

TRANSITIONAL PROVISIONS – GENERATOR PERFORMANCE STANDARDS FOR EXISTING TRANSMISSION CONNECTED GENERATING SYSTEMS v2

Explanatory Note

Under the Energy Transformation Strategy, the generator performance standards for transmission connected Market Participants with generating units are being moved from the Technical Rules to a new Chapter 3A and Appendix 12 of the WEM Rules, where a fit-for-purpose compliance and monitoring framework is also being implemented. The standards to be moved broadly reflect those that are currently outlined under section 3.3.3 of Western Power's Technical Rules, as well as the Technical Code¹ that preceded the Technical Rules. In addition, several new standards have been included, reflecting the need to maintain power system security and reliability in an environment of changing load profile and generation mix in the South West Interconnected System.

The new Chapter 3A requires each Network Operator to establish a centralised register containing the standards for each individual generator. The register will be the 'source of truth' against which compliance is to be measured, and will also be made available to AEMO and the ERA to assist each party in managing their functions. Chapter 3A also sets out the process for the development and implementation of ongoing generator self-monitoring plans to ensure non-compliance is identified and addressed early.

The Chapter 3A package includes the following transitional rules:

- Specific Transitional Provisions – Application of Chapter 3A to Network Operators; and
- Specific Transitional Provisions – WEM Procedures under Chapter 3A.

This document sets out the transitional rules for the application of Chapter 3A and Appendix 12 to Transmission Connected Generating Systems that have signed connection contracts for connection to a transmission system prior to the GPS Commencement Day. Specifically, it establishes a framework for these existing generators to populate the relevant central register of standards and develop a suitable ongoing self-monitoring plan. It also establishes a bespoke dispute resolution process to resolve disputes between generators, AEMO and the Network Operator in relation to standards or self-monitoring plans.

Drafting Note

Existing Transmission Connected Generating System is defined in the Tranche 1 Amending Rules as:

Existing Transmission Connected Generating System: Means a Transmission Connected Generating System for which an Arrangement for Access has been executed prior to the GPS Commencement Date.

As a consequence of these Transitional Amending Rules, clause 3A.1.1 (civil penalty provision) will be amended to link to clause 1.AA.13 to include Existing Transmission Connected Generating Systems when they cease to become Existing Transmission Connected Generating Systems by operation of clause 1.AA.13. Clause 3A.1.1 would be amended to read:

3A.1.1. A Market Participant must comply with each Registered Generator Performance Standard for a Transmission Connected Generating System from the time that they:

- (a) are issued an Approval to Generate Notification; or*
- (b) cease to become an Existing Transmission Connected Generating System as detailed in clause 1.AA.13.*

Clause 3A.1.3 will be deleted.

The definition of Existing Transmission Connected Generating System will also be amended to exclude Exempt Transmission Connected Generating Systems as set out below:

Existing Transmission Connected Generating System: Means a Transmission Connected Generating System for which an Arrangement for Access has been executed prior to the GPS Commencement Date other than an Exempt Transmission Connected Generating System.

¹ The Technical Code was made under regulation 26 of the Electricity Transmission Regulations 1996. This was in effect between 1997 and 2007.

Explanatory Note

In accordance with proposed new section 2.2D, the Coordinator will be responsible for developing a WEM Procedure described in proposed clause 1.AD.10. The proposed amendments to clause 1.4.1(n) are consequential changes as a result of the new function.

1.4. Other rules of interpretation

1.4.1. In these ~~Market~~WEM Rules, unless the contrary intention appears:

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- (n) (**amendments**): if the Rule Change Panel, AEMO, ~~System Management~~, the Economic Regulation Authority, ~~or~~ a Network Operator or the Coordinator has the power to make, prescribe, determine, compile, establish or develop a document, instrument, matter or thing, then the Rule Change Panel, AEMO, ~~System Management~~, the Economic Regulation Authority, ~~or~~ a Network Operator or the Coordinator, as applicable, also has the power to amend, replace or revoke the whole or part of that document, instrument, matter or thing exercisable in like manner and subject to like conditions (if any);

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Explanatory Note

In accordance with proposed new section 2.2D, the Coordinator will be responsible for developing a WEM Procedure described in proposed clause 1.AD.10. The proposed amendments to clause 1.5.1 are consequential changes as a result of the new function.

1.5. Subservient Documents

1.5.1. The following documents are subservient to the ~~Market~~ WEM Rules:

- (a) ~~Market~~ WEM Procedures; and
- (b) any other document or instrument issued, made or given by the Rule Change Panel, AEMO, the Economic Regulation Authority, ~~or~~ a Network Operator or the Coordinator under the ~~Market~~WEM Rules.

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Explanatory Note

In accordance with proposed new section 2.2D, the Coordinator will be responsible for developing a WEM Procedure described in proposed clause 1.AD.10. Proposed new clause 1.7.5 is a consequential change as a result of the new function.

1.7. Publication

1.7.5. Where the Coordinator (in respect to any WEM Procedures the Coordinator is required to develop and maintain under these WEM Rules) is required by these WEM Rules to publish or release a document or information, then:

- (a) the Coordinator must make that document or information available online 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 section 10.2; and
- (b) if these WEM Rules require that document or information to be published on the WEM Website:
- i. the Coordinator must promptly notify AEMO when the document or information is made available in accordance with clause 1.7.5(a);
 - ii. AEMO must, at a minimum, promptly publish a link on the WEM Website to the document or information; and
 - iii. the Coordinator is deemed to have published or released the document or information once the Coordinator has published the document or information online and has notified AEMO.

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Explanatory Note

The numbering for this draft is clause 1.AA.1, 1.AB.1, 1.AC.1 etc as the exact numbering for Chapter 1 will be settled once the full suite of transitional provisions for the various workstreams to be included in Chapter 1 are settled. The numbers will be amended to be the correct clause numbers for Chapter 1 at a later date.

1.AA. Application of Chapter 3A to Existing Transmission Connected Generating Systems

Explanatory Note

Clause 1.AA.1 will exempt an Existing Transmission Connected Generating System from Chapter 3A as if it was an Exempt Transmission Connected Generating System. It will remain subject to the requirements and obligations in respect of Relevant Generator Modifications.

The exemption will apply until the Market Participant has Registered Generator Performance Standards and an approved or determined GPS Monitoring Plan. After that, the Existing Transmission Connected Generating System must comply with the requirements of Chapter 3A and Appendix 12.

1.AA.1. A Market Participant responsible for an Existing Transmission Connected Generating System is exempt from all of the requirements of section 3A.1, section 3A.2 and sections 3A.5 to 3A.12 other than as set out in sections 1.AA to 1.AD until the time at which the Existing Transmission Connected Generating System ceases to be an Existing Transmission Connected Generating System as set out in clause 1.AA.13.

Explanatory Note

Clause 1.AA.2 sets out the deadline by when a Market Participant responsible for an Existing Transmission Connected Generating System must have a Registered Generator Performance Standard for each Technical Requirement for the Transmission Connected Generating System.

1.AA.2. The date by which the Market Participant responsible for an Existing Transmission Connected Generating System must have a Registered Generator Performance

Standard for each Technical Requirement for the Transmission Connected Generating System will be the later of:

- (a) 31 January 2022; or
- (b) any date agreed by the relevant Network Operator and the Market Participant responsible for the Existing Transmission Connected Generating System pursuant to clause 1.AA.4.

Explanatory Note

Clause 1.AA.3 provides for a cut-off date. If the Registered Generator Performance Standards are not determined by 31 January 2022 (as may be extended) then any matters remaining between the relevant Network Operator and the Market Participant will be resolved pursuant to the dispute resolution procedures in section 1.AD.

Where the parties consider that an extension is required (for example, if they are waiting on additional testing) then the parties may agree to extend the date.

1.AA.3. If, by the date set out in clause 1.AA.2, a Market Participant responsible for an Existing Transmission Connected Generating System does not have a Registered Generator Performance Standard for each Technical Requirement then the relevant Network Operator must commence the GPS dispute resolution mechanism in section 1.AD.

Explanatory Note

Clause 1.AA.4 requires the Network Operator to consider and determine the request for an extension to the date Registered Generator Performance Standards are required. The Network Operator must approve the request if it is a legitimate request for extension.

1.AA.4. Subject to clause 1.AA.5, a Market Participant may request the date referred to in clause 1.AA.2 be extended by the Network Operator, who must agree to extend the date by a reasonable period where the Network Operator considers that the Market Participant is making reasonable progress to having a Registered Generator Performance Standard in respect of each Technical Requirement for the Existing Transmission Connected Generating System and reasonably requires additional time to have all required Registered Generator Performance Standards. To avoid doubt, the Market Participant may request, and the Network Operator may extend, the date in clause 1.AA.2 more than once.

Explanatory Note

Clause 1.AA.5 provides that a request must be made at least 20 Business Days before the date of submission.

1.AA.5. A request made pursuant to clause 1.AA.4 must be made at least 20 Business Days before 31 January 2022, or any extended date agreed pursuant to clause 1.AA.4. Where a request is made within the 20 Business Days before the relevant date the Network Operator may, but is not obliged to, consider the request.

Explanatory Note

Clause 1.AA.6 provides the time by which the Network Operator must notify the Market Participant.

1.AA.6. A Network Operator must notify the Market Participant responsible for the Existing Transmission Connected Generating System whether the request made pursuant to clause 1.AA.4 is agreed or rejected within 10 Business Days or other date agreed between the parties.

Explanatory Note

Clause 1.AA.7 sets out the deadline by when a Market Participant responsible for an Existing Transmission Connected Generating System must have a GPS Monitoring Plan approved by AEMO which is 12 months after the Market Participant must submit a proposed GPS Monitoring Plan to AEMO for approval under clause 1.AC.2 or a date agreed between AEMO and the Market Participant.

1.AA.7. The time by which the Market Participant responsible for an Existing Transmission Connected Generating System must have an GPS Monitoring Plan approved by AEMO will be the later of:

- (a) the date that is 12 months after the date on which the Market Participant submits their proposed GPS Monitoring Plan to AEMO for approval; or
- (b) any date agreed by AEMO and the Market Participant responsible for the Existing Transmission Connected Generating System pursuant to clause 1.AA.9.

Explanatory Note

Clause 1.AA.8 provides for a cut-off date. If the GPS Monitoring Plan is not determined by the time set out in clause 1.AA.7 then it will be determined pursuant to the dispute resolution procedures in section 1.AD. Where the parties consider that an extension is required (for example they are waiting on additional testing) then the parties may agree to extend the date.

1.AA.8. If, by the date set out in clause 1.AA.7, a Market Participant responsible for an Existing Transmission Connected Generating System does not have a GPS Monitoring Plan approved by AEMO in accordance with section 1.AC then AEMO must commence the GPS dispute resolution mechanism in section 1.AD.

Explanatory Note

Clause 1.AA.9 requires AEMO to consider and determine the request for an extension to the date an approved GPS Monitoring Plan is required. AEMO must approve the request if it is a legitimate request for extension.

1.AA.9. Subject to clause 1.AA.10, a Market Participant may request the date referred to in clause 1.AA.7 be extended by AEMO, who must agree to extend the date by a reasonable period where AEMO considers that the Market Participant is making reasonable progress towards having a GPS Monitoring Plan and reasonably requires additional time to complete it. To avoid doubt, the Market Participant may request, and AEMO may extend, the date in clause 1.AA.7 more than once.

Explanatory Note

Clause 1.AA.10 provides that a request must be made at least 20 Business Days before the date of submission.

1.AA.10. A request made pursuant to clause 1.AA.9 must be made at least 20 Business Days before the date described in clause 1.AA.7(a), or any extended date agreed pursuant to clause 1.AA.9. Where a request is made within the 20 Business Days before the relevant date AEMO may, but is not obliged to, consider the request.

Explanatory Note

Clause 1.AA.11 provides the time by which AEMO must notify the Market Participant.

1.AA.11. AEMO must notify the Market Participant whether the request made pursuant to clause 1.AA.9 is agreed or rejected within 10 Business Days or other date agreed between the parties.

Explanatory Note

Clause 1.AA.12 is a general information provision clause similar to clause 3A.2.1. Clause 3A.2.1 only applies to requests pursuant to Chapter 3A so this clause provides an obligation to provide information for the purposes of sections 1.AA to 1.AD.

1.AA.12. A Market Participant responsible for an Existing Transmission Connected Generating System must use reasonable endeavours to provide all data and information reasonably required by a Network Operator or AEMO under sections 1.AA to 1.AD to assess the impact of the Existing Transmission Connected Generating System on the performance and security of the transmission system and distribution system.

Explanatory Note

Clause 1.AA.13 is intended to provide a mechanism where the transitional regime will no longer apply and Chapter 3A will apply to the Transmission Connected Generating System.

1.AA.13. An Existing Transmission Connected Generating System will cease to become an Existing Transmission Connected Generating System at the earlier of the time:

- (a) a Relevant Generator Modification is declared and undertaken in respect of the Existing Transmission Connected Generating System; or
- (b) the Market Participant responsible for the Existing Transmission Connected Generating System has:
 - i. a Registered Generator Performance Standard for each Technical Requirement in accordance with section 1.AB; and
 - ii. a GPS Monitoring Plan approved by AEMO in accordance with section 1.AC or determined by an arbitrator in accordance with the GPS dispute resolution mechanism in section 1.AD.

Explanatory Note

Section 1.AB sets out the regime for the determination and registration of generator performance standards for Existing Transmission Connected Generating Systems.

1.AB. Generator performance standards for Existing Transmission Connected Generating Systems

1.AB.1. In this section 1.AB:

Access Standard: Means an existing standard or technical level of performance in respect of the same or equivalent matter as a Technical Requirement that is either:

- (a) set out in and required by an Arrangement for Access; or
- (b) otherwise previously agreed by the Network Operator at the time of connection of the Existing Transmission Connected Generating System to the SWIS, or prior to the GPS Commencement Date.

Agreed GPS: Means the standard or technical level of performance in respect of a Technical Requirement that is either:

- (a) agreed between a Market Participant responsible for an Existing Transmission Connected Generating System and the relevant Network Operator; or
- (b) deemed to be the applicable standard or technical level of performance in respect of the same matter as a Technical Requirement that applies in respect of an Existing Transmission Connected Generating System,

in accordance with this section 1.AB.

GPS Condition: Means one or more circumstances specified in a Proposed Alternative GPS:

- (a) the occurrence of which requires a Market Participant responsible for an Existing Transmission Connected Generating System to undertake required actions to achieve an agreed outcome and or achieve an agreed higher level of performance than set out in the Proposed Alternative GPS in respect of one or more Technical Requirements; and
- (b) that specifies or describes each of the matters in clause 3A.5.6(a) to 3A.5.6(g), where each reference to 'Trigger Event' in those clauses is to be read as 'GPS Condition'.

Proposed Alternative GPS: Means a standard or technical level of performance in respect of a Technical Requirement proposed to apply to an Existing Transmission Connected Generating System that has been submitted in accordance with clause 1.AB.6.

Explanatory Note

The Network Operator will set out the relevant reference standards which may apply to an Existing Transmission Connected Generating System in the WEM Procedure referred to in clause 1.AB.29. Depending on when the generator was connected these would be the relevant standard that applied in the Technical Rules, the Technical Code, Planning Criterion or other specified document.

Reference Standard: Means a standard or technical level of performance that applied at the time of connection of the Existing Transmission Connected Generating System to the SWIS or a modification of an Existing Transmission Connected Generating System before the GPS Commencement Date as set out in the WEM Procedure referred to in clause 1.AB.29 in respect of the same matter as a Technical Requirement.

Explanatory Note

The process of determining the existing standards that apply will depend on the parties providing all relevant information to each other in order to determine the relevant standard that applies to the generating system. Clause 1.AB.2 places an obligation on the Market Participant to provide all relevant information to the Network Operator. The obligation is 'reasonable endeavours' so the Market Participant does not have to spend an unreasonable amount of time looking for contractual information that might not exist or not be accessible.

1.AB.2. A Market Participant responsible for an Existing Transmission Connected Generating System must use reasonable endeavours to provide to the relevant Network Operator any relevant document or information that it is able to provide that is in its possession, power or control which relates to an Access Standard in respect of the Existing Transmission Connected Generating System.

Explanatory Note

The process of determining the existing standards that apply will depend on the parties providing all relevant information to each other in order to determine the relevant standard that applies to the generating system. Clause 1.AB.3 places an obligation on the Network Operator to provide all relevant information to the Market Participant. The obligation is 'reasonable endeavours' so the Network Operator does not have to spend an unreasonable amount of time looking for contractual information that might not exist or not be accessible.

1.AB.3. A Network Operator must use reasonable endeavours to provide to a Market Participant responsible for an Existing Transmission Connected Generating System any relevant document or information that it is able to provide that is in its possession, power or control which relates to an Access Standard in respect of the Existing Transmission Connected Generating System.

Explanatory Note

Generators are required to comply with applicable standards available at the time of connection (including any exemptions). Some examples of these standards include Western Power's Technical Rules, and prior, the Technical Code. Where applicable standards were agreed at the time of connection, or approved modification, these will be the Agreed GPS in respect of any applicable Technical Requirement. Later clause 1.AB.30 provides for Agreed GPS to be the generator's Registered Generator Performance Standard.

1.AB.4. Subject to clause 1.AB.6, an Access Standard in respect of the same or equivalent matter as a Technical Requirement will be deemed to be the Agreed GPS for that Technical Requirement.

Explanatory Note

Where standards were not agreed at the time of connection or approved modification (or agreed standards cannot be located), but a Reference Standard exists, then that Reference Standard will be deemed to be the Agreed GPS.

1.AB.5. Subject to clause 1.AB.6, where no Access Standard in respect of the same matter as a Technical Requirement exists and there is an applicable Reference Standard, then the Reference Standard will be deemed to be the Agreed GPS for that Technical Requirement.

Explanatory Note

Appendix 12 contains Technical Requirements which are not covered by Reference Standards. Alternately, there may be disputes as to the application of the standards deemed to apply. Where this occurs then the parties may negotiate the appropriate standard to apply.

1.AB.6. Where:

- (a) these WEM Rules do not deem a standard of performance for a Technical Requirement to be an Agreed GPS in accordance with clause 1.AB.4 or clause 1.AB.5;
- (b) a Market Participant responsible for the Existing Transmission Connected Generating System does not reasonably consider that the Existing Transmission Connected Generating System is able to comply with a Reference Standard that is deemed to be an Agreed GPS pursuant to clause 1.AB.5; or
- (c) the relevant Network Operator and Market Participant responsible for the Existing Transmission Connected Generating System disagree as to the existence or interpretation of an Access Standard,

the Market Participant must notify the Network Operator as soon as practicable and submit a Proposed Alternative GPS which may include a GPS Condition.

Explanatory Note

Clause 1.AB.7 sets out the information which must be provided by the Market Participant when it submits a Proposed Alternative GPS. The information will vary depending on the circumstances in which the Market Participant is submitting the Proposed Alternative GPS.

1.AB.7. Where clause 1.AB.6 applies, the Market Participant responsible for the Existing Transmission Connected Generating System must also submit reasons and supporting evidence as to how the Proposed Alternative GPS meets the applicable criteria listed in clause 1.AB.8 and is otherwise appropriate in the circumstances. Where the Proposed Alternative GPS is less onerous than the Minimum Generator Performance Standard or the Reference Standard for that Technical Requirement, the Market Participant must also submit:

- (a) technical evidence as to why the Existing Transmission Connected Generating System cannot comply with the Minimum Generator Performance Standard or the Reference Standard (as applicable); and
- (b) information on the costs the Market Participant is likely to incur in order to meet the Minimum Generator Performance Standard or Reference Standard (as applicable).

Explanatory Note

The criteria in clause 1.AB.8 is consistent with the criteria in clause 3A.5.5 for a Proposed Negotiated Generator Performance Standard save that the cost of compliance and the capability of the generator to meet the requirement is an explicit factor.

- 1.AB.8. A Proposed Alternative GPS submitted pursuant to clause 1.AB.6 must be as consistent as practicable to the Minimum Generator Performance Standard or Reference Standard for the relevant Technical Requirement (as applicable), having regard to:
- (a) the need to protect the Existing Transmission Connected Generating System from damage;
 - (b) power system conditions at the location of the connection;
 - (c) the commercial and technical feasibility of complying with the Minimum Generator Performance Standard or Reference Standard (as applicable); and
 - (d) the capability of the Existing Transmission Connected Generating System in respect of the Technical Requirement.

Explanatory Note

Clause 1.AB.9 provides a broad power for the Network Operator to require information in order to assess a Proposed Alternative GPS.

- 1.AB.9. If the relevant Network Operator requires further information that it considers necessary to determine whether a Proposed Alternative GPS is appropriate it must request the information from the Market Participant responsible for the Existing Transmission Connected Generating System who must use reasonable endeavours provide the further information that is in its possession, power or control. To avoid doubt, a Market Participant is not required to undertake testing to comply with this obligation.

Explanatory Note

Clause 1.AB.10 mirrors the process in clause 3A.5.10 which requires the Network Operator to consult with AEMO.

- 1.AB.10. If:

- (a) [a Proposed Alternative GPS is at or above the Minimum Generator Performance Standard or Reference Standard \(as applicable\); or](#)
- (b) [the Network Operator reasonably considers it will approve a Proposed Alternative GPS having regard to the matters in clause 1.AB.8 and following the receipt of the information and evidence referred to in clause 1.AB.7 and any further information requested under clause 1.AB.9,](#)

[the Network Operator must:](#)

- (c) [provide any information received from the Market Participant responsible for the Transmission Connected Generating System to AEMO pursuant to clause 1.AB.7 and clause 1.AB.9; and](#)
- (d) [use best endeavours to consult with AEMO within a reasonable timeframe, in accordance with the process agreed pursuant to clause 3A.1.4, in relation to each submitted Proposed Alternative GPS.](#)

Explanatory Note

Clause 1.AB.11 requires AEMO to respond to within a reasonable timeframe after being consulted by the Network Operator.

[1.AB.11. AEMO must use best endeavours to respond in a reasonable timeframe after being consulted in accordance with clause 1.AB.10 and provide a recommendation to the Network Operator whether a Proposed Alternative GPS should be approved or rejected, or whether AEMO requires further information to make the recommendation.](#)

Explanatory Note

Clause 1.AB.12 mirrors the process in clause 3A.5.12 and allows AEMO to obtain further information if required.

[1.AB.12. Where AEMO requires further information pursuant to clause 1.AB.11, the Network Operator must:](#)

- (a) [provide the further information that is in its possession, power or control; or](#)
- (b) [use reasonable endeavours to obtain that information from the Market Participant responsible for the Existing Transmission Connected Generating System and provide that information to AEMO in accordance with the process agreed pursuant to clause 3A.1.4.](#)

Explanatory Note

Clause 1.AB.13 mirrors the process in clause 3A.5.13.

[1.AB.13. In making a recommendation whether a Proposed Alternative GPS should be approved or rejected in accordance with clause 1.AB.11, AEMO is not limited to considering information provided by the Network Operator and may use any other relevant information available to it.](#)

Explanatory Note

Clause 1.AB.14 and clause 1.AB.15 sets out when AEMO must recommend that the Network Operator accept a Proposed Alternative GPS and when it must recommend rejection.

1.AB.14. Subject to clause 1.AB.15, AEMO must recommend that the Network Operator accept a Proposed Alternative GPS if:

- (a) AEMO reasonably considers the Proposed Alternative GPS satisfies clause 1.AB.8; or
- (b) the Proposed Alternative GPS:
 - i. relates to a standard or technical level of performance for a Technical Requirement for which there is no Agreed GPS that is deemed to apply in accordance with clause 1.AB.4 or clause 1.AB.5; and
 - ii. is at or above the Minimum Generator Performance Standard for the relevant Technical Requirement.

1.AB.15. AEMO must recommend that the Network Operator reject a Proposed Alternative GPS if it reasonably considers that the Proposed Alternative GPS may create an unacceptable risk to Power System Security or Power System Reliability.

Explanatory Note

Clause 1.AB.16 mirrors the process in clause 3A.5.15.

1.AB.16. Where AEMO recommends that the Network Operator reject a Proposed Alternative GPS in respect of the relevant Technical Requirement, AEMO must:

- (a) provide written reasons to the Network Operator; and
- (b) recommend that either:
 - i. an amended Proposed Alternative GPS is adopted that AEMO considers satisfies clause 1.AB.8 which may include a GPS Condition; or
 - ii. otherwise:
 - 1. where a Reference Standard exists, the Reference Standard is adopted; or
 - 2. where no Reference Standard exists, the Minimum Generator Performance Standard is adopted.

Explanatory Note

Clause 1.AB.17 mirrors the process in clause 3A.5.16.

1.AB.17. Subject to clauses 1.AB.18, 1.AB.19 and clause 1.AB.24, after a Network Operator has received the recommendation from AEMO in respect of a Proposed Alternative

GPS, the Network Operator must determine whether to approve or reject each Proposed Alternative GPS proposed by the Market Participant responsible for the Existing Transmission Connected Generating System.

Explanatory Note

The effect of clause 1.AB.18 is to require the Network Operator to approve a standard that AEMO recommends the Network Operator accept other than where clause 1.AB.19 applies.

1.AB.18. Subject to clause 1.AB.19, a Network Operator must approve a Proposed Alternative GPS and notify the relevant Market Participant where AEMO recommends that the Network Operator accept a Proposed Alternative GPS.

Explanatory Note

Clause 1.AB.19 mirrors the process in clause 3A.5.17.

1.AB.19. A Network Operator must reject a Proposed Alternative GPS where:

- (a) AEMO has recommended that the Network Operator reject the Proposed Alternative GPS; or
- (b) the Network Operator reasonably considers the Proposed Alternative GPS may create an unacceptable risk in relation to:
 - i. Power System Security;
 - ii. Power System Reliability;
 - iii. Power Transfer Capability; or
 - iv. the quality of supply of electricity for other users of the Network.

Explanatory Note

Clause 1.AB.20 is equivalent to clause 3A.5.18 for the consideration of a Proposed Negotiated Generator Performance Standard.

1.AB.20. If the Network Operator rejects a Proposed Alternative GPS, the Network Operator must provide to the Market Participant responsible for the Existing Transmission Connected Generating System:

- (a) written reasons for the decision; and
- (b) an alternative or amended Proposed Alternative GPS that the Network Operator and AEMO consider is acceptable having regard to each of the matters in clause 1.AB.8 which may include a GPS Condition.

Explanatory Note

Clauses 1.AB.21 and 1.AB.22 mirror the process in clause 3A.5.19 for the consideration of a Proposed Negotiated Generator Performance Standard save that the process will not re-start if the Market Participant feels a different standard is required. Instead, the parties may agree additional testing to prove the appropriateness of the Proposed Alternative GPS or commence the dispute resolution process in section 1.AD.

1.AB.21. Where the Market Participant responsible for the Existing Transmission Connected Generating System agrees with the amended Proposed Alternative GPS proposed in accordance with clause 1.AB.20(b), the amended Proposed Alternative GPS will be the Agreed GPS for the Technical Requirement.

1.AB.22. Where the Market Participant responsible for the Existing Transmission Connected Generating System disagrees with the amended Proposed Alternative GPS proposed in accordance with clause 1.AB.20(b):

- (a) the Market Participant and Network Operator may agree an additional testing regime in accordance with clause 1.AB.24; otherwise
- (b) the Market Participant must commence the GPS dispute resolution mechanism in section 1.AD.

Explanatory Note

Clause 1.AB.23 provides that if the Proposed Alternative GPS is agreed by the Network Operator it will be the Agreed GPS for the Technical Requirement.

1.AB.23. Where the Network Operator approves a Proposed Alternative GPS in accordance with clause 1.AB.17, it will be the Agreed GPS for the Technical Requirement.

Explanatory Note

Clause 1.AB.24 provides that the Market Participant may agree an additional testing regime in order to demonstrate the generating system's capability. If the testing regime is unlikely to resolve the issue either party may commence the dispute resolution mechanism in section 1.AD.

1.AB.24. If a Network Operator, after consulting with AEMO or otherwise, does not consider that it has access to sufficient information to make an assessment as to whether the Existing Transmission Connected Generating System is capable of meeting a Proposed Alternative GPS it may agree to a testing regime or interrogation of data pursuant to clause 1.AB.25 with the Market Participant responsible for the Transmission Connected Generating System. If the parties cannot agree to a testing regime, either party may commence the GPS dispute resolution mechanism pursuant to section 1.AD.

Explanatory Note

Clause 1.AB.25 sets out the types of testing which may be agreed by the parties. The intention is that the testing will be the least cost and invasive in order to demonstrate the capability of the Existing Transmission Connected Generating System.

1.AB.25. The testing regime or interrogation of data contemplated by clause 1.AB.24 must include measures which each party will take, at their cost, to determine whether the Existing Transmission Connected Generating System is capable of meeting the Proposed Alternative GPS. Where possible, the measures agreed should be the lowest cost option available to demonstrate the performance or capability of the Existing Transmission Connected Generating System after considering all other relevant available information.

Explanatory Note

Clause 1.AB.26 and 1.AB.27 provides that following the further agreed testing the Market Participant and the Network Operator may agree an appropriate standard. Otherwise, the dispute resolution mechanism in section 1.AD will apply.

1.AB.26. Following receipt of the testing results or interrogation of data contemplated by clause 1.AB.24, the Market Participant responsible for the Existing Transmission Connected Generating System and the relevant Network Operator must negotiate in good faith to determine if they can agree a Proposed Alternative GPS, which may include a GPS Condition, in respect of the Technical Requirement that the Existing Transmission Connected Generating System can comply with based on the testing results or data. To avoid doubt, the Network Operator may, as part of the negotiations or otherwise, consult with AEMO as to any Proposed Alternative GPS.

1.AB.27. If the Market Participant responsible for the Existing Transmission Connected Generating System and the relevant Network Operator can agree a Proposed Alternative GPS pursuant to clause 1.AB.26, the agreed Proposed Alternative GPS will be the Agreed GPS for the Technical Requirement. If the Market Participant and Network Operator cannot agree, the Network Operator must commence the GPS dispute resolution mechanism in section 1.AD.

Explanatory Note

Clause 1.AB makes it clear that a generator performance standard determined by the GPS Arbitrator will be an Agreed GPS for the purposes of this section 1.AB.

1.AB.28. Where the standard or technical level of performance in respect of a Technical Requirement is determined pursuant to the GPS dispute resolution mechanism in section 1.AD, it will be an Agreed GPS for the purposes of this section 1.AB.

Explanatory Note

The Network Operator is required to create a WEM Procedure setting out the processes it will follow in assessing a Proposed Alternative GPS and identifying the relevant documents or standards which are to be Reference Standards.

1.AB.29. A Network Operator must develop and maintain a WEM Procedure which includes:

- (a) the process and considerations it will follow in assessing a Proposed Alternative GPS pursuant to section 1.AB; and

- (b) [the relevant Reference Standards which may apply to an Existing Transmission Connected Generating System for the purposes of section 1.AB.](#)

Explanatory Note

Where a generator performance standard is deemed to be the Agreed GPS or agreed to apply under section 1.AB then it will be the Registered Generator Performance Standard and registered on the GPS Register. Where a generator performance standard is determined by arbitration it will be deemed to be the Agreed GPS and registered on the GPS Register.

[1.AB.30. An Agreed GPS must be recorded by the relevant Network Operator on the GPS Register and it will be the Registered Generator Performance Standard for the Technical Requirement for that Transmission Connected Generating System.](#)

[1.AB.31 Where an Agreed GPS includes a GPS Condition, once the Agreed GPS becomes the Registered Generator Performance Standard pursuant to clause 1.AB.30, the GPS Condition will be a Trigger Event for the purposes of Chapter 3A.](#)

Explanatory Note

Section 1.AC sets out the regime for the determination and registration of GPS Monitoring Plans for Existing Transmission Connected Generating Systems.

[1.AC. GPS Monitoring Plans for Existing Transmission Connected Generating Systems](#)

Explanatory Note

Clause 1.AC.1 defines Existing Monitoring Plan for the purpose of section 1.AC.

[1.AC.1. In this section 1.AC:](#)

[Existing Monitoring Plan: Means an existing plan approved or agreed by the relevant Network Operator for monitoring the performance of the Existing Transmission Connected Generating System against a Technical Requirement.](#)

Explanatory Note

Clause 1.AC.2 requires a Market Participant responsible for an Existing Transmission Connected Generating System to submit a proposed GPS Monitoring Plan within 6 months from the GPS Commencement Date, or any date mutually agreed.

Clause 1.AC.2 will be a civil penalty provision.

Drafting Note

GPS Commencement Date is defined in Package 2 as:

[GPS Commencement Date: Means the Trading Day commencing at 8.00am on \[1 February 2021\]](#)

[1.AC.2 Subject to any extension granted pursuant to clause 1.AC.3, no later than 6 months after the GPS Commencement Date, a Market Participant responsible for an Existing Transmission Connected Generating System must submit a proposed GPS](#)

Monitoring Plan to AEMO for approval in accordance with any requirements for submission in the WEM Procedure referred to in clause 1.AC.6 that:

- (a) meets the requirements of the Template GPS Monitoring Plan as applicable to the Existing Transmission Connected Generating System; or
- (b) meets the requirements of the Template GPS Monitoring Plan as applicable to the Existing Transmission Connected Generating System other than in respect of variations that the Market Participant reasonably considers are required on the basis that:
 - i. compliance is not possible, or where doing so would impose unreasonable costs on the Market Participant; or
 - ii. an Existing Monitoring Plan includes a monitoring regime or requirements in respect of the relevant Technical Requirement.

Explanatory Note

Clause 1.AC.3 allows a Market Participant to extend the deadline in clause 1.AC.2.

1.AC.3. Subject to clause 1.AC.4, a Market Participant may request the date referred to in clause 1.AC.2 be extended by AEMO, by written notice including detailed reasons from the Market Participant as to why an extension is necessary, who must agree to extend the date by a reasonable period where AEMO considers that the Market Participant is making reasonable progress towards having a GPS Monitoring Plan and reasonably requires additional time to complete it. To avoid doubt, the Market Participant may request, and AEMO may extend, the date in clause 1.AC.2 more than once.

Explanatory Note

Clause 1.AC.4 requires a request for extension to be made at least 20 Business Days before the relevant date. Clause 1.AC.5 requires AEMO to determine and notify the outcome of the extension within 10 Business Days.

1.AC.4. A request made pursuant to clause 1.AC.3 must be made at least 20 Business Days before the date in clause 1.AC.2, or any extended date agreed pursuant to clause 1AC.3. Where a request is made within the 20 Business Days before the relevant date AEMO may, but is not obliged to, consider the request.

1.AC.5. AEMO must notify the Market Participant whether the request made pursuant to clause 1.AC.3 is agreed or rejected within 10 Business Days or other date agreed between the parties.

Explanatory Note

Clause 1.AC.6 provides a head of power for AEMO to document in a WEM Procedure with further details as to how AEMO will consider requests for extensions made pursuant to clause 1.AC.3 and assess a GPS Monitoring Plan for an Existing Transmission Connected Generating System. Given this is a limited regime, this is not mandatory but provides flexibility for AEMO to develop a WEM Procedure if it considers it is necessary.

1.AC.6. AEMO may document in a WEM Procedure which sets out:

- (a) [the information required by, and method by which, AEMO will assess a proposed GPS Monitoring Plan submitted pursuant to clause 1.AC.2; and](#)
- (b) [the information required by, and method by which, AEMO will consider and determine requests for an extension made pursuant to clause 1.AC.3.](#)

Explanatory Note

Where a Market Participant proposes a GPS Monitoring Plan that meets the requirements of AEMO's Template GPS Monitoring Plan, then AEMO must approve it consistent with AEMO's obligations for GPS Monitoring Plans for new Transmission Connected Generating Systems pursuant to clause 3A.6.5.

[1.AC.7. Subject to clause 1.AC.9 and clause 1.AC.12, AEMO must approve a proposed GPS Monitoring Plan that AEMO reasonably considers satisfies the requirements in clause 1.AC.2 and where AEMO considers any variations requested by the Market Participant are justified.](#)

Explanatory Note

An Existing Transmission Connected Generating System have an Existing Monitoring Plan. Where that is the case, then that monitoring plan will be the GPS Monitoring Plan for the relevant Technical Requirements unless AEMO considers it would pose a safety risk or threat to Power System Security or Power System Reliability.

[1.AC.8. Where a Market Participant responsible for an Existing Transmission Connected Generating System proposes a GPS Monitoring Plan that includes required variations on the basis of clause 1.AC.2\(b\)\(ii\), it must provide a copy of the Existing Monitoring Plan to AEMO including any supporting documentation that AEMO reasonably considers necessary.](#)

[1.AC.9 Subject to clause 1.AC.10, if AEMO is satisfied an Existing Monitoring Plan applies in respect of a Technical Requirement, AEMO must approve the method of monitoring as it relates to that Technical Requirement as set out in the Existing Monitoring Plan as part of a GPS Monitoring Plan proposed by a Market Participant.](#)

[1.AC.10 Where AEMO reasonably considers the method of monitoring in an Existing Monitoring Plan in accordance with clause 1.AC.9 would pose a safety risk or threat to Power System Security or Power System Reliability, AEMO must:](#)

- (a) [reject the Existing Monitoring Plan in respect of that Technical Requirement; and](#)
- (b) [in addition to the reasons provided pursuant to clause 1.AC.14, provide detailed reasons to the Market Participant as to why it considers the Existing Monitoring Plan in respect of that Technical Requirement would create an unacceptable risk to Power System Security or Power System Reliability.](#)

Explanatory Note

AEMO must approve or reject a proposed GPS Monitoring Plan within 12 months of the date it is submitted to AEMO for consideration under clause 1.AC.2.

1.AC.11. Where a Market Participant responsible for an Existing Transmission Connected Generating System proposes a GPS Monitoring Plan, AEMO must consider the proposed GPS Monitoring Plan and no later than 12 months after AEMO receives the proposed GPS Monitoring Plan, determine whether to approve or reject the proposed GPS Monitoring Plan or request further information.

Explanatory Note

Clause 1.AC.12 sets out the criteria for approval by AEMO for GPS Monitoring Plans which vary from the Template GPS Monitoring Plan or are not consistent with the generator's Existing Monitoring Plan. The criteria is different to the criteria in clause 3A.6.5. The criteria is more specific as there is a higher likelihood for variations with Existing Transmission Connected Generating Systems to provide more guidance to AEMO and Market Participants.

1.AC.12. When considering whether or not to approve a proposed GPS Monitoring Plan under clause 1.AC.2(b)(i), AEMO must consider where relevant:

- (a) the technical feasibility of the Existing Transmission Connected Generating System complying with the Template GPS Monitoring Plan;
- (b) consistency of alternative testing methods proposed with good electricity industry practice including any contained in an Existing Monitoring Plan (if applicable);
- (c) the age of the Existing Transmission Connected Generating System, in particular the cost of imposing the standard testing method relative to the benefits gained over the expected remaining life of the Existing Transmission Connected Generating System;
- (d) the risk that the Existing Transmission Connected Generating System poses to power system security and reliability (considering size, location and technology type of generator);
- (e) the efficacy of an alternative proposed testing method (incorporating cost, risk and accuracy of alternative proposed testing method);
- (f) any advice from manufacturers and industry experts;
- (g) specific factors associated with the technology of the Existing Transmission Connected Generating System, including whether its performance is likely to drift or degrade over a particular timeframe, in which case more stringent monitoring may be required; and
- (h) whether the testing method or data source proposed by the Market Participant responsible for the Existing Transmission Connected Generating System as a modification to the Template GPS Monitoring Plan was used to establish the compliance standard as part of the process to determine the Registered Generator Performance Standards for that Existing Transmission Connected Generating System.

Explanatory Note

Clause 1.AC.13 provides a discretion for AEMO to consult with the relevant Network Operator but it is not obliged to.

1.AC.13. AEMO may, but is not required to, consult the relevant Network Operator in respect of a proposed GPS Monitoring Plan submitted to AEMO for approval under this section 1.AC.

Explanatory Note

Where AEMO rejects a proposed GPS Monitoring Plan it must provide reasons and it may suggest amendments which it considers would meet the Template GPS Monitoring Plan or are otherwise satisfactory.

1.AC.14. Where AEMO rejects a proposed GPS Monitoring Plan submitted in accordance with this section 1.AC, AEMO:

- (a) must notify the Market Participant;
- (b) must provide reasons to the Market Participant for the rejection; and
- (c) may request amendments to the proposed GPS Monitoring Plan that it considers are required to meet the requirements of the Template GPS Monitoring Plan or are otherwise satisfactory to AEMO taking into account the matters referred to in clause 1.AC.12 where relevant.

Explanatory Note

Given the need to have the process concluded in a timely manner, where the Market Participant rejects AEMO's proposal the matter will be resolved by the dispute resolution process in section 1.AD.

1.AC.15. Where AEMO requests amendments pursuant to clause 1.AC.14(c), the Market Participant responsible for the Existing Transmission Connected Generating System may either:

- (a) accept the proposal, in which case the requested amendments will be taken to be made to the proposed GPS Monitoring Plan and it will be deemed to be the approved GPS Monitoring Plan for the Existing Transmission Connected Generating System; or
- (b) reject the proposal, in which case the Market Participant must commence the GPS dispute resolution mechanism pursuant to section 1.AD.

Explanatory Note

The GPS Monitoring Plan will only commence once there is a GPS Monitoring Plan in place for each Generating Performance Standard or a later date agreed with AEMO.

1.AC.16. A GPS Monitoring Plan for an Existing Transmission Connected Generating System will commence on the later of:

- (a) the date on which the Market Participant responsible for the Existing Transmission Connected Generating System has;
 - i. a Registered Generator Performance Standard for each Technical Requirement in accordance with section 1.AB; and
 - ii. a GPS Monitoring Plan is approved under this section 1.AC or determined to apply by arbitration in accordance with section 1.AD;
or

- (b) [the date agreed by AEMO and the Market Participant.](#)

Explanatory Note

Clause 1.AC.17 requires a GPS Monitoring Plan which is approved under this section or determined by arbitration it will be recorded on the GPS Register

[1.AC.17. A GPS Monitoring Plan approved by AEMO under this section 1.AC or determined by arbitration in accordance with section 1.AD must be recorded by the relevant Network Operator on the GPS Register.](#)

[1.AD GPS Dispute Resolution Mechanism](#)

[1.AD.1. In this section 1.AD:](#)

[Confidential Information:](#) Means in relation to arbitral proceedings conducted pursuant to this section 1.AD, information that relates to the arbitral proceedings or a decision of the GPS Arbitrator in the arbitral proceedings and includes the following:

- [\(a\) the statement of claim, statement of defence and all other pleadings, submissions, statements or other information supplied to the GPS Arbitrator by a Party;](#)
- [\(b\) any information supplied by a Party to another Party in compliance with a direction of the GPS Arbitrator;](#)
- [\(c\) any evidence \(whether documentary or otherwise\) supplied to the GPS Arbitrator;](#)
- [\(d\) any notes made by the GPS Arbitrator of oral evidence or submissions given before the GPS Arbitrator;](#)
- [\(e\) any transcript of oral evidence or submissions given before the GPS Arbitrator; and](#)
- [\(f\) any other thing declared by the GPS Arbitrator \[\(whether upon submissions by a Party or otherwise\)\] to be Confidential Information.](#)

[Dispute:](#) Means a dispute to which the WEM Rules provide that this section 1.AD will apply.

[GPS Arbitration Commencement Date:](#) Has the meaning given in clause 1.AD.11.

[GPS Arbitration Decision:](#) Has the meaning given in clause 1.AD.18.

[GPS Arbitrator:](#) Means the arbitrator to which the Dispute has been referred by the Coordinator pursuant to clause 1.AD.5.

[GPS Primary Arbitrator:](#) Has the meaning given in clause 1.AD.2(a).

[GPS Secondary Arbitrator:](#) Has the meaning given in clause 1.AD.2(b).

[GPS Panel of Experts:](#) Has the meaning given in clause 1.AD.2(c).

[Party:](#) Means a party to the Dispute.

Relevant Law: Means:

- (a) a law of Western Australia;
- (b) a law of the Commonwealth of Australia; and
- (c) a law of another State or Territory of the Commonwealth of Australia.

Explanatory Note

Clause 1.AD.2 provides for the power to appoint arbitrators. Note that clause 1.4.1(m) provides for a power for the Coordinator to remove a person that the Coordinator appoints.

1.AD.2. The Coordinator must, not later than 1 April 2021, in accordance with the process referred to in clause 1.AD.28, appoint:

- (a) one primary arbitrator ("GPS Primary Arbitrator");
- (b) at least two secondary arbitrators ("GPS Secondary Arbitrators"); and
- (c) an independent panel of not less than three experts for the purpose of performing the function described in 1.AD.14 ("GPS Panel of Experts").

The Coordinator may, in accordance with the process referred to in clause 1.AD.28, appoint a further GPS Primary Arbitrator, GPS Secondary Arbitrator or person to the GPS Panel of Experts.

Explanatory Note

Clause 1.AD.3 provides for the power to appoint experts. Note that clause 1.4.1(n) provides for a power for the Coordinator to remove a person that the Coordinator appoints.

1.AD.3. The Coordinator must, in respect of each appointment made pursuant to clause 1.AD.2 publish:

- (a) the names and relevant details of each appointment;
- (b) respective tenures of each appointment; and
- (c) the remuneration and expense provisions,

within 5 Business Days of each appointment.

Explanatory Note

Clause 1.AD.4 provides how a party may refer a dispute for arbitration. At the least they must provide a written request but the Coordinator may prescribe further pre-conditions which must be satisfied in the WEM Procedure referred to in clause 1.AD.10. An example of such pre-conditions would be certification that the relevant processes in sections 1.AB or 1.AC had occurred before the dispute was referred.

1.AD.4. Before a Dispute may be resolved in accordance with the arbitral proceedings set out in this section 1.AD, a Party must comply with any relevant processes set out in the WEM Procedure referred to in clause 1.AD.10 and deliver a written notification for that Dispute to be referred to arbitration to:

- (a) the Coordinator; and
- (b) each other Party to the Dispute.

Explanatory Note

Clause 1.AD.5 obliges the Coordinator to refer the dispute where the process in clause 1.AD.4 has been complied with.

1.AD.5. On satisfying itself that clause 1.AD.4 has been complied with, the Coordinator must, subject to clauses 1.AD.6 to 1.AD.9, refer the Dispute for resolution to a GPS Arbitrator in accordance with this section 1.AD.

Explanatory Note

The intention is to have one arbitrator deal with disputes under this section. However, it is recognised that there may be situations where that arbitrator cannot properly perform the role. In those cases, a secondary arbitrator will be appointed.

1.AD.6. The GPS Arbitrator to which a Dispute is referred pursuant to clause 1.AD.5 must be the GPS Primary Arbitrator unless, subject to the WEM Procedure referred to in clause 1.AD.10, in the reasonable opinion of the Coordinator:

- (a) the GPS Primary Arbitrator has an actual, potential or perceived conflict of interest with the subject matter of the Dispute;
- (b) the GPS Primary Arbitrator has insufficient time to adequately perform their functions under this section 1.AD due to one or more contemporaneous arbitral proceedings being conducted pursuant to this section 1.AD;
- (c) the GPS Primary Arbitrator is in ill health such that they are unable to adequately perform their functions under this section 1.AD; or
- (d) the Coordinator otherwise declares for a reason as set out in the WEM Procedure referred to in clause 1.AD.10,

in which case, the GPS Arbitrator must be a GPS Secondary Arbitrator (and any references under this section 1.AD to the GPS Arbitrator will be to the GPS Secondary Arbitrator).

Explanatory Note

Where a secondary arbitrator is appointed, the matters in clause 1.AD.6 will still be considered for that second arbitrator.

1.AD.7. For the purpose of clause 1.AD.6, where the GPS Arbitrator is a GPS Secondary Arbitrator, the Coordinator must select which GPS Secondary Arbitrator is to be the GPS Arbitrator, subject to the WEM Procedure referred to in clause 1.AD.10 and subject to clause 1.AD.6 (which in such case are to apply as if the GPS Secondary Arbitrator is the GPS Primary Arbitrator).

Explanatory Note

Clause 1.AD.8 provides for the parties to assist the Coordinator to identify if the primary arbitrator or a secondary arbitrator that is appointed has a conflict.

1.AD.8. For the purpose of clause 1.AD.6, a Party must:

- (a) declare if in their reasonable belief the GPS Primary Arbitrator or a GPS Secondary Arbitrator, as relevant, has an actual, potential or perceived conflict of interest with the subject matter of or parties to the Dispute; and
- (b) provide written reasons to the Coordinator as to why the GPS Arbitrator should not be the GPS Primary Arbitrator or a GPS Secondary Arbitrator, as relevant.

Explanatory Note

Clause 1.AD.9 provides a deadlock mechanism if, in the unlikely event, all of the arbitrators are not able to determine the dispute.

1.AD.9. Should the GPS Primary Arbitrator and each GPS Secondary Arbitrator be excluded from being the GPS Arbitrator, the Coordinator and each Party to the Dispute shall decide upon an alternative independent arbitrator to be the GPS Arbitrator by majority vote. The Coordinator will have the deciding vote in the event of a tied vote.

Explanatory Note

Clause 1.AD.10 provides a head of power for the Coordinator to develop a WEM Procedure which sets out further details on the processes associated with the arbitration process and the appointment of arbitrators.

1.AD.10. The Coordinator must develop a WEM Procedure which sets out:

- (a) any administrative support the Coordinator will provide to the GPS Primary Arbitrator, GPS Secondary Arbitrators and GPS Panel of Experts;
- (c) the particulars of how the Coordinator will assess the matters detailed in clauses 1.AD.6(a) to 1.AD.6(d);
- (d) any reasons under clause 1.AD.6(e) where the Coordinator will declare the GPS Arbitrator to be a GPS Secondary Arbitrator.
- (e) the process which a Party must follow in order to refer a Dispute for arbitration under this section 1.AD;
- (f) the manner in which the Dispute is to be resolved by the GPS Arbitrator, including, but not limited to, the manner in which evidence is to be presented;
- (g) the awarding of costs; and
- (h) any other particulars in relation to the referral of a Dispute to a GPS Arbitrator.

Explanatory Note

Clause 1.AD.11 sets out the time at which an arbitration commences. This is important as an arbitration must generally be completed within six months as per clause 1.AD.13.

1.AD.11. Unless otherwise agreed by the Parties, the arbitral proceedings contemplated by this section 1.AD in respect of a particular Dispute commence on the date the Dispute is referred to the GPS Arbitrator in accordance with clause 1.AD.5 ("**GPS Arbitration Commencement Date**").

Explanatory Note

Clause 1.AD.12 applies the process in the WEM Procedure referred to in clause 1.AD.10 but provides flexibility for the parties and the arbitrator to agree a process which they consider suits them better.

1.AD.12. Unless otherwise agreed by the Parties and the GPS Arbitrator, the Dispute will be resolved in accordance with the WEM Procedure referred to in clause 1.AD.10.

Explanatory Note

Clause 1.AD.13 provides a general time frame of 6 months to resolve a dispute. It is not a hard deadline as the arbitrator must use best endeavours to resolve the dispute in 6 months. Where the arbitrator does not consider that the dispute will be resolved within 6 months the arbitrator must notify the parties of the reasons.

1.AD.13. The GPS Arbitrator:

- (a) must use best endeavours to resolve a Dispute within six months from the GPS Arbitration Commencement Date; and
- (b) if the GPS Arbitrator reasonably considers that the Dispute will not be resolved within 6 months from the GPS Arbitration Commencement Date, the GPS Arbitrator:
 - i. must notify the Parties in writing of the reasons for the belief and the estimated date by which the GPS Arbitrator reasonably believes that the Dispute will be resolved; and
 - ii. must update the Parties should the GPS Arbitrator's reasonable belief contemplated in 1.AD.13(b)(i) materially change.

Explanatory Note

Clause 1.AD.14 provides power for the arbitrator to have reference to the panel of experts.

1.AD.14. Subject to clause 1.AD.15, the GPS Arbitrator may:

- (a) appoint one or more experts from the GPS Panel of Experts to report to it on specific issues to be determined by the GPS Arbitrator; and

(b) may require a Party to give any expert appointed in accordance with clause 1.AD.14(a) any relevant information or to produce, or to provide access to, any relevant documents, goods or other property for inspection by the expert,

and unless otherwise agreed by the Parties, if a Party so requests or if the GPS Arbitrator considers it necessary, any expert appointed in accordance with clause 1.AD.14(a) must, after delivery of a written or oral report from the expert, participate in a hearing where the Parties have the opportunity to put questions to the expert.

Explanatory Note

Before the arbitrator has reference to the panel of experts it must disclose the details of the expert and the likely cost to the parties so there is transparency.

1.AD.15 Prior to appointing an expert from the GPS Panel of Experts, the GPS Arbitrator must advise each Party that it intends to appoint an expert from the GPS Panel of Experts, and provide the Parties:

(a) the identification of the particular expert;

(b) the nature of the advice being sought;

(c) the approximate cost of appointing the expert; and

(d) an opportunity for each Party to make submissions to the GPS Arbitrator as to whether the particular expert has an actual, potential or perceived conflict of interest in respect of the matter or the advice being sought.

Explanatory Note

Clause 1.AD.16 provides power for the arbitrator to short circuit the process if the arbitrator considers that the request is frivolous, vexatious, trivial or lacking in substance.

1.AD.16. If the GPS Arbitrator reasonably considers a request for arbitration to be frivolous, vexatious, trivial or lacking in substance, the GPS Arbitrator may:

(a) require that the Parties undertake negotiations on terms the GPS Arbitrator reasonably considers appropriate; or

(b) make a GPS Arbitration Decision in accordance with clause 1.AD.18 without conducting arbitral proceedings.

Explanatory Note

If the parties settle the dispute there is the option to have the settlement recorded as a decision by the arbitrator. This can be useful to establish a precedent for other parties. It also provides transparency to the market.

1.AD.17. If, during the arbitral proceedings, the Parties settle the Dispute:

(a) the GPS Arbitrator must terminate the proceedings in accordance with clause 1.AD.21 and, if requested by the Parties and not objected to by the GPS

Arbitrator, record the settlement in the form contemplated in clause 1.AD.18; and

(b) such settlement will have the same status and effect as a GPS Arbitration Decision.

Explanatory Note

Clause 1.AD.18 sets out the requirements for the determination and makes it clear that it is final and binding. A party will not be able to appeal the decision under the WEM Rules although there will remain administrative law remedies before the Courts.

1.AD.18. On determination of the Dispute, the GPS Arbitrator must:

(a) record the decision in writing;

(b) sign the decision; and

(c) state the reasons upon which the decision is based, unless the Parties have agreed that no reasons are to be given or the award is an award on agreed terms,

and such determination is final and binding (the "GPS Arbitration Decision").

Explanatory Note

Clause 1.AD.19 sets out the general position on costs which is that each party will bear its own costs. This may be altered by the arbitrator pursuant to clause 1.AD.20.

1.AD.19. In relation to the costs associated with arbitral proceedings conducted pursuant to this section 1.AD, unless otherwise determined by the GPS Arbitrator in accordance with clause 1.AD.20:

(a) all administrative costs will be borne equally by the Parties; and

(b) all legal and other costs will be borne by the Party that incurred such cost.

Explanatory Note

Clause 1.AD.20 provides for discretion for the arbitrator to award costs where the arbitrator considers that the conduct of a party justifies it, the dispute may have been avoided by a settlement or there are any public interest considerations in awarding or not awarding costs (for example, it could be a 'test case' which allows a Network Operator to apply the decision to multiple disputes).

The arbitrator may award costs during the proceedings where appropriate. For example, where a dispute is particularly lengthy and an independent expert needs to be paid.

Further details will be set out in the WEM Procedure referred to in clause 1.AD.10.

1.AD.20. Notwithstanding clause 1.AD.19, a GPS Arbitrator may assign any costs associated with the arbitral proceedings as they reasonably consider and in doing so must consider the following factors:

(a) the final GPS Arbitration Decision;

(b) the conduct of the Parties during the arbitral proceedings;

(c) any prior settlement offers or positions of the Parties; and

(d) any material public interest considerations.

To avoid doubt, a GPS Arbitrator may assign costs associated with the arbitral proceedings at any stage during the arbitral proceedings and may make payment of those costs a condition to continuing proceedings.

Explanatory Note

Clause 1.AD.21 sets out the circumstances in which the arbitration may be terminated.

1.AD.21. If:

(a) the Party requesting arbitration withdraws their request, unless another Party objects and the GPS Arbitrator recognises a legitimate interest in obtaining a final settlement of the Dispute;

(b) the Parties agree on the termination of the proceedings;

(c) the GPS Arbitrator finds that the continuation of the proceedings has for any other reason become unnecessary or impossible;

(d) the Dispute is settled as contemplated in clause 1.AD.17; or

(e) the GPS Arbitrator makes a GPS Arbitration Decision,

the arbitral proceedings terminate and the GPS Arbitrator must notify the Parties of the termination.

Explanatory Note

The arbitrator must publish the decision and reasons for the decision as well as any costs order in order to provide transparency to the market. The arbitrator must not publish confidential information.

1.AD.22. The GPS Arbitrator must publish:

(a) the GPS Arbitration Decision;

(b) any reasons for the GPS Arbitration Decision; and

(c) any cost orders made in accordance with clause 1.AD.20,

provided that any commercially sensitive information is redacted and the GPS Arbitrator does not publish any Confidential Information unless the disclosure is permitted under clause 1.AD.24.

Explanatory Note

As a general proposition, the parties must keep information confidential in respect of the proceedings.

1.AD.23. The Parties, the GPS Arbitrator, or any member of the GPS Panel of Experts may not disclose Confidential Information in relation to the Parties, the Dispute or any arbitral proceedings unless the disclosure is permitted under clause 1.AD.24.

Explanatory Note

Clause 1.AD.24 sets out the circumstances where confidential information may be disclosed.

1.AD.24. Confidential Information may be disclosed in the following circumstances:

- (a) where written consent has been obtained from each Party;
- (b) the disclosure is to a professional or other adviser of a Party for the purpose of the arbitral proceedings conducted pursuant to this section 1.AD;
- (c) the disclosure is necessary to ensure that a Party has a reasonable opportunity to present the Party's case and the disclosure is no more than reasonable for that purpose;
- (d) the disclosure is necessary for the establishment or protection of a Party's legal rights in relation to a third party and the disclosure is no more than reasonable for that purpose;
- (e) the disclosure is for the purpose of enforcing a GPS Arbitration Decision or an associated cost order and the disclosure is no more than reasonable for that purpose;
- (f) the disclosure is in accordance with an order made or a subpoena issued by a Court; or
- (g) the disclosure or publication is authorised or required by these WEM Rules, a Relevant Law or required by a competent regulatory body, and the person making the disclosure gives written details of the disclosure (including an explanation of the reasons for the disclosure) to:
 - i. if the person is a Party, the other Parties and the GPS Arbitrator; and
 - ii. if the GPS Arbitrator is making the disclosure, all the Parties.

Explanatory Note

Clause 1.AD.25 provides for immunity for the arbitrator when the arbitrator acts in good faith. This provision is the same as section 39 of the *Commercial Arbitration Act 2012 (WA)* and reflects the usual practice for the appointment of arbitrators.

1.AD.25. A GPS Arbitrator is not liable for anything done or omitted to be done in good faith in their capacity as the arbitrator of a Dispute under these WEM Rules.

Explanatory Note

Clause 1.AD.26 provides for immunity for the Coordinator in appointing the arbitrator. This provision is the same as section 39 of the *Commercial Arbitration Act 2012 (WA)*.

1.AD.26. Where the Coordinator appoints, fails to appoint or refuses to appoint a person as a GPS Arbitrator in respect of a Dispute under these WEM Rules, the Coordinator will not be liable in relation to the appointment, failure or refusal if done in good faith.

Explanatory Note

Clause 1.AD.27 provides power for the GPS Arbitrator to procure support and services reasonably required to conduct the proceedings and recover the costs of that support from the parties as appropriate.

1.AD.27. A GPS Arbitrator in respect of a Dispute under these WEM Rules may procure any support and services reasonably required in respect of arbitral proceedings conducted pursuant to this section 1.AD and may recover any associated costs as administrative costs associated with the arbitral proceedings.

1.AD.28 The Coordinator must publish the process the Coordinator will follow in appointing a GPS Primary Arbitrator, GPS Secondary Arbitrators and members of the GPS Panel of Experts in the event a new GPS Primary Arbitrator, GPS Secondary Arbitrator or new appointments to the GPS Panel of Experts are considered by the Coordinator to be required after the GPS Commencement Date.

Explanatory Note

The Coordinator must develop a WEM Procedure pursuant to clause 1.AD.10 as part of the GPS dispute resolution mechanism pursuant to section 1.AD. It is proposed to allow the Coordinator to develop WEM Procedures outside of the Procedure Change Process so that they will be in place when the regime commences.

1.AE. Specific Transitional Provisions – WEM Procedures under section 1.AD

1.AE.1. Prior to the GPS Commencement Day, the Coordinator must, without limiting clause 1.AE.2:

- (a) develop the WEM Procedure described in clause 1.AD.10; and
- (b) consult with Rule Participants and other relevant stakeholders in developing the procedure described in clause 1.AD.10.

1.AE.2. The WEM Procedure that is required to be developed under clause 1.AD.10:

- (a) without limiting clause 1.AE.1(b), may, but is not required to, be developed in accordance with the Procedure Change Process; and
- (b) is, from the GPS Commencement Day, deemed to be the relevant WEM Procedure required to be developed under clause 1.AD.10.

Explanatory Note

The Coordinator of Energy will administer the appointment of the arbitrators and panel of experts under the GPS dispute resolution mechanism. The WEM Regulations will provide a heads of power for the WEM Rules to confer functions on the Coordinator.

2.2D. Coordinator of Energy

2.2D.1. The WEM Regulations provide for the WEM Rules to confer functions on the Coordinator. The functions conferred on the Coordinator are to:

- (a) carry out the tasks necessary to establish the GPS dispute resolution mechanism in section 1.AD including but not limited to the appointment of arbitrators and establishment of any expert panels;
- (b) provide any administrative services deemed necessary by the Coordinator to facilitate the referral of disputes to an arbitrator in accordance with section 1.AD;
- (c) develop WEM Procedures, and amendments to and replacements for them, as required by these WEM Rules;
- (d) do anything that the Coordinator determines to be conducive or incidental to the performance of the functions set out in this clause 2.2D.1; and
- (e) carry out any other functions conferred, and perform any other obligations imposed, on the Coordinator under these WEM Rules.

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

...

- (b) to advise the Rule Change Panel, AEMO (including in its capacity as System Management), the Economic Regulation Authority, the Coordinator and Network Operators regarding Procedure Change Proposals;

Explanatory Note

In accordance with proposed new section 2.2D, the Coordinator will be responsible for developing a WEM Procedure. Proposed new clause 2.9.2CAB is a consequential change as a result of the new function.

2.9.2CAB. The Coordinator must manage the development, amendment and replacement of any WEM Procedures which these WEM Rules require be developed and maintained by the Coordinator.

...

Explanatory Note

The amendments to section 2.10 are consequential as the Coordinator will be responsible for developing a WEM Procedure.

2.10. Procedure Change Process

- 2.10.1. The Rule Change Panel, AEMO, [System Management](#), the Economic Regulation Authority, [the Coordinator](#) or a Network Operator, as applicable, may initiate the Procedure Change Process by developing a Procedure Change Proposal.
- 2.10.2. Rule Participants may notify the Rule Change Panel, AEMO, [System Management](#), the Economic Regulation Authority, [the Coordinator](#) or the relevant Network Operator, as applicable, where they consider an amendment to or replacement of a [MarketWEM](#) Procedure would be appropriate.
- 2.10.2A. Within 20 Business Days of receipt of a notification under clause 2.10.2, the Rule Change Panel, AEMO, [System Management](#), the Economic Regulation Authority, [the Coordinator](#) or the Network Operator, as applicable, must:
- (a) determine whether the suggested amendment to or replacement of a [MarketWEM](#) Procedure is appropriate; and
 - (b) publish on the ~~Market Web Site~~[WEM Website](#) details of whether a Procedure Change Proposal will be progressed with respect to the suggested amendment to or replacement of a [MarketWEM](#) Procedure and the reasons for that decision.
- 2.10.3. If an Amending Rule requires the Rule Change Panel, AEMO, [System Management](#), the Economic Regulation Authority, [the Coordinator](#) or a Network Operator to develop new [MarketWEM](#) Procedures or to amend or replace existing [MarketWEM](#) Procedures, then the Rule Change Panel, AEMO, [System Management](#), the Economic Regulation Authority, [the Coordinator](#) or the Network Operator, as applicable, is responsible for the development of, amendment of or replacement for, [MarketWEM](#) Procedures so as to comply with the Amending Rule.

...

[2.10.5E. The Coordinator must publish Procedure Change Proposals that the Coordinator develops.](#)

...

- 2.10.7. At the same time as it publishes a Procedure Change Proposal notice, the Rule Change Panel, AEMO, the Economic Regulation Authority, [the Coordinator](#) or the Network Operator, as applicable, must publish a call for submissions on that proposal. The due date for submissions must be 20 Business Days from the date the call for submissions is published. Any person may make a submission to the Rule Change Panel, AEMO, the Economic Regulation Authority, [the Coordinator](#) or the Network Operator, as applicable, relating to a Procedure Change Proposal. A Procedure Change Submission may be made using the Procedure Change Submission form maintained on the ~~Market Web Site~~[WEM Website](#) in accordance with clause 2.9.4.

...

- 2.10.9. The Rule Change Panel must convene a meeting of the Market Advisory Committee concerning any Procedure Change Proposal before the due date for submissions in relation to the Procedure Change Proposal if:

...

- (aA) a Network Operator considers that advice on the Procedure Change Proposal prepared by a Network Operator is required from the Market Advisory Committee; ~~or~~

(aB) the Coordinator considers that advice on the Procedure Change Proposal prepared by the Coordinator is required from the Market Advisory Committee; or

...

2.10.12E. The Coordinator must publish Procedure Change Reports that the Coordinator prepares.

2.10.13. The Procedure Change Report must contain:

...

- (h) in the case of a Procedure Change Proposal developed by the Economic Regulation Authority, a proposed date and time for the MarketWEM Procedure or amendment or replacement to commence, which must, in the Economic Regulation Authority's opinion, allow sufficient time after the date of publication of the Procedure Change Report for Rule Participants to implement changes required by it; ~~and~~
- (i) in the case of a Procedure Change Proposal developed by a Network Operator, a proposed date and time for the MarketWEM Procedure or amendment or replacement to commence, which must, in the Network Operator's opinion, allow sufficient time after the date of publication of the Procedure Change Report for Rule Participants to implement changes required by it; and
- (j) in the case of a Procedure Change Proposal developed by the Coordinator, a proposed date and time for the WEM Procedure or amendment or replacement to commence, which must, in the Coordinator's opinion, allow sufficient time after the date of publication of the Procedure Change Report for Rule Participants to implement changes required by it.

2.10.17. If the Rule Change Panel, AEMO, the Economic Regulation Authority, the Coordinator or a Network Operator, as applicable, considers, at any time after publishing a Procedure Change Proposal, that it is necessary to extend the normal timeframes for processing the Procedure Change Proposal because:

- (a) issues of sufficient complexity or difficulty have been identified relating to the Procedure Change Proposal; or
- (b) further public consultation on an issue associated with the Procedure Change Proposal is required; or
- (c) the Procedure Change Proposal cannot be dealt with adequately without an extension because of any other special circumstance,

then the Rule Change Panel, AEMO, the Economic Regulation Authority, the Coordinator or the Network Operator, as applicable, may modify the times and time

periods under clause 2.10.7 in respect of the Procedure Change Proposal and publish details of the modified times and time periods.

- 2.10.18. The Rule Change Panel, AEMO, the Economic Regulation Authority, [the Coordinator](#) or a Network Operator, as applicable, must publish a notice of an extension determined in accordance with clause 2.10.17 and must update any information already published in accordance with clause 2.10.7.

Explanatory Note

The amendments to section 2.11 are consequential as the Coordinator will be responsible for developing a WEM Procedure.

2.11. Coming into Force of Procedure Amendments

- 2.11.1. A Rule Participant may apply to the Electricity Review Board for a Procedural Review of a decision by the Rule Change Panel, AEMO, [System Management](#), the Economic Regulation Authority, [the Coordinator](#) or a Network Operator, as applicable, contemplated by clauses 2.10.2A(a) or 2.10.13 within the time specified in regulation 44 of the WEM Regulations, on the grounds that the Rule Change Panel, AEMO, System Management, the Economic Regulation Authority, [the Coordinator](#) or the Network Operator, as applicable, has not followed the process set out in section 2.10 or the [MarketWEM](#) Procedure specified in clause 2.9.5.
- 2.11.2. Following an application for a Procedural Review under clause 2.11.1, if the Electricity Review Board finds that the Rule Change Panel, AEMO, [System Management](#), the Economic Regulation Authority, [the Coordinator](#) or a Network Operator has not followed the process set out in section 2.10 or the [MarketWEM](#) Procedure specified in clause 2.9.5, the Electricity Review Board may set aside the Rule Change Panel's decision, AEMO's decision, ~~System Management's decision~~, the Economic Regulation Authority's decision, [the Coordinator's decision](#) or the Network Operator's decision and direct the Rule Change Panel, AEMO, [System Management](#), the Economic Regulation Authority, [the Coordinator](#) or the Network Operator to reconsider the relevant Procedure Change Proposal in accordance with section 2.10 and the [MarketWEM](#) Procedure specified in clause 2.9.5.
- 2.11.3. Subject to clauses 2.11.2 and 2.11.4, a [MarketWEM](#) Procedure or an amendment of or replacement for a [MarketWEM](#) Procedure commences at the time and date specified under clauses 2.10.13(f), 2.10.13(g), 2.10.13(h), ~~or~~ 2.10.13(i) [or 2.10.13\(j\)](#) (as applicable).
- 2.11.4. If at any time, the Rule Change Panel, AEMO, the Economic Regulation Authority, [the Coordinator](#) or a Network Operator considers that Rule Participants will not have sufficient time to implement any necessary changes required by the [MarketWEM](#) Procedure that the Rule Change Panel, AEMO, the Economic Regulation Authority, [the Coordinator](#) or the Network Operator, as applicable, are required to publish, or amendment or replacement of the Market Procedure, then the Rule Change Panel, AEMO, the Economic Regulation Authority, [the Coordinator](#) or the Network Operator,

as applicable, may extend the time and date when that [MarketWEM](#) Procedure, amendment or replacement commences by publishing notice of the revised time and date when the amendment of or replacement for that [MarketWEM](#) Procedure commences.

Explanatory Note

The amendments to section 2.17 are consequential as the Coordinator will be responsible for developing a WEM Procedure.

2.17. Reviewable Decisions

2.17.1. Decisions by the Rule Change Panel, AEMO, [System Management](#), the Economic Regulation Authority, [the Coordinator](#) or a Network Operator, as applicable, made under the following clauses are Reviewable Decisions:

...

2.17.2. Decisions by the Rule Change Panel, AEMO, [System Management](#), the Economic Regulation Authority, [the Coordinator](#) or a Network Operator, as applicable, made under the following clauses may be subject to a Procedural Review:

...

Explanatory Note

Clause 2.18.1 will be amended to remove the GPS dispute resolution mechanism for Existing Transmission Connected Market Generators from the dispute process so that the GPS dispute resolution mechanism for Existing Transmission Connected Market Generators in section 1.AD is the only mechanism to resolve such disputes (other than any rights a party has under law). Decisions by AEMO as to extensions to submit a GPS Monitoring Plan under clause 1.AC.4 will also be exempt from the disputes regime.

The amendments in [green](#) are amendments to be made by the GPS workstream. The new amendments for transitional arrangements are in [blue](#).

2.18. Disputes

2.18.1. The dispute process set out in clauses 2.18, 2.19 and 2.20 applies to any dispute concerning:

- (a) the application or interpretation of these [Market WEM](#) Rules;
- (b) the failure of Rule Participants to reach agreement on a matter where these [Market WEM](#) Rules require agreement or require the Rule Participants to negotiate in good faith with a view to reaching agreement;
- (c) payment of moneys under, or the performance of any obligation under, these [Market WEM](#) Rules,

but does not apply to:

- (d) any matter that is identified as a Reviewable Decision or is subject to Procedural Review; ~~or~~

- (e) a matter that arises under a contract between Rule Participants, unless AEMO is a party to the contract and the contract provides that the dispute process applies; ~~or~~
- (f) a dispute that arises in relation to:
 - i. a decision to exempt or not to exempt a Transmission Connected Generating System under section 3A.3;
 - ii. a decision by the Network Operator to refuse to renegotiate a Registered Generator Performance Standard under clause 3A.8.8;
 - iii. a decision in respect of a Rectification Plan under section 3A.11; ~~or~~
 - iv. a decision to declare a Potential Relevant Generation Modification to be a Relevant Generation Modification under section 3A.13; ~~and~~
- (g) a dispute in respect of a decision by a Network Operator to grant or refuse an extension of time for a Market Participant responsible for an Existing Transmission Connected Generating System to have a Registered Generator Performance Standard for each Technical Requirement for the Existing Transmission Connected Generating System; or
- (h) a dispute in respect of a decision by AEMO to grant or refuse an extension of time for a Market Participant responsible for an Existing Transmission Connected Generating System to:
 - i. submit a proposed GPS Monitoring Plan; or
 - ii. have a GPS Monitoring Plan approved by AEMO; or
- (i) a dispute which is being dealt with under the GPS dispute resolution mechanism for Existing Transmission Connected Generating System under section 1.AD.

...

Explanatory Note

In accordance with proposed new section 2.2D, the Coordinator will be responsible for developing a WEM Procedure described in proposed clause 1.AD.10. Proposed new clauses 2.21.11 and 2.21.12 are consequential changes as a result of the new function, and for consistency with the obligations of other entities required to consult on matters specified in the WEM Rules.

2.21.11. The Coordinator must consult on such matters with such persons and over such timeframes as are specified in these WEM Rules.

2.21.12. The Coordinator must:

- (a) conduct its consultation processes in good faith; and
- (b) ensure that these consultation processes allow a reasonable opportunity for relevant stakeholders to present their views.

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Glossary definitions (Chapter 11)

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Coordinator: [Means the Coordinator of Energy referred to in section 4 of the Energy Coordination Act 1994 \(WA\).](#)