



MEMORANDUM OF UNDERSTANDING

Between

The Clean Energy Regulator

And

Australian Energy Market Operator Limited

1. PARTIES

1.1. This Memorandum of Understanding (MoU) is between:

- the Clean Energy Regulator (CER) (ABN 72 321 984 210) a body corporate established under the *Clean Energy Regulator Act 2011*, and
- Australian Energy Market Operator Limited (AEMO) (ABN 94 072 010 327) a company limited by guarantee,

each, an 'agency'.

2. BACKGROUND

- 2.1. This MoU sets out a framework for cooperation between CER and AEMO to facilitate liaison, cooperation, collaboration, assistance and the exchange of intelligence and information between the agencies in accordance with the relevant statutory provisions.
- 2.2. In addition to matters covered by this MoU, CER and AEMO acknowledge that from time to time they may enter into specific arrangements for cooperation. Such arrangements may be bilateral or multilateral and include the sharing of information, intelligence and any other matters as agreed by the agencies.

3. PURPOSE

- 3.1. The purpose of this MoU is to set out the arrangements agreed between CER and AEMO to facilitate effective cooperation, communication and coordination between the agencies in the performance of their roles.
- 3.2. The MoU is a statement of principles to guide the relationship between CER and AEMO.
- 3.3. CER and AEMO recognise the need for collaboration and cooperation between the agencies to discharge their respective functions and agree to co-operate with each other in the exchange of information, the referral of matters and in relation to regulatory, compliance, education and enforcement activities within the framework of this MoU as required.
- 3.4. The agencies will, in the spirit of cooperation afford such assistance to each other as is practicable taking into consideration the level of resources and priorities in each agency.
- 3.5. When a matter is not dealt with explicitly in this MoU, it is expected that CER and AEMO will discuss the matter and resolve it quickly in accordance with paragraph 11 of this MoU.
- 3.6. The agencies acknowledge that this MoU is not intended to create legally binding obligations between them and that the arrangements in this MOU are subject to any legal obligations of the parties.
- 3.7. Each party will bear its own costs of complying with this MOU.

- 3.8. Nothing in this MoU affects the exercise of functions or responsibilities of CER or AEMO.

4. CER

- 4.1. CER is established under the *Clean Energy Regulator Act 2011* and is charged with administering the carbon pricing mechanism, the renewable energy target, the national greenhouse and energy reporting scheme, the carbon farming initiative and the Australian National Registry of Emissions Units.
- 4.2. The legislation underpinning the CER's activities is set out in Schedule A (CER legislation).

5. AEMO

- 5.1. AEMO was established in 2009 with statutory functions and powers conferred under national energy legislation for the operation and administration of energy markets. AEMO's functions include:
- 5.1.1. operation of the National Electricity Market (NEM) and wholesale gas markets in southern and eastern Australia;
 - 5.1.2. operation of energy retail market systems; and
 - 5.1.3. planning and forecasting responsibilities for the development of transmission systems in the NEM and the Victorian gas transmission system.
- 5.2. The legislation underpinning AEMO's activities is set out in Schedule A (AEMO legislation).

6. LIAISON

- 6.1. The agencies agree that there will be regular liaison meetings between the agencies as follows:
- 6.1.1. Meetings at General Manager/Group Manager level (or higher) twice yearly, or otherwise as agreed between the agencies; and
 - 6.1.2. Meetings at an officer level as required between the agencies to provide information on issues which may be of interest to each agency.
- 6.2. The parties will, where possible, advise each other of likely future information requirements including the timing and format for the provision of that information.
- 6.3. Each agency will appoint liaison contact officers for the purpose of liaison, communication and exchange of information between the agencies as contemplated by this MoU. The list of liaison contact officers is at Schedule B and is also to be used as a contact point to discuss any matter that is not dealt with explicitly in this MoU. Each agency may change its liaison contact officers as necessary, and will provide the other agency or agencies with an amended list.
- 6.4. The agencies agree that, where appropriate, they will consult with each other in relation to arrangements for joint publications and joint contact with stakeholder groups. CER

and AEMO may issue joint media releases or publications in relation to any joint enforcement or other activities. The agencies will collaborate in drafting proposed joint media releases or other joint publications.

7. INFORMATION SHARING

- 7.1. Each agency is subject to statutory obligations of secrecy or confidentiality, which govern the disclosure and use of information that is confidential or protected.
- 7.2. CER and AEMO agree that confidential or protected information will only be exchanged where such exchange is legally permissible. Subject to this requirement, information may be provided by one agency in compliance with a request from the other agency.
- 7.3. Each agency will cooperate to:
 - 7.3.1. request information from the other in a form that facilitates disclosure by the owner agency in accordance with its statutory obligations;
 - 7.3.2. identify any confidential or protected information disclosed to the other; and
 - 7.3.3. identify any conditions to be complied with by the recipient agency in relation to the confidential or protected information, having regard to the statutory obligations of the owner agency and the purpose for which the recipient agency requires the information.
- 7.4. If information provided by one agency to the other becomes subject of a subpoena, freedom of information request, or other legal demand for access, the recipient agency must immediately notify the owner agency, to enable the owner agency to advise any intended action relating to the release, disclosure, publication or production of such information, and to advise of its views concerning the same.

8. USE AND SECURITY OF INFORMATION PROVIDED

- 8.1 Each agency agrees that it will only use information provided to it by the other agency for the purposes of its statutory functions and comply with any conditions relating to particular information.

9. REQUIREMENT TO PROVIDE INFORMATION UNDER STATUTORY PROVISIONS

- 9.1 The parties acknowledge that there will be occasions where the CER will require the provision of information held by AEMO under a statutory power.
- 9.2 In particular, section 125A of the *Renewable Energy (Electricity) Act 2000* and section 71 of the *National Greenhouse and Energy Reporting Act 2007*, enable the Regulator to require a person to provide certain information to the Regulator if the requirements of the relevant provision are satisfied.
- 9.3 The CER will, where it is appropriate, liaise with AEMO in advance where it is proposed to exercise a statutory power to require AEMO to provide information.

10. AREAS OF COLLABORATION

10.1. The agencies recognise that areas of collaboration for the sharing and exchanging of information may include, but are not limited to:

- National Electricity Market (NEM) market customer data
- NEM Market and non-market generator data, including energy production and consumption
- National metering identifier (NMI) information in the NEM
- Marginal Loss Factors and Distribution Loss Factors in the NEM
- Power system reliability test for coal fired generators
- Gas supply and consumption data
- Greenhouse gas emissions and emissions and energy content factors for specific facilities
- Small-scale certificate creation data from small photovoltaic and other eligible electricity generators.

11. DISPUTE RESOLUTION

11.1. Where any issue arises in which the parties have a dispute they agree to consult in the spirit of cooperation to resolve any differences. Unresolved issues after reasonable attempts at resolution may be escalated to more senior officers and ultimately to the Chief Executive Officer of AEMO and the Chair of CER.

12. VARIATION

12.1. This MoU may be varied at any time with the mutual written consent of each agency.

12.2. All variations to the MoU are to be recorded in the Change Control Register in Schedule C.

13. REVIEW AND TERMINATION OF THIS MOU

13.1. This MoU will take effect on and from the date it is signed by both the last party to sign it.

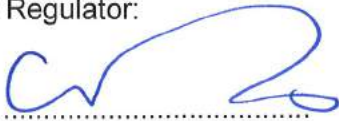
13.2. This MoU will be reviewed on request by either agency to the other.

13.3. Either agency may terminate this MoU by giving thirty days written notice to the other agency. The termination will take effect on the expiry of the notice unless otherwise arranged by the agencies.

13.4. This MoU will remain in force unless terminated by the agencies.

SIGNATURES

Signed for and on behalf of the Clean Energy Regulator:



Chloe Munro

Chair

Date of signature: 30/08/13

Signed for and on behalf of Australian Energy Market Operator Limited:



Matt Zema

Chief Executive Officer

Date of signature: 06/09/13

ATTACHMENTS

- Schedule A:** Schedule of legislation
- Schedule B:** Liaison contact officers
- Schedule C:** Change Control Register

SCHEDULE OF LEGISLATION

Clean Energy Regulator

- *Clean Energy Act 2011*
- *Clean Energy Regulator Act 2011*
- *Clean Energy (Consequential Amendments) Act 2011*
- *Clean Energy (International Unit Surrender Charge) Act 2011*
- *Clean Energy (Unit Issue Charge – Auctions) Act 2011*
- *Clean Energy (Unit Issue Charge – Fixed Charge) Act 2011*
- *Clean Energy (Unit Shortfall Charge – General) Act 2011*
- *Clean Energy (Charges – Customs) Act 2011*
- *Clean Energy (Charges – Excise) Act 2011*
- *National Greenhouse and Energy Reporting Act 2007*
- *Australian National Registry of Emissions Unit Act 2011*
- *Renewable Energy (Electricity) Act 2000*
- *Renewable Energy (Electricity) (Large-scale Generation Shortfall Charge) Act 2000*
- *Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Act 2010*
- *Carbon Credits (Carbon Farming Initiative) Act 2011*
- Subordinate legislation to the above Acts.

Australian Energy Market Operator

- National Electricity Law, as set out in the Schedule to the *National Electricity (South Australia) Act 1996 (SA)*
- National Gas Law, as set out in the Schedule to the *National Gas (South Australia) Act 2008 (SA)*
- Subordinate legislation to the above.

SCHEDULE B

LIAISON CONTACT OFFICERS UNDER PARAGRAPH 6

Information will be exchanged between authorised liaison contact officers of the CER and the AEMO.

In accordance with paragraph 6 of this MoU, the following is a schedule of the CER and the AEMO liaison contact officers.

CER

Name and Position	Contact
Amar Rathore, General Manager, RET Market Operations Branch, Renewables and Carbon Farming Division	02 6159 3973
Dr Lesley Dowling, General Manager Scheme Integrity and Carbon Information Branch, Reporting and Carbon Market Division	02 6159 3389
Prue Brooks, Manager, RET Liability and CFG, RET Market Operations Branch, Renewables and Carbon Farming Division	02 6159 3938
Media contact: Manager, CER Communications	02 6159 3448 media@cleanenergyregulator.gov.au

AEMO

Name and Position	Contact
Murray Chapman, Group Manager Market Policy Development	03 9609 8486
Ben Skinner, Specialist Market Development	03 9609 8769
Chin Chan, Group Manager Settlements & Prudentials	03 9609 8345
Lenard Bull, Manager Metering Data & Retail Operations	03 9609 8517
Media contact: Group Manager Communication & Corporate Affairs	03 9609 8000 aemo.communications@aemo.com.au

CHANGE CONTROL REGISTER

Version	Date	Revisions made	Areas affected
1.0	28 August 2013	MoU version 1 finalised	N/A
2.0			

