

NORTHERN TERRITORY OF AUSTRALIA

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

As in force at 2 July 2015

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 2 July 2015

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.

- (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 *National Electricity (South Australia) Act 1996* (SA), as in force for the time being:

- (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 for the time being under Part 4 of the *National Electricity (South Australia) Act 1996* (SA):

- (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 the National Electricity (NT) Law.

- (2) The *Acts Interpretation Act 1915* (SA) and other Acts of South Australia do not apply to:
 - (a) the National Electricity Law set out in the Schedule to the *National Electricity (South Australia) Act 1996* (SA) in its application as a law of the Territory; or
 - (b) the regulations in force for the time being under Part 4 of the *National Electricity (South Australia) Act 1996* (SA) in their application as regulations in force for the purposes of the National Electricity (NT) Law.

Division 2 General matters

9 Declaration of local distribution systems

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

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

(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).

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;
 - (b) prescribe modifications to the regulations in force for the time being under Part 4 of the *National Electricity (South Australia) Act 1996* (SA) for the purposes of section 7(a);
 - (c) modify 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.
- (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.

14 Regulations for transitional matters and consequential amendments for 1 July 2016

- (1) The regulations may amend Part 4, Division 2 to provide for matters of a transitional nature:
 - (a) consequent on the commencement of Part 2; or
 - (b) to otherwise facilitate the transition to the application and operation of the National Electricity (NT) Law.
- (2) The regulations may amend any law of the Territory to make amendments of a consequential nature consequent on the commencement of Part 2.
- (3) This section, and each regulation made under it, expires on 2 July 2016.

15 Regulations for transitional matters and consequential amendments for 1 July 2019

- (1) The regulations may amend Part 4, Division 4 to provide for matters of a transitional nature:
 - (a) consequent on:
 - (i) the repeal of the Acts repealed by section 17; or
 - (ii) the deferred provisions starting to have effect as part of a law of the Territory; or
 - (b) to otherwise facilitate the transition to the operation of the National Electricity (NT) Law including the deferred provisions.
- (2) The regulations may amend any law of the Territory to make amendments of a consequential nature consequent on:
 - (a) the repeal of the Acts repealed by section 17; or
 - (b) the deferred provisions starting to have effect as part of a law of the Territory.
- (3) This section, and each regulation made under it, expires on 2 July 2019.

(4) In this section:

deferred provisions means the provisions of the National Electricity (NT) Law, the National Electricity (NT) Regulations and the National Electricity (NT) Rules that:

- (a) immediately before 1 July 2019 do not have effect as part of the law of the Territory because of a modification; and
- (b) are to have effect from 1 July 2019.

modification, see section 12(3).

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 2 Transitional matters for National Electricity (NT) Law – 1 July 2016

Note for Part 4, Division 2

This Division is reserved for transitional provisions to be inserted by regulations under section 14(1).

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**

Note for Part 4, Division 4

This Division is reserved for transitional provisions to be inserted by regulations under section 15(1).

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 ***distribution system***, ***interconnected national electricity system***, ***network service provider*** and ***Registered participant***

omit

- (2) Section 2(1)

insert (in alphabetical order)

distribution system means the apparatus, electric lines, equipment, plant and buildings used to convey or control the conveyance of electricity:

- (a) that the Rules specify as, or as forming part of, a distribution system; or
- (b) that is wholly within this jurisdiction and would be a distribution system as so specified if it were connected to another distribution system;

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 distribution system means a distribution system declared in the application Act of this jurisdiction to be a local distribution system;

local electricity system means:

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

network service provider means a Registered participant that owns, controls or operates a distribution system that forms part of a local distribution system;

Registered participant means a person who is licensed under Part 3 of the *Electricity Reform Act* of the Northern Territory to carry on operations in relation to a local distribution system;

Territory electricity market means all of the local electricity systems in this jurisdiction;

- (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 9 modified

Section 9, after "Rules"

insert

, with any modifications prescribed under section 13(2)(c) of the *National Electricity (Northern Territory) (National Uniform Legislation) Act*,

5 Part 2, heading modified

Part 2, heading

omit

National

insert

Territory

6 Section 11 modified

(1) Section 11(1)

omit

the interconnected national electricity system

insert

a local distribution system

(2) Section 11(1)(b)

omit

, or is otherwise exempted by AEMO,

(3) Section 11(2)

omit

transmission system or distribution system that forms part of the interconnected national electricity system

insert

distribution system that forms part of a local distribution system

(4) Section 11(3)
omit
, other than AEMO,

(5) Section 11(4)(b)
omit
, or is otherwise exempted by AEMO,

7 Section 12 modified

Section 12
repeal

8 Section 15 modified

Section 15(1)(e)
omit

transmission system or distribution system forming part of the interconnected transmission and distribution system

insert

distribution system forming part of a local distribution system

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.

10 Part 5, Division 1AA inserted

Before Part 5, Division 1

insert

Division 1AA—Part has no effect

48A Part has no effect

This Part has no effect in this jurisdiction.

11 Section 49 modified

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.

12 Section 62 modified

Section 62(b), after " AEMO"

insert

in the other participating jurisdictions

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

Section 87, definition ***urgent Rule***, paragraph (a). after "AEMO"

insert

in the other participating jurisdictions

15 Section 108B inserted

Before section 109, in Part 8

insert

108B 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.

17 Schedule 1 modified

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

insert

in the other participating jurisdictions

18 Schedule 3, Part 1AA inserted

Schedule 3, before Part 1

insert

Part 1AA Parts 1 to 11 have no effect

1AA Parts 1 to 11 have no effect

Parts 1 to 11 of this Schedule have no effect in this jurisdiction.

Part 3 Modifications expiring on 1 July 2019

19 Section 2 modified

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

regulated distribution system operator means an owner, controller or operator of a distribution system who is a Registered participant;

20 Part 2, Division 1AA inserted

Before Part 2, Division 1

insert

Division 1AA—Part deferred until 1 July 2019

10B Part deferred until 1 July 2019

This Part has no effect in this jurisdiction until 1 July 2019.

21 Section 15 modified

After section 15(3)

insert

- (4) Further, the AER cannot make a network revenue or pricing determination that applies to electricity network services provided in this jurisdiction for a regulatory control period (as defined in the Rules) that begins before 1 July 2019.

22 Part 8A, Division 1AA inserted

Before Part 8A, Division 1

insert

Division 1AA—Part deferred until 1 July 2019

118AA Part deferred until 1 July 2019

This Part has no effect in this jurisdiction until 1 July 2019.

23 Section 124A inserted

After section 124

insert

124A Part deferred until 1 July 2019

This Part has no effect in this jurisdiction until 1 July 2019.

Part 4 Modifications expiring on adoption of National Energy Retail Law

24 Section 2 modified

Section 2(1), definition *end user*

omit

, and includes a retail customer

25 Section 2A modified

Section 2A

repeal, insert

2A—Meaning of access dispute

An access dispute is a dispute between a network service user (or prospective network service user) and a network service provider about an aspect of access to an electricity network service specified by the Rules to be an aspect to which Part 10 applies.

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

Section 6A

repeal

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 distribution systems

section 9

1 Darwin distribution system

The distribution system:

- (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 distribution system

The distribution system:

- (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 distribution system

The distribution system:

- (a) located in the Tennant Creek region; and
- (b) operated, as at 1 July 2015, by Power and Water Corporation.

4 Alice Springs distribution system

The distribution system:

- (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) Act 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)

3**LIST OF AMENDMENTS**

pt 5 hdg	exp No. 16, 2015, s 61
pt 5	
div 1 hdg	exp No. 16, 2015, s 61
ss 18 – 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