

2019 Gas Advisory Board Constitution and Gas Advisory Board Appointment Guidelines

Final Report

1 July 2019

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1. Background

The Rule Change Panel (**Panel**) commenced a preliminary review of the Gas Advisory Committee (**GAB**) Constitution and GAB Appointment Guidelines in May 2019. The purpose of the review was to update the GAB Constitution and GAB Appointment Guidelines to ensure consistency with the Gas Services Information Rules (**GSI Rules**) and other amendments detailed in section 3 of this report.

2. Proposed Amendments

Under subrule 14(1) of the GSI Rules, the Panel is responsible for the development of a constitution for the GAB. The GAB Constitution is required to be consistent with the GSI Rules.

Accordingly, the Panel has reviewed the GAB Constitution and the associated Appointment Guidelines to reflect the following changes:

- (1) remove references to the Independent Market Operator (**IMO**) in accordance with the current GSI Rules;
- (2) clarify the means that RCP Support is to use for the call for nominations (that is, publish on the Panel's website, as well as directly email all relevant contacts and industry groups on the Panel's contact list);
- (3) explicitly give the GAB the ability to delegate responsibilities to GAB Working Groups;
- (4) replace the inactive RCP Secretariat email address with a reference to the email address published on the Panel's website, so there is no need to amend the GAB Constitution if the email address changes in the future;
- (5) Remove some duplication of clauses between the GSI Rules, the GAB Constitution and the GAB Appointment Guidelines to reduce the administrative burden in amending the guidelines or documents if the GSI Rules are amended; and
- (6) Make typographical changes to maintain consistent referencing, grammar and clarity of the meaning of some clauses.

3. Further Amendments to the GAB Constitution and GAB Appointment Guidelines

The Panel has replaced the word "clause" to "subrule" in clause 4.10 of the GAB Constitution and deleted the word "of" in clause 3.2 of the GAB Appointment Guidelines. Further details are provided in Appendix A to this report.

4. Consultation

Under subrule 14(1) of the GSI Rules, the Rule Change Panel must use the GSI Consultation Procedure when developing or amending the GAB Constitution. The GSI Consultation Procedure is set out in rule 7 of the GSI Rules and requires the Rule Change Panel to publish a draft of the proposed amended GAB Constitution for public consultation.

All documents related to this review can be found on the Rule Change Panel's website at <https://www.erawa.com.au/rule-change-panel/consultations/2019-gas-advisory-board-constitution-and-appointment-guidelines>.

The proposed amendments to the GAB Constitution and GAB Appointment Guidelines were published on 13 May 2019. On 13 May 2019, the GAB and subscribers to the RulesWatch publication were informed of the publication of an invitation for submissions on the review of the GAB Constitution and GAB Appointment Guidelines.

The submission period was held between 13 May 2019 and 11 June 2019 and was open for 20 Business Days. No submissions were received during the consultation period.

No public forums or workshops were held regarding this review.

5. The Rule Change Panel's Assessment

5.1 The GSI Rules

The Rule Change Panel considers that the proposed amendments to the GAB Constitution and the GAB Appointment Guidelines are consistent with the GSI Rules as required by subrule 14(1) of the GSI Rules. The amendments both clarify and enhance the meaning and clarity of the clauses in the GAB Constitution and GAB Appointment Guidelines.

5.2 Practicality and Cost of Implementation

The Rule Change Panel notes that the proposed changes are administrative in nature and do not require any system or process changes. No Gas Market Participants have identified any costs or issues with the practicality of implementing the proposed amendments to the GAB Constitution or GAB Appointment Guidelines.

6. The Rule Change Panel's Decision

The Rule Change Panel's decision is to approve the proposed amended GAB Constitution and GAB Appointment Guidelines as published with this report.

The Rule Change Panel made the decision on the basis that the proposed amended GAB Constitution and GAB Appointment Guidelines are consistent with the requirements of rule 14 of the GSI Rules.

The Rule Change Panel's assessment is presented in the following sections.

6.1 Assessment of the Proposed Changes

The Rule Change Panel's assessment of the proposed amendments is provided in Table 1 for the GAB Constitution and Table 2 for the GAB Appointment Guidelines.

Table 1: Proposed Amendments to the GAB Constitution and the Rule Change Panel's Assessment

Clauses to be Amended	Rule Change Panel Assessment
1.2, 1.3, 1.4 and 4.1	The Panel agrees with making the typographical corrections, rewordings and insertions for these clauses as they provide greater clarity to the GAB Constitution in reference to the GSI Objectives.
1.5, 1.7, 1.8, 2.2 and 9.1	The Panel agrees with the inclusion of rule references and rewordings to be consistent with the GSI Rules.
1.6, 2.1, 2.5 and 8.6	The Panel agrees to remove references to the IMO in accordance with the current GSI Rules
3.6 (new) and 3.7 (new)	The Panel agrees to specifically identify compulsory and discretionary class members of the GAB to improve clarity on the GAB composition.
4.2	The Panel agrees to the insertions to clarify the means that RCP Support will use for the call for nominations.
4.4	The Panel agrees to delete the spent clause 4.4 to improve the clarity of the Constitution.
4.8	The Panel agrees to making the typographical corrections, rewordings and insertions to clause 4.8 to clarify that the Panel must consider the requirement of the GSI Rules in regard to the GAB composition and publish details on the nomination process on its website.
4.10	The Panel agrees to the reference to subrule 13(4) of the GSI Rules and to move the circumstances under which a member of the GAB may be removed from Appendix 1 to the main body of the Constitution to improve clarity and reduce the need to change the Constitution if subrule 13(4) changes in the future.
4.11	The Panel agrees to the insertions to clarify the means by which a GAB member can resign.
5.1	The Panel agrees to the rewording of clause 5.1 to clarify that RCP Support acts on behalf of the Rule Change Panel and merges clauses 5.1(c) and 5.1(d) to improve the narrative structure of the clause.
6.2 and 6.3	The Panel agrees to reword clauses 6.2 and 6.3 to clarify the circumstances in which the GAB can make recommendations.

Clauses to be Amended	Rule Change Panel Assessment
6.6	The Panel agrees to delete the original clause 6.6 as it is too restrictive and to replace it with clarification on the recording of GAB meetings.
7.1, 7.2, 8.1, 8.2 and 9.4	The Panel agrees to replace references to RCP Secretariat with RCP Support, including minor typographical corrections, to clarify the role and interaction of the GAB and RCP Support.
8.2	The Panel agrees to the insertions to clarify the means by which the GAB can communicated with RCP Support.
8.4	The Panel agrees to the clarification of clause 8.4 to be in accordance with subrule 135(1) of the GSI Rules.
8.5, 8.6, 9.4, 9.6 and 9.7	The Panel agrees with the changes to the clauses to provide clarity and to explicitly give the GAB the ability to delegate responsibilities to GAB Working Groups.
3.8, 4.12 and 6.7	The Panel agrees with making minor typographical corrections and rewordings to improve clarity to the Constitution.
1.3-1.10, 3.7-3.13, 4.4-4.12 and 9.4-9.7	The Panel agrees to make changes to the numbering of the clauses to improve the structure of the Constitution.

Table 2: Proposed Amendments to the GAB Appointment Guidelines and the Rule Change Panel's Assessment

Clauses to be Amended	Rule Change Panel Assessment
3	The Panel agrees to insert a new section 3 to specify the composition and role of the GAB in accordance with the GSI Rules.
3.2(h)	The Panel agrees to the insertions to clarify that the Panel will also consider the GAB's knowledge of the Panel's, ERA's and AEMO's powers and obligations as well as the GAB's role in that framework when making appointments to the GAB.
4.3, 4.4 and 5.5 (new)	The Panel agrees to specifically identify which compulsory and discretionary class members of the GAB are called for nominations to improve clarity on the GAB nomination process.

Clauses to be Amended	Rule Change Panel Assessment
5.1 and 5.2	The Panel agrees to delete redundant clauses 5.1 and the first paragraph of clause 5.2 to improve clarity of the Appointment Guidelines.
5.5	The Panel agrees to reword clause 5.5 to refer to the GAB Constitution to reduce the administrative burden in amending the Appointment Guidelines if the Constitution is amended.
6.2	<p>The Panel agrees to the insertion to:</p> <ul style="list-style-type: none"> • clarify that the compulsory member is renominated if no response is received when reconfirmation of their membership is sought; and • replace the inactive RCP Secretariat email address with a reference to the email address published on the Panel's website.
6.3	The Panel agrees to the insertions to clarify the means of communication used for the call for nominations.
6.4	The Panel agrees to the changes to clause 6.4 to clarify the form in which a nomination can be submitted.
6.8	The Panel agrees the insertions to specify that appointment timeline may deviate from the timeline in the table.
7.9 (new)	The Panel agrees the insertion of new clause 7.9 to specify that all communications regarding the appointment process should be sent to the email address on the Panel's website.
1.1, 2.1, 3.1, 3.2, 3.3, 6.2, 6.5, 7.6 (new), 6.8	The Panel agrees with making typographical corrections and rewordings to improve clarity to the Appointment Guidelines.
3, 4, 5, 6 and 7 (new)	The Panel agrees to make changes to the numbering of the clauses to improve the structure of the Appointment Guidelines.

7. Amended GAB Constitution and GAB Appointment Guidelines

7.1 Commencement

The amended GAB Constitution and GAB Appointment Guidelines will commence at **8:00 AM** on **1 July 2019**.

7.2 The Amended GAB Constitution and GAB Appointment Guidelines

The amended GAB Constitution and GAB Appointment Guidelines with marked up changes are provided in Appendix B to this report and will be available on the Rule Change Panel's website from the commencement date.

Appendix A. Amendments following the Submission Period

The following additional changes have been made following the submission period. These changes are as follows (~~deleted text~~, added text):

GAB Constitution

4.9. The Rule Change Panel may remove a member of the Gas Advisory Board; other than those appointed under clause 3.1(f), (g) or (h); at any time in the circumstances described in ~~clauses~~subrule 13(4) of the GSI Rules, or if:

...

9.7 The Gas Advisory Board must inform the Rule Change Panel if it establishes a Working Group, and must provide the Rule Change Panel with a copy of the Terms of Reference for each Working Group and any recommendations from each Working Group.

...

GAB Appointment Guidelines

3.1. The GAB is established pursuant to subrule 11(1) of the GSI Rules. The GAB is ~~a committee~~ comprised of representatives of gas market stakeholders convened by the Rule Change Panel, through the RCP Secretariat, to advise:

- (a) ~~the Rule Change Panel in relation to Rule Change Proposals;~~
- (b) ~~the Rule Change Panel, Australian Energy Market Operator (AEMO) and the Economic Regulation Authority (ERA) in relation to Procedure Change Proposals;~~
- (c) ~~the Rule Change Panel in relation to matters concerning the development of the GSI Rules; and~~
- (d) ~~the Rule Change Panel, AEMO and the ERA in relation to matters concerning the development of GSI Procedures.~~
- (a) the Rule Change Panel in relation to Rule Change Proposals and the Rule Change Panel, Australian Energy Market Operator (AEMO) and the Economic Regulation Authority (ERA) in relation to Procedure Change Proposals;
- (b) the Rule Change Panel in relation to matters concerning the development of the Rules and the Rule Change Panel, AEMO and the ERA in relation to matters concerning the development of GSI Procedures.

3.2. In accordance with subrule 12(1) of the GSI Rules, the GAB must ~~comprise~~consist of:

- (a) ~~a Chairperson, who must be a person appointed by the chairperson of the Rule Change Panel;~~
- (b) ~~two members representing gas producers;~~
- (c) ~~two members representing pipeline operators and owners;~~
- (d) ~~two members representing gas shippers;~~
- (e) ~~two members representing gas users;~~

- (f) ~~the Coordinator of Energy in the capacity of Hazard Management Agency under the Emergency Management Regulations 2006;~~
- (g) ~~one member representing small end use customers, appointed by the Minister; and~~
- (h) ~~one member from AEMO.~~
- (a) a chairperson, who must be a person appointed by the chairperson of the Rule Change Panel;
- (b) one person from AEMO;
- (c) one person nominated by the Minister representing small end use customers;
- (d) the Coordinator of Energy in the capacity of Hazard Management Agency under the Emergency Management Regulations 2006; and
- (e) persons appointed by the Rule Change Panel, such persons to include:
 - (i) two persons representing pipeline operators and owners;
 - (ii) two persons representing gas producers;
 - (iii) two persons representing gas shippers; and
 - (iv) two persons representing gas users.

...

Appendix B. Amended GAB Constitution and GAB Appointment Guidelines with Marked Up Changes

Constitution of the Gas Advisory Board

July 2019

1. Introduction

1.1 The Gas Services Information Rules (**GSI Rules**) are made under the *Gas Services Information Regulations 2012* and in accordance with section 8 of the *Gas Services Information Act 2012* (**GSI Act**).

1.2 ~~In accordance with~~ The GSI Objectives are specified in section 6 of the GSI Act, the objectives and subrule 2(1) of the GSI Rules, and are repeated in Appendix 1 of this Constitution. ~~Gas Bulletin Board (GGB) and the Gas Statement of Opportunities (GSOO), the “GSI Objectives”, are to promote the long term interests of consumers of natural gas in relation to—~~

~~(a) the security, reliability and availability of supply of natural gas in the State;~~

~~(b)(a) the efficient operation and use of natural gas services in the State;~~

~~(c)(a) the efficient investment in natural gas services in the State; and~~

~~(a) the facilitation of competition in the use of natural gas services in the State.~~

1.3 For the purpose of the GSI Objectives:

~~1.3 The (a) the primary purpose of the Gas Bulletin Board (GGB) is to include information relating to short- and near-term natural gas supply and demand and natural gas transmission and storage capacity in the State, and~~

~~1.4 The (b) the primary purpose of the Gas Statement of Opportunities (GSOO) is to include information and assessments relating to medium- and long-term natural gas supply and demand and natural gas transmission and storage capacity in the State.~~

~~1.5 The 1.4 In accordance with subrule 125(1), the Rule Change Panel;~~

~~is responsible for:~~

~~(a) is responsible for maintaining the GSI Rules; and~~

~~(b) is responsible for ensuring the development of amendments of, and replacements for, the GSI Rules; and~~

~~(c) may make Amending Rules in accordance with its rule making powers under Part 8 of the GSI Rules.~~

1.65 ~~The Independent Market Operator (IMO), Rule Change Panel, Australian Energy Market Operator (AEMO) and the Economic Regulation Authority (ERA) may make GSI Procedures to the extent to which the GSI Procedures relate to their respective functions under the GSI Rules.~~

- 1.76 In accordance with subrule 11(1) of the GSI Rules, the Rule Change Panel must establish a non-voting Gas Advisory Board.
- 1.8 ~~The purpose of this~~ 7 This document is to set out the Constitution of the Gas Advisory Board in accordance with subrule 14(2) of the GSI Rules.
- 1.98 Terms used in this Constitution have the same meaning as defined in the GSI Rules.
- 1.409 This Constitution has been issued under the GSI Rules, and as such, if a provision of this Constitution is inconsistent with a provision of the GSI Rules, the provision in the GSI Rules prevails to the extent of the inconsistency.

2. Terms of Reference

- 2.1 The Gas Advisory Board is a committee comprised of representatives of gas market stakeholders, convened by the Rule Change Panel, through the RCP Secretariat, to advise:
- (a) the Rule Change Panel in relation to Rule Change Proposals;
 - (b) ~~the IMO,~~ Rule Change Panel, AEMO and the ERA in relation to Procedure Change Proposals;
 - (c) the Rule Change Panel in relation to matters concerning the development of the GSI Rules; and
 - (d) ~~the IMO,~~ Rule Change Panel, AEMO and the ERA in relation to matters concerning the development of GSI Procedures.
- 2.2 In carrying out its functions, the Gas Advisory Board must have regard to the GSI Objectives as set out in subrule 2(1) of the GSI Rules, and any recommendations made by the Gas Advisory Board must be consistent with the GSI Objectives.
- 2.3 Gas Advisory Board members or their proxies are required to act in the best interests of the gas industry as a whole.
- 2.4 Gas Advisory Board members do not vote on issues. Any recommendations of the Gas Advisory Board are based on a consensus of the views expressed by the members, excluding the observers.
- 2.5 The Gas Advisory Board may establish working groups comprised of representatives of gas market stakeholders to assist the Gas Advisory Board in advising the ~~IMO,~~ Rule Change Panel, AEMO or the ERA on any of the matters arising in the performance of their respective roles under the GSI Rules.

3. Membership Rules

- 3.1. The Gas Advisory Board will comprise:
- (a) a Chairperson, who must be a person appointed by the chairperson of the Rule Change Panel;
 - (b) two members representing gas producers;
 - (c) two members representing pipeline operators and owners;
 - (d) two members representing gas shippers;

- (e) two members representing gas users;
 - (f) the Coordinator of Energy in the capacity of Hazard Management Agency under the *Emergency Management Regulations 2006*;
 - (g) one member representing small end use customers, appointed by the Minister; and
 - (h) one member from AEMO.
- 3.2. The Minister may appoint a representative to attend Gas Advisory Board meetings as an observer.
- 3.3. The ERA may appoint a representative to attend Gas Advisory Board meetings as an observer.
- 3.4. Observers are entitled to speak at meetings of the Gas Advisory Board but are not members and do not formally participate in making any recommendations.
- 3.5. Members who are unable to attend meetings can request that a proxy attend in their place. The proxy must come from an organisation that belongs to the same class as the member, and must have similar skills and experience as the member. Members cannot send a proxy by right. Permission to attend is at the Chairperson's discretion.
- 3.6. Compulsory class members are the AEMO representative, the Coordinator of Energy, the GAB Chairperson and the member nominated by the Minister to represent small end use consumers.
- 3.7. Discretionary class members are members who are not compulsory class members (i.e. Gas Producers, Pipeline Operators and Owners, Gas Shippers and Gas Users).
- 3.8. Observers can send proxies to attend meetings in their place.
- 3.79. The Gas Advisory Board may continue to perform its functions despite any vacancy, provided that the quorum noted in clause 6.3 of this Constitution is met.
- 3.810. Each member is required to attend all meetings. Members who have not attended all meetings may be removed by the Rule Change Panel under clause 4.9 of this Constitution. Attendance by a proxy is considered to be attendance by the member.
- 3.11. Each member ~~and~~ observer is required to:
- (a) be prepared for all Gas Advisory Board meetings, to read the papers and to actively contribute to the discussions; and
 - (b) not use their position or information gained as a member or observer improperly to gain an advantage for themselves or anyone else, or cause detriment to the Rule Change Panel, AEMO or the gas industry.
- 3.4012. Each member and observer must pay their own expenses associated with participating in the Gas Advisory Board.
- 3.4413. At the discretion of the Chairperson, other persons may be allowed to attend Gas Advisory Board meetings as observers from time to time.

4. Appointing and removing members

- 4.1. The Rule Change Panel may appoint ~~members~~ and terminate membership of the Gas Advisory Board; ~~other than members appointed under clauses 3.1(a)-(f), (g) or (h);~~ in accordance with the GSI Rules, this section 4 of this Constitution and any applicable Gas Advisory Board Appointment Guidelines published by the Rule Change Panel.
- 4.2. The Rule Change Panel will advertise for nominations to the Gas Advisory Board on its public website, by email via the gas advisory distribution list, and via direct contact with appropriate industry groups. Any company or individual can make nominations.
- 4.3. An individual may be nominated as a member of the Gas Advisory Board in more than one category, but may only be appointed to one category of membership.
- ~~4.4. For the year beginning on 1 July 2013, Gas Advisory Board members were appointed for a one or two-year term as determined by a ballot conducted by the IMO in accordance with the Gas Advisory Board Appointment Guidelines.~~
- 4.45. ~~Thereafter, each~~ Each member is appointed for a two-year term, subject to any earlier termination or resignation.
- 4.56. There are no restrictions on the number of times a member can be reappointed to the Gas Advisory Board.
- 4.67. With the exception of the employing organisation of the Coordinator of Energy, not more than one individual from the same employing organisation can hold membership of the Gas Advisory Board at any one time.
- 4.78. When appointing members of the Gas Advisory Board, the Rule Change Panel must consult with, and take nominations from, Gas Market Participants and gas industry groups that it considers to have an interest in the GBB and the GSOO, ~~and, if~~ If practicable, the Rule Change Panel must choose members from ~~among~~ the persons nominated, taking into account the requirements of the GSI Rules regarding the Gas Advisory Board composition. Further details of the nomination process are provided in the Gas Advisory Board Appointment Guidelines, published on the Rule Change Panel's website.
- 4.89. Each year the Rule Change Panel will review the performance and attendance of all Gas Advisory Board members. Following the review, the Rule Change Panel may terminate membership of, or decide to not reappoint, members that it considers have not met the requirements of members as set out in the Constitution or the Gas Advisory Board Appointment Guidelines, and may appoint replacement members.
- 4.940. The Rule Change Panel may remove a member of the Gas Advisory Board ~~(; other than those appointed under clause 3.1(f), (g) or (h));~~ at any time in the circumstances described in ~~Appendix 1-~~ subrule 13(4) of the GSI Rules, or if:
- (a) in the Rule Change Panel's reasonable opinion, the person is not actively participating in the Gas Advisory Board;
 - (b) the person acts in a manner inconsistent with this Constitution of the Gas Advisory Board; or
 - (c) the member is absent from, and has not provided a proxy for, three consecutive meetings.

4.104. ~~__~~ A member of the Gas Advisory Board may resign by giving notice to the Rule Change Panel in writing or by email.

4.112. ~~__~~ If a position on the Gas Advisory Board becomes vacant, the Rule Change Panel will attempt to appoint a suitably qualified person to fill the vacancy. The Rule Change Panel will appoint a replacement member for the duration of the previous member's remaining length of tenure. The Gas Advisory Board will continue to perform its functions under the Rules despite any vacancy.

5. Convening the Gas Advisory Board

5.1. The RCP Secretariat (as the secretariat of the Gas Advisory Board) will convene the Gas Advisory Board on behalf of the Rule Change Panel:

- (a) in relation to a Rule Change Proposal or a Procedure Change Proposal ~~relating to the Rule Change Panel's functions under the GSI Rules~~ where the Rule Change Panel considers that advice is required from the Gas Advisory Board, in which case the Rule Change Panel, through the RCP Secretariat, will use reasonable endeavours to convene the meeting before the due date for submissions on the proposed changes;
- (b) at the request of AEMO or the ERA, in relation to a Procedure Change Proposal relating to their respective functions under the GSI Rules;
- ~~(c) in relation to a Rule Change Proposal or Procedure Change Proposal where two or more members of the Gas Advisory Board have informed the Rule Change Panel in writing that they consider that advice is required from the Gas Advisory Board;~~
- ~~(d)~~(c) on any occasion when two or more members of the Gas Advisory Board inform the RCP Secretariat in writing that they wish to bring a matter before the Gas Advisory Board for discussion; and, including consulting on a Rule Change Proposal, Procedure Change Proposal, the development of the GSI Rules or the development of the GSI Procedures; and
- ~~(e)~~(d) where possible, consistent with the provisional schedule of the Gas Advisory Board meetings, issued annually by the Rule Change Panel.

6. Conduct of Meetings

6.1. The Chairperson may determine procedures for meetings of the Gas Advisory Board.

6.2. The Gas Advisory Board may make recommendations on an issue if ~~a consensus is achieved. Any recommendations made by the Gas Advisory Board must be based on the consensus decision of members, excluding the opinion of observers.~~

6.3. ~~Unless~~ The Gas Advisory Board can only make recommendations if a quorum of members is present at the time, no recommendations will be made. A quorum requires:

- (a) at least fifty percent of total current members to be present at the meeting, including; and

~~(a)(b) at least one representative from each of the gas users~~user~~, gas shippers~~shipper~~, pipeline owners~~owner~~ and operators~~operator~~, and gas producers in that quorum~~producer representative~~.~~

6.4. The Chairperson may, in relation to any matter under consideration by the Gas Advisory Board, require all members and observers to treat ~~the~~ a matter as confidential until advised otherwise. All members and observers must comply with that requirement.

6.5. Meetings of the Gas Advisory Board may be called or held using any technology determined by the Chairperson and at a location nominated by the Chairperson.

~~6.6. A communication between Gas Advisory Board members constituting a quorum under clause 6.3 of this Constitution by telephone or audiovisual means is a valid meeting of the Gas Advisory Board, but only if each participating member or observer is capable of communicating with every other member or observer instantaneously at all times during the meetings.~~

6.6. Meetings of the Gas Advisory Board are recorded for the purpose of ensuring the accuracy of meeting minutes. These recordings are considered temporary and will be periodically deleted by the RCP Secretariat once the minutes of a meeting are confirmed.

6.7. The Chairperson may ~~at his or her discretion~~, approve late papers for discussion at a Gas Advisory Board meeting.

7. Role of the Gas Advisory Board Secretariat

7.1. ~~The RCP Support, which includes the RCP Secretariat,~~ will provide secretariat and other services to the Gas Advisory Board.

7.2. ~~The RCP Secretariat~~Support will:

- (a) schedule meetings and maintain the diary of the Gas Advisory Board;
- (b) compile the meeting papers, send them by email to all members and observers of the Gas Advisory Board and publish the papers on the Rule Change Panel's website. ~~The RCP Secretariat~~Support will endeavour to send papers to all members and observers, and publish all papers, at least five business days before each meeting (subject to any approved late papers in accordance with clause 6.7);
- (c) prepare the minutes of each Gas Advisory Board meeting and send them by email to all members and observers of the Gas Advisory Board as soon as practicable, after the meeting; and
- (d) subject to the confidentiality ~~status~~ of the matters in meeting minutes, publish the minutes on the Rule Change Panel's website.

8. Interaction between the Gas Advisory Board and the Rule Change Panel and RCP Secretariat

8.1. All written communications related to the activities of the Gas Advisory Board from the members and observers of the Gas Advisory Board to the Rule Change Panel will be sent to ~~via~~ the RCP SecretariatSupport.

- 8.2. Communications between the members and observers of the Gas Advisory Board and ~~the RCP Secretariat~~Support will be via email wherever practical, to the email address published on the Rule Change Panel's website.
- 8.3. The Rule Change Panel will provide the members and observers of the Gas Advisory Board with information in its possession that is directly relevant to the issues being addressed by the Gas Advisory Board.
- 8.4. In accordance with subrule 135(1) of the GSI Rules, within one Business Day after the publication of a notice of a Rule Change Proposal, the Rule Change Panel will notify the members and observers of the Gas Advisory Board, via email, as to whether the Rule Change Panel considers that ~~advice on the proposal is required from the Rule Change Proposal~~ requires convening of a meeting of the Gas Advisory Board and the reasons why.
- 8.5. The Rule Change Panel will include in its Rule Change Reports a summary of the views expressed by the members of the Gas Advisory Board, ~~(or working group), where the Gas Advisory Board (or working group) has met to consider a Rule Change Proposal or where a Working Group has been appointed by the Gas Advisory Board to consider a Rule Change Proposal,~~ a summary of the views expressed by that Working Group.
- 8.6. The ~~IMO,~~ Rule Change Panel, AEMO and the ERA will include in their Procedure Change Reports a summary of the views expressed by the members of the Gas Advisory Board, ~~(or working group), where the Gas Advisory Board (or working group) has met to consider a Procedure Change Proposal, or where a Working Group has been appointed by the Gas Advisory Board to consider a Procedure Change Proposal,~~ a summary of the views expressed by that Working Group.

9. Governance Arrangements between the Gas Advisory Board and working groups

- 9.1 The Gas Advisory Board, as per rule 16 of the GSI Rules, may establish working groups made up of representatives from member groups to assist the Gas Advisory Board in dealing with any matter, arising in the performance of their respective roles under the GSI Rules. The Gas Advisory Board may establish or disband any working group at any time.
- 9.2 The Gas Advisory Board must determine the scope of work and Terms of Reference for each working group. The Gas Advisory Board may amend the Terms of Reference or membership of any working group at any time.
- 9.3 The Terms of Reference for a working group, will be tailored to the specific requirements of each working group and would typically include the:
- (a) background (reason for the establishment of the working group);
 - (b) purpose and scope of the working group;
 - (c) roles and responsibilities of members of the working group;
 - (d) membership of the working group;
 - (e) administration, Secretariat and meeting arrangements for the working group; and

(f) arrangements for reporting to the Gas Advisory Board.

9.4 Working groups must report back to the Gas Advisory Board at least once every two months, or as specified in the Terms of Reference for the working group. Reporting will be via the working group secretariat. The working group will report to the Gas Advisory Board at other times requested by the Gas Advisory Board. Day-to-day interaction between the Gas Advisory Board and the working group will be via ~~the RCP Secretariat~~ Support.

9.5 Working groups must refer issues outside the scope of the working group's Terms of Reference back to the Gas Advisory Board for consideration.

9.6 Once a Working Group has been established, the Gas Advisory Board delegates to the Working Group the ability to discuss the matters within the scope of the Working Group's Terms of Reference. The Working Group must report its recommendations to the Gas Advisory Board.

~~9.5~~9.7 The Gas Advisory Board must inform the Rule Change Panel if it establishes a Working Group, and must provide the Rule Change Panel with a copy of the Terms of Reference for each Working Group and any recommendations from each Working Group.

[23 May 2017]

Appendix 1 — Removal of Members

~~The occurrence of any of the following events will entitle the Rule Change Panel to terminate a member's membership on the Gas Advisory Board:~~

- ~~(a) the person becomes an undischarged bankrupt;~~
- ~~(b) the person becomes of unsound mind or his or her estate is liable to be dealt with in any way under law relating to mental health;~~
- ~~(c) in the Rule Change Panel's reasonable opinion the person no longer represents the person or class of persons that they were appointed to represent;~~
- ~~(d) in the Rule Change Panel's reasonable opinion the person is not actively participating in the Gas Advisory Board;~~
- ~~(e) the person acts in a manner inconsistent with this constitution of the Gas Advisory Board; or~~
- ~~(f) the member is absent from, and has not provided a proxy for, three consecutive meetings.~~

Appendix 1: GSI Objectives

In accordance with section 6 of the GSI Act, the GSI Objectives are to promote the long-term interests of consumers of natural gas in relation to:

- (a) the security, reliability and availability of supply of natural gas in the State;
- (b) the efficient operation and use of natural gas services in the State;
- (c) the efficient investment in natural gas services in the State; and
- (d) the facilitation of competition in the use of natural gas services in the State.

Gas Advisory Board Appointment Guidelines

July 2019

1. Scope and Purpose

- 1.1. These guidelines provide information on the process to be followed for the appointment of members to the Gas Advisory Board (**GAB**). ~~They~~These guidelines have been developed to inform gas market stakeholders of the selection and appointment processes applied by the Rule Change Panel.
- 1.2. The guidelines give details of:
 - (a) the requisite skills, knowledge and experience of GAB members;
 - (b) the requirements for representation of GAB members;
 - (c) the terms of appointment for GAB members; and
 - (d) the steps involved in the appointment process.
- 1.3. The Rule Change Panel seeks a balanced representation and a diverse mix of knowledge and experience among members of the GAB. These guidelines set out how the Rule Change Panel aims to achieve this.

2. Related Documents

- 2.1. This document has been developed in accordance with, and should be read in conjunction with ~~the following~~:
 - (a) Rules 11 to 16 of the Gas Services Information Rules (**GSI Rules**); and
 - (b) the GAB Constitution.

3. Background to the Gas Advisory Board

- 3.1. The GAB is established pursuant to subrule 11(1) of the GSI Rules. The GAB is comprised of representatives of gas market stakeholders convened by the Rule Change Panel, through the RCP Secretariat, to advise:
 - (a) the Rule Change Panel in relation to Rule Change Proposals and the Rule Change Panel, Australian Energy Market Operator (**AEMO**) and the Economic Regulation Authority (**ERA**) in relation to Procedure Change Proposals;
 - (b) the Rule Change Panel in relation to matters concerning the development of the Rules and the Rule Change Panel, AEMO and the ERA in relation to matters concerning the development of GSI Procedures.
- 3.2. In accordance with subrule 12(1) of the GSI Rules, the GAB must consist of:
 - (a) a chairperson, who must be a person appointed by the chairperson of the Rule Change Panel;

- (b) one person from AEMO;
- (c) one person nominated by the Minister representing small end use customers;
- (d) the Coordinator of Energy in the capacity of Hazard Management Agency under the Emergency Management Regulations 2006; and
- (e) persons appointed by the Rule Change Panel, such persons to include:
 - (i) two persons representing pipeline operators and owners;
 - (ii) two persons representing gas producers;
 - (iii) two persons representing gas shippers; and
 - (iv) two persons representing gas users.

3.3. The Minister and the ERA may each appoint a representative to attend meetings of the GAB as an observer.

3.3. GAB members do not vote on issues. Any recommendations of the Gas Advisory Board are based on a consensus of the views expressed by the members.

3.4. The GAB must have regard to the GSI Objectives, as set out in subrule 2(1) of the GSI Rules, in carrying out its functions.

3.4. Skills, Knowledge and Experience of Members

~~34.1. The applicants for appointment to the GAB~~ GAB Members should collectively possess the skills, knowledge and experience specified in clause ~~34.2 below~~. The Rule Change Panel's assessment process will ensure that there is a balanced representation of skills, knowledge and experience across the GAB.

~~34.2. The Rule Change Panel will take into account~~ consider the following expected skills, knowledge and experience of the GAB (as a body) when making appointments to the GAB:

- (a) ~~Knowledge~~ knowledge and/or demonstrated experience of energy sector issues;
- (b) ~~Broad~~ broad understanding of the technical, design and commercial aspects of the gas industry;
- (c) ~~Ability~~ ability to contribute to the GAB;
- (d) ~~Ability~~ ability to work as a member of a small team;
- (e) ~~Ability~~ ability to consider proposed ~~rules~~ rule and procedure changes in light of the objective contained in legislation ~~that is proposed or in force~~;
- (f) ~~Demonstrated~~ demonstrated ability to understand the subject matter proposals made to the GAB;
- (g) ~~Ability~~ ability to consider options for the development of rules for the Gas Bulletin Board (**GBB**) and Gas Statement of Opportunities (**GSOO**);
- (h) ~~Knowledge~~ knowledge of the power, obligations and frameworks in which the Independent Market Operator (IMO), Rule Change Panel, Economic Regulation Authority (ERA) and Australian Energy Market Operator (and AEMO) operate, and the GAB's role in that framework.

~~34.3. The Rule Change Panel anticipates that nominations will preferably be of people with preferably middle management experience or above, or similar.~~

4.4. Applicants are not required to be full time employees of an entity that is a participant in the class which membership is being sought.

4.5. Representation of Members

45.1. GAB members are required to act in the best interests of the gas industry.

45.2. Members of the GAB will be individuals who represent a sector of the gas industry. Members are expected to act in a way that properly reflects the interests of the group that they have been chosen to represent. Members must demonstrate their eligibility against the criteria for membership and necessary skills, knowledge and experience.

45.3. The GAB is constituted of 'Compulsory Class' and 'Discretionary Class' members.

5.4. ~~Compulsory Class positions will not be open for nomination but the~~ The Rule Change Panel will seek confirmation from the relevant parties on the member they wish to appoint to the GAB for that once the two-year Discretionary term expires for their current appointments. Compulsory Class positions will be open for nomination once the tenure is up. ~~members include:~~

4.4. ~~The table below indicates the classes that each position falls in:~~

Compulsory Class	Discretionary Class
GAB Chairperson, who must be a person appointed by the chairperson of the Rule Change Panel	Gas Producers
Coordinator of Energy	Pipeline Operators/Owners
Small End Use Customer <i>(appointed by the Minister)</i>	Gas Shippers
AEMO Representative	Gas Users

(a) the GAB Chairperson (appointed by the chair of the Rule Change Panel);

(b) the Coordinator of Energy;

(c) a small end use customer representative (appointed by the Minister); and

(d) an AEMO Representative.

5.5. Discretionary Class positions will be open for nomination once the tenure is up.
Discretionary Class members include:

(a) Gas Producers;

(b) Pipeline Operators and Owners;

(c) Gas Shippers; and

(d) Gas Users.

5.6. Term of Appointment

5.1. ~~Membership on the GAB for appointments made as a result of 2013 GAB Annual Review Process the 2013-14 year for Discretionary Class members was for either one or two years with the opportunity for reappointment after this time period lapsed.~~

~~5.2. For the financial year beginning 1 July 2013 the term of membership for Discretionary Class members were determined by the IMO conducting a ballot, with one member of each class appointed for a one-year term and the other for a for a two-year term. Members chosen by ballot for a one year term were eligible for reappointment to an additional two year term if they met the appointment criteria at the time.~~

5.3. ~~Since then, the~~6.1. The term of appointment of Discretionary Class members is two years. This is to ensure consistency in decision making and that all sections of the industry are adequately represented as the market matures.

~~5.4~~6.2. Compulsory Class membership is for a two-year term. At the lapse of tenure Compulsory Class members are ~~able to reconfirm their nominated individual~~ representative to serve on the GAB.

~~5.5~~6.3. The Rule Change Panel may appoint new members if necessary, when members ~~resign, or are no longer representative of~~ removed from the class. This includes situations where the member's employment changes to being employed by an entity outside of the member's class of representation or upon occurrence of any of the events listed GAB in the Appendix to accordance with the Constitution.

~~5.6~~6.4. There are no restrictions on the number of times a member can be reappointed to the GAB, but in making appointments the Rule Change Panel's objective is to get the best representation of the industry over time to ensure a dynamic GAB that is representative of the industry.

6.7. The Nominations and Appointment Process

~~6.7.1.~~ Each year the Rule Change Panel will review the performance and attendance of GAB members. If any changes are required these will be addressed at the same time the Rule Change Panel commences the annual appointment process for Discretionary and Compulsory Class members whose tenure has lapsed.

~~6.7.2.~~ On completion of the annual review the Rule Change Panel will:

- (a) for Discretionary Class members whose tenure has lapsed, seek nominations from gas market stakeholders with respect to the position; and
- (b) for Compulsory Class members whose tenure has lapsed, seek reconfirmation from a senior executive of the applicable entity ~~that whether~~ the member will continue to represent that entity. Where no response is received from the applicable entity, it will be assumed that the compulsory class member is renominated for their position. An updated resume must be provided where the individual's skills, knowledge or experience have changed since the last review. Reconfirmation may be provided to the Rule Change Panel via email to:- the address specified on the Rule Change Panel's website.

~~rcp.secretariat@rcpwa.com.au.~~

~~6.7.3.~~ The Rule Change Panel will advertise for nominations for Discretionary Class positions on the Rule Change Panel's website and via direct contact with appropriate stakeholders. The Rule Change Panel will also send an email notification to stakeholders and entities on its gas advisory mailing list.

~~6.7.4.~~ Any company or individual can make nominations. Nominations must:

- (a) be in writing in physical or electronic form;
- (b) address the eligibility criteria for appointment to the GAB as set out in the GAB Constitution and this document;
- (c) ~~have attached~~ attach a completed GAB application form, available on the Rule Change Panel's website, outlining the skills set of applicants with respect to the class(es) of nomination, and including a copy of the nominee's CV;
- (d) include contact details of the nominee ~~(to demonstrate evidence of the person's willingness for appointment)~~; and
- (e) be received by the Rule Change Panel by the published due date.

67.5. Nominee details provided to the Rule Change Panel will be kept private. A high-level assessment of all the nominees against the appointment criteria may be made ~~publically~~ available by the Rule Change Panel if requested by an interested party.

7.6. An individual may be nominated in more than one group, category but may be appointed to represent only one group category.

67.7. The Rule Change Panel will only appoint one individual from any one industry organisation to serve on the GAB at any one time.

67.8. The Rule Change Panel will consider nominations received, determine the appropriate composition of the GAB, and finalise appointment arrangements according to the following timetable.

Step	Event	Date
1	Rule Change Panel calls for nominations for membership	May/June
2	Nominations for membership due to Rule Change Panel	June
3	Successful nominee advised of outcome of appointment process	July
4	GAB meeting – both new and old members invited	August

[23 May 2017]

The Rule Change Panel may deviate from this timeline, but if so, must notify GAB members.

7.9. All communications with the Rule Change Panel and RCP Secretariat regarding the GAB appointment process are to be sent to the email address published on the Rule Change Panel's website.