

South Australia

Electricity (General) (Technical Standards) Variation Regulations 2021

under the *Electricity Act 1996*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electricity (General) (Technical Standards) Variation Regulations 2021*.

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—Variation of regulation 11—Compliance with standards that are varied or substituted

Regulation 11(5)—after "(inclusive)" insert:
or Part 10 Division 1A

5—Insertion of Part 10 Division 1A

Part 10—after Division 1 insert:

Division 1A—Technical Regulator to publish emergency standards

55H—Technical Regulator to publish emergency standards

- (1) The Technical Regulator may prepare and publish technical and operational standards that must be applied so that electricity infrastructure and electrical installations are installed, maintained and operated in a manner that facilitates the taking of effective emergency action (*emergency standards*).
- (2) Without limiting subregulation (1), emergency standards may—
 - (a) specify requirements and standards for electricity infrastructure and electrical installations, including in relation to the nature or operation of such infrastructure or installations; and
 - (b) provide for monitoring and enforcing compliance with the emergency standards, including by specifying requirements relating to—
 - (i) activities a relevant entity must undertake in order to comply with the emergency standards (including timeframes for completion of such activities); and
 - (ii) reporting by a relevant entity on the implementation or performance of activities for the purposes of complying with the emergency standards; and
 - (c) provide for the Technical Regulator to determine—
 - (i) that activities undertaken by a relevant entity comply with a provision of the emergency standards, including activities commenced or completed before the commencement of the provision; and
 - (ii) that activities undertaken by a relevant entity were undertaken solely for the purposes of compliance with a provision of the emergency standards and, in the case of activities commenced or completed before the commencement of the provision, that such activities will be treated as having been undertaken after that commencement.
- (3) The provisions of the emergency standards may be of general, limited or varied application according to—
 - (a) the class of relevant entity; or
 - (b) the circumstances; or
 - (c) any other specified factor,

to which the provision is expressed to apply.

- (4) A relevant entity must—
 - (a) comply with the provisions of the emergency standards applying to the entity; and
 - (b) provide, in accordance with any requirements of the emergency standards, information and assistance to the Technical Regulator for the purpose of preparing and maintaining the emergency standards.
- (5) The Commission—
 - (a) is required to impose a condition on a relevant licence that the licence holder comply with the requirements in subregulation (4), in accordance with section 21(2) of the Act (so that a failure to do so will constitute a contravention of a condition of the licence); and
 - (b) is to vary conditions of a relevant licence to ensure that the licence holder comply with the requirements in subregulation (4), in accordance with section 27(1) of the Act (so that a failure to do so will constitute a contravention of a condition of the licence).
- (6) The Technical Regulator may vary or substitute the emergency standards.
- (7) The Technical Regulator must, before publishing the emergency standards, undertake consultation (in such manner as the Technical Regulator thinks fit) with AEMO on the emergency standards, including on whether the emergency standards are necessary, whether the content of the standards is appropriate in that context and whether the emergency standards are consistent with the national electricity objective.
- (8) Without limiting subregulation (7), the Technical Regulator must, before publishing, varying or substituting the emergency standards, undertake consultation (in such manner as the Technical Regulator thinks fit) with persons or bodies that the Technical Regulator is satisfied represent the interests of relevant entities affected by the emergency standards, variation or substituted emergency standards.
- (9) In this regulation—

emergency action means action (whether by the Minister, AEMO or any other person or body) for the purposes of preventing or responding to significant disruptions (or risks of significant disruptions) to the supply of electricity to part of or all of South Australia;

emergency standards—see subregulation (1);

national electricity objective has the same meaning as in the *National Electricity (South Australia) Law*;

relevant entity means the holder of a relevant licence or a person exempted from the requirement to hold such a licence;

relevant licence means any of the following licences under the Act:

- (a) a licence authorising the generation of electricity;
- (b) a licence authorising the operation of a transmission or distribution network;
- (c) a licence authorising system control over a power system.

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 4 November 2021

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