

Rule determination

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

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

Proponent

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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 (final rules) that will 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. In this final determination, these parties are referred to as ‘relevant disclosees.’
- 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 to that information – for example, by issuing system logins – to those third parties.
- 3 In a rule change request submitted on 15 May 2025, 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
- 4 The Commission considers that enabling AEMO to issue individual, verified credentials to relevant disclosees – with permissions that can be managed and adjusted as needed – will 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.
- 5 All stakeholders supported the policy direction to allow AEMO to share confidential information with relevant disclosees, in both rounds of consultation.

Our final rules will allow AEMO to share confidential information directly with relevant disclosees

- 6 Consistent with the draft rules, the final rules will allow (but not mandate) AEMO to share confidential information directly with existing relevant disclosees.
- 7 The final rules also include principles to guide AEMO on when and how to share information with relevant disclosees, discussed further in the following section.
- 8 Consistent with the draft determination, under the final rules, confidentiality and indemnity obligations will be extended.
 - **Confidentiality:** The existing obligation under National Electricity Rules (NER) requiring RPs to ensure that disclosees take appropriate precautions to keep information confidential and use it only for the purposes permitted under the rules will be extended to the National Gas Rules (NGR). Similarly, the duty of confidentiality for disclosees under the NGR will be extended to disclosees under the NER. For further details, see section 3.2.1.
 - **Indemnity:** RPs will be required to indemnify market bodies for loss caused by acts or omissions of relevant disclosees that, if they were acts or omissions of an RP, would constitute a breach of the RPs’ confidentiality obligations.
- 9 AEMO will be required to develop procedures, following the standard rules consultation procedures under the NER and approved process for making procedures under the NGR, that set out:

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

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

- 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.
- 10 RPs will no longer be explicitly allowed to provide the means to gain electronic access to National Metering Identifier (NMI) standing data to service providers, but will continue to be allowed to disclose such data to service providers, and will be able to authorise AEMO to provide access to that data.
- 11 AEMO will be required to make procedures under both the NER and NGR, by 1 March 2027, when the rule will commence. This will ensure the procedures are in place before the updated IDAM functionality is scheduled to be implemented in mid-2027.

There is one key difference between our final rule and draft rule

- 12 In the draft determination, we sought stakeholder feedback on whether to include principles in the rules to guide AEMO’s decisions about when and how to share information with relevant disclosees, and set out proposed principles for input.³
- 13 Only one stakeholder commented on the inclusion of principles. Overwatch Energy proposed two additional principles, which the Commission considered more appropriately addressed through AEMO’s consultation on the relevant procedures.⁴
- 14 The final rules include the following principles to guide AEMO on how to share information with relevant disclosees:
- **Timely** - provide information within a timeframe that keeps it relevant and useful for its intended purpose.
 - **Consistent** - provide relevant disclosees with access to information in a similar way in comparable circumstances.
 - **Adaptable** - update disclosure practices as appropriate when market conditions, technology, or risks change.
- 15 We consider these principles will support market efficiency by improving transparency and good regulatory practice, increasing predictability about when and how parties can access information, and allowing the framework to adapt as the market changes.
- 16 Stakeholders did not recommend any further changes to the rules in submissions to the draft determination, and we have addressed specific stakeholder comments or questions throughout this final determination.⁵
- 17 We did not make any further changes to the draft rule for the final, except for minor consequential amendments to remove obsolete references in the NER.

We assessed our final rules against three assessment criteria

- 18 The Commission has considered the NEO and NGO, the issues raised in the rule change request, and stakeholder feedback in the first and second rounds of consultation.⁶ Taking these matters together, we assessed the final rule against three assessment criteria outlined below.
- 19 The more preferable final rules will contribute to achieving the NEO and NGO by:

3 [Draft rule determination](#) Enhancing access for registered participant representatives, p.5

4 Overwatch Energy, [Submission to the draft determination](#), p 5.

5 We note Energy Queensland’s submission to the draft determination recommended changes to the indemnity provision but, following further discussion, Energy Queensland advised the AEMC it no longer objects to the scope of the provision.

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

- **Supporting innovation and flexibility:** Allowing AEMO to provide direct access to confidential information will support broader NEM reforms and enable innovation in AEMO's market interfacing technologies, while also addressing key security vulnerabilities. This rule change will strengthen AEMO's capabilities and give it greater flexibility in how it provides access to data. In its submission to the draft determination, AEMO noted the rule supports the implementation of IDAM arrangements across its systems.⁷
- **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) will promote transparency for all stakeholders on how confidential information is managed and accessed. Similarly, guiding AEMO's disclosure through principles, rather than mandating disclosure, balances the costs of implementation while supporting predictability about access to information.

20 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.

⁷ AEMO, [Submission to the draft determination](#), p 1.

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1 The Commission has made a final determination

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

This chapter sets out the main factors that shaped the Commission's determination. Chapter 2 explains how the more preferable final rules are expected to contribute to achieving the energy objectives, and Chapter 3 describes how the rules will operate in practice.

1.1 Our final rules will 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.⁸

Consistent with the draft determination, our final rules will allow AEMO to share confidential information directly with specific third parties who RPs are already allowed to share that information with - in this final determination, referred to as 'relevant disclosees'.

The final rules will not make any changes to the parties who can access information. It will align RPs' confidentiality obligations across the NGR and NER and expand them to address AEMO's direct disclosure of information to relevant disclosees, and extend relevant indemnity obligations to apply in these circumstances. AEMO will 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 final determination

In the rule change request, AEMO raised that due to the current gap in the rules, 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, creating data security risks.⁹ 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.

Stakeholder submissions to both the initial round of consultation and the draft determination agreed that this gap and resulting workarounds create process barriers and data security risks, and submissions to the draft determination agreed that the Commission's draft decision to allow AEMO to share this information directly would resolve these problems.¹⁰

This rule change will now enable AEMO to provide individual verified credentials to relevant disclosees, allowing AEMO to manage and adjust permissions for each of those credentials as needed and improve the security of access to AEMO's systems. This increased flexibility and security will 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.

⁸ For further information on the information and systems relevant to this rule change, see appendix A.4.

⁹ AEMO, Rule change request, pp 1 and 11.

¹⁰ See stakeholder submissions to the first round of consultation (ETSI, Ausgrid) and draft determination (AEMO, Energy Queensland and Overwatch Energy) on our [website](#).

We limited the scope of this rule change to enabling AEMO to provide direct access to information only to parties who are already permitted to receive it under the existing rules. AEMO's rule change request suggested minor changes to parties and scope, while some stakeholders suggested expanding or revising data access more broadly. While we recognise that data access is an important and timely issue, we maintained a narrow scope to progress in line with AEMO's currently scheduled implementation of IDAM upgrades in mid-2027. In its submission to the draft determination, the proponent (AEMO) considered the draft rules achieved the goals of the rule change request.¹¹

¹¹ AEMO, [Submission to the draft determination](#), p 1.

2 The rules will contribute to the energy objectives

Our final rules, which are more preferable final 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 allocate privacy risks, and promote 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 has made more preferable final 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 final electricity rule in the Northern Territory and that the final gas rule will 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 considered 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 were 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 and in the draft determination. We did not receive any stakeholder comment on these principles.

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

- **Innovation and flexibility:** Allowing AEMO to provide direct access to confidential information will support broader NEM reforms and enable innovation in AEMO's market interfacing technologies, while addressing key security vulnerabilities. The final rules will 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 Additionally, including a principle for AEMO to ensure disclosure practices are adaptable supports flexibility of data access in a changing market.
- **Principles of market efficiency:** As set out in section 3.2.1, the final rules will 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 that constitute a breach of the RPs' confidentiality obligations, where AEMO share confidential information with those disclosees, as authorised by the RP 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) will promote transparency for all stakeholders on how confidential information is managed and accessed. Similarly, guiding AEMO's disclosure through principles, rather than mandating disclosure, balances the costs of implementation while supporting greater predictability about access to information.

16 AEMO, Rule change request, p 6.

3 How our rules will operate

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

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

It also addresses stakeholder feedback provided on specific aspects of the rules in submissions to the draft determination.

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

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

- AEMO will 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).
- The rules will require AEMO to be guided by the following principles for determining when and how to share information with relevant disclosees:
 - **Timely** - provide information within a timeframe that keeps it relevant and useful for its intended purpose
 - **Consistent** - provide relevant disclosees with access to information in a similar way in comparable circumstances
 - **Adaptable** - update disclosure practices as appropriate when market conditions, technology, or risks change.

Consistent with the draft determination, under the final rules, AEMO will be allowed to share confidential information directly with specific parties as authorised by RPs.¹⁷ An RP will be required to authorise the specific party to receive information from AEMO in accordance with the procedures AEMO will be required to develop (further discussed in section 3.3).

All stakeholders who commented in both rounds of consultation supported AEMO's ability to disclose information directly.¹⁸

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

¹⁸ See submissions to the initial round of consultation (Ausgrid, ETSI) and draft determination (AEMO, Energy Queensland and Overwatch) on our [website](#).

We note that, consistent with the draft determination, AEMO will not be mandated to share this information, and stakeholders responding to the draft determination did not provide comment on this.

3.1.1 There will 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 that it considered necessary to provide information directly to, and we consider this limited list appropriate. Stakeholders did not comment on the types of disclosees able to receive information.

NER disclosees

RPs will 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)
- 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.

NGR disclosees

RPs will 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 did not align the rules 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 rules 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.

AEMO's submission to the draft determination did not object to this and noted the draft rule broadly reflects the intent of the rule change request.¹⁹

RPs remain responsible for determining who to disclose information to

As noted in AEMO's submission, "[RPs] will remain responsible for ensuring that any person to whom they authorise access to confidential information falls within the categories of permitted disclosure under the Rules."²⁰ This reflects the policy intent that RPs retain responsibility for information sharing decisions.

3.1.2 The rules set out principles to guide how AEMO makes disclosures

The final rules include the following principles to guide AEMO when determining whether and how to disclose information, in clause 8.6.4 in the NER and rule 138AA in the NGR:

¹⁹ AEMO, [Submission to the draft determination](#).

²⁰ AEMO, [Submission to the draft determination](#), p 1.

- **Timely** – provide information within a timeframe that keeps it relevant and useful for its intended purpose. This was included to address concerns raised in one submission to the first round of consultation that there may be a risk AEMO may not share information quickly enough to support effective participation, particularly where some data is near real-time market information.²¹
- **Consistent** – provide relevant disclosees with access to information in a similar way in comparable circumstances. This principle supports greater predictability of access to information.
- **Adaptable** – update disclosure practices as appropriate when market conditions, technology, or risks change. Disclosure practices may need to evolve as the market evolves, particularly as the types and sizes of third party players (eg service providers) continue to transform through the energy transition.

These principles were consulted on in the draft determination, to address the stakeholder comments set out in the above bullet points and the stakeholder recommendation to mandate AEMO disclosure.²² We consider including principles in the rules addresses stakeholder concerns without the negatives of mandating disclosure.

Stakeholder submissions did not oppose the concept of including principles, or comment on the specific proposed principles.

Efficient access and cybersecurity are core to AEMO's IDAM upgrades

Overwatch Energy proposed the Rules include two principles that AEMO must consider in developing and administering the procedures detailing access to confidential information by relevant disclosees:²³

- adopt an efficient access system
- account for cybersecurity impacts.

It proposed these to address current inefficiencies with accessing AEMO's systems, including the requirement to access separate VPNs for each RP they work with, and other technical and process barriers, with an aim to ensure AEMO's IDAM redesign does not retain these issues.

We consider that the principles proposed by Overwatch Energy largely reflect the existing primary objectives of IDAM upgrades. AEMO set out in its rule change request that "[t]he IDAM project aims to establish a unified identity fabric for all stakeholders, delivering enhanced operational efficiency and improved data security aligned with industry obligations under the security of critical infrastructure (SOC1) legislation."²⁴

In light of these existing goals, we consider that adding efficiency and cybersecurity principles to the rules would be duplicative.

We do note that there are opportunities for Overwatch and other stakeholders to raise concerns regarding detailed technical access and operational matters. The IDAM upgrades are being designed in collaboration with industry participants through relevant industry and technical working groups, providing extensive opportunities for industry to provide input on the efficiency of

21 ETSI, [Submission to the draft determination](#), p 3.

22 AEMC, [Draft rule determination](#), pp 6 - 7.

23 Overwatch Energy, [Submission to the draft determination](#), p 3.

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

access.²⁵ Additionally, AEMO will be required to consult on the development of the procedures under these rules. We encourage stakeholders to participate in these processes.

3.2 Confidentiality and indemnity obligations will be extended

Box 2: Confidentiality and indemnity obligations will be extended

- Registered participants and relevant disclosees will be required to:
 - inform the person to whom disclosure is proposed of the confidentiality of the information
 - 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.
- The duty of confidentiality will extend to whoever received the information (whether disclosed in accordance with or in breach of the rules), to the extent they are required under the NEL or NGL to comply with the rules.
- Registered participants will be required to indemnify market bodies for loss suffered due to acts or omissions by disclosees that, if they were acts or omissions of an RP, constitute a breach of the RPs' confidentiality obligations, 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. Consistent with the draft determination, the final rules adopt both of these proposals by AEMO.

²⁵ AEMO, [Market Interface Technology Working Group](#).

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

As set out in the draft determination, we identified that the duties of confidentiality in the NER and NGR did not offer sufficient protections for direct disclosure by RPs to relevant disclosees, but that aligning the obligations across both provides appropriate protections.

Stakeholders did not comment on these proposals in response to the draft determination.

The comparison of each rule and the final rule obligations are as follows:

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

	NER (clause 8.6.3)	NGR (rule 138A)	Final 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 final 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. 	<p>No prior requirement in the NGR</p>	<p>There is no change to the NER.</p> <p>Consistent with the draft rule, the final gas rule will 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)	Final rule obligations in both the NER and NGR
Duty of confidentiality of relevant disclosees	No prior 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 is no change to the NGR. Consistent with the draft rule, the final electricity rule will 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 will be extended

Consistent with the draft determination, the final rules extend RPs' indemnity obligations to cover market bodies for losses arising from acts or omissions that would constitute a breach of RPs confidentiality obligations by:

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

Under the existing rules, RPs are 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.²⁶ 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.

We consider extending the indemnity obligation to cover actions by both Group 1 and Group 2 to be consistent with the intent of the proposal and the existing confidentiality framework, and appropriately allocates risk to the RPs. Under this framework, RPs remain responsible for the parties they choose to share information with or authorise AEMO to share information with.

Stakeholders did not object to this change. We note that Energy Queensland's submission to the draft determination raised concerns, but following further discussion, Energy Queensland advised the AEMC that it no longer objects to the scope of the provision.²⁷

3.3 AEMO will be required to make procedures

Box 3: AEMO will be required to make procedures under both the NER and NGR

Consistent with the draft rules, AEMO will be required under the final rules to make procedures, in accordance with the standard rules consultation procedures under the NER and approved process for making procedures under the NGR, 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 will 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 will allow flexibility, and therefore be preferable over establishing those details in the rules. 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 anticipate that the procedures may need to be updated as AEMO's systems evolve. Therefore, the final rules require AEMO to make these procedures.

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

- updating or replacing existing procedures or gas interface protocols

²⁶ NER clause 8.6.5 and NGR rule 138A(7).

²⁷ Energy Queensland, submission to the draft determination, pp 1 - 2.

- making a combined electricity and gas procedure.

As these procedures will 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 For example, we note the detailed concerns raised by Overwatch Energy in its submission, and consider they would be better addressed during consultation on the procedures.

AEMO will be required to make these procedures by 1 March 2027, to ensure they are in place prior to implementing the updated IDAM functionality.

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

Box 4: Registered Participants will no longer be allowed to share logins with service providers

Consistent with the draft rule, the final electricity rule removes 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.²⁹ Stakeholders did not comment on this proposed change in either round of consultation.

Given that this rule change and AEMO's updates to the IDAM system will 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.

3.5 Transitional arrangements and consequential changes

Consistent with the draft rules, the transitional arrangements in the final rules will commence on 7 May 2026, requiring AEMO to make the procedures by 1 March 2027 when the remainder of the rules commence. This is intended to align with the scheduled mid-2027 rollout of the relevant upgraded IDAM functionality.

The final rules also include consequential and minor 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.
- To delete NER clause 8.6.2 (m)-(o) as those provisions are currently marked as [Deleted].
- To delete NER clause 2A.5.2(e) as it refers to clause 8.6.2(o) which is an obsolete reference.

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.

²⁹ AEMO, Rule change request, p 11.

These minor changes ensure consistency in references to provisions throughout the NER and remove obsolete references, which makes the rules clearer to stakeholders.

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.³⁰

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 NGR 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.³¹ 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.³²

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.³³ These practices undermine transparency and pose ongoing challenges to data protection and system integrity.

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

31 NEL s 54A(2) and NGL s 91GA(2).

32 NEL s 54B and NGL 91GB.

33 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.³⁴ 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.

On 18 December 2025, the Commission published a notice extending the time for making the draft determination to 5 February 2026.³⁵

On 5 February 2026, the Commission published a draft rule determination including a draft electricity and gas rule. The Commission received three submissions on the draft rule determination. Issues raised in submissions are discussed and responded to throughout this final rule determination.

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.³⁶

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)."³⁷

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.

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

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

36 AEMO, Rule change request, pp 5-8.

37 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 final rule determination.

B.1 Final rule determination and final rules

In accordance with section 102 of the NEL and 311 of the NGL, the Commission has made this final rule determination for a more preferable final rule in relation to the rule proposed by AEMO. The Commission's reasons for making this final rule determination are set out in chapters 2 and 3. Copies of the more preferable final rules are attached to and published with this final determination. Their key features are described in chapter 3.

B.2 Power to make the rules

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

In respect of the NEL, the more preferable final 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 final 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 final 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 final 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 final rules
- the rule change request
- submissions received during first round consultation
- the Commission's analysis as to the ways in which the final rules will or are likely to contribute to the achievement of the NEO and NGO
- submissions received during the second round of consultations
- the application of the final electricity rule to the Northern Territory and final gas rule to Western Australia.

There is no relevant Ministerial Council on Energy (MCE) statement of policy principles for this rule change request.³⁸

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

³⁸ 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.

of AEMO’s declared network and declared system functions in that jurisdiction.³⁹ The more preferable final 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 final 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.⁴⁰ Under those regulations, only certain parts of the NER have been adopted in the Northern Territory.

In developing the final 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? Consistent with the draft determination, the Commission has determined to make a differential rule that disapplies the final rule for the Northern Territory. The final rule will 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 final 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:⁴¹

1. the national electricity system
2. one or more, or all, of the local electricity systems⁴²
3. all of the electricity systems referred to above.

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.⁴³ A differential rule is a rule that:

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

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

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

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

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

- 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.⁴⁴

B.5 We have considered how the final gas rule will apply in Western Australia

In developing the final 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 final 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 final rule regulating AEMO and its functions.
- Is the AEMC amending parts of the NGR that apply in Western Australia? No, the final 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 Energy⁴⁵ and rules made by the AEMC in accordance with its rule making powers under section 74 and 313 of the WA Gas Law.⁴⁶

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

Accordingly, the final rule will not apply in 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 energy ministers that new or existing provisions of the NER or NGR be classified as civil penalty provisions or conduct provisions.

Where the final rules amend provisions that are currently classified as civil penalty provisions, the Commission does not propose to recommend to energy ministers any changes to the classification of those provisions. The Commission has consulted with the AER on the changes to NER clause 8.6.3 and the AER supports these decisions.

44 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.

45 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.

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

The AER has indicated it supports this recommendation to not make any changes to the classification of provisions affected by the final rule.

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.

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