

ELECTRICITY INDUSTRY ACT 2004
ELECTRICITY INDUSTRY (WHOLESALE ELECTRICITY - MARKET)
REGULATIONS 2004
Wholesale Electricity Market Rules

IMO AMENDING RULES RC_2008_33 MADE ON 16 JANUARY 2009

These Amending Rules commence at 08.00am on 16 February 2009

The following clauses are amended (~~deleted wording~~, new wording):

~~2.12~~ — [Blank] Standard of Performance

~~2.12.1~~ — With the exception of the obligations listed in clause ~~2.12.2~~, where the IMO has an obligation under these Market Rules to do something:

~~(a)~~ — that obligation is limited to a requirement for the IMO to use reasonable endeavours consistent with these Market Rules, including to give such directions or instructions as are within its power, to comply with that obligation; and

~~(b)~~ — if the IMO fails to do that thing notwithstanding the use of the IMO's reasonable endeavours, the IMO will be taken not to have breached the obligation.

~~2.12.2~~ — Clause ~~2.12.1~~ does not apply to:

~~(a)~~ — the obligations of the IMO under clauses ~~2.18 to 2.20~~;

~~(b)~~ — the obligations of the IMO in relation to the registration of Rule Participants and Facilities in clauses ~~2.28 to 2.32~~;

~~(c)~~ — subject to clause ~~9.24~~, any payment obligations of the IMO under these Market Rules.

~~2.12.3~~ — With the exception of the obligations listed in clause ~~2.12.4~~, where System Management has an obligation under these Market Rules to do something:

~~(a)~~ — that obligation is limited to a requirement for System Management to use reasonable endeavours consistent with these Market Rules, including to give such directions or instructions as are within its power, to comply with that obligation; and

~~(b)~~ — if System Management fails to do that thing notwithstanding the use of System Management's reasonable endeavours, System Management will be taken not to have breached the obligation.

~~2.12.4~~ — Clause ~~2.12.3~~ does not apply to the obligations of System Management under clauses ~~2.18 to 2.20~~.

~~2.12.5~~ — A reference in this clause ~~2.12~~ to an obligation to do something includes an obligation to do or not do any act, matter or thing, to achieve any outcome, to

~~maintain any state of affairs or to ensure that any other person does or does not do any act, matter or thing.~~

- 2.14.5A. The IMO must annually provide to the Minister a report on the IMO's compliance with the Market Rules and Market Procedures. The report must contain:
- (a) the reports published in clause 2.14.5; and
 - (b) the results of any investigations of the IMO's compliance with the Market Rules and Market Procedures carried out by the person appointed under clause 2.13.1.
- 2.14.6A. Where System Management is subject to an audit in accordance with clause 2.14.6 (b), the IMO must provide System Management with a copy of the report, and System Management must within 20 Business Days of receiving the report either:
- (a) accept the report and any recommendations contained in it; or
 - (b) provide the IMO with a separate report setting out the matters raised in the Market Auditor's report which System Management accepts and those which it does not accept and setting out System Management's reasons for that view.
- 2.14.6B. Where System Management is subject to an audit in accordance with clause 2.14.6 (b), the IMO must publish the Market Auditor's report and any report provided by System Management under clause 2.14.6A(b) within 30 Business Days of System Management receiving the Market Auditor's report.
- 2.14.7. The IMO must annually ~~provide to the Minister~~ prepare a report for the Minister on System Management's compliance with the Market Rules and Market Procedures. The report must contain:
- a) ~~the results of audits performed under clause 2.14.6(b)~~ reports published in clause 2.14.6B; and
-
- 2.14.8. The IMO must provide System Management with the report prepared in accordance with clause 2.14.7, and System Management must within 20 Business Days of receiving the report either:
- (a) accept the report and any recommendations contained in it; or
 - (b) prepare a separate report setting out the matters raised in the report which System Management accepts and those which it does not accept and setting out System Management's reasons for that view.

- 2.14.9. The IMO must, within 10 Business Days following the date specified in clause 2.14.8, provide to the Minister the report prepared in accordance with clause 2.14.7 and any report prepared by System Management under clause 2.14.8(b).