

**Legislative Council—No 48**

As received from the House of Assembly and read a first time, 28 September 2022

South Australia

**National Electricity Law (South Australia)  
(Consumer Data Right) Amendment Bill 2022**

A BILL FOR

An Act to amend the *National Electricity (South Australia) Act 1996*.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provision

### Part 2—Amendment of *National Electricity Law*

- 4 Amendment of section 2—Definitions
  - 5 Amendment of section 49—AEMO's statutory functions
  - 6 Insertion of section 90AB  
90AB South Australian Minister to make initial Rules relating to consumer data right and further Rules relating to disclosure of data
  - 7 Amendment of Schedule 1—Subject matter for the National Electricity Rules
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The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

5 This Act may be cited as the *National Electricity Law (South Australia) (Consumer Data Right) Amendment Act 2022*.

#### 2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

#### 3—Amendment provision

10 In this Act, a provision in Part 2 amends the *National Electricity Law* set out in the Schedule to the *National Electricity (South Australia) Act 1996*.

### Part 2—Amendment of *National Electricity Law*

#### 4—Amendment of section 2—Definitions

- (1) Section 2(1)—after the definition of *Australian Energy Market Operator* insert:

15 *CDR data* has the same meaning as in the *Competition and Consumer Act 2010* of the Commonwealth;

*CDR provisions* has the same meaning as in the *Competition and Consumer Act 2010* of the Commonwealth;

- (2) Section 2(1)—after the definition of *Court* insert:

20 *data holder* has the same meaning as in the *Competition and Consumer Act 2010* of the Commonwealth;

- (3) Section 2(1)—after the definition of *declared transmission system operator* insert:

*designated energy sector* means an energy sector designated under section 56AC of the *Competition and Consumer Act 2010* of the Commonwealth;

5 **5—Amendment of section 49—AEMO's statutory functions**

- (1) Section 49(1)—delete "AEMO has the following functions" and substitute:

The following functions are conferred on AEMO

- (2) Section 49(1)—after paragraph (f) insert:

10 (fa) any functions of a data holder under the *Competition and Consumer Act 2010* of the Commonwealth for CDR data relating to a designated energy sector;

**6—Insertion of section 90AB**

After section 90A insert:

15 **90AB—South Australian Minister to make initial Rules relating to consumer data right and further Rules relating to disclosure of data**

- (1) The Minister in right of the Crown of South Australia administering Part 2 of the *National Electricity (South Australia) Act 1996* of South Australia (the *South Australian Minister*) may make Rules—
- 20 (a) for or with respect to the implementation of the CDR provisions relating to a designated energy sector, including the disclosure of CDR data; and
- (b) for or with respect to the recovery of costs incurred by AEMO in the carrying out of functions under
- 25 section 49(1)(fa); and
- (c) for or with respect to access to and disclosure of metering data and NMI Standing Data, and
- (d) that revoke or amend a Rule as a consequence of the enactment of the consumer data right amendments.
- (2) Rules may only be made under subsection (1) on the recommendation of the MCE.
- (3) Section 34(3) applies to Rules made under subsection (1) in the same way as it applies to Rules made by the AEMC.
- (4) As soon as practicable after making Rules under this section, the
- 35 South Australian Minister must—
- (a) publish notice of the making of the Rules in the South Australian Government Gazette; and
- (b) make the Rules publicly available.
- (5) The notice referred to in subsection (4)(a) must state—
- 40 (a) the date on which the Rules commence operation; or

(b) if different Rules will commence operation on different dates, those dates.

(6) Once the first Rules have been made under subsection (1), no further Rules can be made under that subsection.

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(7) In this section—

*consumer data right amendments* means the amendments made to this Law by the *National Electricity Law (South Australia) (Consumer Data Right) Amendment Act 2022*.

## **7—Amendment of Schedule 1—Subject matter for the National Electricity Rules**

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Schedule 1—after item 35 insert:

35A            Any matter or thing necessary or expedient for the purposes of compliance with, or implementation of, the CDR provisions relating to a designated energy sector.