

## Indicative changes to the National Electricity Rules

### Note:

This is an indicative version of the changes to the National Electricity Rules proposed to be made by the *Draft National Electricity Amendment (Enhancing access for registered participant representatives) Rule 2026*. It comprises extracts from Chapters 8, 10 and 11 of version 243 of the National Electricity Rules.

This document is provided for information purposes only. The actual amendments are set out in the *Draft National Electricity Amendment (Enhancing access for registered participant representatives) Rule 2026*.

The Australian Energy Market Commission does not guarantee the accuracy, reliability or completeness of this indicative mark-up of the National Electricity Rules.

## 8. Administrative Functions

### Part A Introductory

#### 8.1 Administrative functions

8.1.1 [Deleted]

8.1.2 [Deleted]

#### 8.1.3 Structure of this Chapter

- (a) This Chapter describes some of the key processes and obligations associated with the administration of the *Rules* and deals also with *augmentations*.
- (b) It is divided into Parts as follows:
  - (1) this Part is introductory;
  - (2) Part B deals with dispute resolution;
  - (3) Part C deals with ~~the confidentiality~~ obligations ~~of Registered Participants to maintain confidentiality~~;
  - (4) Part D deals with monitoring and reporting;
  - (5) Part E deals with the structure and responsibilities of the *Reliability Panel*;
  - (6) Part F sets out the *Rules consultation procedures*;
  - (7) Part G deals with funding for the Consumer Advocacy Panel;
  - (8) Part H deals with *augmentations*.
- (e) [Deleted]
- (d) [Deleted]
- (e) [Deleted]
- (f) [Deleted]
- (g) [Deleted]

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### Part C ~~Registered Participants' c~~Confidentiality obligations

#### 8.6 Confidentiality

##### 8.6.1 Confidentiality obligations of Registered Participants

- (a) Each *Registered Participant* must use all reasonable endeavours to keep confidential any *confidential information* that comes into the possession or control of the *Registered Participant* or of which the *Registered Participant* becomes aware.
- (b) A *Registered Participant*:

(1) must not disclose *confidential information* to any person except as permitted by the *Rules*;

**Note**

This subparagraph is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

(2) must only use or reproduce *confidential information* for the purpose for which it was disclosed or another purpose contemplated by the *Rules*; and

**Note**

This subparagraph is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

(3) must not permit unauthorised persons to have access to *confidential information*.

**Note**

This subparagraph is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

(c) Without limiting clause 8.6.3, eEach *Registered Participant* must use all reasonable endeavours:

(1) to prevent unauthorised access to *confidential information* which is in the possession or control of that *Registered Participant*; and

(2) to ensure that any person to whom it discloses *confidential information*, or any person to whom it authorises AEMO to disclose confidential information, observes the provisions of this rule 8.6 in relation to that information.

(d) The officers of a *Transmission Network Service Provider* participating in *transmission service* pricing must not be involved in or associated with competitive electricity trading activities of any other *Registered Participant*.

**Note**

This paragraph is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

(e) A *Transmission Network Service Provider* participating in *transmission service* pricing must provide to any *Transmission Network Service Provider* or *Registered Participant* which supplies information for *transmission service* pricing an undertaking that the *Transmission Network Service Provider* to which that information was supplied will comply with the confidentiality requirements set out in 6.9.2A.

**Note**

This paragraph is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

(f) When *confidential information* is disclosed either in accordance with or in breach of rule 8.6, then subject to section 34 of the *NEL* the duty of

confidentiality imposed by rule 8.6 extends to the person to whom the information is disclosed.

### **8.6.1A ApplicationDefinitions**

For the purposes of this Part C only:<sup>15</sup>

- (a) **Disclosee** means a person to whom *confidential information* has been disclosed in accordance with this rule 8.6.
- (b) "Registered Participant" is deemed to include not just *Registered Participants* but also *Metering Providers*, *Metering Data Providers*, *Embedded Network Managers*, *Third Party B2B Participants* and *project developers*.

### **8.6.2 Exceptions**

This ruleClause 8.6.1 does not prevent:

- (a) **(public domain)**: the disclosure, use or reproduction of information if the relevant information is at the time generally and publicly available other than as a result of breach of confidence by the *Registered Participant* who wishes to disclose, use or reproduce the information or any person to whom the *Registered Participant* has disclosed the information;
- (b) **(employees and advisers)**: the disclosure of information by a *Registered Participant* or the *Registered Participant's Disclosees* to:
  - (1) an employee or officer of the *Registered Participant* or of a related body corporate of the *Registered Participant*; or
  - (2) a legal or other professional adviser, auditor or other consultant (~~in this clause 8.6.2(b) called Consultants~~) of the *Registered Participant*, which require the information for the purposes of the *Rules*, or for the purpose of advising the *Registered Participant* or the *Registered Participant's Disclosee* in relation thereto;
- (b1) **(service providers)**: without limiting disclosure that is otherwise permitted under this rule 8.6, the disclosure of *NMI Standing Data* ~~or the provision of means to gain electronic access to that data~~ by a *Customer* or *Integrated Resource Provider* or the *Customer's* or the *Integrated Resource Provider's Disclosees* to a person who requires the *NMI Standing Data* for the purposes of providing services in connection with the *Customer's* or *Integrated Resource Provider's* sale of electricity to end users.
- (c) **(consent)**: the disclosure, use or reproduction of information with the consent of the person or persons who provided the relevant information under the *Rules*;
- (d) **(law)**: the disclosure, use or reproduction of information to the extent required by law or by a lawful requirement of:
  - (1) any government or governmental body, authority or agency having jurisdiction over a *Registered Participant* or its *related bodies corporate*; or

(2) any stock exchange having jurisdiction over a *Registered Participant* or its *related bodies corporate*;

~~(d1) [Deleted]~~

- (e) **(disputes)**: the disclosure, use or reproduction of information if required in connection with legal proceedings, arbitration, expert determination or other dispute resolution mechanism relating to the *Rules*, or for the purpose of advising a person in relation thereto;
- (f) **(trivial)**: the disclosure, use or reproduction of information which is trivial in nature;
- (g) **(safety)**: the disclosure of information if required to protect the safety of personnel or equipment;
- (h) **(potential investment)**: the disclosure, use or reproduction of information by or on behalf of a *Registered Participant* to the extent reasonably required in connection with the *Registered Participant's* financing arrangements, investment in that *Registered Participant* or a disposal of that *Registered Participant's* assets;
- (i) **(regulator)**: the disclosure of information to the *AER*, the *AEMC* or the *ACCC* or any other regulatory authority having jurisdiction over a *Registered Participant*, pursuant to the *Rules* or otherwise;
- (j) **(reports)**: the disclosure, use or reproduction of information of an historical nature in connection with the preparation and giving of reports under the *Rules*; and
- (k) **(aggregate sum)**: the disclosure, use or reproduction of information as an unidentifiable component of an aggregate sum; and
- (l) ~~[Deleted] (profile): the publication of a profile.~~
- (m) ~~[Deleted]~~
- (n) ~~[Deleted]~~
- (o) ~~[Deleted]~~

### 8.6.3 Conditions

In the case of a disclosure:

- (a) to be made by a *Registered Participant* under clauses 8.6.2(b), 8.6.2(b1) or, 8.6.2(h); or
- (b) , to be authorised by a *Registered Participant* in accordance with clause 8.6.4(a),

prior to making or authorising ~~that~~ disclosure, the *Registered Participant* ~~that wishes to make the disclosure~~ must inform the proposed recipient of the confidentiality of the information and must take appropriate precautions to ensure that the proposed recipient keeps the information confidential in accordance with the provisions of this rule 8.6 and does not use the information for any purpose other than that permitted under clause 8.6.1.

**Note**

This clause is classified as a tier 1 civil penalty provision under the National Electricity (South Australia) Regulations. (See clause 6(1) and Schedule 1 of the National Electricity (South Australia) Regulations.)

**8.6.4 [Deleted] Authorisation of persons to receive confidential information from AEMO**

- (a) A Registered Participant may, in accordance with the procedures published under paragraph (b):
  - (1) authorise a Registered Participant Agent or a person described in clauses 8.6.2(b) or 8.6.2(b1) to receive or otherwise access confidential information from AEMO on behalf of the Registered Participant; and
  - (2) vary or revoke such authorisation from time to time.
- (b) AEMO must, in accordance with the Rules consultation procedures, establish, publish and maintain procedures which set out:
  - (1) the process for a Registered Participant to make, vary or revoke an authorisation in accordance with paragraph (a); and
  - (2) the requirements for, and terms and conditions of, access to the electronic communication system or any other AEMO system or database.
- (c) A Registered Participant must comply with, and take appropriate precautions to ensure that any person it authorises under paragraph (a) complies with, the procedures published by AEMO under paragraph (b).
- (d) To the extent that:
  - (1) in accordance with the NEL or the Rules, AEMO is required or permitted to disclose confidential information to a Registered Participant; and
  - (2) that Registered Participant has otherwise complied with its obligations under this clause 8.6.4.

AEMO may disclose or otherwise provide access to such confidential information to any persons authorised by that Registered Participant in accordance with paragraph (a).

**8.6.5 Indemnity to AER, AEMC and AEMO**

Each *Registered Participant* must indemnify the *AER*, the *AEMC* and *AEMO* against any claim, action, damage, loss, liability, expense or outgoing which the *AER*, the *AEMC* or *AEMO* pays, suffers, incurs or is liable for in respect of any:

- (a) breach by that Registered Participant or any officer, agent or employee of that Registered Participant of this rule 8.6; or
- (b) any act or omission by a person to whom that Registered Participant has made or authorised a disclosure of confidential information where such act or omission would constitute a breach of clause 8.6.1 if it were an act or omission of the Registered Participant.

### **8.6.6 AEMO information**

*AEMO* must develop and, to the extent practicable, implement a policy:

- (a) to protect information which it acquires pursuant to its various functions from use or access which is contrary to the provisions of the *Rules*;
- (b) to disseminate such information in accordance with its rights, powers and obligations in a manner which promotes the orderly operation of any *market*; and
- (c) to ensure that *AEMO*, in undertaking any trading activity except the procurement of *ancillary services*, does not make use of such information unless the information is also available to other *Registered Participants*.

### **8.6.7 Information on Rules Bodies**

*AEMO* must, in consultation with the *AEMC*, develop and implement policies concerning:

- (a) the protection of information which *Rules bodies* acquire pursuant to their various functions from use or access by *Registered Participants* or *Rules bodies* which is contrary to the provisions of the *Rules*; and
- (b) the dissemination of such information where appropriate to *Registered Participants*.

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## **10. Glossary**

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### ***Disclosee***

*In relation to a *Registered Participant*, a person to whom that *Registered Participant* discloses *confidential information*.*

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## **11. Savings and Transitional Rules**

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### **Part ZZZZZK 2026 Savings and Transitional Rules**

#### **Rule 11.[XX] Rules consequential on the making of the National Electricity Amendment (Enhancing access for registered participant representatives) Rule 2026**

##### **11.[XX].1 Definitions**

For the purposes of this rule 11.[XX]:

**Amending Rule** means the *National Electricity Amendment (Enhancing access for registered participant representatives) Rule 2026*.

**commencement date** means 1 March 2027, being the date Schedule 1 of the Amending Rule commences.

## **11.[XX].2 AEMO Procedures**

**By 1 March 2027, AEMO must develop and publish the procedures in accordance with clause 8.6.4(b) of the Rules as in force on the commencement date.**