



Government Gazette

of the State of

New South Wales

Number 69–Electricity and Water

Thursday, 16 February 2023

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.



New South Wales

Coal Market Price Emergency (Directions for Coal Mines) Notice 2023

under the

Energy and Utilities Administration Act 1987

The Minister for Energy makes the following notice under the *Energy and Utilities Administration Act 1987*, Schedule 3, clause 6.

MATT KEAN, MP
Minister for Energy

Dated 15 February 2023

Contents

	Page
Part 1 Preliminary	
1 Name of notice	3
2 Commencement	3
3 Definitions	3
4 Meaning of “existing agreement”	3
5 Coal market price emergency	4
6 Application of notice	4
Part 2 Directions	
7 Introduction	5
8 Direction about selling thermal coal for more than maximum price per metric tonne delivered	5
9 Direction about accepting offers from coal fired power stations	5
10 Direction about agreements	6
11 Direction about providing advice about coal available for supply to coal fired power stations	6
12 Direction about reserving proportion of expected future quarterly coal production	6
13 Direction about priority to be given to certain coal fired power stations	7
14 Delivery of coal in accordance with directions	7
15 Direction about reporting	7
Part 3 Miscellaneous	
16 Repeal	9
17 Savings	9
Schedule 1 Reservations of coal production	10

Coal Market Price Emergency (Directions for Coal Mines) Notice 2023

under the

Energy and Utilities Administration Act 1987

Part 1 Preliminary

1 Name of notice

This notice is the *Coal Market Price Emergency (Directions for Coal Mines) Notice 2023*.

2 Commencement

This notice commences on the day on which it is made.

3 Definitions

In this notice—

coal fired power station means a coal fired power station that is a Registered participant under the *National Electricity (NSW) Law* in the NSW region of the national electricity market.

coal supplier—see section 6.

coal supply agreement means an agreement to supply coal.

existing agreement—see section 4.

NSW region means the region identified as the New South Wales region in the *Regions Publication*, published by the Australian Energy Market Operator Limited, ACN 072 010 327, under the *National Electricity Rules*, clause 2A.1.3.

the Act means the *Energy and Utilities Administration Act 1987*.

thermal coal means coal suitable for use in a coal fired power station.

Note—The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this notice.

4 Meaning of “existing agreement”

- (1) An agreement to which a coal supplier is a party is an **existing agreement** if it is—
- (a) an agreement entered into before the date specified in Schedule 1, column 2 for the coal supplier, or
 - (b) an agreement entered into on or after the date specified in Schedule 1, column 2 for the coal supplier if a binding term sheet for the agreement was entered before that date, or
 - (c) an arrangement where—
 - (i) the parties to the arrangement have an ongoing commercial relationship by way of an agreement that is periodically renewed, and
 - (ii) the ongoing commercial relationship has existed for the whole of the relevant period, and
 - (iii) the agreement has been renewed during the relevant period, and

- (iv) each renewed agreement is in substantially the same terms as the previous agreement, except in relation to price, and
 - (v) the volume of coal supplied under each renewed agreement is no more than 50% more or less than the volume of coal supplied under the previous agreement, and
 - (vi) each renewed agreement has effect for at least 12 months, and
 - (vii) the arrangement has been identified as a relevant contract in a notice given by the coal supplier to the Secretary of the Treasury before 14 February 2023.
- (2) An agreement referred to in subsection (1)(b) continues to be an *existing agreement* even if it is renewed after the commencement of this notice if—
- (a) it is in substantially the same terms as the previous agreement, except in relation to price, and
 - (b) it has effect for at least 12 months, and
 - (c) it does not provide for the supply of an amount of coal in a year that is more than the greatest amount of coal supplied under an earlier version of the agreement in a year occurring during the relevant period.
- (3) In this section—
relevant period means the period of 3 years ending on the commencement of this notice.

5 Coal market price emergency

This notice is made on the basis the Premier has, by written order dated 22 December 2022, declared a coal market price emergency.

6 Application of notice

This notice applies to the persons (*coal suppliers*) listed in Schedule 1, column 1.

Part 2 Directions

7 Introduction

- (1) The requirements of this Part are directions of the Minister to coal suppliers.
- (2) This part applies to a coal supplier regardless of whether the coal supplier supplies coal through another entity.

8 Direction about selling thermal coal for more than maximum price per metric tonne delivered

- (1) A coal supplier must not sell, or offer to sell, thermal coal for use in a coal fired power station to another person at a delivered price that is more than—
 - (a) if a price is set out in Schedule 1, column 5 opposite the coal supplier's name—that price, or
 - (b) if a price is not set out in Schedule 1, column 5 opposite the coal supplier's name—
 - (i) for thermal coal that has a specific energy of 5,500kcal/kg—the equivalent of \$125 per metric tonne, or
 - (ii) for thermal coal that has a specific energy other than 5,500kcal/kg—the equivalent of \$0.02273/kcal/kg.
- (2) For the purposes of subsection (1)(a), a coal supplier may apply to the Minister for a price in relation to the coal supplier to be included in Schedule 1, column 5.
- (3) The application must be made—
 - (a) in the form approved by the Regulator, and
 - (b) in the way decided by the Regulator.
- (4) Subsection (1) does not apply—
 - (a) if the sale or offer to sell is to another coal supplier, or
 - (b) to the extent the sale or offer to sell is under an existing agreement with an operator of a coal fired power station.

9 Direction about accepting offers from coal fired power stations

- (1) A coal supplier must enter into an agreement to supply thermal coal if—
 - (a) the coal supplier receives an offer from a person to purchase thermal coal for use in a coal fired power station, and
 - (b) the offer is on reasonable terms, and
 - (c) the thermal coal is not subject to a coal supply agreement and is required to be made available by the coal supplier to comply with section 12.
- (2) For subsection (1)(b), an offer is on reasonable terms if—
 - (a) for a coal supplier that ordinarily supplies thermal coal for coal fired power stations—the offer is on terms that are substantially the same as the terms on which a coal supplier ordinarily supplies thermal coal and at a price that is—
 - (i) equal to the price referred to in section 8(1)(a) or (b), or
 - (ii) less than the price referred to in section 8(1)(a) or (b) and agreed to by the coal supplier, or
 - (b) otherwise—the offer is on terms that are substantially the same as the terms on which the person ordinarily buys thermal coal for use in the coal fired power station other than terms relating to the following which must be reasonable in the circumstances—

- (i) the responsibility for unloading the coal,
 - (ii) the testing of the coal to measure its specific energy and suitability for use in a coal fired power station.
- (3) For subsection (2)(b), a term about the quality of coal is on the same terms on which a person ordinarily buys coal only if the quality required by the person is consistent with the quality of coal supplied to the person under coal supply agreements during the previous 3 years.
- (4) To avoid doubt, this section does not prevent a coal supplier accepting an offer from a person to purchase thermal coal for use in a coal fired power station for which the coal supplier has not previously supplied thermal coal.

10 Direction about agreements

A coal supplier must not enter an agreement for the supply of thermal coal to a coal fired power station unless the agreement is consistent with this Part.

11 Direction about providing advice about coal available for supply to coal fired power stations

- (1) This section applies if the operator of a coal fired power station asks a coal supplier for information about the amount of coal, or expected future amounts of coal, the coal supplier has or will have available for potential coal supply agreements calculated in accordance with section 12(1).
- (2) The coal supplier must provide the information requested within 7 days after receiving the request.
- (3) A coal supplier is not required to provide information under this section more than once in a calendar month to an operator of a coal fired power station.

12 Direction about reserving proportion of expected future quarterly coal production

- (1) A coal supplier must, for each quarterly period, make the lesser of the following amounts of coal available for existing or potential coal supply agreements to supply coal fired power stations—
 - (a) the percentage specified in Schedule 1, column 3 opposite the coal supplier's name, of the coal the coal supplier reasonably expects to produce during the quarterly period,
 - (b) the amount of coal the coal supplier reasonably expects to produce during the quarterly period excluding coal required to meet existing agreements other than existing agreements to supply coal fired power stations,
 - (c) the number of metric tonnes of coal specified in Schedule 1, column 4 opposite the coal supplier's name.
- (2) The coal must be made available—
 - (a) for the first quarterly period—up until 30 days before the start of the quarterly period, or
 - (b) otherwise—up until 60 days before the start of the quarterly period.
- (3) For subsection (1)(a), (b) or (c), the percentage or amount of coal made available by the coal supplier must be calculated having regard only to coal made available by the coal supplier under an existing or potential coal supply agreement with operators of coal fired power stations.

Example— If a coal supplier makes coal available for an existing or potential coal supply agreement with another coal supplier, the amount of that coal is not to be used in calculating the percentage or amount of coal under subsection (1)(a), (b) or (c).
- (4) In this section—

quarterly period means the following—

- (a) for the first quarterly period—the period—
 - (i) starting on 1 April 2023, and
 - (ii) ending on 30 June 2023,
- (b) otherwise—the following periods in each year—
 - (i) the period from 1 January to 31 March,
 - (ii) the period from 1 April to 30 June,
 - (iii) the period from 1 July to 30 September,
 - (iv) the period from 1 October to 31 December.

13 Direction about priority to be given to certain coal fired power stations

- (1) A coal supplier must prioritise, over other coal supply agreements, the delivery of coal under a coal supply agreement to a coal fired power station that has a stockpile of coal that is expected to be less than the expected consumption of coal by the power station for the next 30 days.
- (2) To avoid doubt, subsection (1) does not apply to a coal supplier to the extent it would require the coal supplier to breach an existing agreement.

14 Delivery of coal in accordance with directions

To avoid doubt, nothing in this Part requires a coal supplier to agree to deliver only coal the coal supplier has physically produced to a coal fired power station.

Example— A coal supplier may arrange for coal produced by another coal supplier to be delivered to a coal fired power station.

15 Direction about reporting

- (1) A coal supplier must, for each calendar month, prepare a report (a **monthly report**) about the following for each coal mine operated by the coal supplier that supplies coal to coal fired power stations—
 - (a) the prices, average specific energy and quantity of coal delivered to individual coal fired power stations,
 - (b) the total quantity of coal produced and sent for delivery, including coal that is not intended to be supplied for use in a coal fired power station,
 - (c) the quantity and price of coal offered under new coal supply agreements to supply individual coal fired power stations,
 - (d) the quantity of actual and contracted deliveries of coal for each coal supply agreement for each coal fired power stations and if the contracted and actual amounts differ, the reasons for the difference,
 - (e) forecast amounts of coal to be delivered to coal fired power stations for the next 30 days,
 - (f) details of any offers for the supply of coal to coal fired power stations that were refused and the reasons for the refusal,
 - (g) the expected amounts of coal to be made available each quarter for existing or potential coal supply agreements to supply coal fired power stations in accordance with section 12(1) and the basis on which these amounts were calculated,
 - (h) any other matter reasonably required by the Regulator.
- (2) For subsection (1)(a) and (c), a price under \$125 per tonne must be reported as less than \$125 per tonne.

- (3) The monthly report must be—
 - (a) in the form approved by the Regulator, and
 - (b) given in the way decided by the Regulator.
- (4) The first monthly report must cover the period starting on 23 December 2022 and ending on 31 January 2023.
- (5) A monthly report is not required to be prepared for a month after 30 June 2024.
- (6) A monthly report prepared for a month ending on or before 30 June 2024 is not required to address anything expected to occur after 30 June 2024.
- (7) A coal supplier must give the monthly report to the Minister and the regulator not later than—
 - (a) for the first monthly report—20 February 2023, or
 - (b) otherwise—the 15th day of the following calendar month.
- (8) In this section—

quarter means the following periods in a year—

 - (a) the period from 1 January to 31 March,
 - (b) the period from 1 April to 30 June,
 - (c) the period from 1 July to 30 September,
 - (d) the period from 1 October to 31 December.

Part 3 Miscellaneous

16 Repeal

The *Coal Market Price Emergency (Directions for Coal Mines) Notice 2022* is repealed.

Note— The notice was published in Gazette No 603 of 23 December 2022.

17 Savings

Any act, matter or thing that, immediately before the repeal of the *Coal Market Price Emergency (Directions for Coal Mines) Notice 2022* had effect under that notice continues to have effect under this notice.

Schedule 1 Reservations of coal production

sections 4, 6, 8 and 12

Coal supplier	Relevant date	Percentage of coal	Metric tonnes of coal	Maximum price per metric tonne
Bengalla Mining Company Pty Limited ABN 32 053 909 470	9 December 2022	15%	280,000	-
Centennial Airly Pty Limited ABN 84 078 693 722	9 December 2022	75%	120,000	-
Centennial Mandalong Pty Limited ABN 74 101 508 892	9 December 2022	25%	125,000	-
Centennial Myuna Pty Limited ABN 95 101 508 981	9 December 2022	100%	260,000	-
Centennial Springvale Pty Limited ABN 64 052 096 812	9 December 2022	95%	540,000	-
Glencore Holdings Pty Limited ACN 104 160 689 (<i>Glencore</i>) for coal produced by the following—	9 December 2022	10%	1,230,000	-
(a) Bulga mine by Bulga Coal Management Pty Limited ABN 48 055 534 391				
(b) Mangoola mine by Mangoola Coal Operations Pty Limited ABN 54 127 535 755				
(c) Mt Owen mine by Mt Owen Pty Limited ABN 83 003 827 361				
(d) Ravensworth North mine by Ravensworth Operations Pty Limited ABN 12 098 937 761				
(e) Ulan Group mine by Ulan Coal Mines Pty Limited ABN 80 000 189 248				
(f) Hunter Valley Operations by Coal & Allied Operations Pty Ltd ABN 16 000 023 656 and Anotero Pty Limited ABN 96 618 503 674, but limited to Glencore's share of the coal				
(g) United Wambo JV by Wambo Coal Pty Limited ABN 13 000 668 057 and United Collieries Pty Ltd ABN 67 001 990 209, but limited to Glencore's share of the coal				
Great Southern Energy Pty Ltd ABN 40 621 409 201	9 December 2022	100%	300,000	-

Coal supplier	Relevant date	Percentage of coal	Metric tonnes of coal	Maximum price per metric tonne
Peabody Energy Australia Pty Ltd ACN 096 909 410 (<i>Peabody</i>) for coal produced by the following—	9 December 2022	31%	1,280,000	-
(a) Wambo mine by Wambo Coal Pty Limited ABN 13 000 668 057				
(b) Wilpinjong mine by Wilpinjong Coal Pty Ltd ABN 87 104 594 694				
(c) United Wambo JV by Wambo Coal Pty Limited ABN 13 000 668 057 and United Collieries Pty Ltd ABN 67 001 990 209, but limited to Peabody’s share of the coal				
Whitehaven Coal Limited ACN 124 425 396 for coal produced by the following—	19 January 2023	5%	20,000	-
(a) Tarrawonga mine by Whitehaven Coal Mining Limited ABN 65 086 426 253				
(b) Werris Creek mine by the following—				
(i) Werris Creek Pty Ltd ABN 74 626 338 716				
(ii) Creek Resources Pty Ltd ABN 27 100 228 886				
(iii) Betalpha Pty Ltd ACN 105 663 518				

Coal supplier	Relevant date	Percentage of coal	Metric tonnes of coal	Maximum price per metric tonne
Yancoal Australia Limited ACN 111 859 119 (<i>Yancoal</i>) for coal produced by—	19 January 2023	5%	310,000	-
(a) Stratford mine by CIM Stratford Pty Ltd ABN 75 070 387 914 and Gloucester Coal Pty Ltd ABN 66 008 881 712, and				
(b) the following, but limited to Yancoal's share of the coal—				
(i) Mt Thorley Warkworth complex by Mount Thorley Operations Pty Limited ABN 47 000 013 249				
(ii) Moolarben mine by Moolarben Coal Mines Pty Limited ABN 82 108 601 672 and Yancoal Moolarben Pty Ltd ABN 30 638 942 588 and Kores Australia Moolarben Coal Pty Limited ABN 39 129 132 50				
(iii) Hunter Valley Operations by Coal & Allied Operations Pty Ltd ABN 16 000 023 656 and Anotero Pty Limited ABN 96 618 503 674,				
The following jointly for coal produced at the Mt Arthur mine—	19 January 2023	5%	175,000	-
(a) Mt Arthur Coal Pty Limited ACN 000 181 902				
(b) Hunter Valley Energy Coal Pty Ltd ACN 062 894 464				
The following jointly for coal produced at the Boggabri mine—	19 January 2023	0%	0	-
(a) Boggabri Coal Pty Limited ABN 77 122 087 398				
(b) Chugoku Electric Power Australia Resources Pty Ltd ABN 14 600 294 068				
(c) NS Boggabri Pty Limited ABN 47 113 447 313				
The following jointly for coal produced at the Mt Pleasant mine—	9 December 2022	10%	120,000	-
(a) Mach Energy Australia Pty Ltd ABN 34 608 495 441				
(b) J.C.D. Australia Pty Ltd ABN 49 002 017 209				

Coal supplier	Relevant date	Percentage of coal	Metric tonnes of coal	Maximum price per metric tonne
The following jointly for coal produced at the Maules Creek mine—	19 January 2023	5%	95,000	-
(a) Aston Coal 2 Pty Ltd ABN 14 139 472 567, a wholly owned subsidiary of Whitehaven Coal Limited ACN 124 425 396				
(b) ICRA MC Pty Ltd ABN 77 147 657 074				
(c) J-Power Australia Pty Ltd ABN 59 002 307 682				
The following jointly for coal produced at the Narrabri mine—	19 January 2023	5%	85,000	-
(a) Narrabri Coal Pty Ltd ABN 76 107 813 963, a wholly owned subsidiary of Whitehaven Coal Limited ACN 124 425 396				
(b) Narrabri Coal Australia Pty Ltd ABN 73 110 262 925, a wholly owned subsidiary of Whitehaven Coal Limited ACN 124 425 396				
(c) J-Power Australia Pty Ltd ABN 59 002 307 682				
(d) Kores Narrabri Pty Ltd ABN 62 138 993 263				
(e) Upper Horn Investments (Australia) Pty Ltd ABN 86 129 190 281				
(f) Posco International Australia Holdings Pty Ltd ABN 77 139 088 958				



New South Wales

Coal Market Price Emergency (Directions for Power Stations) Notice 2023

under the

Energy and Utilities Administration Act 1987

The Minister for Energy makes the following notice under the *Energy and Utilities Administration Act 1987*, Schedule 3, clause 6.

MATT KEAN, MP
Minister for Energy

Dated 15 February 2023

Contents

	Page
Part 1 Preliminary	
1 Name of notice	3
2 Commencement	3
3 Definitions	3
4 Coal market price emergency	3
5 Application of notice	3
Part 2 Directions	
6 Introduction	4
7 Direction about maintaining stockpile of coal	4
8 Direction about entering coal supply agreements	4
9 Direction about giving information to coal suppliers	4
10 Direction about prohibition on reselling or offering to resell coal	5
11 Direction about reporting	5
Part 3 Miscellaneous	
12 Repeal	6
13 Savings	6

Coal Market Price Emergency (Directions for Power Stations) Notice 2023

under the

Energy and Utilities Administration Act 1987

Part 1 Preliminary

1 Name of notice

This notice is the *Coal Market Price Emergency (Directions for Power Stations) Notice 2023*.

2 Commencement

This notice commences on the day on which it is made.

3 Definitions

In this notice—

coal fired power station means a coal fired power station that is a Registered participant under the *National Electricity (NSW) Law* in the NSW region of the national electricity market.

coal supplier means a coal supplier within the meaning of the *Coal Market Price Emergency (Directions for Coal Suppliers) Notice 2023*.

NSW region means the region identified as the New South Wales region in the *Regions Publication*, published by the Australian Energy Market Operator Limited, ACN 072 010 327, under the *National Electricity Rules*, clause 2A.1.3.

relevant person—see section 5.

relevant person for a coal fired power station means the relevant person that operates the coal fired power station.

the Act means the *Energy and Utilities Administration Act 1987*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this notice.

4 Coal market price emergency

This notice is made on the basis the Premier, by written order dated 22 December 2022, declared a coal market price emergency.

5 Application of notice

This notice applies to the following persons (**relevant persons**)—

- (a) AGL Macquarie Pty Ltd, ACN 167 859 494,
- (b) EnergyAustralia NSW Pty Ltd, ACN 163 935 635,
- (c) Origin Energy Eraring Pty Ltd, ACN 164 994 012,
- (d) Sunset Power International Pty Ltd, ACN 162 696 335, trading as Delta Electricity.

Part 2 Directions

6 Introduction

The requirements of this Part are directions of the Minister to relevant persons.

7 Direction about maintaining stockpile of coal

- (1) A relevant person for a coal fired power station must plan to maintain a stockpile of coal that is more than the expected demand by the coal fired power station for coal for the next 30 days.
- (2) For subsection (1), the relevant person must, for the coal fired power station—
 - (a) calculate the expected amount of coal required using a method approved by the Regulator, and
 - (b) calculate the shortfall, if any, from the coal to be supplied under existing coal supply agreements, and
 - (c) if there is a shortfall—
 - (i) identify coal suppliers that the relevant person considers will be able to supply the coal to make up the shortfall, and
 - (ii) ask each coal supplier to confirm the amount of coal that the coal supplier can reasonably supply, and
 - (iii) offer to enter into an agreement with each coal supplier for the supply of the coal required to make up the shortfall in proportion to the amount that each coal supplier can reasonably supply.
Example— If supplier A is able to supply 1000 tonnes and supplier B is able to supply 100 tonnes, the relevant person should offer to buy approximately 10 times more coal off supplier A than supplier B.
- (3) Subsection (2)(c)(iii) does not require a relevant person to offer to enter into an agreement with more than 1 coal supplier for an amount of coal that is less than 50,000 tonnes.

8 Direction about entering coal supply agreements

- (1) A relevant person for a coal fired power station must not refuse an offer to enter into an agreement with a coal supplier that does not ordinarily supply coal for use in coal fired power stations in New South Wales on either of the following grounds if the coal supplier has made a reasonable offer in relation to the grounds—
 - (a) the responsibility for unloading the coal,
 - (b) the testing of the coal to measure its specific energy and suitability for use in a coal fired power station.
- (2) A relevant person for a coal fired power station must not enter an agreement for the supply of coal for the power station unless the agreement is consistent with—
 - (a) this Part, and
 - (b) the relevant person's plan under section 7.

9 Direction about giving information to coal suppliers

- (1) A relevant person must give coal supply information to a coal supplier if—
 - (a) the relevant person offers to enter an agreement with the coal supplier for the supply of coal for use in a coal fired power station (a *coal supply agreement*), and
 - (b) the relevant person has not previously entered a coal supply agreement with the coal supplier, and

- (c) the coal supplier asks the relevant person for the coal supply information.
- (2) The coal supplier is not required to enter the coal supply agreement until the relevant person gives the coal supplier the coal supply information.
- (3) In this section—
coal supply information means the terms the relevant person proposes to include in the coal supply agreement and evidence to show that the terms are reasonable.
Note— Evidence may include a copy of relevant parts of other coal supply agreements under which coal is ordinarily supplied to the relevant person.

10 Direction about prohibition on reselling or offering to resell coal

- (1) A relevant person must not sell, or offer to sell, coal to another person.
- (2) This section does not apply to coal sold under an agreement that was entered into before 9 December 2022.

11 Direction about reporting

- (1) A relevant person for a coal fired power station must, for each calendar month, prepare a report (a **monthly report**) about the following—
 - (a) new offers by the relevant person to purchase coal, including—
 - (i) the proposed price of the coal, and
 - (ii) the quantity of coal proposed to be purchased, and
 - (iii) the duration of the proposed agreement to purchase coal,
 - (b) offers by the relevant person to purchase coal that were refused by a coal supplier including the reasons given by the coal supplier for the refusal,
 - (c) the prices, average specific energy and quantity of coal delivered from individual agreements to supply coal to the relevant person,
 - (d) details of the relevant person's plan under section 7 to maintain a stockpile of coal that is more than the expected demand for coal for the next 30 days,
 - (e) on the last day of the month—the quantity of coal in the relevant person's stockpile and the expected demand for coal from the stockpile for the next 30 days,
 - (f) for each agreement to supply coal to the relevant person—
 - (i) the quantity of coal contracted compared to the quantity of coal delivered, and
 - (ii) the reasons given by the coal supplier for any difference,
 - (g) any other matter reasonably required by the Regulator.
- (2) For subsection (1)(a) or (c), a price under \$125 per tonne must be reported as less than \$125 per tonne.
- (3) The monthly report must be—
 - (a) in the form approved by the Regulator, and
 - (b) given in the way decided by the Regulator.
- (4) The first monthly report must relate to the period starting on 23 December 2022 and ending on 31 January 2023.
- (5) The relevant person must give the monthly report to the Minister and the Regulator not later than—
 - (a) for the first monthly report—20 February 2023, or
 - (b) otherwise—the 15th day of the following calendar month.

Part 3 Miscellaneous

12 Repeal

The *Coal Market Price Emergency (Directions for Power Stations) Notice 2022* is repealed.

Note— The notice was published in Gazette No 603 of 23 December 2022.

13 Savings

Any act, matter or thing that, immediately before the repeal of the *Coal Market Price Emergency (Directions for Power Stations) Notice 2022* had effect under that notice continues to have effect under this notice.