Forum agenda

Forum:	WA Gas Consultative Forum
Date:	16 February 2023
Time:	10am AWST
Location:	Microsoft Teams
Contact	WAgasforum@aemo.com.au

Item	Time	Item	Speaker
1.	10:00am – 10:05am	Welcome and Minutes – 2 November 2022	Chair
2.	10.05am – 10:25am	Gas supply disruption / Emergency Management Facility (EMF) event	Damian Mugridge (AEMO)
3.	10:25am – 10:35am	Energy Policy WA: DBNGP – Amber Alert Incident review update	Tim Bray (EPWA)
4.	10:35am – 10:50am	2022 WA Gas Statement of Opportunities (GSOO) highlights	Christopher Meredith (AEMO)
5.	10:50am – 11:05am	5 yearly WA GSOO review	Christopher Meredith (AEMO)
6.	11:05am – 11:10am	Other Business	
7.	11:10am	Next Meeting – 10 May 2023	Chair

*Please note that this meeting will be recorded by AEMO and may be accessed and used by AEMO for minute production purposes. By continuing, you consent to AEMO recording the call and using the recording for this purpose. If you do not consent, you may exit the meeting. No other recording of the meeting is permitted

AEMO Competition Law Meeting Protocol

Competition compliance statement

AEMO is committed to complying with all applicable laws, including the *Competition and Consumer Act 2010* (CCA).

In any dealings with AEMO regarding proposed reforms or other initiatives, all participants agree to adhere to the CCA at all times and to comply with this Protocol.

Participants must arrange for their representatives to be briefed on competition law risks and provided with a copy of this Protocol.

Application of protocol

This Protocol must be tabled and noted at meetings which relate to the following issues:

1. Market reviews / historical pricing reviews.
2. Rule changes which relate to wholesale pricing in the NEM, WEM or gas markets.
3. Rule changes which relate to bidding, auction or settlement processes.
4. Developments of new markets and regulatory regimes.
5. Procurement of goods or services.
6. Reliability planning.
7. Development of new products or services, including products or services to be supplied by government entities.
8. Any other topics which AEMO or a participant considers appropriate.

Competition law obligations

The CCA prohibits anti-competitive conduct, including:

1. **Cartel conduct** – arrangements between competitors to:
   - Fix prices.
   - Restrict supply or acquisition of goods or services.
   - Allocate customers or territories.
   - Rig bids.

   A cartel can be entered into even though competitors never meet or speak directly. This is known as a 'hub and spoke cartel' where a third party facilitates the cartel by passing on information and commitments between competitors. The third party can be liable for this conduct.
2. **Concerted practices** – other cooperation between competitors with the purpose, effect or likely effect of substantially lessening competition (eg sharing competitively sensitive information with competitors).
3. **Any other contract, arrangement or understanding** which has the purpose, effect or likely effect of substantially lessening competition.

4. **Any conduct by a company with market power** which has the purpose, effect or likely effect of substantially lessening competition

A contravention of the CCA can result in significant penalties, including criminal sanctions for cartel conduct (including jail terms for individuals).

Guiding principles

What you must do

Participants in AEMO discussions must:

1. Ensure that discussions are limited to the matters contemplated by the agenda for the discussion.
2. Make independent and unilateral decisions about their commercial positions and approach in relation to the matters under discussion with AEMO.
3. Immediately and clearly raise an objection with AEMO or the Chair of the meeting if a matter is discussed that the participant is concerned may give rise to competition law risks or a breach of this Protocol

What you must not do

Participants in AEMO meetings must not discuss or agree on the following topics:

1. Which customers they will supply or market to.
2. The price or other terms at which Participants will supply.
3. Bids or tenders, including the nature of a bid that a Participant intends to make or whether the Participant will participate in the bid.
4. Which suppliers Participants will acquire from (or the price or other terms on which they acquire goods or services).
5. Refusing to supply a person or company access to any products, services or inputs they require.

Under no circumstances must Participants share Competitively Sensitive Information. Competitively Sensitive Information means confidential information relating to a Participant which if disclosed to a competitor could affect its current or future commercial strategies, such as pricing information, customer terms and conditions, supply terms and conditions, sales, marketing or procurement strategies, product development, margins, costs, capacity or production planning.

Compliance procedures

For meetings where this Protocol applies, AEMO will:

1. Circulate an agenda to Participants before the meeting.
2. Take minutes or notes of the meeting.