

South Australia

# **Australian Energy Market Commission Establishment Regulations 2020**

under the *Australian Energy Market Commission Establishment Act 2004*

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### **1—Short title**

These regulations may be cited as the *Australian Energy Market Commission Establishment Regulations 2020*.

### **2—Commencement**

These regulations come into operation on 1 September 2020.

### **3—Interpretation**

In these regulations—

*Act* means the *Australian Energy Market Commission Establishment Act 2004*.

### **4—Confidentiality**

For the purposes of section 24(3) of the Act, disclosing information to any of the following is authorised use and disclosure of the information:

- (a) the Australian Competition and Consumer Commission established by section 6A of the *Competition and Consumer Act 2010* of the Commonwealth;
- (b) the Australian Energy Regulator established by section 44AE of the *Competition and Consumer Act 2010* of the Commonwealth;
- (c) AEMO;
- (d) the Energy Security Board as defined under section 2(1) of the National Electricity Law;
- (e) any staff or consultant assisting a body referred to in a preceding paragraph in performing its functions.

## 5—Annual reports

- (1) A report of the AEMC under section 27 of the Act must include a report on the following in respect of the financial year concerned:
  - (a) the National Energy Law provisions and other legislative provisions that confer functions on the AEMC;
  - (b) the AEMC's relationship to other bodies involved in the administration of National Energy Laws;
  - (c) the membership and organisation of the AEMC;
  - (d) the AEMC's strategic plans and the relationship of the plans to objectives set out in National Energy Laws;
  - (e) the AEMC's activities and their efficiency and effectiveness;
  - (f) the AEMC's financial affairs;
  - (g) disclosures made by Commissioners under section 22 of the Act;
  - (h) positions in the employment of the AEMC, including the salary levels for the positions, any positions created or filled and any positions abolished or vacated;
  - (i) the extent to which external consultants have been engaged by the AEMC, the nature of the work undertaken by the consultants and the total cost to the AEMC of the consultancies;
  - (j) the occupational health, safety and rehabilitation programs of the AEMC and their effectiveness;
  - (k) any instances of fraud in the operations of the AEMC and the strategies implemented to prevent and control fraud;
  - (l) in relation to electricity—
    - (i) the extent to which the operation of the Rules has met the national electricity objective and the strategic development of the Rules to meet the national electricity objective; and
    - (ii) any statements of policy principles that have been issued by the MCE in relation to the AEMC and any directions that have been given by the MCE to the AEMC; and
    - (iii) the Rule making activities of the AEMC under the National Electricity Law, including—
      - (A) requests for Rules in each of the categories of jurisdictional derogations, participant derogations, non-controversial Rules and urgent Rules; and
      - (B) the stages at which proposed Rules are in the Rule making procedure; and
      - (C) decisions of the AEMC not to proceed with requests for Rules; and
      - (D) Rules made; and
      - (E) Rules that have come into operation; and

- (iv) MCE directed reviews and AEMC initiated reviews under the National Electricity Law; and
  - (v) market development functions; and
  - (vi) recommendations made by the AEMC for the MCE to request the making of Rules; and
  - (vii) the composition and activities of the Reliability Panel and of any other panels or committees that have been established by the AEMC; and
  - (viii) AEMO's use of powers of direction in relation to power system security under clause 4.8.9(a) of the Rules; and
  - (ix) the use by Registered Participants of inspection and testing rights under clauses 5.7.1 and 5.7.2 of the Rules; and
  - (x) the extent and effectiveness of demand side participation in the national electricity market, including measures that could be undertaken to enhance demand side participation in the national electricity market.
- (2) The AEMC's report must include its audited financial statements for the financial year and the Auditor-General's report on the financial statements.
- (3) In this regulation—
- National Electricity Rules* or, in relation to electricity, *Rules* means the National Electricity Rules as defined in section 2(1) of the National Electricity Law.
- (4) Terms used in subregulation(1)(l) that are defined in the National Electricity Law or the National Electricity Rules have the same respective meanings as in the National Electricity Law or the National Electricity Rules.

## **Schedule 1—Revocation of *Australian Energy Market Commission Establishment Regulations 2005***

The *Australian Energy Market Commission Establishment Regulations 2005* are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 13 August 2020

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