

4 November 2025

Australian Energy Regulator

Submitted via email: ContractMarketMonitoring@aer.gov.au

Draft Market Monitoring Information Order – MMIO-ELEC-2025-02

Origin Energy Limited (Origin) appreciates the opportunity to provide comments on the Australian Energy Regulator's (AER) Draft Market Monitoring Information Order *MMIO-ELEC-2025-02*.

We welcome the AER's proposal to refine its data collection approach. Limiting the scope of the Order, reducing the number of qualitative questions, and focusing on targeted, non-duplicative information will promote efficient implementation, enhance the quality of responses, and reduce the reporting burden on participants.

In this context, we believe it important that any future expansion of data collection be subject to further consultation, with clear justification for the additional information sought and recognition of the associated compliance costs. Maintaining an iterative and collaborative approach will preserve market confidence in the AER's information gathering processes.

Our comments on the Draft Information order follow.

1. Time for initial submission

The historical information required by *Data Categories One-off 01* (PPA), *Quarterly 01* (Exchange traded) and *Quarterly 02* (Standard OTC), which span five years of commercial activity, is extensive. Significant effort will be required for data identification and extraction. We will also need to undertake a review of Origin's confidentiality obligations under its Power Purchase Agreements (PPA) and Over-The-Counter (OTC) agreements, in order to then engage with counterparties in relation to the disclosure of information contained within those agreements. This is likely to be a lengthy process and require additional resources.

In addition, the development and testing of automated processes for ongoing data capture and reporting will require considerable lead time to ensure completeness and accuracy of output.

In light of these considerations, we propose a period of six months from the release of the final Notice before the first submission of information is required.

2. Information security

Maintaining the confidentiality of customers' personally identifiable information, counterparties' data and documentation, and other commercially-sensitive information specific to our operations remains a priority for Origin. Safeguarding this information is critical to building trust, preserving our competitive position, and ensuring compliance with our arm's-length obligations.

We note with serious concern the recent disclosures identified by the AER / ACCC, including the regulators' unauthorised disclosure of Origin's confidential and commercially-sensitive information on several occasions. Origin continues to hold material reservations regarding the collection, transmission, and management of confidential data provided under the Order — particularly where information is submitted via an online portal accessible to external users.

It is imperative that the AER implements and maintains robust controls to ensure the secure handling of all data collected under the Order. This should include the use of a dedicated secure portal for information provision, strict limitation on the number of personnel with access to submitted material, and clear protocols for the proper and complete disposal of information following an appropriate retention period.

3. Consultation prior to publication of analysis

The AER should consult with each relevant participant prior to publishing any analysis / statements derived from the information they have provided. This is consistent with the approach taken by the Australian Competition and Consumer Commission (ACCC) in its Inquiry Notices, whereby the ACCC affords a participant the opportunity to comment on the accuracy of statements it is proposing to publish, and make a claim that the disclosure of a specific statement could damage the participant's competitive position. In taking this approach, it is essential the context in which the analysis / statements are being made is clear, as this can assist participants' assessment of the material.

4. Definition of contract

We consider that the definition of *Contract* under the Order should be simplified to clarify that it is a collective term that explicitly relates to Exchange-traded contracts, Standard OTCs and PPAs only. This would align the scope of reporting with the AER's stated purpose of improving transparency in electricity contract markets, while avoiding the capture of other instruments that are not representative of core contracting activity.

5. Classes to which the Order applies

We consider that the application of the Order to the specified Class Members of Retailer, Market Generator, Integrated Resource Provider and Trading Company unnecessarily complicates the collection of information for the purposes of this Order. For example, in circumstances where an entity is a registered participant in more than one category of Class Member, it may not be possible to identify in which capacity the entity has entered into the relevant agreement.

We consider a simpler, more effective approach is to apply the Order on a corporate entity basis. This is consistent with the AER's approach on previous notices, including its recent market monitoring information notice issued under section 30AL of the National Gas Law in which the Order is addressed to the parent entity and includes its related entities.

We also note that the Class Members to which the Order applies do not capture entities which are operating under an exemption from the requirement to be registered on the basis that an intermediary has been appointed under the National Electricity Rules.

6. Participants with multiple Class Members

If our recommended approach under Section 5 is not adopted, participants should be permitted to submit a consolidated response where an Order captures multiple Class Members. A single, coordinated submission would enable those participants to present a unified position across their related Class Members, ensuring consistency in feedback while maintaining transparency about the scope of representation. Importantly, this approach would also minimise administrative burden and eliminate duplication more broadly.

If you wish to discuss any aspect of this submission further, please contact Steve Williams at steve.williams@originenergy.com.au.

Yours sincerely,

A handwritten signature in black ink that reads "S Cole". The "S" is large and stylized, and "Cole" is written in a cursive script.

Shaun Cole
Group Manager, Regulatory Policy