

Draft rule determination

National Electricity Amendment
(Enhancing access for registered
participant representatives) Rule
2026

National Gas Amendment (Enhancing
access for registered participant
representatives) Rule 2026

Proponents

Australian Energy Market Operator (AEMO)

Enquiries

Australian Energy Market Commission
Level 15, 60 Castlereagh Street
Sydney NSW 2000

E aemc@aemc.gov.au
T (02) 8296 7800

Reference: ERC0415

About the AEMC

The AEMC reports to the energy ministers. We have two functions. We make and amend the national electricity, gas and energy retail rules and conduct independent reviews for the energy ministers.

Acknowledgement of Country

The AEMC acknowledges and shows respect for the Traditional Custodians of the many different lands across Australia on which we live and work. The AEMC office is located on the land of the Gadigal people of the Eora nation. We pay respect to all Elders past and present, and to the enduring connection of Aboriginal and Torres Strait Islander peoples to Country.



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Summary

- 1 The Commission has made more preferable electricity and gas rules (draft rules) that would allow the Australian Energy Market Operator (AEMO) to share confidential information directly with specific third parties that registered participants (RPs) are already permitted to share information with.
- 2 Currently, the rules allow AEMO to share certain confidential information with RPs, and allow RPs to share information with particular third parties for specified reasons. However, the rules do not explicitly allow AEMO to provide direct access – for example, by issuing system logins – to those third parties.
- 3 Our draft rule responds to AEMO’s rule change request, which sought explicit permission for AEMO to share confidential information directly with the same third parties that RPs may already disclose information to. In this draft determination, these parties are referred to as ‘relevant disclosees.’
- 4 In its request, AEMO noted that some RPs currently provide information to relevant disclosees by sharing their own AEMO system login credentials.¹ AEMO raised that this practice creates data security risks, and one stakeholder agreed in its submission provided to the first round of consultation.²
- 5 The Commission considers that enabling AEMO to issue individual, verified credentials to relevant disclosees – with permissions that can be managed and adjusted as needed – would improve transparency and strengthen data security. This approach also supports broader upgrades to AEMO’s Identity and Access Management (IDAM) systems as part of wider reforms to support the energy transition.
- 6 We are seeking feedback on our draft determination and draft rules by **19 March 2026**.

Our draft rules would allow AEMO to share confidential information directly with relevant disclosees

- 7 The draft rules would allow (but not mandate) AEMO to share confidential information directly with existing relevant disclosees.
- 8 The draft rules do not include any principles guiding AEMO on when and if to share information when requested, but we would be interested in stakeholder feedback on this.
- 9 Under the draft rules, confidentiality and indemnity obligations would be extended:
 - **Confidentiality:** As they are currently obligated to do when directly providing the information, RPs would be required to inform the relevant disclosees of the confidentiality of the information. The requirement in the National Electricity Rules (NER) for RPs to take appropriate precautions to ensure proposed disclosees keep information confidential and use it appropriately would be added to the National Gas Rules (NGR). Additionally, the NGR currently extends the duty of confidentiality to the relevant disclosees, and this would be added to the NER. The extended duty of confidentiality would only apply to recipients to the extent they are required under the NEL or NGL to comply with the rules. For further details, see section 3.2.1.

¹ AEMO, [Rule change request](#), p 5.

² ETSI, [Submission to first round of consultation](#), p 1.

- **Indemnity:** RPs would be required to indemnify market bodies for acts or omissions of relevant disclosees regarding that confidential information, regardless of whether the RP or AEMO made the disclosure.
- 10 RPs would no longer be explicitly allowed to provide the means to gain electronic access to National Metering Identifier (NMI) standing data to service providers.
- 11 AEMO would be required to develop procedures under both the NER and NGR that set out:
- processes for RPs to establish, manage or revoke the authority of relevant disclosees
 - the requirements, terms and conditions of access to AEMO databases, including IDAM.
- 12 The final determination is scheduled for publication on 30 April 2026. If final rules are made in line with the draft rules, AEMO would be required to make procedures under both the NER and NGR, following the standard consultation procedures, by 1 March 2027, when the rule would commence. This would ensure they are in place before the updated IDAM functionality is implemented.

We assessed our draft rules against three assessment criteria

- 13 The Commission has considered the NEO and NGO,³ the issues raised in the rule change request, and stakeholder feedback in the two submissions received in response to the first round of consultation. We have assessed the draft rule against three assessment criteria outlined below.
- 14 The more preferable draft rules would contribute to achieving the NEO and NGO by:
- **Supporting innovation and flexibility:** Allowing AEMO to provide direct access to confidential information would support broader NEM reforms and enable innovation in AEMO's market interfacing technologies, while also addressing key security vulnerabilities. This rule change would strengthen AEMO's capabilities and give it greater flexibility in how it provides access to data.
 - **Aligning with principles of market efficiency:** Extending confidentiality and indemnity obligations to ensure RPs are required to take appropriate steps and responsibility for the actions of parties they provide information to, or nominate AEMO to provide information to, ensures the privacy risks are appropriately allocated to the RPs.
 - **Promoting principles of good regulatory practice:** Requiring AEMO to make procedures under both the NER and NGR (as opposed to solely under the NER as proposed by AEMO) would promote transparency for all stakeholders on how confidential information is managed and accessed.
- 15 The Commission also took into account the scope of this rule change, which was narrowly focused on allowing AEMO to provide direct access to information to parties who were already authorised to receive it from RPs. While stakeholders did provide some recommendations on expanding or revising the parties who could access data, or the type of data available for RPs and their relevant disclosees, to support a timely rule change in line with AEMO's delivery of the IDAM upgrades, we maintained the original narrow scope.

³ Section 7 of the NEL and section 23 of the NGL.

How to make a submission

We encourage you to make a submission

Stakeholders can help shape the solution by participating in the rule change process. Engaging with stakeholders helps us understand the potential impacts of our decisions and contributes to well-informed, high quality rule changes.

How to make a written submission

Due date: Written submissions responding to this draft determination and draft rules must be lodged with Commission by **19 March 2026**.

How to make a submission: Go to the Commission's website, www.aemc.gov.au, find the "lodge a submission" function under the "Contact Us" tab, and select the project reference code **ERC0415**.⁴

Tips for making submissions on rule change requests are available on our website.⁵

Publication: The Commission publishes submissions on its website. However, we will not publish parts of a submission that we agree are confidential, or that we consider inappropriate (for example offensive, defamatory, vexatious or irrelevant content, or content that is likely to infringe intellectual property rights).⁶

Next steps and opportunities for engagement

There are other opportunities for you to engage with us, such as one-on-one discussions.

You can also request the Commission to hold a public hearing in relation to this draft rule determination.⁷

Due date: Requests for a hearing must be lodged with the Commission by **12 February 2026**.

How to request a hearing: Go to the Commission's website, www.aemc.gov.au, find the "lodge a submission" function under the "Contact Us" tab, and select the project reference code **ERC0415**. Specify in the comment field that you are requesting a hearing rather than making a submission.⁸

Table 1: Next steps

Step	Date
Draft determination and draft rule	5 February 2026
Submissions due	19 March 2026
Final determination and final rule (if any)	30 April 2026

For more information, you can contact us

Please contact us with questions or feedback at any stage, noting the project code.

Email: aemc@aemc.gov.au

Telephone: (02) 8296 7800

⁴ If you are not able to lodge a submission online, please contact us and we will provide instructions for alternative methods to lodge the submission

⁵ See: <https://www.aemc.gov.au/our-work/changing-energy-rules-unique-process/making-rule-change-request/our-work-3>

⁶ Further information about publication of submissions and our privacy policy can be found here: <https://www.aemc.gov.au/contact-us/lodge-submission>

⁷ Section 101(1a) of the NEL and 310(2) of the NGL.

⁸ If you are not able to lodge a request online, please contact us and we will provide instructions for alternative methods to lodge the request.

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1 The Commission has made a draft determination

This draft determination is to make more preferable electricity and gas draft rules in response to a rule change request submitted by the Australian Energy Market Operator (AEMO) about Enhancing access for registered participant representatives. We are seeking feedback on the draft rules.

1.1 Our draft rules would allow AEMO to share confidential information directly with relevant disclosees

Currently, the rules allow AEMO to share certain confidential information with Registered Participants (RPs), and also allow RPs to share confidential information, for specified reasons, with specified third parties. The rules do not currently explicitly allow AEMO to provide direct access - for example, by providing logins to AEMO's systems - to those specified third parties.⁹ Our draft rules would allow AEMO to share confidential information directly with specific third parties who RPs are already allowed to share that information with - in this draft determination, referred to as 'relevant disclosees.'

The draft rules would not make any changes to the parties who can access information. It would align RP's confidentiality obligations across the NGR and NER and expand them to address direct disclosure of information to relevant disclosees, and extend relevant indemnity obligations to apply in these circumstances. AEMO would be required to make procedures setting out the details of access. For further information on how the rule would operate, see chapter 3.

1.2 The direction of broader reform and the scope of the rule change shaped our draft determination

In the rule change request AEMO raised that currently, one of the ways RPs may provide information to third parties (as they are allowed to under the rules) is through sharing the RP's login credentials to AEMO's systems. AEMO and one of the stakeholders who provided a submission to the first round of consultation both agreed this creates data security risks.¹⁰ AEMO explained that this practice may allow relevant disclosees to access information beyond what that party is specifically authorised for, and minimises visibility of system interactions.

We agree with this assessment, and note that both stakeholders who provided submissions supported AEMO's proposal.¹¹ The Commission considers that explicitly allowing AEMO to provide individual verified credentials to relevant disclosees would enhance data security. Doing so would allow AEMO to manage and adjust permissions for each of those credentials as needed. This increased flexibility and security would support overall upgrades to AEMO's Identity and Access Management (IDAM) systems as part of broader NEM reform initiatives, further outlined in appendix A.4.

⁹ For further information on the information and systems relevant to this rule change, see appendix A.4.

¹⁰ AEMO, Rule change request, pp 1 and 11. ETSI, Submission to consultation, p 1.

¹¹ Submissions to consultation: ETSI, Ausgrid.

While stakeholders did provide some recommendations on expanding or revising the access to data for RPs and their relevant disclosees, the scope of this rule change is focused on allowing AEMO to provide direct access to information to parties already allowed to receive it under the rules. While we note that data access is a relevant and important topic at the moment, to support a timely rule change in line with AEMO's delivery of the IDAM upgrades, we maintained a narrow scope. Some of these comments are addressed in chapter 3, and the remainder are addressed in appendix C.

2 The rules would contribute to the energy objectives

Our draft rules, which are more preferable draft rules, are expected to contribute to the achievement of the NEO and the NGO by allowing improvements to AEMO's systems that will support innovation in the NEM, appropriately allocating privacy risks, and promoting transparency for stakeholders through mandating AEMO to develop procedures that set out arrangements for accessing information.

2.1 The Commission must act in the long-term interests of energy consumers

The Commission can only make a rule if it is satisfied that the rule will or is likely to contribute to the achievement of the relevant energy objectives.¹²

For this rule change, the relevant energy objectives are the NEO and the NGO:

The NEO is:¹³

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; and
- (c) the achievement of targets set by a participating jurisdiction—
 - (i) for reducing Australia's greenhouse gas emissions; or
 - (ii) that are likely to contribute to reducing Australia's greenhouse gas emissions.

The NGO is:¹⁴

to promote efficient investment in, and efficient operation and use of, covered gas services for the long term interests of consumers of covered gas with respect to—

- (a) price, quality, safety, reliability and security of supply of covered gas; and
- (b) the achievement of targets set by a participating jurisdiction—
 - (i) for reducing Australia's greenhouse gas emissions; or
 - (ii) that are likely to contribute to reducing Australia's greenhouse gas emissions.

2.2 We must take additional factors into account

We considered whether to make a more preferable rule, as the Commission may make a rule that is different, including materially different, to a proposed rule (a more preferable rule) if it is satisfied that, having regard to the issue or issues raised in the rule change request, the more preferable rule is likely to better contribute to the achievement of the NEO and NGO.¹⁵

¹² Section 88(1) of the NEL/291(1) of the NGL.

¹³ Section 7 of the NEL.

¹⁴ Section 23 of the NGL.

¹⁵ Section 91A of the NEL and section 296 of the NGL.

For this rule change, the Commission made more preferable draft rules. The reasons are set out in section 2.3 below.

We additionally determined to make a differential rule for the Northern Territory which disapplies the draft electricity rule in the Northern Territory, and that the draft gas rule would not apply in Western Australia.

See appendix B for more detail on the legal requirements for our decision.

2.3 How we have applied the legal framework to our decision

The Commission must consider how to address AEMO's request to share confidential information directly with relevant disclosees against the legal framework.

We identified three criteria to assess whether the proposed rule changes, no changes to the rules (business-as-usual), or other viable, rule-based options are likely to better contribute to achieving the NEO and NGO. These criteria reflect the key potential impacts – costs and benefits – of the rule change request, for impacts within the scope of the NEO and NGO, and were set out in the information sheet published at the commencement of consultation.

The Commission has evaluated the impacts of the various policy options against the assessment criteria, taking into account stakeholder submissions and views that the draft rules best promotes the long-term interest of end users:

- **Innovation and flexibility:** Allowing AEMO to provide direct access to confidential information would support broader NEM reforms and enable innovation in AEMO's market interfacing technologies, while addressing key security vulnerabilities. This rule change would strengthen AEMO's capability and give it greater flexibility in how it provides access to data. As outlined in appendix A.4, there are significant reforms currently underway to support innovation in the NEM and improve AEMO's market interfacing technologies across both the electricity and gas markets. AEMO and stakeholders have identified that "improved reporting capabilities and flexible organisational data sharing mechanisms" are needed to address key security vulnerabilities.¹⁶
- **Principles of market efficiency:** As set out in section 3.2.1, the draft rules would extend confidentiality and indemnity obligations to ensure RPs are required to take appropriate steps and responsibility for the actions of parties they provide information to or nominate AEMO to provide information to. Extending indemnity obligations to cover the actions of relevant disclosees supports the principle of market efficiency by ensuring that risks are allocated to the parties best placed to manage them. By protecting market bodies from liability arising from third-party actions, the indemnity framework provides stability and predictability, enabling AEMO and participants to focus on core market functions and supporting the efficient flow of information across the market.
- **Principle of good regulatory practice:** Requiring AEMO to make procedures under both the NER and NGR (as opposed to solely under the NER as proposed by AEMO) would promote transparency for all stakeholders on how confidential information is managed and accessed.

¹⁶ AEMO, Rule change request, p 6.

3 How our rules would operate

This chapter sets out how the rules would operate, including:

- That AEMO would be allowed to share information directly with existing relevant disclosees, and specifically who those disclosees would be.
- How confidentiality and indemnity clauses would be extended.
- That RPs would no longer be explicitly allowed to provide the means to gain electronic access to NMI standing data to service providers.
- The requirement for AEMO to make procedures.
- Transitional arrangements and consequential changes.

3.1 AEMO would be allowed to share information with existing relevant disclosees

Box 1: AEMO would be allowed to share information with existing relevant disclosees

- AEMO would be allowed, but not mandated, to share information with relevant disclosees appropriately authorised by Registered Participants.
 - For the NER, those are parties currently identified in clauses 8.6.2(b), 8.6.2(b1) and Registered Participant Agents appointed under clause 4.11.5.
 - For the NGR, those are parties currently identified in rule 138A(5)(b).
- **We are seeking stakeholders' views on whether the rules should include principles AEMO must follow when determining if and when to provide information to a relevant disclosee following authorisation.**

Under the draft rules, AEMO would be allowed to share confidential information directly with specific parties as authorised by RPs.¹⁷ An RP would be required to authorise the specific party to receive information from AEMO in accordance with the procedures AEMO would be required to develop (further discussed in section 3.4).

Both stakeholders that provided submissions to the initial consultation supported this outcome.¹⁸ The Commission also considers that allowing AEMO to share information with existing relevant disclosees would increase the security of access to AEMO's systems.

3.1.1 There would be no changes to the relevant disclosees or information that can be shared

RPs are allowed to disclose confidential information to a range of disclosees. AEMO's rule change request identified only specific types of disclosees it viewed as necessary to be able to provide information directly to, and we consider that this limited list is appropriate.

NER disclosees

RPs would be able to authorise AEMO to disclose information to certain parties RPs are already authorised to disclose information to under existing rules:

- employees and advisors as identified under clause 8.6.2(b)

¹⁷ This is set out in the draft gas rule in rule 138AA and the draft electricity rule in clause 8.6.4.

¹⁸ Submissions to consultation: Ausgrid, p 1. ETSI, p 2.

- without limiting their access to other information under the rules, service providers regarding NMI Standing Data as identified under clause 8.6.2(b1)
- Registered Participant Agents authorised under clause 4.11.5.

Further information on:

- **Service providers:** In the rule change request, AEMO proposed removing clause 8.6.2(b1) which allows RPs to disclose NMI Standing Data to service providers, as they did not consider it necessary. AEMO put forward that service providers would already be able to have this information disclosed to them under other provisions of the rules, and questioned if the provision implied that service provider access to data was limited to only NMI standing data.¹⁹ However, this provision was inserted by a 2013 rule change, which clarified that retailers and their service providers may access NMI Standing Data - but was not intended to limit their access to other data.²⁰ As we do not intend to change the policy of who is able to access data, only how they may obtain access, the draft electricity rule retains this provision. To address AEMO's concern, the draft electricity rule adds language clarifying that it does not limit service provider access to other data under other provisions of the rules.
- **Registered participant agents (RPA):** AEMO requested in the rule change request that RPAs be expressly included in the list of parties it can disclose information to, for clarity. Given the role of a RPA in coordinating the operation of facilities in the NEM, and AEMO's existing ability to disclose information for safety and proper operation of the NEM,²¹ the draft electricity rule clarifies that AEMO can directly disclose information to a RPA,²² per the rule change request.

NGR disclosees

RPs would be able to authorise AEMO to disclose information to those parties currently authorised to receive information from RPs under rule 138(5)(b), which includes officers, employees, auditors or professional advisors.

We would not align the drafting across the NER and NGR

While the intent set out in the rule change request was to allow AEMO to disclose information directly to parties whom RPs are already authorised to disclose that information to, the proposed drafting included with the request aligned the language between the NER and the NGR.

However, the rules differ in both the parties RPs can disclose to and the purposes of that disclosure. To support a timely rule change in line with AEMO's delivery of the IDAM upgrades, we maintained a narrow scope, only making changes enabling AEMO to provide information directly to *existing* relevant disclosees.

3.1.2 AEMO would not be mandated to share information to a relevant disclosee

One stakeholder recommended that AEMO be mandated to share information to a relevant disclosee when appropriately authorised, and that the rules set service levels for AEMO "to ensure efficient processes."²³

¹⁹ AEMO, Rule change request, p 11.

²⁰ AEMC, [Access to NMI standing data](#).

²¹ Section 54G of the NEL.

²² Draft electricity rule, clauses 8.6.3 and 8.6.4.

²³ ETSI, Submission to consultation, p 2.

We considered whether the rules or law typically require or allow AEMO to share information, and the pros and cons of mandating this and found that both occur, depending on the circumstances.²⁴

In this particular context, requiring AEMO to share information would add regulatory burden with limited benefit. An obligation would add compliance and audit requirements for AEMO. The benefit of such an obligation would be limited, as under the draft rule RPs would still be allowed to disclose information directly to relevant disclosees, and so there would be no restriction of access.

Therefore the draft rules allow, but do not mandate, AEMO sharing information directly with relevant disclosees.

However, we would be interested in stakeholder views on whether the rules should set out principles AEMO must follow when determining if and when to provide information to a relevant disclosee following authorisation. For example, the rules could include one or more principles requiring AEMO to make reasonable efforts to:

- **Timely** – disclose information to relevant disclosees within a timeframe that ensures the information remains relevant and useful for its intended purpose.
- **Consistent** – allow relevant disclosees access to information in a similar manner across comparable circumstances.
- **Adaptable** – evolve disclosure practices in response to changes in market conditions, technology or risk.

We request stakeholder input on whether these, or other principles, would appropriately balance principles of good regulatory practice with sufficient flexibility for AEMO.

3.2 Confidentiality and indemnity obligations would be extended

Box 2: Confidentiality and indemnity obligations would be extended

- Registered participants and relevant disclosees would be required to inform the person to whom disclosure is proposed of the confidentiality of the information and take appropriate precautions to ensure the proposed recipient keeps the information confidential and does not use it for any purpose other than that permitted by the rules. When confidential information is disclosed (either in accordance with or in breach of the rules), the duty of confidentiality would extend to whoever received that information. The extended duty of confidentiality would only apply to recipients to the extent they are required under the NEL or NGL to comply with the rules.
- Registered participants would be required to indemnify market bodies for loss suffered due to acts or omissions by disclosees, regardless of whether AEMO or a registered participant discloses the information.

AEMO's rule change request proposed extending duties of confidentiality and indemnity provisions in line with the ability to disclose. Stakeholders did not offer comments on this specific proposal. The draft rules adopt both of these proposals by AEMO.

²⁴ For example, NER clause 3.13.12(d) mandates disclosure of particular NMI Standing Data available to certain Market Customers and Small Resource Aggregators in certain circumstances, whereas NEL s.54H allows AEMO to disclose confidential information if the public benefit outweighs any detriment to the person concerned.

3.2.1 Confidentiality obligations would be extended and aligned across the NER and NGR

In considering the confidentiality exemptions under both the NER and NGR, we identified that the duties of confidentiality in each did not offer sufficient protections for direct disclosure by RPs to relevant disclosees, but aligning the obligations across both would provide appropriate protections. The NER did not extend the duty of confidentiality to disclosees, while the NGR did not require RPs to take precautions regarding actions by the proposed recipient (i.e. the relevant disclosee). The comparison of each rule and the draft rule obligations are as follows:

Table 3.1: Summary of existing confidentiality obligations across the NER and NGR and the draft rule obligations

	NER (clause 8.6.3)	NGR (rule 138A)	Draft rule obligations in both the NER and NGR
Notification	<p>A Registered Participant that wishes to make the disclosure must:</p> <ul style="list-style-type: none"> inform the proposed recipient of the confidentiality of the information, and 	<p>A Registered Participant that proposes to disclose information must:</p> <ul style="list-style-type: none"> inform the person to whom disclosure is proposed of the confidentiality of the information. 	<p>No change required in the draft rules.</p> <p>Existing provisions require Registered Participants and relevant disclosees to:</p> <ul style="list-style-type: none"> inform the person to whom disclosure is proposed of the confidentiality of the information; and
Safeguards	<ul style="list-style-type: none"> take appropriate precautions to ensure that the proposed recipient: <ul style="list-style-type: none"> keeps the information confidential in accordance with the provisions of this rule, and does not use the information for any purpose other than that permitted under rules. 	No existing requirement in the NGR	<p>There would be no change to the NER.</p> <p>The draft gas rule would align with the existing NER and require a Registered Participant that proposes to disclose information to:</p> <ul style="list-style-type: none"> take appropriate precautions to ensure that the proposed recipient: <ul style="list-style-type: none"> keeps the information confidential in accordance with the provisions of this rule, and does not use the information for any purpose other than that permitted under rules.

	NER (clause 8.6.3)	NGR (rule 138A)	Draft rule obligations in both the NER and NGR
Duty of confidentiality of relevant disclosees	No existing requirement in the NER	When confidential information is disclosed either in accordance with or in breach of the rules, the duty of confidentiality extends to the disclosee. This duty of confidentiality extends to disclosees to the extent they are required under the NGL to comply with the NGR.	There would be no change to the NGR. The draft electricity rule would align with the existing NGR and require that when confidential information is disclosed either in accordance with or in breach of the rules, the duty of confidentiality extends to the disclosee. This duty of confidentiality would extend to disclosees to the extent they are required under the NEL or NGL to comply with the rules.

3.2.2 Indemnity obligations would be extended

RPs are currently required to indemnify market bodies against loss incurred due to any breach of the confidentiality rules by the RP, or an officer, agent or employee of the RP.²⁵ AEMO's rule change request raised that direct disclosures by AEMO to a relevant disclosee may fall outside of those current provisions, and proposed requiring RPs to indemnify AEMO for breaches by relevant disclosees, regardless of if AEMO or the RP disclosed the information. Stakeholders did not comment on this proposal.

We considered whether the draft rules should cover acts or omissions by:

- **Group 1:** Parties that RPs disclose information to, and/or
- **Group 2:** Parties that AEMO discloses information to, where AEMO is authorised by the RP.

We consider that not extending the indemnity to Group 1 could lead RPs to continue disclosing information directly, rather than authorising AEMO to do so, as they could consider direct disclosure to open them up to risk. Additionally, we consider that not extending the indemnity to Group 2 would not appropriately allocate risks to the RPs who are responsible for authorising the relevant disclosees.

To address this, the draft rules would require RPs to indemnify market bodies against loss incurred due to any breach by relevant disclosees, regardless of whether the RP or AEMO provides that information. However, we note that this would cover all information RPs are currently allowed to disclose under rule 8.6 of the NER or rule 138A of the NGR, and not only the subsets of information relevant to this rule change. We would be interested in stakeholder feedback on these changes.

3.3 (NER only): Registered Participants would no longer be allowed to share logins with service providers

Box 3: Registered Participants would no longer be allowed to share logins with service providers

The draft electricity rule would remove the ability of RPs to provide service providers with the means to gain electronic access to NMI Standing Data.

The rule change request raised that clause 8.6.2(b1) currently authorises RPs to disclose NMI Standing Data to service providers by providing the means to gain electronic access to that data. AEMO raised that this could allow RPs to share login credentials, which is counter to the goals of this rule change to increase the security of access to data held by AEMO.²⁶ Stakeholders did not comment on this proposed change.

Given that this rule change and AEMO's updates to the IDAM system would instead provide service providers authorised by RPs direct access to these systems, the Commission agrees with AEMO that it is appropriate to remove this specific drafting.

²⁵ NER clause 8.6.5 and NGR rule 138A(7).

²⁶ AEMO, Rule change request, p 11.

3.4 AEMO would be required to make procedures

Box 4: AEMO would be required to make procedures under both the NER and NGR

AEMO would be required to make procedures, in accordance with the rules consultation procedures, that include:

- The process for an RP to make, vary or revoke an authorisation.
- The requirements, terms and conditions for access to AEMO's systems or databases.

AEMO would be required to publish those procedures by 1 March 2027.

In the rule change request, AEMO proposed that empowering it to establish procedures setting out the processes, terms and conditions of access would allow flexibility, and therefore be preferable over establishing those details in the rules.

In its submission, ETSI recommended that the rule change define specific details on the scope and timeliness of data availability.²⁷

We agree with AEMO that procedures are the appropriate place for this information. AEMO is well-placed to consult on and establish the details of access to its own systems, and we would anticipate that the procedures may require updating as AEMO's systems evolve. Therefore, the draft rules would require AEMO to make these procedures. As these procedures would be made under the standard rules consultation procedures under the NER and approved process for making procedures under the NGR, we encourage stakeholders to provide specific input through those processes.²⁸

We set out our reasoning for mandating AEMO to make these procedures under both the NER and NGR in section 2.3.

We note that although AEMO will be mandated to make the procedures under both instruments, the draft rules would still allow it the flexibility to do so by:

- updating or replacing existing procedures or gas interface protocols
- making a combined electricity and gas procedure,

or other approaches as it views appropriate.

AEMO would be required to make these procedures by 1 March 2027, to ensure they are in place prior to implementing the updated IDAM functionality. While AEMO's rule change request proposed that they may require adjustments to the standard rules consultation procedures to achieve this timeline, we consider that if final rules are made in line with the draft rules, with a final determination scheduled to be published on 30 April 2026, AEMO will have sufficient time to follow the standard rules consultation timelines, which will support transparency and good regulatory practice.

²⁷ ETSI, Submission to the consultation, p 3.

²⁸ The standard rules consultation procedures (NER rule 8.9) and gas approved process for making procedures (NGR rule 135EE) invite written submissions on the making of procedures.

3.5 Transitional arrangements and consequential changes

The final determination is scheduled for publication on 30 April 2026. If final rules are made in line with the draft rules, transitional arrangements requiring AEMO to make the procedures by 1 March 2027 would commence on 7 May 2026, and the rule itself would commence on 1 March 2027, prior to the planned implementation of the updated IDAM functionality.

The draft rules also include consequential amendments:

- To remove the definition of '*Disclosee*' from Chapter 10 of the NER and insert an updated, local definition in clause 8.6.1A. This ensures consistency with the new direct disclosure provisions and reflects good drafting practice as the defined term is only used in Chapter 8, Part C of the NER.
- To remove previously deleted paragraphs in clauses 8.1.3 and 8.6.2 of the NER, as they are no longer required.

A Rule making process and background

A standard rule change request includes the following stages:

- a proponent submits a rule change request
- the Commission initiates the rule change process by publishing a consultation paper and seeking stakeholder feedback
- stakeholders lodge submissions on the consultation paper and engage through other channels to make their views known to the AEMC project team
- the Commission publishes a draft determination and draft rule (if relevant)
- stakeholders lodge submissions on the draft determination and engage through other channels to make their views known to the AEMC project team
- the Commission publishes a final determination and final rule (if relevant).

You can find more information on the rule change process on our website.²⁹

A.1 AEMO proposed rules enhancing access to information for registered participant representatives

On 15 May 2025, AEMO submitted a rule change request seeking to clarify and enable its ability to disclose confidential information to authorised representatives of registered participants and other specified market entities, consistent with existing confidentiality obligations.

A.2 The proposal addressed current limitations in the rules

The current rules frameworks restrict AEMO's ability to disclose confidential information directly to external parties, regardless of if they are legitimately authorised to receive that information by RPs. While the NEL and the NGL currently permit RPs to make such disclosures, they do not explicitly authorise AEMO to do so.

Under the NEL and the NGL, AEMO may only disclose confidential information in specific circumstances, including:

- **Rules-based authorisation:** Disclosure is permitted if explicitly authorised by the rules.³⁰ Rules-based authorisation generally restricts AEMO to disclosing only to the registered participant to whom the information relates.
- **Consent-based authorisation:** Disclosure is allowed with written consent from the person or entity that provided the information.³¹

Consent-based authorisation is not always practical, because the data in AEMO systems that a RP needs to access does not always originate from the RP itself.

The request notes that limits on AEMO's ability to disclose confidential information are hindering its ability to efficiently support the operational needs of market participants. As a result, some participants resort to workaround solutions — such as sharing their own access credentials with third parties — which introduces significant security and compliance risks.³² These practices undermine transparency and pose ongoing challenges to data protection and system integrity.

²⁹ See our website for more information on the rule change process: <https://www.aemc.gov.au/our-work/changing-energy-rules>

³⁰ NEL s 54A(2) and NGL s 91GA(2).

³¹ NEL s 54B and NGL 91GB.

³² AEMO, Rule change request, p 5.

AEMO proposed to resolve these limitations through a rule change authorising AEMO to disclose information directly to specific disclosees who RPs are already allowed to disclose information to.

A.3 The process to date

On 9 October 2025, the Commission published a notice advising of the initiation of the rule making process and consultation in respect of the rule change request.³³ Submissions closed on 6 November 2025. The Commission received two submissions as part of the first round of consultation. The Commission considered all issues raised by stakeholders in submissions. Issues raised in submissions are discussed and responded to throughout this draft rule determination. A summary of other issues raised in submissions and the Commission's response to each issue is contained in appendix C.

On 18 December 2025, the Commission published a notice extending the time for making the draft determination to 5 February 2026.³⁴

A.4 Further background

AEMO is currently upgrading its identity and access management (IDAM) systems across all AEMO-operated energy markets to improve industry access, enhance operational efficiency and strengthen data security as part of a suite of measures to support the energy transition.³⁵

IDAM refers to the technical framework and processes that govern how digital identities are managed and how access to AEMO's systems is controlled. In its market operator role, AEMO holds and generates large volumes of data and information essential for RPs to operate in the electricity and gas markets. Some of this data and information is confidential to the registered participant (e.g. data related to its assets, trading activities, or market connection points), or is restricted to a particular group or category of RPs.

AEMO's rule change request explains that "registered participants operate within diverse organisational and business structures. As a result, individuals who need access to relevant confidential information in AEMO systems may not be officers or staff of the registered participant, but people appointed or engaged to act on the participant's behalf (external parties)."³⁶

Registered participants and their representatives access confidential information through IDAM systems to support their operational needs. The existing IDAM systems offer limited functionality for RPs to formally authorise external parties to access their confidential information, due to regulatory constraints.

³³ This notice was published under section 95 of the NEL/303 of the NGL.

³⁴ This notice was published under section 107 of the NEL and 317 of the NGL.

³⁵ AEMO, Rule change request, pp 5-8.

³⁶ AEMO, Rule change request, p 5.

B Legal requirements to make a rule

This appendix sets out the relevant legal requirements under the NEL and NGL for the Commission to make a draft rule determination.

B.1 Draft rule determination and draft rules

In accordance with sections 99 of the NEL and 308 of the NGL, the Commission has made this draft rule determination for more preferable draft rules in relation to the rules proposed by AEMO.

The Commission's reasons for making this draft rule determination are set out in chapters 2 and 3.

Copies of the more preferable draft rules are attached to and published with this draft determination. Their key features are described in chapter 3.

B.2 Power to make the rules

The Commission is satisfied that the more preferable draft rules fall within the subject matter about which the Commission may make rules.

In respect of the NEL, the more preferable draft rule falls within section 34 of the NEL as it relates to rules regulating the operation of the national electricity market under subsection 34(1)(a)(i). Additionally, the more preferable draft rule relates to item 35 of Schedule 1 to the NEL as it is about confidential information held by AEMO and the manner and circumstances in which that information may be disclosed.

In respect of the NGL, the more preferable draft rule falls within section 74 of the NGL as it relates to the collection, use, disclosure, copying, recording, management and publication of information in relation to the covered gas industry under subsection 74(1)(a)(iii). Additionally, the more preferable draft rule relates to item 125 of Schedule 1 to the NGL as it is about confidential information held by AEMO and the manner and circumstances in which that information may be disclosed.

B.3 Commission's considerations

In assessing the rule change request the Commission considered:

- its powers under the NEL and NGL to make the draft rules
- the rule change request
- submissions received during first round consultation
- the Commission's analysis as to the ways in which the draft rules will or are likely to contribute to the achievement of the NEO and NGO
- the application of the draft electricity rule to the Northern Territory and draft gas rule to Western Australia.

There is no relevant Ministerial Council on Energy (MCE) statement of policy principles for this rule change request.³⁷

³⁷ Under s. 33 of the NEL and s. 73 of the NGL the AEMC must have regard to any relevant MCE statement of policy principles in making a rule. The MCE is referenced in the AEMC's governing legislation and is a legally enduring body comprising the Federal, State and Territory Ministers responsible for energy.

The Commission may only make a rule that has effect with respect to an adoptive jurisdiction (relevantly, Victoria) if satisfied that the proposed rule is compatible with the proper performance of AEMO's declared network and declared system functions in that jurisdiction.³⁸ The more preferable draft rules are compatible with AEMO's declared network and declared system functions because they would not affect those functions.

B.4 We have considered whether to make a draft electricity rule for the Northern Territory

The NER, as amended from time to time, apply in the Northern Territory, subject to modifications set out in regulations made under the Northern Territory legislation adopting the NEL.³⁹ Under those regulations, only certain parts of the NER have been adopted in the Northern Territory.

In developing the draft electricity rule, the Commission has considered how it should apply to the Northern Territory according to the following questions:

- Should the NEO test include the Northern Territory electricity systems? For this rule change request, the Commission has determined that the reference to the "national electricity system" in the NEO includes the local electricity systems in the Northern Territory and the national electricity system.
- Should the rule be different in the Northern Territory? After seeking feedback from the Northern Territory Department of Mining and Energy, the Commission has determined to make a differential rule that disapplies the draft rule for the Northern Territory. The draft rule would not have effect in the Northern Territory and no amendments to the NER as applied in the Northern Territory would be made as a result of the rule. This determination contributes to the achievement of the NEO by avoiding the costs, complexity and ambiguity likely to arise in the Northern Territory regulatory framework if a uniform rule was made.

See below for more detail on the legal requirements for our decision.

B.4.1 Making electricity rules in the Northern Territory

As the more preferable draft electricity rule relates to parts of the NER that apply in the Northern Territory, the Commission is required to assess Northern Territory application issues, described below.

Test for scope of "national electricity system" in the NEO

Under the NT Act, the Commission must regard the reference in the NEO to the "national electricity system" as a reference to whichever of the following the Commission considers appropriate in the circumstances having regard to the nature, scope or operation of the proposed rule:⁴⁰

1. the national electricity system
2. one or more, or all, of the local electricity systems⁴¹
3. all of the electricity systems referred to above.

³⁸ Section 91(8) of the NEL and section 295(4) of the NGL.

³⁹ These regulations under the NT Act are the National Electricity (Northern Territory) (National Uniform Legislation) (Modifications) Regulations 2016.

⁴⁰ Clause 14A of Schedule 1 to the NT Act, inserting section 88(2a) into the NEL as it applies in the Northern Territory.

⁴¹ These are specified Northern Territory systems, listed in schedule 2 of the NT Act.

Test for differential rule

Under the NT Act, the Commission may make a differential rule if it is satisfied that, having regard to any relevant MCE statement of policy principles, a differential rule will, or is likely to, better contribute to the achievement of the NEO than a uniform rule.⁴² A differential rule is a rule that:

- varies in its term as between:
 - the national electricity systems, and
 - one or more, or all, of the local electricity systems, or
- does not have effect with respect to one or more of those systems

but is not a jurisdictional derogation, participant derogation or rule that has effect with respect to an adoptive jurisdiction for the purpose of s. 91(8) of the NEL.

A uniform rule is a rule that does not vary in its terms between the national electricity system and one or more, or all, of the local electricity systems, and has effect with respect to all of those systems.⁴³

B.5 We have considered how the draft gas rule would apply in Western Australia

In developing the draft gas rule, the Commission has considered how it should apply to Western Australia according to the following questions:

- Does the AEMC have a relevant rule-making power? No, the draft gas rule does not fall within the subject matter about which the Commission may make rules under the *National Gas Access (WA) Act 2009*, as it is a draft rule regulating AEMO and its functions.
- Is the AEMC amending parts of the NGR that apply in Western Australia? No, the draft gas rule amends parts of the NGR which do not apply in the Western Australian version of the NGR.

See below for more detail on the legal requirements for a decision.

B.5.1 Making gas rules in Western Australia

Under the *National Gas Access (WA) Act 2009* (WA Gas Act), a modified version of the NGL was adopted, known as the National Gas Access (Western Australia) Law (WA Gas Law). Under the WA Gas Law, the NGR applying in Western Australia is version 1 of the NGR, as amended by rules made by the South Australian Minister for Energy⁴⁴ and rules made by the AEMC in accordance with its rule making powers under section 74 and 313 of the WA Gas Law.⁴⁵

The draft rule amends a Part of the NGR, Part 8, that does not apply in the Western Australian version of the NGR.

Accordingly, the draft rule will not apply in Western Australia.

⁴² Clause 14B of Schedule 1 to the NT Act, inserting section 88AA into the NEL as it applies in the Northern Territory.

⁴³ Clause 14 of Schedule 1 to the NT Act, inserting the definitions of “differential Rule” and “uniform Rule” into section 87 of the NEL as it applies in the Northern Territory.

⁴⁴ The Statutes Amendment (National Energy Laws) (Binding Rate of Return Instrument) Act 2018 and the National Gas (South Australia (Pipelines Access—Arbitration) Amendment Act 2017.

⁴⁵ See our website for further information at <https://www.aemc.gov.au/regulation/energy-rules/national-gas-rules/western-australia>.

B.6 Civil penalty provisions and conduct provisions

The Commission cannot create new civil penalty provisions or conduct provisions. However, it may recommend to the energy ministers' that new or existing provisions of the NER or NGR be classified as civil penalty provisions or conduct provisions.

Where the draft rules amend provisions that are currently classified as civil penalty provisions, the Commission does not propose to recommend to the energy ministers' any changes to the classification of those provisions.

Table B.1: Amended civil penalty provision recommendations

Rule	Description of rule	Current classification	Reason
NER Clause 8.6.3	This clause requires that registered participants to inform proposed recipients of confidential information that the relevant information is confidential, and requires registered participants to take appropriate precautions to ensure the proposed recipient keeps the information confidential and does not use it for any purposes that are not permitted under clause 8.6.1.	Tier 1	There are no changes to who can receive information or what information can be disclosed. The only relevant change is who can disclose the information, i.e., AEMO. As the nature of the obligation remains the same, no change to the civil penalty tiering is recommended.

C Summary of other issues raised in submissions

Table C.1: Summary of other issues raised in submissions

Stakeholder	Issue	Response
Ausgrid	Recommended that the AEMC consider data security controls (such as scope controls and time limits) be applied to a relevant disclosee's access per the RP's authorisation. (p 1)	We consider these topics will be most appropriately considered when AEMO is developing the relevant procedures, and recommend stakeholders provide these comments through that process.
ETSI	Recommended specific steps that should be taken when setting up the framework for data sharing (pp 2-3): <ul style="list-style-type: none"> AEMO "should provide capability for participants to allow authorised third parties to manage their own user accounts and credentials." The framework should also provide "credential traceability and audit logging." AEMO should provide dispatch market data to relevant disclosees "with the same timeliness as any other energy business." 	
Ausgrid	Recommended a broader review of AEMO's data sharing provisions, and that the AEMC should consider future use cases/participant types. Raised that "increasingly non-traditional roles in the energy system" will make it complex to determine who should have access to what data. (p 1)	The Commission agrees that data sharing and access is a topic of key interest and importance. However, these recommendations are outside of the scope of this rule change.
ETSI	Recommended a minimum dataset that a relevant disclosee can access, or clarifying that a relevant disclosee should be able to access all data accessible by the RP if the RP allows. (p 3)	Stakeholders are welcome to submit separate rule change requests on these topics.

Abbreviations and defined terms

AEMC	Australian Energy Market Commission
AEMO	Australian Energy Market Operator
Commission	See AEMC
IDAM	Identity and Access Management
NEL	National Electricity Law
NEM	National Electricity Market
NEO	National Electricity Objective
NER	National Electricity Rules
NGL	National Gas Law
NGO	National Gas Objective
NGR	National Gas Rules
NMI	National Metering Identifier
NT Act	<i>National Electricity (Northern Territory) (National Uniform Legislation) Act 2015</i>
Proponent	The individual / organisation who submitted the rule change request to the Commission (in this case, AEMO)
RP	Registered Participant
RPA	Registered Participant Agents