

South Australia

National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill 2019

A BILL FOR

An Act to amend the *National Electricity (South Australia) Act 1996*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *National Electricity (South Australia) Act 1996*

- 4 Insertion of Part 7A
 - Part 7A—Retailer reliability obligation—South Australian modifications
 - 19A Modifications of Law in this jurisdiction—retailer reliability obligation
 - 19B State Minister may make T-3 reliability instrument
 - 19C Regulations

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Act 2019*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *National Electricity (South Australia) Act 1996*

4—Insertion of Part 7A

After Part 7 insert:

Part 7A—Retailer reliability obligation—South Australian modifications

19A—Modifications of Law in this jurisdiction—retailer reliability obligation

(1) Part 2A of the *National Electricity (South Australia) Law* applies—

- (a) as if, in section 14C (*Definitions*), the following definition were inserted after the definition of **reporting day**:

South Australian Minister means the Minister in right of the Crown of South Australia administering Part 2 of the *National Electricity (South Australia) Act 1996*;

- (b) as if, in section 14C (*Definitions*), the definition of **T-3 reliability instrument** were deleted and the following definition substituted:

T-3 reliability instrument means—

- (a) a reliability instrument for a forecast reliability gap made by the AER under section 14K that relates to the T-3 cut-off day for the forecast reliability gap; or
- (b) a reliability instrument made by the South Australian Minister under section 19B of the *National Electricity (South Australia) Act 1996*;
- (c) as if, in section 14H (*Rules must provide timetable for reliability forecasts, requests and instruments*), the following subsection were inserted after subsection (3):
- (4) In addition, for subsection (2)(a), in the case of a T-3 reliability instrument made by the South Australian Minister, the way prescribed may include the extent to which the reliability gap period and trading intervals stated in a request for the AER to make a T-1 reliability instrument must be the same as, or may be different to, any period or trading intervals stated in the T-3 reliability instrument.

(d) as if, in section 14I(3) (*AEMO must request reliability instrument*), the following paragraph were inserted after paragraph (a):

(ab) the South Australian Minister has made a related T-3 reliability instrument under section 19B of the *National Electricity (South Australia) Act 1996*; or

(e) as if, in section 14K(1)(b) (*AER may make reliability instrument for a region*), the following subparagraph were inserted after subparagraph (i):

(ia) the South Australian Minister has made a related T-3 reliability instrument under section 19B of the *National Electricity (South Australia) Act 1996*; or

19B—State Minister may make T-3 reliability instrument

(1) Subject to this section, the Minister may, by notice in the Gazette, make a T-3 reliability instrument for the purposes of Part 2A of the *National Electricity (South Australia) Law*.

(2) The Minister may only make a T-3 reliability instrument under subsection (1) if it appears to the Minister, on reasonable grounds, that there is a real risk that the supply of electricity to all or part of South Australia may be disrupted to a significant degree on 1 or more occasions during a period specified in the instrument.

(3) A T-3 reliability instrument under subsection (1) must state—

(a) the region of the national electricity market (as determined under the Rules) to which it applies (all or a part of which must be located in South Australia); and

(b) the first and last days of the period referred to in subsection (2); and

(c) the trading intervals, during the period referred to in subsection (2), for which liable entities may be required to hold net contract positions that are sufficient to meet their share of the one-in-two year peak demand forecast for that period; and

(d) AEMO's one-in-two year peak demand forecast for the period referred to in subsection (2).

(4) A T-3 reliability instrument under subsection (1) takes effect from the date of publication in the Gazette.

(5) The Minister may, by subsequent notice in the Gazette, vary or revoke a T-3 reliability instrument under subsection (1).

(6) A T-3 reliability instrument under subsection (1) that specifies a period under subsection (2) that starts after the relevant day must be made by the Minister at least 3 years before the start of that period.

(7) A T-3 reliability instrument under subsection (1) that specifies a period under subsection (2) that starts before the relevant day must be made by the Minister at least 15 months before the start of that period.

5 (8) In this section—

commencement day means the day on which section 6 of the *National Electricity (South Australia) (Retailer Reliability Obligation) Amendment Act 2019* comes into operation;

10 *relevant day* means the day that occurs 3 years after the commencement day.

19C—Regulations

15 The Governor may, by regulation, modify the application of Rules made in connection with Part 2A of the *National Electricity (South Australia) Law*, or a provision of those Rules, insofar as they apply as part of the law of South Australia.