

# 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 The GSI Objectives are specified in section 6 of the GSI Act and subrule 2(1) of the GSI Rules, and are repeated in Appendix 1 of this Constitution.
- 1.3 For the purpose of the GSI Objectives:
  - (a) the primary purpose of the Gas Bulletin Board (**GBB**) 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
  - (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.
- 1.4 In accordance with subrule 125(1), the Rule Change Panel:
  - (a) is responsible for maintaining the GSI Rules;
  - (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.
- 1.5 The 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.
- 1.6 In accordance with subrule 11(1) of the GSI Rules, the Rule Change Panel must establish a non-voting Gas Advisory Board.
- 1.7 This document sets out the Constitution of the Gas Advisory Board in accordance with subrule 14(2) of the GSI Rules.
- 1.8 Terms used in this Constitution have the same meaning as defined in the GSI Rules.
- 1.9 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 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 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 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.
- 3.9. 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.
- 3.10. 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 or 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.
- 3.12. Each member and observer must pay their own expenses associated with participating in the Gas Advisory Board.
- 3.13. 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 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. Each member is appointed for a two-year term, subject to any earlier termination or resignation.
- 4.5. There are no restrictions on the number of times a member can be reappointed to the Gas Advisory Board.
- 4.6. 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.
- 4.7. 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. If practicable, the Rule Change Panel must choose members from 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.
- 4.8. 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.
- 4.9. 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 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.
- 4.10. A member of the Gas Advisory Board may resign by giving notice to the Rule Change Panel in writing or by email.
- 4.11. 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 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) 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, including consulting on a Rule Change Proposal, Procedure Change Proposal, the development of the GSI Rules or the development of the GSI Procedures; and
- (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 consensus is achieved.
- 6.3. The Gas Advisory Board can only make recommendations if a quorum of members is present at the time. A quorum requires:
  - (a) at least fifty percent of total current members to be present at the meeting; and
  - (b) at least one gas user, gas shipper, pipeline owner and operator, and gas 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 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. 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 approve late papers for discussion at a Gas Advisory Board meeting.

## **7. Role of the Gas Advisory Board Secretariat**

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

- 7.2 RCP 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. RCP 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 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 via RCP Support.
- 8.2. Communications between the members and observers of the Gas Advisory Board and RCP 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 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.
- 8.6. The 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.

## **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 RCP 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.
- 9.7 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.

## **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.