



Australian Capital Territory

Electricity (National Scheme) Act 1997

A1997-79

Republication No 3

Effective: 1 July 2012 – 1 July 2017

Republication date: 1 July 2012

Last amendment made by [A2012-32](#)

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 1 July 2012. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2012.

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):

- 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 includes 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). 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

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01/07/12 Effective: 01/07/12-01/07/17

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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.

- (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*.

- (c) in a case in which the making of the instrument or decision would be so authorised subject to the satisfaction of any conditions or other requirements (for example, consultation or other publication requirements)—the AER has done anything that would, if the amendments had started so to apply, be required under the authorising law for the instrument or decision to be so authorised.

Example—instrument

guidelines

Examples—decisions

- 1 appointments
- 2 determinations
- 3 approvals

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) For the authorising law, the instrument or decision—
- (a) is taken to be valid; and
 - (b) has effect from the application time—
 - (i) as varied, and unless revoked, by any other instrument or decision to which this section applies; and
 - (ii) subject to that law as so applying.

10 AER—authorisation of preparatory steps

- (1) This section applies if—
- (a) the AER is required to do something (a *preparatory step*) before making a decision or instrument under 1 of the following laws (the *authorising law*):
 - (i) the *National Electricity (ACT) Law*;
 - (ii) the *National Electricity (ACT) Regulation*;

- (iii) this Act; and

Note The [Legislation Act](#), s 104 provides that a reference to an Act includes a reference to the statutory instruments made or in force under the Act.

- (b) the preparatory step would have been required under the authorising law if the amendments of the [National Electricity \(South Australia\) Act 1996](#) (SA) made by the [Statutes Amendment \(National Energy Retail Law\) Act 2011](#) (SA) had started to apply under this Act as a territory law; and
- (c) the AER takes the preparatory step—
- (i) at or after the time that the amendments were enacted; but
 - (ii) before the time that the amendments started to apply under this Act as a territory law.
- (2) For the authorising law, the AER is taken to have complied with the requirement to take the preparatory step.

11 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of—
- (a) the amendments of this Act made by the [National Energy Retail Law \(Consequential Amendments\) Act 2012](#); or
 - (b) the amendments of the [National Electricity \(South Australia\) Act 1996](#) (SA) made by the [Statutes Amendment \(National Energy Retail Law\) Act 2011](#) (SA); or
 - (c) the enactment of the [National Energy Retail Law \(ACT\) Act 2012](#).
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.

- (3) A regulation under subsection (2) has effect despite anything else in this Act or another territory law.

12 Expiry—pt 4

This part expires 5 years after the day it commences.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

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

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

Endnotes

4 Amendment history

4 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 republications

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

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

Republication No and date	Effective	Last amendment made by	Republication for
R1 19 Apr 2002	19 Apr 2002– 10 Jan 2006	A2001-44	amendments by A2001-44
R2 11 Jan 2006	11 Jan 2006– 30 June 2012	A2005-62	amendments by A2005-62

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