



Australian Energy Market Commission

RULE DETERMINATION

National Electricity Amendment (Second Minor Changes) Rule 2015

5 November 2015

**RULE
CHANGE**

Inquiries

Australian Energy Market Commission
PO Box A2449
Sydney South NSW 1235

E: aemc@aemc.gov.au

T: (02) 8296 7800

F: (02) 8296 7899

Reference: ERC0193

Citation

AEMC 2015, Second Minor Changes, Rule Determination, 5 November 2015, Sydney

About the AEMC

The AEMC reports to the Council of Australian Governments (COAG) through the COAG Energy Council. We have two functions. We make and amend the national electricity, gas and energy retail rules and conduct independent reviews for the COAG Energy Council.

This work is copyright. The Copyright Act 1968 permits fair dealing for study, research, news reporting, criticism and review. Selected passages, tables or diagrams may be reproduced for such purposes provided acknowledgement of the source is included.

Summary

The Commission has determined under sections 102 and 103 of the National Electricity Law (NEL), to make the *National Electricity Amendment (Second Minor Changes) Rule 2015 No. 11* (the Rule); and

The Rule consists of minor errors, corrections and non-material changes to the Rules.

The Rule was proposed by the Commission and aims to promote clarity of meaning and remove identified errors in the NEL. The final Rule made by the Commission differs in minor respects from the Rules proposed by the Commission. The Commission considers that the electricity rule is likely to contribute to the achievement of the National Electricity Objective (NEO) and therefore satisfies the Rule making test under section 88 of the NEL.

Contents

1	The AEMC's Rule Change Proposal.....	1
1.1	The Rule Proposal and commencement of Rule making process	1
1.2	Rationale for the Rule Change Request	1
1.3	Solution proposed in the Rule Change Request	1
2	Final Rule Determination.....	1
2.1	Commission's determination	3
2.2	Commission's considerations.....	3
2.3	Commission's power to make the Rule	3
2.4	Rule making test.....	4
3	Commission's reasons.....	5
3.1	Differences between the proposed Rule and the final Rule	5
3.2	Assessment of Rule	5
	Abbreviations.....	6

1 The AEMC's Rule Change Proposal

1.1 The Rule Proposal and commencement of Rule making process

The Commission has power to make a Rule without a request if it considers that the Rule corrects a minor error in the Rules or makes a non-material change to the Rules.¹

On 1 October 2015, the Commission initiated the proposed National Electricity Amendment (Second Minor Changes) Rule 2015 under sections 95 and 96(1)(a) of the NEL, subject to any requests not to expedite the Rule making process and public consultation on the Rule change proposal.

The Commission initiated the proposed electricity Rule under the expedited process in section 96(1)(a) of the NEL as it considered the Rule was unlikely to have a significant effect on the National Electricity Market (NEM) and therefore fell within the definition of a non-controversial rule under section 87 of the NEL.

The AEMC did not receive any requests not to expedite the Rule making process. Accordingly, the Rule change proposal was considered under an expedited process.

The Commission invited submissions on the Rule change proposal by 29 October 2015. The Commission received no submissions on the Rule change proposal.

1.2 Rationale for the Rule Change Request

As part of the AEMC's rule making functions conferred on it under legislation, the Commission reviews, amends and maintains the Rules in accordance with the NEL. The purpose of this function, among other things, is to improve and enhance the quality of the Rules.

The Rule change proposal has been prompted by the identification of various minor errors and non-material changes that should be corrected or made to improve the quality and clarity of the Rules.

1.3 Solution proposed in the Rule Change Request

The Commission proposed a Rule that seeks to:

- amend clauses 5.3A.2 and clause S5.2.5.11 to correct minor errors.
- change to the definition of “potential transmission project” in clause 5.10.2 of the Rules to address anomalies in the definition identified as part of the Commission’s 2015 review of the guidelines for the Last Resort Planning Power.

¹ Section 91(2) of the NEL

- change the Chapter 10 definition of “NSCAS need” to address an erroneous omission from that definition made in the National Electricity Amendment (Governance Arrangements and Implementation of the Reliability Standards and Settings) Rule 2015 No. 3.

2 Final Rule Determination

2.1 Commission's determination

In accordance with sections 102 and 103 of the NEL the Commission has made this final Rule determination and the final Rule in relation to the rule proposed by the Commission.

The *National Electricity Amendment (Second Minor Changes) Rule 2015 No. 11* is published with this final Rule determination. The final Rule differs from the Rule proposed by the Commission in minor respects. Its key features are described in section 3.1 below.

The *National Electricity Amendment (Second Minor Changes) Rule 2015 No.11* will commence operation on 5 November 2015.

2.2 Commission's considerations

In assessing the Rule Change Request the Commission considered:

- the Commission's powers under the NEL to make the Rule;
- the Rule Change Proposal;
- the Commission's analysis as to the ways in which the proposed Rule will or is likely to, contribute to the achievement of the National Electricity Objective (NEO); and
- the compatibility with the Australian Energy Market Operator's (AEMO) declared network functions.

2.3 Commission's power to make the Rule

The Commission is satisfied that the final Rule falls within the subject matter about which the Commission may make Rules.

The final rule falls within the matters set out in section 34 of the NEL as it relates to 34(1)(b) of the NEL under which the Commission may make Rules for or with respect to any matter or thing contemplated by the NEL, or which are necessary or expedient for the purposes of the NEL. The Commission considers the Rule necessary and expedient for the purposes of the NEL.

2.4 Rule making test

Under section 88(1) of the NEL the Commission may only make a Rule if it is satisfied that the Rule will, or is likely to, contribute to the achievement of the NEO. This is the decision making framework that the Commission must apply.

The NEO is set out in section 7 of the NEL as follows:

“The objective of this Law is to promote efficient investment in, and efficient operation and use of, electricity services for the long term interests of consumers of electricity with respect to:

- (a) price, quality, safety, reliability and security of supply of electricity;
and
- (b) the reliability, safety and security of the national electricity system.”

The Commission considers that the final Rule will improve the quality of the NER in terms of accuracy and consistency. The Commission considers that the proposed Rule is likely to contribute to the achievement of the NEO. However, the efficiency benefits that will result from the final Rule are considered to be very small given the minor or non-material nature of the changes proposed.

As with previous similar AEMC initiated rule changes, these minor corrections and non-material changes will make the NER clearer to stakeholders. This is important as the NER inform stakeholders of their rights and obligations for participating in the NEM and stakeholders rely on the NER in their commercial transactions and documentation.

Under section 91(8) of the NEL, the Commission may only make a Rule that has effect with respect to an adoptive jurisdiction if satisfied that the proposed Rule is compatible with the proper performance of AEMO's declared network functions. At present Victoria is the only relevant "adoptive jurisdiction". The Commission is satisfied that the final Rule is compatible with AEMO's declared network functions because it makes only minor and non-material changes to the NER and does not change AEMO's functions in any material respect.

3 Commission's reasons

The final Rule corrects minor errors and makes non-material changes to the NER. The Commission has analysed the Rule change proposal and for the reasons set out below, has determined to make the final Rule.

3.1 Differences between the proposed Rule and the final Rule

The final Rule differs from the proposed Rule because it corrects an additional minor error identified in the Rules:

- In Chapter 11, the word Part has been inserted at the beginning of the “ZZG Improving demand side participation information provided to AEMO by registered participants” heading to align it with the other chapter headings.

3.2 Assessment of Rule

The final Rule supports effective and transparent regulation and operation of the NEM by correcting minor errors, including formatting and typographical anomalies in the Rules; and

The Commission considers the amendments will increase the accuracy and consistency of the NER thereby promoting a clearer understanding of the provisions of these Rules.

Abbreviations

AEMC	Australian Energy Market Commission
AEMO	Australian Energy Market Operator
NEL	National Electricity Law
NEO	National Electricity Objective