



Electricity—National Scheme (Queensland) Act 1997

Current as at 31 May 2024

Reprint note

The Attachment has been omitted from this reprint.
Now see the reprint of the National Electricity (Queensland) Law.

© State of Queensland 2024



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

Electricity—National Scheme (Queensland) Act 1997

Contents

	Page
Part 1	Preliminary
1	Short title 3
2	Commencement 3
3	Definitions 3
4	Crown to be bound 4
5	Extra-territorial operation 4
Part 2	National Electricity (Queensland) Law and National Electricity (Queensland) Regulations
6	Application in Queensland of National Electricity Law 5
6A	Application of National Energy Retail Law amendments 5
7	Application in Queensland under National Electricity Law 5
8	Interpretation of expressions in National Electricity (Queensland) Law and National Electricity (Queensland) Regulations 6
9	Attachment—National Electricity Law 6
Part 3	Mount Isa—Cloncurry supply network
10	Economic regulation of Mount Isa—Cloncurry supply network from 1 July 2010 7
Part 4	Related matters
11	Law to be construed not to exceed legislative power of Legislature 9
12	Regulation-making power for the National Electricity (Queensland) Law 9
12A	Modification regulation-making power 9
13	Validation of instruments and decisions made by AER 10
14	Authorisation of preparatory steps by AER 12

Electricity—National Scheme (Queensland) Act 1997

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

Part 1 Preliminary

1 Short title

This Act may be cited as the *Electricity—National Scheme (Queensland) Act 1997*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Definitions

(1) In this Act—

AER has the meaning given in the National Electricity (Queensland) Law.

National Electricity (Queensland) Law means the provisions applying because of section 6.

National Electricity (Queensland) Regulations means the provisions applying because of section 7.

National Electricity (South Australia) Act 1996 means the *National Electricity (South Australia) Act 1996* of South Australia.

[s 4]

- (2) Words and expressions used in this Act and also in the National Electricity (Queensland) Law have the same meanings in this Act as they have in that Law.
- (3) Subsection (2) does not apply to the extent that the context or subject matter otherwise indicates or requires.

4 Crown to be bound

This Act, the National Electricity (Queensland) Law and the National Electricity (Queensland) Regulations bind the Crown, not only in right of Queensland but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

5 Extra-territorial operation

It is the intention of Parliament that the operation of this Act, the National Electricity (Queensland) Law and the National Electricity (Queensland) Regulations should, so far as possible, include operation in relation to the following—

- (a) land situated outside Queensland, whether in or outside Australia;
- (b) things situated outside Queensland, whether in or outside Australia;
- (c) acts, transactions and matters done, entered into or occurring outside Queensland, whether in or outside Australia;
- (d) things, acts, transactions and matters (wherever situated, done, entered into or occurring) that would, apart from this Act, be governed or otherwise affected by the law of the Commonwealth, another State, a Territory or a foreign country.

Part 2 **National Electricity (Queensland) Law and National Electricity (Queensland) Regulations**

6 Application in Queensland of National Electricity Law

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

- (a) applies as a law of Queensland, with the modification stated in section 6A; and
- (b) as so applying, may be referred to as the National Electricity (Queensland) Law.

Note—

See, however, the *Energy (Renewable Transformation and Jobs) Act 2024* for the application of particular provisions of the National Electricity (Queensland) Law in particular circumstances.

6A Application of National Energy Retail Law amendments

- (1) The amendments made to the National Electricity Law by the *Statutes Amendment (National Energy Retail Law) Act 2011* (SA) start to apply in Queensland when the National Energy Retail Law, part 2 commences.
- (2) In this section—

National Electricity Law means the National Electricity Law set out in the Schedule to the *National Electricity (South Australia) Act 1996*.

7 Application in Queensland under National Electricity Law

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

- (a) apply as regulations in force for the purposes of the National Electricity (Queensland) Law; and
- (b) as so applying, may be referred to as the National Electricity (Queensland) Regulations.

8 Interpretation of expressions in National Electricity (Queensland) Law and National Electricity (Queensland) Regulations

- (1) In the National Electricity (Queensland) Law and the National Electricity (Queensland) Regulations—

Legislature of this jurisdiction means the Parliament of Queensland.

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

this jurisdiction means the State of Queensland.

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

9 Attachment—National Electricity Law

- (1) Attached to this Act is a copy of the National Electricity Law set out in the schedule to the *National Electricity (South Australia) Act 1996* (the *National Electricity Law*).
- (2) The attachment must be revised so that it is an accurate copy of the National Electricity Law as amended from time to time.

- (3) The revision under subsection (2) must happen in the first reprint of this Act after an amendment of the National Electricity Law.
- (4) A copy of an Act passed by the Parliament of South Australia that amends the National Electricity Law must be tabled in the Legislative Assembly by the Minister within 14 sitting days after it receives the Royal Assent.
- (5) A copy of any regulation made under the *National Electricity (South Australia) Act 1996*, part 4 must be tabled in the Legislative Assembly by the Minister within 14 sitting days after it comes into force.
- (6) This section does not affect the operation of sections 6 and 7.

Part 3 **Mount Isa—Cloncurry supply network**

10 **Economic regulation of Mount Isa—Cloncurry supply network from 1 July 2010**

- (1) The AER is responsible for the economic regulation under the National Electricity Rules, chapters 6 and 11, for a relevant regulatory control period, of distribution services provided by means of, or in connection with, the Mount Isa—Cloncurry supply network as if the supply network were part of the national grid.

Editor's note—

National Electricity Rules, chapters 6 (Economic regulation of distribution services) and 11 (Savings and transitional rules)

- (2) For applying the National Electricity Rules, chapters 6 and 11—
 - (a) the distribution services are taken to be distribution services for the National Electricity Rules; and

[s 10]

- (b) the Mount Isa–Cloncurry supply network is taken to be a distribution system.
- (3) The chapters apply with any necessary changes to give effect to this section.
- (4) In this section—

Mount Isa–Cloncurry supply network—

- (a) means the supply network as defined under the *Electricity Act 1994*, section 8, other than the 220kV supply network—
 - (i) located in the Mount Isa–Cloncurry region; and
 - (ii) owned by Ergon Energy at the commencement of this section; and
 - (iii) not connected to the national grid; and
- (b) includes any increase in the supply network after the commencement.

National Electricity Rules has the meaning given in the National Electricity (Queensland) Law.

national grid has the meaning given in the National Electricity Rules.

relevant regulatory control period means—

- (a) the regulatory control period, within the meaning of the National Electricity Rules, starting on 1 July 2010; and
- (b) any regulatory control period after the regulatory control period mentioned in paragraph (a).

Part 4 Related matters

11 Law to be construed not to exceed legislative power of Legislature

- (1) Clause 2 of schedule 2 to the National Electricity (Queensland) Law has effect in relation to the operation of any provision of this Act, or any regulation forming part of the National Electricity (Queensland) Regulations, as if the provision or regulation formed part of the National Electricity (Queensland) Law.
- (2) Subsection (1) does not limit the effect that a provision or regulation would validly have apart from the subsection.

12 Regulation-making power for the National Electricity (Queensland) Law

The Governor in Council may make such regulations as are contemplated by the National Electricity (Queensland) Law as being made under this Act as the application Act of this jurisdiction.

12A Modification regulation-making power

- (1) A regulation (a *modification regulation*) may modify the operation of any of the following—
 - (a) the National Electricity (Queensland) Law;
 - (b) the National Electricity (Queensland) Regulations;
 - (c) the National Electricity Rules to the extent they apply for the purposes of the National Electricity (Queensland) Law.
- (2) However, a modification regulation may be made only—
 - (a) to prevent or minimise an adverse financial effect the operation of the National Electricity (Queensland) Law would, without amendment, have on a particular class of retail customers in Queensland; or

[s 13]

Examples of classes of retail customers—

retail customers who are Aboriginal peoples or Torres Strait Islander peoples, retail customers who are financially disadvantaged, retail customers who live in rural or remote areas

- (b) to prevent or minimise an adverse financial effect the operation of the National Electricity (Queensland) Regulations, or the National Electricity Rules mentioned in subsection (1)(c), would, without amendment, have on—
 - (i) retail customers in Queensland; or
 - (ii) a particular class of retail customers in Queensland; or
- (c) to give effect to the operation of the National Electricity (Queensland) Regulations, or the National Electricity Rules mentioned in subsection (1)(c), in a way that increases customer protection for retail customers in Queensland.

Example of increased customer protection—

a requirement for a network service provider to consider additional matters under the National Electricity (Queensland) Regulations or the National Electricity Rules in relation to quality, safety, reliability and security of supply of electricity for retail customers

13 Validation of instruments and decisions made by AER

- (1) This section applies to an instrument or a decision made by the AER if—
 - (a) the instrument or decision was made—
 - (i) at or after the time the amendments of the National Electricity Law by the *Statutes Amendment (National Energy Retail Law) Act 2011* (SA) were enacted; but
 - (ii) before the time (the *application time*) the amendments started to apply under this Act as a law of Queensland; and

- (b) had the amendments started so to apply, the making of the instrument or decision would have been authorised by 1 of the following laws (the *authorising law*)—
 - (i) the National Electricity (Queensland) Law;
 - (ii) the National Electricity (Queensland) Regulations;
 - (iii) this Act;
 - (iv) a regulation under this Act; and
 - (c) if 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 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.
- (2) For the purposes of the authorising law—
- (a) the instrument or decision is taken to be valid; and
 - (b) the instrument or decision 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.
- (3) For this section—
- (a) guidelines are an example of an instrument; and
 - (b) the following are examples of decisions—
 - (i) appointments;
 - (ii) determinations;
 - (iii) approvals.
- (4) In this section—

National Electricity Law means the National Electricity Law set out in the Schedule to the *National Electricity (South Australia) Act 1996* (SA).

14 Authorisation of preparatory steps by AER

- (1) This section applies if—
 - (a) the AER is required to do something (a *preparatory step*) before making a decision or making an instrument under 1 of the following (the *authorising law*)—
 - (i) the National Electricity (Queensland) Law;
 - (ii) the National Electricity (Queensland) Regulations;
 - (iii) this Act;
 - (iv) a regulation under this Act; and
 - (b) the preparatory step would have been required under the authorising law if the amendments of the National Electricity Law by the *Statutes Amendment (National Energy Retail Law) Act 2011* (SA) had started to apply under this Act as a law of Queensland; and
 - (c) the AER takes the preparatory step—
 - (i) at or after the time the amendments were enacted; but
 - (ii) before the time the amendments started to apply under this Act as a law of Queensland.
- (2) For the purposes of the authorising law, the AER is taken to have complied with the requirement to take the preparatory step.
- (3) In this section—

National Electricity Law means the National Electricity Law set out in the Schedule to the *National Electricity (South Australia) Act 1996* (SA).