

Operational Policy

Complying with the Australian Market Supply Condition

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Version 1.01

Purpose

This policy clarifies how a holder of a petroleum tenure for Prospective Gas Production Land Reserve (PGPLR) land and its customers are able to satisfy the Australian market supply condition (AMSC) and comply with section 175C(1) of the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act).

The information contained in this policy reflects current practices within the department and does not limit the exercise of discretion or override legislative requirements. These practices may change from time to time with changes to be published through a revised version of this policy.

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision under this document may engage human rights under the *Human Rights Act 2019*, regard will be had to that Act in undertaking the act or making the decision.

Background

Chapter 2, Part 2A of the P&G Act contains the provisions governing the operation of the PGPLR. The AMSC requires that gas produced from the PGPLR be sold or supplied only to the Australian market and that any contract or other arrangement for the sale or supply of gas, must include that further sale or supply of the gas may only be to the Australian market.

This policy recognises that once AMSC gas is put into a pipeline, it is indistinguishable from other gas in the same pipeline. For that reason, compliance with the AMSC will be based on whether the producers and consumers of the gas can demonstrate the volumes they have sold or consumed in the Australian market are equal to or greater than the volume of AMSC gas produced from PGPLR land.

Gas producers can sell AMSC gas directly to large industrial consumers, or to retailers, who then on-sell the gas to their domestic customers. The sale of gas necessarily involves interaction with the Short Term Trading Market (STTM) and/or the Victorian Declared Wholesale Gas Market (DWGM), and the Gas Supply Hub.

The STTM and DWGM are required by many large industrial consumers to deliver gas at their sites and enable the balancing of gas usage on days when their gas requirements do not exactly match the amount of gas they have contracted from a supplier. For example, on some days a consumer may sell excess gas into the STTM or DWGM, while on other days it may purchase additional gas from the STTM or DWGM. This policy clarifies how the department will treat compliance with the AMSC when consumers need to sell excess gas into the STTM or DWGM.

Retailers sell gas to thousands of customers, typically using reticulated gas distribution networks within the STTM and DWGM. Most (but not all) of their customers will be domestic

gas users. This policy clarifies how the department will treat compliance with the AMSC for retailers that obtain only a small portion of their gas from AMSC producers.

Finally this policy details how sales of gas into the Gas Supply Hub, e.g. at Wallumbilla, will be treated. The GSH is an exchange for the wholesale trading of gas, which was introduced to improve wholesale trading for the east coast gas market by enabling generators, users, producers, and retailers to manage their daily and future gas requirements.

Through an electronic platform, GSH participants can trade standardised, short-term physical gas products at each of the three foundation pipelines connecting at Wallumbilla. AEMO centrally settles transactions, manages prudential requirements and provides reports to assist participants in managing their portfolio and gas delivery obligations.

Policy Determination

The department is committed to supporting the purpose of the AMSC policy in ensuring that gas produced from petroleum leases subject to the AMSC is made available only to the Australian market and that entities who purchase or are supplied such gas are made aware of how compliance will be assessed.

Meeting the AMSC – selling into the STTM or DWGM

Customers that purchase AMSC gas directly from a PGPLR producer will meet the AMSC by using that gas inside Australia. It is common for consumers to not require the exact same amount of gas each day due to operational reasons, e.g. lower plant usage, nominating down on firm Gas Supply Agreements to manage take or pay obligations, shut downs due to maintenance etc.

In these cases industrial consumers that have STTM or DWGM registration and do not have the capacity to store excess gas will seek to sell gas surplus to their daily requirements into these markets. There are three STTMs – Brisbane, Adelaide and Sydney. The DWGM is based in Victoria.

The STTM and DWGM rules are set and regulated by the Australian Energy Market Operator (AEMO). These markets work as daily balancing markets for gas – sellers bid gas into the market in return for a price. It is not possible for the sellers to place an AMSC on gas sold within the STTM or DWGM.

Notwithstanding this, surplus gas sold into these markets is contained in the relevant pipeline infrastructure for consumption by other customers off the transmission pipeline or from the distribution networks connected to that transmission pipeline. Typically, 99% of all gas bought on the STTM is used domestically.

For these reasons, the department will accept AMSC gas supplied into the STTM or DWGM as meeting the AMSC for the purposes of compliance with section 175C of the P&G Act.

Example 1: Consumer A, a domestic manufacturer purchases all of its gas from a PGPLR producer¹ – 10 petajoules for the year. Due to a market slow down, Consumer A only consumes 9 petajoules of the AMSC gas it purchased. As it is unable to store the remaining one petajoule, it sells it into the STTM.

¹ This example equally applies if Consumer A buys AMSC gas from a retailer.

Consumer A has met the AMSC. It has consumed 9 petajoules and sold the remaining one petajoule into the STTM, which is considered to meet the AMSC.

The PGPLR producer has also met the AMSC for the 10 petajoules of gas it sold to Consumer A, as long as its contract with Consumer A included a condition that further sale or supply of the gas can only be to the Australian market (which includes the STTM/DWGM).

Meeting the AMSC – retailers

Selling AMSC gas to retailers will allow PGPLR producers (who are not themselves retailers) access to many more, usually smaller, domestic customers. By their very nature, retailers supply gas to Australian consumers, who do not have the capacity to contract directly with wholesale gas producers. In this way, producers selling gas to a retailer is akin to selling into the STTM, DWGM or Gas Supply Hub.

As retailers supply thousands of customers, they access gas from many producers and wholesalers. Gas subject to an AMSC will only make up a very small percentage of the gas a retailer sells in one year. For example, a retailer may sell 200PJ of gas in one year, and only 10PJ will be subject to the AMSC.

The P&G Act requires entities on-selling AMSC gas to include a condition in their contracts that any further sale of AMSC gas by consumers must be to the Australian domestic market. However, for retailers who already supply thousands of customers it would be impractical to renegotiate their existing contracts, meaning only new customers (with new contracts with the AMSC) would be able to access the AMSC gas.

In recognition of the impossibility of determining where a particular quantity of gas was produced once it is in a pipeline, references to the further sale or supply of gas by an entity is taken to mean a volume of gas equivalent to that purchased by or otherwise supplied to the entity from the PGPLR land.

To meet the AMSC, a retailer will need to show they have sold a volume of gas equivalent to that supplied to them from PGPLR land over the course of a year in the Australian market. The department will accept a statutory declaration annually outlining that this requirement has been met, together with any evidence the retailer considers is appropriate. Evidence could take the form of a copy of relevant gas sales contracts with PGPLR land producers, STTM/DWGM schedule data, pipeline allocation data or another document the retailer considers appropriate.

Example 2: Retailer A buys 10 PJ of AMSC gas from a PGPLR producer. The retailer adds this to a portfolio of 100 PJ (making a total of 110 PJ). In the first year of accessing AMSC gas, the retailer sells 105 PJ to domestic customers, and a further 5 PJ to the GSH.

In order to show compliance with the AMSC, the retailer will need to provide the department with a statutory declaration that states that 10 PJ was supplied to the Australian market.

The PGPLR producer has also met the AMSC by selling the gas to an Australian retailer, as long as its contract with the retailer included a condition that further sale or supply of a volume of gas equivalent to that purchased by, or otherwise supplied to the entity, from the PGPLR land may only be to the Australian Market.

Meeting the AMSC – selling excess gas into the Gas Supply Hub

The GSH is another trading market that deals with short-term products and wholesale customers. Participation in the GSH is anonymous between sellers and buyers, this means it could theoretically include gas exporters. Similar to the STTM, the AMSC condition cannot be attached to gas sold through the GSH due to the standard nature of the AEMO Exchange Agreement and trade anonymity.

The GSH enables the efficient balancing of the east coast gas market. Domestic demand drives the volume of domestic gas required and where that demand exists, buyers would have the opportunity to bid for the gas via the GSH. As such, PGPLR gas that is supplied into the GSH has been made available to the domestic market (and also the export market), meaning the gas is available to domestic users, should they want it.

PGPLR producers will need to sell into the GSH in a variety of circumstances. Most commonly, when they are ramping up production and to balance their portfolio, i.e. where their production is more than enough to meet their gas supply contracts and there is limited ability to store gas. A normal ramp up process may take up to 18 months. In the case of ramping up production, supply of gas into the GSH will be necessary.

Additionally, the nature of CSG production means there is minimal capacity to control production to match contracted demand. In order to manage excess production, producers sell un-contracted gas into the GSH. The only other alternative would be flaring (burning) gas, which is not in the public interest, environmentally or economically.

The department will accept PGPLR gas sold into the GSH as meeting the AMSC where the producer can demonstrate it was not reasonably practicable to sell all of the gas produced from PGPLR land directly to domestic customers under firm gas supply contracts and only within the following limits:

- During the field commissioning phase – up to 100% of gas produced from PGPLR land will be able to be sold into the GSH. The commissioning phase will be no longer than 3 months from first sales specification gas delivered to domestic customers;
- During the life of the field (including ramp up, plateau and field decline phases) – up to 25% of gas produced from PGPLR land will be able to be sold into the GSH.

In order to demonstrate the applicable limits for sales into the GSH have not been exceeded, the department will require the PGPLR producer to provide a statutory declaration outlining (with evidence):

- What phase of production the PGPLR producer has been in for the period of the statutory declaration (e.g. field commissioning phase, ramp up phase, etc) including what dates the relevant phase/s commenced and ended;
- How much gas was produced from PGPLR land,
- How much of this gas was sold on the GSH,
- How much gas was sold directly to domestic customers under firm gas supply contracts,
- How much gas was contracted on a firm basis to be sold to customers

- Where the amount of gas sold to customers is less than the amount contracted, an explanation of why this gas was not sold to that customer and instead sold on the GSH.

For gas sales during the ramp up, plateau and field decline phases, the statutory declaration above should also include information and evidence to demonstrate why it was not reasonably practicable to sell the gas directly to domestic customers under firm gas supply contracts.

To do this the declaration could provide information about:

- the nature of gas production within the relevant period and why this meant firm gas supply contracts were not reasonably practicable. For example, was there an increase in gas production above what was forecast and contracted with parties; and/or
- the efforts the PGPLR producer went to, to try to sell directly to customers using firm gas supply contracts during the relevant period.

The statutory declaration will be required to be provided within two months of the end of the commissioning phase. After this phase, an annual statutory declaration will be required to be provided within two months of the anniversary of the end of the commissioning phase.

Availability:	External
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Related documents	
Contact:	<p>For help and information contact the Petroleum Assessment Hub Phone: (07) 3199 8118 Email: petroleumhub@dnrme.qld.gov.au</p> <p>For technical support contact the MyMinesOnline Helpdesk. Telephone: (07)7 3199 8133 Email: mines_online@dnrm.qld.gov.au</p> <p>8.30am – 4.30pm (AEST) Monday to Friday on Queensland business days.</p>

Disclaimer

The purpose of this policy is to provide a framework for consistent application and interpretation of the legislation administered by the department. Policies may be applied flexibly where individual circumstances require an alternative application of policy. Where this policy, or part of this policy, is inconsistent with relevant legislation, the legislation will prevail to the extent of the inconsistency. While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Queensland Government should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.