

Attachment B

Stakeholder feedback template

Submission from Alinta Energy

The template below has been developed to enable stakeholders to provide feedback on the draft amendments to the NGL, Regulations and NGR. ESOM strongly encourages stakeholders to use this template, so that it can have due regard to the views expressed by stakeholders on each issue.

1. National Gas Law Amendments

Section	Feedback
Part 2 – Section 4(3) definition of a compression service provider	It is not clear to us who (e.g. pipeline owners) or what type of service function this definition intends to capture. Alinta Energy suggests the definition be made clearer and/or an example of the type of operator is provided as a guiding note.
Part 6 – Section 27 – Functions and Powers of the AER	Clause (fa)(i) obligates the AER “to prepare and publish, in accordance with the Rules, aggregated and anonymised information or data about prices for those goods or services”. Alinta Energy encourages increasing the level of detail in this clause to clarify what level of aggregated information and data will be published. In our view, this data should be published weekly and by State. We believe this strikes the right balance between information transparency and protecting commercial confidentiality.
Part 27 – Section 91DF – GSOO Procedures	There is no reference in this Section or in Sections 91DG or 91DH which requires AEMO to consult with market participants on the development and/or amendment of the GSOO. Alinta Energy believes consultation as outlined in Rule 135EE is an important step in the development of this legal document because of the associated civil penalty provisions that accompany its operation.
[Insert section and subsection reference] [insert extra rows if necessary]	

2. National Gas Regulations Amendments

Section	Feedback
[Insert section and subsection reference] [insert extra rows if necessary]	

3. National Gas Rules Amendments

Amendment	Feedback
Part 15B Procedures	
[insert rule and sub-rule reference]	N/A
[insert rule and sub-rule reference] [insert extra rows if necessary]	
Part 15D Gas statement of opportunities	
Section 135K – Definition of Demand-supply balance information for an LNG export project	Suggest the following <u>underlined</u> change to subclause (b): <i>the quantity of natural gas that participants in the LNG export project are required to supply <u>or expect to supply under</u>:</i> (i) <i>contracts for the export of LNG; or</i> (ii) <i>other gas supply contracts <u>(including the amount covered by short term spot contracts and long term contracts)</u></i>
[insert rule and sub-rule reference] [insert extra rows if necessary]	
Part 17 Miscellaneous provisions relating to the AER	
Section 140A Gas price assumptions for reserves and resource estimates	Subrule (3) requires any published information to be anonymised. However, it does not mention that information should also be aggregated (and the level of aggregation applicable) as appropriate. Alinta Energy believes that the highest level of aggregation should be used to enable the widest spread of information transparency, without compromising commercial operations. We acknowledge that the details may be more appropriate in an AER Procedure, however that the principle action remain in the NGR.
Section 140B Other price information to be published by the AER	Subrule (7) requires any information provided to the AER under a price information order to be anonymised and aggregated in accordance with section 328/328B of the NGL. However, as above the level of aggregation is not specified. Alinta Energy believes that under Section 139 of the NGR, the AER should specifically consult on the level of aggregation and they types of data collection that would be most useful to market participants.
Part 18 Natural Gas Services Bulletin Board	
Section 157 Application for registration	Subrule (3) states that AEMO may notify an applicant within 5 business days if their application is incomplete or requires clarification. Alinta Energy queries why this is not a mandatory obligation on AEMO – i.e. AEMO must notify an applicant within 5 business days, noting that successful registration is required to access the BB. Changing this in line with the suggested would also balance the requirement on the applicant in subrule (4)
Section 190CA Short term LNG export transactions	Subrule (2) requires the information to be provided to AEMO by the earlier of 1 business day after the trade date or the day prior to the day on which the supply period starts. Because of the short term nature of these trades and therefore the degree to which quick decisions are

Amendment	Feedback
	<p>taken, Alinta Energy believes that it will be difficult to meet this requirement. Further, we do not believe that this requirement balances necessary transparency with operational costs in a fair manner.</p> <p>In addition, the existing draft requirement does not contemplate current day trades.</p> <p>We strongly suggest that subrule (2) be deleted and instead subrule (3) be expanded to cover all transactions because imposing an immediate reporting obligation will create an unnecessary administrative burden and compliance risk. If this is not possible, we would recommend allowing participants 3 business days after the date of the transaction to provide the information to AEMO. Doing so will also cover off on the supply to market date. Refer below to references to Section 195C.</p> <p>Alinta Energy also notes that subrule (2) requires the BB Procedures to set out the short term gas transaction information that should be provided to AEMO. We encourage AEMO to run a robust consultation process to determine the key terms to be provided and set out our preference that these be standard key terms. In publishing this information, AEMO under Section 195C (and where applicable, the AER) should ensure anonymity and sufficient aggregation of key data sets.</p>
Section 190CB Short term gas transactions	As above, Alinta Energy suggests that the requirement in subrule (3) be replaced by an expanded subclause (4) for all transactions.
Part 18A Compression and storage terms and prices	
[insert rule and sub-rule reference]	N/A
[insert rule and sub-rule reference] [insert extra rows if necessary]	

4. Policy clarifications

Sections 6.1.1, 7.2.1 and 8.6 of the Consultation Paper set out a number of policy clarifications that have been made since the DRIS was published. If you would like to provide feedback on any of these clarifications, please do so in the table below.

Consultation paper section	Amendment	Issue	Feedback
6.1.1	Rule 143A(2A).	Northern Territory offshore reserves and resources	
7.2.1	Rule 188A(1).	Reporting times for LNG export facilities	
8.6	Rules 182(1), 183(1) and 185(1)	Facility operators reporting of forecast nominations	

5. Transitional arrangements

Section 10 of the Consultation Paper sets out the proposed transitional arrangements. If you would like to provide feedback on any of these transitional arrangements, please do so in the table below.

Transitional measure	Feedback
Amendments to the BB Procedures	Alinta Energy recommends that this section requires AEMO to 'review, amend, <i>consult</i> and publish the BB Procedures. Consultation on the language used in the BB Procedures will ensure that no ambiguity exists.
New GSOO Procedures	Alinta Energy recommends that this section requires AEMO to 'review, amend, <i>consult</i> and publish the GSOO Procedures. Consultation on the language used in the GSOO Procedures will ensure that no ambiguity exists and a GSOO reporting entity can fully comply with Rule 135KE(2) and 135KG(2), especially as this clause is marked as a civil penalty provision.
AER price reporting function	Require the AER to notify market participants at least 20 business days prior to publication of a gas price assumptions report, via its website. This will provide suitable transparency to market participants on when a report will be published while also providing the AER with a notice period for publication.

6. Incidental amendments to Parts 15B and Part 18 of the NGR

Section 11 of the Consultation Paper sets out a number of incidental rule amendments that have been identified for Part 15B and Part 18 of the NGR. If you would like to provide feedback on any of these incidental amendments, please do so in the table below.

Amendment	Feedback
[insert rule and sub-rule reference]	
[insert rule and sub-rule reference] [insert extra rows if necessary]	

7. Proposed civil penalty provisions

Section 12 of the Consultation Paper sets out the proposed tiers for the list provisions in the Law and Rules that are proposed to be classified as civil penalty provisions. These are based on the proposed classification of tiers for the reform of the Australian Energy Regulator Civil Penalty Regime, which was released for public consultation in July 2020. Energy Ministers' approval of the final classification of tiers, Decision Matrix and Concepts Table is anticipated in late 2020 or early 2021. If you would like to provide feedback on the proposed tiers, please do so in the table below.

Section or rule	Feedback on proposed tiers
[include section or rule]	
[include section or rule]	
[include section or rule]	

8. Potential duplication reduction in the National Gas Law

While not part of the Draft Bill or within scope of the transparency regulatory impact statement, the table in section 13 of the Consultation Paper identifies a number of areas in the Law that would benefit from the removal of some of the duplication that has emerged over time. If you would like to provide feedback on any of the proposed changes, please do so in the table below.

Item number	Feedback on potential changes