



12 May 2023

Energy Ministers Secretariat
Department of Climate Change, Energy, the Environment and Water
GPO Box 858
Canberra ACT 2601

Submitted via email: WMMR@dcceew.gov.au

Dear Energy Ministers Secretariat

Amending the Australian Energy Regulator wholesale market monitoring framework – Consultation Paper

Origin Energy Limited (Origin) welcomes the opportunity to provide comments on Energy Senior Officials' Consultation Paper and Draft Bill on the Amending the Australian Energy Regulator (AER) wholesale market monitoring and reporting framework.

Origin supports the intent to ensure the AER's new market monitoring and reporting powers are appropriately targeted to avoid duplication, minimise compliance costs and address confidentiality risks for participants. However, Origin still has material concerns around core aspects of the framework that are yet to be appropriately defined.

Broadly, we consider that important details regarding the scope of the AER's powers, how participant information will be collected and used, and how the AER will treat commercially sensitive material should be enshrined in the Bill. To the extent this is not achieved, we strongly support these elements being thoroughly covered in the proposed Wholesale Market Monitoring and Reporting Guidelines and ensuring market participants are provided with sufficient time to engage with the AER on their development.

Having regard to the above, we consider the following refinements should be made to the Draft Bill to provide for a more targeted framework and reduce the risk of duplication.

- Proposed provision s18E only requires the AER to 'consider' whether the information it requires can be obtained in another way. This provision should be revised to state that the AER must 'be satisfied that it cannot obtain this information in another way' to impose a positive obligation on the AER to ensure there is no unnecessary duplication of reporting obligations.
- Proposed provision s18(2) requires the AER to consider a request to omit information that would identify a party to an agreement who is not a registered participant. This provision should be expanded to require the AER to consider a request to omit information related to other commercially sensitive material contained in contracts (e.g. pricing).
- The Draft Bill removes existing provision s18D of the National Electricity Law (NEL) which requires the AER not to use information other than for the purposes of the AER's wholesale market monitoring functions. Origin remains of the view that information collected as part of the AER's wholesale market monitoring function should not be used for compliance / enforcement

purposes. Market monitoring is more appropriately used to address market outcomes as a whole, rather than a means of enforcing national energy laws and rules against individual participants.

If you wish to discuss any aspect of this submission further, please contact Thomas Lozanov at thomas.lozanov@originenergy.com.au.

Yours Sincerely,

A handwritten signature in black ink that reads "S Cole". The signature is written in a cursive, slightly slanted style.

Shaun Cole
Group Manager, Regulatory Policy