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**ENERGY**

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EN301\*

Electricity Industry Act 2004

**Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No. 3) 2015**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No. 3) 2015*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) regulation 5 — on the day after gazettal day;
- (c) regulations 7, 17(2) and 18 — at 8.00 am on the day fixed by the Minister by order published in the *Gazette*;
- (d) the rest of the regulations — at 8.00 am on 30 November 2015.

**3. Regulations amended**

These regulations amend the *Electricity Industry (Wholesale Electricity Market) Regulations 2004*.

**4. Regulation 3 amended**

- (1) In regulation 3 insert in alphabetical order:

*operator* means the AEMO;

- (2) In regulation 3 in the definition of **AEMO** after “Operator” insert:

Limited

**5. Regulation 7 amended**

After regulation 7(3) insert:

- (4) Despite anything in this regulation or the market rules, the Minister may make amending rules during the

period beginning on the day on which the *Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No. 3) 2015* regulation 5 comes into operation and ending on 1 July 2017.

**6. Regulation 12 amended**

- (1) In regulation 12(1) delete “IMO.” and insert:

operator and on the IMO.

- (2) Delete regulation 12(2) and insert:

(2A) The operator is responsible for the development, in accordance with the market rules, of amendments of and replacements for the market procedures, to the extent to which the procedures relate to its functions.

(2) The IMO is responsible for the development, in accordance with the market rules, of amendments of and replacements for the market procedures, to the extent to which the procedures relate to its functions, and the market rules.

- (3) In regulation 12(4) delete “IMO of its” and insert:

operator and the IMO of

- (4) Delete regulation 12(5).

Note: The heading to amended regulation 12 is to read:

**Functions of operator and IMO**

**7. Regulation 13 amended**

- (1) In regulation 13(1) delete “operating the SWIS” and insert:

ensuring that the SWIS is operated

- (2) In regulation 13(6) delete “the operator and”.

**8. Regulation 15 amended**

In regulation 15(2) after “authorise the” insert:

operator, the

**9. Regulation 16 amended**

After regulation 16(2) insert:

- (3) A certificate under subregulation (1) or (2), that was signed before the time at which the *Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No. 3) 2015* regulation 9 comes into operation and that has effect immediately before that time, has effect after that time, according to its terms, as if signed by the chief executive officer of the operator.

**10. Regulation 19 amended**

In regulation 19(2) before “IMO” (1<sup>st</sup> occurrence) insert:

operator, the

Note: The heading to amended regulation 19 is to read:

**Registration required for certain activities**

**11. Regulation 21 amended**

In regulation 21(1)(a) after “under” insert:

these regulations,

**12. Regulation 32 amended**

In regulation 32(3) and (4) before “IMO” insert:

operator or the

**13. Regulation 33 amended**

In regulation 33(5) before “IMO” insert:

operator or the

**14. Regulation 39 amended**

In regulation 39(2) before “IMO” insert:

operator or the

**15. Regulation 40 amended**

In regulation 40(1)(a), (2)(a) and (3) delete “participant” (each occurrence) and insert:

participant, the operator

**16. Regulation 42 amended**

In regulation 42(2)(b) delete “IMO;” and insert:

operator or the IMO (whichever is relevant);

**17. Regulation 51 amended**

(1) After regulation 51(a) insert:

(ba) the operator;

(2) Delete regulation 51(ba).

**18. Regulation 52 amended**

After regulation 52(2) insert:

(3A) For the period of 12 months commencing at the time at which the *Electricity Industry (Wholesale Electricity Market) Amendment Regulations (No. 3) 2015* regulation 18 comes into operation, subregulation (2) has effect in relation to the operator (including in relation to its system management function) as if —

(a) in paragraph (a), \$10 000 were substituted for \$100 000; and

(b) in paragraph (b), \$100 000 were substituted for \$10 000 000.

**19. Part 9 inserted**

After regulation 53 insert:

**Part 9 — Provision of information and advice to Minister****54. Provision of information and advice to Minister: operator’s functions**

(1) In this regulation —

*protected information* means information —

(a) given to the operator in confidence; or

- (b) given to the operator, in connection with the performance of its functions that, in the opinion of the operator, would adversely affect the commercial interest of the person who gave the information if it were publicly disclosed.
- (2) The Minister may request the operator to —
  - (a) provide information about the performance of its functions under these regulations or the market rules; or
  - (b) provide advice, including advice in the nature of feasibility studies and consultancy services.
- (3) The operator must comply with a request.
- (4) Protected information provided in response to a request under subregulation (2) must be identified as such by the operator at the time of providing the information.
- (5) The costs of the operator in complying with a request under subregulation (2)(a) are not recoverable by way of fees to be paid by registered participants under the market rules.

**20. Various references to “IMO” amended**

In the provisions listed in the Table delete “IMO” (each occurrence) and insert:

operator

**Table**

r. 12(3)	r. 13(6)
r. 14	r. 16(1) and (2)
r. 18A(1)	r. 21(2)

N. HAGLEY, Clerk of the Executive Council.

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