NORTHERN TERRITORY OF AUSTRALIA

NATIONAL ELECTRICITY (NORTHERN TERRITORY) (NATIONAL UNIFORM LEGISLATION) ACT 2015

As in force at 20 November 2020

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 20 November 2020

NATIONAL ELECTRICITY (NORTHERN TERRITORY) (NATIONAL UNIFORM LEGISLATION) ACT 2015

An Act to apply, as a law of the Territory, a national law providing for the operation of a national electricity market, to make interim arrangements, and for related purposes

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *National Electricity (Northern Territory) (National Uniform Legislation) Act 2015*.

2 Commencement

This Act commences as follows:

(a) the Act, other than the provisions mentioned in paragraphs (b), (c) and (d) – on the day on which the Administrator's assent to the Act is declared;

(b) Part 2 and Part 4, Division 2 – on 1 July 2016;

(c) Part 4, Divisions 3 and 4 – on 1 July 2019;

(d) Part 5 – on 1 July 2015.

3 Interpretation

(1) In this Act:

National Electricity (NT) Law means the provisions applying because of section 6.

National Electricity (NT) Regulations means the provisions applying because of section 7.

National Electricity (NT) Rules means the National Electricity Rules having the force of law in this jurisdiction under section 9 of the National Electricity (NT) Law.

SA Act means the *National Electricity (South Australia) Act 1996* (SA).

(2) Words and expressions used in this Act and also in the National Electricity (NT) Law have the same meanings in this Act as they have in that Law.

(3) Subsection (2) does not apply to the extent that the context or subject matter otherwise indicates or requires.

4 Crown to be bound

This Act, the National Electricity (NT) Law and the National Electricity (NT) Regulations bind the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

5 Extra-territorial operation

It is the intention of the Legislative Assembly that the operation of this Act, the National Electricity (NT) Law and the National Electricity (NT) Regulations should, so far as possible, include operation in relation to the following:

(a) land situated outside the Territory, whether in or outside Australia;

(b) things situated outside the Territory, whether in or outside Australia;

(c) acts, transactions and matters done, entered into or occurring outside the Territory, whether in or outside Australia;

(d) things, acts, transactions and matters (wherever situated, done, entered into or occurring) that would, apart from this Act, be governed or otherwise affected by the law of the Commonwealth, a State, another Territory or a foreign country.

Part 2 Adoption of National Electricity Law

Division 1 National Electricity (NT) Law and National Electricity (NT) Regulations

6 Application in Territory of National Electricity Law

The National Electricity Law set out in the Schedule to the SA Act, as in force from time to time:

(a) applies, with the modifications set out in Schedule 1, as a law of the Territory; and

(b) as so applying, may be referred to as the National Electricity (NT) Law.

7 Application in Territory of regulations under National Electricity Law

The regulations in force from time to time under Part 4 of the SA Act:

(a) apply, with any modifications prescribed under section 13(2)(b), as regulations in force for the purposes of the National Electricity (NT) Law; and

(b) as so applying, may be referred to as the National Electricity (NT) Regulations.

8 Interpretation of expressions in National Electricity (NT) Law and National Electricity (NT) Regulations

(1) In the National Electricity (NT) Law and the National Electricity (NT) Regulations:

Legislature of this jurisdiction means the Legislative Assembly of the Northern Territory.

Supreme Court means the Supreme Court of the Northern Territory.

the jurisdiction or ***this jurisdiction*** means the Territory.

the National Electricity Law or ***this Law*** means:

(a) the National Electricity (NT) Law; or

(b) if the context or subject matter otherwise indicates or requires – the National Electricity Law set out in the Schedule to the SA Act, as in force from time to time.

(2) The *Acts Interpretation Act 1915* (SA) and other Acts of South Australia do not apply to the National Electricity (NT) Law or the National Electricity (NT) Regulations.

Division 2 General matters

9 Declaration of local electricity systems

An electricity system listed in Schedule 2, and any augmentation of that system, is declared to be a local electricity system for the purposes of the National Electricity (NT) Law.

9A Minister to notify AEMC of making of modification instrument

(1) As soon as practicable after a modification instrument is made, the Minister must notify the AEMC of its making.

(2) The Minister may delegate the Minister's function under subsection (1).

(3) In this section:

modification instrument means a regulation made under section 13(2)(c), or an amendment to this Act, that provides for a modification to the operation of the National Electricity Rules for the purpose of their having the force of law in this jurisdiction.

National Electricity Rules means the National Electricity Rules as defined in section 2(1) of the National Electricity Law set out in the Schedule to the SA Act, as in force from time to time.

10 Conferral of functions and powers on Commonwealth bodies to act in this jurisdiction

(1) A Commonwealth body has power to do acts in or in relation to the Territory in the performance or exercise of a function or power expressed to be conferred on the Commonwealth body by the national electricity legislation of another participating jurisdiction.

(2) In this section:

Commonwealth body means the AER or the Tribunal.

11 Extension of reading-down provision

(1) Schedule 2, clause 2 of the National Electricity (NT) Law has effect in relation to the operation of any provision of this Act as if the provision formed part of that Law.

(2) Subsection (1) does not limit the effect that a provision would validly have apart from the subsection.

12 Exercise of powers under provisions not yet in effect

(1) This section applies if:

(a) a provision of the National Electricity (NT) Law, National Electricity (NT) Regulations or National Electricity (NT) Rules (the ***deferred provision***) does not yet have effect as part of a law of the Territory because of a modification; and

(b) the modification:

(i) is expressed to expire at a future time or on the occurrence of a future event; or

(ii) is to cease to be in force on the commencement of a regulation made under section 13(2).

(2) Schedule 2, clause 27 of the National Electricity (NT) Law has effect in relation to the deferred provision as if:

(a) a reference in that clause to a provision of the Law that did not commence on its enactment were a reference to the deferred provision; and

(b) a reference in that clause to the commencement of the provision were a reference to the deferred provision commencing to have effect as part of a law of the Territory because of the expiry or cessation of the modification.

(3) In this section:

modification means:

(a) for a provision of the National Electricity (NT) Law – a modification set out in Schedule 1; or

(b) for a provision of the National Electricity (NT) Regulations – a modification prescribed by regulation under section 13(2)(b); or

(c) for a provision of the National Electricity (NT) Rules – a modification prescribed by regulation under section 13(2)(c).

12A Validation of instruments and decisions made by AER

(1) This section applies in relation to an instrument or decision made by the AER if:

(a) the instrument or decision was made:

(i) after this Act was enacted; but

(ii) before the day (the ***operation day***) on which a provision (the ***authorising provision***) of the NT national electricity legislation commenced operation as a law of the Territory; and

(b) had the authorising provision commenced operation as a law of the Territory, the making of the instrument or decision would have been authorised by or under the provision; and

(c) for the making of the instrument or decision that would be so authorised subject to the satisfaction of any conditions or other requirements – the AER has done everything that would, if the authorising provision had commenced operation as a law of the Territory, be required under the NT national electricity legislation for the instrument or decision to be so authorised.

Examples of instruments and decisions to which this section may apply

1 Guidelines.

2 Appointments, determinations and approvals.

(2) Without limiting section 8 of the *Interpretation Act 1978*, for the purposes of the authorising provision:

(a) the instrument or decision is taken to be valid; and

(b) the instrument or decision has effect from the operation day:

(i) as varied by any other instrument or decision to which this section applies, unless the other instrument or decision has been revoked; and

(ii) subject to the NT national electricity legislation.

(3) In this section:

NT national electricity legislation means any of the following:

(a) the National Electricity (NT) Law;

(b) the National Electricity (NT) Regulations;

(c) the National Electricity (NT) Rules;

(d) this Act.

12B Authorisation of preparatory steps taken by AER

(1) This section applies if:

(a) the AER is required to do something (a ***preparatory step***) before making a decision or making an instrument under a provision (the ***authorising provision***) of one of the following:

(i) the National Electricity (NT) Law;

(ii) the National Electricity (NT) Regulations;

(iii) the National Electricity (NT) Rules;

(iv) this Act; and

(b) the AER takes the preparatory step:

(i) after this Act was enacted; but

(ii) before the day on which the authorising provision commenced operation as a law of the Territory.

(2) For the purposes of the authorising provision, the AER is taken to have complied with the requirement to take the preparatory step.

Part 3 Regulations

13 Regulations

(1) The Administrator may make regulations under this Act.

(2) The regulations may do any of the following:

(a) amend Schedule 1, including amending it to provide for matters of a transitional nature to facilitate the transition to the application and operation of the National Electricity (NT) Law;

(b) prescribe modifications to the regulations in force from time to time under Part 4 of the SA Act for the purposes of section 7(a), including modifications that provide for matters of a transitional nature to facilitate the transition to the application and operation of those regulations;

(c) prescribe modifications to the operation of the National Electricity Rules for the purpose of their having the force of law in this jurisdiction under section 9 of the National Electricity (NT) Law, including modifications that provide for matters of a transitional nature to facilitate the transition to the application and operation of those Rules.

(3) The Administrator may make regulations contemplated by the National Electricity (NT) Law as being made under this Act as the application Act of this jurisdiction.

(4) Regulations made under this section may apply, adopt or incorporate (with or without changes) a matter contained in another document or instrument as in force or existing at a particular time or from time to time.

(5) In this section:

National Electricity Rules means the National Electricity Rules as defined in section 2(1) of the National Electricity Law set out in the Schedule to the SA Act, as in force from time to time.

Part 4 Repeals and transitional matters

Division 1 Transitional matters for National Electricity (Northern Territory) (National Uniform Legislation) Act 2015 – 1 July 2015

16 Definitions

Despite section 3(1), until 1 July 2016, in this Act:

National Electricity (NT) Law means the provisions that are to apply because of section 6 on 1 July 2016.

National Electricity (NT) Regulations means the provisions that are to apply because of section 7 on 1 July 2016.

National Electricity (NT) Rules means the National Electricity Rules that are to have the force of law in this jurisdiction under section 9 of the National Electricity (NT) Law on 1 July 2016.

Division 3 Repeals – 1 July 2019

17 Acts repealed

The following Acts are repealed:

(a) *Electricity Networks (Third Party Access) Act 2000* (Act No. 11 of 2000);

(b) *Electricity Networks (Third Party Access) Amendment Act 2001* (Act No. 31 of 2001).

Division 4 Transitional matters for National Electricity (NT) Law – 1 July 2019

18 Definitions

In this Division:

commencement day means 1 July 2019.

dedicated connection asset, see section 4(1) of the *Electricity Reform Act 2000.*

electricity entity, see section 4(1) of the *Electricity Reform Act 2000.*

existing DCA means a dedicated connection asset which, immediately before the commencement day:

(a) exists; or

(b) is contracted to be constructed under an existing connection agreement; or

(c) a network provider has agreed to connect to a power system under an existing connection agreement.

existing DCA owner means the owner or operator of an existing DCA.

existing document means an Act or other document in existence or having effect immediately before the commencement day.

existing technical code means a network technical code and network planning criteria in force under section 66A of the *Electricity Reform Act 2000* immediately before the commencement day.

large dedicated connection asset, see Chapter 10 of the National Electricity (NT) Rules (as in force immediately before the commencement day).

small dedicated connection asset, see Chapter 10 of the National Electricity (NT) Rules (as in force immediately before the commencement day).

Utilities Commission means the Utilities Commission established under section 5 of the *Utilities Commission Act 2000.*

19 Existing dedicated connection assets

(1) Subject to this section, the requirement to hold a licence or an exemption under the *Electricity Reform Act 2000* in relation to a dedicated connection asset does not apply to an existing DCA until 1 August 2020.

(2) In connection with the operation of subsection (1), but subject to subsection (4), the amendments made to the *Electricity Reform Act 2000* which take effect on the commencement day do not apply so as to impose any additional conditions or other requirements in relation to an existing DCA.

(3) Subsections (1) and (2) do not affect the terms or conditions of a licence or exemption in force immediately before the commencement day.

(4) By 1 August 2020, an existing DCA owner must, in relation to each of its existing DCAs:

(a) comply with the requirements of subsection (5); or

(b) comply with the requirements of subsection (7).

(5) The requirements of this subsection are that the existing DCA owner must notify the Utilities Commission of the following information in relation to each of its existing DCAs:

(a) the identity of each owner or operator of the existing DCA;

(b) whether the existing DCA is:

(i) a large dedicated connection asset; or

(ii) a small dedicated connection asset;

(c) the location and route of the existing DCA;

(d) in the case of an existing DCA that is covered by a licence or an exemption under the *Electricity Reform Act 2000* – information identifying the licence or exemption;

(e) any other information that the Utilities Commission may reasonably require.

(6) A notification under subsection (5) must be made in a form determined by the Utilities Commission.

(7) The requirements of this subsection are:

(a) in relation to an existing DCA covered by a licence – that the licence has been varied under the *Electricity Reform Act 2000*, as amended on or after the commencement day, and in accordance with section 21, to add the existing DCA to the licence; and

(b) in any other case – that a licence or exemption has been obtained under the *Electricity Reform Act 2000*, as amended on or after the commencement day, in relation to the existing DCA.

(8) The Utilities Commission must establish a register of existing DCAs notified under subsection (5).

(9) The register must include, in relation to each existing DCA that has been notified:

(a) in the case of an existing DCA that is covered by a licence or an exemption under the *Electricity Reform Act 2000* – the identity of the holder of the licence or exemption; and

(b) in the case of an existing DCA that is not covered by a licence or an exemption under the *Electricity Reform Act 2000* – the identity of each owner or operator of the existing DCA; and

(c) the classification of the existing DCA as:

(i) a large dedicated connection asset; or

(ii) a small dedicated connection asset; and

(d) the location and route of the existing DCA.

(10) The register may include any other information determined by the Utilities Commission.

(11) The Utilities Commission must ensure the register is made available to the public.

20 New dedicated connection assets associated with existing licences

(1) If an electricity entity holding a licence under Part 3 of the *Electricity Reform Act 2000* that authorises the operation of an electricity network wants to own or operate a dedicated connection asset (other than an existing DCA) on or after the commencement day, the electricity entity must:

(a) apply for a variation of the licence in accordance with section 21; or

(b) apply for an exemption under section 87A of the *Electricity Reform Act 2000* in relation to the dedicated connection asset.

(2) To avoid doubt, an application under subsection (1)(b) will be dealt with as an entirely new matter under the *Electricity Reform Act 2000* as amended on or after the commencement day.

21 Processes associated with the variation of existing licences for dedicated connection assets

(1) This section applies to the variation of a licence under section 19(7)(a) or 20(1)(a).

(2) An application for the variation of a licence to which this section applies must:

(a) be made in a form determined by the Utilities Commission; and

(b) state whether the dedicated connection asset is:

(i) a large dedicated connection asset; or

(ii) a small dedicated connection asset; and

(c) identify the location and route of the dedicated connection asset.

(3) Without limiting subsection (2), the applicant must provide to the Utilities Commission any other information the Utilities Commission may reasonably require in relation to the dedicated connection asset.

(4) In deciding on the appropriate classification of a dedicated connection asset, the Utilities Commission may seek the advice of the system controller for the relevant transmission network.

(5) A system controller whose advice is sought under subsection (4) must provide that advice within a period specified by the Utilities Commission in the request.

(6) If the Utilities Commission varies a licence under this section:

(a) the Utilities Commission must state in the licence (as varied) whether the dedicated connection asset is classified as:

(i) a large dedicated connection asset; or

(ii) a small dedicated connection asset; and

(b) the Utilities Commission may impose any conditions the Utilities Commission thinks appropriate in relation to the operation of the dedicated connection asset.

22 Connection processes commenced before commencement day (dedicated connection assets)

(1) This section applies in relation to a dedicated connection asset if:

(a) an application to connect the relevant apparatus, equipment or plant was made to the network provider in accordance with the *Electricity Networks (Third Party Access) Act 2000* before the commencement day; and

(b) the dedicated connection asset is put in place as a result of that application on or after 1 July 2019 and before 1 August 2020.

(2) In a case where this section applies:

(a) the dedicated connection asset will be taken to be an existing DCA under section 18; and

(b) section 20 will not apply in relation to the dedicated connection asset.

23 Connection applications

If an access application that complies with the requirements of the *Electricity Networks (Third Party Access) Act 2000* has been received before the commencement day, that Act will continue to apply, despite its repeal under section 17, in relation to that application until:

(a) a connection agreement is entered into, or varied, on account of that application; or

(b) any access dispute is resolved or determined (including by the making of an award); or

(c) the access application lapses, is laid aside or withdrawn, or otherwise no longer has effect under that Act.

24 Existing connection agreements

(1) The amendments to the *Electricity Reform Act 2000* that commence on the commencement day are not intended to have the effect of:

(a) altering any of the terms of an existing connection agreement (including the location of a connection point); or

(b) altering the contractual rights or obligations of any of the parties under an existing connection agreement as between those parties; or

(c) relieving the parties under any such existing connection agreement of their contractual obligations under such an agreement.

(2) In subsection (1):

connection point, see clause 3 of the Electricity Networks (Third Party Access) Code set out in the Schedule to the *Electricity Networks (Third Party Access) Act 2000*.

25 Existing network technical codes

(1) On the commencement day, an existing technical code becomes a Network Technical Code under the *Electricity Reform (Administration) Regulations 2000.*

(2) On and after the commencement day, to the extent that a provision of an existing technical code is inconsistent with a provision of the National Electricity (NT) Rules, the provision of the National Electricity (NT) Rules will prevail (and the provision of the existing technical code will not have effect to the extent of the inconsistency).

(3) A reference in an existing document to section 66A of the *Electricity Reform Act 2000* includes a reference to regulation 25 of the *Electricity Reform (Administration) Regulations 2000*, unless the context otherwise requires.

Schedule 1 Modifications to National Electricity Law

section 6

Part 1 Preliminary matters

1 Law modified

This Schedule modifies the National Electricity Law set out in the Schedule to *National Electricity (South Australia) Act 1996* (SA) for the purposes of section 6(a).

2 Expiry of certain modifications

(1) Part 3 expires on 1 July 2019.

(2) Part 4 expires when the National Energy Retail Law is applied in this jurisdiction.

(3) This clause expires on the later of the expiry of Part 3 or the expiry of Part 4.

Part 2 Continuing modifications

3 Section 2 modified

(1) Section 2(1), definitions ***interconnected national electricity system***, ***National Electricity Rules*** or ***Rules***, ***network service provider***, ***Registered participant***, ***Regulations*** and ***retailer***

omit

(2) Section 2(1)

insert (in alphabetical order)

interconnected national electricity system means the interconnected transmission and distribution system in the other participating jurisdictions used to convey and control the conveyance of electricity to which are connected—

(a) generating systems and other facilities; and

(b) loads settled through the wholesale exchange operated and administered by AEMO in those other participating jurisdictions;

local electricity system means:

(a) an electricity system declared by the application Act of this jurisdiction to be a local electricity system; and

(b) the generating systems and other facilities owned, controlled or operated in this jurisdiction connected to that electricity system;

local instrument means a regulation made under the application Act of this jurisdiction;

National Electricity Rules or ***Rules*** mean each of the following, as modified by the application Act of this jurisdiction or a regulation made under that Act—

(a) the initial National Electricity Rules; and

(ab) additional Minister initiated Rules; and

(b) Rules made by the AEMC under this Law, including Rules that amend or revoke—

(i) the initial National Electricity Rules or additional Minister initiated Rules; or

(ii) Rules made by it,

or, if the context or subject matter otherwise indicates or requires, the Rules referred to in paragraphs (a), (ab) and (b);

network service provider means a Registered participant who:

(a) under section 11(3aa) is deemed to be registered for the purposes of section 11(2); and

(b) owns, controls or operates a transmission system or distribution system that forms part of a local electricity system;

Registered participant means a person who, under Part 3 of the *Electricity Reform Act 2000* of the Northern Territory, holds a licence authorising the carrying on of operations in the electricity supply industry in connection with a local electricity system, other than a person who is prescribed by local instrument not to be a Registered participant in relation to those operations;

Regulations means:

(a) the regulations made under Part 4 of the *National Electricity (South Australia) Act 1996* of South Australia that apply as a law of this jurisdiction, as modified by the application Act of this jurisdiction or a regulation made under that Act; or

(b) if the context or subject matter otherwise indicates or requires—the regulations made under Part 4 of the *National Electricity (South Australia) Act 1996* of South Australia;

retailer means a person who, under Part 3 of the *Electricity Reform Act 2000* of the Northern Territory, holds a licence authorising the selling of electricity;

Utilities Commission means the Utilities Commission of the Northern Territory established by section 5 of the *Utilities Commission Act 2000* of the Northern Territory;

(2A) Section 2(1), definitions ***distribution determination***, paragraphs (a) and (b), ***distribution reliability standard*** and ***distribution service standard***

omit

a distribution

insert

a local electricity

(3) Section 2(1), definition ***national electricity market***, paragraph (a)

omit

under this Law and the Rules

insert

in the other participating jurisdictions

(4) Section 2(1), definition ***regulated distribution system operator***

omit

distribution system

insert

local electricity system

4 Section 2EA inserted

After section 2E

insert

2EA—References to Rules made under this Law

A reference in the definition of ***additional Minister initiated Rules***, ***initial National Electricity Rules*** or ***National Electricity Rules*** or ***Rules*** to Rules made under this Law or a provision of this Law—

(a) includes a reference to Rules made before the day on which Part 2 of the application Act of this jurisdiction commenced; and

(b) is, in relation to Rules made before that day, a reference to Rules made under, or made under the corresponding provision of, the National Electricity Law set out in the Schedule to the *National Electricity (South Australia) Act 1996* of South Australia as applied as a law of South Australia.

4A Section 8 modified

After section 8(2)

insert

(2a) For the purposes of subsection (2), the MCE must regard the reference in the national electricity objective to the national electricity system as a reference to whichever of the following the MCE considers appropriate in the circumstances—

(a) the national electricity system;

(b) one or more, or all, of the local electricity systems;

(c) all of the electricity systems referred to in paragraphs (a) and (b).

5 Part 2, heading modified

Part 2, heading

omit

National Electricity Market

insert

Northern Territory local electricity systems

6 Section 11 modified

(1) Section 11, heading

omit

market

insert

system

(2) Before section 11(1)

insert

(1aa) Subsections (3) and (4) have no effect in this jurisdiction.

Note—

The application of subsections (3) and (4) may be revisited as part of the phased implementation of the Rules in this jurisdiction.

(3) Section 11(1)

omit

the interconnected national electricity system

insert

a local electricity system

(4) Section 11(1)(a) and (b)

omit, insert

(a) the person is a Registered participant in relation to that activity and that local electricity system; or

(b) the person is the subject of a derogation that exempts the person from the requirement to be a Registered participant in relation to that activity under this Law and the Rules; or

(ba) the person holds an exemption from the requirement to hold a licence under the *Electricity Reform Act 2000* of the Northern Territory in relation to that activity; or

(bb) the person has the benefit of a provision of the *Electricity Reform Act 2000* of the Northern Territory, or a regulation made under that Act, that has the effect that the relevant activity does not require a licence under that Act in relation to

a generating system, including on the basis that an activity is declared not to be generation of electricity for the purposes of that Act; or

(bc) the person is prescribed by local instrument not to be a Registered participant in relation to that activity and that local electricity system.

(5) Section 11(2)

omit

the interconnected national electricity system

insert

a local electricity system

(6) Section 11(2)(a) and (b)

omit, insert

(a) the person is a Registered participant in relation to that activity and that local electricity system; or

(b) the person is the subject of a derogation that exempts the person, or is otherwise exempted by the AER, from the requirement to be a Registered participant in relation to that activity under this Law and the Rules; or

(ba) the person holds an exemption from the requirement to hold a licence under the *Electricity Reform Act 2000* of the Northern Territory in relation to that activity; or

(bb) the person is prescribed by local instrument not to be a Registered participant in relation to that activity and that local electricity system.

(7) After section 11(2)

insert

(3aa) A Registered participant who holds a licence authorising the carrying on of operations that correspond to an activity and a local electricity system mentioned in subsection (1) or (2) is deemed to be a Registered participant in relation to that activity and that local electricity system for the purposes of that subsection or those subsections, as the case requires.

(3ab) Subsection (2) does not apply to the activity of owning, controlling or operating an embedded network within the meaning of the National Electricity (NT) Rules (as in force from time to time).

7 Section 12 modified

Before section 12(1)

insert

(1aa) This section has no effect in this jurisdiction.

Note—

The application of section 12 may be revisited as part of the phased implementation of the Rules in this jurisdiction.

7A Section 13 modified

Before section 13(1)

insert

(1aa) This section has no effect in this jurisdiction.

Note—

The application of section 13 may be revisited as part of the phased implementation of the Rules in this jurisdiction.

7B Section 14 modified

Before section 14(1)

insert

(1aa) This section has no effect in this jurisdiction.

Note—

The application of section 14 may be revisited as part of the phased implementation of the Rules in this jurisdiction.

8 Section 15 modified

Section 15(1)(e)

omit

the interconnected transmission and distribution

insert

a local electricity

9 Section 16 modified

After section 16(1)

insert

(1a) For the purposes of subsection (1)(a) and (d), the AER must regard the reference in the national electricity objective to the national electricity system as a reference to a local electricity system or to all local electricity systems, as the case requires.

9A Section 32A inserted

After section 32

insert

32A—Manner in which AEMC has regard to national electricity objective

Subject to section 88(2a), for the purposes of this Law, the AEMC must regard the reference in the national electricity objective to the national electricity system as a reference to whichever of the following the AEMC considers appropriate in the circumstances—

(a) the national electricity system;

(b) one or more, or all, of the local electricity systems;

(c) all of the electricity systems referred to in paragraphs (a) and (b).

9B Section 34 modified

(1) Section 34(1)(a)(iii)

omit, insert

(iia) the operation of a local electricity system for the purposes of the safety, security and reliability of that system;

(iii) the activities of persons (including Registered participants) participating in the national electricity market or involved in the operation of the national electricity system or a local electricity system;

(2) After section 34(3)(b)

insert

(ba) vary in their terms as between—

(i) the national electricity system; and

(ii) one or more, or all, of the local electricity systems;

(bb) have no effect with respect to one or more of the systems referred to in paragraph (ba);

9C Section 46 modified

(1) Section 46

omit

The

insert

(1) Subject to subsection (2), the

(2) Section 46, at the end

insert

(2) The AEMC must update the copies of the National Electricity Rules published and made available under subsection (1) to reflect each rule modification provided for by a modification instrument—

(a) if notified of the making of the modification instrument at least 10 business days before the rule modification commences—on the day the rule modification commences; or

(b) otherwise—within 10 business days of being notified of the making of the modification instrument.

(3) In this section—

modification instrument means a regulation made under section 13(2)(c) of the application Act of this jurisdiction, or an amendment to that Act, that provides for a rule modification;

notified means notified by the Minister of this participating jurisdiction;

rule modification means a modification to the operation of the National Electricity Rules for the purpose of their having the force of law in this jurisdiction.

11 Section 49 modified

(1) Before section 49(1)

insert

(1aa) Subsections (1)(a) to (f) and (2), and notes to subsection (1), have no effect in this jurisdiction.

(2) After section 49(3)

insert

(4) For the purposes of subsection (3), AEMO must regard the reference in the national electricity objective to the national electricity system as a reference to a local electricity system or to all local electricity systems, as the case requires.

11A Section 53AA inserted

After Part 5, Division 5, heading

insert

53AA—Division has no effect

This Division has no effect in this jurisdiction.

11B Section 54C modified

After section 54C(2)(d)

insert

(da) the Utilities Commission;

11C Section 55AA inserted

After Part 5, Division 7, heading

insert

55AA—Division has no effect

This Division has no effect in this jurisdiction.

12 Section 62 modified

Section 62(b), after " AEMO"

insert

in the other participating jurisdictions

12A Section 71A modified

Section 71A, definition ***reviewable regulatory decision***, paragraph (a)

omit, insert

(a) subject to the Regulations, a network revenue or pricing determination that sets a regulatory period; or

13 Section 71P modified

After section 71P(3)

insert

(4) For the purposes of subsections (2a)(c) and (2b)(c), the Tribunal must regard the reference in the national electricity objective to the national electricity system as a reference to a local electricity system or to all local electricity systems, as the case requires.

14 Section 87 modified

(1) Section 87, definition ***urgent Rule***

omit

(2) Section 87

insert (in alphabetical order)

differential Rule means a Rule that:

(a) varies in its terms as between—

(i) the national electricity system; and

(ii) one or more, or all, of the local electricity systems; or

(b) does not have effect with respect to one or more of those systems,

but is not a jurisdictional derogation, participant derogation or Rule that has effect with respect to an adoptive jurisdiction for the purpose of section 91(8);

uniform Rule means a Rule that:

(a) does not vary in its terms as between—

(i) the national electricity system; and

(ii) one or more, or all, of the local electricity systems; and

(b) has effect with respect to all of those systems;

urgent Rule means a Rule relating to any matter or thing that, if not made as a matter of urgency, will result in that matter or thing imminently prejudicing or threatening—

(a) the effective operation or administration of the wholesale exchange operated and administered by AEMO in the other participating jurisdictions; or

(b) the safety, security or reliability of:

(i) the national electricity system; or

(ii) a local electricity system.

14A Section 88 modified

After section 88(2)

insert

(2a) For the purposes of this Part, the AEMC must regard the reference in the national electricity objective to the national electricity system as a reference to whichever of the following the AEMC considers appropriate in the circumstances having regard to the nature, scope or operation of the proposed Rule—

(a) the national electricity system;

(b) one or more, or all, of the local electricity systems;

(c) all of the electricity systems referred to in paragraphs (a) and (b).

14B Section 88AA inserted

After section 88

insert

88AA—AEMC may only make differential Rule in certain cases

(1) In addition to complying with sections 88, 88A and 88B, the AEMC may only make a Rule if it is satisfied that it is a uniform Rule.

(2) Despite subsection (1), the AEMC may make a differential Rule if the AEMC is satisfied that, having regard to any relevant MCE statement of policy principles, the differential Rule will, or is likely to, better contribute to the achievement of the national electricity objective than a uniform Rule.

(3) This section does not apply in relation to—

(a) a jurisdictional derogation requested under section 91(3); or

(b) a participant derogation requested under section 91(5) or (6); or

(c) a Rule that has effect with respect to an adoptive jurisdiction for the purposes of section 91(8).

14C Section 88A modified

Section 88A, after "sections 88"

insert

, 88AA

14D Section 88B modified

Section 88B, after "sections 88"

insert

, 88AA

14E Section 89 modified

Section 89(c)

omit

the national electricity system

insert

a local electricity system

14EA Section 89A inserted

After section 89, in Part 7, Division 1, Subdivision 2

insert

89A—AEMC must not make Rule inconsistent with rule modification

(1) Despite any other provision of this Subdivision, the AEMC must not make a Rule that—

(a) would be inconsistent with a rule modification made by a modification instrument; and

(b) would apply only in this jurisdiction.

(2) This section does not apply in relation to a jurisdictional derogation requested under section 91(3).

(3) In this section—

modification instrument has the meaning given by section 46(3);

rule modification has the meaning given by section 46(3).

14F Section 91 modified

After section 91(1)

insert

(1a) A request under subsection (1) may request the AEMC to make a differential Rule.

14G Section 91A modified

(1) Section 91A, before "The"

insert

(1)

(2) Section 91A, at the end

insert

(2) To avoid doubt, the AEMC may, in accordance with section 88AA, make a more preferable Rule that is a differential Rule, whether or not the market initiated proposed Rule (to which the more preferable Rule relates) proposed the making of a differential Rule.

14H Section 95A inserted

After section 95

insert

95A—Notice to Minister of proposed Rule

(1) This section applies if—

(a) the AEMC considers that it should take action under this Division in respect of a request for the making of a Rule; and

(b) the request included a request that the AEMC make a differential Rule.

(2) In addition to the requirements of section 95, the AEMC must give the Minister of this participating jurisdiction—

(a) a copy of the notice published under section 95(1a)(a); and

(b) a draft of the proposed Rule; and

(c) any other document prescribed by the Regulations.

14J Section 99 modified

(1) After section 99(1b)

insert

(1c) In the case of a proposed Rule that is a differential Rule, the AEMC must also, as soon as practicable after publishing a notice under subsection (1a)(b) or (1b), give the Minister of this participating jurisdiction the draft Rule determination and a copy of the notice.

(2) After section 99(2)(a)(ii)

insert

(iia) in the case where the proposed Rule is a differential Rule, the reasons of the AEMC as to whether it is

satisfied the proposed Rule will, or is likely to, better contribute to the achievement of the national electricity objective than a uniform Rule; and

14K Section 102 modified

(1) After section 102(1a)

insert

(1b) If the Rule to be made is a differential Rule, the AEMC must also, as soon as practicable after publishing a notice under subsection (1a)(b), give the Minister of this participating jurisdiction—

(a) the final Rule determination; and

(b) a copy of the notice.

(2) After section 102(2)(a)(ii)

insert

(iia) in the case where the Rule to be made is a differential Rule, the reasons of the AEMC as to whether it is satisfied the Rule will, or is likely to, better contribute to the achievement of the national electricity objective than a uniform Rule; and

15 Section 109AA inserted

After Part 8, heading

insert

109AA—Part has no effect

This Part has no effect in this jurisdiction.

16 Section 118B modified

After section 118B(2)

insert

(2a) For the purposes of subsection (2)(a), the Minister must regard the reference in the national electricity objective to the national electricity system as a reference to a local electricity system or to all local electricity systems, as the case requires.

16A Section 122 modified

Before section 122(1)

insert

(1aa) This section has no effect in this jurisdiction.

16B Section 123AA inserted

After Part 10, Division 1, heading

insert

123AA—Part has no effect

This Part has no effect in this jurisdiction.

Note—

The application of Part 10 may be revisited as part of the phased implementation of the Rules in this jurisdiction.

17 Schedule 1 modified

(1) Schedule 1, items 4, 7, 9 and 34(a), after "AEMO"

insert

in the other participating jurisdictions

(2) Schedule 1, item 32, after "system,"

insert

or a local electricity system,

18 Schedule 3, Part 1AA inserted

Schedule 3, before Part 1, heading

insert

Part 1AA Parts 1 to 12 have no effect

1AA Parts 1 to 12 have no effect

Parts 1 to 12 of this Schedule have no effect in this jurisdiction.

Part 4 Modifications expiring on application of National Energy Retail Law

26 Section 2D modified

(1) Section 2D(1)(b)(ia)

omit

(2) Section 2D(2)(b)

omit

, the National Energy Retail Law or the National Energy Retail Rules

(3) Section 2D, note 2

omit

27 Section 6A modified

Before section 6A(1)

insert

(1aa) This section has no effect in this jurisdiction until the National Energy Retail Law is applied as a law of this jurisdiction.

27A Section 10A modified

Before section 10A(1)

insert

(1aa) This section has no effect in this jurisdiction until the National Energy Retail Law is applied as a law of this jurisdiction.

28 Section 28V modified

Section 28V(4A)

omit

29 Section 28ZD modified

(1) Section 28ZD(b)

omit

Rules; or

insert

Rules.

(2) Section 28ZD(c)

omit

30 Section 28ZH modified

(1) Section 28ZH(1)(c) and (d)

omit

(2) Section 28ZH, note

omit

and section 219 of the National Energy Retail Law

31 Section 28ZI modified

(1) Section 28ZI(1)(b)

omit

Rules;

insert

Rules.

(2) Section 28ZI(1)(c) and (d)

omit

(3) Section 28ZI, note

omit

and section 220 of the National Energy Retail Law

32 Section 54C modified

Section 54C(2)(f)

omit

33 Section 120 modified

Section 120(2A)

omit

Schedule 2 Local electricity systems

section 9

1 Darwin electricity system

The electricity system (being the apparatus, electric lines, equipment, plant and buildings used to convey or control the conveyance of electricity):

(a) located in the Darwin region; and

(b) operated, as at 1 July 2015, by Power and Water Corporation;

but not including the Darwin to Katherine 132kV power line described in item 5.

2 Katherine electricity system

The electricity system (being the apparatus, electric lines, equipment, plant and buildings used to convey or control the conveyance of electricity):

(a) located in the Katherine region; and

(b) operated, as at 1 July 2015, by Power and Water Corporation;

but not including the Darwin to Katherine 132kV power line described in item 5.

3 Tennant Creek electricity system

The electricity system (being the apparatus, electric lines, equipment, plant and buildings used to convey or control the conveyance of electricity):

(a) located in the Tennant Creek region; and

(b) operated, as at 1 July 2015, by Power and Water Corporation.

4 Alice Springs electricity system

The electricity system (being the apparatus, electric lines, equipment, plant and buildings used to convey or control the conveyance of electricity):

(a) located in the Alice Springs region; and

(b) operated, as at 1 July 2015, by Power and Water Corporation.

5 Darwin to Katherine 132kV power line

The 132 kV power line that extends from the network 132 kV bus at Channel Island Power Station to a 132/22 kV zone substation adjacent to the Katherine Power Station, with 132/22 kV zone substations at Manton and Batchelor and a 132/66kV transmission terminal station at Pine Creek.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***National Electricity (Northern Territory) (National Uniform Legislation)regula 2015* (Act No. 16, 2015)**

Assent date	22 May 2015
Commenced	pt 2 and pt 4, div 2: 1 July 2016; pt 4, divs 3 and 4: 1 July 2019; pt 5: 1 July 2015; rem: 22 May 2015 (s 2)

***Electricity Legislation Amendment Act 2016* (Act No. 22, 2016)**

Assent date	9 June 2016
Commenced	pt 3, div 3: nc; rem: 1 July 2016 (s 2)

***National Electricity (Northern Territory) (National Uniform Legislation) Amendment Act 2017* (Act No. 15, 2017)**

Assent date	27 June 2017
Commenced	1 July 2017 (s 2)

***National Electricity (Northern Territory) (National Uniform Legislation) (Act Amendment) Regulations 2017* (SL No. 18, 2017)**

Notified	29 June 2017
Commenced	1 July 2017 (r 2 and s 2 *National Electricity (Northern Territory) (National Uniform Legislation) Amendment Act 2017* (Act No. 15, 2017))

***National Electricity (Northern Territory) (National Uniform Legislation) Consequential Amendment Regulations 2019* (SL No. 16, 2019)**

Notified	1 July 2019
Commenced	1 July 2019 (r 2)

***Statute Law Revision Act 2020* (Act No. 26, 2020)**

Assent	19 November 2020
Commenced	20 November 2020 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1 and 12A.

4 LIST OF AMENDMENTS

s 3	amd No. 15, 2017, s 4
s 6	amd No. 22, 2016, s 8; No. 15, 2017, s 5
s 7	amd No. 22, 2016, s 9; No. 15, 2017, s 6
s 8	amd No. 22, 2016, s 10; No. 15, 2017, s 7
s 9	sub No. 15, 2017, s 8
s 9A	ins No. 22, 2016, s 11
	amd No. 15, 2017, s 9
s 12	amd No. 22, 2016, s 12
s 12A	ins No. 22, 2016, s 13
	amd No. 15, 2017, s 10
s 12B	ins No. 22, 2016, s 13
	amd No. 15, 2017, s 11
s 13	amd No. 22, 2016, s 14; No. 15, 2017, s 12
s 14	exp No. 16, 2016, s 14(3)
s 15	exp No. 16, 2016, s 15(3)
pt 4	
div 2 hdg	rep No. 15, 2017, s 13
pt 4	
div 4 note	rep SL No. 16, 2019, r 13
s 18	exp No. 16, 2015, s 61
	ins SL No. 16, 2019, r 13
s 19	amd No. 26, 2020, s 3
ss 20 – 25	exp No. 16, 2015, s 61
	ins SL No. 16, 2019, r 13
pt 5 hdg	exp No. 16, 2015, s 61
pt 5	
div 1 hdg	exp No. 16, 2015, s 61
ss 43 – 44	exp No. 16, 2015, s 61
pt 5	
div 2 hdg	exp No. 16, 2015, s 61
ss 45 – 60	exp No. 16, 2015, s 61
pt 5	
div 3 hdg	exp No. 16, 2015, s 61
s 61	exp No. 16, 2015, s 61
sch 1	amd No. 22, 2016, ss 15 to 21; No. 15, 2017, s 14; SL No. 18, 2017, r 4; SL No. 16, 2019, r 14; No. 26, 2020, s 3
sch 2	amd No. 15, 2017, s 15