

NTP Draft Report – Appendix C (i)

Draft National Electricity Law Amendments for National Transmission Planner 2008

DEFINITIONS – TO BE INCLUDED IN NATIONAL ELECTRICITY LAW

Section 2

AEMO Board means the board of directors of the AEMO.

general planning information order means an order made by the AEMO in accordance with Division [3] that requires each transmission system operator of a specified class to provide to the AEMO the information specified in the order.

national transmission grid means the interconnected electricity transmission systems in this jurisdiction and the other participating jurisdictions.

National Transmission Planner Advisory Committee means the committee of persons established by the AEMC Board under section [2]1.

NTP considerations means the matters set out in section [7AB].

NTP functions and powers means the functions and powers referred to in section [1][1](2).

NTP objective means the objective set out in section [7AA].

planning information instrument means a general planning information order or a planning information notice.

planning information notice means a notice prepared and served by the AEMO in accordance with Division [3] that requires the transmission system operator named in the notice to provide to the AEMO the information specified in the notice.

transmission system operator means an owner, controller or operator of a transmission system that forms part of the national transmission grid.

Section 7AA – NTP objective

The NTP objective is to contribute to the achievement of the national electricity objective in a manner that promotes the efficient, long term and coordinated development of the national transmission grid.

Section 7AB – NTP considerations

The NTP considerations are:

- (a) best practice in the planning of electricity transmission networks;
- (b) changes in technology that are relevant to the national transmission grid;

- (c) the availability, price and technical feasibility of different fuel sources for the generation of electricity;
- (d) the Acts of any participating jurisdiction, or any instruments made or issued under or for the purposes of any such Act, that relate to the supply or use of energy, including Acts or instruments that relate to the protection of the environment; and
- (e) alternatives to the augmentation of the national transmission grid, including reductions in the demand for electricity, the installation of local generating systems and the use of forms of energy other than electricity.

AUSTRALIAN ENERGY MARKET OPERATOR (AEMO) – PROVISIONS TO BE INCLUDED IN NATIONAL ELECTRICITY LAW

Division [1] Australian Energy Market Operator – NTP functions and powers

[1] Functions and Powers

- (1) In addition to its other functions and powers, the AEMO also has the following functions and powers (the "NTP functions and powers") -
 - (a) to prepare and publish each year, in accordance with the Rules, a plan for the development of the national transmission grid;
 - (b) to maintain and make available to the public, in accordance with the Rules, a database containing information used to prepare the plans referred to in paragraph (a);
 - (c) at the direction of the MCE, to conduct a review into any matter relating to the development of the national transmission grid
 - (d) at the request of the AEMC, to provide advice in relation to the development of the national transmission grid;
 - (e) subject to subsection (2), to make submissions, in accordance with the Rules, to transmission system operators as part of any consultation process that those operators are required to undertake under the Rules in connection with the identification and evaluation of possible investment projects relating to the national transmission grid and any alternatives to such projects;
 - (f) subject to subsection (2), to make submissions, in accordance with this Law and the Rules, to the AER in respect of the making of any transmission determination;
 - (g) to direct the National Transmission Planner Advisory Committee to conduct a review into, or provide advice on, any matter relating to the development of the national transmission grid; and
 - (h) any other functions and power conferred on it under this Law and the Rules that are identified as NTP functions and powers in this Law or the Rules.
- (2) The AEMO may only make submissions pursuant to subsections (1)(e) and (f) where those submissions relate to possible investment projects relating to the national transmission grid

that would be likely to improve the capability of the grid to transport significant amounts of electricity.

- (3) The AEMO has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

[2] Objective

In performing or exercising the NTP functions and powers, the AEMO must -

- (a) have regard to the NTP objective;
- (b) have regard to any advice provided to the AEMO Board by the National Transmission Planner Advisory Committee; and
- (c) take into account the NTP considerations.

[3] Reviews directed by the MCE

The MCE may give a written direction to the AEMO that the AEMO conduct a review into any matter relating to the development of the national transmission grid.

[4] Resources for the National Transmission Planner Advisory Committee

The AEMO must procure the availability of reasonable financial, human and other resources to enable the National Transmission Planner Advisory Committee to perform its functions.

[Note: it is assumed that the National Electricity Law will include appropriate general provisions relating to:

- ***the immunity from liability of the AEMO; and***
- ***the treatment of confidential information provided to the AEMO,***

that apply to the NTP functions and powers]

NATIONAL TRANSMISSION PLANNER ADVISORY COMMITTEE – PROVISIONS TO BE INCLUDED IN NATIONAL ELECTRICITY LAW

Division [2] National Transmission Planner Advisory Committee

[1] Establishment and functions

- (1) The AEMO Board must establish a committee of persons to be known as the National Transmission Planner Advisory Committee.
- (2) The National Transmission Planner Advisory Committee has the following functions -
 - (a) to assist the AEMO Board in the performance and exercise of the NTP functions and powers;
 - (b) to oversee the preparation of the annual plans referred to in section [1]1(a) for the AEMO Board; and
 - (c) at the direction of the AEMO Board, to conduct a review into, or provide advice on, any matter relating to the development of the national transmission grid.

[2] Objective

In performing its functions, the National Transmission Planner Advisory Committee must -

- (d) have regard to the NTP objective; and
- (e) take into account the NTP considerations.

[3] Membership and terms and conditions of appointment

- (1) The National Transmission Planner Advisory Committee must consist of a chairperson and at least 2 but no more than 4 other members appointed by the AEMO Board.
- (2) The chairperson and the other members of the National Transmission Planner Advisory Committee must be persons who the AEMO Board considers:
 - (a) are suitable for appointment on the basis that they have knowledge, experience or abilities relating to the planning of the national electricity system; and
 - (b) together represent a diverse and balanced mix of such knowledge, experience and abilities.
- (3) The chairperson:
 - (a) subject to subsection (4), may be a member of the AEMO Board; and
 - (b) must be and remain independent of businesses engaged in the industries regulated under this Law.
- (4) Not more than one member of the National Transmission Planner Advisory Committee may be an officer or employee of the AEMO.
- (5) The members of the National Transmission Planning Advisory Committee will be appointed on such terms and conditions as the AEMO Board determines.

[4] Review

By no later than the end of the fifth year after Division [2] comes into operation, the AEMC must:

- (a) conduct a review of the functions and operation of the National Transmission Planner Advisory Committee; and
- (b) recommend to the MCE any changes that the AEMC considers are required in relation to the functions and operation of the National Transmission Planner Advisory Committee, including whether there is a need for the continuing existence of the National Transmission Planner Advisory Committee.

INFORMATION GATHERING POWERS – PROVISIONS TO BE INCLUDED IN NATIONAL ELECTRICITY LAW

Division [3] Information gathering powers

- (1) If the AEMO considers it reasonably necessary for the performance or exercise of the NTP functions and powers, it may -
 - (a) make a general planning information order; or

- (b) serve a planning information notice on a transmission system operator.
- (2) In considering -
 - (a) whether to make a general planning information order or to serve a planning information notice; and
 - (b) what information or documents are to be requested to be provided to the AEMO in accordance with a general planning information order or a planning information notice,

the AEMO must have regard to the reasonable costs that are likely to be incurred in complying with the order or notice.
- (3) A planning information instrument -
 - (a) must:
 - (i) specify the information or documents, or categories of information or documents, that are required to be provided to the AEMO and the time by which they must be provided; and
 - (ii) comply with the requirements of the Rules;
 - (b) may specify the manner and form in which the information and documents described in the instrument are required to be provided to the AEMO;
 - (c) in the case of a general planning information order, must specify the class of transmission system operator to whom the order applies; and
 - (d) in the case of a planning information notice, must name the transmission system operator to whom it applies.
- (4) Without limiting subsection (3) -
 - (a) the information that may be required to be provided to the AEMO may include:
 - (i) historic, current and forecast information; and
 - (ii) information that is or may be derived from other information in the possession or control of the transmission system operator; and
 - (b) the planning information instrument may specify that the information or documents described in the instrument are to be provided to the AEMO on an annual basis or some other basis.
- (5) A general planning information order must be published on the AEMO's website as soon as practicable after it is made and, on its publication, a transmission system operator must comply with the order unless it has been given an exemption under subsection (7).
- (6) On being served with a planning information notice, a transmission system operator must comply with the notice.
- (7) The AEMO may, by written notice, exempt a transmission system operator from complying with a general planning information order -
 - (a) unconditionally or on specified conditions; or
 - (b) wholly or to the extent as is specified in the exemption.

- (8) A transmission system operator must not, in purported compliance with a planning information instrument requiring that operator to provide information to the AEMO, provide information to the AEMO that the operator knows is misleading in a material particular.
- Maximum penalty: \$10,000
- (9) A transmission system operator -
- (a) must not refuse to comply with a planning information instrument on the grounds of any duty of confidence; and
 - (b) by complying with a planning information instrument, incurs no liability for breach of contract, breach of confidence or any other civil wrong.
- (10) The AEMO –
- (a) may only use information or documents provided to the AEMO in accordance with this section for the purpose of performing and exercising the NTP functions and powers; and
 - (b) may disclose that information or those documents to the National Transmission Planner Advisory Committee for the purpose of enabling the National Transmission Planner Advisory Committee to assist the AEMO in the performance and exercise of the NTP functions and powers, in which case the National Transmission Planner Advisory Committee may only use that information or those documents for that purpose.

SCHEDULE 1 – AMENDMENTS TO BE INCLUDED IN NATIONAL ELECTRICITY LAW

Insert additional heads of power as follows:

National transmission planning

- 30E The preparation and publication of an annual plan relating to the development of the national transmission grid.
- 30F The maintenance and publication of a database containing information used to prepare the annual plans referred to in item 30E.
- 30G The collection of information required for the preparation of the annual plans referred to in item 30E.
- 30H The preparation of a work plan and budget in relation to the performance by the National Transmission Planner Advisory Committee of its functions and powers.

Amend item 33 to include the following new paragraph (c):

- (c) the National Transmission Planner Advisory Committee; or