

Australian Capital Territory

# **Electricity (National Scheme) Act 1997**

**A1997-79**

**Republication No 4**

**Effective: 2 July 2017**

Republication date: 2 July 2017

Last amendment made by [A2012-32](#) (republishing for expiry of transitional provisions (pt 4))

## About this republication

### The republished law

This is a republication of the *Electricity (National Scheme) Act 1997* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 2 July 2017. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 2 July 2017.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see [Legislation Act 2001](#), s 133).

Australian Capital Territory

# Electricity (National Scheme) Act 1997

# Contents

	Page
<b>Part 1 Preliminary</b>	<b>2</b>
1 Name of Act	2
2 Dictionary	2
3 Notes	2
3A Terms used in National Electricity (ACT) Law	2
4 Extraterritorial operation	2
<b>Part 2 National Electricity (ACT) Law and National Electricity (ACT) Regulation</b>	<b>4</b>
5 Application in ACT of National Electricity Law	4
6 Application of regulations under National Electricity Law	4
7 Interpretation of certain expressions	5
<b>Part 3 Miscellaneous</b>	<b>6</b>
8 Regulation-making power	6
<b>Dictionary</b>	<b>7</b>
<b>Endnotes</b>	<b>8</b>
1 About the endnotes	8
2 Abbreviation key	8
3 Legislation history	9
4 Amendment history	10
5 Earlier republications	11
6 Expired transitional or validating provisions	11

Australian Capital Territory

## Electricity (National Scheme) Act 1997

An Act to make provision for the operation of a national electricity market, and for related purposes



## Part 1 Preliminary

### 1 Name of Act

This Act is the *Electricity (National Scheme) Act 1997*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

### 3A Terms used in National Electricity (ACT) Law

A term used in the *National Electricity (ACT) Law* has the same meaning in this Act.

### 4 Extraterritorial operation

It is the intention of the Legislative Assembly that the operation of this Act, the *National Electricity (ACT) Law* and the *National Electricity (ACT) Regulation* should, so far as possible, include operation in relation to the following:

- (a) land situated outside the ACT, whether in or outside Australia;
- (b) things situated outside the ACT, whether in or outside Australia;
- (c) acts, transactions and matters done, entered into or happening outside the ACT, whether in or outside Australia;
- (d) things, acts, transactions and matters (wherever situated, done, entered into or happening) 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

# National Electricity (ACT) Law and National Electricity (ACT) Regulation

### 5 Application in ACT of National Electricity Law

The National Electricity Law set out in the *National Electricity (South Australia) Act 1996* (SA), schedule, as in force for the time being—

- (a) applies as if it were an Act passed by the Legislative Assembly; and
- (b) as so applying may be referred to as the *National Electricity (ACT) Law*.

### 6 Application of regulations under National Electricity Law

The regulations in force for the time being under the *National Electricity (South Australia) Act 1996* (SA), part 4, as in force for the time being—

- (a) apply as regulations in force for the *National Electricity (ACT) Law*; and
- (b) as so applying may be referred to as the *National Electricity (ACT) Regulation*.

### 7 Interpretation of certain expressions

- (1) In the *National Electricity (ACT) Law* and the *National Electricity (ACT) Regulation*:

*Legislature of this jurisdiction* means the Legislative Assembly.

*the jurisdiction* or *this jurisdiction* means the Territory.

*the National Electricity Law* or *this Law* means the *National Electricity (ACT) Law*.

- (2) The *Acts Interpretation Act 1915* (SA), and other Acts of South Australia, do not apply to—
  - (a) the *National Electricity (ACT) Law*; and
  - (b) the regulations in force for the time being under the *National Electricity (South Australia) Act 1996* (SA), part 4 in their application as regulations in force for the purposes of the *National Electricity (ACT) Law*.

## Part 3

## Miscellaneous

### 8 Regulation-making power

The Executive may make regulations that the *National Electricity (ACT) Law* contemplates be made under this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

# Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ☐ Act
- ☐ Commonwealth
- ☐ Legislative Assembly
- ☐ Minister (see s 162)
- ☐ provision (see s 16)
- ☐ Supreme Court
- ☐ the Territory
- ☐ under.

***National Electricity (ACT) Law*** means the provisions applying because of section 5.

***National Electricity (ACT) Regulations*** means the provisions applying because of section 6.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative	r = rule/subrule
Assembly	reloc = relocated



div = division	renum = renumbered
exp = expires/expired	R[X] = Republication No
Gaz = gazette	RI = reissue
hdg = heading	s = section/subsection
IA = Interpretation Act 1967	sch = schedule
ins = inserted/added	sdiv = subdivision
LA = Legislation Act 2001	SL = Subordinate law
LR = legislation register	sub = substituted
LRA = Legislation (Republication) Act 1996	<u>underlining</u> = whole or part not commenced
mod = modified/modification	or to be expired

### 3 Legislation history

#### **Electricity (National Scheme) Act 1997 A1997-79**

notified 25 November 1997 ([Gaz 1997 No S360](#))

s 1, s 2 commenced 25 November 1997 (s 2 (1))

remainder commenced 13 December 1998 (s 2 (2) and [Gaz 1998 No S209](#))

as amended by

#### **[Legislation \(Consequential Amendments\) Act 2001 A2001-44 pt 124](#)**

notified 26 July 2001 ([Gaz 2001 No 30](#))

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 124 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

#### **[Statute Law Amendment Act 2005 \(No 2\) A2005-62 sch 3 pt 3.8](#)**

notified LR 21 December 2005

s 1, s 2 commenced 21 December 2005 (LA s 75 (1))

sch 3 pt 3.8 commenced 11 January 2006 (s 2 (1))

#### **[National Energy Retail Law \(Consequential Amendments\) Act 2012 A2012-32 pt 6](#)**

notified LR 14 June 2012

s 1, s 2 commenced 14 June 2012 (LA s 75 (1))

pt 6 commenced 1 July 2012 (s 2 (1) and see [National Energy Retail Law \(ACT\) Act 2012 A2012-31, s 2 \(1\)](#) and [CN2012-12](#))

## Amendment history

### Name of Act

s 1 sub [A2005-62](#) amdt 3.114

### Dictionary

s 2 om [A2001-44](#) amdt 1.1453  
ins [A2005-62](#) amdt 3.114

### Notes

s 3 sub [A2005-62](#) amdt 3.114

### Terms used in National Electricity (ACT) Law

s 3A ins [A2005-62](#) amdt 3.114

### Interpretation of certain expressions

s 7 am [A2005-62](#) amdt 3.115

### Miscellaneous

pt 3 hdg ins [A2012-32](#) s 37

### Regulation-making power

s 8 ins [A2012-32](#) s 37

### Transitional—National Energy Retail Law

pt 4 hdg ins [A2012-32](#) s 37  
exp 1 July 2017 (s 12)

### Validation of instruments and decisions made by AER

s 9 ins [A2012-32](#) s 37  
exp 1 July 2017 (s 12)

### AER—authorisation of preparatory steps

s 10 ins [A2012-32](#) s 37  
exp 1 July 2017 (s 12)

### Transitional regulations

s 11 ins [A2012-32](#) s 37  
exp 1 July 2017 (s 12)

### Expiry—pt 4

s 12 ins [A2012-32](#) s 37  
exp 1 July 2017 (s 12)

### Dictionary

dict ins [A2005-62](#) amdt 3.116  
def **National Electricity (ACT) Law** ins [A2005-62](#) amdt 3.116  
def **National Electricity (ACT) Regulations** ins [A2005-62](#) amdt 3.116

## 5 Earlier republishing

Some earlier republishing were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republishing has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishing have also been published in printed format. These republishing are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republishing are identical.

Republishing No and date	Effective	Last amendment made by	Republishing for
R1 19 Apr 2002	19 Apr 2002– 10 Jan 2006	<a href="#">A2001-44</a>	amendments by <a href="#">A2001-44</a>
R2 11 Jan 2006	11 Jan 2006– 30 June 2012	<a href="#">A2005-62</a>	amendments by <a href="#">A2005-62</a>
R3 1 July 2012	1 July 2012– 1 July 2017	<a href="#">A2012-32</a>	amendments by <a href="#">A2012-32</a>

## 6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.