



National Electricity Amendment (AER reporting on market outcomes) Rule 2022 No. 5

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 of the Northern Territory; 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.

Anna Collyer
Chairperson
Australian Energy Market Commission

National Electricity Amendment (AER reporting on market outcomes) Rule 2022 No. 5

1 Title of Rule

This Rule is the *National Electricity Amendment (AER reporting on market outcomes) Rule 2022 No. 5*.

2 Commencement

Schedule 1 of this Rule commences operation on 29 September 2022.

Schedule 2 of this Rule commences operation on 3 June 2024, immediately after the commencement of Schedules 1 to 6 of the *National Electricity Amendment (Integrating energy storage systems into the NEM) Rule 2021 No. 13*.

Schedule 3 of this Rule commences operation on 19 May 2022.

3 Amendment to the National Electricity Rules

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

4 Amendment to the National Electricity Rules

The National Electricity Rules are amended as set out in Schedule 2.

5 Savings and Transitional Amendment to the National Electricity Rules

The National Electricity Rules are amended as set out in Schedule 3.

Schedule 1 Amendment to the National Electricity Rules

(Clause 3)

[1] Clause 3.13.7 Monitoring of significant variation between forecast and actual prices by AER

Omit clause 3.13.7, including heading, and substitute:

3.13.7 Monitoring and reporting of significant price outcomes by the AER

- (a) The *AER* must monitor and report on significant price outcomes in the *spot market* and any other *market* specified in the *significant price reporting guidelines*, in respect of each calendar quarter.
- (b) In preparing a report under paragraph (a), the *AER*:
 - (1) must comply with the *significant price reporting guidelines*;
 - (2) must consider the following factors that may have contributed to the significant price outcomes:
 - (i) *available capacity*;
 - (ii) *network* availability; and
 - (iii) offer, bidding and *rebidding* behaviour in respect of the relevant *market*; and
 - (3) may consider the following matters:
 - (i) broader and ongoing *market* trends that may be contributing to the significant price outcomes;
 - (ii) any events and behaviours that may be detrimental to effective competition or efficient *market* operation; and
 - (iii) any other matter that the *AER* considers relevant.
- (c) The *AER* must *publish* reports under paragraph (a) in a timely manner after the end of each relevant calendar quarter. The *AER* may *publish* reports under paragraph (a) more frequently than each calendar quarter.

3.13.7A Significant price reporting guidelines

- (a) The *AER* must develop and *publish* guidelines (the *significant price reporting guidelines*) for the monitoring and reporting of significant price outcomes under clause 3.13.7.
- (b) The *significant price reporting guidelines* must include:

- (1) the criteria for determining significant price outcomes;
 - (2) the details of any *markets*, other than the *spot market*, which the *AER* has determined to monitor and report on under clause 3.13.7; and
 - (3) any other matter which the *AER* considers appropriate.
- (c) When determining the criteria referred to paragraph (b)(1), the *AER* must have regard to high price events and any other matter which the *AER* considers appropriate.
- (d) The *AER* must comply with the *Rules consultation procedures* when amending the *significant price reporting guidelines*.

[2] Chapter 10 Glossary

In chapter 10, insert the following new definition in alphabetical order:

significant price reporting guidelines

Has the meaning given in clause 3.13.7A.

Schedule 2 Amendment to the National Electricity Rules

(Clause 4)

**[1] 3.13.7 Monitoring and reporting of significant
price outcomes by the AER**

In clause 3.13.7(b)(2)(iii), omit "offer, ".

Schedule 3 Savings and Transitional Amendment to the National Electricity Rules

(Clause 5)

[1] New Part ZZZZZ AER reporting on market outcomes

Insert a new part:

Part ZZZZZ AER reporting on market outcomes

11.150 Rules consequential on the making of the National Electricity Amendment (AER reporting on market outcomes) Rule 2022

11.150.1 Definitions

(a) In this rule 11.150:

Amending Rule means the *National Electricity Amendment (AER reporting on market outcomes) Rule 2022*.

commencement date means the date of commencement of Schedule 1 of the Amending Rule.

new clause 3.13.7 means clause 3.13.7 as it will be in force on and from the commencement date.

new clause 3.13.7A means clause 3.13.7A as it will be in force on and from the commencement date.

old clause 3.13.7 means clause 3.13.7 as in force immediately prior to the commencement date.

11.150.2 Initial significant price reporting guidelines

(a) By the commencement date, the *AER* must develop and publish the initial *significant price reporting guidelines* under new clause 3.13.7A.

(b) The *AER* is not required to comply with the *Rules consultation procedures* when developing and *publishing* the initial *significant price reporting guidelines* under paragraph (a), but must publish a draft of the initial *significant price reporting guidelines* on its website and provide at least 20 *business days* for written submissions from any person on this draft.

(c) The initial *significant price reporting guidelines* must:

(1) take into account any submissions on the draft of the initial *significant price reporting guidelines* received under paragraph (b); and

- (2) include the matters listed in new clause 3.13.7A(b).

11.150.3 Monitoring and reporting of significant price outcomes by the AER

- (a) The *AER* is not required to comply with old clause 3.13.7 prior to the commencement date.
- (b) Prior to the commencement date, the *AER* must monitor and report on significant price outcomes in the *spot market* in accordance with new clauses 3.13.7(b)(2) and (3) in a timely manner.
- (c) For the purposes of subparagraph (b), when determining a significant price outcome, the *AER* must have regard to high price events and any other matter which the *AER* considers appropriate.

[END OF RULE AS MADE]
