achieved within a time which is reasonable in the circumstances, then the ~~independent~~ Chair of the Market Advisory Committee must provide advice to the Coordinator which reflects any majority view and which includes or is accompanied by the dissenting views.” |
| 2.3.2(g) | The MAC is to provide advice to the Coordinator, the ERA, AEMO and Network Operators; but clause 2.3.2(g) only requires the Constitution of the MAC to detail interaction between the MAC and the Coordinator. Amend this clause as follows:  “(g) the interaction between the Market Advisory Committee and the Coordinator, AEMO, the Economic Regulation Authority and Network Operators;” |
| 2.3.2(f) | It is not clear that there is a need to define a “MAC Secretariat” or to assign it a role under the Market Rules. This clause can be deleted. |
| 2.3.5(i) | Delete the word “independent”. |
| 2.3.5A | This clause uses the defined terms Market Generators and Market Customers but both of these defined terms will be deleted. Suggest revising the clause as follows:  “…must use reasonable endeavours to ensure equal representation of ~~Market Generators and Market Customers~~ Market Participants that:   1. own, control or operate a generation system that is electrically connected to a transmission system or distribution systems which forms part of the South West Interconnected System, or is electrically connected to that system; and 2. sell electricity to customers that are electrically connected to a transmission system or distribution system that forms part of the South West Interconnected System, or is electrically connected to that system.   The proposed insertions are taken from the current definitions of Market Generators and Market Customers, so this should achieve the intent of maintaining a balance on the MAC without relying on undefined terms. |
| 2.3.5B | Add a full stop after the clause number.  Amend wording as follows:  “~~T~~ Other than AEMO, the same organisation…” |
| 2.3.5C. | Add a full stop after the clause number.  Change “may” to “must”. The MAC will encounter quorum problems if this is not done. |
| 2.3.7A | Add a full stop after the clause number. |
| 2.3.8A. | Delete the word “independent”. |
| 2.3.8A(a) | Delete the word “independent” from in front of the word “Chair’s”.  Amend text as follows:  “…could materially interfere with, or be perceived to materially interfere with the independent exercise…” |
| 2.3.8A(a) | Delete the word “independent” from in front of the word “Chair”. |
| 2.3.8B  to  2.3.8D | Insert a new clause 2.3.8B along the lines of:  “The Minister may appoint an interim Chair of the Market Advisory Committee in the event that the Chair of the Market Advisory Committee becomes temporarily unavailable or the position is otherwise vacant for any reason. The interim Chair may have a term of up to six months and may be reappointed. The interim Chair is to have all of the rights and obligations of the Chair and must meet the criteria indicated in clause 2.4.8A.“  Insert a new clause 2.3.8C to provide a means for remuneration of the Chair of the MAC. EPWA will need to consider how this is to be done to ensure it is consistent with and accounted for in the budget/fee setting rules.  Renumber the current clause 2.3.8B to clause 2.3.8D and delete the word “independent” from in front of the word “Chair”. |
| 2.3.9. | Delete the word “independent”. |
| 2.3.10. | Delete the word “independent”. |
| 2.3.15. | The Chair of the MAC should convene the MAC, not the MAC Secretariat. The MAC Secretariat’s role is to support the Chair in undertaking all of the Chair’s roles, including convening MAC meetings.  Also, there does not appear to be any reason to remove the requirement for the Chair of the MAC to convene a MAC meeting if two or more MAC members request such a meeting. Keeping this requirement will help maintain independence of the MAC and engagement of its members. There is no history of abuse of this arrangement.  Therefore, amend the rule as follows:  The ~~MAC Secretariat~~ Chair of the Market Advisory Committee must convene…  (b) ~~[Blank]~~on any occasion when the Chair of the Market Advisory Committee wishes to bring a matter regarding the evolution of these Market Rules or the operation of these Market Rules before the Market Advisory Committee for discussion; and   1. on any occasion when two or more members of the Market Advisory Committee have informed the ~~RCP Secretariat~~ Chair of the Market Advisory Committee in writing that they wish to bring a matter…” |
| 2.3.17(a) | Presumably the MAC should also be allowed to form a Working Group to support a WEM Procedure Change being progressed by a Network Operator. Therefore, amend both 2.3.17(a) and (b) as follows:  “…Economic Regulation Authority, ~~and~~ AEMO and Network Operators…” |
| 2.4.1(a) | Delete the “and” at the end of clause. |
| 2.4.1A. | The word “blank” should be capitalised. |
| 2.4.3(aA) | This clause is superfluous and should be deleted because it is repetitive of 2.4.3(d). Imposing this condition on the Coordinator twice will create additional work for the Coordinator and inefficiencies in the rule change process. |
| 2.4.3(d) | Presumably the Coordinator should consider the views of the MAC irrespective of how/where those views are expressed and whether there is consensus or there are dissenting views. Therefore, amend this clause as follows:  “…by the Market Advisory Committee ~~where the Market Advisory met to consider the Rule Change Proposal~~; and |
| 2.4.3(dA) | This clause is superfluous and should be deleted because it is repetitive of clause 2.4.3(d), particularly if the recommended change is made to clause 2.4.3(d). If the MAC is required to report on any dissenting views, then clause 2.4.3(d) would require the Coordinator consider all MAC views irrespective of whether there is consensus or there are dissenting views. |
| 2.4.2A. | Delete “or not”. |
| 2.4A.1. | Update the 1 July 2021 date to reflect the changes to the WEM Regulations. |
| 2.5.1C. | This clause will be very cumbersome with respect to the Coordinator providing support to the Chair of the MAC – the Coordinator must provide support to the Chair, but this clause requires the Coordinator to consult with the MAC before providing that support to the Chair. Therefore, it is recommended to remove the need for the Coordinator to consult on providing advice to the Chair of the MAC, as follows:  “The Coordinator must, before commencing the development of a Rule Change Proposal or providing material support or assistance to another party, other than the Chair of the Market Advisory Committee, to develop a Rule Change Proposal, consult with the Market Advisory Committee on…” |
| 2.5.2. | The Coordinator is the policy advisor to the Coordinator and would likely draft any policy statement on behalf of the Minister, so the requirement for the Minister to seek the Coordinator’s views before issuing the statement is unnecessary.  However, it is very important for there to be transparency on any policies that the Coordinator is required to consider in making their decision in accordance with clause 2.4.3. To provide this transparency, the Minister should be required to consider consulting with the MAC rather than the Coordinator on the draft policy.  Therefore, it is recommended to redraft this clause as follows:  “…Before giving a statement of policy principles, the Minister may provide a draft of the proposed statement to the ~~Coordinator~~ Market Advisory Committee and seek the ~~Coordinator’s~~ Market Advisory Committee’s views on it.” |
| 2.5.3A | Add a full stop after the clause number.  For clarity, recommend rewording as follows:  “The Coordinator must have regard to any advice received from the Market Advisory Committee regarding the evolution of the Wholesale Electricity Market or development of these Market Rules.” |
| 2.5.3B | Add a full stop after the clause number.  To ensure consistency with the rule change process, amend the text as follows:  “The independent Chair of the Market Advisory Committee may develop and submit ~~make~~ Rule Change Proposals based on advice received from the Market Advisory Committee regarding the evolution of the Wholesale Electricity Market or these Market Rules.”  As the drafting of this clause stands now, it appears that the Chair of the MAC can develop and submit a Rule Change Proposal (or refuse to do so) irrespective of whether some, all or no MAC members agree that there is a need for the rule change, so long as the Chair of the MAC ‘considers the advice’ of the MAC. Is this the intent? |
| 2.5.6(c) | Delete “or not”. |
| 2.5.6(d) | Delete “or not”. |
| 2.5.10. | Recommend that the Coordinator should also be allowed to extend the deadline for the revised Final Rule Change Report under clause 2.8.10(b), so this clause should be amended as follows:  “…modify the times and time periods under clause 3.6, ~~or~~ 3.7 or 3.8.10(b)…” |
| 2.7.5. | It is the Chair of the MAC’s role to convene the MAC and the MAC Secretariat’s role to support the Chair, including in convening the MAC. Also, there does not appear to be any reason to remove the ability of MAC members to request a MAC meeting to discuss a Rule Change Proposal. Therefore, recommend the following changes:  The ~~MAC Secretariat~~ Chair of the Market Advisory Committee must convene…  (a) …  (b) the ~~independent~~ Chair of the Market Advisory Committee or two or more members of the Market Advisory Committee have informed the Coordinator in writing that they consider that advice on the Rule Change Proposal is required from the Market Advisory Committee. |
| 2.8.3(a) | Add “or” to the end of the clause. |
| 2.8.13 | There does not appear to be any rationale for the current list of protected provisions.  Also, there is no clause 1.17A – is this reference to clause “1.17A’ in clause 2.8.13(a) supposed to be “1.18A”? |
| 2.10.2A(b). | The reference to “Market Web Site” in clause 2.10.2A(b) will require the Coordinator, AEMO, the ERA and Network Operators to publish notices on the Market Web Site rather than their own websites. Therefore, delete the text “on the Market Web Site”.  This will make the more general publication requirements under clauses 1.7.3, 1.7.3A and 1.7.4 apply for publication of these notices for all of the affected parties. |
| 2.10.7. | Change “Market Web Site” to “Coordinator’s website”. |
| 2.10.9(b) | It is the Chair of the MAC’s role to convene the MAC and the MAC Secretariat’s role to support the Chair. Also, there does not appear to be any reason to remove the ability of MAC members to request a MAC meeting to discuss a Rule Change Proposal. Therefore, amend the text as follows:  The ~~Coordinator~~ Chair of the Market Advisory Committee must…  (a) …  (b) the ~~independent~~ Chair of the Market Advisory Committee or two or more members of the Market Advisory Committee have informed the Coordinator in writing that they consider that advice on the Rule Change Proposal is required from the Market Advisory Committee. |
| 2.10.13(dA) | This clause is superfluous and should be deleted because it is repetitive of clause 2.10.13(d). If the MAC is required to report on any dissenting views, then clause 2.4.3(d) would require the Coordinator consider all MAC views irrespective of whether there is consensus or there are dissenting views. |
| 2.16.9D. | Change “Market Web Site” to “its website”. |
| 2.16.9FA | Change “Market Web Site” to “its website”. |
|  | Cause 2.17 is very poorly drafted. Clause 2.17.1 lists all of the decisions of the Coordinator, AEMO, System Management, the ERA and Network Operators that are Reviewable Decisions; and clause 2.17.2 lists all of the decisions that are subject to Procedural Review.  All of the clauses listed in clause 2.17.2 are also listed in clause 2.17.1.  The Panel has previously sought legal interpretation of these clauses and were advised that:   * the clauses listed in clause 2.17.1 but not in clause 2.17.2 are subject to merits review; and * the clause listed in both clause 2.17.1 and 2.17.2 are only subject to procedural review.   Based on this interpretation, the Panel’s decisions under the Market Rules are only subject to Procedural review, not merits review. It is understood that this has always been the policy intent, and continues to be the policy intent going forward.  Therefore, for clarity, consideration should be given to redrafting this clause by separately listing decisions that are subject to:   * merits review only; * procedural review only; and * both merits review and procedural review. |
| 2.22A | Insert a full stop at the end of the clause number. |
| 2.22A.1(c) | Amend as follows:  “…, support for the Coordinator in carrying out its functions under these Market Rules, support for the Chair of the Market Advisory Committee in carrying out their functions under the Market Rules,… |
| 2.24.2B | Insert a full stop at the end of the clause number. |
| 2.24.3(d)ii | Delete the work “independent”. |
| 2.24.5A | Insert a full stop at the end of the clause number. |
| 2.24.5C | Insert a full stop at the end of the clause number. |
| 10.2.3BA | Insert a full stop at the end of the clause number. |
| Glossary | * Insert a definition for “Chair of the Market Advisory Committee” by referring to a person appointed to the MAC under clause 2.3.5(i). * In the definition of “Coordinator Transfer Date” the correct format is 8:00 AM” not “08:00AM”. * Delete the definition of “MAC Secretariat”. |
| **Appendix B – Changes to the GSI Rules** | |
| Disclaimer | The Disclaimers has not been updated to reflect the revised functions. Recommend amending the Disclaimer as follows:  “This is an electronic version of the Gas Services Information Rules made by the Minister for Energy, which commenced on 29 June 2013. This version of the Gas Services Information Rules was correct and complete at the time of publication on the ~~Economic Regulation Authority's website~~ Coordinator’s Website. However, the ~~Rule Change Panel, Economic Regulation~~ Authority and Australian Energy Market Operator each Coordinator disclaims any responsibility for, or liability arising from, any act done or omission made in reliance on downloaded versions of this document.  ~~A copy of the Gas Services Information Rules is available for inspection at the Economic Regulation Authority’s offices. The Economic Regulation Authority’s contact details are available on the Economic Regulation Authority's website.~~” |
| 3A(2) | The GSI Rules require the ERA to publish documents on the GSI Website, which is achieved by:   * having AMEO maintain a GSI Website; * having the ERA publish the documents on their own website; * having AEMO publish a link on the GSI Website to the ERA website; and * requiring the ERA to notify AEMO when it has published a document on the ERA website and deeming that the ERA has published the document on the GSI Website once this notice is provided.   This process is unnecessarily complicated, adds cost, and provides no value (no increased transparency). Market Participants simply go to the ERA website if they want information published by the ERA.  The similar requirement for publication of documents on the Rule Change Panel is not being imposed on the Coordinator. Instead, the Coordinator will simply publish documents on the Coordinator’s website.  It is recommended that the ERA have the same publication requirements as the Coordinator. This can be accomplished by deleting 3A(2)(a) to (d) and amending 3A(2) as follows:  “Where the ERA is required by the Rules to publish or release a document or information, then the ERA must make that document or information available on the ERA’s website. ~~or maintain a document on information on the GSI Website then –~~”  Replace the long dash with a colon. |
| 3A(3) | Replace the long dash with a colon. |
| 7(2)(b) | 7(2)(b) will require the Coordinator and the ERA to publish documents on the GSI Website. Assuming that the changes are made to 3A(2) to make general publication requirements, the following change should be made to 7(2)(b):  “The Coordinator, AMEO or the ERA (as applicable) must publish ~~on the GSI Website and in any other way the Coordinator, AEMO or the ERA (as applicable) consider appropriate,~~ the draft instrument…” |
| 8(1) | Clause 129(7) allows the Chair of the GAB to develop and submit Rule Change Proposals, which will require support and access to information, so AEMO should be required to support the Chair in this role. This can be done by inserting a new clause (e) along the lines of:  “to support the Chair of the Gas Advisory Board in their role to develop and submit Rule Change Proposals; and”  Replace “[blank]” with “[Blank]” in 8(1)(g), (h) and (i).  Replace the long dash with a colon in 8 and 8(ja). |
| 8(1B) | Replace the long dash with a colon. |
| 8(1B)(fa) | Delete 8(1B)(fa) entirely and move the “; and” to the end of 8(1B)(g). |
| 8(1C) | Clause 129(7) allows the Chair of the GAB to develop and submit Rule Change Proposals, which will require support and access to information, so the Coordinator should be required to support the Chair in this role. This can be done by deleting “and” from the end of clause 8(1)(c) and inserting a new clause (cA) along the lines of:  “to support the Chair of the Gas Advisory Board in their role to develop and submit Rule Change Proposals; and”  Replace the long dash with a colon.  Replace “[blank]” with “[Blank]” in 8(1)(g), (h) and (i). |
| 8(1D) | Replace “[blank]” with “[Blank]”. |
| 10 | It is not appropriate for the Minister to get access to information via the GSI Rules.  If the Minister requires further information gathering powers, over and above what he already has, then this should be established under the appropriate legislation/regulations, and should be made only after consultation with Market Participants. The legislation/regulation would need to consider what information the Minister should get, what the Minister can do with it, how long the Minster can keep that information, and what notice/appeal requirements the owners of that information should have.  Clause 10(f) may also be inconsistent with the information disclosure provisions in the GSI Regulations.  Therefore, RCP Support strongly recommends:   * delete 10(3)(f); * insert “and” at the end of 10(3)(d); * replace the semicolon at the end of 10(3)(e) with a full stop; and * replace the long dashes with semicolons at the end of clauses 10(3), 10(3)(b) and 10(3)(c). |
| 11(2) | Replace the long dash with a colon. |
| 11(2)(ba) | Insert this clause into the [Blank] 11(2)(c) and delete the [Blank] 11(2)(d). |
| 12(1)(a) | Delete the word “independent”. |
| 12(3) | Delete the word “independent”. |
| 12(4)  to  12(6) | Insert a new sub‑rule 12(4) along the lines of:  “The Minister may appoint an interim Chair of the Gas Advisory Board in the event that the Chair of the Gas Advisory Board becomes temporarily unavailable or the position is otherwise vacant for any reason. The interim Chair may have a term of up to six months and may be reappointed. The interim Chair is to have all of the rights and obligations of the Chair and must meet the criteria indicated in sub‑rule (4).“  Insert a new sub‑rule 12(5) to provide a means for remuneration of the Chair of the GAB. EPWA will need to consider how this is to be done to ensure it is consistent with and accounts for the budget/fee setting rules.  Renumber the current sub‑rules12(4) to (6) accordingly.  2.3.8B to clause 2.3.8D and delete the word “independent” from in front of the word “Chair”. |
| 13(1) | Delete the word “independent”. |
| 13(2) | Delete the word “independent”. |
| 12(3)(a) | Amend the text as follows:  “…that could materially interfere with, or be perceived to materially interfere with the independent exercise…” |
| 12(4) | Delete the word “independent” |
| 14(1) | Change “GSI Website” to “Coordinator’s Website”. |
| 15(2) | This clause requires the “RCP Secretariat” to convene the GAB in certain circumstances. It is presumed that this is a typo and that EPWA meant to instead refer to the GAB Secretariat .  Nevertheless, it is the Chair of the GAB that should convene the GAB, not the GAB Secretariat and the Chair should have the authority to do so whenever they like. The GAB Secretariat’s role is to support the Chair to undertake all of the Chair’s roles, including convening GAB meetings.  Also, there does not appear to be any reason to remove the requirement for the Chair of the GAB to hold a GAB meeting if two or more GAB members request such a meeting. Keeping this requirement will help maintain independence of the GAB and encourage engagement of its members. There is no history of abuse of this arrangement.  Also, note that clauses 15(2), 135(2) and 159(2) are inconsistent on who is responsible for convening GAB meetings – two give authority to the GAB Secretariat and one to the Coordinator. In all three cases, this should be the Chair of the GAB.  Therefore, clause 15(2) and its sub-rules should be deleted and a new clause 15A should be inserted to deal with convening the GAB, as follows:  “The Chair of the Gas Advisory Board may convene the Gas Advisory Board at any time and must convene the Gas Advisory Board on any occasion when:   1. two or more members of the Gas Advisory Board have informed the Chair that in writing that that they wish to bring a matter relating the matters listed in subrule 11(2) before the Gas Advisory Board for discussion; or 2. the Coordinator wishes to bring a matter regarding the evolution of these Rules or the operation of these Rules before the Gas Advisory Board for discussion.” |
| 15(2)(c) | Delete the word “independent” and add “of the Gas Advisory Board” after the word “Chair”. |
| 15(2)(d) | Delete the word “independent”. |
| 107(1) | Replace “[blank]” with “[Blank]” in subclauses (e) and (g). |
| 110A(3) | Replace the long dash with a colon. |
| 110B(1) | The meaning of the words “and its other functions” at the end of the rule is unclear. Are these words necessary? |
| 118A(4) | Delete the clause in its entirety. If this is not done, then replace “[blank]” with “[Blank]”. |
| 125(3) | Delete this clause in its entity. If this is not done, then replace “[not used]” with “[Blank]”. |
| 126 | The Coordinator would likely draft any policy statement on behalf of the Minister, so the allowance for the Minister to seek the Coordinator’s views before issuing the statement is unnecessary.  However, it is very important for there to be transparency on any policies that the Coordinator is required to consider in making their decision in accordance with rule 128. To provide this transparency, the Minister should be required to consider consulting with the MAC rather than the Coordinator on the draft policy.  Therefore, it is recommended to redraft clause 126(b) this clause as follows:  “…Before giving a statement of policy principles, the Minister may provide a draft of the proposed statement to the ~~Coordinator~~ Market Advisory Committee and seek the ~~Coordinator’s~~ Market Advisory Committee’s views on it.” |
| 128(ea) | Sub-rules (aa) and (ea) can be better addressed by a general requirement for the Coordinator to consider the views of the GAB irrespective of whether the GAB reached consensus and irrespective of whether the views were from a meeting. Therefore:   * delete sub-rule (aa); * amend sub-rule (e) as follows:   “The ~~relevant~~ views expressed by the Gas Advisory Board ~~where it met to consider the Rule Change Proposal~~;”   * delete sub-rule (ea).   If this is not done, then the “and” should be moved to the end of sub-rule (ea). |
| 128(2) | It is not clear why the Coordinator should be getting advice on a Rule Change Proposal from the GAB Secretariat – any advice should come from EPWA or from the GAB itself. Therefore, revise the text as follows:  “The Minister may provide the ~~Coordinator~~ Gas Advisory Board with a draft of the proposed statement of policy principles and seek the ~~Coordinator’s~~ Gas Advisory Board’s views on it.” |
| 129(4a) | This clause will be very cumbersome with respect to the Coordinator providing support to the Chair of the GAB – the Coordinator must provide support to the Chair, but this clause requires the Coordinator to consult with the GAB before providing that support to the Chair. Therefore, it is recommended to remove the need for the Coordinator to consult on providing advice to the Chair of the GAC, as follows:  “The Coordinator must, before commencing the development of a Rule Change Proposal or providing material support or assistance to another party, other than the Chair of the Gas Advisory Board, to develop a Rule Change Proposal, consult with the Gas Advisory Board…”  Change “Gas Review Board” to “Gas Advisory Board” in (4a)(e) and in the closing paragraph to (4a). |
| 129(5) | delete the sub-rules from this clause for clarity. That is, change the clause to:  “Where the Coordinator considers that a change to the Rules is required, the Coordinator may develop a Rule change Proposal and publish it in accordance with subrule 132(2)(a).”  Replace the long dash with a colon. |
| 129(7) | Delete the word “independent”. |
| 130(1) | Change “GSI Website” to “Coordinator’s Website”. |
| 132(1) | Change “GSI Website” to “Coordinator’s Website”. |
| 134(1)(b) | Change “GSI Website” to “Coordinator’s Website”. |
| 135(2) | Note that the drafting of clauses 15(2), 135(2) and 159(2) are currently inconsistent on who is responsible for convening GAB meetings – two give authority to the GAB Secretariat and one to the Coordinator. In all three cases, this should be the Chair of the GAB.  Also, there does not appear to be any reason to remove the requirement for the Chair of the GAB to hold a GAB meeting if two or more GAB members request such a meeting. Keeping this requirement will help maintain independence of the GAB and engagement of its members. There is no history of abuse of this arrangement.  Therefore, amend 135(2) as follows:  “The ~~Coordinator~~ Chair of the Gas Advisory Board must convene a meeting of the Gas Advisory Board ~~concerning~~ to consider a Rule Change Proposal if:  (a) the Coordinator considers that advice on the Rule Change Proposal is required from the Gas Advisory Board; or  (b) ~~the independent Chair~~ two or more members of the Gas Advisory Board ~~has~~ have informed the ~~Coordinator~~ Chair of the Gas Advisory Board in writing that ~~she or he~~ they consider~~s~~ that advice on the Rule Change Proposal is required from the Gas Advisory Board.” |
| 135(2)(b) | Delete the word “independent”. |
| 136(1) | Change “GSI Website” to “Coordinator’s Website”. |
| 137(1)(b) | Change “GSI Website” to “Coordinator’s Website”. |
| 141(3) | Change “GSI Website” to “Coordinator’s Website”. |
| 144(5) | Change “GSI Website” to “Coordinator’s Website”. |
| 145(3) | Change “GSI Website” to “Coordinator’s Website”. |
| 147 | Change “GSI Website” to “Coordinator’s Website”. |
| 148 | Any Rule Change Proposal that is subject to rule 148 is likely to be controversial, so it is recommended that the Coordinator should have the ability to extend the deadline for drafting and publishing the revised Final Rule Change Report. This can be done by inserting a new rule 114(3) as follows:  “The Coordinator may extend the timeline in subrule 148(2), subject to the requirements in rule 141.” |
| 148(1) | Change “GSI Website” to “Coordinator’s Website”. |
| 148(2)(b) | Change “GSI Website” to “Coordinator’s Website”. |
| 150(2) | Change “GSI Website” to “Coordinator’s Website”. |
| 150(3)(a) | Change “GSI Website” to “Coordinator’s Website”. |
| 150(3)(b) | Change “GSI Website” to “Coordinator’s Website”. |
| 153 | Change “GSI Website” to “Coordinator’s Website”. |
| 155(3) | Replace the long dash with a colon in sub-rules (3) and (6). |
| 156(3)(b) | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply.  Replace the long dash with a colon. |
| 157 | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply. |
| 157(d) | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply. |
| 158(1) | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply. |
| 159 | Note that the drafting of clauses 15(2), 135(2) and 159(2) are currently inconsistent on who is responsible for convening GAB meetings – two give authority to the GAB Secretariat and one to the Coordinator. In all three cases, this should be the Chair of the GAB.  Also, there does not appear to be any reason to remove the requirement for the Chair of the GAB to hold a GAB meeting if two or more GAB members request such a meeting. Keeping this requirement will help maintain independence of the GAB and engagement of its members. There is no history of abuse of this arrangement.  Therefore, delete clause 159 and replace it with the following:  “The Chair of the Gas Advisory Board must convene a meeting of the Gas Advisory Board to consider a Procedure Change Proposal if:   1. the Coordinator requests that the Chair of the Gas Advisory Board convene a meeting of the Gas Advisory Board to consider a Procedure Change Proposal that affects the Coordinator; 2. AEMO requests that the Chair of the Gas Advisory Board convene a meeting of the Gas Advisory Board to consider a Procedure Change Proposal that affects AEMO; 3. the ERA requests that the Chair of the Gas Advisory Board convene a meeting of the Gas Advisory Board to consider a Procedure Change Proposal that affects the ERA; or 4. two or more members of the Gas Advisory Board request that the Chair of the Gas Advisory Board convene a meeting of the Gas Advisory Board to consider a Procedure Change Proposal.”   Replace the long dash with a colon in 159(2). |
| 160 | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply. |
| 161(2) | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply. |
| 162(2) | Amend as follows:  “Where the proposed commencement date and time specified in a published Procedure Change Report ~~published on the GSI Website~~ is later than the date of publishing that Procedure Change Report, the Rule Change Panel, AEMO or the ERA (as applicable) must, on or before the date on which the new or amended Procedure commences, publish ~~on the GSI Website~~ a notice of the commencement of the new or amended Procedure.” |
| 162(3)(a) | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply. |
| 162(3)(b) | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply. |
| 163 | Amend as follows:  “The Rule Change Panel, AEMO and the ERA (as applicable) must, at all times, ~~maintain on the GSI Website~~ publish a copy of all Procedures that relate to its functions under the Rules, as in force from time to time.” |
| 164 | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply. |
| 167 | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply. |
| 168 | Delete the words “on the GSI Website”. This will make the suggested general rules for publication suggested for clause 7 apply. |
| Schedule 1 | * The definition of IMO should be amended to something similar to the definition of IMO in the WEM Rules. * In the definition of “Rule Change Proposal Form”, change the text “GSI Website” to “Coordinator’s Website”. * Replace the long dash with a colon in the definition of “Final Rule Change Report”. |