

Reporting and Communications Protocol

Australian Energy Market Operator (AEMO)

Application for authorisation AA1000484

Interim authorisation decision: 17 April 2020

This Reporting and Communications Protocol replaces the protocol in annexure A of the interim authorisation decision dated 17 April 2020.

Purpose

1. This is the Reporting and Communications Protocol referred to in condition 1 of the interim authorisation granted by the ACCC on 17 April 2020 in respect of proposed arrangements between AEMO and certain gas and electricity industry participants for the purpose of dealing with the effects of the COVID-19 pandemic on Australia's energy systems (**Interim Authorisation**).
2. Capitalised terms used but not defined in this document have the meaning given in the Interim Authorisation.

AEMO's reporting commitments

3. While AEMO engages in conduct enabled by the Interim Authorisation, AEMO will use its best endeavours to provide no later than each Thursday (or if not a business day in Sydney, on the next business day) a report to the ACCC setting out each material contract, arrangement, understanding or decision made by AEMO and AEMO Industry Participants (and any Other Approved Participants) in the previous week that involves the Authorised Interim Conduct, including:
 - a) the dates of all material decisions, contracts, arrangements or understandings formed that rely on the Interim Authorisation,
 - b) the parties to each material decision, contract, arrangement or understanding formed that rely on the Interim Authorisation,
 - c) what topics were discussed at meetings where those material decisions, contracts, arrangements or understandings were formed, and/or the material content of those contracts, arrangements, understandings or decisions, including key details such as the relevant products or services, quantities, timings, and financial or other compensation,
 - d) a description of the issues arising from the COVID-19 pandemic that the relevant decision, contract, arrangement or understanding seeks to address and how it will be addressed,
 - e) all material decisions, contracts, arrangements or understandings referred to in the AEMO update to Energy Coordination Mechanism meetings,
 - f) where possible a non-confidential version of the report for publication on the public register

Information requested and concerns raised by the ACCC

4. The ACCC may request additional information regarding conduct enabled by the Interim Authorisation. AEMO, any AEMO Industry Participant and any Other Approved Participant must promptly provide any further information requested by the ACCC.
5. An ACCC representative may elect to attend any meeting or call where it is intended that material decisions, contracts, arrangements or understandings may be formed as an observer for the purpose of observing that the relevant conduct of those groups which might give rise to concerns under Part IV of the CCA notwithstanding the Interim Authorisation granted on 17 April 2020. Where reasonably practicable, AEMO will provide the ACCC with advance notice of any regular meetings where material decisions, contracts, arrangements or understandings are expected to be formed. The ACCC will give AEMO notice in advance of its proposed representative at the relevant meeting or call.
6. Any notice or request for information under paragraphs 4 to 5 should be provided to the contact person nominated by AEMO for the purposes of this Reporting Protocol.

Confidentiality

7. Unless stated otherwise, AEMO asks that the ACCC receive any information provided under this Reporting Protocol on a confidential basis in accordance with the ACCC's statutory obligations on the basis set out below:
 - a. there is no restriction on the internal use, including future use, that the ACCC may make of the information consistent with its statutory functions;
 - b. the confidential information may be disclosed to the ACCC's external advisors and consultants on condition that each such advisor or consultant is informed of the obligation to treat the information as confidential; and
 - c. the ACCC may disclose the confidential information to third parties (in addition to its external advisors or consultants) if compelled by law or in accordance with section 155AAA of the CCA.
8. Nothing in paragraph 7 limits AEMO's obligations under paragraph 3 above.