

South Australia

Electricity (General) (Prescribed Conditions) Amendment Regulations 2022

under the *Electricity Act 1996*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electricity (General) (Prescribed Conditions) Amendment Regulations 2022*.

2—Commencement

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

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

3—Insertion of regulation 17B

After regulation 17A insert:

17B—Prescribed conditions—designated services

- (1) In accordance with section 21(2) of the Act, the Commission is required to impose the following conditions on the following licences:
 - (a) on the relevant distribution licence—the condition that the holder of the licence procure, for the amount and in the instalments set out in subregulation (2), designated services from the holder of the relevant generation licence;

- (b) on the relevant generation licence—the condition that the holder of the licence provide designated services to the holder of the distribution licence.
- (2) The amount for which designated services are to be procured in accordance with the condition that the Commission is required to impose under subregulation (1)(a) is \$19.5 million paid in the following instalments:
 - (a) one-third of the amount is to be paid on or before 30 June 2023;
 - (b) one-third of the amount is to be paid on or before 30 June 2024;
 - (c) one-third of the amount is to be paid on or before 30 June 2025.
- (3) If the holder of the relevant generation licence fails at any time during the prescribed period to provide designated services as required by that licence—
 - (a) the holder of the relevant distribution licence will not be taken to breach the condition that is required to be imposed by the Commission under subregulation (1)(a) on account of the failure; and
 - (b) no liability attaches to the holder of the relevant distribution licence on account of the failure.
- (4) This regulation applies in relation to the relevant distribution licence and the relevant generation licence despite the fact that each licence was issued before the commencement of this regulation.
- (5) In this regulation—

designated services means services to maintain Torrens Island Power Station Unit B2 as an available and functioning electricity generating plant during the prescribed period;

Note—

The continued operation of Torrens Island Power Station Unit B2 during the prescribed period contributes to the secure and reliable operation of the State's power system.

prescribed period means 1 September 2023 to 30 June 2026 (inclusive);

relevant distribution licence means the licence under the Act authorising the operation of a distribution network held by an electricity entity that is a network service provider (within the meaning of the *National Electricity (South Australia) Law*) that owns, controls or operates a distribution system;

relevant generation licence means the licence under the Act authorising the generation of electricity and under which Torrens Island Power Station Unit B2 is operated.

4—Amendment of regulation 21A—Variation of licences by Commission

Regulation 21A—delete "regulation 17A(1)" and substitute:

regulations 17A(1) or 17B(1)

5—Insertion of regulation 21B

After regulation 21A insert:

21B—Exemption from consultation with consumer bodies

In accordance with section 98(2)(e) of the Act, the Commission is, in varying the conditions of a licence for the purpose of complying with regulation 17B(1), exempt from the application of section 28A of the Act.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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's Deputy

with the advice and consent of the Executive Council
on 24 November 2022

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