

South Australia

# **National Gas (South Australia) (Market Transparency) Variation Regulations 2019**

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 2019*.

### **2—Commencement**

- (1) Subject to subregulation (2), these regulations come into operation on the day on which the *National Gas (South Australia) (Market Transparency) Amendment Act 2019* comes into operation.
- (2) Regulation 6(1) comes into operation on the day on which section 7 of the *National Gas (South Australia) (Market Transparency) Amendment Act 2019* 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 participate in the natural gas industry and 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—before "Section 83C" insert:  
Section 64C
- (2) Schedule 3—after "Section 91BRR(1)" insert:  
Section 91DB(1)
- (3) Schedule 3—delete "Section 223A"

### **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 2019