

Drafting Note—These Rules have been approved by the Ministerial Council on Energy and will be made by the South Australian Minister shortly before the application by the first participating jurisdiction of the Schedule to the National Energy Retail Law (South Australia) Act 2010. These Rules will commence on the same date and at the same time as the application of that Schedule in that jurisdiction.

NATIONAL GAS (MISCELLANEOUS AND CONSEQUENTIAL)
AMENDMENT RULES 2010

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1 Citation

These Rules may be cited as the *National Gas (Miscellaneous and Consequential) Amendment Rules 2010*.

2 Rules amended

These Rules amend the *National Gas Rules*.

3 Commencement

These Rules commence on [TBA].

4 Rule 3 (Interpretation)

Rule 3, new definitions, insert (in alphabetical order):

distributor means:

- (a) For the purposes of Part 12A – see rule 119A.
- (b) For the purposes of Part 15A – as set out in that Part.
- (c) For the purposes of Part 19 – see rule 200.
- (d) For the purposes of Part 20 – see the definition of ***STTM distributor*** in rule 364.
- (e) For the purposes of Part 21 – see rule 502.

National Energy Retail Law means the National Energy Retail Law set out in the Schedule to the *National Energy Retail Law (South Australia) Act 2010* of South Australia.

National Energy Retail Rules has the same meaning as in the National Energy Retail Law.

NERL means the National Energy Retail Law.

NERR means the National Energy Retail Rules.

retail customer has the same meaning as in the NGL.

retailer has the same meaning as in the NGL.

5 Rule 135A (Participation in declared wholesale gas market of adoptive jurisdiction)

Rule 135A(k), omit, substitute:

(k) Registrable capacity: Market Participant – Retailer

A retailer that sells natural gas that has been transported through the declared transmission system.

6 Rule 135AB (Retail market participation)

(1) Rule 135AB(1)(b), omit, substitute:

(b) Registrable capacity: user

A user or non-scheme pipeline user that is a retailer.

(2) Rule 135AB(1)(c)(iii), omit, substitute:

(iii) is not a retailer.

(3) Rule 135AB(2)(b), omit, substitute:

(b) Registrable capacity: retailer

A user or non-scheme pipeline user that is a retailer.

(4) Rule 135AB(3)(c), omit, substitute:

(c) Registrable capacity: user

A user or non-scheme pipeline user that is a retailer.

(5) Rule 135AB(3)(d)(iii), omit, substitute:

(iii) is not a retailer.

(6) Rule 135AB(4)(c), omit, substitute:

(c) Registrable capacity: market participant – retailer

(i) A retailer that is a user of a declared distribution system.

- (ii) A retailer 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.
- (iii) A retailer that is a user of the Albury gas distribution system.

7 Rule 135EA (Matters about which Procedures may be made)

- (1) Rule 135EA(1)(g), omit, substitute:
 - (g) implementation of a *ROLR scheme*;
- (2) Rule 135EA(1)(p), omit, substitute:
 - (p) lost retail customers;

8 Rule 135EB (Preconditions for making Procedures)

After rule 135EB(3) insert:

- (4) This rule does not apply in relation to Procedures that AEMO makes, or proposes to make, under section 144 of the NERL.

9 Rule 137 (Maintenance of confidentiality)

Rule 137(3)(c), omit, substitute:

- (c) disclosure or use of relevant confidential information:
 - (i) as required or authorised by or under the NGL, the NERL, or related rules or procedures; or

Note

This would include (for example) the disclosures required under a RoLR scheme under Part 6 of the NERL.

- (ii) as required or authorised by or under the law of a participating jurisdiction; or
- (iii) in order to comply with an order of a court or tribunal; or
- (iv) as required by the listing rules of a recognised stock exchange.

10 Rule 138A (General confidentiality obligation of Registered participant)

After rule 138A(5)(h), insert:

- (ha) the use or disclosure of confidential information as required or authorised by or under the NGL, the NERL, or related rules or procedures; or

Note

This would include (for example) the disclosures required under a RoLR scheme (as defined in Part 6 of the NERL).

11 Rule 200 (Interpretation)

- (1) Rule 200, definition of ***declared host retailer***, omit.
- (2) Rule 200, definition of ***Retailer of last resort process***, omit, substitute:

RoLR process means the process for transferring retail customers to a RoLR.

- (3) Rule 200, new definition, insert (in alphabetical order):

RoLR has the same meaning as in the NERL.

RoLR scheme has the same meaning as in the NERL.

12 Rule 251 (Payment default procedure)

- (1) Rule 251(1)(a), omit, substitute:
- (a) the Market Participant does not pay money due for payment by it to AEMO under this Part by the appointed time on the due date;
- (2) Rule 251(1)(l), omit “, or any action is taken to appoint any such person”
- (3) Rule 251(1)(m), omit, substitute:
- (m) an order is made, or a resolution is passed, for winding up the Market Participant, or a provider of credit support for the Market Participant;

13 Rule 260 (Suspension of Market Participant)

Rule 260(8), omit, substitute:

- (8) If AEMO issues a suspension notice to a Market Participant which is a Retailer, AEMO must immediately initiate the RoLR process and immediately notify Participants and the AER of the initiation of that process.

14 Rule 292 (Responsibility for metering installation)

Rule 292(2)(e), omit “declared host retailer”, substitute “local area retailer (as defined in the National Energy Retail Law)”

15 Rule 364 (Definitions)

- (1) Rule 364, definition of *retailer of last resort*, omit.
- (2) Rule 364, new definition, insert (in alphabetical order):
- RoLR** has the same meaning as in the NERL.

16 Rule 428 (Administered price cap)

Rule 428(1)(d), omit from line 1 “retailer of last resort”, substitute “RoLR”

17 Rule 430 (Market administered scheduling state)

Rule 430(4), omit from line 5 “retailer of last resort”, substitute “RoLR”

18 Rule 431 (Market administered settlement state)

Rule 431(1)(a), omit from line 1 “retailer of last resort”, substitute “RoLR”

19 Rule 486 (Default events)

- (1) Rule 486(1)(a), omit, substitute:
 - (a) the Trading Participant does not pay an amount due for payment by it to AEMO under this Part by the appointed time on the due date;
- (2) Rule 486(1)(l), omit “, or any action is taken to appoint any such person”
- (3) Rule 486(1)(m), omit, substitute:
 - (m) an order is made, or a resolution is passed, for winding up the Trading Participant, or a provider of credit support for the Trading Participant;

20 Rule 488 (Suspension of a Trading Participant)

- (1) Rule 488(8), omit, substitute:
 - (8) If AEMO issues a suspension notice to an STTM User that is a Retailer, AEMO must immediately notify the AER.
- (2) Rule 488(9), omit, “retailer of last resort”, substitute “RoLR”
