I refer to the call for comments regarding the Humelink Stage 2 Proposal - a critical piece of infrastructure, but one that must follow the proper approval processes for completion.

I work in the development and construction industry and as a private enterprise, the business I work for must comply with all government regulations and legal frameworks.

Recent questions (SQ24-000327) on notice from Senator Ross Cadell related to communications between AEMO and AER regarding the favouring of Transgrid over consumers and any affected landowners. The response from AER states that it considers "a range of factors" including "regulatory and policy *intent* of the relevant legislation, as well as the broader impact on consumers and market outcomes". In this case, the concern is the AER's weighting of importance given to these range of factors (tipping the scales), whereas the duty of the AER is to ensure compliance with both the spirit and letter of the law.

Recent Senate testimony by Clare Savage, Chair of the AER, suggests that - contrary to the above - that AER can waive through rule breaches by AEMO, specifically "It's within our right to do that under the law, and it is our guidelines that they would be needing to comply with".

The relevant rule that the Chair is referring to - NER r.5.22.15(c) - actually states that AEMO *must* consult on the new information and impact on the Optimal Development Path (ODP) and under the Integrated System Plan (ISP) in accordance with consultation requirements set out in the forecasting best practice guidelines (FBPG) for an ISP update".

Such consultation was never completed. Contrary to the testimony provided by Ms Savage, no discretion is provided in the rulings for the waiver of compliance relating to the required consultative process based on the new information relating to the ODP. In truth there are no laws that justify the absence of consultation and there is no discretion for AER to waive this requirement in the relevant legislation or the FBPG.

Recent proposed regulatory changes by Minister Chris Bowen under s.95 to "improve the workability of the feedback loop proposal so it is 'workable and fit for purpose' seems to be an admission of fault and a sad attempt to circumvent the consultative process to get a result that suits the Government. It is unconscionable and as a developer/builder it is hugely frustrating that the private sector must **always** ensure compliance, but not the Government (i.e. "rules for thee but not for me").

The AER should be mindful of its own responsibilities to the Australian public of balancing "the regulatory and policy *intent* of the relevant legislation, as well as the broader impact on consumers and market outcomes" in its decisions, rather than kotowing to the Government of the day.

Sincerely

Hugo Douglas