

### REVIEW OF ENERGY MARKET COMMISSION ESTABLISHMENT REGULATIONS 2005 -ISSUES PAPER

**The Australian Energy Market Commission Establishment Regulations 2005 (the AEMC Establishment Regulations) were made under the *Australian Energy Market Commission Establishment Act 2004* (the AEMC Establishment Act).**

**Pursuant to the *Subordinate Legislation Act (SA) 1978*, the AEMC Regulations are now due for review.**

**The purpose of the review is to determine whether the Regulations remain relevant and provide the opportunity to consider any changes.**

**The release of this Issues Paper is the first step in that review. The Senior Committee of Officials is seeking stakeholders' feedback on the Regulations.**

The AEMC Establishment Act establishes the Australian Energy Market Commission (AEMC) as the rule-maker for national energy markets.

The 2015 Review of Governance Arrangements for Australian Energy Markets determined that the governance arrangements, in particular, the various responsibilities allocated to the AEMC, remain appropriate.

Under Part 3A of the Subordinate Legislation Act, some regulations expire on 1 September the year following the year in which the tenth anniversary of the day on which the regulations were made falls. There is provision for the

expiry to be postponed for the periods specified in that Act.

A review of the AEMC Establishment Regulations is therefore now required.

#### **Review of the AEMC Establishment Regulations Issues Paper**

The Issues Paper seeks stakeholder feedback regarding the current Regulations, and whether any changes are warranted.

#### **Addition of the Energy Security Board (ESB) to the list of bodies to whom the AEMC can provide confidential information.**

*The Statutes Amendment (National Energy Laws)(Rules) Act 2018*, which came into operation on 20 September 2018, provides for the Australian Energy Regulator (AER) and the Australian Energy Market Operator (AEMO) to share confidential information with the ESB.

An amendment to Regulation 4 of the AEMC Establishment Regulations is required to enable the AEMC to share similar information with the ESB.

The COAG Energy Council has approved the drafting of the necessary Regulation.

Accordingly, the Issues Paper seeks stakeholder comment on the proposed amendment to

Regulation 4 as well as the AEMC Establishment Regulations more generally.

### **Submissions**

Stakeholders are invited to provide written submissions **by close of business (AEST) Thursday 14 February 2019.**

All stakeholder submissions will be published on the COAG Energy Council website unless stakeholders have clearly indicated that a submission should remain confidential, either in whole or in part.

Electronic submissions are preferred and can be sent to the Energy Council Secretariat at:

[energycouncil@environment.gov.au](mailto:energycouncil@environment.gov.au).

Those who wish to provide hard copies by post may do so by addressing their submissions to:

COAG Energy Council Secretariat  
GPO Box 787 CANBERRA ACT 2601