

South Australia

National Electricity (South Australia) (National Energy Retail Law) Variation Regulations 2010

under the *National Electricity (South Australia) Act 1996*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *National Electricity (South Australia) Regulations*

- 4 Revocation of regulation 4A
 - 5 Insertion of regulation 5A
 - 5A Corporations Act displacement
 - 6 Insertion of regulation 6A
 - 6A Conduct provisions
 - 7 Insertion of Schedule 1AA
 - Schedule 1AA—Conduct provisions
 - 8 Variation of Schedule 2—Transitional and savings provision
 - 22 Application of National Energy Retail Law in a participating jurisdiction
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Electricity (South Australia) (National Energy Retail Law) Variation Regulations 2010*.

2—Commencement

These regulations will come into operation on [insert date on which the National Energy Retail Law is to commence in the first participating jurisdiction].

Drafting note—

These regulations have been approved by the Ministerial Council on Energy and will be made by the South Australian Governor shortly before the application by the first participating jurisdiction of the Schedule to the *National Energy Retail Law (South Australia) Act 2010*. These regulations will commence on the same date and at the same time as the application of that Schedule in that jurisdiction.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *National Electricity (South Australia) Regulations*

4—Revocation of regulation 4A

Regulation 4A—delete the regulation

5—Insertion of regulation 5A

After regulation 5 insert:

5A—Corporations Act displacement

Pursuant to section 10A of the new National Electricity Law, the following provisions of the Rules are declared to be Corporations legislation displacement provisions for the purposes of section 5G of the *Corporations Act 2001* of the Commonwealth in relation to the provisions of Chapter 5 of that Act:

- (a) clause 3.3.13A;
- (b) clause 3.15.21;
- (c) clause 6B.B5.3.

6—Insertion of regulation 6A

After regulation 6 insert:

6A—Conduct provisions

For the purposes of section 2AA(2) of the new National Electricity Law, a provision of the Rules listed in Schedule 1AA is prescribed to be a conduct provision.

7—Insertion of Schedule 1AA

After Schedule 1 insert:

Schedule 1AA—Conduct provisions

Provisions of the Rules

Clause 6B.A2.1

All provisions in Part B of Chapter 6B

8—Variation of Schedule 2—Transitional and savings provision

Schedule 2—after clause 21 insert:

22—Application of National Energy Retail Law in a participating jurisdiction

The variations made to these regulations by the *National Electricity (South Australia) (National Energy Retail Law) Variation Regulations 2010* do not apply in a participating jurisdiction until the *National Energy Retail Law* is applied in that jurisdiction as a law of that jurisdiction.

Draft

National Electricity (South Australia) (National Energy Retail Law) Variation Regulations 2010 Variation of *National Electricity (South Australia) Regulations*—Part 2

Made by the Governor

on the unanimous recommendation of the Ministers of the participating jurisdictions and with the advice and consent of the Executive Council

on

No of 2010