

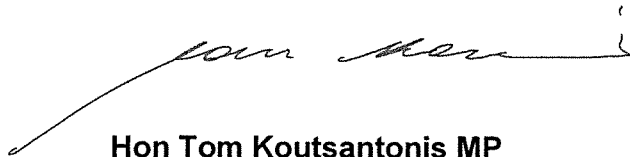
OFFICIAL

Making of the National Electricity Rules

National Electricity (South Australia) Law – Section 90EF

I, Tom Koutsantonis, Minister for Energy and Mining for the Crown in right of the State of South Australia, as the Minister administering the *National Electricity (South Australia) Act 1996* of South Australia, hereby make the National Electricity Amendment (Wholesale Market Monitoring) Rule 2024 under section 90EF of the National Electricity Law on the unanimous recommendation of the Ministers of the participating jurisdictions sitting as the Ministerial Council on Energy for the purposes of that section.

This Rule has been signed by me for the purposes of identification as the National Electricity Amendment (Wholesale Market Monitoring) Rule 2024 and commences operation on 23 May 2024.



Hon Tom Koutsantonis MP
Minister for Energy and Mining

9 May 2024

1 Title of Rule

This Rule is the *National Electricity Amendment (Wholesale Market Monitoring) Rule 2024*.

2 Commencement

This Rule commences operation on the date or dates stated in the notice published under section 90EF(4) of the National Electricity Law.

3 Amendment of National Electricity Rules

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

Schedule 1 Amendment to the National Electricity Rules

[1] New clauses 8.7.2A, 8.7.2B and 8.7.2C

After clause 8.7.2, insert:

8.7.2A Wholesale market monitoring guidelines (Section 18EO of the NEL)

(a) Before making or amending *wholesale market monitoring guidelines*, the *AER* must consult in accordance with the consultation procedure set out in this clause.

Initial consultation

(b) The *AER* must publish a consultation paper on its website with:

- (1) an explanatory statement that sets out particulars of the proposed guidelines, the issues involved and options to address them, if applicable;
- (2) an invitation to make written submissions on the consultation paper; and
- (3) a due date for written submissions, which must be no earlier than 25 *business days* from the date of the consultation paper.

Consultation on draft guidelines

(c) No later than 50 *business days* after the due date for submissions under subparagraph (b)(3), the *AER* must publish on its website:

- (1) draft *wholesale market monitoring guidelines*;
- (2) an explanatory statement setting out the reasons for its approach;
- (3) subject to confidentiality obligations, submissions received by the due date;
- (4) summaries of material issues raised in submissions received by the due date and the *AER*'s response to those issues;
- (5) an invitation to make written submissions on the draft guidelines; and
- (6) a due date for written submissions, which must be no earlier than 25 *business days* after the date of the draft guidelines.

Publication of final guidelines

(d) No later than 50 *business days* after the due date for submissions under subparagraph (c)(6), the *AER* must publish on its website:

- (1) final *wholesale market monitoring guidelines*;
- (2) an explanatory statement setting out the reasons for its approach;
- (3) subject to confidentiality obligations, submissions received by the due date;
- (4) summaries of material issues raised in submissions received by the due date and the *AER*'s response to those issues; and

(5) the date on which the guidelines take effect.

Individual meetings and additional consultation

(e) At any time in a period in which an *interested party* may make written submissions, an *interested party* may request a meeting with the *AER* to discuss the *wholesale market monitoring guidelines*.

(f) For the avoidance of doubt, the *AER* may conduct other forms of consultation including publishing issues or discussion papers, establishing and seeking input from working groups or advisory panels, and holding conferences, workshops, meetings or information sessions.

Extension of time

(g) The *AER* may extend the time limit for publishing draft or final guidelines under paragraphs (c) or (d), by publishing a notice before the expiry of the relevant time limit, if the *AER* considers an extension is necessary because:

- (1) the consultation involves issues of unusual complexity or difficulty; or
- (2) there is a material change in circumstances.

Minor or administrative amendments

(h) The *AER* may make minor or administrative amendments to the *wholesale market monitoring guidelines* without complying with the consultation requirements of this rule.

8.7.2B Market monitoring information order (Section 18EH of the NEL)

(a) Before making a *MMIO*, the *AER* must consult in accordance with the consultation procedure set out in this clause.

(b) The *AER* must publish on its website:

- (1) a draft *MMIO*;
- (2) an invitation to make written submissions on the draft; and
- (3) a due date for written submissions, which must be no earlier than 30 *business days* after publication of the draft.

(c) No later than 80 *business days* after the due date for submissions under subparagraph (b)(3), the *AER* must publish on its website:

- (1) the final *MMIO*;
- (2) subject to confidentiality obligations, submissions received by the due date; and
- (3) a statement of the reasons for the final *MMIO* (including a summary of each material issue raised in submissions received by the due date and the *AER's* response to those issues).

8.7.2C Urgent market monitoring information order (Section 18EH of the NEL)

(a) Before making a *MMIO* that is specified as urgent under section 18ED of the *NEL*, the *AER* must consult in accordance with the consultation procedure

set out in this clause.

(b) The *AER* must publish on its website:

- (1) a draft *MMIO*;
- (2) an explanatory statement setting out the reasons the *AER* believes access to the relevant information is time critical;
- (3) an invitation to make written submissions on the draft; and
- (4) a due date for written submissions, which must be no earlier than 5 *business days* after the date of publication.

(c) Following the conclusion of the *AER's* consideration of all submissions received by the due date under subparagraph (b)(4), the *AER* must publish on its website:

- (1) the final *MMIO*;
- (2) subject to confidentiality obligations, submissions received by the due date; and
- (3) a statement of the reasons for the final *MMIO*.

[2] Chapter 10 Glossary

After the definition of “MLEC CRNP Methodology” in Chapter 10, insert:

MMIO

A market monitoring information order made by the *AER* under section 18EG of the *NEL*.

[3] Chapter 10 Glossary

After the definition of “wholesale demand response unit” in Chapter 10, insert:

Wholesale market monitoring guidelines

Guidelines made by the *AER* under section 18EO of the *NEL*.

[4] New rule 11.169

After clause 11.168.10, insert:

11.169 Transitional arrangements related to the *National Energy Laws Amendment (Wholesale Market Monitoring) Act 2023*

11.169.1 Wholesale market monitoring guidelines

(a) For the purposes of clause 8.7.2A, consultation undertaken by the *AER* in relation to the *wholesale market monitoring guidelines* before the commencement day is taken to have been undertaken in accordance with the procedure under clause 8.7.2A.

(b) In this clause:

commencement day means the day on which the *National Energy Laws Amendment (Wholesale Market Monitoring) Act 2023* commences.