



**Energy Transformation
Taskforce**

Detailed Design: Technical Rules Change Management Process

Information Paper

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Energy Transformation Taskforce

David Malcolm Justice Centre

28 Barrack Street

Perth WA 6000

Locked Bag 11 Cloisters Square WA 6850

Main Switchboard: 08 6551 4600

www.energy.wa.gov.au

ABN 84 730 831 715

Contents

Abbreviations	iv
1. Introduction	1
1.1 About the Energy Transformation Strategy	1
1.2 About the Technical Rules Change Management project	1
1.3 A case for change.....	3
1.4 Matters out of scope	3
1.5 Other relevant policy changes	3
2. A new change management process	5
2.1 Parties that can request a change to the Technical Rules	5
2.2 Rule change process	5
2.3 Expand powers to reject applications.....	6
2.4 Technical Rules Committee	6
2.4.1 ERA requirement to seek the advice of the Technical Rules Committee	6
2.4.2 Timeframes for the provision of advice.....	6
2.4.3 Membership of the Technical Rules Committee	6
2.4.4 Terms of Reference for the Technical Rules Committee	7
2.5 Considerations in assessing applications.....	7
2.6 Timing and consultation of change requests	8
2.6.1 Current process	8
2.6.2 New Process	8
2.7 Changes to cost recovery	9
2.7.1 Australian Energy Market Operator	9
2.7.2 Economic Regulation Authority	10
2.7.3 Technical Rules Committee	10
2.8 Western Power Review and commencement date.....	10
3. Next steps and timing	11
Attachment 1 – Draft amendments to the Wholesale Electricity Market Rules	12
Attachment 2 – Draft amendments to the Electricity Network Access Code 2004	14

Abbreviations

The following table provides a list of abbreviations and acronyms used throughout this document.

Term	Definition
Access Code	Electricity Networks Access Code 2004
AEMO	Australian Energy Market Operator
DER	Distributed Energy Resource
ERA	Economic Regulation Authority
ETIU	Energy Transformation Implementation Unit
PSOWG	Power System Operation Working Group
SWIS	South West Interconnected System
Taskforce	Energy Transformation Taskforce
TDOWG	Transformation Design and Operation Working Group
WEM	Wholesale Electricity Market

1. Introduction

1.1 About the Energy Transformation Strategy

The energy sector is undergoing an unprecedented transformation in the way electricity is supplied and used. More households and small businesses than ever are installing solar photovoltaic and battery systems to control electricity bills. At the same time, large-scale renewable generators are supplying an increasing amount of our electricity needs.

The intermittent and in some cases uncontrolled nature of these energy sources is presenting challenges for maintaining the security, reliability and affordability of the power system, particularly in the South West Interconnected System (SWIS).

To address these challenges, on 6 March 2019 the Hon Bill Johnston MLA, Minister for Energy, announced the McGowan Government's Energy Transformation Strategy. This is the Western Australian Government's strategy to respond to the energy transformation underway and to plan for the future of our power system. The delivery of the Strategy is being overseen by the Energy Transformation Taskforce (Taskforce), which was established on 20 May 2019. The Taskforce is supported by the Energy Transformation Implementation Unit (ETIU), a dedicated unit within Energy Policy WA.

More information on the Energy Transformation Strategy, the Taskforce, and ETIU can be found on the [Energy Transformation Strategy website](#).

1.2 About the Technical Rules Change Management project

The Energy Transformation Strategy is being delivered under three work streams. The Technical Rules Change Management project forms part of the Delivering the Future Power System work stream, as shown in Figure 1 below.

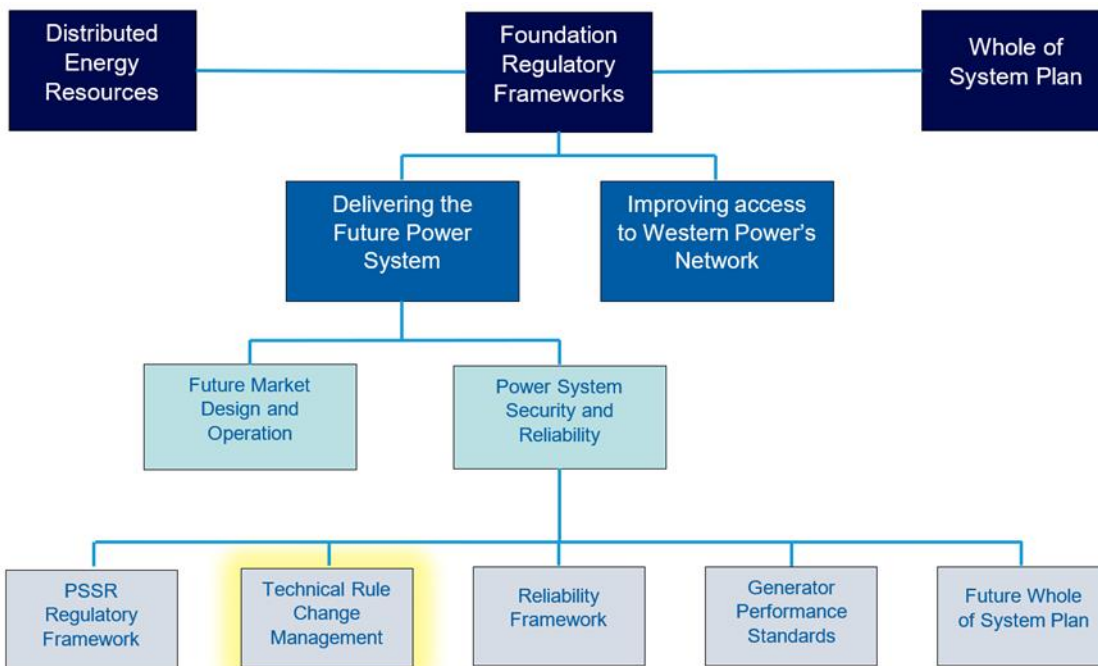


Figure 1: The Technical Rules Change Management project in the context of the Energy Transformation Strategy program structure.

This project will make amendments to the change management framework for the Technical Rules to permit any interested party to submit a change proposal for consideration by the Economic Regulation Authority (ERA). It will also undertake modifications to improve the timeliness, efficiency and equity of the Technical Rules change process.

Western Power is currently the only party required to have Technical Rules, and as such, this paper is principally focused on the process for amending these rules. Notwithstanding, the provisions for establishing and managing Technical Rules, as laid out in Chapter 12 of the Electricity Networks Access Code 2004 (Access Code), are for any covered network and there exists the possibility that changes made here may affect covered networks in future. The proposals contained in this paper were developed with this potential impact in mind.¹

The project is being conducted in three phases:

Phase 1: Assessment of options to address deficiencies with the existing Technical Rules change process, concluding with a decision by the Taskforce on a revised high-level change management framework for further development under Phase 2. Phase 1 was completed in August 2019, with an information paper available on the [Energy Transformation Strategy website](#). Phase 1 included targeted industry consultation through the Power System Operation Working Group (PSOWG),² as well as Western Power, the Australian Energy Market Operator (AEMO) and the ERA.

Phase 2: Further development of the framework identified in Phase 1, including a detailed assessment of Access Code and Wholesale Electricity Market (WEM) Rule changes required, concluding with a decision by the Taskforce on detailed design, and development of draft amendments to relevant instruments. The publication of this paper and draft amendments to relevant instruments represents the completion of Phase 2.

Phase 3: Government endorsement and implementation of the changes identified within Phase 2. This includes processes associated with implementation of amendments to affected instruments, such as further formal public consultation and gazettal. Changes required affect instruments that have dependencies with other Energy Transformation Strategy projects, and as such, the timing of implementation will be coordinated with these other projects and is expected to be complete by May 2020.

The paper outlines the detailed design elements of the proposed new Technical Rules change management process. This approach has been informed by consultation with industry through the Transformation Design and Operation Working Group (TDOWG), as well as Western Power, AEMO and the ERA. Proposed amendments to the WEM Rules required to implement the project are provided in Attachment 1, with proposed amendments to the Access Code provided in Attachment 2. The Minister for Energy is expected to formally commence public consultation in relation to Access Code changes to implement the Energy Transformation Strategy in early-2020. These will include changes relating to the Technical Rules Change Management project.

¹ The Minister for Energy has made the decision to cover the North West Interconnected System (NWIS), with coverage taking effect on 1 January 2020, under a new 'light-handed' access regime. The changes proposed under this project will not apply to the NWIS.

² The PSOWG was a working group convened under the Market Advisory Committee (MAC). On 29 July 2019 the MAC disbanded the PSOWG, with the working group's functions being subsumed by the Transformation Design and Operation Working Group (TDOWG) (established under the auspices of the Taskforce). For more information on the TDOWG, please visit the Taskforce's consultation [website](#).

1.3 A case for change

In practice, Western Power is the only party that can currently submit a change request for its Technical Rules. This is inconsistent with the change process for the WEM Rules, where any person can submit a change proposal for consideration by the independent Rule Change Panel.

Over time, loads, generators, distributed energy resource (DER) providers and other stakeholders have expressed concern that they cannot submit a proposal to change the Technical Rules. Notwithstanding changes to the Technical Rules made by Western Power, or exemptions it has granted in response to user requests, concern has remained that Western Power has no clear incentive to proactively propose changes that may benefit users unless such changes also benefit Western Power.

Power system security and reliability frameworks, including the Technical Rules, are also being challenged by rapid changes in technology and the evolving demands of consumers. As with some other parts of the regulatory framework, the Technical Rules have not kept pace with changes in the sector.

Allowing for any interested party to suggest a change to the Technical Rules improves equity between the service provider and users; improves consistency between the WEM Rules and Technical Rules change management process; and may also improve the responsiveness of the Technical Rules to sectoral and technological change.

For further information on the current change management process and the rationale for this project, readers are referred to section 2 of the paper Improving the Technical Rules Change Management Process, endorsed by the Taskforce in July 2019 and available on the [Energy Transformation Strategy website](#).

1.4 Matters out of scope

The scope of the Technical Rules Change Management project is limited to the process for amending the Technical Rules. It does not directly address matters relating to the content of Western Power's Technical Rules, compliance with the rules, or the wider regulatory framework in which the rules exist. These matters are being considered as part of separate, but related, projects being undertaken by the Taskforce, Western Power, and AEMO, that will be subject to further consultation.

1.5 Other relevant policy changes

Under the Power System Security and Reliability Regulatory Framework project (see Figure 1), the Taskforce is currently progressing a work program to transfer select generator performance standards for transmission-connected market generators from Western Power's Technical Rules to the WEM Rules. This will affect the Technical Rules Change Management project in two ways.

1. It may reduce the volume of change requests under the proposed change management process; and
2. It will necessitate significant changes to Western Power's existing Technical Rules.

Once relevant generator performance standards are transferred to the WEM Rules, transmission-connected market generators wishing to propose changes to the standards will be required to engage with the WEM Rule change process. While this is likely to reduce the volume of Technical Rule change requests compared to the scenario of leaving these standards in the Technical Rules, it is important to note that there still exists some uncertainty around the likely volume of change requests.

DER are becoming increasingly popular, with a growing range of uses for both customers and WEM participants. The Energy Transformation Strategy's DER Roadmap project is identifying the range

of potential changes to regulatory frameworks, including the Technical Rules, to accommodate DER and related customer and power system requirements. The DER industry and technologies are still developing, and it is likely that relatively frequent amendments to the Technical Rules (when compared to the past) in relation to DER will continue for a period as the technology matures, the power system changes, and related regulatory frameworks are required to adapt.

Western Power is also undertaking a separate, but related, review of the Technical Rules to respond to changes to network-connected technologies and evolving government policy. The Taskforce is recommending changes to the Access Code (section 2.8) to accommodate this review. The date at which any party can undertake a change has been timed to allow for the completion of Western Power's Technical Rules Review so that, at the time of commencement, the Technical Rules is a contemporary document that is less likely to immediately attract material changes.

2. A new change management process

As noted in section 1.5, the number of change requests likely to be submitted under the new process is uncertain. While a prescriptive process may provide additional clarity and certainty for the ERA and those proposing changes to the Technical Rules, it may also unintentionally reduce the responsiveness of the scheme to changing levels of demand over time. This could lead to the scheme being overly bureaucratic, costly, and/or unnecessarily time-consuming.

To minimise this risk, a flexible framework for a Technical Rules change management process that can accommodate variable demand will be adopted. The design allows scope for the ERA to develop processes suitable to the volume and type of changes proposed, without being required to do so if the level of demand does not warrant it. For this reason, phases such as 'allow for', rather than 'require' are frequently used in describing the scheme.

This section outlines the changes to the existing framework endorsed by the Taskforce and reflected in the draft amendments to the WEM Rules (Attachment 1) and Access Code (Attachment 2).

2.1 Parties that can request a change to the Technical Rules

The Access Code will be amended to allow for any interested person to submit a change request for the approval of the ERA. This necessitates the establishment of a new change management process and is the driver behind almost all other changes outlined in this paper.

2.2 Rule change process

The ERA will be required to develop and publish processes that applicants are to follow when submitting a Technical Rule change request. As soon as is practicable following the receipt of the application, the ERA is to advise the applicant that either the application has been:

- accepted, meaning that the application complies with the established processes and the ERA will consider the rule change request. Following acceptance, the timeframe outlined in section 2.6 of this paper commences; or
- rejected, citing one or more reasons outlined in section 2.3 of this paper.

The ERA may create a pre-rule change process which, if implemented, would be optional for rule change proponents. The purpose of a pre-rule change process would be to support a rule change proponent in developing an application so that it has the highest possibility of being accepted into the rule change process.

While timeframes will apply for the ERA to consider accepted applications (section 2.6), it will have flexibility to process applications based on priority or administrative simplicity, as opposed to the order in which they are received. The ERA may also coordinate or combine applications that are materially similar.

The ERA may work with the applicant to modify the content of the rule change request during the period in which it is assessed. This will be optional for both the applicant and the ERA; that is, the application cannot be modified unless both parties agree. Where an application has been altered, the timeframes outlined in section 2.6 of this paper will persist. These design criteria allow for applications to evolve as more information comes to light and prevents the current, inefficient process whereby an application must be rescinded and resubmitted to be amended.

In the development of the rule change process or pre-rule change process, the ERA may use the services of the Technical Rules Committee, but should not be required to do so, other than for the purpose of advice (see section 2.4.1).

2.3 Expand powers to reject applications

The ERA is currently able to reject proposals that it assesses as being misconceived or lacking in substance, or have been made on trivial or vexatious grounds (s12.51 of the Access Code). These grounds will be expanded to allow the ERA to reject applications that do not comply with its published process, or those that are materially similar in scope to applications currently in the rule change process, or those considered in the previous 12 months. This change is required to improve efficiency by ensuring applications with a very low probability of success or have been recently considered can be removed from the process earlier.

The ERA will continue to be required to publish a notice of proposals that it has rejected including the relevant grounds.

2.4 Technical Rules Committee

2.4.1 ERA requirement to seek the advice of the Technical Rules Committee

The ERA will continue to be supported by a Technical Rules Committee, which will act as an advisory body to the ERA. However, a key difference under the new framework is that the ERA will be required to seek the advice of the Technical Rules Committee for all substantial rule change requests (the threshold for which is at the discretion of the ERA), except for those that are rejected by the ERA as outlined in section 2.3. The ERA will also be required to publish any advice received by the Technical Rules Committee.

2.4.2 Timeframes for the provision of advice

In requesting advice from the Technical Rules Committee, the ERA will be required to indicate the timeframe in which the advice is to be provided. This timeframe should be commensurate with the scope and complexity of the rule change request but should not be less than 15 business days. The Technical Rules Committee may request an extension to the timeframes provided by the ERA, and the ERA may grant an extension.

Where the Technical Rules Committee does not provide advice within the required timeframes, including any extensions, the ERA may proceed with the consideration of the application without the Technical Rules Committee's advice.

The ERA must act reasonably in deciding whether to grant an extension requested by the Technical Rules Committee and in any decision to proceed without the advice of the Technical Rules Committee.

2.4.3 Membership of the Technical Rules Committee

Section 12.20 of the Access Code specifies that a representative of the Coordinator of Energy is the Chair the Technical Rules Committee. This arrangement will continue under the new framework, reflecting the broad statutory role of the Coordinator of Energy in advising Government regarding all aspects of energy policy.

Amendments will be made to include System Management on the Technical Rules Committee. This change reflects the move of system management functions from Western Power to AEMO since the Access Code was last amended, as well as the growing influence of small-scale generation on the management of the system.

Currently, a representative from each other service provider of any interconnected network must sit on the Technical Rules Committee. The mandatory requirement for the Technical Rules Committee to be consulted on rule changes means that its membership must be available to meet with some

regularity. Principally for this reason, the requirement for an interconnected network representative to be in the Technical Rules Committee will be removed. Strengthening the argument for the removal of this mandatory requirement is the fact that no interconnected networks in the SWIS have Technical Rules, with this requirement being removed through amendments made to the Access Code in 2014.

Notwithstanding the changes to mandatory membership, the ERA will continue to be able to nominate any other person that it considers appropriate to sit on the Technical Rules Committee.

The quorum for meetings of the Technical Rules Committee will be the representative of the:

- Coordinator of Energy;
- Network service provider (Western Power); and
- System Management (AEMO).

Additional (non-quorum) members will be:

- At least one person representing users of the network; and
- Any other person the ERA considers appropriate.

In appointing any other interested person to the Technical Rules Committee, the ERA will determine the term of that appointment.

2.4.4 Terms of Reference for the Technical Rules Committee

The ERA will set the terms of reference for the Technical Rules Committee, including frequency of meetings, meeting procedures, the involvement of the Technical Rules Committee in any pre-rule change process, and the potential for subcommittees of the Technical Rules Committee. It is envisaged that subcommittees may be required to address differing matters associated with the distribution and transmission networks or may be helpful for specific technology types.

Given its enhanced role and scope for involvement in the application process, the Technical Rules Committee may become a standing committee if this is a more efficient outcome considering the volume of rule change requests received. Access Code amendments will ensure there are no barriers to this.

2.5 Considerations in assessing applications

At the time of the most recent Access Code changes in 2014, Western Power was both the system manager and network operator. It was also the only party in practice that could make a proposal to change the Technical Rules. As such, the likelihood of change proposals that would negatively impact on system security was low. In opening the change management process to all interested parties, there is greater scope for change requests to fail to consider their wider impacts on system security. For this reason, amendments to the Access Code will require the ERA to consider system impacts in assessing change requests. The inclusion of a System Management representative on the Technical Rules Committee should assist in this regard, although AEMO may also provide submissions to a public consultation process.

Section 12.54(b) of the Access Code currently permits the ERA to only approve amendments to the Technical Rules if the 'amendment will not have a material adverse effect on the service provider or a user'. This requirement effectively prevents the ERA from considering a proposal 'on balance'. That is, proposals that have a material effect on a user or the service provider could not be considered even where there are much larger benefits for other parties. Section 12.54(b) is to be

removed, and instead the ERA is to be required to make its decision considering the positive and negative impacts of a proposal on the service provider, users³ and end consumers.

Consistent with the WEM rule change process and the processes existing in the National Electricity Market, the ERA's decision will not be subject to an appeals process. However, for complex proposals it is common for the ERA to undertake more than one round of public consultation where preliminary views are published for public comment.

2.6 Timing and consultation of change requests

2.6.1 Current process

Section 12.54 of the Access Code requires the ERA to publicly consult on all substantial change requests to the Technical Rules. This requirement is to be maintained.

Current consultation processes and timeframes are provided in Appendix 7 of the Access Code. Two timeframes are outlined, depending on whether the proposal is put to one or two rounds of public consultation (Figure 2). While the total timeframe under each option is variable, the ERA is provided with approximately 3 months for a process involving one consultation round, and approximately 5 months for two consultation rounds.

Single Round Consultation



Two Rounds of Consultation



Figure 2: Current consultation process and timeframes for consideration of amendments to the Technical Rules

The current timeframes do not allow enough time to consider change requests that are voluminous or complex and have represented a barrier to the use of the Technical Rules Committee⁴ to advise the ERA under the current change management process.

2.6.2 New Process

In allowing any party to submit a change proposal, the number of rule change requests is likely to increase and could limit the ERA's ability to process them within current timeframes. Furthermore, in opening the process to parties that may not have a strong technical background, it is conceivable that applications could take longer to progress, particularly if the ERA works with an applicant to develop the proposal. For these reasons, the Taskforce has determined that a longer time period is appropriate for the new change management process.

³ The definition of a user under the Access Code is effectively limited to parties with an access contract. This generally excludes small consumers, such as households or small businesses.

⁴ The Technical Rules Committee is not currently a standing committee, and as such takes time to convene.

Under the new process, the ERA should undertake best endeavours to reach a decision on each application within 150 business days. This timeframe applies irrespective of whether there are one or more rounds of public consultation and includes the period in which the Technical Rules Committee is preparing its advice (section 2.4.2). A total timeframe is considered preferable, as opposed to timeframes for each incremental step, as it allows the ERA greater flexibility to respond to varying types of change requests. An exception is the minimum public consultation period, which will remain at 10 business days and is included within the 150-day period. This is considered appropriate to ensure respondents have enough time to prepare their submission. As is currently the case, the ERA must consider all submissions it receives and will be permitted (but not required) to consider applications received outside of the due dates for public consultation. The ERA will be required to publish any advice it takes into account in making its decision.

The 150-day timeframe is to commence once an application is accepted by the ERA as complying with its published processes (see section 2.2). Given the timeframe applies only after the application is accepted, it will not include any pre-rule change process. Following the acceptance of the application, there may be instances where the ERA requires further information that was not apparent at the time it accepted the application. For example, the need for this further information may only become evident after receiving advice from the Technical Rules Committee or following public consultation. Where the ERA requests further information from an applicant, the time period between when the request is made and when the information is provided is not included within the 150-day period timeframe.

For the purposes of transparency, the ERA must publish for each financial year:

- the number of applications received for that year;
- the number of business days taken to consider each application; and
- the rationale for any applications where a final decision was made after the 150-day period.

2.7 Changes to cost recovery

The Taskforce has determined that existing processes for cost recovery relating to the functions of the network service provider and Energy Policy WA are to be retained.

The new Technical Rules change management process will result in new functions for AEMO and modified functions for the Technical Rules Committee and ERA. The cost recovery methods for each of these parties endorsed by the Taskforce is outlined below.

2.7.1 Australian Energy Market Operator

Under the new framework, AEMO will incur costs associated with membership to the Technical Rules Committee. There is also the potential for AEMO to make a proposal to amend the Technical Rules, or to make a public submission to the rule change process; however, it should only do so for matters that related to its roles as the System management and market operator. AEMO, in its role as System management or market operator, may also be requested to provide advice to the ERA in relation to a rule change request.

Amendments will be made to the WEM Rules to allow for AEMO to recover reasonable costs incurred in undertaking these functions. These costs will ultimately be passed through as market fees and will be subject to the approval of the ERA as part of AEMO's Allowable Revenue submission. The draft WEM Rule change to enable this cost recovery is provided in Attachment 1.

2.7.2 Economic Regulation Authority

To allow the ERA to recover reasonable costs it incurs in its expanded role within the Technical Rules Change Management process, amendments to Schedule 2 of the *Economic Regulation Authority (Electricity Networks Access Funding) Regulations 2012* will be required. These changes will be progressed early in 2020 to coincide with the commencement of the Access Code changes.

2.7.3 Technical Rules Committee

The process outlined in this paper contemplates an expanded role for the Technical Rules Committee. As outlined, it is envisaged that the Technical Rules Committee may become a standing committee and could have a greater role in supporting the application process, including through a pre-rule change process. Costs incurred by the Technical Rules Committee are likely to be minimal, but may include administrative costs, and payment for consumer representation.⁵

Costs incurred by the Technical Rules Committee will be subject to the approval of the ERA and recovered through the existing cost-recovery processes for the ERA in reviewing changes to the Technical Rules.

2.8 Western Power Review and commencement date

A commencement date of 1 January 2021 will apply for any interested party to make an application to change the Technical Rules. The exception is for changes to Chapter 5 of the Technical Rules dealing with matters of operation and coordination between the network service provider and user facilities,⁶ which will have a commencement date of 1 January 2022.

The commencement dates allow for Western Power to undertake an extensive review of the Technical Rules (see section 1.5) to ensure they are up-to-date ahead of the change management process. This will assist in minimising the number of change requests in the early years of the proposed scheme.

⁵ While a consumer representative will not be a mandated requirement. It is possible that the ERA may find a consumer representative is valuable to the composition of the Technical Rules Committee. Consumer representation is often provided by private individuals or the not-for-profit sector. In such instances payment is often required to enable suitable representation.

⁶ To the extent not covered in the WEM Rules.

3. Next steps and timing

The publication of this paper represents the end of Phase 2 of Technical Rules Change Management Process project. Interested parties wishing to provide comment on the changes outlined in this paper, including those to draft amendments provided in Attachments 1 and 2, are encouraged to contact ETIU on (08) 6551 2397 or by [email](#).

Phase 3 of the Technical Rules Change Management project will commence shortly. This phase includes a formal public consultation process on changes to the Access Code, expected in early-2020. Following public consultation, relevant changes to the Access Code and WEM Rules will be coordinated with others being progressed as part of the Energy Transformation Strategy. Following changes being made to the Access Code, the ERA will establish suitable processes, with the new application process to be launched on 1 January 2021.

Attachment 1 – Draft amendments to the Wholesale Electricity Market Rules

Amendments to the Wholesale Electricity Market Rules to allow AEMO to recover costs associated with its participation in the Technical Rules Change Committee and preparation and submission of proposals for changes to the Technical Rules

Based on the Wholesale Electricity Market Rules version dated 1 November 2019

[Drafting Note: Section 2.22A is also proposed to be further amended in other workstreams such as the framework for governance of constraints so there may be further amendments required for consistency depending on the timing of implementation.]

Amendments to Chapter 2

2.1A Australian Energy Market Operator

2.1A.2. The WEM Regulations also provide for the Market Rules to confer additional functions on AEMO. The functions conferred on AEMO are—

...

(IA) to contribute to ...

iv. providing information to the Economic Regulation Authority as required to support the reviews carried out by the Economic Regulation Authority under the Market Rules; ~~and~~

(m) to carry out any other functions conferred, and perform any obligations imposed, on it under these Market Rules; ~~and~~

(n) to participate in the Technical Rules Committee and provide advice on Technical Rules Change Proposals as required by the Economic Regulation Authority under the Access Code, and to develop and submit Technical Rules Change Proposals relating to System Management Functions.

2.22A Determination of AEMO's budget

2.22A.1. For the purposes of this section 2.22A, the services provided by AEMO are:

(a) market operation services, including AEMO's operation of the Reserve Capacity Mechanism, STEM, Balancing Market and LFAS Market, and settlement and information release functions;

(b) system planning services, including AEMO's performance of the Long Term PASA function;

(c) market administration services, including AEMO's performance of the Procedure Change Process, support for the Rule Change Panel in carrying out its functions under these Market Rules, participation in the Market Advisory Committee and other consultation, participation in the Technical Rules Committee as required by the Access Code, provision of advice on Technical Rules Change Proposals as

- required by the Economic Regulation Authority under the Access Code, support for monitoring and reviews by the Economic Regulation Authority, audit, registration related functions and other functions under these Market Rules; and
- (d) system management services, being AEMO's (in its capacity as System Management) performance of System Management Functions and the development and submission of Technical Rules Change Proposals relating to System Management Functions.

Amendments to Chapter 11

Insert the following two (2) new definitions in Chapter 11:

Technical Rules Change Proposal means a proposal made in accordance with the procedure in section 12.51A of the Access Code and submitted to the Economic Regulation Authority proposing that the Technical Rules be amended.

Technical Rules Committee means the committee established under section 12.16 of the Access Code.

Attachment 2 – Draft amendments to the Electricity Network Access Code 2004

Only parts of the Access Code 2004 relevant to this paper have been included in overleaf.

Electricity Industry Act 2004

Electricity Networks Access Code 2004

(Unofficial consolidated version)

23 December 2016

This document contains draft amendments to the Access Code to implement the Technical Rules Change Management project being progressed by the Energy Transformation Implementation Unit / Energy Policy WA as part of reforms to the Wholesale Electricity Market.

Green underlined text is new drafting.

~~Red strikethrough text~~ is existing drafting to be deleted.

All changes, other than the changes to section 12.50, are proposed to occur shortly after Gazettal.

Note in relation to section 12.50

The changes to section 12.50 are not proposed to occur until 1 January 2021.

The text in section 12.50 in **blue highlight** is proposed to be deleted on 1 January 2022 when a revised version of Chapter 5 of the technical rules for the Western Power Network is intended to commence.

This is an unofficial version of the Electricity Networks Access Code 2004, as originally Gazetted on 30 November 2004, including amendments made by:

- WAGG, No 207, 8 November 2005, Operational 8 November 2005;
- WAGG, No 59, 31 March 2006, Operational 1 April 2006;
- WAGG, No 152, 1 September 2006, Operational 1 September 2006;
- WAGG, No 206, 8 December 2006, Operational 8 December 2006;

- WAGG, No 137, 29 June 2007; Operational 29 June 2007;
- WAGG, No 176, 29 August 2007; Operational 29 August 2007;
- WAGG, No 13, 25 January 2008, Operational 25 January 2008;
- WAGG, No 180, 22 October 2008, Operational 22 October 2008;
- WAGG, No 182, 30 September 2011, Operational 30 September 2011;
- WAGG, No 61, 17 April 2012, Operational 17 April 2012;
- WAGG No 183, 21 November 2014, Operational 21 November 2014; and
- WAGG No 231, 23 December 2016, Operational 23 December 2016.

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“access rights” means all or part of a *user’s* rights under a *contract for services* to obtain a *covered service*.⁷

“additional revenue”, when used in 6.41, has the meaning given to it in section 6.42.

“advertise” means:

- (a) where the Minister is required to *advertise* a thing — that the Minister must place an advertisement in a newspaper which has circulation throughout the State which states that the thing has been placed on an internet website which is under the Coordinator’s control; and
- (b) where the *Authority* is required to *advertise* a thing — that it must place an advertisement in a newspaper which has circulation throughout the State which states that the thing has been placed on the *public register*.

“AEMO” or “Australian Energy Market Operator” means the Australian Energy Market Operator Limited (ACN 072 010 327).

“alternate pricing provisions” has the meaning given to it in section 4.33.

“alternative option non-capital costs” has the meaning given to it in section 6.41.⁸

“alternative options”, in relation to a *major augmentation*, means alternatives to part or all of the *major augmentation*, including demand-side management and *generation* solutions (such as distributed *generation*), either instead of or in combination with *network augmentation*.

“amended proposed access arrangement” means an *amended proposed access arrangement* submitted by a *service provider* to the *Authority* under section 4.19.

“amended proposed revisions” are *amended proposed revisions* submitted by a *service provider* to the *Authority* under section 4.19 (as modified under section 4.52).

“anticipated incremental revenue” for a new facility means:

- (a) the present value (calculated at the rate of return over a reasonable period) of the increased income from *charges* (excluding any *contributions*)⁹ reasonably anticipated to arise from the increased sale of *covered services* on the network to one or more *users* (where “increased sale of *covered services*” means sale of *covered services* which would not have occurred had the new facility not been commissioned),

minus
- (b) the present value (calculated at the rate of return over the same period) of the best reasonable forecast of the increase in *non-capital*

⁷ Section 1.3 amended by WAGG No 180, 22 October 2008

⁸ Section 1.3 amended by WAGG No 180, 22 October 2008

⁹ Section 1.3 amended by WAGG No 152, 1 September 2006; Section 1.3 amended by WAGG No 180, 22 October 2008

“**load**” means the amount of electrical power transferred out of a *network* at a *connection point* at a specified time.

“**maintain**” includes (as necessary and as applicable) renew, replace or update.

“**major augmentation**” means an *augmentation* for which the *new facilities investment* for the *shared assets*:

- (a) exceeds \$10 million (*CPI adjusted*), where the *network assets* comprising the *augmentation* are, or are to be, part of a *distribution system*; and
- (b) exceeds \$30 million (*CPI adjusted*), where the *network assets* comprising the *augmentation* are, or are to be, part of:
 - (i) a *transmission system*; or
 - (ii) both a *distribution system* and a *transmission system*.⁴¹

“**major augmentation proposal**” means a proposal in respect of one or more *proposed major augmentations* submitted by a *service provider* under sections 9.10 and 9.11, or under sections 9.15 and 9.16, as applicable.

“**major augmentation report**” has the meaning given to it in section 10.41(b).

“**Market Rules**” means the market rules referred to in section 123(1) of the *Electricity Industry Act 2004 (WA)*.

“**marketing staff**” means servants, consultants, independent contractors or agents directly involved in sales, sale provision or advertising (whether or not they are also involved in other functions) but does not include servants, consultants, independent contractors or agents:

- (a) who are *senior staff*; or
- (b) involved only in technical, administrative, accounting or service functions.

“**matter for consultation**” means a document, determination or decision that under this Code is required to be or may be the subject of public consultation under Appendix 7.

“**model applications and queuing policy**” means the model *applications and queuing policy* in Appendix 2.

⁴²

“**model contributions policy**” means the model *contributions policy* in Appendix 4.⁴³

⁴¹ Section 1.3 amended by WAGG No 180, 22 October 2008

⁴² Section 1.3 amended by WAGG No 180, 22 October 2008

⁴³ Section 1.3 amended by WAGG No 180, 22 October 2008

Chapter 12 – Technical Rules

Objectives of the technical rules

- 12.1 The objectives for *technical rules* are that they:
- (a) are reasonable; and
 - (b) do not impose inappropriate barriers to entry to a market; and
 - (c) are consistent with *good electricity industry practice*; and
 - (d) are consistent with relevant *written laws* and *statutory instruments*.
- 12.2 The *Authority* must not approve *technical rules* for a network unless it determines that the *technical rules*:
- (a) if the network is part of an *interconnected system* — work in an integrated fashion with the *technical rules* governing all interconnected networks; and
 - (b) reasonably accommodate the interconnection of further networks in the future.
- 12.3 The *Authority* must not approve *technical rules* for a network which would, if approved, require the *service provider* or another person to engage in an act or omit to engage in an act which would contravene a *written law* or a *statutory instrument*.

Persons bound by technical rules

- 12.4 Subject to section 12.4A and any exemptions granted under sections 12.34 and 12.41, the *service provider* and *users* of a network must comply with the *technical rules*.¹⁷⁸

Limited application of technical rules in respect of certain non-covered networks in an interconnected system¹⁷⁹

- 12.4A If a *user* referred to in section 12.4 is a *service provider* of a *non-covered network* that connects to a *covered network* at a point (“**point of interconnection**”) then —
- (a) subject to section 12.4A(b), the *user* is not obliged to comply with the *covered network's technical rules* generally in respect of its operations and maintenance of the *non-covered network*, or to procure compliance with the *technical rules* by other persons; but
 - (b) the *user* must —
 - (i) ensure that its performance at the point of interconnection (as measured at the point of interconnection or, where appropriate,

¹⁷⁸ Section 12.4 amended by WAGG No 183, 21 November 2014

¹⁷⁹ Heading to section 12.4A inserted by WAGG No 183, 21 November 2014

elsewhere on the *covered network*) complies with the *technical rules*; and

- (ii) procure that its *users* and any other person with whom it has a contract for the provision of any good or service in relation to the *non-covered network*, operate in such a way as to allow it to comply with the obligation in section 12.4A(b)(i).¹⁸⁰

Technical rules prevail over contract

12.5 If the provisions of a *contract for services* provided by means of a *covered network* are inconsistent with the *technical rules* for the network, then the contract is by force of this section amended from time to time to the extent necessary to comply with the *technical rules* except to the extent that section 12.4A, or an exemption to the *technical rules* granted under section 12.34 or 12.41, affects the contract.¹⁸¹

Covered networks must have technical rules¹⁸²

12.6 Subject to this Chapter 12, a *covered network* must have *technical rules*.¹⁸³

[Heading not used]¹⁸⁴

12.6A [not used]¹⁸⁵

12.7 [not used]¹⁸⁶

12.8 [not used]¹⁸⁷

12.8A [not used]¹⁸⁸

12.8B [not used]¹⁸⁹

¹⁸⁰ Section 12.4A inserted by WAGG No 183, 21 November 2014

¹⁸¹ Section 12.5 amended by WAGG No 180, 22 October 2008; Section 12.5 amended by WAGG No 183, 21 November 2014

¹⁸² Heading to section 12.6 amended by WAGG No 183, 21 November 2014

¹⁸³ Section 12.6 amended by WAGG No 180, 22 October 2008; Note to section 12.6 deleted by WAGG No 180, 22 October 2008; Section 12.6 amended by WAGG No 183, 21 November 2014

¹⁸⁴ Heading to section 12.6A inserted by WAGG No 180, 22 October 2008; Heading to section 12.6A deleted by WAGG No 183, 21 November 2014

¹⁸⁵ Section 12.6A inserted by WAGG No 180, 22 October 2008; Section 12.6A deleted by WAGG No 183, 21 November 2014

¹⁸⁶ Section 12.7 amended by WAGG No 180, 22 October 2008; Section 12.7 deleted by WAGG No 183, 21 November 2014

¹⁸⁷ Section 12.8 amended by WAGG No 180, 22 October 2008; Section 12.8 deleted by WAGG No 183, 21 November 2014

¹⁸⁸ Section 12.8A inserted by WAGG No 13, 25 January 2008; Section 12.8A deleted by WAGG No 180, 22 October 2008

¹⁸⁹ Section 12.8B inserted by WAGG No 180, 22 October 2008; Section 12.8B deleted by WAGG No 183, 21 November 2014

12.9 [not used]¹⁹⁰

12.9A [not used]¹⁹¹

Approval process for technical rules – Covered network

12.10 The *service provider* of a *covered network* must, at the same time as the *service provider* submits its first *access arrangement* under section 4.1, submit proposed *technical rules* to the *Authority*.

12.11 The *approval* process for *technical rules* submitted by the *service provider* of a *covered network* under section 12.10 is as follows:

- (a) subject to this section 12.11¹⁹², the *technical rules* are, to the extent possible, to be processed in parallel with the *access arrangement*; and
- (b) the Chair of the *technical rules committee* must:
 - (i) within 20 *business days* before the last day by which the *Authority* must make its draft decision under section 4.12 — provide a preliminary report to the *Authority*; and
 - (ii) within 30 *business days* before the last day by which the *Authority* must make its final decision under section 4.17 — provide a final report to the *Authority*;

and

- (c) the *Authority* must within 15 *business days* after it makes a draft decision on the proposed *access arrangement* under section 4.12 *publish* draft *technical rules* which:
 - (i) if the *service provider's* proposed *technical rules* comply with this Chapter 12 and the *Code objective* — must be the *service provider's* proposed *technical rules*; and
 - (ii) otherwise — must be drafted by the *Authority* and based on the *service provider's* proposed *technical rules* and amended only to the extent necessary to comply with this Chapter 12 and the *Code objective*,

and at the same time the *Authority* must *publish* an invitation for submissions on the draft *technical rules*; and

- (d) a person may make a submission to the *Authority* on the draft *technical rules* within 15 *business days* after the invitation is *published* under section 12.11(c); and

¹⁹⁰ Section 12.9 amended by WAGG No 180, 22 October 2008; Section 12.9 deleted by WAGG No 183, 21 November 2014

¹⁹¹ Section 12.9A inserted by WAGG No 180, 22 October 2008; Section 12.9A deleted by WAGG No 183, 21 November 2014

¹⁹² Section 12.11 amended by WAGG No 207, 8 November 2005

- (e) the *Authority* must consider any submissions on the draft *technical rules* made under section 12.11(d) and must, at the same time as it approves an *access arrangement* under section 4.17, section 4.21 or section 4.24, as applicable, approve and *publish* final *technical rules* which must be based on the draft *technical rules* and amended only to the extent necessary to comply with this Chapter 12 and the *Code objective*.
- 12.12 If the *Authority* drafts and approves an interim *access arrangement* under section 4.59 for a *covered network*:
- (a) the *Authority* must not draft, approve, or *publish technical rules* for the *covered network*; and
 - (b) any existing technical regulation continues to apply to the *covered network* until such time as an *access arrangement* is subsequently approved under Chapter 4.
- 12.13 If the *Authority* drafts and approves its own *access arrangement* under section 4.55 for a *covered network*, when the *Authority* consults the public under Appendix 7, the *Authority* must:
- (a) if it makes a draft decision under Appendix 7:
 - (i) draft and *publish* draft *technical rules* at the same time as it makes its draft decision; and
 - (ii) *publish* an invitation for submissions on the draft *technical rules* at the same time that it *publishes* an invitation for submissions on its draft decision under Appendix 7;and
 - (b) consider any submissions and draft, approve and *publish* final *technical rules* at the same time it makes and *publishes* its final decision under Appendix 7.

[Heading not used]¹⁹³

12.13A [not used]¹⁹⁴

12.13B [not used]¹⁹⁵

Have regard to current regulation in case of deadlock

12.14 Where —

- (a) the *Authority* is required under this Chapter 12 to draft or approve *technical rules* for a *covered network*; and

¹⁹³ Heading to section 12.13A inserted by WAGG No 180, 22 October 2008; Heading to section 12.13A deleted by WAGG No 183, 21 November 2014

¹⁹⁴ Section 12.13A inserted by WAGG No 180, 22 October 2008; Section 12.3A deleted by WAGG No 183, 21 November 2014

¹⁹⁵ Section 12.13B inserted by WAGG No 180, 22 October 2008; Section 12.13B deleted by WAGG No 183, 21 November 2014

- (b) the *technical rules committee* is in deadlock in relation to a matter on which it is required to provide advice to the *Authority*,

then the *Authority*, when drafting and approving *technical rules* for the *covered network*, must have regard to whether the current treatment of the matter referred to in section 12.14(b) under another instrument should be replicated in the *technical rules* but may permit replication only to the extent that the treatment of that matter in that instrument is not contrary to the *Code objective*.¹⁹⁶

Commencement of technical rules

12.15 When the *Authority* approves *technical rules* for a *covered network*, it must specify a *technical rules start date* for the *technical rules*, which must be:

- (a) consistent with the *Code objective*; and
- (b) at least 30 *business days* after the *approval* is *published*.¹⁹⁷

Technical rules committee

12.16 Subject to this Chapter 12, the *Authority* may, at any time and from time to time, establish a *technical rules committee* for a *covered network* or an *interconnected system*.¹⁹⁸

12.17 The *Authority* must establish a *technical rules committee* for a *covered network* or the *interconnected system* of which the *covered network* is a part to perform the functions described in section 12.23 for the first *technical rules* for a *covered network*:

- (a) if the *covered network* is part of an *interconnected system*; or
- (b) if the *service provider* of the *covered network* requests the *Authority* to establish a *technical rules committee* for the *covered network* or *interconnected system*.

12.18 A *technical rules committee* established under section 12.17 must be established in sufficient time for the *technical rules committee* to perform the functions described in section 12.23 for the first *technical rules* for the *covered network*.

12.19 A *technical rules committee*:

- (a) must consist of at least:
 - (i) ~~for a covered network~~.¹⁹⁹
 - (i) a representative of the service provider; and

¹⁹⁶ Section 12.14 amended by WAGG No 180, 22 October 2008; Section 12.14 amended by WAGG No 183, 21 November 2014

¹⁹⁷ Section 12.15 amended by WAGG No 183, November 2014

¹⁹⁸ Section 12.16 amended by WAGG No 183, 21 November 2014

- (ii) ~~a representative from each other service provider of any interconnected network (if applicable) [not used];~~ and
 - (iii) at least one person representing users of the network; and
 - (iv) a representative of the Coordinator; and
 - (v) a representative of AEMO;
 - (vi) ~~for an interconnected system:~~
 - ~~A. a representative of the service provider for each network in the interconnected system; and~~
 - ~~B. at least one person representing users of the networks in the interconnected system; and~~
 - ~~C. a representative of the Coordinator;~~
- and
- (b) may consist of any other person that the *Authority* considers appropriate, and a person on a *technical rules committee* is a “**member**” of the *technical rules committee*.
- 12.19A The Authority may determine that a member of a technical rules committee is to receive remuneration or an allowance and the Authority may fix the amount of that remuneration or allowance.
- 12.19B Subject to section 12.19C, when establishing a technical rules committee, the Authority must set the terms of reference for a technical rules committee which must include, at a minimum, requirements in respect of:
- (a) frequency of meetings; and
 - (b) meeting procedures.
- 12.19C The terms of reference for a technical rules committee must provide:
- (a) that, notwithstanding that the Authority may require additional members, the quorum of a technical rules committee will consist of the representatives in section 12.19(a)(i), 12.19(a)(iv) and 12.19(a)(v); and
 - (b) that the technical rules committee may establish one or more subcommittees in the performance of its duties but only with the prior consent of the Authority.
- 12.20 The Chair of a *technical rules committee* is the person who, at that time, is the member of the *technical rules committee* that is the representative of the *Coordinator* ~~under section 12.19(a)(iv) or 12.19(a)(vi)C.~~
- 12.21 Any communication to the *Authority* from a *technical rules committee* must be provided to the *Authority* by the Chair of the *technical rules committee* and not by any other member.

- 12.22 A person who is represented on, or is a member of, a *technical rules committee* is not precluded from making submissions to the *Authority* in relation to proposed *technical rules* in a capacity other than as a person who is represented on, or is a member of, the *technical rules committee*.
- 12.23 A *technical rules committee*, in performing its functions under section 12.11(b) [and 12.51B](#) and if otherwise requested:
- (a) [not used]
 - (b) [not used]
 - (c) must, when requested by the *Authority*, advise the *Authority* on any matter connected with ~~, or with~~ the *approval of, or decision not to approve, technical rules* or draft or proposed *technical rules* [or a proposal to amend technical rules](#); and
 - (d) must, when requested by the *Authority*, conduct a *review* of the operation of:
 - (i) *technical rules* or a part of *technical rules*; or
[not used]
 - (ii) this Chapter 12 or a part of this Chapter 12,
and advise the *Authority* of the outcome of the *review*; [and](#)²⁰⁰
 - (e) [must, when requested by the Authority:](#)
 - (i) [assist a person to comply with the processes and procedures developed and published under section 12.50A; and](#)
 - (ii) [request further information from a person in respect of a proposal to amend technical rules in accordance with section 12.50F.](#)
- 12.24 A *technical rules committee* must perform the functions described in section 12.23 in accordance with the objectives in section 12.1.
- 12.25 In the case of deadlock, the Chair of the *technical rules committee* must advise the *Authority* of:
- (a) the details of the deadlock; and
 - (b) the position held by each member of the *technical rules committee* on the matter the subject of the deadlock.
- 12.26 If the *Authority* is advised of a deadlock under section 12.25, it must form a view on the matter the subject of the deadlock and advise the *technical rules committee* of its view, and the *technical rules committee* must proceed on the basis of the view advised to it.

²⁰⁰ Section 12.23 amended by WAGG No 180, 22 October 2008; Section 12.23 amended by WAGG No 183, 21 November 2014

12.27 The *Authority* may:

- (a) from time to time, subject to section 12.19C, amend any terms of reference for a technical rules committee or provide directions to a *technical rules committee* in relation to:
 - (i) the procedures it must follow in performing its functions; and
 - (ii) the manner in which it must perform its functions; and
- (b) dissolve, alter or reconstitute a *technical rules committee* ~~after the first technical rules have been approved for the network, or each network in the interconnected system, as applicable.~~

Recommendations from the technical rules committee

12.28 The *Authority* must have regard to any advice provided by the *technical rules committee* under section 12.23:²⁰¹

- (a) in deciding whether to approve or not approve proposed *technical rules* for a network; and
- (b) in deciding whether to approve or not approve a proposal to amend technical rules for a network; and
- (c) in drafting its own *technical rules* for a network.

12.29 Section 12.28 does not limit the matters to which the *Authority* must or may have regard.

Authority may observe the technical rules committee

12.30 Subject to section 12.31, the *Authority* may appoint a representative to observe any aspect of the operation of the *technical rules committee*, including by:

- (a) attending any meeting of the *technical rules committee*; and
- (b) inspecting any documents (including working papers) provided to or by the *technical rules committee* in the performance of its functions.

12.31 A representative of the *Authority* under section 12.30 must not participate in any decision making process of the *technical rules committee*.

Scope and content of technical rules

12.32 Unless a different form of *technical rules* will better achieve the *Code objective* or the objectives set out in section 12.1, the *technical rules* must address the matters listed in Appendix 6.

²⁰¹ Section 12.28 amended by WAGG No 180, 22 October 2008

Person applies to service provider for exemption from technical rules

12.33 A *user, applicant* or controller may apply to a *service provider* for an exemption from one or more requirements of *technical rules*.

12.34 A *service provider* must as soon as practicable determine an application under section 12.33:

- (a) as a *reasonable and prudent person* on reasonable technical and operational grounds; and
- (b) having regard to the effect the proposed exemption will, if granted, have on the *service providers* and *users* of the *covered network* and any interconnected network,²⁰²

and must grant the exemption if the *service provider* determines that in all the circumstances the disadvantages of requiring the person applying for the exemption to comply with the requirement are likely to exceed the advantages.

12.35 An exemption under section 12.34:

- (a) may be granted for a specified period or indefinitely; and
- (b) may be subject to any reasonable conditions the *service provider* considers fit, in which case the person granted the exemption must comply with the conditions, or may be unconditional; and
- (c) may be varied or revoked by the *service provider* after reasonable notice to the person granted the exemption.

12.36 A *service provider* must notify a person applying for an exemption of its determination under section 12.33 as soon as practicable after making the determination.

12.37 A person may apply to a *service provider* for an exemption granted to a person under section 12.34 to be revoked and the *service provider* must consider the application and within a reasonable time advise the person of the *service provider's* determination in relation to the application.

12.38 A *service provider* must provide to the *Authority* a notice giving details of any grant, revocation or variation of an exemption under section 12.34 or 12.35(c) and the *Authority* must place the notice on the *public register*.

12.39 Without limiting the generality of the type of exemptions that may be granted under section 12.34, exemptions to *technical rules* may be transitional in nature and may include provisions allowing a person time to comply with the *technical rules*.

²⁰² Section 12.34 amended by WAGG No 183, 21 November 2014

Service provider applies to Authority for authorisation to grant exemption from technical rules

12.40 A *service provider* may apply to the *Authority* for an exemption from one or more requirements of *technical rules* for the *service provider* and all *applicants*, *users* and controllers of the *covered network* (“**network persons**”).

12.41 The *Authority* must as soon as practicable determine an application under section 12.40:

- (a) as a *reasonable and prudent person* on reasonable technical and operational grounds; and
- (b) having regard to the effect the proposed exemption will, if granted, have on the *service providers* and *users* of the *covered network* and any interconnected network,²⁰³

and must grant the exemption if the *Authority* determines that in all the circumstances the disadvantages of requiring the network persons to comply with the requirement are likely to exceed the advantages.

12.42 The *Authority* may refer a *service provider’s* application under section 12.40 to the *technical rules committee* and request the *technical rules committee’s* advice on the application and must, subject to complying with the time limit under section 12.44, have regard to the advice of the *technical rules committee* in making its determination under section 12.41.

12.43 An exemption under section 12.41:

- (a) may be granted for a specified period or indefinitely; and
- (b) may be subject to any reasonable conditions the *service provider* considers fit, in which case the network persons must comply with the conditions, or may be unconditional; and
- (c) may be varied or revoked by the *service provider* after reasonable notice to the network persons.

12.44 The *Authority* must notify the *service provider* of its determination under section 12.41:

- (a) where the *Authority* has consulted the public in accordance with Appendix 7 — within 45 *business days* of receiving the application under section 12.40; or
- (b) where the *Authority* has not consulted the public in accordance with Appendix 7 — within 25 *business days* of receiving the application under section 12.40.²⁰⁴

12.45 A person may apply to the *Authority* for an exemption granted in respect of a *covered network* under section 12.41 to be revoked and the *Authority* must consider the

²⁰³ Section 12.41(b) amended by WAGG No 183, 21 November 2014

²⁰⁴ Section 12.44(b) amended by WAGG No 180, 22 October 2008

application and within a reasonable time advise the person of the *Authority's* determination in relation to the application.²⁰⁵

- 12.46 Before granting, varying or revoking an exemption under section 12.41, the *Authority* may consult the public in accordance with Appendix 7.
- 12.47 The *Authority* must *publish* a notice giving details of any grant, revocation or variation of an exemption under section 12.41.
- 12.48 Without limiting the generality of the type of exemptions that may be granted under section 12.41, exemptions to *technical rules* may be transitional in nature and may include provisions allowing network persons time to comply with *technical rules*.
- 12.49 If the *Authority* grants an exemption under section 12.41, then the *arbitrator* may have regard to the waiver in making an award in any *access dispute* relating to the *covered network*.²⁰⁶

Amendments to technical rules

- 12.50 A proposal to amend *technical rules*, other than a proposal to amend Chapter 5 of the *technical rules for the Western Power Network*, may be submitted to the *Authority* at any time:

~~(a) — by the *service provider*, or~~

~~(b) — by the *Chair of the technical rules committee*; or~~

~~by a *service provider of an interconnected network*,~~

by any interested person and must be placed on the *public register*. A proposal to amend Chapter 5 of the *technical rules for the Western Power Network* may only be submitted by the *service provider for the Western Power Network*.

- 12.50A The *Authority* may develop and *publish* processes and procedures outlining the requirements for proposals to amend *technical rules* which must be adhered to by any interested person submitting a proposal to amend *technical rules*.
- 12.50B The *Authority* may amend any processes and procedures developed and published under section 12.50A by *publishing* a new process or procedure or by *publishing* amendments to existing processes and procedures.
- 12.50C The *Authority* may, but is not obliged to:
- (a) assist a person to comply with the processes and procedures developed and published under section 12.50A; or
- (b) request the *technical rules committee* to assist a person to comply with the processes and procedures developed and published under section 12.50A.

²⁰⁵ Section 12.45 amended by WAGG No 183, 21 November 2014

²⁰⁶ Section 12.49 amended by WAGG No 183, 21 November 2014

- 12.50D A proposal to amend *technical rules* will only be deemed to be submitted once the *Authority* considers that it is complete and meets the requirements of any processes and procedures developed and published by the *Authority* under section 12.50A.
- 12.50E The *Authority* must place a proposal to amend *technical rules* on the *pubic register* once it is deemed to be submitted in accordance with section 12.50D.
- 12.50F The *Authority*, or the *technical rules committee* if requested by the *Authority*, may, after a proposal to amend *technical rules* is deemed to be submitted to the *Authority* in accordance with section 12.50D, request further information from the person who submitted the proposal to amend *technical rules*.
- 12.51 The *Authority*, by *publishing* a notice, may reject a proposal to amend *technical rules* if, in the *Authority's* opinion, the proposal:
- (a) is misconceived or lacking in substance; or
 - (b) has been made on trivial or vexatious grounds; or
 - (c) has not been developed or submitted in accordance with the processes and procedures developed and published by the *Authority* under section 12.50A;
or
 - (d) is materially similar to, or seeks to address the same or similar issues or provisions in *technical rules*:
 - (i) currently being considered by the *Authority* under an alternative proposal to amend *technical rules*; or
 - (ii) which have been considered by the *Authority* in the previous 12 months.
- 12.51A The *Authority*:
- (a) may at the same time and as part of the same assessment process, consider multiple proposals to amend *technical rules* that are similar or seek to address the same or similar issues or provisions of the *technical rules*; and
 - (b) is not required to consider proposals to amend *technical rules* in the order in which they are received by the *Authority*.
- 12.51B The *Authority* must request the advice of the *technical rules committee* in respect of any proposals to substantially amend *technical rules* that the *Authority* does not reject in accordance with section 12.51.
- 12.51C The *Authority* must provide the *technical rules committee* with a time by which to provide the advice requested under section 12.51B, which must take into account the scope and complexity of the proposal to amend the *technical rules*, and be not less than 15 *business days*.
- 12.51D The *technical rules committee* may request the *Authority* to provide additional time to consider the proposal to amend *technical rules* and the *Authority* must act reasonably in considering any request for additional time.

12.51E The Authority may, acting reasonably, make a decision on a proposal to amend technical rules without the advice of the technical rules committee if the technical rules committee does not provide the advice requested under section 12.51B within the required timeframe, including any additional time provided in accordance with section 12.51D.

12.51F The Authority is required to place on the public register:

- (a) any advice received from the technical rules committee in respect of any proposals to amend technical rules requested under section 12.51B;
- (b) any other advice taken into account in making a final decision in respect of a proposal to amend technical rules, except to the extent that it includes confidential material; and
- (c) if applicable, the reasons why the Authority made a decision on a proposal to amend technical rules without the advice of the technical rules committee in accordance with section 12.51E.

12.52 At any time before the *review* under section 12.56 commences, the *Authority* may decide to defer consideration of a proposal to amend the *technical rules* for the Western Power Network until the *review* if, in the *Authority's* opinion, deferring consideration of the proposal would better achieve the *Code objective*.²⁰⁷

12.53 As soon as practicable, the *Authority* must consider whether any amendments to *technical rules* proposed under section 12.50, and not rejected under section 12.51, are consistent with this Chapter 12 and the *Code objective*, having regard, among other things, to section 12.4A and any exemptions granted under sections 12.34 and 12.41, and then either:²⁰⁸

- (a) approve the proposed amendments to the technical rules in the proposed form; or
- (b) ~~not approve~~, the proposed amendments to the technical rules in a modified form; or
- (c) not approve the proposed amendments to the technical rules,

the proposed amendments by *publishing* a notice of its decision, and if the decision was to approve the proposed amendments, the date on which the amendments commence.

12.54 If the *Authority* considers a proposed amendment to *technical rules* to be substantial, the *Authority*:

- (a) must consult the public in accordance with Appendix 7 (as if sections A7.9(b), A7.12, A7.17(b), A7.18 and A7.19 do not apply) before making a decision to approve or not approve the proposed amendment; and

²⁰⁷ Section 12.52 amended by WAGG No 180, 22 October 2008

²⁰⁸ Section 12.53 amended by WAGG No 183, 21 November 2014

- (b) ~~must approve the proposed amendment only if it considers that the amendment will not have a material adverse effect on the service provider or a user~~ [not used].

12.54A The Authority will use reasonable endeavours to assess and make a final decision in respect of all proposals to amend technical rules within 150 business days from the date the proposal to amend technical rules is deemed to be submitted to the Authority in accordance with section 12.50D.

Notification of changes to technical laws

12.55 If a representative of the Coordinator notifies the Authority of a material change to a relevant *written law* or *statutory instrument* which the Coordinator's representative considers may affect the operation of *technical rules* for one or more *covered networks* ("**material change**"), then the Authority must refer the material change to one or more appropriately constituted *technical rules committees* for advice which must be provided to the Authority in a reasonable time and may include a proposal to amend the *technical rules* for one or more *covered networks* under section 12.50.²⁰⁹

Review of technical rules

12.56 The Authority must cause a *review* of the *technical rules* for the Western Power Network to be carried out approximately 6 months before the *target revisions commencement date* in the first *access arrangement* for the *covered network*.²¹⁰

12.57 The purpose of the *review* under section 12.56 is:

- (a) to assess the effectiveness of the *technical rules* in achieving the objectives in section 12.1 and the *Code objective*; and
- (b) to consider any proposals to amend the *technical rules* which have been deferred under section 12.52.

12.58 The Authority may carry out the *review* under section 12.56 in the manner it considers best achieves the *Code objective*.

Coordination with other service providers in an interconnected system

12.59 A *service provider* that operates a network in an *interconnected system* must cooperate with a *service provider* of an interconnected network ("**other service provider**") to the standard of a *reasonable and prudent person*.

12.60 In complying with section 12.59, a *service provider* must:

- (a) cooperate with an other *service provider* who is *processing* an *access application* to enable the other *service provider* to *process* the *access application* expeditiously; and

²⁰⁹ Section 12.55 amended by WAGG No 183, 21 November 2014

²¹⁰ Section 12.56 amended by WAGG No 180, 22 October 2008

- (b) liaise as necessary with other *service providers* in relation to:
 - (i) ~~matters covered by technical rules for interconnected networks~~ [not used]; and
 - (ii) the planning and development of interconnected networks.

[Heading not used]²¹¹

12.61 [not used]²¹²

12.62 [not used]²¹³

[Heading not used]²¹⁴

12.63 [not used]²¹⁵

12.64 [not used]²¹⁶

[Heading not used]²¹⁷

12.65 [not used]²¹⁸

12.66 [not used]²¹⁹

12.67 [not used]²²⁰

²¹¹ Heading to section 12.61 inserted by WAGG No 180, 22 October 2008; Heading to section 12.61 deleted by WAGG No 183, 21 November 2014

²¹² Section 12.61 inserted by WAGG No 180, 22 October 2008; Section 12.61 deleted by WAGG No 183, 21 November 2014

²¹³ Section 12.62 inserted by WAGG No 180, 22 October 2008; Section 12.62 deleted by WAGG No 183, 21 November 2014

²¹⁴ Heading to section 12.63 inserted by WAGG No 180, 22 October 2008; Heading to section 12.63 deleted by WAGG No 183,

²¹⁵ Section 12.63 inserted by WAGG No 180, 22 October 2008; Section 12.63 deleted by WAGG No 183, 21 November 2014

²¹⁶ Section 12.64 inserted by WAGG No 180, 22 October 2008; Section 12.64 deleted by WAGG No 183, 21 November 2014

²¹⁷ Heading to Section 12.65 inserted by WAGG No 180, 22 October 2008; Heading to section 12.65 deleted by WAGG No 13, 21 November 2014

²¹⁸ Section 12.65 inserted by WAGG No 180, 22 October 2008; Section 12.65 deleted by WAGG No 183, 21 November 2014

²¹⁹ Section 12.66 inserted by WAGG No 180, 22 October 2008; Section 12.66 deleted by WAGG No 183, 21 November 2014

²²⁰ Section 12.67 inserted by WAGG No 180, 22 October 2008; Section 12.67 deleted by WAGG No 183, 21 November 2014

[Heading not used]²²¹

12.68 [not used]²²²

Support services for technical rules committee

12.69 It is a function of the Authority to provide support services that a technical rules committee reasonably requires for the technical rules committee to meet its obligations and functions under the Code.

12.70 Support services provided to the technical rules committee by the Authority may include, but are not limited to:

- (a) making staff members available to assist the technical rules committee;
- (b) procuring consultants to assist the technical rules committee;
- (c) making meeting rooms available for the technical rules committee;
- (d) scheduling meetings of the technical rules committee; and
- (e) taking minutes at a meeting of the technical rules committee.

Reporting by the Authority

12.71 The Authority must publish for each financial year:

- (a) the number of proposals to amend technical rules received for the financial year; and
- (b) the number of proposals to amend technical rules that were rejected; and
- (c) the total number of business days taken to make a final decision in respect of each proposal to amend technical rules from the date of deemed submission; and
- (d) in respect of proposals to amend technical rules where a final decision was not made within 150 business days from the date of deemed submission, the number of proposals to amend technical rules and the reason the final decision was not made within 150 business days.

12.72 Where the Authority, or the technical rules committee acting on the request of the Authority, requests further information in respect of a submitted proposal to amend technical rules in accordance with section 12.50F, the period of time between the request being made and the provision of the further information requested is not to be taken into account when considering the timeframe taken by the Authority to make a final decision in respect of the reporting obligation set out in section 12.71(c) and 12.71(d).

²²¹ Heading to section 12.68 inserted by WAGG No 22 October 2008; Heading to section 12.68 deleted by WAGG No 183, 21 November 2014

²²² Section 12.68 inserted by WAGG No 180, 22 October 2008; Section 12.68 deleted by WAGG No 183, 21 November 2014

Appendix 7 – General process for public consultation

{Outline: Appendix 7 is cited in certain places throughout the *Code*.}

Application of this Appendix 7

A7.1 If this *Code* states that a *matter for consultation*

- (a) must be the subject of public consultation under this Appendix 7 or
- (b) may be the subject of public consultation under this Appendix 7, and the *decision maker* chooses to undertake public consultation under this Appendix 7,

then the *decision maker* must comply with this Appendix 7.

A7.2 If this *Code* requires:

- (a) public consultation in relation to a *matter for consultation* to be completed; or
- (b) a decision or determination relating to a *matter for consultation* to be made,

within a specified period of time, the *decision maker* must complete the public consultation or make the decision or determination, as applicable, in accordance with this Appendix 7 and within the specified time.

Where the decision maker is not the Authority

A7.3 Where the *decision maker* is required under this Appendix 7 to *publish* a thing and:

- (a) the *decision maker* is the *Authority* - the *Authority* must *publish* the thing; and
- (b) is someone other than the *Authority* -
 - (i) the *decision maker* must provide a copy of the thing to the *Authority*; and
 - (ii) once a copy of the thing is provided to the *Authority*, the *Authority* must forthwith *publish* the thing; and
 - (iii) for the purposes of this Appendix 7, the thing is *published* from the time that the *Authority publishes* it

Issues paper

A7.4 The *decision maker* may produce and *publish* an issues paper examining the issues relating to the *matter for consultation*.

Submissions from the service provider

A7.5 Where the *decision maker* is someone other than the *service provider* and is required to invite submissions from the public in relation to a *matter for consultation* in relation to a *covered network* it must also invite submissions from the *service provider*.

First round public submissions

A7.6 The *decision maker* must *publish* an invitation for submissions in relation to a *matter for consultation*.

A7.7 A *decision maker* must specify in its invitation for submissions under clause A7.6 the length of time it will allow for the making of submissions on a *matter for consultation* in accordance with clause A7.9.

A7.8 A person may make a submission on a *matter for consultation* within the period of time specified by the *decision maker*.

A7.9 The time specified by the *decision maker* for the making of submissions must be:

- (a) at least 10 *business days*; and
- (b) no greater than 20 *business days*

after the invitation is *published*, and must be at least 10 *business days* after any issues paper was *published* under clause A7.4.

Draft decision by the Decision Maker

A7.10 Subject to clause A7.21, the *decision maker* must consider any submissions made on the *matter for consultation*.

A7.11 The *decision maker* may make a draft decision if, in the opinion of the *decision maker* the circumstances warrant the making of a draft decision.

A7.12 If the *decision maker* determines that a draft decision is warranted, the *decision maker* must *publish* the draft decision within 2 months after the *due date* for submissions under clause A7.7.

Second round public submissions (if applicable)

A7.13 Clauses A7.14³⁸² to A7.17 apply only if the *decision maker* makes a draft decision under clause A7.11.

A7.14 The *decision maker* must *publish* an invitation for submissions on the draft decision at the time it *publishes* the draft decision.

A7.15 A *decision maker* must specify in its invitation for submissions under clause A7.14 the length of time it will allow for the making of submissions on a *matter for consultation* in accordance with clause A7.17.³⁸³

³⁸² Appendix 7 clause A7.13 amended by WAGG No 207, 8 November 2005

³⁸³ Clause A7.15 amended by WAGG No 180, 22 October 2008

A7.16 A person may make a submission on the draft decision to the *decision maker* within the time period specified by the *decision maker*.

A7.17 The time specified by the *decision maker* for the making of submissions on the draft decision must be:

- (a) at least 10 *business days*; and
- (b) no greater than 20 *business days*,
after the draft decision is *published*.

Final decision by decision maker

A7.18 Subject to clause A7.21, the *decision maker* must consider any submissions and make a final decision in relation to the *matter for consultation*³⁸⁴.

A7.19 The time for the *decision maker* to make and *publish* its final decision is:

- (a) where a draft decision has been made, within 30 *business days* after the *due date* for submissions under clause A7.15; or
- (b) otherwise, within 2 months after the *due date* for submissions under clause A7.7.

Publication of submissions

A7.20 The *decision maker* must *publish* all submissions made under this Appendix 7.

Late submissions

A7.21 The *decision maker* may, consider any submission made after the time for making that submission has expired.

³⁸⁴ Clause A7.18 amended by WAGG No 180, 22 October 2008