

Amendment Set

Note:

This document shows changes to the relevant parts of the National Electricity Rules proposed to be made by Schedule 1 of the National Electricity Amendment (Enhancing access for registered participant representatives) Rule 2026, with project code ERC0415. This Schedule is proposed to commence on 1 March 2027. This markup is provided for information only. The AEMC does not guarantee the accuracy or completeness of this document.

2A.5.2 AEMC may direct AEMO to provide information

- (a) Where the *AEMC*:
- (1) directs an applicant or an alternative proponent to provide supplementary economic analysis under clause 2A.5.1; or
 - (2) decides that it or its *representative* will prepare supplementary economic analysis under clause 2A.5.1(e),
- the *AEMC* may request *AEMO* to provide information (including *constraint* equations) to the applicant or to the alternative proponent, or directly to the *AEMC* (as the case may be), but only where such information is necessary to facilitate the provision of supplementary economic analysis to those persons or to the *AEMC*.
- (b) Where the *AEMC* requests *AEMO* to provide information under paragraph (a), *AEMO* must provide the information to the applicant, to the alternative proponent, or directly to the *AEMC* (as the case may be), as soon as practicable in all the circumstances.
- (c) *AEMO* may, in respect of a *constraint* on a *network*, direct the *Transmission Network Service Provider* who owns, controls or operates the relevant *network* to provide information to *AEMO* for the purpose referred to in paragraph (a) and the *Transmission Network Service Provider* must provide that information to *AEMO* as soon as reasonably practicable.
- (d) *AEMO* must *publish*:
- (1) requests made to *AEMO* under paragraph (a); and
 - (2) information (excluding *confidential information*) provided by *AEMO* in accordance with paragraph (b),
- as soon as practicable.
- ~~(e) The *AEMC* is not required to publish information provided to the *AEMC* under this clause 2A.5.2 that has been obtained by the applicant or alternative proponent in accordance with clause 8.6.2(e).~~

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*.

~~(c) [Deleted]~~

~~(d) [Deleted]~~

~~(e) [Deleted]~~

~~(f) [Deleted]~~

~~(g) [Deleted]~~

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 **Application** Definitions

For the purposes of this Part C only:

- (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 rule~~ Clause 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) — (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,

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

(e) In determining whether and how to disclose or otherwise provide access to *confidential information* pursuant to this clause, *AEMO* must take into account the following principles:

(1) the disclosure of, or provision of access to, *confidential information* should be done in a timely manner so as to ensure the information remains relevant and useful for its intended purpose;

(2) the disclosure of, or provision of access to, *confidential information* should be done in a consistent manner; and

(3) the process for disclosing, or providing access to, *confidential information* should adapt to any relevant changes that *AEMO* has identified in market conditions, technology or risks associated with disclosing, or providing access to, such information.

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) 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*.

Disclosee

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

Amendment Set

Note:

This document shows changes to the relevant parts of the National Electricity Rules proposed to be made by Schedule 2 of the National Electricity Amendment (Enhancing access for registered participant representatives) Rule 2026, with project code ERC0415. This Schedule is proposed to commence on 5 May 2026. This markup is provided for information only. The AEMC does not guarantee the accuracy or completeness of this document.

Part ZZZZZK 2026 Savings and Transitional Rules

Rule 11.191 Rules consequential on the making of the National Electricity Amendment (Enhancing access for registered participant representatives) Rule 2026

11.191.1 Definitions

For the purposes of this rule 11.191:

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

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

11.191.2 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.