

NORTHERN TERRITORY OF AUSTRALIA

ELECTRICITY REFORM LEGISLATION AMENDMENT ACT 2021

Act No. 23 of 2021

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 23 of 2021

An Act to amend the *Electricity Reform Act 2000*, the *Electricity Reform (Administration) Regulations 2000* and the *Electricity Reform (System Control and Market Operator Functions Code) Regulations 2015*

[Assented to 18 November 2021]
[Introduced 22 September 2021]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Electricity Reform Legislation Amendment Act 2021*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Electricity Reform Act 2000

3 Act amended

This Part amends the *Electricity Reform Act 2000*.

4 Section 4 amended (Interpretation)

- (1) Section 4(1), definition **Network Technical Code**

omit

prepared under section 111(2)(da)

insert

made under section 37F

- (2) Section 4(1), definition **System Control Technical Code**

omit

, see section 38(1)

insert

means a system control technical code made under section 37B

5 Part 3, Division 2A inserted

After section 37A

insert

Division 2A Technical codes**37B System Control Technical Code**

- (1) The following persons may make or amend a System Control Technical Code for a power system:
- (a) the system controller;
 - (b) the Minister;
 - (c) any other person prescribed by regulation.
- (2) A System Control Technical Code, or an amendment to a System Control Technical Code, made by the system controller under subsection (1)(a) must be approved by the Utilities Commission.
- (3) Notice of the making of a System Control Technical Code, or an amendment to a System Control Technical Code, made by the Minister under subsection (1)(b) must be published in the *Gazette*.

- (4) A person prescribed by regulation who makes or amends a System Control Technical Code under subsection 1(c) must comply with any requirements prescribed by regulation.

37C Minister may direct system controller

The Minister may direct the system controller to do either of the following:

- (a) prepare a System Control Technical Code or an amendment to a System Control Technical Code;
- (b) provide advice to the Minister in relation to a System Control Technical Code.

37D Distribution of System Control Technical Code

As soon as practicable after a System Control Technical Code is made or amended, a copy of the Code or amendment to the Code must be given to the following persons:

- (a) the Utilities Commission;
- (b) the AER;
- (c) if the Code is made or amended by a person other than the system controller – the system controller;
- (d) if the Code is made or amended by a person other than the Minister – the Minister;
- (e) if the Code is made or amended by a person other than a person prescribed by regulation – any other person prescribed by regulation.

37E Publication of System Control Technical Code

The system controller must:

- (a) publish a System Control Technical Code, as in force from time to time, on the system controller's website; and
- (b) make copies of the Code, as in force from time to time, available to the public for inspection.

37F Network Technical Code

- (1) The following people may make or amend a Network Technical Code for an electricity network:
- (a) the network provider;

- (b) the Minister;
 - (c) any other person prescribed by regulation.
- (2) A Network Technical Code, or an amendment to a Network Technical Code, made by the network provider under subsection (1)(a) must be approved by the Utilities Commission.
- (3) Notice of the making of a Network Technical Code, or an amendment to a Network Technical Code, made by the Minister under subsection (1)(b) must be published in the *Gazette*.
- (4) A person prescribed by regulation who makes or amends a Network Technical Code under subsection 1(c) must comply with any requirements prescribed by regulation.

37G Minister may direct network provider

The Minister may direct the network provider to do either of the following:

- (a) prepare a Network Technical Code or an amendment to a Network Technical Code;
- (b) provide advice to the Minister in relation to a Network Technical Code.

37H Distribution of Network Technical Code

As soon as practicable after a Network Technical Code is made or amended, a copy of the Code or amendment to the Code must be given to:

- (a) the Utilities Commission;
- (b) the AER;
- (c) if the Code is made or amended by a person other than the network provider – the network provider;
- (d) if the Code is made or amended by a person other than the Minister – the Minister;
- (e) if the Code is made or amended by a person other than a person prescribed by regulation – any other person prescribed by regulation.

37J Publication of Network Technical Code

The network provider must:

- (a) publish a Network Technical Code, as in force from time to time, on the network provider's website; and
- (b) make copies of the Code, as in force from time to time, available to the public for inspection.

37K Sections repealed

- (1) Five years after the commencement of this Division, the following sections are repealed:
 - (a) section 37B(1)(b) and (3);
 - (b) section 37C;
 - (c) section 37D(d);
 - (d) section 37F(1)(b) and (3);
 - (e) section 37G;
 - (f) section 37H(d).
- (2) Five years after the commencement of this Division, the following regulations of the *Electricity Reform (Administration) Regulations 2000* are repealed:
 - (a) regulation 5A(3A);
 - (b) regulation 25(7).
- (3) Any System Control Technical Code or Network Technical Code made or amended by the Minister that is in force immediately before the repeal of the provisions mentioned in subsections (1) and (2) remains in force after the repeal of those provisions.
- (4) Nothing in this section prevents a system controller or a person prescribed by regulation from amending under section 37B a System Control Technical Code that was previously made or amended by the Minister.
- (5) Nothing in this section prevents a network provider or a person prescribed by regulation from amending under section 37F a Network Technical Code that was previously made or amended by the Minister.

6 Section 38 amended (Functions and powers of system controller)

(1) Section 38(1)

omit

Subject to the Regulations, a

insert

A

(2) Section 38(1)

omit

all words from "in" to "Commission"

(3) Section 38(1A)

omit, insert

(1A) The function mention in subsection (1) must be carried out in accordance with any System Control Technical Code in force under this Act.

7 Section 111 amended (Regulations)

(1) Section 111(2)(da)

omit

all words from "preparation" to "provider,"

insert

making or amending of any technical code established under this Act,

(2) Section 111(2)(da)(i) to (iv)

omit (all references)

Network Technical Code

insert

technical code

- (3) Section 111(2)(da)(ii), after "must"

insert

, or may,

8 Part 12 inserted

After section 117

insert

Part 12 Transitional matters for Electricity Reform Legislation Amendment Act 2021

118 Continuation of technical codes

- (1) A System Control Technical Code in force immediately before the commencement:
- (a) remains in force after the commencement; and
 - (b) is taken to be a Code made under section 37B.
- (2) A Network Technical Code in force immediately before the commencement:
- (a) remains in force after the commencement; and
 - (b) is taken to be a Code made under section 37F.
- (3) In this section:

commencement means the commencement of Part 2 of the *Electricity Reform Legislation Amendment Act 2021*.

Part 3 Amendment of Electricity Reform (Administration) Regulations 2000

9 Regulations amended

This Part amends the *Electricity Reform (Administration) Regulations 2000*.

10 Regulation 3D amended (Additional functions of Utilities Commission)

Regulation 3D(b)(ii)

omit

section 38 of

11 Regulation 5A amended (System control technical code)

(1) Regulation 5A(1)

omit

all words from "For" to "power system"

insert

A System Control Technical Code

(2) Regulation 5A(2)

omit

all words from "If" to "controller"

insert

A System Control Technical Code

(3) Regulation 5A(3)

omit

all words from "code, or" to "Act,"

insert

System Control Technical Code, or any amendment to a System Control Technical Code, made by the system controller

(4) After regulation 5A(3)

insert

(3A) Before the Minister makes or amends a System Control Technical Code, the Minister must consult, or be satisfied that sufficient consultation has occurred, with all electricity entities that are engaged in the operation of, contribute electricity to, or take electricity from, the power system, including:

- (a) the Utilities Commission; and
 - (b) the system controller.
- (3B) Before a person prescribed by regulation makes or amends a System Control Technical Code, the person must consult with all electricity entities that are engaged in the operation of, contribute electricity to, or take electricity from, the power system, including:
- (a) the Utilities Commission; and
 - (b) the system controller.

12 Regulation 25 amended (Preparation of network technical codes)

- (1) Regulation 25(2) and (3)
- omit*
- (2) Regulation 25(7)
- omit, insert*
- (7) Before the Minister makes or amends a Network Technical Code, the Minister must consult, or be satisfied that sufficient consultation has occurred, with all electricity entities that are engaged in the operation of, contribute electricity to, or take electricity from, the power system, including:
- (a) the Utilities Commission; and
 - (b) the network provider.
- (7A) Before a person prescribed by regulation makes or amends a Network Technical Code, the person must consult with all electricity entities that are engaged in the operation of, contribute electricity to, or take electricity from, the power system, including:
- (a) the Utilities Commission; and
 - (b) the network provider.

Part 4 **Amendment of Electricity Reform (System Control and Market Operator Functions Code) Regulations 2015**

13 **Regulations amended**

This Part amends the *Electricity Reform (System Control and Market Operator Functions Code) Regulations 2015*.

14 **Schedule amended (System Control and Market Operator Functions Code)**

Schedule, clause 2, definition **System Control Technical Code**
omit

Part 5 **Repeal**

15 **Repeal of Act**

This Act is repealed on the day after it commences.