

30 April 2024

By email: [ContractMarketMonitoring@aer.gov.au](mailto:ContractMarketMonitoring@aer.gov.au)

Jemena Limited  
ABN 95 052 167 405

Karen Krist  
a/General Manager, Market Surveillance  
Australian Energy Regulator  
GPO Box 3131  
Canberra ACT 2601

Level 16, 567 Collins Street  
Melbourne, VIC 3000  
PO Box 16182  
Melbourne, VIC 3000  
T +61 3 9173 7000  
F +61 3 9173 7516  
[www.jemena.com.au](http://www.jemena.com.au)

Dear Karen

### **Enhancements to wholesale market monitoring and reporting guideline – issues paper submission**

Jemena welcomes the opportunity to make this submission in response to the Australian Energy Regulator's (AER) issues paper on the Enhanced Wholesale Market Monitoring and Reporting (EWMMR) Guideline. Jemena owns and operates a large and diverse portfolio of energy assets including gas and electricity distribution networks, gas transmission pipelines and gas processing facilities.

Jemena's gas transportation assets currently provide a significant amount of information available to any stakeholder on our website and directly to the AER, Australian Competition Consumer Commission and the Australian Energy Market Operator. Relevantly, following changes to the National Gas Rules in 2023, information published on our website and given to the AER now includes the actual prices payable for each pipeline service held by a user, alongside detail on the key non-price terms (including contract size, term and delivery and receipt points) for every service. A very similar tabular summary of pipeline service price information has also been required to be given to the ACCC for several years in response to Notices issued under its Gas Inquiry, in addition to producing copies of all pipeline service contracts. Jemena has incurred, and expects to continue to incur, significant costs in compiling and producing this data in the formats required. This is particularly the case for requirements to produce historical data—for example, Jemena has previously incurred external costs exceeding [REDACTED] to respond to a single round of ACCC Gas Inquiry Notices. The AER should therefore carefully consider and demonstrate that the benefit of collecting additional data to fill gaps in information already available outweighs the costs imposed on industry, and explain to stakeholders what analysis it intends to perform based on this additional data—noting that these costs will ultimately be passed on to energy users.

When there is a demonstrable benefit in collecting data from industry, the AER should always adopt the most efficient data collection practices. In principle, we support the AER's further exploration of mechanisms to access data that is collected by other agencies to reduce the burden of duplicate reporting, and we look forward to further consultation with industry on this. We also note that, should there prove to be legal barriers to the sharing of some information between agencies, then the option may exist for the AER to adopt identical data formats (including all reporting instructions, definitions and time horizons covered) already used by other agencies. Furthermore, the AER should only collect a given dataset from one stakeholder group and not all stakeholders. For example, the AER should collect bilateral contract from one counterparty to a contract and not all counterparties.

Specifically in relation to the AER's proposed collection of pipeline service contracts under the EWMMR framework, we also note that the AER is currently consulting on the development of a new

Annual Compliance Order (a Regulatory Information Order under s 48 of the NGL) for pipeline service providers, under which the AER has proposed to require pipeline service providers to submit all pipeline service access contracts entered into during each annual compliance period. As Jemena will note in our submission to the AER on its Annual Compliance Order process, the principles outlined during this EWMMR Guideline process suggest that this same information should not be submitted to the same regulator twice.

We appreciate the opportunity to engage constructively with the AER's team in relation to this consultation to date. Should you have any questions regarding this submission, please contact James Harding, Gas Transmission & Processing Regulation Manager, at [james.harding@jemena.com.au](mailto:james.harding@jemena.com.au), or Henryk Smyczynski, Gas Transmission & Processing Senior Regulatory Adviser, at [henryk.smyczynski@jemena.com.au](mailto:henryk.smyczynski@jemena.com.au).

Yours sincerely

*Ana Dijanosic*

**Ana Dijanosic**  
General Manager Regulation