



Electricity—National Scheme (Queensland) Act 1997

Current as at 1 July 2015

Reprint note

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



Queensland

Electricity—National Scheme (Queensland) Act 1997

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Electricity—National Scheme (Queensland) Act 1997

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

Preamble

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.

- (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.

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
 - (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—

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.

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—

[s 14]

- (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).

1 Index to endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum m	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Reprint date	Notes
1	none	6 November 1998	

Reprint No.	Amendments to	Reprint date	Notes
2	none	6 November 1998	special reprint to update the Attachment

Reprint No.	Amendments included	Effective	Notes
2A	2005 Act No. 51	2 November 2005	
3	—	2 November 2005	special reprint to update the Attachment
3A	2009 Act No. 16	12 June 2009	
4	—	12 June 2009	special reprint to update the Attachment

Current as at	Amendments included	Notes
12 June 2009 rv	—	Attachment omitted
1 July 2015	2014 Act No. 49	

4 List of legislation

Electricity—National Scheme (Queensland) Act 1997 No. 27

date of assent 22 May 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 23 May 1998 (automatic commencement under AIA s 15DA(2))

amending legislation—

Energy Legislation Amendment Act 2005 No. 51 s 1, pt 3

date of assent 2 November 2005

commenced on date of assent

Mines and Energy Legislation Amendment Act 2009 No. 16 ss 1, 2(2), pt 4

date of assent 12 June 2009

commenced on date of assent (see s 2(2))

National Energy Retail Law (Queensland) Act 2014 No. 49 ss 1–2(1), pt 6 div 2
date of assent 26 September 2014
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2015 (2014 SL No. 336)

5 List of annotations

Preamble

om 2005 No. 51 s 8

Definitions

s 3 def *AER* ins 2009 No. 16 s 28

Application in Queensland of National Electricity Law

s 6 amd 2014 No. 49 s 33

Application of National Energy Retail Law amendments

s 6A ins 2014 No. 49 s 34

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

s 8 amd 2005 No. 51 s 9

Attachment—National Electricity Law

s 9 amd 2005 No. 51 s 10

PART 3—MOUNT ISA—CLONCURRY SUPPLY NETWORK

pt hdg ins 2009 No. 16 s 29

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

s 10 ins 2009 No. 16 s 29

PART 4—RELATED MATTERS

pt hdg ins 2014 No. 49 s 35

Law to be construed not to exceed legislative power of Legislature

s 11 ins 2009 No. 16 s 29

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

s 12 ins 2014 No. 49 s 36

Validation of instruments and decisions made by AER

s 13 ins 2014 No. 49 s 36

Authorisation of preparatory steps by AER

s 14 ins 2014 No. 49 s 36