

South Australia

National Gas (South Australia) (Market Transparency) Variation Regulations 2020

under the *National Gas (South Australia) Act 2008*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *National Gas (South Australia) Regulations*

- 4 Variation of regulation 7A—Information gathering powers—AEMO
 - 5 Variation of regulation 10—Maximum civil monetary liabilities
 - 6 Variation of Schedule 3—Civil penalties
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Gas (South Australia) (Market Transparency) Variation Regulations 2020*.

2—Commencement

These regulations come into operation on the day on which the *National Gas (South Australia) (Market Transparency) Amendment Act 2020* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *National Gas (South Australia) Regulations*

4—Variation of regulation 7A—Information gathering powers—AEMO

Regulation 7A(a)—delete "persons of a kind listed in section 223(1) and substitute:
persons who are subject to Rules made for the purposes of section 223

5—Variation of regulation 10—Maximum civil monetary liabilities

- (1) Regulation 10(1)—after "purposes of sections" insert:
91DE,

- (2) Regulation 10(1)—after paragraph (dd) insert:
- (de) the maximum amount of each person's civil monetary liability with respect to giving GSOO information to AEMO for the gas statement of opportunities to each person who suffers loss as a result of a relevant event is, in respect of that event, \$400 000;
 - (df) however, if the amount of a person's civil monetary liability with respect to giving GSOO information to AEMO in respect of that event (as affected, if at all, by paragraph (de)) exceeds the prescribed amount in respect of the relevant event, the maximum amount of the person's civil monetary liability to a person in respect of that event is the prescribed amount;
- (3) Regulation 10(1)(e)—delete "(dd)" and substitute:
- (df)
- (4) Regulation 10—after subregulation (1) insert:
- (1a) If the giving of Bulletin Board information and GSOO information to AEMO constitute (at the same time) an event under subregulation (1)(c) and (d) and an event under subregulation (1)(de) and (df), the maximum amounts of a person's civil monetary liability in respect of those events will be determined under subregulation (1)(c) and (d) as if reference to Bulletin Board information under those paragraphs included a reference to GSOO information.
- (5) Regulation 10(2)—delete "or capacity auction information to AEMO must ensure that the following provisions are complied with in relation to claims against AEMO or a person who gives Bulletin Board information" and substitute:
- , GSOO information or capacity auction information to AEMO must ensure that the following provisions are complied with in relation to claims against AEMO or a person who gives Bulletin Board information, GSOO information
- (6) Regulation 10(2)(d)—after "Bulletin Board information" insert:
- , GSOO information
- (7) Regulation 10(2)(e)—after "Bulletin Board information" wherever occurring insert in each case:
- , GSOO information
- (8) Regulation 10(3), definition of *prescribed amount*—after paragraph (d) insert:
- (e) in relation to a person who gives GSOO information to AEMO—the amount obtained by deducting from \$20 million the aggregate of the amounts already paid by the person in discharge of the person's civil monetary liabilities to persons suffering losses as a result of relevant events occurring during the same prescribed 12 month period as that in which the relevant event occurred;

- (9) Regulation 10(3), definition of *relevant event*—after paragraph (bb) insert:
- (bc) in relation to a person who gives GSOO information to AEMO—a negligent act or omission, or a series of negligent acts or omissions, in giving GSOO information to AEMO;

6—Variation of Schedule 3—Civil penalties

- (1) Schedule 3—after "Section 91BRR(1)" insert:
- Section 91DB(1)
Section 91DD
- (2) Schedule 3—delete "Section 223A"
- (3) Schedule 3—after "Rule 135CE(2)" insert:
- Rule 135KE(2)
Rule 135KG(1)
Rule 135KG(2)
Rule 135KG(3)
Rule 135KG(4)
- (4) Schedule 3—after "Rule 151(2)" insert:
- Rule 152(1)
Rule 152(2)
- (5) Schedule 3—delete "Rule 152(6)(e)" and substitute:
- Rule 153(1)
Rule 153(2)
Rule 155(3)
- (6) Schedule 3—delete "Rule 156(1), Rule 156(3), Rule 156(4) and Rule 156(5)" and substitute:
- Rule 156(2)
- (7) Schedule 3—delete "Rule 157, Rule 158A(1), Rule 158A(2), Rule 158B(1), Rule 158B(2) and Rule 158B(5)" and substitute:
- Rule 157(8)
Rule 158(2)
- (8) Schedule 3—after "Rule 165(4)" insert:
- Rule 171(2)
Rule 171(5)
Rule 171(6)
Rule 198D(1)
Rule 198D(3)
Rule 198E(1)

Rule 198J(7)

Rule 198K(2)

Made by the Governor

on the unanimous recommendation of the Ministers of the participating jurisdictions and with the advice and consent of the Executive Council

on

No of 2020