

South Australia

Australian Energy Market Commission Establishment Regulations 2005

under the *Australian Energy Market Commission Establishment Act 2004*

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Legislative history

1—Short title

These regulations may be cited as the *Australian Energy Market Commission Establishment Regulations 2005*.

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 *Trade Practices Act 1974* of the Commonwealth;
- (b) the Australian Energy Regulator established by section 44AE of the *Trade Practices Act 1974* of the Commonwealth;
- (c) AEMO;
- (ca) the Energy Security Board as defined under section 2(1) of the National Electricity Law;
- (d) 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 market objective and the strategic development of the Rules to meet the national electricity market objective;
 - (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;
 - (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;
 - (iv) MCE directed reviews and AEMC initiated reviews under the National Electricity Law;
 - (v) market development functions;
 - (vi) recommendations made by the AEMC for the MCE to request the making of Rules;

- (vii) the composition and activities of the Reliability Panel and of any other panels or committees that have been established by the AEMC;
 - (viii) AEMO's use of powers of direction in relation to power system security under clause 4.8.9(a) of the Rules;
 - (ix) the use by Registered Participants of inspection and testing rights under clauses 5.7.1 and 5.7.2 of the Rules;
 - (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 of the National Electricity Law.
- (4) Terms used in subregulation (1)(1) 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.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Australian Energy Market Commission Establishment Regulations 2005* were revoked by Sch 1 of the *Australian Energy Market Commission Establishment Regulations 2020* on 1.9.2020.

Principal regulations and variations

Year	No	Reference	Commencement
2005	151	<i>Gazette 30.6.2005 p2205</i>	1.7.2005: r 2
2008	202	<i>Gazette 26.6.2008 p2743</i>	1.7.2008: r 2
2009	190	<i>Gazette 25.6.2009 p3018</i>	1.7.2009: r 2
2013	291	<i>Gazette 19.12.2013 p5006</i>	19.12.2013: r 2
2014	286	<i>Gazette 18.12.2014 p6880</i>	30.1.2015: r 2
2019	245	<i>Gazette 19.12.2019 p4385</i>	19.12.2019: r 2

Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2008</i>
<i>r 3A</i>	<i>inserted by 202/2008 r 4</i>	<i>1.7.2008</i>
	<i>varied by 291/2013 r 4(1), (2)</i>	<i>19.12.2013</i>
	<i>deleted by 286/2014 r 4</i>	<i>30.1.2015</i>
<i>r 4</i>	<i>varied by 190/2009 r 4</i>	<i>1.7.2009</i>
	<i>varied by 245/2019 r 4</i>	<i>19.12.2019</i>
<i>r 5</i>		
<i>r 5(1)</i>	<i>varied by 190/2009 r 5</i>	<i>1.7.2009</i>
<i>r 5(5)</i>	<i>inserted by 202/2008 r 5</i>	<i>1.7.2008</i>
	<i>deleted by 286/2014 r 5</i>	<i>30.1.2015</i>
<i>rr 6 and 7</i>	<i>inserted by 202/2008 r 6</i>	<i>1.7.2008</i>
	<i>deleted by 286/2014 r 6</i>	<i>30.1.2015</i>

<i>Sch 1 before deletion by 286/2014</i>	<i>inserted by 202/2008 r 8</i>	<i>1.7.2008</i>
<i>item 1</i>	<i>deleted by 291/2013 r 5(1)</i>	<i>19.12.2013</i>
<i>item 2</i>	<i>varied by 190/2009 r 6</i>	<i>1.7.2009</i>
	<i>varied by 291/2013 r 5(2), (3)</i>	<i>19.12.2013</i>
<i>item 3</i>	<i>varied by 291/2013 r 5(4)</i>	<i>19.12.2013</i>
<i>item 5</i>	<i>varied by 291/2013 r 5(5)</i>	<i>19.12.2013</i>
<i>item 6</i>	<i>varied by 291/2013 r 5(6)</i>	<i>19.12.2013</i>
<i>Sch 1</i>	<i>deleted by 286/2014 r 7</i>	<i>30.1.2015</i>

Historical versions

1.7.2008
1.7.2009
19.12.2013
30.1.2015