

TABLING NOTE FOR SUBORDINATE LEGISLATION

SUBORDINATE LEGISLATION NO. 18 OF 2017

NATIONAL ELECTRICITY (NORTHERN TERRITORY) (NATIONAL UNIFORM LEGISLATION) (ACT AMENDMENT) REGULATIONS 2017

Purpose

On 1 July 2016, the Territory adopted the National Electricity Law (NEL) and the National Electricity Rules (NER), with derogations (modifications) and transitional arrangements to accommodate the Territory's unique circumstances.

Under the NEL any party may put forward a rule change proposal to the national energy rule-maker, the Australian Energy Market Commission (AEMC), to amend the NER, and the AEMC is obligated to consider such a proposal and make a rule if it satisfies its rule-making criteria.

The National Electricity (Northern Territory) (National Uniform Legislation) (Act Amendment) Regulations 2017 (the Regulations) amend the operation of the NEL, as applied in the Northern Territory, to clarify the AEMC's NER rule-making powers in the Territory.

The Regulations will ensure that the NER continues to be applied in the Territory in a manner that is fit-for-purpose and in the best interests of Territory consumers and the electricity industry.

Summary of key provisions

The Regulations ensure that the AEMC may not make Territory-specific rules (i.e. rule changes to the NER specifically for the Territory) that are inconsistent with derogations and transitional arrangements that have been made to the NER by the Territory.

This addresses a risk that in response to a rule change proposal, the AEMC may be obligated to make a rule that is inconsistent with derogations and transitional arrangements made by the Territory, and thus inconsistent with Territory Government policy.

Legislative Authority

Section 13(1) and 13(2)(a) of the *National Electricity (Northern Territory) (National Uniform Legislation) Act*

NORTHERN TERRITORY OF AUSTRALIA

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UNIFORM LEGISLATION) (ACT AMENDMENT) REGULATIONS 2017**

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 18 of 2017*

***National Electricity (Northern Territory) (National Uniform Legislation)
(Act Amendment) Regulations 2017***

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *National Electricity (Northern Territory) (National Uniform Legislation) Act*.

Dated 29 June 2017

J. L. HARDY
Administrator

By His Honour's Command

N. K. FYLES
Attorney-General and Minister for Justice
acting for
Treasurer

* Notified in the *Northern Territory Government Gazette* on 29 June 2017.

1 Citation

These Regulations may be cited as the *National Electricity (Northern Territory) (National Uniform Legislation) (Act Amendment) Regulations 2017*.

2 Commencement

These Regulations commence immediately after the commencement of the *National Electricity (Northern Territory) (National Uniform Legislation) Amendment Act 2017*.

3 Act amended

These Regulations amend the *National Electricity (Northern Territory) (National Uniform Legislation) Act*.

Note for regulation 3

Section 13(2)(a) of the Act allows regulations to amend Schedule 1 to the Act.

4 Schedule 1 amended

Schedule 1, after clause 14E

insert

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).

5 Expiry of Regulations

These Regulations expire on the day after they commence.