

South Australia

# **Electricity (General) (Retailer Energy Efficiency Scheme) (Public Health Emergency) Variation Regulations 2020**

under the *Electricity Act 1996*

---

## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Electricity (General) Regulations 2012***

- 4 Insertion of regulation 35A  
35A Special arrangements for COVID-19 public health emergency
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Electricity (General) (Retailer Energy Efficiency Scheme) (Public Health Emergency) Variation Regulations 2020*.

### **2—Commencement**

These regulations come into operation on the day on which they are made.

### **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 *Electricity (General) Regulations 2012***

### **4—Insertion of regulation 35A**

After regulation 35 insert:

#### **35A—Special arrangements for COVID-19 public health emergency**

- (1) The Minister may, by notice in the Gazette, determine that either or both of the following alternative arrangements apply for the purposes of this regulation:
  - (a) an alternative arrangement involving the Minister varying a target that would otherwise apply to a retailer for 2020 by reducing the target by a percentage specified by the Minister and increasing the relevant target applying to the retailer for 2021 by the amount of the reduction;
  - (b) an alternative arrangement involving the Minister, on payment of the specified amount by a retailer into the designated fund, varying a target that would otherwise apply to a retailer for 2020 by reducing the target by a percentage specified by the Minister.
- (2) The Minister may, in the notice under subregulation (1), invite retailers to apply for approval of an alternative arrangement under this regulation.
- (3) A retailer may, within 14 days of publication of the notice under subregulation (1), apply to the Minister for approval of an alternative arrangement for the retailer.
- (4) If the Minister, on application by a retailer in accordance with subregulation (3), approves an alternative arrangement of a kind referred to in subregulation (1)(a) for the retailer, the Minister must, by notice in the Gazette, specify—
  - (a) the target that applies to the retailer for 2020 under the alternative arrangement; and
  - (b) the amount to be added to the relevant target applying to the retailer for 2021.
- (5) If the Minister, on application by a retailer in accordance with subregulation (3), approves an alternative arrangement of a kind referred to in subregulation (1)(b) for the retailer, the Minister must, by notice in the Gazette, specify the target that applies to the retailer for 2020 under the alternative arrangement.
- (6) The Minister must ensure that a copy of a notice under subregulation (4) or (5) is sent to the retailer as soon as practicable after the publication of the notice.

- (7) An application by a retailer in accordance with subregulation (3) seeking an alternative arrangement of a kind referred to in subregulation (1)(b) must be accompanied by the specified amount for the retailer and the Minister must ensure that the specified amount is paid into the designated fund.
- (8) If the Minister specifies a target that applies to a retailer for 2020 under an alternative arrangement under this regulation (including an alternative arrangement that is varied under this regulation), that target applies in substitution for the target notified by the Commission as applying to the retailer under regulation 32(1) (as adjusted under regulation 32(2)).
- (9) The Minister may, by further notice in the Gazette, increase a percentage specified in a notice under subregulation (1).
- (10) If the Minister increases a percentage by further notice under subregulation (9), a retailer may, within 14 days of the notice—
  - (a) in the case of a retailer for which an alternative arrangement has been approved under this regulation—apply to the Minister for variation of the alternative arrangement; or
  - (b) in any other case—apply to the Minister for approval of an alternative arrangement for the retailer.
- (11) Subregulations (4) to (8) apply to—
  - (a) an application for a variation of an alternative arrangement under subregulation (10)(a); or
  - (b) an application for an alternative arrangement under subregulation (10)(b),

as if it were an application for approval of an alternative arrangement made in accordance with subregulation (3).

- (12) In this regulation—

***alternative arrangement*** means an arrangement of a kind referred to in subregulation (1)(a) or (b) (or both) if the Minister specifies that the arrangement (or both arrangements) applies for the purposes of this regulation in a notice under that subregulation;

***designated fund*** means a fund established by the Minister into which amounts are to be paid under an alternative arrangement of a kind referred to in subregulation (1)(b) and which may be applied for the purposes referred to in section 94B(12)(a) and (b) of the Act;

***specified amount***—the specified amount under subregulation (1)(b) for a retailer must reflect the reduction in the retailer's target by the specified percentage and is to be calculated by multiplying the amount of the reduction by a rate per GJ (for energy efficiency activities) or an amount per audit (for energy audits).

**Electricity (General) (Retailer Energy Efficiency Scheme) (Public Health Emergency) Variation Regulations 2020**

Part 2—Variation of *Electricity (General) Regulations 2012*

---

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 9 July 2020

No 232 of 2020