

Electricity Reform Act 2000 – Part 3 Division 3A

Territory Electricity Market Rules

I, XXX, Minister for Mining and Energy, being the authorised rule-making entity under the *Electricity Reform Act 2000*, hereby make the *Territory Electricity Market Rules* under section 40A of the *Electricity Reform Act 2000*.

These rules have been signed by me for the purposes of identification as the *Territory Electricity Market Rules*.

XXX

Minister for Mining and Energy

Consultation Draft

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Chapter 1 Introduction

Part 1.1 Preliminary matters

1.1.1 Citation

These rules may be cited as the *Territory Electricity Market Rules*.

1.1.2 Commencement

These rules commence on [date to be inserted].

1.1.3 Background

These rules are made under the *Electricity Reform Act 2000* and may be amended from time to time in accordance with that Act.

Part 1.2 Interpretation

1.2.1 Defined terms

In these rules, unless the contrary intention appears:

Act means the *Electricity Reform Act 2000*.

approved form means a form approved by the Minister for the purposes of these rules.

the Regulations means the regulations made under the *Act*.

TEM Rules objective – see the *Electricity Reform (Territory Electricity Market Governance) Regulations 2026*.

Note: Other definitions will be added as the rules are developed.

1.2.2 Italicised expressions

Italicised expressions in these rules are defined terms.

1.2.3 Glossary

A glossary of defined terms is also included in Schedule X to assist with identifying any defined terms.

1.2.4 Application of *Interpretation Act 1978*

- (1) The *Interpretation Act 1978* contains definitions and other provisions that may be relevant to these rules (see section 4 of that Act).
- (2) Words, expressions and provisions in these rules have the same interpretation, application and effect as they have in the *Electricity Reform Act 2000* (see section 20 of the *Interpretation Act 1978*).

Chapter 2 Governance and administration

Part 2.1 Procedures

Division 1 Preliminary

2.1.1 Definitions

In this Part:

designated electricity market body means:

- (a) the Minister; or
- (b) NTESMO; or
- (c) Power and Water Corporation; or
- (d) the Utilities Commission; or
- (e) Territory Generation.

Note: Other entities may be added as the rules are developed.

procedure change process means the process set out in Division 3 with respect to a procedure change proposal.

procedure change proposal means a proposal to amend or replace a TEM Procedure under Division 3.

responsible electricity market body, in relation to a particular TEM Procedure, means the designated electricity market body that is responsible for the development, amendment or replacement of the TEM Procedure.

TEM Procedure or ***Procedure*** means a procedure, or set of procedures, that are subject to the operation of this Part (see clause 2.1.2).

2.1.2 Application

Note:

A number of different procedures will be required under these rules. When a particular procedure is identified as a procedure that is to be subject to the operation of this Part, the relevant rules will set out the function of that procedure and who is the “owner” of the procedure. A procedure will often set out steps and other requirements associated with achieving a desired outcome described in a particular set of rules. Procedures will generally be more targeted and technical than rules.

2.1.3 Requirements with respect to TEM Procedures

- (1) TEM Procedures must be:

- (a) developed, amended or replaced in accordance with:
 - (i) this Part; and
 - (ii) any guidelines prepared by the Minister for the purposes of this Part; and
 - (b) consistent with the *TEM Rules objective*; and
 - (c) consistent with the other provisions of these rules, the *Act* and the *Regulations*.
- (2) A designated electricity market body that is required to develop a TEM Procedure is responsible for managing the development, amendment or replacement of the TEM Procedure.

2.1.4 Procedures developed by NTESMO

- (1) NTESMO must not adopt, amend or replace any TEM Procedures without the approval of:
- (a) a PAIR Panel; or
 - (b) if there is no PAIR Panel available to provide this approval – the Minister.

Note: The Minister will be required to act under this clause until one or more PAIR Panels have been established under the Act.

- (2) A PAIR Panel or the Minister (as the case may be) may request changes to a TEM Procedure, or a proposed amendment to a TEM Procedure, before an approval is given under subclause (1).
- (3) This clause expires on 30 June 2030.

2.1.5 Publication

- (1) A designated electricity market body that is required to develop a TEM Procedure must maintain a list of its TEM Procedures on its website.
- (2) For each TEM Procedure, the list under subclause (1) must:
- (a) state the name of the TEM Procedure; and
 - (b) give a brief description of the TEM Procedure, including advice about the commencement of the TEM Procedure; and
 - (c) state the Chapter, Part, Division, clause or clauses constituting the head of power under which the TEM Procedure has been made; and
 - (d) include:
 - (i) an electronic link to the current version of the TEM Procedure; and
 - (ii) an electronic link to historical versions (if any) of the TEM Procedure, including advice about the commencement of each version.

2.1.6 Processes do not apply to rule changes

To avoid doubt, this Part does not apply to the processes for varying these rules under section 40D(1)(a) and (b) of the *Act*.

Division 2 Development of TEM Procedures

2.1.7 Initiation

- (1) The responsible electricity market body for a TEM Procedure must initiate the development of the TEM Procedure by:
 - (a) preparing a discussion paper relating to the proposed TEM Procedure under subclause (2); and
 - (b) preparing a draft of the proposed TEM Procedure; and
 - (c) undertaking consultation relating to the proposed TEM Procedure that complies with subclause (3).
- (2) The discussion paper relating to a proposed TEM Procedure must set out or include:
 - (a) an outline of the proposed Procedure and a statement of the provision or provisions of these rules under which the Procedure is required; and
 - (b) the options that have been considered in connection with the development and content of the proposed Procedure; and
 - (c) an assessment of the proposed Procedure against the *TEM Rules objective*; and
 - (d) an explanation of the expected benefits and costs of the proposed Procedure; and
 - (e) an explanation for the potential impacts of the proposed Procedure on those who may be affected, including (insofar as may be relevant and to the extent not covered by paragraph (d)) information about potential impacts on such things as information technology systems and business processes; and
 - (f) information about any advice that the responsible electricity market body has obtained in connection with the proposed Procedure (without being required to disclose any confidential matter or information); and
 - (g) a summary of any consultation undertaken in relation to the proposed Procedure (including information about the extent of the consultation and about the issues raised during the consultation and the responsible electricity market body's response to those issues); and
 - (h) the proposed date of commencement of the TEM Procedure, or an indication or assessment as to when the TEM Procedure is expected or planned to commence.
- (3) The consultation relating to a proposed TEM Procedure must include:
 - (a) the publication of a notice on the responsible electricity market body's website that:
 - (i) provides information about the development of the proposed Procedure; and
 - (ii) provides a copy of the discussion paper that has been prepared and the draft of the proposed Procedure; and

- (iii) sets out an invitation to make written submissions to the responsible electricity market body on the proposed Procedure (and any related matter) by a date specified in the notice; and
- (b) the consideration of any submissions made in response to the invitation under paragraph (a)(iii).
- (4) The consultation relating to a proposed TEM Procedure may include any other step or consultation considered appropriate or helpful by the responsible electricity market body.
- (5) The date by which written submissions must be received under subclause (3)(a)(iii) must be at least 20 business days after the date of the publication of the notice.
- (6) The responsible electricity market body may extend the period applying under subclause (5) by publishing notice of a revised date on its website.

2.1.8 Outcome of consultation and finalisation of procedure

- (1) At the completion of the consultation relating to a proposed TEM Procedure, the responsible electricity market body:
 - (a) must prepare a report (a *Procedure Initiation Report*); and
 - (b) may amend, or prepare a new draft, of the proposed TEM Procedure.
- (2) The Procedure Initiation Report must include:
 - (a) an outline and discussion about the consultation that has occurred; and
 - (b) a list of the written submissions, and a summary of any other submissions, received by the responsible electricity market body as part of the consultation; and
 - (c) information about any changes that have been made to the draft TEM Procedure and the reasons for the changes.
- (3) The responsible electricity market body may, before it completes the Procedure Initiation Report, undertake additional consultation (if any) as it considers appropriate.
- (4) The TEM Procedure (as finally settled by the responsible electricity market body and published on its website) commences on a date determined by the responsible electricity market body.
- (5) The responsible electricity market body must publish a copy of the Procedure Initiation Report on its website.

Division 3 Procedure change process

2.1.9 Initiation

- (1) The responsible electricity market body for a TEM Procedure may initiate a procedure change proposal for the TEM Procedure by initiating a procedure change process.

- (2) A procedure change process involves preparing a discussion paper relating to the procedure change proposal that sets out or includes (to the extent that is reasonable taking into account the nature and extent of the proposed change or changes):
 - (a) an outline of the change or changes that the responsible electricity market body is proposing; and
 - (b) a statement of the nature and extent of the issue that is proposed to be addressed and how the change or changes would address the issue; and
 - (c) the options that have been considered in connection with the development and content of the procedure change proposal; and
 - (d) an explanation of how the proposed change or changes will or are likely to contribute to the achievement of the *TEM Rules objective*; and
 - (e) an explanation of the expected benefits and costs of the proposed change or changes; and
 - (f) an explanation for the potential impacts of the proposed change or changes on those who may be affected, including (insofar as may be relevant and to the extent not covered by paragraph (e)) information about potential impacts on such things as information technology systems and business processes; and
 - (g) information about any advice that the responsible electricity market body has obtained in connection with the procedure change proposal (without being required to disclose any confidential matter or information); and
 - (h) a summary of any consultation undertaken to date (including information about the extent of the consultation and about the issues raised during the consultation and the responsible electricity market body's response to those issues); and
 - (i) information about the consultation that is proposed to undertaken, including a consultation timeline; and
 - (j) the proposed date of commencement of the proposed change or changes, or an indication or assessment as to when the proposed change or changes are expected or planned to commence.
- (3) A discussion paper must be accompanied by a draft of the proposed change or changes.

2.1.10 Proposals submitted by other parties

- (1) Any person may submit a procedure change proposal to the responsible electricity market body for the TEM Procedure.
- (2) The responsible electricity market body may require that the procedure change proposal is submitted using the *approved form*.
- (3) The responsible electricity market body may, after receiving a procedure change proposal, request clarification of any aspect of the proposal, or additional information, from the person who submitted it.
- (4) The responsible electricity market body may delay dealing with a procedure change proposal until the clarification or information is provided to it.

- (5) The responsible electricity market body must then:
 - (a) determine whether the procedure change proposal is appropriate and worth pursuing; and
 - (b) notify the person who submitted the procedure change proposal:
 - (i) whether the responsible electricity market body is going to proceed with a procedure change process; and
 - (ii) if it is not going to proceed with a procedure change process, the responsible electricity market body's reason or reasons for not proceeding with the process.

2.1.11 Consultation

- (1) The consultation relating to a procedure change proposal must include:
 - (a) the publication of a notice on the responsible electricity market body's website that:
 - (i) provides information about the development of the procedure change proposal; and
 - (ii) provides a copy of the discussion paper that has been prepared and the draft of the proposed change or changes; and
 - (iii) sets out an invitation to make written submissions to the responsible electricity market body on the procedure change proposal (and any related matter) by a date specified in the notice; and
 - (b) the consideration of any submissions made in response to the invitation under paragraph (a)(iii).
- (2) The consultation relating to a procedure change proposal may include any other step or consultation considered appropriate or helpful by the responsible electricity market body.
- (3) The date by which written submissions must be received under subclause (1)(a)(iii) must be at least 20 business days after the date of the publication of the notice.
- (4) The responsible electricity market body may extend the period applying under subclause (3) by publishing notice of a revised date on its website.

2.1.12 Outcome of consultation and finalisation of changes

- (1) At the completion of the consultation relating to a procedure change proposal, the responsible electricity market body:
 - (a) must determine whether or not to proceed with an amendment or replacement of the relevant TEM Procedure; and
 - (b) must prepare a report (a ***Procedure Change Report***); and
 - (c) may amend the procedure change proposal by preparing a new draft of the change or changes that the responsible electricity market body proposes to make as a result of the procedure change process.
- (2) The Procedure Change Report must include:

- (a) an outline and discussion about the consultation that has occurred; and
 - (b) advice about the responsible electricity market body's determination under subclause (1)(a); and
 - (c) if the procedure change proposal is to proceed:
 - (i) a description or outline of the change or changes; and
 - (ii) the reason or reasons for the final form of the change or changes; and
 - (d) a list of the written submissions, and a summary of any other submissions, received by the responsible electricity market body as part of the consultation; and
 - (e) the proposed date for the commencement of the change or changes.
- (3) The Procedure Change Report must be accompanied by the final version of the change or changes (set out as an instrument that is suitable for publication).
- (4) The responsible electricity market body may, before it completes the Procedure Change Report or settles the final version of the change or changes, undertake additional consultation (if any) as it considers appropriate.
- (5) The responsible electricity market body must publish on its website:
- (a) a copy of the Procedure Change Report; and
 - (b) the final version of the change or changes.
- (6) The change or changes commence on a date determined by the responsible electricity market body.

Division 4 Minor amendments

2.1.13 Minor amendments

- (1) This clause applies in relation to a TEM Procedure for the first 2 years after it commences under this Part.
- (2) The responsible electricity market body for the TEM Procedure may act under this clause if it:
- (a) wishes to make change or changes to the TEM Procedure that the responsible electricity market body considers to be minor; and
 - (b) considers that it is unnecessary to make the change or changes by proceeding under Division 3.
- (3) The responsible electricity market body must take reasonable steps to consult with relevant stakeholders in relation to the proposed change or changes.
- (4) At the completion of the consultation the responsible electricity market body may make the change or changes (which may have been varied as a result of consultation) by publishing an instrument amending the TEM Procedure on its website.

- (5) The change or changes commence on a date determined by the responsible electricity market body.

Part 2.2 Transitional provisions

Note: Transitional provisions will be developed in conjunction with the development and finalisation of these rules.

In relation to Procedures, it is envisaged that specific transitional provisions may be required for each Procedure that is specified in these rules. In some cases, this may involve existing procedures being updated within a specified period of time. However, it is also expected that a significant proportion of changes to existing procedures will be administrative and so will not require a formal procedure to achieve alignment with these rules.

Schedule X Glossary

Act

The *Electricity Reform Act 2000*.

approved form

A form approved by the Minister for the purposes of these rules.

the Regulations

The regulations made under the *Act*.

TEM Rules objective

See the *Electricity Reform (Territory Electricity Market Governance) Regulations 2026*.