

Electricity Industry (Wholesale Electricity Market) Regulations 2004

Wholesale Electricity Market Amendment (Governance) Rules 2021

Commencement

- The amending rules set out in Schedule A, come into operation immediately after the commencement of the amending rules in the *Wholesale Electricity Market Amendment (Tranche 1 Amendments) Rules 2020*, that are to commence at 8:00 AM (WST) on 1 February 2021.
- The amending rules set out in Schedule B, come into operation at 8:00 AM (WST) on 1 July 2021, being the date on which the relevant portions of the *Energy Regulations Amendment Regulations 2021* commence that abolish the Rule Change Panel and facilitate the transfer of certain functions to the Coordinator.
- The amending rules set out in Schedule C come into operation immediately after commencement of the amending rules in clauses 50 and 62 of Schedule C of the *Wholesale Electricity Market Amendment (Tranches 2 and 3 Amendments) Rules 2020 (Schedule C – Tranches 2 and 3 Rules)*.

[Note: The notice published in the gazette advising of the Minister's making of the Schedule C – Tranches 2 and 3 Rules provides that the amending rules set out in Schedule C of those Rules come into operation at a time specified by the Minister in a notice published in the Gazette. Different days may be specified for different provisions. The date to be specified for the purposes of clauses 50 and 62 of the Schedule C – Tranches 2 and 3 Rules is also defined in Chapter 11 of the market rules as the New WEM Commencement Date.]

Schedule A

1. Appendix 12 amended

1.1 Clauses A12.6.3.2(e) and A12.6.3.2(f) are deleted and replaced with the following:

(e) [Blank]

(f) [Blank]

1.2 Insert new clauses A12.6.4.3 and A12.6.4.4 as follows:

A12.6.4.3 For Scheduled Generators, the Generating System must seek to achieve a rate of response for any frequency disturbance of at least 90% of the maximum response expected according to the droop characteristic within 6 seconds, and the new output must be sustained for not less than a further 10 seconds. However, an alternative rate of response may be agreed by the Network Operator and AEMO as part of a Negotiated Generator Performance Standard taking into account the specified maximum ramp rate.

A12.6.4.4 For Non-Scheduled Generators, the Generating System must seek to achieve a rate of response for any frequency disturbance of at least 90% of the maximum response expected within 2 seconds, and the new output must be sustained for not less than a further 10 seconds. However, an alternative rate of response may be agreed by the Network Operator and AEMO as part of a

Negotiated Generator Performance Standard taking into account the specified maximum ramp rate.

Schedule B

1. Section 1.4 amended

1.1 Clause 1.4.1(n) is amended by deleting the words 'the Rule Change Panel,' wherever they occur in the clause.

2. Section 1.5 amended

2.1 Section 1.5.1(b) is amended by deleting the words 'the Rule Change Panel,'.

3. Section 1.7 amended

3.1 Section 1.7.3 is deleted and replaced with the following:

1.7.3. Where the Economic Regulation Authority is required by these WEM Rules to publish or release a document or information, then the Economic Regulation Authority must make that document or information available on its website, in a place which is generally accessible by members of the class of persons entitled to access that document or information given AEMO's determination of its confidentiality status in accordance with clause 10.2.

3.2 Insert the following new clause 1.7.3A:

1.7.3A Where the Coordinator is required by these WEM Rules to publish or release a document or information, the Coordinator must make that document or information available on the Coordinator's Website, in a place which is generally accessible by members of the class of persons entitled to access that document or information given its confidentiality status in accordance with section 10.2.

3.3 Clause 1.7.5 is deleted.

4. Section 1.17A amended

4.1 Insert the following new section 1.17A:

1.17A Transition of certain Economic Regulation Authority functions to the Coordinator

1.17A.1. On and from the Coordinator Transfer Date—

- (a) where the Coordinator is required to do an act, matter or thing under a provision of these WEM Rules, and that act, matter or thing was done by the Economic Regulation Authority prior to the Coordinator Transfer Date, then the act, matter or thing is deemed to have been done by the Coordinator in accordance with the relevant provision;
- (b) where the Coordinator is required to do an act, matter or thing under a provision of a WEM Procedure, and that act, matter or thing was done by the Economic Regulation Authority prior to the Coordinator Transfer Date, then the act, matter or thing is deemed to have been done by the Coordinator in accordance with the relevant provision;

- (c) notwithstanding the operation of clauses 1.17A.1(a) and 1.17A.1(b), the Coordinator is not liable for any act, matter or thing done by the Economic Regulation Authority prior to the Coordinator Transfer Date in breach of these WEM Rules or any WEM Procedure;
- (d) where the Coordinator is required to publish or release any information or document (other than a WEM Procedure) (including, without limitation, a form, protocol, instrument or other thing) and that information or document was published or released by the Economic Regulation Authority prior to the Coordinator Transfer Date, then—
 - i. the information or document is deemed to have been published or released by the Coordinator in accordance with these WEM Rules; and
 - ii. any reference to the Economic Regulation Authority in that information or document that should be a reference to the Coordinator having regard to the Coordinator's functions, powers, rights and obligations under these WEM Rules and the WEM Procedures is deemed to be a reference to the Coordinator; and
- (e) where a person (including, without limitation, a Rule Participant) is required to provide information to, or do an act, matter or thing for the Coordinator under these WEM Rules or a WEM Procedure and the person has provided that information to, or done that act, matter or thing for the Economic Regulation Authority prior to the Coordinator Transfer Date, then the information, act, matter or thing, is deemed to have been provided to, or done for, the Coordinator in accordance with the relevant WEM Rules or WEM Procedure.

5. Section 1.18A added

5.1 Insert the following new section 1.18A:

1.18A. Transition of certain Rule Change Panel functions to the Coordinator

1.18A.1. On and from the Coordinator Transfer Date—

- (a) where the Coordinator is required to do an act, matter or thing under a provision of these WEM Rules, and that act, matter or thing was done by the Rule Change Panel prior to the Coordinator Transfer Date, then the act, matter or thing is deemed to have been done by the Coordinator in accordance with the relevant provision;
- (b) where the Coordinator is required to do an act, matter or thing under a provision of a WEM Procedure, and that act, matter or thing was done by the Rule Change Panel prior to the Coordinator Transfer Date, then the act, matter or thing is deemed to have been done by the Coordinator in accordance with the relevant provision;
- (c) notwithstanding the operation of clauses 1.18A.1(a) and 1.18A.1(b), the Coordinator is not liable for any act, matter or thing done by the Rule Change Panel prior to the Coordinator Transfer Date in breach of these WEM Rules or any WEM Procedure;
- (d) where the Coordinator is required to develop or maintain a WEM Procedure, and that WEM Procedure was developed or maintained by the Rule Change Panel prior to the Coordinator Transfer Date, then—
 - i. the WEM Procedure is deemed to have been developed or maintained by the Coordinator in accordance with these WEM Rules;
 - ii. a reference to the Rule Change Panel in that WEM Procedure that should be a reference to the Coordinator having regard to the Coordinator's functions, powers,

- rights and obligations under these WEM Rules and the other WEM Procedures is deemed to be a reference to the Coordinator;
- iii. the Coordinator may amend the WEM Procedure to refer to the Coordinator instead of the Rule Change Panel (where appropriate) and make any necessary consequential amendments without undertaking the Procedure Change Process; and
 - iv. any WEM Procedure which is amended by the Coordinator in accordance with this clause 1.18A.1(d) may commence operation on the date and time determined by the Coordinator and published on the Coordinator's Website;
- (e) where the Coordinator is required to publish or release any information or document (other than a WEM Procedure) (including, without limitation, a form, protocol, instrument or other thing) and that information or document was published or released by the Rule Change Panel prior to the Coordinator Transfer Date, then—
- i. the information or document is deemed to have been published or released by the Coordinator in accordance with these WEM Rules; and
 - ii. any reference to the Rule Change Panel in that information or document that should be a reference to the Coordinator having regard to the Coordinator's functions, powers, rights and obligations under these WEM Rules and the WEM Procedures is deemed to be a reference to the Coordinator;
- (f) where a person (including, without limitation, a Rule Participant) is required to provide information to, or do an act, matter or thing for the Coordinator under these WEM Rules or a WEM Procedure and the person has provided that information to, or done that act, matter or thing for the Rule Change Panel prior to the Coordinator Transfer Date, then the information, act, matter or thing, is deemed to have been provided to, or done for, the Coordinator in accordance with the relevant WEM Rules or WEM Procedure; and
- (g) if, by operation of this clause 1.18A.1, the Coordinator is deemed to have made a Reviewable Decision that was made by the Rule Change Panel, then, on and from the Coordinator Transfer Date any application to the Electricity Review Board for a review of the Reviewable Decision that might have been brought or continued by a Rule Participant against the Rule Change Panel may be brought or continued against the Coordinator as if all references to the Rule Change Panel as the relevant decision-maker are references to the Coordinator.

1.18A.2. On and from the Coordinator Transfer Date—

- (a) any Rule Change Proposal that has, prior to the Coordinator Transfer Date, been developed by or submitted to the Rule Change Panel (and in respect of which the rule change process under sections 2.4 to 2.8 is not, as at the Coordinator Transfer Date, complete) will be deemed to have been developed by or submitted to the Coordinator; and
- (b) notwithstanding any other provision of these WEM Rules, a WEM Procedure or any document referred to in these WEM Rules or a WEM Procedure (including a Draft Rule Change Report), the normal timeframes for the Coordinator or any other person to do any act, matter or thing in relation to a Rule Change Proposal referred to in clause 1.18A.2(a) (including any extended timeframe determined by the Rule Change Panel under clause 2.5.10 in respect of any such proposal) will be automatically extended for such period as determined by the Coordinator (which determination may be made at a date after the date of the expiry of the normal, or previously extended, timeframe).

- 1.18A.3. The Coordinator must publish a notice of the extended timeframe(s) determined in accordance with clause 1.18A.2(b), and must update any information already published in accordance with clause 2.5.7(f) (if applicable).
- 1.18A.4. Notwithstanding clause 2.24.6A, the date by which the Coordinator must notify AEMO of the dollar amount that the Coordinator may recover under clause 2.24.5B in the Financial Year beginning on 1 July 2021, is 15 July 2021, and the references in clauses 2.24.2 and 2.24.2A, in connection with the Coordinator providing information, to 5 Business Days prior to 30 June are to be read as references to 15 July 2021.

6. Section 1.19A added

6.1 Insert the following new section 1.19A:

1.19A. Amendments to WEM Procedures to reflect transfer of functions

- 1.19A.1. In addition to the amendments to WEM Procedures referred to in clause 1.18A.1, AEMO, the Economic Regulation Authority Coordinator, and Western Power (as applicable) (each a **Transferee**) may make the minimum necessary amendments to a WEM Procedure required to be developed or maintained by the Transferee to:
- (a) reflect the transfer of functions, powers, rights and obligations from Western Power, AEMO or the Rule Change Panel to the Transferee or another Transferee; or
 - (b) maintain consistency between the WEM Procedure and these WEM Rules, without undertaking the Procedure Change Process.
- 1.19A .2. Any WEM Procedure which is amended by a Transferee in accordance with clause 1.19A.1 may commence operation on the date and time determined by the Transferee required to develop or maintain the WEM Procedure and published on the WEM Website.
- 1.19A.3. Until such time as the relevant Transferee makes the amendments referred to in clause 1.19A.1, any reference in any WEM Procedure to the Rule Change Panel that should be a reference to the Coordinator having regard to the Coordinator's functions, powers, rights and obligations under these WEM Rules and other WEM Procedures is deemed to be a reference to the Coordinator.

7. Section 2.1A. amended

7.1 Clause 2.1A.2(l), is deleted and replaced with the following:

- (l) to support the Coordinator and the Economic Regulation Authority in their roles of monitoring market effectiveness, including providing any market related information required by the Coordinator or the Economic Regulation Authority;

7.2 Clauses 2.1A.2(IA)(iii) and 2.1A.2(IA)(iv) are deleted and replaced with the following:

- iii. providing information to the Coordinator as required to support the Coordinator's functions under these WEM Rules; and

- iv. providing information and assistance to the Coordinator and the Economic Regulation Authority as required to support the reviews they carry out under the WEM Rules;

8. Section 2.2A. amended

8.1 Clause 2.2A.1(bA) is amended by deleting the words 'to provide the RCP Secretariat Support Services to the Rule Change Panel in accordance with the Panel Regulations;' and replacing them with the word '[Blank]'.

8.2 Insert the following new clause 2.2A.1(bB):

- (bB) to contribute to the development and improve the effectiveness of the operation and administration of the Wholesale Electricity Market and these WEM Rules, by developing Rule Change Proposals;

9. Section 2.2B. deleted

9.1 Delete the contents of section 2.2B, including the heading 'Rule Change Panel', and replace them with the word '[Blank]'.

10. Section 2.2D amended

10.1 Clause 2.2D.1(d) is amended by deleting the word 'and' at the end of the clause.

10.2 Clause 2.2D.1(e) is deleted and replaced with the word '[Blank]'.

10.3 Insert the following new clauses 2.2D.1(f) to 2.2D.1(k):

- (f) administer these WEM Rules;
- (g) develop amendments to these WEM Rules and replacements for them;
- (h) consider and, in consultation with the Market Advisory Committee, progress the evolution and development of the Wholesale Electricity Market and these WEM Rules;
- (i) provide MAC Secretariat services to the Market Advisory Committee and support its independent Chair;
- (j) undertake reviews and consultation as required under these WEM Rules; and
- (k) carry out any other functions conferred, and perform any other obligations imposed, on the Coordinator under these WEM Rules.

11. Section 2.3 amended

11.1 Clause 2.3.1 is deleted and replaced with the following:

2.3.1. The Market Advisory Committee is a committee of industry representatives convened by the Coordinator:

- (a) to advise the Coordinator regarding Rule Change Proposals;
- (b) to advise AEMO, the Economic Regulation Authority, the Coordinator and Network Operators regarding Procedure Change Proposals;

- (c) to advise the Coordinator, AEMO and the Economic Regulation Authority on the development of Rule Change Proposals where requested by the Coordinator, AEMO or the Economic Regulation Authority in accordance with clauses 2.5.1A or 2.5.1B or 2.5.1C;
- (d) to advise the Coordinator regarding matters concerning, and the Coordinator's plans for, the evolution and development of the Wholesale Electricity Market and these WEM Rules; and
- (e) to provide assistance to the Coordinator in its monitoring role under clauses 2.16.13A and 2.16.13B.

11.2 Insert the following new clauses 2.3.1B and 2.3.1C:

2.3.1B. The Market Advisory Committee must endeavour where practicable to reach a consensus position on any issue before it.

2.3.1C. If, after allowing a reasonable time for discussion, the independent Chair of the Market Advisory Committee determines that a consensus position either will not be achieved, or is unlikely to be achieved within a time which is reasonable in the circumstances, then the independent Chair must provide advice to the Coordinator which reflects any majority view and which includes or is accompanied by the dissenting views.

11.3 Clause 2.3.2 is amended by deleting the words 'Rule Change Panel must develop and publish a constitution for the Market Advisory Committee detailing' and replacing them with 'Coordinator must develop and publish a constitution for the Market Advisory Committee detailing matters including:'.

11.4 Clause 2.3.2(f) is amended by deleting the words 'RCP Secretariat' and replacing them with 'MAC Secretariat'.

11.5 Clause 2.3.2(g) is amended by deleting the words 'Rule Change Panel;' and replacing them with the words 'Coordinator, AEMO, the Economic Regulation Authority and Network Operators;'.

11.6 Clause 2.3.5(a) to 2.3.5(i) inclusive are deleted and replaced with:

- (a) at least six and not more than eight members representing Market Participants, excluding Synergy;
- (b) at least one member and not more than two representing Contestable Customers;
- (c) at least one and not more than two members representing Network Operators, of whom one must represent Western Power;
- (d) [Blank]
- (e) at least two independent members nominated by the Minister to represent small-use consumers;
- (f) [Blank]
- (g) two members representing AEMO;
- (h) one member representing Synergy; and
- (i) an independent Chair, to be appointed by the Minister under clause 2.3.8A.

11.7 Clause 2.3.5A is deleted and replaced with the following:

2.3.5A. Subject to clause 2.3.13, when appointing or removing members of the Market Advisory Committee of the class described in clause 2.3.5(a), the Coordinator must use its reasonable endeavours to ensure equal representation of Market Participants that:

- (a) own, control or operate an Energy Producing System or Energy Producing Systems in the South West Interconnected System; and
- (b) sell electricity to customers in the South West Interconnected System.

11.8 Insert the following new clauses 2.3.5B and 2.3.5C:

2.3.5B. The same organisation cannot be represented by more than one member on the Market Advisory Committee simultaneously (other than the 2 members representing AEMO under clause 2.3.5(g)).

2.3.5C. Candidates for appointment under clause 2.3.5(c), (g) and (h) must be proposed to the Coordinator by Western Power, AEMO and Synergy respectively.

11.9 Insert the following new clause 2.3.7A:

2.3.7A. The Coordinator or the independent Chair of the Market Advisory Committee may invite a person to attend Market Advisory Committee meetings as an observer, either for a specified meeting or meetings or until further notice.

11.10 Clause 2.3.8 is deleted and replaced with the following:

2.3.8. The Coordinator may appoint and remove members of the Market Advisory Committee in consultation with the independent Chair.

11.11 Insert the following new clauses 2.3.8A to 2.3.8E:

2.3.8A. The Minister must appoint an independent Chair of the Market Advisory Committee, who in the opinion of the Minister:

- (a) is free from any business or other relationship that could materially interfere with the independent exercise of the independent Chair's judgment; and
- (b) has the skills and experience necessary to carry out the responsibilities and functions of the independent Chair of the Market Advisory Committee.

2.3.8B. Each independent Chair of the Market Advisory Committee will be appointed for a term of three years, with the possibility of one three-year extension.

2.3.8C. The Minister may remove an independent Chair of the Market Advisory Committee at any time in the following circumstances:

- (a) the person becomes an undischarged bankrupt; or
- (b) the person becomes of unsound mind or his or her estate is liable to be dealt with in any way under law relating to mental health;

- (c) an event specified in the independent Chair terms of engagement; or
- (d) in the Minister's opinion the person no longer adequately meets the criteria in clause 2.3.8A.

2.3.8D. The Minister may appoint an interim Chair of the Market Advisory Committee in the event that the independent Chair becomes temporarily unavailable or the position is otherwise vacant for any reason. The interim Chair may be appointed for an initial term of up to six months and may be reappointed for further six months. The interim Chair must meet, so far as is practicable, the criteria in clause 2.3.8A.

2.3.8E. The Coordinator may appoint an interim member representing small-use consumers if both positions under clause 2.3.5(e) are vacant for any reason.

11.12 Clauses 2.3.9 and 2.3.10 are deleted and replaced with the following:

2.3.9. The Coordinator must annually review the composition of the Market Advisory Committee in consultation with the independent Chair of the Market Advisory Committee and may remove and appoint members following the review.

2.3.10. When appointing and removing members of the Market Advisory Committee, the Coordinator must consult with the independent Chair of the Market Advisory Committee, and (except in the case of candidates for appointment under clause 2.3.5(c), (g) and (h), to whom clause 2.3.5C applies) take nominations from Rule Participants and industry groups, that it considers relevant to the Wholesale Electricity Market, and, if practicable, must choose members from persons nominated.

11.13 Clause 2.3.11(d) is amended by inserting the word 'adequately' after the word 'longer'.

11.14 Clause 2.3.15 is amended by deleting the words 'RCP Secretariat' and replacing them with the words 'independent Chair'.

11.15 Clauses 2.3.15(b) to 2.3.15(d) inclusive are deleted and replaced with the following:

- (b) [Blank];
- (c) on any occasion when two or more members of the Market Advisory Committee have informed the independent Chair in writing that they wish to bring a matter regarding the evolution or the development of the Wholesale Electricity Market or these WEM Rules before the Market Advisory Committee for discussion; and
- (d) on any occasion the Coordinator has informed the independent Chair that she or he wishes to bring a matter regarding the evolution or the development of the Wholesale Electricity Market or these WEM Rules before the Market Advisory Committee for discussion.

11.16 Clause 2.3.16 is deleted and replaced with the following:

2.3.16. Subject to her or his obligations of confidentiality under these Rules and otherwise, the Coordinator must use reasonable endeavours to provide the Market Advisory Committee any information in the Coordinator's possession obtained in the course of performing a function under these WEM Rules that is pertinent to the issues being addressed by the Market Advisory Committee.

11.17 Clause 2.13.17(a) is deleted and replaced with the following:

- (a) establish one or more Working Groups comprising Representatives of Rule Participants and other interested persons, to assist the Market Advisory Committee in advising the Coordinator, Economic Regulation Authority, AEMO and Network Operators on any of the matters listed in clause 2.3.1 of these WEM Rules; and

12. Section 2.4 amended

12.1 Clause 2.4.1(a) is deleted and replaced with the following:

- (a) is responsible for maintaining and publishing the WEM Rules;

12.2 Clauses 2.4.3 and 2.4.3A are deleted and replaced with the following:

2.4.3. In deciding whether to make Amending Rules, the Coordinator must have regard to the following:

- (a) any applicable statement of policy principles given to the Coordinator under clause 2.5.2;
- (aA) any advice provided by the Market Advisory Committee regarding the evolution or the development of the Wholesale Electricity Market or these WEM Rules;
- (b) the practicality and cost of implementing the Rule Change Proposal;
- (c) the views expressed in any submissions on the Rule Change Proposal;
- (d) any advice by the Market Advisory Committee where the Market Advisory Committee met to consider the Rule Change Proposal;
- (dA) whether the advice from the Market Advisory Committee provided under clause 2.4.3(d) reflects a consensus view or a majority view, and, if the latter, any dissenting views included in or accompanying the advice and how these views have been taken into account by the Coordinator; and
- (e) any technical studies that the Coordinator considers are necessary to assist in assessing the Rule Change Proposal.

2.4.3A. Without limiting clause 2.4.3, in deciding whether or not to make Amending Rules, the Coordinator may seek information or advice, and the Coordinator may have regard to that information or advice, from any person that the Coordinator considers is appropriate to assist it in assessing the relevant Rule Change Proposal.

12.3 Clause 2.4.4 is amended by deleting the words 'The Rule Change Panel must maintain on the Market Web Site a Rule Change Proposal' and replacing them with the words 'The Coordinator must maintain on the Coordinator's Website a Rule Change Proposal'.

13. Section 2.5 amended

13.1 Insert the following new clause 2.5.1C:

2.5.1C. The Coordinator must, before commencing the development of a Rule Change Proposal or providing material support or assistance to another party to develop a Rule Change Proposal, consult with the Market Advisory Committee on:

- (a) the matters to be addressed by the Rule Change Proposal and if applicable the nature and scope of the support or assistance requested by the other party;
- (b) what options exist to resolve the matters to be addressed by the Rule Change Proposal;
- (c) the Coordinator's estimated costs to be recovered through Coordinator Fees of developing the Rule Change Proposal or providing the support or assistance requested by the other party;
- (d) whether and when the Coordinator should develop the Rule Change Proposal or if the Coordinator should provide the support or assistance requested by the other party; and
- (e) whether and how the Market Advisory Committee will be consulted during the development of the Rule Change Proposal,

and take into account any advice, comments or objections provided by any member or observer of the Market Advisory Committee in deciding whether, when and how to develop the Rule Change Proposal or provide material support or assistance to another party to develop the Rule Change Proposal.

13.2 Clause 2.5.2 is amended by deleting the words 'to the Rule Change Panel and seek the Rule Change Panel's views' and replacing them with 'to the Market Advisory Committee and seek the Market Advisory Committee's views'.

13.3 Insert the following new clauses 2.5.3A and 2.5.3B:

2.5.3A. The Coordinator must have regard to any advice received from the Market Advisory Committee regarding the evolution or the development of the Wholesale Electricity Market or these WEM Rules.

2.5.3B. The independent Chair of the Market Advisory Committee may develop and submit Rule Change Proposals based on advice received from the Market Advisory Committee regarding the development of the Wholesale Electricity Market or these WEM Rules.

13.4 Clause 2.5.4 is deleted and replaced with the following:

2.5.4. Where the Coordinator considers that a change to the WEM Rules is required, the Coordinator may develop a Rule Change Proposal and must publish it in accordance with clause 2.5.7.

13.5 Clauses 2.5.6(c) and 2.5.6(d) are amended by deleting each occurrence of the words 'or not'.

13.6 Clause 2.5.7 is amended by deleting the words 'Market Web Site' and replacing them with the words 'Coordinator's Website'.

13.7 Insert the following new clause 2.5.8A:

2.5.8A. A decision by the Coordinator to accept a Rule Change Proposal (in proposed or modified form), which was initiated by the Coordinator, does not take effect until it receives the Minister's approval.

13.8 Clauses 2.5.9 and 2.5.10 are deleted and replaced with the following:

2.5.9. The Coordinator may subject a Rule Change Proposal to the Fast Track Rule Change Process if, in her or his opinion, the Rule Change Proposal:

- (a) is of a minor or procedural nature; or
- (b) is required to correct a manifest error; or
- (c) is urgently required and is essential for either:
 - i. the safe operation; or
 - ii. the effective operation; or
 - iii. the reliable operation,
of the market or the SWIS.

2.5.10. Subject to clause 2.5.12, the Coordinator may at any time after deciding to progress a Rule Change Proposal decide to extend the normal timeframe for processing Rule Change Proposals. If the Coordinator decides to do so, then she or he may modify the times and time periods under sections 2.6, 2.7 or 2.8 in respect of the Rule Change Proposal and publish details of the modified times and time periods.

13.9 Clause 2.5.11 is amended by inserting the words 'she or he' after the words 'the timeframe,'.

13.10 Clause 2.5.11(b) is amended by deleting the word 'clause' and replacing it with the word 'section'.

13.11 Clauses 2.5.14 and 2.5.15 are amended by deleting the word 'clause' wherever it appears and replacing it with the word 'section'.

14. Section 2.6 amended

14.1 Clause 2.6.1 is deleted and replaced with the following:

2.6.1. Within five Business Days of publishing the notice referred to in clause 2.5.7, the Coordinator must notify those Rule Participants or members of the Market Advisory Committee that she or he considers have an interest in the Rule Change Proposal of her or his intention to consult with them concerning the Rule Change Proposal

15. Section 2.7 amended

15.1 Clause 2.7.2 is deleted and replaced with the following:

2.7.2. Subject to its obligations of confidentiality under these Rules and otherwise, the Coordinator must release to the public all information submitted under clause 2.7.1.

15.2 Clause 2.7.5 is amended by deleting the words 'The Rule Change Panel' in the first line of the clause and replacing them with the words 'The independent Chair of the Market Advisory Committee'.

15.3 Clause 2.7.5(a) is amended by deleting the words 'Rule Change Panel' and replacing them with the words 'independent Chair or the Coordinator'.

- 15.4 Clause 2.7.5(b) is amended by deleting the words 'Rule Change Panel' and replacing them with the words 'independent Chair'.
- 15.5 Clause 2.7.7(b) is deleted and replaced with the following:
- (b) all submissions received before the due date for submissions, a summary of those submissions, and the Coordinator's response to issues raised in those submissions (and the report may in the Coordinator's discretion contain any or all of this material in respect of a submission received after the due date);
- 15.6 Insert the following new clause 2.7.7(dA):
- (dA) reasons if the Coordinator does not propose to follow partially or fully the advice received from the Market Advisory Committee;
- 15.7 Clause 2.7.8(b) is deleted and replaced with the following:
- (b) all submissions received before the deadline for submissions specified in relation to the relevant Draft Rule Change Report under clause 2.7.6(b), a summary of those submissions, and the Coordinator's response to the issues raised in those submissions (and the report may in the Coordinator's discretion contain any or all of this material in respect of a submission received after the deadline);
- 15.8 Insert the following new clause 2.7.8(bA):
- (bA) reasons if the Coordinator has decided not to follow partially or fully the advice received from the Market Advisory Committee;
- 16. Section 2.8 amended**
- 16.1 Clause 2.8.1 is amended by deleting the word 'clauses' and replacing it with the word 'sections'.
- 16.2 Clause 2.8.2 is amended by deleting the word 'clauses' and replacing it with the word 'sections'.
- 16.3 Clause 2.8.3 is deleted and replaced with the following:
- 2.8.3. The Coordinator must submit a Rule Change Proposal, together with the Final Rule Change Report, to the Minister for approval where Amending Rules in the Final Rule Change Report:
- (a) amend or replace a Protected Provision, or, in the Coordinator's opinion, would have the effect of changing the meaning or effect of one or more Protected Provisions; or
 - (b) are subject to the requirements in clause 2.5.8A.
- 16.4 Clause 2.8.7 is amended by deleting the words 'WEM Website' and replacing it with the words 'Coordinator's Website'.
- 16.5 Clause 2.8.10(b) is amended by inserting the words 'of the close of the consultation period' after the words '25 Business Days'.
- 16.6 Clause 2.8.13(d) is deleted and replaced with the following:

- (d) clauses 4.1.4 to 4.1.12, 4.1.15 to 4.1.19, 4.1.21, 4.1.24, 4.5.10, 4.5.11, 4.5.15 to 4.5.20, 4.5A, 4.13.10, 4.13.10A, 4.13.10B, 4.13.11, 4.13.11A, 4.13A.15, 4.13A.16 4.16, 4.24.1, 4.24.2, 4.24.12, and 4.24.19;

16.7 Clause 2.8.13(g) is amended by inserting the words '10.2,' immediately before the words '10.3 and'.

17. Section 2.9 amended

17.1 Clause 2.9.2C is deleted and replaced with the word '[Blank]'.

18. Section 2.10 amended

18.1 Clauses 2.10.1 is amended by deleting the words 'The Rule Change Panel,'.

18.2 Clauses 2.10.2, 2.10.2A, 2.10.3, 2.10.7, and 2.10.17 are amended by deleting each occurrence in those clauses of the words 'the Rule Change Panel,'.

18.3 Clause 2.10.5C is deleted and replaced with the word '[Blank]'.

18.4 Clause 2.10.7 is amended by deleting the words 'WEM Website' and replacing them with words 'Coordinator's Website'.

18.5 Clause 2.10.9 is amended by deleting the words 'The Rule Change Panel' and replacing them with the words 'the independent Chair of the Market Advisory Committee'.

18.6 Clause 2.10.9(a) is amended by deleting the words 'the Rule Change Panel' and replacing them with the words 'the independent Chair, the Coordinator'.

18.7 Clause 2.10.9(aB) is deleted and replaced with the word '[Blank]'.

18.8 Clause 2.10.9(b) is amended by deleting the words 'Rule Change Panel' and replacing them with the words 'independent Chair'.

18.9 Clause 2.10.12C is deleted and replaced with the word '[Blank]'.

18.10 Insert the following new clause 2.10.13(dA):

- (dA) whether any advice from the Market Advisory Committee regarding the Procedure Change Proposal reflects a consensus view or a majority view, and, if the latter, any dissenting views included in or accompanying the advice and how these views have been taken into account by the Coordinator;

18.11 Clause 2.10.13(f) is deleted and replaced with the word '[Blank]'.

18.12 Clause 2.10.18 is amended by deleting the words 'The Rule Change Panel,'.

19. Section 2.11 amended

19.1 Clauses 2.11.1, 2.11.2 and 2.11.4 are amended by deleting each occurrence in those clauses of the words 'the Rule Change Panel,'.

20. Section 2.16 amended

- 20.1 Clauses 2.16.1 and 2.16.2(p) is amended by deleting the words 'clause 2.16' and replacing them with the words 'section 2.16'.
- 20.2 Clauses 2.16.1(a) and 2.16.1(b) are amended by deleting each occurrence in those clauses of the words 'the Economic Regulation Authority' and inserting the words 'the Coordinator and the Economic Regulation Authority'.
- 20.3 Clause 2.16.2(b) is deleted and replaced with the word '[Blank]'.
- 20.4 Clauses 2.16.4(h), 2.16.5, and 2.16.7 are amended by deleting the words 'the Economic Regulation Authority' and replacing them with the words 'the Coordinator or the Economic Regulation Authority (as applicable)'.
- 20.4 Clause 2.16.14 is amended by deleting the words 'The Economic Regulation Authority' and replacing them with the words 'The Coordinator or the Economic Regulation Authority (as applicable)'.
- 20.6 Clause 2.16.6 is deleted and replaced with the following:
- 2.16.6. Where the Coordinator or the Economic Regulation Authority (as applicable) considers that it is necessary or desirable for the performance of its functions under these WEM Rules, the WEM Regulations or the Electricity Industry Act, or the functions of AEMO under this section 2.16, the Coordinator or the Economic Regulation Authority (as applicable) may collect additional information from Rule Participants as follows:
- (a) the Coordinator or the Economic Regulation Authority (as applicable) may issue a notice to one or more Rule Participants requiring them to provide specified data to the Coordinator or the Economic Regulation Authority (as applicable) by a date (which the Coordinator or the Economic Regulation Authority (as applicable) considers to be reasonable);
 - (b) Market Participants must provide any information requested by the Coordinator or the Economic Regulation Authority (as applicable) by the date specified in the notice;
 - (bA) subject to its obligations of confidentiality under these WEM Rules or otherwise, the Coordinator must use reasonable endeavours to provide any information requested by the Economic Regulation Authority by the date specified in the notice; and
 - (c) the Coordinator or the Economic Regulation Authority (as applicable) must provide this information to AEMO where the Coordinator or the Economic Regulation Authority (as applicable) considers that it is necessary or desirable for the performance of AEMO's functions under this section 2.16.
- 20.7 Clause 2.16.9 is amended by deleting the words 'is responsible for monitoring the effectiveness of the market in meeting the Wholesale Market Objectives and'.
- 20.8 Clauses 2.16.9(b) to 2.16.9(d) inclusive are deleted and replaced with the following:
- (b) inappropriate and anomalous market behaviour, including behaviour related to market power and the exploitation of shortcomings in the WEM Rules or WEM Procedures by Rule Participants;

- i. [Blank]
- ii. [Blank]
- iii. [Blank]
- iv. [Blank]
- v. [Blank]

(c) [Blank]

(d) [Blank]

20.9 Clause 2.16.9A is amended by deleting the words 'identified in clauses 2.16.9(b)(i), 2.16.9(b)(ii) and 2.16.9(b)(iii)' and replacing them with the words 'relating to any prices offered by a Market Participant'.

20.10 Clauses 2.16.9D and 2.16.9FA are amended by deleting the words 'the Market Web Site' and replacing them with the words 'its website'.

20.11 Clauses 2.16.10 to 2.16.12 inclusive are deleted and replaced with the following:

2.16.10. [Blank]

2.16.11. The Economic Regulation Authority must provide to the Coordinator and the Minister a report on the effectiveness of the market and dealing with the matters identified in clause 2.16.9, if the Economic Regulation Authority considers that any specific events, or systemic behaviour or matters have impacted on the effectiveness of the market.

2.16.12. [Blank]

20.12 Clause 2.16.13(f) is amended by inserting the words 'Coordinator and the' immediately before the words 'Minister for implementing'.

20.13 Clause 2.16.13(g) is amended by inserting the words 'Coordinator and the' immediately before the words 'Minister under clause 2.16.11'.

20.14 Insert the following new clauses 2.16.13A to 2.16.13F inclusive:

2.16.13A. The Coordinator is responsible for the development of the market and, with the assistance of the Economic Regulation Authority and AEMO, must monitor market design problems or inefficiencies.

2.16.13B. In carrying out its responsibilities under clause 2.16.13A, the Coordinator must also monitor:

- (a) the effectiveness of the compliance monitoring and enforcement measures in the WEM Rules and Regulations;
- (b) the effectiveness of AEMO in carrying out its functions under the Regulations, the WEM Rules and WEM Procedures; and
- (c) the effectiveness of Network Operators in carrying out their functions under the WEM Rules and WEM Procedures.

2.16.13C. If in the performance of its functions under these WEM Rules the Economic Regulation Authority identifies a market design problem or inefficiency, the Economic Regulation Authority may provide to the Coordinator and the Minister a report describing the problem or inefficiency and must publish the report on its website.

2.16.13D. The Coordinator must provide to the Minister a report dealing with the matters identified in clause 2.16.13A and 2.16.13B at least once in every three years.

2.16.13E. A report referred to in clause 2.16.13D must address, but is not limited to, the following matters:

- (a) market trends, which may include:
 - i. a summary of the information and data compiled by AEMO and the Economic Regulation Authority under clause 2.16.1; and
 - ii. any other matter or information the Coordinator considers relevant and appropriate to include;
- (b) any recommended measures to increase the effectiveness of the market in meeting the Wholesale Market Objectives to be considered by the Minister.

2.16.13F. The Coordinator must ensure that an independent person carries out an audit of the effectiveness of the WEM Rule change process and Procedure Change Process no less than every three years. The independent person must provide the Coordinator with a report, and the Coordinator must within 30 Business Days of receiving the report either:

- (a) accept the report and any recommendations contained in it; or
- (b) prepare a separate report setting out the matters raised in the independent person's report which the Coordinator accepts and those which it does not accept and setting out Coordinator's reasons for that view; and
- (c) publish the independent person's report and any report it prepared under clause 2.16.13F(b) within 30 Business Days of receiving the independent person's report.

20.15 Insert the following new clauses 2.16.15A:

2.16.15A. Where the Coordinator provides a report to the Minister in accordance with clause 2.16.13C, it must, after consultation with the Minister, publish a version of the report which has confidential or sensitive data aggregated or removed.

20.16 Clause 2.16.16 is amended by deleting the word 'clause' and inserting the word 'section'.

21. Section 2.17 amended

21.1 Clauses 2.17.1 and 2.17.2 are amended by deleting each occurrence in those clauses of the words 'the Rule Change Panel,'.

22. Section 2.21 amended

22.1 Clauses 2.21.7 and 2.21.8 are deleted and replaced with the following words:

2.21.7. [Blank]

2.21.8. [Blank]

23. Section 2.22A amended

23.1 Clause 2.22A.1(c) is amended by deleting the words 'carrying out its functions' and replacing them with the words 'carrying out her or his functions'.

24. Section 2.24 amended

24.1 Clause 2.24.1(a) is amended by inserting the words ', Coordinator Fees' after the words 'System Operator Fees'.

24.2 Clauses 2.24.2 and 2.24.2A are deleted and replaced with the following:

2.24.2. Before 30 June each year, AEMO must determine and publish the level of the Market Fee rate, System Operation Fee rate, Coordinator Fee rate and Regulator Fee rate, and the level of each of the Application Fees, and the level of the Reassessment Fee to apply over the year starting 1 July in accordance with AEMO's budget published under clause 2.22A.4, and information provided by the Economic Regulation Authority under clause 2.24.6 (if any) and information provided by the Coordinator under clause 2.24.6A (if any). Where the Economic Regulation Authority has not provided AEMO with the information required under clause 2.24.6 by the date which is five Business Days prior to 30 June, AEMO will determine and publish the expected level of Regulator Fee rate based on the most recent information provided to AEMO by the Economic Regulation Authority under clause 2.24.6. Where the Coordinator has not provided AEMO with the information required under clause 2.24.6A by the date which is five Business Days prior to 30 June, AEMO will determine and publish the expected level of Coordinator Fee rate based on the most recent information provided to AEMO by the Coordinator under clause 2.24.6A.

2.24.2A. AEMO must determine and publish a level of revised Market Fee rate, System Operation Fee rate, Coordinator Fee rate or Regulator Fee rate (as applicable) within five Business Days of making any adjustment to AEMO's budget and receiving the information, if in any year the Economic Regulation Authority provides AEMO with the information required under clause 2.24.6 later than the date which is five Business Days prior to 30 June or the Coordinator provides AEMO with the information required under clause 2.24.6A later than the date which is five Business Days prior to 30 June.

24.3 Clauses 2.24.2B and 2.24.4 are amended by inserting the words ', Coordinator Fee Rate' after each occurrence in those clauses of the words 'System Operation Fee Rate'.

24.4 Clause 2.24.3 is deleted in its entirety and replaced with the following:

2.24.3. At the same time as AEMO publishes a level of revised Market Fee rate, System Operation Fee rate, Coordinator Fee rate or Regulator Fee rate (as applicable), AEMO must also publish an estimate of the total amount of revenue to be earned from:

(a) Market Fees collected for:

- i. [Blank]
- ii. AEMO's:
 - 1. market operation services;
 - 2. system planning services; and
 - 3. market administration services,

where the amounts to be earned for each service is equal to the relevant costs in AEMO's budget published in accordance with clause 2.22A.4 or as adjusted under clause 2.24.2A;

- (b) System Operation Fees collected for AEMO's system operation services where the amount to be earned is equal to the relevant costs in AEMO's budget published in accordance with clause 2.22A.4 or as adjusted under clause 2.24.2A;
- (c) Regulator Fees collected for the Economic Regulation Authority's monitoring, compliance, enforcement and regulation services where the amount must be consistent with the relevant amount notified in accordance with clause 2.24.6; and
- (d) Coordinator Fees collected for:
 - i. the Coordinator's functions under these WEM Rules;
 - ii. the costs associated with the remuneration and other expenses for the independent Chair of the Market Advisory Committee, and
 - iii. in the Coordinator's discretion, costs associated with the remuneration and other expenses of the representatives of small-use consumers on the Market Advisory Committee,

where the amount to be earned for those services is equivalent to the costs identified by the Coordinator as costs incurred in the performance of the Coordinator's functions under these WEM Rules or the WEM Regulations, where the amount must be consistent with the relevant amount notified in accordance with clause 2.24.6A.

24.5 Clause 2.24.5B is deleted and replaced with the following:

2.24.5B. The Coordinator may recover a portion of her or his budget determined by the Minister responsible for the Coordinator which corresponds to the costs of the Coordinator in undertaking its functions under these WEM Rules (including costs referred to in clause 2.24.3(d)) from the collection of Coordinator Fees under these WEM Rules.

24.6 Insert the following new clauses 2.24.5C to 2.24.5E:

2.24.5C. The Coordinator must:

- (a) identify in its budget the proportion of its costs that relate to the performance of its functions under these WEM Rules; and
- (b) subject to clause 2.24.5E, publish on the Coordinator's Website the proportion of costs corresponding to the functions described in clause 2.2D.1.

2.24.5D. Where the revenue earned via Coordinator Fees in the previous Financial Year is greater than or less than the Coordinator expenditure related to the functions described in clause 2.24.5B for that

Financial Year, the current year's budget must take this into account by decreasing the budgeted revenue by the amount of the surplus or adding to the budgeted revenue the amount of any shortfall, as the case may be.

2.24.5E For the purposes of clause 2.24.5C(b), the Coordinator need not separately publish the proportion of costs corresponding to the function described in clause 2.2D.1(d) and may consolidate the costs corresponding to the following groups of functions:

- (a) the functions described clauses 2.2D.1(a) and 2.2D.1(b); and
- (b) the functions described in clauses 2.2D.1(c), and 2.2D.1(f) to 2.2D.1(i) inclusive.

24.7 Clause 2.24.6 is deleted and replaced with the following:

2.24.6. By the date which is five Business Days prior to 30 June each year, the Economic Regulation Authority must notify AEMO of the dollar amount that the Economic Regulation Authority may recover under clause 2.24.5.

24.8 Insert the following new clause 2.24.6A:

2.24.6A. By the date which is five Business Days prior to 30 June each year, the Coordinator must notify AEMO of the dollar amount that the Coordinator may recover under clause 2.24.5B.

25. Section 2.25 amended

25.1 Clauses 2.25.1, 2.25.2, 2.25.4(a) and 2.25.4(b) are amended by inserting the words ', Coordinator Fees' after each occurrence in those clauses of the words 'System Operation Fees'.

25.2 Clause 2.25.1A is amended by inserting the words ', Coordinator Fees and' immediately before the words 'Regulator Fees'.

25.3 Insert a new clause 2.25.1C as follows:

2.25.1C. The Coordinator must, if requested by AEMO, use reasonable endeavours to cooperate with AEMO, as AEMO endeavours to give effect to clause 2.25.1A.

25.4 Clause 2.25.3(a) is amended by inserting the word 'to' after the word 'pay'.

25.5 Insert a new clause 2.25.3(aA) as follows:

- (aA) pay to the Coordinator in accordance with Chapter 9 an amount corresponding to the part of the payment received multiplied by the relevant proportionality factor; and

25.6 Clause 2.25.4 is amended by deleting the words 'or the Economic Regulation Authority' and replacing them with the words 'the Coordinator or the Economic Regulation Authority'.

25.7 Clause 2.25.4A is deleted.

26. Section 2.26 amended

26.1 The section 2.26 heading is amended by deleting the words 'Approval of' and replacing them with the words 'Review of Methodology for Setting'.

26.2 Clauses 2.26.1 and 2.26.2 are deleted and replaced with the following:

2.26.1 [Blank]

2.26.2 [Blank]

26.3 Clause 2.26.3 is deleted in its entirety and replaced with the following:

2.26.3. At least once in every five years, the Economic Regulation Authority must review the methodology for setting the Benchmark Reserve Capacity Price and the Energy Price Limits. A review must examine:

- (a) the level of competition in the market;
- (b) the level of market power being exercised and the potential for the exercise of market power;
- (c) the effectiveness of the methodology in curbing the use of market power;
- (d) [Blank];
- (dA) [Blank];
- (dB) [Blank];
- (e) historical STEM Bids and STEM Offers and the proportion of STEM Bids and Offers with prices equal to the Energy Price Limits;
- (eA) the Bids and Offers with prices equal to the Energy Price Limits submitted for Facilities which have received Constraint On payments in the Trading Intervals to which the Bids and Offers applied;
- (f) the appropriateness of the parameters and methodology in section 4.16 and the WEM Procedure referred to in clause 4.16.3 for recalculating the Benchmark Reserve Capacity Price;
- (g) the appropriateness of the parameters and methodology in section 6.20 for recalculating the Energy Price Limits;
- (h) [Blank]; and
- (i) other matters which the Economic Regulation Authority considers relevant.

27. Section 2.32 amended

27.1 Clause 2.32.7A is amended by deleting the words 'The Economic Regulation Authority'.

28. Section 4.5 amended

28.1 Clause 4.5.14 is amended by deleting the words ' , and which the Economic Regulation Authority must follow in conducting reviews under clause 4.5.15,'.

- 28.2 Clause 4.5.15 is amended by deleting the words ‘Energy Market Commencement, the Economic Regulation Authority must conduct a review’ and replacing them with the words ‘1 July 2021 the Coordinator, with the assistance of AEMO, must conduct a review’.
- 28.3 Clauses 4.5.16 and 4.5.17 are deleted and replaced with the following:
- 4.5.16. In conducting a review under clause 4.5.15, the Coordinator must invite submissions on the performance of the Planning Criterion and the process by which AEMO forecasts SWIS peak demand from Rule Participants, and must specify a reasonable time by which submissions must be lodged. The Coordinator must take into account in the review any submissions received within the time specified, and may take into account any late submission.
- 4.5.17. The Coordinator must make available a draft of the report described in clause 4.5.18 to Rule Participants for comment and invite submissions on the draft report. The Coordinator must specify a reasonable time by which submissions must be lodged, and must take into account any submissions received within the time specified, and may take into account any late submission.
- 28.4 Clauses 4.5.18 (inclusive of all sub clauses 4.5.18(a) to 4.5.18(h)), 4.5.19 and 4.5.20 (including sub clauses 4.5.20(a) and 4.5.20(b) are amended by deleting each occurrence in those clauses of the words ‘Economic Regulation Authority’ and replacing them with the word ‘Coordinator’.
- 28.5 Clause 4.5.20 is amended by deleting the words ‘conduct the analysis’ and replacing them with the words ‘conduct any analysis’.
- 28.6 Clause 4.5.20(b) is amended by deleting the words ‘third party where variations’ and replacing them with the words ‘third party and variations’.
- 29. Section 4.11 amended**
- 29.1 Clauses 4.11.1E and 4.11.1F are deleted.
- 30. Section 4.16 amended**
- 30.1 Clause 4.16.1 is amended by deleting the word ‘AEMO’ and replacing it with the words ‘the Economic Regulation Authority’.
- 30.2 Clause 4.16.3 is amended by deleting the words ‘AEMO must use and the process AEMO must follow’ and replacing them with the words ‘it must use and the process it must follow’.
- 30.3 Clause 4.16.3(a) is amended by inserting the words ‘Economic Regulation Authority,’ before the word ‘AEMO’.
- 30.4 Clause 4.16.3(b) is amended deleting the word ‘AEMO’ and replacing it with the words ‘the Economic Regulation Authority’.
- 30.5 Clause 4.16.5 is deleted and replaced with the following:
- 4.16.5. The Economic Regulation Authority must revise the value of the Benchmark Reserve Capacity Price using the methodology described in the WEM Procedure referred to in clause 4.16.3.

30.6 Clause 4.16.6 is amended by deleting each occurrence of the word 'AEMO' and replacing it with the words 'The Economic Regulation Authority'.

30.7 Clauses 4.16.7 and 4.16.8 are amended by deleting each occurrence in those clauses of the word 'AEMO' and replacing them with the words 'the Economic Regulation Authority'.

31. Section 4.24 amended

31.1 Clauses 4.24.19 is amended by deleting the word 'AEMO' and replacing it with the words 'the Coordinator'.

32. Section 4.26 amended

32.1 Clauses 4.26.1D and 4.26.1E are deleted in their entirety and replaced with the following:

4.26.1D. [Blank]

4.26.1E. [Blank]

33. Section 6.20 amended

33.1 Clause 6.20.6 is amended by deleting the word 'AEMO' and replacing it with the words 'The Economic Regulation Authority'.

33.2 Clauses 6.20.7, 6.20.7(a)(ii), 6.20.7(b), 6.20.9 and 6.20.9A are amended by deleting each occurrence in those clauses of the word 'AEMO' and replacing them with the words 'the Economic Regulation Authority' or the words 'The Economic Regulation Authority' (as the case requires).

33.3 Clause 6.20.10 is deleted and replaced with the following:

6.20.10. The Economic Regulation Authority must consider in-time submissions on the draft report described in clause 6.20.9, and any in-time submissions received under clause 6.20.9A, and may consider any late submissions, and after considering the submissions must propose a final revised value for one or both of the Maximum STEM Price and Alternative Maximum STEM Price.

33.4 Clause 6.20.11 is deleted and replaced with the following:

6.20.11 A proposed revised value for the Maximum STEM Price and the Alternative Maximum STEM Price replaces the previous value after AEMO has posted a notice on the WEM Website of the new value of the applicable Energy Price Limit, with effect from the time specified in AEMO's notice.

34. Section 9.1 amended

34.1 Clause 9.1.2(g)(ii) is amended by inserting the words ', the Coordinator Fees' after the words 'System Operation Fees'.

35. Section 9.13 amended

35.1 Clause 9.13.1 is amended by deleting the formula for calculating the applicable Market Participant Fee settlement amount for Market Participant p for Trading Month m (MPFSA(p,m)) and replacing it with the following:

$$\text{MPFSA}(p,m) = (-1) \times (\text{Market Fee rate} + \text{System Operation Fee rate} \\ + \text{Coordinator Fee rate} + \text{Regulator Fee rate}) \times \\ (\text{Monthly Participant Load}(p,m) + \text{Monthly Participant Generation}(p,m))$$

35.2 Clause 9.13.1 is amended by inserting the following words immediately above the words “Market Fee rate is the charge”:

Coordinator Fee rate is the charge per MWh for funding the Coordinator’s activities under these WEM Rules determined in accordance with clause 2.24.2 for the year in which Trading Month m falls;

35.3 Clause 9.13.1 is amended by deleting the words ‘and the Rule Change Panel’s’ (in the description for Regulator Fee rate).

36. Section 10.2 amended

36.1 Clause 10.2.2(f)(iv) is amended by deleting the words ‘; and’ and replacing them with ‘;’.

36.2 Clause 10.2.2(g)(vii) is amended by deleting the words ‘applicable laws.’ and replacing them with the words ‘applicable laws; and’.

36.3 Insert a new clause 10.2.2(h) as follows:

(h) Coordinator Restricted, in which case the relevant information or documents may only be made available with the Coordinator’s written consent.

36.4 Clause 10.2.3 is amended by inserting the words ‘and subject to clauses 10.3.2B and 10.3.2BA,’ before the words ‘AEMO must have regard to’.

36.5 Clause 10.2.3(b) is amended by inserting the words ‘or permitted’ immediately following the words ‘is required’.

36.6 Clauses 10.2.3B and 10.2.3BA are deleted and replaced with the following:

10.2.3B. AEMO must consult with the Coordinator and obtain the Coordinator's written consent, prior to setting the confidentiality status of a type of market related information or document under clause 10.2.1 relating to functions of the Coordinator under these WEM Rules, and in the absence of such consent must set its confidentiality status as Coordinator Restricted.

10.2.3BA. To the extent information or a document relates to the Coordinator’s functions under any written law other than these WEM Rules, AEMO must set its confidentiality status as Coordinator Restricted unless the Coordinator in her or his absolute discretion agrees otherwise in writing.

36.7 Clause 10.3.2 is deleted and replaced with the following:

10.3.2. Subject to clause 10.4.2, the Coordinator, AEMO, the Economic Regulation Authority or a Network Operator must not require a fee for information or documents released or published by the Coordinator, AEMO, the Economic Regulation Authority or the Network Operator via the WEM Website, or via AEMO's website, the Coordinator's Website, the Economic Regulation Authority's website or the Network Operator's website in accordance with the WEM Rules or WEM Procedures.

37. Chapter 11 (Glossary) amended

37.1 Insert each of the following new definitions in Chapter 11 (Glossary) in the appropriate alphabetical order:

Coordinator: The Coordinator referred to in section 4 of the Energy Coordination Act 1994.

Coordinator Fees: The fees determined by AEMO in accordance with section 2.24, and payable by Market Participants to AEMO for the services provided by the Coordinator in undertaking its functions under these WEM Rules.

Coordinator's Website: A website or portion of a website maintained by, or on behalf of, the Coordinator.

Coordinator Transfer Date: Means 8:00AM on the date the amending rules made under the *Electricity Industry (Wholesale Electricity Market) Regulations 2004* (WA), regulation 7(4) giving effect to the transfer of functions from the Rule Change Panel to the Coordinator commence operation.

MAC Secretariat: The services, facilities and assistance made available by the Coordinator to the Market Advisory Committee.

37.2 The definition for 'Draft Rule Change Report' is deleted and replaced with the following:

Draft Rule Change Report: The draft report described in clause 2.7.7 and published by the Coordinator under clause 2.7.6(a) in relation to a Rule Change Proposal.

37.3 The definition for 'Final Rule Change Report' is deleted and replaced with the following:

Final Rule Change Report: In respect of a Rule Change Proposal to which the Fast Track Rule Change Process applies, the report described in clause 2.6.4 and published by the Coordinator in accordance with clause 2.6.3A(b). In respect of a Rule Change Proposal to which the Standard Rule Change Process applies, the report described in clause 2.7.8 and published by the Coordinator in accordance with clause 2.7.7A(b).

37.4 The definition for 'Market Advisory Committee' is deleted and replaced with the following:

Market Advisory Committee: An advisory body to the Coordinator, Economic Regulation Authority and AEMO comprising industry representatives established under clause 2.3.1.

37.5 The definition for 'Procedure Change Proposal' is deleted and replaced with the following:

Procedure Change Proposal: A proposal developed by the Coordinator, AEMO, the Economic Regulation Authority or a Network Operator to initiate a Procedure Change Process.

37.6 The definition for 'Procedure Change Report' is deleted and replaced with the following:

Procedure Change Report: A final report prepared by the Coordinator, AEMO, the Economic Regulation Authority or a Network Operator in relation to a Procedure Change Proposal, containing the information described in clause 2.10.13.

37.7 The definition for 'Regulations' is deleted and replaced with the following:

Regulations: Any regulations made under the Electricity Industry Act 2004 (WA) including the WEM Regulations, AEMO Regulations and the Electricity Industry (Independent Market Operator) Repeal Regulations 2018.

37.8 The definition for 'Regulator Fees' is deleted and replaced with the following:

Regulator Fees: The fees determined by AEMO in accordance with clause 2.24, and payable by Market Participants to AEMO for the services provided by the Economic Regulation Authority in undertaking its Wholesale Electricity Market related functions and other functions under these WEM Rules.

37.9 The definition for 'Reviewable Decision' is deleted and replaced with the following:

Reviewable Decision: Decisions made by the Coordinator, AEMO, the Economic Regulation Authority or a Network Operator, in respect of which an eligible person may apply to the Electricity Review Board in accordance with section 125 of the Electricity Industry Act and the Regulations, and does not include any decisions of a class specified for this purpose in the Regulations under section 125 of that Act.

37.10 The definition for 'Rule Change Proposal' is deleted and replaced with the following:

Rule Change Proposal: A proposal made in accordance with clause 2.5 proposing that the Coordinator makes Amending Rules.

37.11 The definition for 'WEM Procedure' is deleted and replaced with the following:

WEM Procedure: The procedures developed by AEMO, the Economic Regulation Authority, the Coordinator and a Network Operator, as applicable, in accordance with section 2.9 as amended in accordance with the Procedure Change Process.

37.12 Each of the definitions listed in the following Table is deleted:

Table
RCP Secretariat
RCP Secretariat Support Services
Rule Change Panel Transfer Date

38. Various references to Rule Change Panel amended

38.1 In each place in the WEM Rules listed in the Table, delete the words 'Rule Change Panel' in each place where they occur and replace them with the word 'Coordinator'.

Table
Clause 1.4.2
Clause 1.5.2(dC)
Clause 1.6.1

Clause 2.3.2(d)
Clause 2.3.4
Clause 2.3.11
Clause 2.3.11(d)
Clause 2.3.12
Clause 2.3.13
Clause 2.3.17(b)
Clause 2.4 (section heading)
Clause 2.4.1
Clause 2.4.2
Clause 2.5.1
Clause 2.5.2
Clause 2.5.3
Clause 2.5.5
Clause 2.5.6(b)
Clause 2.5.6(d)
Clause 2.5.7
Clause 2.5.7(f)(ii)
Clause 2.5.8
Clause 2.5.11
Clause 2.5.12
Clause 2.5.14
Clause 2.5.15
Clause 2.6.2
Clause 2.6.3
Clause 2.6.3A
Clause 2.6.4(b)
Clauses 2.6.4(d) to 2.6.4(h) (inclusive)
Clause 2.7.1
Clause 2.7.3
Clause 2.7.4
Clause 2.7.6
Clause 2.7.7(e)
Clause 2.7.7(g)
Clause 2.7.7A
Clauses 2.7.8(d) to 2.7.8(g) (inclusive)
Clause 2.8 (section heading)
Clause 2.8.1
Clause 2.8.2
Clause 2.8.5
Clause 2.8.6
Clause 2.8.7
Clause 2.8.9
Clause 2.8.10
Clause 2.8.11(b)
Clause 2.8.12
Clause 2.9.5
Clause 2.9.7C
Clause 2.10.10
Clause 2.10.13(c)
Clause 2.16.2(o)
Clause 2.16.2(p)
Clause 2.22A.1(c)
Clause 10.2.2(c)(iiC)
Clause 10.2.2(d)(iiC)
Clause 10.2.2(e)(iiA)
Clause 10.2.2(f)(iiB)
Clause 10.2.2(g)(ivA)
Clause 10.2.3(cb)
Clause 10.5.1(r)

Schedule C

39. Section 3.15 amended

39.1 Clauses 3.15.1, 3.15.1A, 3.15.1B, 3.15.2, 3.15.3, 3.15.3(b), 3.15.4 and 3.15.5 are amended by deleting each occurrence in those clauses of the words 'Economic Regulation Authority' and replacing them with the word 'Coordinator'.

40. Section 3.18G amended

40.1 The section 3.18G heading is deleted and replaced with the following:

3.18G. Economic Regulation Authority Study of the Impact of Network Operator Outages on the Market

40.2 Sections 3.18G.1 to 3.18G.3 (inclusive) are deleted and replaced with the following:

3.18G.1. At least once in every five year period starting from the New WEM Commencement Day, the Economic Regulation Authority must conduct an economic study on the impact of Network Operator Outages on the market against the Wholesale Market Objectives. In conducting the study, the Economic Regulation Authority must have regard to the most recent review conducted under clause 3.18GA.1.

3.18G.2. At the conclusion of a review under clause 3.18G.1, Economic Regulation Authority must publish:

- (a) the inputs and results of the economic study;
- (b) all submissions received by Rule Participants as part of a consultation process conducted by the Economic Regulation Authority and any responses to issues raised in those submissions; and
- (c) a report containing any recommended changes, formulated as one or more WEM Rule Change Proposals, recommended WEM Procedure changes or recommended changes to other relevant instruments (e.g. Access Code).

3.18G.3. If the Economic Regulation Authority recommends any changes to the WEM Rules or WEM Procedures in a report published under clause 3.18G.2(c), the Economic Regulation Authority must submit a Rule Change Proposal in accordance with clause 2.5.1 to effect the change.

40.3 Insert the following new section 3.18GA:

3.18GA. Coordinator Review of Outage Planning Process

3.18GA.1. At least once in every five year period starting the New WEM Commencement Day, the Coordinator, with the assistance of AEMO, must conduct a review of the Outage planning process against the Wholesale Market Objectives. At a minimum, the review must include:

- (a) a technical study of the effectiveness of the Outage Evaluation Criteria; and
- (b) a public consultation process with Rule Participants,

and must have regard to the most recent review conducted under clause 3.18G.1.

3.18GA.2. At the conclusion of a review under clause 3.18GA.1, the Coordinator must publish:

- (a) the inputs and results of the technical study;
- (b) all submissions received by Rule Participants as part of the consultation process and any responses to issues raised in those submissions; and
- (c) a report containing any recommended changes to the Outage planning process, formulated as one or more WEM Rule Change Proposals, recommended WEM Procedure changes or recommended changes to other relevant instruments (e.g. Access Code).

3.18GA.3. If the Coordinator recommends any changes to the WEM Rules in a report published under clause 3.18GA.2(c), the Coordinator must progress a Rule Change Proposal in accordance with clause 2.5.1 to effect the change.