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1. THE RULE CHANGE PROPOSAL

1.1. *The Submission*

On 4 June 2008 the IMO submitted a Rule Change Proposal regarding changes to clauses 2.1.3 and 2.2.3 to the Wholesale Electricity Market Rules (Market Rules).

This Rule Change Notice is published according to Market Rule 2.5.7, which requires the IMO to publish a notice within 7 Business Days of receiving a Rule Change Proposal.

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The IMO has been advised that there are conflicting authorities as to whether it should rely on the power to delegate that derives from the Regulations, in which case all delegations must be written, or the power to delegate that derives from the Market Rules, which does not require that delegations be written and is therefore more flexible.

In order to put the matter beyond doubt, the IMO proposes to amend clauses 2.1.3 to clarify that the power to delegate given by the Market Rules extends to any delegation made to officers or employees of the IMO.

Clause 2.2.3 of the Market Rules, which gives System Management the power to delegate, is phrased in the same way as clause 2.1.3 – it permits System Management to delegate to competent persons but, because it is in the same terms as the IMO delegation provision, could be read to mean only to persons outside of System Management. In order to clarify that the clause was intended to permit delegation to the officers and staff of System Management, the same changes are proposed to be made

3. CALL FOR SUBMISSIONS

The IMO is seeking submissions regarding this proposal. The submission period is six weeks from the publication date of this notice. Submissions must be delivered to the IMO by close of business on **Friday 25 July 2008**.

The IMO prefers to receive submissions by email to **marketadmin@imowa.com.au** using the submission form available on the IMO website:
http://www.imowa.com.au/10_5_1_MarketRulesChangeSummary.html

Submissions may also be sent to the IMO by fax or post, addressed to:

Independent Market Operator
Attn: Manager Market Administration
PO Box 7096
Cloisters Square, Perth, WA 6850

Fax: (08) 9254 4399

4. PROPOSED AMENDING RULES

The IMO proposes the following new clauses to the Market Rules (~~deleted words~~, added words):

- 2.1.3. The IMO may delegate any of its functions under the Market Rules (other than the power to do the things indicated as not able to be delegated in regulation 17(l) of the Regulations) to a person or body of persons that is, in the IMO's opinion, competent to exercise the relevant functions. A function performed by a delegate is to be taken to be performed by the IMO. A delegate performing a function under this clause 2.1.3 is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown. Nothing in this clause 2.1.3 limits the ability of the IMO to perform a function through an officer, employee or agent.
- 2.2.3. System Management may delegate any of its functions under the Market Rules (other than the power to do the things indicated as not able to be delegated in the Regulations) to a person or body of persons that is, in System Management's opinion, competent to exercise the relevant functions. A function performed by a delegate is to be taken to be performed by System Management. A delegate performing a function under this clause 2.2.3. is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown. Nothing in this clause 2.2.3 limits the ability of System Management to perform a function through an officer, employee or agent.

