



EnergyAustralia
LIGHT THE WAY

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AER Market monitoring information order – Consultation - MMIO-ELEC 2025-02

EnergyAustralia is one of Australia's largest energy companies with around 2.2 million electricity and gas accounts across eastern Australia. We also own, operate and contract a diversified energy generation portfolio across Australia, including coal, gas, battery storage, demand response, wind and solar assets, with control of over 5,000MW of generation capacity.

We welcome the opportunity to provide feedback on the AER's Draft Market Monitoring Information Order – Electricity (MMIO-ELEC-2025-02) ('Revised Draft'). We appreciate the AER's engagement with industry and its efforts to refine the Revised Draft from the previous version (i.e. MMIO-ELEC-2025-01). Overall, we support that the Revised Draft appears to be more targeted than the previous version and aims to better balance the AER's information needs with the reporting burden of participants.

We appreciate that several issues raised in EnergyAustralia's December 2024 submission have been addressed. In particular, we support:

- **Scope reduction**, including the removal of annual data on PPAs and large non-standard OTC contracts, the removal of the 'tolerable level' cost question and fuel-supply qualitative section - consistent with our recommendation. We also support the move to a once-off reporting requirement for five years of historical data.
- **Streamlined qualitative questions** including defining factors in qualitative questions targeting specific areas. For example, on questions regarding ASX and FEX access the listed factors in the Revised Draft can help to reduce open-ended questions and improve comparability across participants.
- **Improved consistency and clarity**, through adoption of quarterly reporting by calendar year, which aligns with other AER collections and can help to alleviate peak reporting periods for businesses in January and July.

Data security and readiness for implementation

Ensuring robust information security must remain the AER's highest implementation priority. The scope of data proposed under the Revised Draft could expose commercially sensitive trading positions and strategies.

As emphasised in our previous submission, we urge the AER to allocate sufficient time and resources to ensure its systems are secure, thoroughly validated and tested, and capable of protecting sensitive information before data collection begins. We continue to advocate that the goal should be to establish a secure portal and data-handling protocols consistent with the Australian Energy Sector Cyber Security Framework and comparable to standards applied by regulators such as ASIC. It is important that the AER can clearly demonstrate and communicate its work and ongoing efforts to achieve this objective before reporting begins.

Given the increasing frequency and sophistication of cyber threats across the energy and financial sectors, any centralised collection of confidential trading data can represent a material security risk. While the proposed due dates may appear more workable, extending the timeline would be prudent. We support that the AER provide a minimum six-month implementation period from publication of the final Order before the first reporting is required.

We also encourage the AER to advise participants promptly of any changes from the Revised Draft prior to the issuance of the final Order.

Clarifications requested on new data fields

The Revised Draft introduces several new fields from the previous version, which we seek clarity on:

- **ABN field:** We request clarification on which participant the ABN is intended to reference — whether it applies to the reporting Class Member, the counterparty, or both.
- **Fixed Price field:** Please confirm that this field applies only to Futures and Swaps, as suggested by the validation notes, and not to other contract types. We recommend this be expressed as \$/MWh rather than MW.
- **Contract Code field:** to understand the intent behind the field, we request that the AER provide:
 - An example of expected Contract Code formats for ASX and FEX products; and
 - clarify the analytical intent behind the field (for example, the AER is requesting participants report both the Contract Name and the Contract Code).

Further to the above, we reiterate the importance of designing templates that support automated reporting and extraction. We continue to encourage the AER to commit to stable field definitions over the life of the Order and subsequent Orders, to ensure predictability, minimise system changes, and support efficient compliance.

Definitions and drafting consistency

The legal interpretation of laws underpin business compliance practices and frameworks with regard to the National Electricity Law (NEL) and the National Electricity Rules (NER), and thereby the data which the business would be capable of providing in response to the Order. We advocate the following amendments to the Revised Draft to enable consistent legal interpretation across laws and the Order:

- **Use of terms which are defined in law:** Terms referred to in the Order which are defined in the NEL and NER should be consistent with the definitions in the NEL and NER, rather than being altered by the Order. By using terms in accordance with its established definition in law, misinterpretation and potential additional compliance burden on the business would be avoided. If the AER is seeking certain information which it believes the business can provide, it should be capable of articulating those data requirements using the established definitions in law or by defining other specific terms in the Order for that purpose, without altering established definitions in law.
- For example, **Section 2 – Specified classes of persons to which this Order applies** of the Draft Order alters the definitions of “Market Generator” and “Integrated Resource Provider” which are defined terms in the NER. The meaning of the altered definitions for these terms in the Draft Order is not clear.
- **Consistency of italicisation and drafting style:** Defined terms should be consistently italicised throughout the Order, including within appendices and data templates. We note that some sections (for example, the Appendix A field tables) currently present defined terms in plain text. Consistent application of formatting is required for clarity and correct legal interpretation.

Publication and use of reported data

Given the commercially sensitive nature of the information to be reported under the Order, we would expect that — consistent with usual ACCC processes — the AER will consult with industry prior to publishing any analysis or reporting based on this data. Such consultation would help ensure participants are comfortable with how data is presented, provide an opportunity for feedback, and ensure that any published outputs are appropriately aggregated or disaggregated to prevent inadvertent disclosure of confidential or commercially sensitive information.

We appreciate the AER’s engagement, and we look forward to ongoing collaboration over time to ensure the Order remains efficient, proportionate and fit for purpose. We welcome further engagement - including user testing of the AER portal with sample data prior to live operation.

If you would like to discuss this submission, please contact me on 03 9060 0934 or via email at maria.ducusin@energyaustralia.com.au.

Regards

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