



Department of
Energy and Economic
Diversification

Energy
Policy WA

Changes to the Pilbara, GSI and ESM Regulations

Extending the Minister for Energy's rule-making powers
and civil penalty provisions update

Information Paper

Date

Working together for a **brighter** energy future.

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1. Introduction

On 22 May 2025, Energy Policy WA released a Consultation Paper on proposed amendments to the Electricity Industry (Pilbara Networks) Regulations 2021 (Pilbara Regulations), Gas Services Information Regulations 2012 (GSI Regulations) and Electricity Industry (Electricity System and Market) Regulations 2004 (ESM Regulations).

Stakeholders were invited to provide written feedback by 19 June 2025. This Information Paper outlines the final proposals and Energy Policy WA's summary of, and response to, submissions received.

2. Outcomes

2.1 Minister for Energy's rule-making power

Background

The Pilbara Regulations and GSI Regulations previously gave the Minister for Energy (Minister) time-limited powers to make, amend or repeal individual Pilbara Networks Rules (PNR) or GSI Rules.

Reintroducing these transitional powers will allow the Minister to amend the PNR and GSI Rules without repealing and replacing the entire rule set, as currently required under regulation 9(1) and 7(4) respectively.

Proposal

The Consultation Paper proposed temporary rule-making powers for the Minister in the Pilbara Regulations and GSI Regulations for a transitional period from 31 October 2025 to 31 October 2027, after which the powers would expire.

Energy Policy WA recommended this approach to streamline the rule change process and enable the Minister to implement already consulted reforms without duplicative consultation.

Most submissions supported the proposal. One stakeholder requested further justification, while two others sought clarification on the scope and application of the powers.

Appendix A summarises stakeholder feedback and Energy Policy WA's responses.

Outcome

The Minister's transitional rule-making powers will be re-introduced in the Pilbara Regulations and GSI Regulations from 31 October 2025 to 31 October 2027.

2.2 Civil penalties framework

Background

Under the ESM Rules, the Economic Regulation Authority (ERA) can impose civil penalties for breaches of specified provisions. These penalties are one of several compliance tools available to the ERA. Further details on the ERA's Compliance Framework and Strategy are

available on its website.¹ The potential imposition of civil penalties aims to deter behaviour that could negatively affect the market.

Schedule 1 of the ESM Regulations lists ESM Rule clauses classified as civil penalty provisions. Following a review, Energy Policy WA identified clauses that warrant such classification, prioritising those with the greatest potential impact on the effectiveness of the market if breached. Energy Policy WA intends to extend this review to include potential category A and B civil penalty provisions, in due course.

Proposal

The Consultation Paper proposed adding 19 new Category C civil penalty provisions to Schedule 1 of the ESM Regulations. Energy Policy WA received two submissions on the proposal.

Energy Policy WA's responses to stakeholder feedback on the civil penalty framework and specific clauses are provided in Appendix A.

Outcome

Appendix B summarises the outcome - 12 new Category C civil penalty provisions and 6 new Category B civil penalty provisions (downgraded from Category C in response to stakeholder comments) will be introduced from 1 January 2026.

2.3 Expansion of immunity provisions to include Delegates of AEMO

Background

Following amendments to the *Electricity Industry Act 2004* and the ESM Regulations, Delegates of AEMO (and their officers and employees) were inadvertently excluded from the limitation of liability protections in the ESM Regulations.

Proposal

The Consultation Paper proposed expanding the definition of “specified governance participant” to include Delegates of AEMO (and their officers and employees), to ensure they receive the same maximum civil monetary liability protections when an act or omission is negligent but done or made in good faith.

Outcome

The definition of “specified governance participant” in the ESM Regulations will be expanded to include Delegates of AEMO and their officers and employees.

¹ [Compliance Framework and Strategy - Economic Regulation Authority Western Australia](#)

Appendix A. Summary of, and responses to, submissions

Stakeholder feedback has been summarised in this table. Submissions are published in their entirety on the [Consultation Paper webpage](#).

Topic	Stakeholder Feedback	EPWA's Response
Justification, temporary rule-making powers	<p>Alinta Energy does not consider that the consultation paper provides an adequate case for re-instating temporary rule-making powers. Alinta Energy is concerned that, because the proposed powers will enable the Minister to amend individual GSI Rules or PNR without repealing and replacing the entire set of rules, their use for substantial changes could lead to:</p> <ul style="list-style-type: none">• Reduced certainty and predictability - direct amendments by the Minister may bypass the standard rule change process, including stakeholder consultation and procedural safeguards.• Risk of rushed or poorly integrated reforms - while consultation is expected, the expedited nature of these powers may result in changes misaligned with operational realities or stakeholder needs.• Coordination challenges - staged implementation of rule changes could create transitional inconsistencies.	<p>The PNR and GSI rules currently require the Coordinator to follow a lengthy rule change process, including consultation with the Pilbara Advisory Committee (PAC) or Gas Advisory Board (GAB), and preparation/publication of a report for consultation (at least 50 business days in total). In addition, Rule Change Proposals initiated by the Coordinator of Energy would still require the approval of the Minister for Energy.</p> <p>All proposed changes will still undergo extensive stakeholder consultation before their implementation. This will include the establishment of, and consultation with, dedicated PAC and GAB Working Groups, and public Consultation Papers on policy proposals, followed by consultation on Exposure Drafts of Amending Rules.</p> <p>Reintroducing temporary rule-making powers for the Minister will streamline this process, enabling the Minister to implement amending rules already consulted on through the reform work program.</p> <p>These powers aim to avoid duplicative, resource-intensive consultation, while maintaining the same or higher level of stakeholder engagement during the development of the respective reforms.</p>

Topic	Stakeholder Feedback	EPWA's Response
Clarification, scope and application of rule-making powers	<p>APA supports making changes expediently when appropriate and recognises the role of Ministerial powers in enabling faster change. However, APA advocates for a more balanced approach that includes:</p> <ul style="list-style-type: none"> • Clear time and scope limitations on temporary powers, such as restricting their use to implementing review outcomes where the detailed rule drafting has already been consulted on. • Targeted consultation with key technical and industry bodies and affected stakeholders, as input on implementation timeframes is critical for managing costs and investment decisions. • Publication of a statement of reasons for any rule change made under temporary powers, including analysis of how the change aligns with the Pilbara Electricity Objective or the Gas Services Information Objective, as applicable. <p>Horizon Power questions the need for temporary rule-making powers to facilitate changes that emerge from the evolution of the PNR Project, noting there is an existing process which allows for public consultation prior to rule changes. Horizon Power also sought clarification on how these Ministerial powers may be used.</p>	<p>See response above.</p> <p>Typically, EPWA publishes consultation papers outlining the rationale for proposals and their assessment against the relevant objectives. Following a public consultation process, EPWA assesses and accounts for stakeholder submissions. It then publishes final policy positions together with responses to stakeholder submissions. EPWA will consult on draft Amending Rules before submission, incorporating any changes resulting from public consultation to the Minister for approval.</p> <p>Time limitations are built into the proposed Minister temporary rule making power, which will apply for two years from 31 October 2025 to 31 October 2027.</p>
Justification for the proposed civil penalty provisions	<p>Alinta considers that the Consultation Paper did not provide a holistic assessment of the Civil Penalty Framework and offered limited justification for adding 19 Category C civil penalty clauses. The rationale was largely general and lacked sufficient detail to assess the appropriateness of these provisions. Specifically, the paper did not adequately address:</p> <ul style="list-style-type: none"> • the severity and likelihood of harm from non-compliance; and • whether existing mechanisms already mitigate the identified risks; and • the proportionality of the proposed penalties relative to the potential impact. 	<p>Noted. The overall Civil Penalty Framework was subject to extensive review and stakeholder consultation during the Energy Transformation Strategy work and again in early 2024. The requirement for the proposed additional Civil Penalty Provisions results from several market development reviews and tranches of amending rules that have since been implemented. This review of the Civil Penalty Provisions was foreshadowed in EPWA's consultation paper published in April 2024.</p>
Introduction of the proposed Civil Penalty Provisions	<p>Synergy is of the view that sufficient implementation time is essential for Market Participants to be business ready, particularly regarding provisions</p>	<p>To address this concern, the new civil penalty provisions will commence 1 January 2026.</p>

Topic	Stakeholder Feedback	EPWA's Response
	aimed at preventing high-risk market outcomes. For this reason, Synergy requests a commencement date no earlier than 1 January 2026.	
2.28.7.	Alinta considers that Facilities in the 5–10 MW range are relatively small contributors to overall system capacity and failure to register does not affect AEMO's ability to manage power system security and reliability. Alinta recommends either a Category A or B penalty as more proportional to the risk imposed.	<p>Given the size of the WEM, small facilities in the 5MW to 10MW range may have an impact on the market outcomes. To ensure that the market is operating effectively, and to maintain security and reliability of supply, these facilities are required to apply for registration or obtain an exemption.</p> <p>EPWA has considered Alinta's feedback and agrees that Category B classification is more appropriate to the level of potential risk.</p>

Topic	Stakeholder Feedback	EPWA's Response
2.30.5A.	<p>Synergy does not support this clause becoming a civil penalty in its current form. Further clarification is required regarding the process of identifying a single Credible Contingency Event and if it applies for long-lasting single Contingency Events. Market Participants need to know how they will be notified and should be provide enough time to implement the necessary steps. Synergy seeks to further discuss its concerns with EPWA in relation to this clause.</p> <p>Alinta considers that this clause applies only under specific conditions, i.e. when a single credible contingency event could disconnect multiple facilities. AEMO and network operators typically assess contingency risks during connection and registration processes, with existing safeguards helping ensure facilities are appropriately aggregated or managed, thereby reducing the need for punitive enforcement. Market Participants may not always be aware of the need to aggregate unless explicitly advised during registration or planning, and this obligation could be better enforced through clearer guidance, automated checks, or AEMO-led coordination rather than high-level penalties. Alinta recommends a Category B penalty would be more proportionate to the nature of the obligation.</p>	<p>AEMO has indicated to EPWA that it will update its Credible Contingency Event Procedure to offer greater clarity to Market Participants regarding the process of identifying and notifying the applicable Credible Contingency Events as well as the timeframes that would allow Market Participants to undertake any necessary mitigation steps.</p> <p>EPWA considered the stakeholder feedback and agrees that a Category B civil penalty provision is more proportionate for this obligation.</p>
2.31.15.	<p>Alinta considers this clause does not inherently link to adverse market impacts as the risk of a significant market impact from a deregistered participant continuing to trade briefly is low, especially if the participant is not actively bidding or dispatching energy. Compliance could be better managed through operational and/or system controls.</p> <p>Alinta recommends either a Category A or B penalty as it is more proportional to the risk.</p>	<p>EPWA considered this stakeholder feedback and agrees that the impact of potential breaches is medium to low. Therefore, EPWA agrees that a Category B civil penalty provision is appropriate to deter the behaviour.</p>

Topic	Stakeholder Feedback	EPWA's Response
2.36A.4.	<p>Alinta considers AEMO already monitors system integration and can identify non-compliance through performance metrics or communication failures and breaches may result from inadvertent technical faults or delays in system upgrades, rather than deliberate misconduct or market manipulation.</p> <p>Alinta recommends a Category B penalty as more proportionate to risk and impact.</p>	<p>EPWA notes that the AEMO Procedure referenced in this clause outlines the communication and control system requirements, as well as the data necessary for AEMO to perform some of its critical functions. Without adequate communication channels and sufficient data, AEMO's ability to perform these functions could be impacted significantly.</p> <p>EPWA considers that a Category C civil penalty provision is appropriate to deter non-compliance with communication and data requirements necessary for the AEMO to effectively undertake its functions.</p>
3.7.22.	<p>Alinta considers this clause to be framed as a best-efforts obligation, not a strict performance requirement. Penalising a Network Operator for failing to meet a "reasonable endeavours" standard, especially under emergency conditions, would be unreasonable.</p>	<p>EPWA has considered this feedback and considers that the term 'reasonable endeavours' is difficult to enforce due to its vague nature. In the future EPWA will seek to remove vague language from the ESM Rules that are candidates to become civil penalty provisions. Therefore, this clause will be addressed in a future review of the civil penalty provisions.</p>
4.14.3.	<p>Alinta considers that the failure to nominate all CRC does not necessarily result in an adverse market impact. NCESS contracts are binding agreements and non-compliance with CRC nomination could be addressed through contract enforcement rather than regulatory penalties.</p>	<p>EPWA considers that NCESS contracts are procured when existing WEM market mechanisms are unable to meet market or system needs.</p> <p>EPWA considers that a Category C civil penalty is appropriate to deter behaviour that has the potential to increase NCESS contract enforcement costs for AEMO and undermine the WEM market mechanisms that NCESS contracts are intended to support.</p>


Topic	Stakeholder Feedback	EPWA's Response
4.28C.12. (a)	<p>Synergy considers current drafting of the clause theoretically allows for these two events to fall on the same day, so long as the events occur before the time and date specified in clause 4.1.13. As such, Synergy considers that it would be unreasonable to categorise 4.28C.12 as a civil penalty provision in its current drafting state, as the requirement is not time-based.</p> <p>Alinta considers non-payment or late payment of Reserve Capacity Security to be better addressed through financial enforcement mechanisms, such as interest charges, suspension, or forfeiture, rather than regulatory penalties.</p>	<p>EPWA acknowledges that the current drafting may present time issues and will seek to address them in the future. However, AEMO relies on the Reserve Capacity Security to take actions to address defaults, and these actions are time critical. EPWA, therefore, considers that a Category C civil penalty is appropriate in this case.</p>
4.4B.1.	<p>Alinta considers that failure to provide planning advice in a timely manner does not directly affect AEMO's ability to manage power system security and reliability in the short term. Alinta believes the quality and timing of RCM Limit Advice can be improved through clearer guidelines and engagement between AEMO and Network Operators.</p>	<p>EPWA considers that the RCM Limit Advice is critical to AEMO's ability to operate the RCM effectively.</p> <p>EPWA considers that a category C civil penalty is appropriate in this case to deter behaviour that can impede the effective operation of the RCM.</p>
5.2A.2.	<p>Alinta considers NCESS contracts to be governed by specific terms and performance obligations. Consequently, non-compliance can be addressed through contractual enforcement mechanisms while regulatory penalties may duplicate these mechanisms.</p>	<p>As above. EPWA considers that NCESS contracts are procured when existing WEM market mechanisms are unable to meet market or system needs.</p> <p>EPWA considers that a Category C civil penalty is appropriate to deter behaviour that has the potential to increase NCESS contract enforcement costs for AEMO and reduce market transparency, which is essential for the effective functioning of the market.</p>
6.3C.9.	<p>Synergy seeks clarification regarding the timeframe this clause applies to noting that Real-Time Market Submissions may extend up to seven days. Synergy considers the civil penalty provision should only be applied to the clause at the STEM submission cut-off time, which would address the risks to the market presented by non-compliance. Conversely, Synergy considers it</p>	<p>EPWA considers that inaccurate STEM submissions disrupt the effectiveness of the STEM's operations and market signals.</p> <p>EPWA notes that the ERA would apply civil penalties only after an investigation considering the nature and</p>

Topic	Stakeholder Feedback	EPWA's Response
	<p>would be unreasonable to intend that the civil penalty provision apply for all 7 days of the forward market schedule.</p> <p>Alinta acknowledges STEM submission accuracy is important, however, it is not likely to cause adverse market impact. AEMO has mechanisms to validate and correct submissions and manage any discrepancies. The issue could be better addressed through guidance and automated validation.</p>	<p>materiality of the non-compliance, the specific circumstances, and any harm caused to the market.</p> <p>Based on this stakeholder feedback EPWA agrees that a Category B civil penalty is appropriate to deter the behaviour that can lead to inaccurate STEM submissions.</p>
7.4.2.	<p>Synergy considers clause 7.4.2(a)(ii) requires a Market Participant to make reasonable endeavours to ensure that its Real-Time Market Submission for each of its Facilities accurately reflects any applicable tests required under the ESM Rules, including Reserve Capacity testing. While Synergy understands the importance of accurate Real-Time Market Submissions to prevent adverse market impacts, the requirement to reflect Facility testing for a 7-day horizon imposes greater compliance requirements for Market Participants. Recognising that the clause is intended to prevent these adverse impacts, Synergy proposes that the obligations under clause 7.4.2(a) should not attract category C civil penalty and that a lower civil penalty category should be applied.</p> <p>Alinta considers this clause requires Market Participants to make reasonable endeavours to ensure that their RTM Submissions accurately reflect the parameters specified. Consequently, the clause is a 'best-efforts' obligation, not as a strict requirement where enforcement, especially in dynamic operational environments, is likely to be difficult.</p>	<p>EPWA considers that Market Participants must submit Real Time Market submissions that are as accurate as possible, reflecting the best available information. This ensures market signals are clear and enables all market participants, including AEMO, to operate effectively and efficiently, and reduce the risk of avoidable shortfalls or system imbalances.</p> <p>EPWA plans to address the difficulty of enforcing 'reasonable endeavours' in its future reviews of the rules.</p> <p>In the meantime, EPWA considers that a Category C civil penalty provision is appropriate to be applied to this critical obligation to deter market behaviour that undermines market transparency and efficient dispatch.</p>
7.4.5.	<p>Synergy has the same concerns for this clause as it did for clause 7.4.2(a)(ii). Synergy recommends that this clause attract a lower civil penalty category.</p> <p>Alinta considers this clause involves forecasting and submitting accurate availability and pricing data for FCESS, which is inherently complex and can be subject to change. Errors or discrepancies may be outside the control of Market Participants, e.g., forecast uncertainty.</p>	<p>EPWA notes that this clause only applies to facilities under a Supplementary Essential System Service Mechanism (SESSM) contract.</p> <p>EPWA considers that SESSM is procured when existing WEM market mechanisms are unable to</p>


Topic	Stakeholder Feedback	EPWA's Response
		<p>meet Frequency Co-optimised Essential System Services (FCESS) needs.</p> <p>EPWA considers that a Category C civil penalty is appropriate to deter behaviour that has the potential to increase SESSM contract enforcement costs and undermine the WEM market mechanisms that SESSM contracts are intended to support.</p>
7.7.11.	<p>Alinta considers this clause to be already supported by operational enforcement mechanisms making a high-level penalty potentially redundant.</p> <p>Alinta recommends a Category B penalty would still deter non-compliance while allowing for context-sensitive enforcement.</p>	<p>EPWA notes that Section 7.7 covers Scarcity and Intervention, providing for AEMO to direct facilities to maintain Power System Security or Power System Reliability. EPWA considers that a Category C civil penalty provision is appropriate to deter non-compliance with AEMO directions during such events.</p>
7.9.2.	<p>Alinta considers these clauses to be procedural obligations related to informing AEMO of synchronisation/desynchronisation timing and are likely to have limited impact on AEMO's ability to manage power system security and reliability.</p>	<p>EPWA considers that it is important that AEMO is promptly informed of synchronisation and desynchronisation through the prescribed communication methods.</p>
7.9.3.	<p>Alinta recommends either Category A or B penalty would be more proportionate to the risk.</p>	<p>EPWA has considered this stakeholder feedback and agrees that a Category B penalty is more appropriate for these clauses and would still deter non-timely and inadequate communication with AEMO.</p>
7.10.4.	<p>Alinta considers that deviations can be outside the control of Market Participants and that due to the exceptions within the clause it will be difficult to enforce.</p> <p>Alinta recommends a Category B penalty to be more appropriate.</p>	<p>EPWA considers that Market Participants who can control the injection or withdrawal levels of Semi-Scheduled Facilities, including those with Electric Storage Resources, must not deliberately engage in</p>

Topic	Stakeholder Feedback	EPWA's Response
7.10.6.	<p>Alinta considers this clause overlaps with 7.10.4 and that enforcement should be considered intent and context.</p> <p>Alinta recommends a Category B penalty to be more appropriate.</p>	<p>a behaviour that increases the deviation from their Dispatch Forecasts.</p> <p>EPWA acknowledges that the appropriate exemptions are already in place. Therefore, enforcement of this clause will only focus on breaches that are not subject to these exemptions.</p> <p>EPWA considers that a Category C civil penalty is appropriate to deter behaviour that affects efficient dispatch and pricing.</p>
7.10.19.	<p>Alinta considers that this clause requires facilities to respond to Regulation Raise/Lower instructions, subject to ramp rate limits. AEMO can manage shortfalls operationally, mitigating the risk to power system security and reliability. Any penalty should reflect whether the breach was avoidable as non-compliance may be due to technical constraints.</p> <p>Alinta recommends a Category B penalty to be more proportionate.</p>	<p>EPWA considers that a Category C civil penalty is appropriate to deter non-compliance with dispatch instructions for regulation services. EPWA is confident that any investigation by the ERA will carefully consider whether the breach was avoidable, including if the non-compliance was due to technical constraints.</p>

Appendix B. Changes to the civil penalty provisions in Schedule 1

Clause number in Schedule 1	Clause	Required action	Civil penalty category	Rationale for change (if applicable)
2.28.7.	<p>A person that owns, controls or operates a Facility containing an Energy Producing System with a System Size of less than 10 MW, but which equals or exceeds 5 MW, and is electrically connected to a transmission system or distribution system which forms part of the South West Interconnected System, or is electrically connected to that system, must apply to AEMO:</p> <p>(a) for registration as a Rule Participant in the Market Participant class; or</p> <p>(b) for an exemption from the requirement to register as a Rule Participant in the Market Participant Class.</p>	Include clause	 B	EPWA considered stakeholder feedback and agrees that a Category B classification is more appropriate to the level of potential risk non-compliance may cause.
2.29.4.	<p>Subject to clauses 2.29.4M and 2.30B.8D, a person who owns, controls or operates a Facility containing an Energy Producing System with a System Size that equals or exceeds 10 MW and is electrically connected to a transmission system or distribution system which forms part of the South West Interconnected System, or is electrically connected to that system, must register the Facility as a Semi-Scheduled Facility or a Scheduled Facility</p>	Include clause	C	

Clause number in Schedule 1	Clause	Required action	Civil penalty category	Rationale for change (if applicable)
2.30.5A.	Unless the Facilities are Separate Facilities, if a single Credible Contingency Event other than a Network Contingency would result in the disconnection of two or more Facilities, then the Market Participant responsible for each of the Facilities must apply to AEMO to aggregate the relevant Facilities into an Aggregated Facility.	Include clause	Ⓢ B	EPWA considered stakeholder feedback and agrees that a category B civil penalty provision is more proportionate for to this obligation.
2.31.15.	A person who has an application to deregister as a Rule Participant accepted by AEMO must cease trading as a Market Participant by the date and time specified in clause 2.31.11(b)(i).	Include clause	Ⓢ B	EPWA considered stakeholder feedback and agrees that a Category B civil penalty provision is appropriate to deter the relevant market behaviour.
2.36A.4.	A Rule Participant must operate and maintain equipment in order to meet and comply with the requirements specified in the WEM Procedure referred to in clause 2.36A.5.	Include clause	C	
3.7.22.	Each Network Operator must use its reasonable endeavours to ensure that, at all times, its Network is capable of being restarted or restored in accordance with the System Restart Plan in the event of a system shutdown or major supply disruption	Include clause	Ⓢ	EPWA has considered stakeholder feedback and agrees that the term 'reasonable endeavours' is difficult to enforce due to its vague nature. This clause will be reviewed and potentially changed in a future review of the civil penalty provisions.
4.14.3.	A Market Participant holding Certified Reserve Capacity with respect to a Facility subject to an NCESS Contract must nominate all Certified Reserve Capacity under clauses 4.14.1(a) and 4.14.1(c) as applicable.	Include clause	C	


Clause number in Schedule 1	Clause	Required action	Civil penalty category	Rationale for change (if applicable)
4.28C.12. (a)	<p>Prior to the time and date specified in clause 4.1.13, in Year 1 of the first Reserve Capacity Cycle specified in clause 4.10.1(b) in which the Facility will enter service, AEMO must recalculate the amount of Reserve Capacity Security to be provided by each Market Participant in accordance with clause 4.28C.9 and:</p> <p>(a) If an additional amount of Reserve Capacity Security is required, the Market Participant must ensure that AEMO holds the benefit of the additional Reserve Capacity Security by the time and date specified in clause 4.1.13; and</p>	Include clause	C	
4.4B.1.	Each Network Operator must provide RCM Limit Advice to AEMO in respect to its Network in accordance with this section 4.4B and section 2.27A	Include clause	C	
5.2A.2.	Where a Market Participant enters into an NCESS Contract for a Facility, and the Facility Technology Type for the Facility would ordinarily be capable of being assigned Certified Reserve Capacity, then the Market Participant must apply to AEMO for Certified Reserve Capacity, must meet the requirements of clause 4.8A.3(c) where applicable, and use best endeavours to meet the requirements of clause 4.10.1, in respect of the Facility, in respect of each Reserve Capacity Cycle that the Facility would be eligible to participate in over the period of the NCESS Contract.	Include clause	C	
6.3C.9.	If a Market Participant's ability to consume or supply energy in any Trading Interval of a Trading Day is less than the maximum level of its STEM supply or consumption as indicated by its current	Include clause	 B	EPWA considered stakeholder feedback and agrees that a Category B civil penalty is appropriate for this obligation.


Clause number in Schedule 1	Clause	Required action	Civil penalty category	Rationale for change (if applicable)
	<p>Standing STEM Submission then that Market Participant must either:</p> <p>(a) submit to AEMO Standing STEM Submission data so as to revise its Standing STEM Submission to comply with this clause 6.3C.9; or</p> <p>(b) for each Trading Interval for which the current Standing STEM Submission over-states the Market Participant's supply or consumption capabilities, submit STEM Submission data that complies with section 6.6 to AEMO.</p>			

Clause number in Schedule 1	Clause	Required action	Civil penalty category	Rationale for change (if applicable)
7.4.2.	<p>Subject to clause 7.4.37, a Market Participant must make reasonable endeavours to ensure that its Real-Time Market Submission for each of its Scheduled Facilities, Semi-Scheduled Facilities and Interruptible Loads for each Dispatch Interval accurately reflects:</p> <p>(a) for Dispatch Intervals in the Week-Ahead Schedule Horizon:</p> <ul style="list-style-type: none"> i. the Market Participant's reasonable expectation of the capability of its Registered Facility to be dispatched in the Real-Time Market; ii. any applicable tests required under these WEM Rules, including tests for Reserve Capacity under section 4.25; iii. any Outage Plans applicable to the Dispatch Interval that have not been rejected, withdrawn or subjected to an Outage Recall Direction that affects the Dispatch Interval; and iv. any applicable Forced Outages applying to the Dispatch Interval; <p>(b) for Dispatch Intervals in the Pre-Dispatch Schedule Horizon, all information reasonably available to the Market Participant, including:</p> <ul style="list-style-type: none"> i. the Market Participant's intentions for commitment, control and decommitment; ii. the Market Participant's intentions for providing Frequency Co-optimised Essential System Services; and iii. in the case of a Semi-Scheduled Facility, any changes to the Market Participant's Unconstrained Injection Forecast or Unconstrained Withdrawal Forecast that exceed the Tolerance Range or Facility Tolerance Range applicable to the Semi-Scheduled Facility; and 	Include clause	C	

Clause number in Schedule 1	Clause	Required action	Civil penalty category	Rationale for change (if applicable)
	<p>(c) the prices at which the Market Participant intends the Registered Facility will participate in the Real-Time Market for:</p> <p>i. Injections;</p> <p>ii. Withdrawals; and</p> <p>iii. providing a Frequency Co-optimised Essential System Service for which the Registered Facility is accredited, as applicable.</p>			
7.4.5.	For the purpose of a Real-Time Market Submission under clause 7.4.4, a Market Participant must:	Include clause	C	

Clause number in Schedule 1	Clause	Required action	Civil penalty category	Rationale for change (if applicable)
	<p>(a) for all Dispatch Intervals within the SESSM Service Timing and the Week Ahead Schedule Horizon:</p> <p>i. offer a quantity of the relevant Frequency Co-optimised Essential System Service greater than or equal to the lower of:</p> <ol style="list-style-type: none"> 1. the sum of the relevant Base ESS Quantity and SESSM Availability Quantity; and 2. the lowest Remaining Available Capacity for that Frequency Co-optimised Essential System Service under any Outage applying to the Registered Facility in the Dispatch Interval, <p>or, if there are no applicable Outages, the relevant maximum accredited quantity of that Frequency Co-optimised Essential System Service for the Registered Facility, in Price-Quantity Pairs; and</p> <p>ii. specify an offer price in Price-Quantity Pairs relating to the SESSM Availability Quantity not exceeding the SESSM Offer Cap for the SESSM Award;</p> <p>(b) where the Available Capacity Scenario for a Pre-Dispatch Interval projects a shortfall in an awarded Frequency Co-optimised Essential System Service, ensure that the Real-Time Market Submissions for the Registered Facility and Frequency Co-optimised Essential System Service for that Pre-Dispatch Interval are offering a quantity of the relevant Frequency Co-optimised Essential System Service greater than or equal to the lowest Remaining Available Capacity for that Frequency Co-optimised Essential System Service under any Outage applying to the Registered Facility in the Pre-Dispatch Interval, or, if there are no applicable Outages, the relevant maximum accredited quantity of the Frequency Co-optimised Essential System Service for the Registered Facility; and</p>			

Clause number in Schedule 1	Clause	Required action	Civil penalty category	Rationale for change (if applicable)
	<p>(c) where the Available Capacity Scenario for a Pre-Dispatch Interval or Dispatch Interval projects that the Registered Facility will be enabled to provide an awarded Frequency Co-optimised Essential System Service, ensure that the Real-Time Market Submissions for the Registered Facility for that Pre-Dispatch Interval or Dispatch Interval:</p> <p>i. present the relevant Essential System Service Enablement Quantity as In-Service Capacity; and</p> <p>ii. offer sufficient capacity as In-Service Capacity for energy to allow the Registered Facility to be dispatched for energy between any relevant Enablement Limits</p>			
7.7.11.	Subject to clause 7.7.12, Market Participants must comply with directions given by AEMO in accordance with this section 7.7	Include clause	C	
7.9.2.	If a Market Participant intends to synchronise a Registered Facility, or any part of it, for which it has not specified a Dispatch Inflexibility Profile, then it must notify AEMO of the expected time of synchronisation by designating the Registered Facility's capacity as In-Service Capacity in the Real-Time Market Submission for the Registered Facility	Include clause	 B	EPWA has considered stakeholder feedback and agrees that a category B civil penalty is more appropriate as it is more proportionate for the consequences of breaching the obligation.

Clause number in Schedule 1	Clause	Required action	Civil penalty category	Rationale for change (if applicable)
7.9.3.	If a Market Participant intends to desynchronise a Registered Facility, or any part of it, for which it has not specified a Dispatch Inflexibility Profile, the Market Participant must notify AEMO of the expected time of desynchronisation by updating the Real-Time Market Submission for the Registered Facility to reflect the Registered Facility's Available Capacity and In-Service Capacity	Include clause	 B	EPWA has considered stakeholder feedback and agrees that a category B penalty is more appropriate for this clause as it is more proportionate to a non-compliance with the obligation.
7.10.4.	<p>Subject to clause 7.10.6A, if a Semi-Scheduled Facility contains an Electric Storage Resource, a Market Participant must not operate the Electric Storage Resource to increase the deviation of the Semi-Scheduled Facility's Injection or Withdrawal from the Semi-Scheduled Facility's Dispatch Forecast, unless the deviation is:</p> <p>(a) instructed as part of the delivery of one or more Essential System Services;</p> <p>(b) to provide a required response as part of the Facility's Registered Generator Performance Standard; or</p> <p>(c) required to comply with a direction issued by AEMO</p>	Include clause	C	
7.10.6.	Subject to clause 7.10.6A, if a Market Participant can control the Injection or Withdrawal of a Semi-Scheduled Facility, it must not exercise that control so as to increase the deviation of the Semi-	Include clause	C	

Clause number in Schedule 1	Clause	Required action	Civil penalty category	Rationale for change (if applicable)
	<p>Scheduled Facility's Injection or Withdrawal from the Semi-Scheduled Facility's Dispatch Forecast, unless this deviation is:</p> <p>(a) instructed as part of the delivery of one or more Essential System Services;</p> <p>(b) to provide a required response as part of the Facility's Registered Generator Performance Standard; or</p> <p>(c) required to comply with a direction issued by AEMO.</p>			
7.10.19.	<p>Where a Market Participant receives a Dispatch Instruction to enable a Facility to provide a quantity of Regulation Raise or Regulation Lower in a Dispatch Interval, the Market Participant must ensure that the Facility (subject to the Facility's maximum ramp rates in relation to the provision of the relevant Essential System Service) is able to provide the full enabled MW quantity of response at any time during the Dispatch Interval, according and subject to commands from AEMO's Automatic Generation Control System.</p>	Include clause	C	