

# NORTHERN TERRITORY OF AUSTRALIA

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

As in force at 1 July 2016

### Table of provisions

<b>Part 1</b>	<b>Preliminary matters</b>	
1	Short title .....	1
2	Commencement .....	1
3	Interpretation .....	1
4	Crown to be bound .....	2
5	Extra-territorial operation .....	2
<b>Part 2</b>	<b>Adoption of National Electricity Law</b>	
<b>Division 1</b>	<b>National Electricity (NT) Law and National Electricity (NT) Regulations</b>	
6	Application in Territory of National Electricity Law .....	2
7	Application in Territory of regulations under National Electricity Law .....	3
8	Interpretation of expressions in National Electricity (NT) Law and National Electricity (NT) Regulations .....	3
<b>Division 2</b>	<b>General matters</b>	
9	Declaration of local distribution systems .....	3
9A	Minister to notify AEMC of making of modification instrument .....	4
10	Conferral of functions and powers on Commonwealth bodies to act in this jurisdiction .....	4
11	Extension of reading-down provision .....	4
12	Exercise of powers under provisions not yet in effect .....	4
12A	Validation of instruments and decisions made by AER .....	5
12B	Authorisation of preparatory steps taken by AER .....	6
<b>Part 3</b>	<b>Regulations</b>	
13	Regulations .....	7
14	Regulations for transitional matters and consequential amendments for 1 July 2016 .....	8
15	Regulations for transitional matters and consequential amendments for 1 July 2019 .....	8

<b>Part 4</b>	<b>Repeals and transitional matters</b>	
<b>Division 1</b>	<b>Transitional matters for National Electricity (Northern Territory) (National Uniform Legislation) Act 2015 – 1 July 2015</b>	
16	Definitions.....	9
<b>Division 2</b>	<b>Transitional matters for National Electricity (NT) Law – 1 July 2016</b>	
<b>Division 3</b>	<b>Repeals – 1 July 2019</b>	
17	Acts repealed.....	9
<b>Division 4</b>	<b>Transitional matters for National Electricity (NT) Law – 1 July 2019</b>	
<b>Schedule 1</b>	<b>Modifications to National Electricity Law</b>	
<b>Part 1</b>	<b>Preliminary matters</b>	
1	Law modified .....	11
2	Expiry of certain modifications .....	11
<b>Part 2</b>	<b>Continuing modifications</b>	
3	Section 2 modified .....	11
4	Section 2EA inserted .....	13
4A	Section 8 modified .....	14
5	Part 2, heading modified.....	14
6	Section 11 modified .....	14
7	Section 12 modified .....	15
8	Section 15 modified .....	15
9	Section 16 modified .....	16
9A	Section 32A inserted .....	16
9B	Section 34 modified .....	16
9C	Section 46 modified .....	17
10	Part 5, Division 1AA inserted .....	18
	Division 1AA—Part has no effect	
	48A Part has no effect	
11	Section 49 modified .....	18
12	Section 62 modified .....	18
12A	Section 71A modified.....	18
13	Section 71P modified.....	19
14	Section 87 modified .....	19
14A	Section 88 modified .....	20
14B	Section 88AA inserted .....	20

14C	Section 88A modified.....	21
14D	Section 88B modified.....	21
14E	Section 89 modified .....	21
14F	Section 91 modified .....	21
14G	Section 91A modified.....	22
14H	Section 95A inserted .....	22
14J	Section 99 modified .....	23
14K	Section 102 modified .....	23
15	Section 108B inserted .....	24
	108B Part has no effect	
16	Section 118B modified.....	24
17	Schedule 1 modified .....	24
18	Schedule 3, Part 1AA inserted.....	24
	Part 1AA Parts 1 to 11 have no effect	
	1AA Parts 1 to 11 have no effect	

### **Part 3 Modifications expiring on 1 July 2019**

19	Section 2 modified .....	25
20	Part 2, Division 1AA inserted.....	25
	Division 1AA—Part deferred until 1 July 2019	
	10B Part deferred until 1 July 2019	25
21	Section 15 modified .....	25
22	Part 8A, Division 1AA inserted.....	25
	Division 1AA—Part deferred until 1 July 2019	
	118AA Part deferred until 1 July 2019	25
23	Section 124A inserted .....	26
	124A Part deferred until 1 July 2019	

### **Part 4 Modifications expiring on adoption of National Energy Retail Law**

24	Section 2 modified .....	26
25	Section 2A modified.....	26
26	Section 2D modified .....	26
27	Section 6A modified.....	27
28	Section 28V modified.....	27
29	Section 28ZD modified .....	27
30	Section 28ZH modified .....	27
31	Section 28ZI modified.....	27
32	Section 54C modified .....	28
33	Section 120 modified .....	28

### **Schedule 2 Local distribution systems**

#### **ENDNOTES**

# NORTHERN TERRITORY OF AUSTRALIA

---

As in force at 1 July 2016

---

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

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*.

#### 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 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 *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:

- (a) the National Electricity (NT) Law; or
- (b) if the context indicates or requires – the National Electricity Law set out in the Schedule to the *National Electricity (South Australia) Act 1996* (SA), 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 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.

**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 *National Electricity (South Australia) Act 1996 (SA)*, 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*, 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 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 law, 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;
  - (b) prescribe modifications to the regulations in force from time to time 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.
- (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 *National Electricity (South Australia) Act 1996 (SA)*, as in force from time to time.

**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***, ***National Electricity Rules*** or ***Rules***, ***network service provider***, ***Registered participant*** and ***Regulations***

*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;

**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 indicates or requires, the Rules referred to in paragraphs (a), (ab) and (b).

**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;

**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 indicates or requires—the regulations made under Part 4 of the *National Electricity (South Australia) Act 1996* of South Australia.

**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 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 the electricity systems referred to in paragraphs (a) and (b).

**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.

**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 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, as defined in section 9A(3) of the application Act of this jurisdiction, for the purpose of their having the force of law in this jurisdiction.

**10 Part 5, Division 1AA inserted**

After Part 5, heading

*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

**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 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 purpose 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

**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 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**

- (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

*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

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

**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)

***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)

**3****LIST OF AMENDMENTS**

s 6	amd No. 22, 2016, s 8
s 7	amd No. 22, 2016, s 9
s 8	amd No. 22, 2016, s 10
s 9A	ins No. 22, 2016, s 11
s 12	amd No. 22, 2016, s 12
ss 12A – 12B	ins No. 22, 2016, s 13
s 13	amd No. 22, 2016, s 14
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
sch 1	amd No. 22, 2016, ss 15 to 21