



National Electricity Amendment (Reliability Panel governance arrangements) Rule 2018 No. 6

under the National Electricity Law to the extent applied by:

- (a) the National Electricity (South Australia) Act 1996 of South Australia;
- (b) the Electricity (National Scheme) Act 1997 of the Australian Capital Territory;
- (c) the Electricity - National Scheme (Queensland) Act 1997 of Queensland;
- (d) the Electricity - National Scheme (Tasmania) Act 1999 of Tasmania;
- (e) the National Electricity (New South Wales) Act 1997 of New South Wales;
- (f) the National Electricity (Victoria) Act 2005 of Victoria;
- (g) the National Electricity (Northern Territory)(National Uniform Legislation) Act 2015; and
- (h) the Australian Energy Market Act 2004 of the Commonwealth.

The Australian Energy Market Commission makes the following Rule under the National Electricity Law.

John Pierce
Chairman
Australian Energy Market Commission

National Electricity Amendment (Reliability Panel governance arrangements) Rule 2018 No. 6

1 Title of Rule

This Rule is the *National Electricity Amendment (Reliability Panel governance arrangements) Rule 2018 No.6*.

2 Commencement

This Rule commences operation on 1 July 2018.

3 Amendment of the National Electricity Rules

The National Electricity Rules are amended as set out in Schedule 1.

Schedule 1 Amendment to the National Electricity Rules

(Clause 3)

[1] Clause 3.9.3A Reliability standard and settings review

In clause 3.9.3A(a), omit “develop, publish and” and substitute “develop and publish, and”.

[2] Clause 3.9.3A Reliability standard and settings review

Omit clause 3.9.3A(b) and substitute:

- (b) The *Reliability Panel* must develop the *reliability standard and settings guidelines* in accordance with the *Rules consultation procedures* and must amend the *reliability standard and settings guidelines* in accordance with the consultation process set out in clauses 8.8.3(d) to (l).

[3] Clause 3.13.3 Standing data

Omit clause 3.13.3(u) and substitute:

- (u) *AEMO* must, no less than annually, prepare and publish on its website information on:
 - (1) the accuracy of the demand forecasts to date in the most recent *statement of opportunities*; and
 - (2) any improvements made by *AEMO* or other relevant parties to the forecasting process that will apply to the next *statement of opportunities*.

[4] Clause 3.13.3 Standing data

Omit clause 3.13.3(v) and substitute “[Deleted]”.

[5] Clause 8.8.1 Purpose of Reliability Panel

In clause 8.8.1(a)(2c), after “determination” insert “, in accordance with clause 8.8.4”.

[6] Clause 8.8.2(a) Constitution of the Reliability Panel

At the end of clause 8.8.2(a)(3)(D), omit “and”.

[7] Clause 8.8.2(a) Constitution of the Reliability Panel

At the end of clause 8.8.2(a)(3)(E), omit “.” and insert “; and”.

[8] Clause 8.8.2(a) Constitution of the Reliability Panel

After clause 8.8.2(a)(3)(E), insert:

- (F) at the *AEMC*'s discretion, up to 3 other persons representing interests not otherwise represented, in order to achieve the broad representation described in clause 8.8.2(c)(1).

[9] Clause 8.8.2(c) Constitution of the Reliability Panel

Omit clause 8.8.2(c)(1) and substitute:

- (1) should be broadly representative, both geographically and by reference to *Registered Participants* and *participating jurisdictions*, of those persons with direct interests in the *reliability* and safety of electricity *supply* under the *market* arrangements and in *power system security*;

[10] Clause 8.8.2(c) Constitution of the Reliability Panel

Omit clause 8.8.2(c)(4) and substitute:

- (4) must, except in the case of the persons representing *Network Service Providers* appointed under clauses 8.8.2(a)(3)(C) and (D), be independent of all *System Operators*,

[11] Clause 8.8.2(c) Constitution of the Reliability Panel

Omit clause 8.8.2(c)(6) and substitute:

- (6) a person on the *Reliability Panel*, other than the persons representing *Network Service Providers* appointed under clauses 8.8.2(a)(3)(C) and (D), ceases to be independent of any *System Operator*,

[12] Clause 8.8.2(c1) Constitution of the Reliability Panel

In clause 8.8.2(c1)(1), after "*Registered Participants*" insert " , having regard to the preference expressed by the majority of the *Registered Participants* in the relevant class who responded in writing to the consultation by the *AEMC*".

[13] Clause 8.8.2(d) Constitution of the Reliability Panel

Omit clause 8.8.2(d) and substitute:

- (d) The *AEMC* may remove any member of the *Reliability Panel*, including the chairperson, at any time during his or her term in the following circumstances:
 - (1) the person becomes of unsound mind or his or her estate is liable to be dealt with in any way under a law relating to mental health; or

- (2) the person fails to discharge the obligations of that office imposed by the *Rules*.

[14] Clause 8.8.2(d1) Constitution of the Reliability Panel

Omit clause 8.8.2(d1) and substitute:

- (d1) The persons referred to in clauses 8.8.2(a)(3)(E) and (F) must be appointed and removed by the *AEMC* after such consultation as the *AEMC* considers appropriate with the classes of interests those persons represent and, subject to such consultation, may be removed at any time for any reason.

[15] Clause 8.8.2 Constitution of the Reliability Panel

In clause 8.8.2, after paragraph (g) insert:

- (h) The *AEMC* may appoint a commissioner of the *AEMC* (other than the chairperson of the *AEMC* or the chairperson of the *Reliability Panel*) as the acting chairperson of the *Reliability Panel* on a standing basis. If the chairperson of the *Reliability Panel* is unable to perform the obligations of that office for an extended period of time (including any period in which a scheduled meeting of the *Reliability Panel* is held), the chairperson must notify the acting chairperson. The acting chairperson has the powers and functions of the chairperson of the *Reliability Panel* for such periods of time.

[16] Clause 8.8.3(b) Reliability Panel review process

Omit clause 8.8.3(b) and substitute:

- (b) At least once each *financial year* and at such other times as the *AEMC* may request, the *Reliability Panel* must conduct a review of the performance of the *market* in terms of *reliability* of the *power system*, the *reliability standard*, the *power system security standards*, the *system restart standard*, the guidelines referred to in clause 8.8.1(a)(3), the policies and guidelines referred to in clause 8.8.1(a)(4) and the guidelines referred to in clause 8.8.1(a)(9). The *Reliability Panel* must conclude each annual review under this clause by the end of the *financial year* following the *financial year* to which the review relates.

[17] Clause 8.8.3(c2) Reliability Panel review process

Omit clause 8.8.3(c2) and substitute:

- (c2) The *Reliability Panel* must follow the consultation process in paragraphs (d) to (l) when carrying out its functions, unless otherwise specified in this paragraph or elsewhere in the *Rules*. The *Reliability Panel* is not required to follow the process in paragraphs

(d) to (l) for the purposes of its functions under clauses 8.8.1(a)(1b), 8.8.1(a)(2c), 8.8.1(a)(8) or 8.8.3(b).

[18] Clause 8.8.3(d) Reliability Panel review process

Omit clause 8.8.3(d) and substitute:

- (d) The *Reliability Panel* must give notice to all *Registered Participants* of the commencement of a determination or review by requesting the *AEMC* to publish the notice pursuant to paragraph (k). The notice must give particulars of the terms of reference for the determination or review (as the case may be) and the deadline for the receipt of any submissions to the *Reliability Panel*.

[19] Clause 8.8.3(e) Reliability Panel review process

Omit clause 8.8.3(e) and substitute:

- (e) The deadline for receipt of submissions must not be earlier than 4 weeks following publication of the notice required under paragraph (d) or such other time specified by the *AEMC* in any request for a review.

[20] Clause 8.8.3(f) Reliability Panel review process

Omit clause 8.8.3(f) and substitute:

- (f) The *Reliability Panel* may hold a meeting open to the public for any determination or review by the *Reliability Panel*, and must hold such a meeting if an interested party requests one in writing. The *Reliability Panel* must give reasonable notice of any such meeting.

[21] Clause 8.8.3(j) Reliability Panel review process

Omit clause 8.8.3(j) and substitute:

- (j) Following the conclusion of the meeting (if any) conducted pursuant to paragraph (f) and consideration by the *Reliability Panel* of any submissions or comments made to it, the *Reliability Panel* must submit a written report to the *AEMC* on the review setting out its recommendations or determinations, its reasons for those recommendations or determinations and the procedure followed by the *Reliability Panel* in undertaking the review or determination. The report must be submitted to the *AEMC* by the deadline for reporting specified by the *AEMC* in any request for a review.

[22] Clause 8.8.3(k) Reliability Panel review process

Omit clause 8.8.3(k) and substitute:

- (k) The *AEMC* must, within 10 *days* of receiving from the *Reliability Panel* a notice, report or other document pursuant to this clause 8.8.3, publish that document on the *AEMC* website (with the exclusion of material that cannot be disclosed consistently with the *AEMC*'s obligations of confidentiality).

[23] Rule 8.9(b) Rules Consultation Procedures

In rule 8.9(b) after “under consultation”, insert “, by publishing the notice in accordance with rule 8.9(c)”.

[24] Rule 8.9(c) Rules Consultation Procedures

Omit rule 8.9(c) and substitute:

- (c) Except where the *consulting party* is the *AEMC* or the *AER*, the *consulting party* must provide a copy of the notice referred to in rule 8.9(b) to *AEMO*, or to the *AEMC* where the *consulting party* is the *Reliability Panel*. Within 3 *business days* of receiving the notice *AEMO* must *publish* the notice on its website. Where the *AEMC* or the *Reliability Panel* is the *consulting party*, the *AEMC* must *publish* the notice referred to in rule 8.9(b) on its website. Where the *AER* is the *consulting party*, the *AER* must *publish* the notice referred to in rule 8.9(b) on its website.

[25] Rule 8.9(e) Rules Consultation Procedures

At the end of rule 8.9(e), omit “given” and substitute “published”.

[26] Rule 8.9(g) Rules Consultation Procedures

In rule 8.9(g) after “draft report” insert “in accordance with rule 8.9(h)”.

[27] Rule 8.9(h) Rules Consultation Procedures

Omit rule 8.9(h) and substitute:

- (h) Except where the *consulting party* is the *AEMC* or the *AER*, the *consulting party* must provide a copy of the draft report referred to in rule 8.9(g) to *AEMO*, or to the *AEMC* where the *consulting party* is the *Reliability Panel*. Within 3 *business days* of receiving the draft report *AEMO* must *publish* the draft report on its website. Where the *AEMC* or the *Reliability Panel* is the *consulting party*, the *AEMC* must *publish* the draft report referred to in rule 8.9(g) on its website. Where the *AER* is the *consulting party*, the *AER* must *publish* the draft report referred to in rule 8.9(g) on its website.

[28] Rule 8.9(k) Rules Consultation Procedures

In rule 8.9(k) after “final report” insert “in accordance with rule 8.9(l)”.

[29] Rule 8.9(l) Rules Consultation Procedures

Omit rule 8.9(l) and substitute:

- (l) Except where the *consulting party* is the *AEMC* or the *AER*, the *consulting party* must provide a copy of the final report referred to in rule 8.9(k) to *AEMO*, or to the *AEMC* where the *consulting party* is the *Reliability Panel*. Within 3 *business days* of receiving the final report *AEMO* must *publish* the final report on its website. Where the *AEMC* or the *Reliability Panel* is the *consulting party*, the *AEMC* must *publish* the final report referred to in rule 8.9(k) on its website. Where the *AER* is the *consulting party*, the *AER* must *publish* the final report referred to in rule 8.9(k) on its website.

[END OF RULE AS MADE]
