South Australia

National Electricity (South Australia) Regulations

under the *National Electricity (South Australia) Act 1996*

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Legislative history

1—Short title

These regulations may be cited as the *National Electricity (South Australia) Regulations*.

3—Interpretation

In these regulations—

commencement date of the new National Electricity Law means the date of commencement of section 12 of the *National Electricity (South Australia) (New National Electricity Law) Amendment Act 2005*;

NECA means National Electricity Code Administrator Limited ACN 073 942 775;

new National Electricity Law means the National Electricity Law as in force on or after the commencement date of the new National Electricity Law;

old National Electricity Law means the National Electricity Law as in force before the commencement date of the new National Electricity Law;

tier 1 civil penalty provision—see regulation 6(2);

tier 2 civil penalty provision—see regulation 6(3);

tier 3 civil penalty provision—see regulation 6(4).

4—Jurisdictional regulator—Tasmania

For the purposes of paragraph (h) of the definition of ***jurisdictional regulator*** in section 2 of the new National Electricity Law, in relation to the State of Tasmania as a participating jurisdiction—

(a) the Regulator within the meaning of the *Electricity Supply Industry Act 1995* of Tasmania is a jurisdictional regulator of Tasmania; or

(b) if the functions or powers of that Regulator under the new National Electricity Law are transferred to the AER by or under a law of Tasmania, the AER is a jurisdictional regulator of that jurisdiction.

5—Relevant participant

(1) For the purposes of the definition of ***relevant participant*** in section 2 of the new National Electricity Law—

(a) a Registered participant is not a relevant participant to the extent that the Registered participant is acting in the capacity of a Metering Provider under the Rules; and

(b) an applicant within the meaning of clause 2.9.3 of the Rules is a relevant participant to the extent that the person would have been a Registered participant if the person had not been exempted under that clause from the requirement to register as a Generator or Network Service Provider; and

(c) a connection applicant who is not a Registered participant is a relevant participant but only for the purposes of clause 8.2 of the Rules.

(2) Terms used in subregulation (1) that are defined in the Rules have the same respective meanings in that subregulation as in the Rules.

5A—Corporations Act displacement

Pursuant to section 10A of the new National Electricity Law, the following provisions of the Rules are declared to be Corporations legislation displacement provisions for the purposes of section 5G of the *Corporations Act 2001* of the Commonwealth in relation to the provisions of Chapter 5 of that Act:

(a) clause 3.3.13A;

(b) clause 3.15.21;

(c) clause 6B.B5.3.

5B—Additional innovative trial principles

For the purposes of section 7B(i) of the new National Electricity Law, the following principles are prescribed:

(a) whether the trial project is able to be trialled and evaluated;

(b) whether there is potential for the trial project to be successfully expanded;

(c) whether the trial project will provide for public sharing of knowledge, information and data resulting from the trial project.

5C—Prescribed period for extension of trial waiver

For the purposes of section 18ZQ(1) of the new National Electricity Law, the period of 1 year is prescribed.

5D—Prescribed period for extension of trial Rule

For the purposes of section 104A(1) of the new National Electricity Law, the period of 1 year is prescribed.

6—Civil penalty provisions

(1) For the purposes of section 2AA(1)(c) of the new National Electricity Law, a provision of the Rules listed in Schedule 1 is prescribed to be a civil penalty provision.

(2) A civil penalty provision listed in Schedule 1 Part 1 is prescribed for the purposes of section 2AB(1)(c) of the new National Electricity Law and is a ***tier 1 civil penalty provision***.

(3) A civil penalty provision listed in Schedule 1 Part 2 is prescribed for the purposes of section 2AB(1)(b) of the new National Electricity Law and is a ***tier 2 civil penalty provision***.

(4) A civil penalty provision to which section 2AB(1)(a) of the new National Electricity Law applies is a ***tier 3 civil penalty provision***.

6A—Conduct provisions

For the purposes of section 2AA(2) of the new National Electricity Law, a provision of the Rules listed in Schedule 1AA is prescribed to be a conduct provision.

6B—Disclosure of protected information

For the purposes of section 54C(2)(g) of the new National Electricity Law, the Commonwealth Scientific and Industrial Research Organisation is prescribed.

7—Modification of procedural provisions of relevant Commercial Arbitration Act

For the purposes of section 69A(1) of the new National Electricity Law, the application of the procedural provisions of the Commercial Arbitration Act of this jurisdiction to the hearing of a Rule dispute and decision or determination of a Dispute resolution panel is modified—

(a) as if—

(i) the Rules providing for a Rule dispute were an arbitration agreement within the meaning of that Act; and

(ii) the referral of the Rule dispute to a Dispute resolution panel in accordance with the Rules were a referral to arbitration in accordance with an arbitration agreement; and

(iii) a reference in those provisions to an arbitrator were a reference to the Dispute resolution panel; and

(iv) a reference to a party to an arbitration agreement, or in an arbitration proceeding, in those provisions were a reference to a party to the Rule dispute; and

(v) in those provisions for—

(A) "unless otherwise agreed in writing by the parties"; or

(B) "unless otherwise agreed by the parties",

there were substituted "unless the Rules otherwise provide" (as the case requires); and

(vi) a reference to an award of an arbitrator in those provisions were a reference to a decision or determination of a Dispute resolution panel; and

(b) with any other alterations and modifications that are necessary.

7A—Procedural provisions of relevant Commercial Arbitration Act

For the purposes of the definition of ***procedural provisions of the Commercial Arbitration Act of this jurisdiction*** in section 69A(2) of the new National Electricity Law, the prescribed provisions are as follows:

(a) if the new National Electricity Law is applied as a law of the Commonwealth and a Rule dispute is heard and determined in that jurisdiction, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2017* of the Australian Capital Territory;

(b) if the new National Electricity Law is applied as a law of the State of New South Wales and a Rule dispute is heard and determined in that State, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2010* of New South Wales;

(c) if the new National Electricity Law is applied as a law of the State of Victoria and a Rule dispute is heard and determined in that State, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2011* of Victoria;

(d) if the new National Electricity Law is applied as a law of the State of Queensland and a Rule dispute is heard and determined in that State, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2013* of Queensland;

(e) if the new National Electricity Law is applied as a law of the State of South Australia and a Rule dispute is heard and determined in that State, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2011* of South Australia;

(f) if the new National Electricity Law is applied as a law of the State of Tasmania and a Rule dispute is heard and determined in that State, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2011* of Tasmania;

(g) if the new National Electricity Law is applied as a law of the Australian Capital Territory and a Rule dispute is heard and determined in that Territory, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration Act 2017* of the Australian Capital Territory;

(h) if the new National Electricity Law is applied as a law of the Northern Territory and a Rule dispute is heard and determined in that Territory, Parts 4, 4A, 5 and 6 and sections 37, 38 and 39 of the *Commercial Arbitration (National Uniform Legislation) Act 2011* of the Northern Territory.

7B—Modification of review provisions of relevant Commercial Arbitration Act

For the purposes of section 71(2) of the new National Electricity Law, the application of the review provisions of the Commercial Arbitration Act of this jurisdiction to a decision or determination of a Dispute resolution panel is modified—

(a) as if—

(i) the Rules providing for a Rule dispute were an arbitration agreement within the meaning of that Act; and

(ii) a reference to an arbitration in those provisions were a reference to the hearing of the Rule dispute; and

(iii) a reference in those provisions to an award of an arbitrator were a reference to a decision or determination of a Dispute resolution panel; and

(iv) a reference to a party to an arbitration agreement, or in an arbitration proceeding, in those provisions were a reference to a party to the Rule dispute; and

(b) with any other alterations and modifications that are necessary.

7C—Review provisions of relevant Commercial Arbitration Act

For the purposes of the definition of ***review provisions of the Commercial Arbitration Act of this jurisdiction*** in section 71(3) of the new National Electricity Law, the prescribed provisions are as follows:

(a) if the new National Electricity Law is applied as a law of the Commonwealth and a Rule dispute is heard and determined in that jurisdiction, Part 7 of the *Commercial Arbitration Act 2017* of the Australian Capital Territory;

(b) if the new National Electricity Law is applied as a law of the State of New South Wales and a Rule dispute is heard and determined in that State, Part 7 of the *Commercial Arbitration Act 2010* of New South Wales;

(c) if the new National Electricity Law is applied as a law of the State of Victoria and a Rule dispute is heard and determined in that State, Part 7 of the *Commercial Arbitration Act 2011* of Victoria;

(d) if the new National Electricity Law is applied as a law of the State of Queensland and a Rule dispute is heard and determined in that State, Part 7 of the *Commercial Arbitration Act 2013* of Queensland;

(e) if the new National Electricity Law is applied as a law of the State of South Australia and a Rule dispute is heard and determined in that State, Part 7 of the *Commercial Arbitration Act 2011* of South Australia;

(f) if the new National Electricity Law is applied as a law of the State of Tasmania and a Rule dispute is heard and determined in that State, Part 7 of the *Commercial Arbitration Act 2011* of Tasmania;

(g) if the new National Electricity Law is applied as a law of the Australian Capital Territory and a Rule dispute is heard and determined in that Territory, Part 7 of the *Commercial Arbitration Act 2017* of the Australian Capital Territory;

(h) if the new National Electricity Law is applied as a law of the Northern Territory and a Rule dispute is heard and determined in that Territory, Part 7 of the *Commercial Arbitration (National Uniform Legislation) Act 2011* of the Northern Territory.

8—Content of requests for Rule

(1) For the purposes of section 92(1)(a) of the new National Electricity Law, a request for the making of a Rule must contain the following information:

(a) the name and address of the person making the request;

(b) a description of the Rule that the person proposes be made, including, if the request is for a derogation, a statement as to whether the derogation is a jurisdictional derogation or a participant derogation;

(c) a statement of the nature and scope of the issue that is proposed to be addressed and an explanation of how the proposed Rule would address the issue;

(d) an explanation of how the proposed Rule will or is likely to contribute to the achievement of the national electricity objective;

(e) an explanation of the expected benefits and costs of the proposed change and the potential impacts of the change on those likely to be affected;

(f) in the case of a request by an electricity market regulatory body in the circumstances described in section 96A(1)(a) of the new National Electricity Law—a summary of the consultation conducted by the electricity market regulatory body (including information about the extent of the consultation and about the issues raised during the consultation and the electricity market regulatory body's response to those issues).

(2) A request under section 92(1) of the new National Electricity Law for the making of a Rule must be in writing.

9—Reviewable regulatory decisions

(1) For the purposes of the definition of ***relevant regulatory decision*** in section 2(1) of the new National Electricity Law, a determination of the AER under any of the following clauses of the Rules is prescribed to be a relevant regulatory decision:

(a) clause 6.6.1(d);

(b) clause 6.6.1(g);

(c) clause 6A.7.3(d);

(d) clause 6A.7.3(g).

10—Service of summons to appear as a witness

(1) For the purposes of section 143 of the new National Electricity Law, a summons issued by the AER must include—

(a) the name and address of the person on whom the summons is to be served; and

(b) if the summons is for the production of a document—

(i) a proper description of the document; and

(ii) if the document is to be produced by a person that is a corporation, the name and title of the appropriate officer of the corporation who is to attend and produce the document; and

(c) the date, time and place of the hearing of the AER at which the person is required to attend and (if required) to produce the document.

(2) The summons will remain in force for a period specified in the summons or, if no period is specified, until the conclusion of the proceeding in relation to which the summons has been issued.

(3) The summons will be taken to be effectively served if—

(a) a copy of the summons is handed to the person to be served or, where service by that method is refused or obstructed or made impracticable, a copy of the summons is placed as near as practicable to the person and the person is informed of the nature of the summons; or

(b) a copy of the summons is delivered to a legal practitioner acting for the person to be served and the legal practitioner endorses a statement on the summons to the effect that the legal practitioner accepts service; or

(c) where the person to be served is a corporation, a copy of the summons is served on the corporation in accordance with the provisions of the *Corporations Act 2001* of the Commonwealth; or

(d) a copy of the summons is served in accordance with an agreement made between the parties as to the place and method of service and the person on whom service may be effected; or

(e) an answer to the summons is filed with the AER; or

(f) the AER is satisfied that the person to be served has received a copy of the summons.

11—AER to be able to charge for costs of access disputes

Pursuant to section 156 of the new National Electricity Law, the AER may—

(a) charge the parties to an access dispute for its costs in the access dispute; and

(b) apportion those costs between the parties.

13—System operations functions or powers

(1) For the purposes of section 77A of the old National Electricity Law, the following are prescribed as a system operations function or power:

(a) a function or power of NEMMCO under the Code performed or exercised as an agent engaged by NEMMCO under clause 4.3.3(a)(1) of the Code;

(b) a function or power that NEMMCO could have performed or exercised under the Code performed or exercised pursuant to a contractual arrangement with NEMMCO under clause 4.3.3(a)(2) of the Code;

(c) the provision of information to NEMMCO in relation to the performance or exercise of a function or power referred to in paragraph (a) or (b);

(d) the provision of information to NEMMCO for the purposes of clause 3.13.3(f), (g), (i) or (n), 4.5.1(b) or (c), 4.6.1(a), 4.6.2 or 4.6.5(a) of the Code;

(e) the provision of information to NEMMCO for the purposes of clause 3.11.2(b) or 4.3.4(d) of the Code or paragraph 5.2(b) of Schedule 9G of the Code in so far as the compiling of the information involves analysis, judgements or calculations;

(f) the development of procedures for the purposes of clause 4.8.8(c) or 4.10.1(b) of the Code;

(g) a function under any of the following clauses of the Code:

clause 4.3.4(a), (b), (c) or (f)

clause 4.6.5(c)

clause 4.10.3(a)

clause 4.10.5(b)

clause 4.11.2(a) or (d);

(h) the disconnection or reconnection of a facility as contemplated by the power system operating procedures defined in clause 4.10.1(a) of the Code in so far as the disconnection or reconnection is performed by—

(i) a Transmission Network Service Provider; or

(ii) a Distribution Network Service Provider at the direction of a Transmission Network Service Provider;

(i) the disconnection of a Code participant's facilities under clause 5.9.3(a)(1), (2) or (3) or 5.9.4(a) of the Code;

(j) the reconnection of a Code participant's facilities under clause 5.9.6(a) or (b) of the Code;

(k) action taken as directed by NEMMCO under any of the following clauses of the Code:

clause 5.9.3

clause 5.9.4

clause 5.9.5

clause 5.9.6;

(l) action taken as required by NEMMCO under paragraph S5.1.14 of Schedule 5.1 of the Code;

(m) the provision and maintenance of communications systems between a communications interface at a power station and the control centre as required under paragraph S5.2.6.3 of Schedule 5.2 of the Code;

(n) the provision and maintenance of equipment by means of which routine and emergency control telephone calls may be made as required under paragraph S5.2.6.3(a) of Schedule 5.2 of the Code;

(o) the provision and maintenance of a telephone link or radio installation as required under paragraph S5.2.6.3(b) of Schedule 5.2 of the Code.

(2) For the purposes of section 119(7) of the new National Electricity Law, the following are prescribed as a system operations function or power:

(a) a function or power of AEMO under the Rules performed or exercised as an agent engaged, or delegate appointed, by AEMO under clause 4.3.3(a)(1) of the Rules;

(b) a function or power that AEMO could have performed or exercised under the Rules performed or exercised pursuant to a contractual arrangement with AEMO under clause 4.3.3(a)(2) of the Rules;

(c) the provision of information to AEMO in relation to the performance or exercise of a function or power referred to in paragraph (a) or (b);

(d) the provision of information to AEMO for the purposes of clause 3.13.3(f), (g), (i) or (o), 4.5.1(b) or (c), 4.6.1(a), 4.6.2 or 4.6.5(a) of the Rules;

(e) the provision of information to AEMO for the purposes of clause 3.11.2(b) or 4.3.4(d) of the Rules insofar as the compiling of the information involves analysis, judgements or calculations;

(f) the development of procedures for the purposes of clause 4.10.1(b) of the Rules;

(g) a function under any of the following clauses of the Rules:

(i) clause 4.3.4(a), (b), (c) or (f);

(ii) clause 4.6.5(c);

(iii) clause 4.10.3(a);

(iv) clause 4.10.5(b);

(v) clause 4.11.2(a) or (d);

(h) the disconnection or reconnection of a facility as contemplated by the power system operating procedures defined in clause 4.10.1(a) of the Rules insofar as the disconnection or reconnection is performed by—

(i) a Transmission Network Service Provider; or

(ii) a Distribution Network Service Provider at the direction of a Transmission Network Service Provider;

(i) the disconnection of a Registered participant's facilities or market loads under clause 5.9.3(a)(1), (2) or (3) of the Rules;

(j) the reconnection of a Registered participant's facilities under clause 5.9.6(a) or (b) of the Rules;

(k) action taken as directed by AEMO under any of the following clauses of the Rules:

(i) clause 5.9.3;

(ii) clause 5.9.5;

(iii) clause 5.9.6;

(l) the provision and maintenance of communications systems between a communications interface at a power station and the control centre as required under clause S5.2.6.2 of Schedule 5.2 of the Rules;

(m) the provision and maintenance of equipment by means of which routine and emergency control telephone calls may be made as required under clause S5.2.6.2 of Schedule 5.2 of the Rules;

(n) the provision and maintenance of a telephone link or radio installation as required under clause S5.2.6.2 of Schedule 5.2 of the Rules.

(3) Terms used in subregulation (1) that are defined in the Code have the same respective meanings in that subregulation as in the Code.

(4) Terms used in subregulation (2) that are defined in the Rules have the same respective meanings in that subregulation as in the Rules.

14—Maximum civil liabilities of AEMO or network service providers

(1) For the purposes of section 77A(4)(c) of the old National Electricity Law and section 119(3) of the new National Electricity Law, maximum amounts are prescribed as follows:

(a) the maximum amount of AEMO's civil monetary liability to each person who suffers loss as a result of a relevant event is, in respect of that event, $2 million;

(b) however, if the amount of AEMO's civil monetary liability to the person in respect of that event (as affected, if at all, by paragraph (a)) exceeds the prescribed amount in respect of the relevant event, the maximum amount of AEMO's civil monetary liability to that person in respect of that event is that prescribed amount;

(c) the maximum amount of each network service provider's civil monetary liability to each person who suffers loss as a result of a relevant event is, in respect of that event, $2 million;

(d) however, if the amount of the network service provider's civil monetary liability to the person in respect of that event (as affected, if at all, by paragraph (c)) exceeds the prescribed amount in respect of the relevant event, the maximum amount of the network service provider's civil monetary liability to that person in respect of that event is that prescribed amount;

(e) paragraphs (a), (b), (c) and (d) do not apply in relation to civil monetary liability for death or bodily injury;

(f) the maximum amount of the civil monetary liability of each officer or employee of AEMO or a network service provider to each person who suffers loss as a result of a relevant event is, in respect of that event, $1.

(2) AEMO and each network service provider must ensure that the following provisions are complied with in relation to claims against AEMO or the network service provider alleging civil monetary liabilities in respect of relevant events:

(a) the claims must be dealt with in an orderly manner, without bad faith and with reasonable dispatch;

(b) a register must be maintained containing the following in relation to each claim lodged with it:

(i) a unique identifier assigned to the claim and linked to each entry in the register relating to the claim;

(ii) the date on which the claim was lodged;

(iii) the amount of the claim (if stated by the claimant);

(iv) the date or dates on which the relevant event to which the claim relates is alleged to have occurred;

(v) the date of payment of the claim;

(vi) the amount paid on the claim;

(c) separate running totals must be kept in the register of—

(i) the amounts of the claims (as stated by the claimants) in relation to relevant events alleged to have occurred during the same prescribed 12 month period; and

(ii) the amounts paid on the claims in relation to relevant events alleged to have occurred during the same prescribed 12 month period;

(d) the running totals kept in the register must be made available for inspection by the public, during ordinary business hours and at no fee, in each participating jurisdiction in which AEMO or the network service provider carries on business;

(e) a person appointed by NECA, or, after the commencement date of the new National Electricity Law, by the AER, must be allowed, at any time during ordinary business hours, to conduct inspections of the register and other records of AEMO or the network service provider, and to question officers and employees of AEMO or the network service provider, for the sole purpose of checking the accuracy of the register.

(3) In this regulation—

prescribed amount in respect of a relevant event means—

(a) in relation to AEMO—the amount obtained by deducting from $100 million the aggregate of the amounts already paid by AEMO in discharge of AEMO's civil monetary liabilities to persons suffering losses as a result of relevant events occurring during the same prescribed 12 month period as that in which the relevant event occurred;

(b) in relation to a network service provider—the amount obtained by deducting from $100 million the aggregate of the amounts already paid by the network service provider in discharge of the network service provider's civil monetary liabilities to persons suffering losses as a result of relevant events occurring during the same prescribed 12 month period as that in which the relevant event occurred;

prescribed 12 month period means each period of 12 months commencing on 13 November in any year and ending on 12 November in the following year;

relevant event means—

(a) in relation to AEMO—a negligent act or omission, or a series of connected negligent acts or omissions, in the performance or exercise, or purported performance or exercise, of a function or power of AEMO under the old National Electricity Law or the Code or the new National Electricity Law or the Rules;

(b) in relation to a network service provider—a negligent act or omission, or a series of connected negligent acts or omissions, in the performance or exercise, or purported performance or exercise, of a system operations function or power;

(c) in relation to an officer or employee of AEMO—a negligent act or omission, or a series of connected negligent acts or omissions, in the performance or exercise, or purported performance or exercise, of a function or power of AEMO under the old National Electricity Law or the Code or the new National Electricity Law or the Rules;

(d) in relation to an officer or employee of a network service provider—a negligent act or omission, or a series of connected negligent acts or omissions, in the performance or exercise, or purported performance or exercise, of a system operations function or power.

15—Fees

(1) The fees set out in Schedule 1A are prescribed.

(2) A fee is not payable for the notification of an access dispute under section 125 of the new National Electricity Law if the notification is made by a user consuming less than 750 MWh of electricity per annum.

16—Indexation of civil and criminal penalty amounts

(1) For the purposes of clauses 37A and 37B of Schedule 2 to the new National Electricity Law, each civil penalty amount and criminal penalty amount is to be adjusted in accordance with the following formula:

$$P = Pc \times A / B$$

Where—

P is the amount that applies on and from the date of the adjustment

Pc is the amount that applied immediately before the first adjustment

A is—

(a) for the first adjustment—the sum of the index numbers for the 4 quarters in the 2022 calendar year; and

(b) for each subsequent adjustment—the sum of the index numbers for the 4 quarters in the calendar year that ended most recently before the date of the adjustment

B is the sum of the index numbers for the 4 quarters in the 2019 calendar year

A/B is calculated to the nearest 3 decimal places (and a fourth decimal place of 5 is to be rounded up).

(2) An amount adjusted under this regulation is to be rounded up or down as follows:

(a) in the case of an amount that is $10 000 or greater—to the nearest multiple of $100 (with an amount of $50 rounded up);

(b) in the case of an amount that is less than $10 000—to the nearest multiple of $10 (with an amount of $5 rounded up).

(3) If an amount adjusted under this regulation is less than the amount that applied immediately before the adjustment, the amount that applied immediately before the adjustment applies instead.

(4) In this regulation—

index number for a quarter means—

(a) the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician for that quarter; or

(b) if the Australian Statistician fails or ceases to publish that Index, another index number determined by the MCE for that quarter.

Schedule 1—Civil penalty provision

Part 1—Tier 1 civil penalty provisions

Provisions of the new National Electricity Law

Section 11(1)

Section 11(2)

Section 11(3)

Section 11(4)

Section 14A

Section 14B

Section 18EK(1)

Section 18EL(1)

Section 18ZF(1)

Section 18ZF(3)

Section 28N

Section 28O

Section 50D(1)

Section 50F(1)

Section 50F(4)

Section 50F(5)

Section 53C(3)

Section 53C(4)

Section 118AE(1)

Section 118AI(1)

Section 118AY(6)

Section 136

Section 157(1)

Provisions of the Rules

clause 2.2.2(c)

clause 2.2.3(d)

clause 2.2.4(c)

clause 2.2.4(d)

clause 2.2.5A(b)

clause 2.2.5A(c)

clause 2.2.7(c2)

clause 2.2.7(f)

clause 2.2.8(d)

clause 2.2.8(e)

clause 2.3.4(f)

clause 2.3.4(g)

clause 2.3.6(h)

clause 2.3.6(i)

clause 2.3.6(k)

clause 2.3D.2(a)

clause 2.3D.2(b)

clause 2.3D.2(c)

clause 2.5.3(e)(1)

clause 2.5.3(e)(2)

clause 2.5.3(e)(3)

clause 2.5.3(e)(4)

clause 2.10.1(c1)

clause 2.10.1(c2)

clause 2.10.1(c3)

clause 2.10.2(a)

clause 3.7.2(d)

clause 3.7.2(d1)

clause 3.7.2(e)

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Schedule 2—Transitional and savings provisions

Part 1—Interpretation

1—Interpretation

(1) In this Schedule—

ACCC means the Australian Competition and Consumer Commission established by section 6A of the *Trade Practices Act 1974* of the Commonwealth.

(2) Terms used in this Schedule that are defined in the Code have, when used in this Schedule in reference to matters under the Code, the same respective meanings as in the Code.

(3) Terms used in this Schedule that are defined in the Rules have, when used in this Schedule in reference to matters under the Rules, the same respective meanings as in the Rules.

Part 2—Transitional and savings provisions

4—Continuation of settlement residue committee

On the commencement date of the new National Electricity Law—

(a) the persons appointed under clause 3.18.5 of the Code, and comprising the settlement residue committee immediately before the commencement date, are to be taken to be the persons appointed to comprise the settlement residue committee within the meaning of the Rules; and

(b) the settlement residue committee within the meaning of the Rules is to be taken to be the same body as the settlement residue committee established under clause 3.18.5 of the Code.

5—Continuation of Dispute Resolution Adviser, pool of persons for Dispute Resolution Panels, and Dispute Resolution Panels

(1) On the commencement date of the new National Electricity Law, the person or persons appointed under clause 8.2.2(a) of the Code to perform the functions of the Adviser (within the meaning of the Code), and in office immediately before the commencement date, are to be taken to be the person or persons appointed to perform the functions of the Adviser within the meaning of the Rules.

(2) On the commencement date of the new National Electricity Law, the pool of persons established and maintained under clause 8.2.2(e) of the Code by the Adviser (within the meaning of the Code) is to be taken to be the pool of persons established and maintained under the Rules by the Adviser (within the meaning of the Rules) from which the members of a Dispute Resolution Panel (within the meaning of the Rules) may be selected in accordance with the Rules.

(3) On the commencement date of the new National Electricity Law, any persons who, immediately before the commencement date, comprised a Dispute Resolution Panel established to determine a dispute under clause 8.2.6A(a) of the Code are to be taken to comprise a Dispute Resolution Panel established to determine that dispute under the Rules.

6—Metering Providers

A person who, immediately before the commencement date of the new National Electricity Law, was accredited and registered by NEMMCO under clause 7.4.2 of the Code as a Metering Provider in respect of a particular category of registration is, on the commencement date, to be taken to be accredited and registered by NEMMCO under the Rules as a Metering Provider in respect of that category of registration.

7—Registered Participant Agents

A person who, immediately before the commencement date of the new National Electricity Law, was a Code Participant Agent appointed by a Code Participant (the ***Participant***) under clause 4.11.5 of the Code is, on the commencement date, to be taken to be a Registered Participant Agent appointed by the Participant under the Rules.

8—Exemptions relating to appointment of intermediaries

On the commencement date of the new National Electricity Law, an exemption granted by NEMMCO under clause 2.9.3 of the Code and in force immediately before the commencement date is to be taken to be an exemption granted under clause 2.9.3 of the Rules.

9—Classifications relating to generating units, loads, connection points and network services

On the commencement date of the new National Electricity Law—

(a) a generating unit that, immediately before the commencement date, was classified under the Code as a scheduled generating unit, a non-scheduled generating unit, a market generating unit, a non-market generating unit or an ancillary service generating unit is to be taken to have been classified as such under the Rules subject to any terms and conditions that were in force in respect of it immediately before the commencement date and that had been imposed by NEMMCO under the Code; and

Note—

see clause 2.2.1(e)(1), (f) and (f1) of the initial National Electricity Rules

(b) a load that, immediately before the commencement date, was classified under the Code as a first tier load, a second tier load, a market load, an intending load, an ancillary service load or a scheduled load is to be taken to have been classified as such under the Rules subject to any terms and conditions that were in force in respect of it immediately before the commencement date and that had been imposed by NEMMCO under the Code; and

Note—

see clauses 2.3.1(b)(1) and (f) and 2.3.4(d) of the initial National Electricity Rules

(c) a connection point that, immediately before the commencement date, was classified under the Code as a market connection point or a market load in relation to a particular person is to be taken to have been classified as such in relation to that person under the Rules subject to any terms and conditions that were in force in respect of it immediately before the commencement date and that had been imposed by NEMMCO under the Code; and

Note—

see clauses 2.3.1(c), 2.3.3(d) and 2.3.4(h) of the initial National Electricity Rules

(d) a network service that, immediately before the commencement date, was classified under the Code as a market network service or a scheduled network service is to be taken to have been classified as such under the Rules subject to any terms and conditions that were in force in respect of it immediately before the commencement date and that had been imposed by NEMMCO under the Code.

Note—

see clauses 2.5.2(a) and 2.5.3(a) of the initial National Electricity Rules

10—Classifications relating to meters

On the commencement date of the new National Electricity Law, a metering installation that, immediately before the commencement date, was classified under the Code as a revenue metering installation or a check metering installation is to be taken to have been classified as such under the Rules.

11—Participant compensation fund

On and from the commencement date of the new National Electricity Law, the Participant compensation fund established by NEMMCO under clause 3.16 of the Code is to be taken to be the Participant compensation fund required to be maintained by AEMO under the Rules.

12—Rule funds

On and from the commencement date of the new National Electricity Law, the Code funds established by NEMMCO under section 67 of the old National Electricity Law and clause 1.11 of the Code are to be taken to be the corresponding Rule funds required to be maintained by AEMO under the new National Electricity Law and the Rules.

13—Actual and pending Chapter 6 determinations and preliminary action—ACCC

(1) On the commencement date of the new National Electricity Law, a determination made by the ACCC in accordance with Chapter 6 of the Code and in effect immediately before the commencement date—

(a) continues in effect and is to be taken to be a determination made by the AER under the new National Electricity Law and Chapter 6 of the Rules; and

(b) may be revoked, amended or varied by the AER in accordance with the new National Electricity Law and the Rules as if it were made under the new National Electricity Law and Chapter 6 of the Rules.

(2) On the commencement date of the new National Electricity Law, a determination made by the ACCC in accordance with clause 9.8.4C of the Code and in effect immediately before the commencement date—

(a) continues in effect and is to be taken to be a determination made by the AER under the new National Electricity Law and clause 9.8.4C of the Rules; and

(b) may be revoked, amended or varied by the AER in accordance with the new National Electricity Law and the Rules as if it were made under the new National Electricity Law and clause 9.8.4C of the Rules.

(3) On the commencement date of the new National Electricity Law, any action taken by the ACCC for the purpose of making a determination in accordance with Chapter 6 of the Code that was not made before the commencement date is to be taken to have been taken by the AER for the purpose of making a determination under the new National Electricity Law and Chapter 6 of the Rules.

(4) Despite subclauses (1) and (2), the question of whether such a determination should be revoked, amended or varied is to be decided by the AER taking into account only matters that would have been relevant for that purpose under, or for the purposes of, the Code as in force immediately before the commencement date of the new National Electricity Law.

(5) Despite subclause (3), if the ACCC had published a draft determination for the purposes of Chapter 6 of the Code and had not published a final determination in respect of the matter before the commencement date of the new National Electricity Law, then the AER must take any action after the commencement date for the purpose of making the final determination, and make the final determination, as if the provisions that apply are those of the Code as in force immediately before the commencement date (and not those of the new National Electricity Law or the Rules).

(6) Despite subclauses (3) and (5), if the ACCC had taken action for the purpose of making a determination under clause 2.5.2(c) of the Code and a consequent revenue cap determination in accordance with Chapter 6 of the Code and had not published a draft or final determination in respect of the matter before the commencement date of the new National Electricity Law, then the AER must take any action after the commencement date for the purpose of making any such determination, and make any such determination, in respect of the matter as if the provisions that apply are those of the Code as in force immediately before the commencement date (and not those of the new National Electricity Law or the Rules).

(7) The question of whether a determination made as referred to in subclause (5) or (6) should be revoked, amended or varied is to be decided by the AER taking into account only matters that would have been relevant for that purpose under, or for the purposes of, the Code as in force immediately before the commencement date of the new National Electricity Law.

(8) An appeal against or review of—

(a) a determination referred to in subclause (1), (2) or (7); or

(b) action referred to in subclause (5) or (6),

is to be decided as if the only matters to be taken into account in deciding the appeal or review were those that would have been relevant for that purpose under, or for the purposes of, the Code as in force immediately before the commencement date of the new National Electricity Law.

(9) Subclauses (4), (5), (6), (7) and (8) apply subject to any Rules made after the commencement date of the new National Electricity Law.

14—Actual and pending Chapter 6 determinations and preliminary action—jurisdictional regulator

(1) On the commencement date of the new National Electricity Law, a determination made by a jurisdictional regulator in accordance with Chapter 6 of the Code and in effect immediately before the commencement date—

(a) continues in effect and is to be taken to be a determination made by that jurisdictional regulator under the new National Electricity Law and Chapter 6 of the Rules; and

(b) may be revoked, amended or varied by that jurisdictional regulator in accordance with the new National Electricity Law and the Rules as if it were made under the new National Electricity Law and Chapter 6 of the Rules.

(2) On the commencement date of the new National Electricity Law, any action taken by a jurisdictional regulator for the purpose of making a determination in accordance with Chapter 6 of the Code that was not made before the commencement date is to be taken to have been taken by that regulator for the purpose of making a determination under the new National Electricity Law and Chapter 6 of the Rules.

(3) Despite subclause (1), the question of whether such a determination should be revoked, amended or varied is to be decided by the jurisdictional regulator taking into account only matters that would have been relevant for that purpose under, or for the purposes of, the Code as in force immediately before the commencement date of the new National Electricity Law.

(4) Despite subclause (2), if the jurisdictional regulator had published a draft determination for the purposes of Chapter 6 of the Code and had not published a final determination in respect of the matter before the commencement date of the new National Electricity Law, then the jurisdictional regulator must take any action after the commencement date for the purpose of making the final determination, and make the final determination, as if the provisions that apply are those of the Code as in force immediately before the commencement date (and not those of the new National Electricity Law or the Rules).

(5) Despite subclauses (2) and (4), if the jurisdictional regulator had taken action for the purpose of making a determination under clause 2.5.2(c) of the Code and a consequent revenue cap determination in accordance with Chapter 6 of the Code and had not published a draft or final determination in respect of the matter before the commencement date of the new National Electricity Law, then the jurisdictional regulator must take any action after the commencement date for the purpose of making any such determination, and make any such determination, in respect of the matter as if the provisions that apply are those of the Code as in force immediately before the commencement date (and not those of the new National Electricity Law or the Rules).

(6) The question of whether a determination made as referred to in subclause (4) or (5) should be revoked, amended or varied is to be decided by the jurisdictional regulator taking into account only matters that would have been relevant for that purpose under, or for the purposes of, the Code as in force immediately before the commencement date of the new National Electricity Law.

(7) An appeal against or review of—

(a) a determination referred to in subclause (1) or (6); or

(b) action referred to in subclause (4) or (5),

is to be decided as if the only matters to be taken into account in deciding the appeal or review were those that would have been relevant for that purpose under, or for the purposes of, the Code as in force immediately before the commencement date of the new National Electricity Law.

(8) Subclauses (3), (4), (5), (6) and (7) apply subject to any Rules made after the commencement date of the new National Electricity Law.

15—Continuation of disputes

On and from the commencement date of the new National Electricity Law, any dispute commenced in accordance with the dispute resolution regime set out in clause 8.2 of the Code and not completed before the commencement date must continue to be conducted and completed as if it were a dispute commenced in accordance with the dispute resolution regime under the Rules.

16—Continuation of consultation

On and from the commencement date of the new National Electricity Law, any consultation commenced under provisions of the Code and not completed before the commencement date must continue to be conducted and completed as if it were consultation commenced and conducted under the provisions of the Rules (if any) that correspond to those provisions of the Code.

17—Provision of information and documents

On the commencement date of the new National Electricity Law, any information or document that had been given or provided to the ACCC or NECA under a provision of the Code is to be taken to have been given or provided to the AEMC or the AER under the provision of the Rules (if any) that corresponds to that provision of the Code.

18—Continuation of things done under Code

(1) On the commencement date of the new National Electricity Law—

(a) each rule, principle, guideline, test, standard, procedure, report, protocol or other document (however described) that had been issued, published, made, promulgated, approved, accepted or prepared under, or for the purposes of, a provision of the Code and that was in force for the purposes of the Code, or continued to have some effect or contingent effect for the purposes of the Code, immediately before the commencement date is to be taken to have been issued, published, made, promulgated, approved, accepted or prepared under, or for the purposes of, the provision of the Rules (if any) that corresponds to that provision of the Code; and

(b) a relevant action that had been taken under, or for the purposes of, a provision of the Code by any person or body (including the ACCC, NECA, NEMMCO, a jurisdictional regulator, a Code Participant, the Reliability Panel, the Inter-regional Planning Committee, the settlement residue committee, the Dispute Resolution Adviser or a Dispute Resolution Panel) and that continued to have some effect or contingent effect for the purposes of the Code immediately before the commencement date is to be taken to be a relevant action that has been taken under, or for the purposes of, the provision of the Rules (if any) that corresponds to that provision of the Code; and

(c) a right, privilege, obligation or liability that had accrued or been acquired or incurred under a provision of the Code and was in existence immediately before the commencement date is to be taken to be a right, privilege, obligation or liability that has accrued or been acquired or incurred under the provision of the Rules (if any) that corresponds to that provision of the Code.

(2) Subclause (1)(a) applies in respect of a rule, principle, guideline, test, standard, procedure, report, protocol or other document (however described) issued, published, made, promulgated, approved, accepted or prepared by the ACCC or NECA under, or for the purposes of, a provision of the Code despite the fact that the corresponding provision of the Rules (if any) may refer to that rule, principle, guideline, test, standard, procedure, report, protocol or other document being issued, published, made, promulgated, approved, accepted or prepared by the AER or the AEMC.

(3) Subclause (1)(b) applies in respect of any relevant action taken by the ACCC or NECA under, or for the purposes of, a provision of the Code despite the fact that the corresponding provision of the Rules (if any) may refer to the relevant action being taken by the AER or the AEMC.

(4) For the purposes of subclause (1)(b), ***relevant action*** means the doing of anything, including (without limitation) any of the following:

(a) the performance or exercise of any function, power, obligation or right;

(b) the making or publishing of any determination, decision, declaration or recommendation;

(c) the issuing, publishing, making, preparing, promulgation, approval or acceptance of any rule, principle, guideline, test, standard, procedure, report, protocol or other document;

(d) the issuing, giving, publishing, lodging or providing or service or receipt of any statement, invoice, communication, notice or other document;

(e) the establishment of any criteria, process or procedure;

(f) the giving or receipt of any approval or acceptance;

(g) the giving or receipt of any direction or instruction;

(h) the making of any requirement;

(i) the provision or receipt of any submission, information or data;

(j) the making, submission, lodgement or receipt of any bid or offer;

(k) the making or receiving of any inquiry, request or application;

(l) the making of any calculation;

(m) the undertaking or completion of any transaction;

(n) the undertaking or application of any test, process or procedure;

(o) the payment of any monetary amount or fee;

(p) the making or receipt of any claim;

(q) the making of any agreement;

(r) the making or acceptance of any appointment;

(s) the establishment or maintenance of any database or register;

(t) the undertaking of any investigation, inquiry or review.

(5) Nothing in subclause (1)(b) or (c) is to be taken as—

(a) entitling a person or body to exercise—

(i) a power or right under the Code to the extent that the power or right has already been exercised under the Rules; or

(ii) a power or right under the Rules to the extent that the power or right has already been exercised under the Code; or

(b) requiring a person or body to perform—

(i) a function or obligation under the Code to the extent that the function or obligation has already been performed under the Rules; or

(ii) a function or obligation under the Rules to the extent that the function or obligation has already been performed under the Code.

(6) This clause does not apply to the extent that it is inconsistent with the new National Electricity Law or another provision of these Regulations.

19—Time periods

If a period of time for the doing of anything under a provision of the Code had commenced and had not expired immediately before the commencement date of the new National Electricity Law, then, on and from the commencement date, that period of time is to be taken to continue to run (and the portion of the period that has elapsed is to be taken into account) under, or for the purposes of, the provision of the Rules (if any) that corresponds to that provision of the Code.

20—Disclosure of information held by NECA

(1) Despite anything to the contrary in the Code or at law, NECA may disclose to the AER or the AEMC any information that had been provided to NECA under, or for the purposes of, a provision of the old National Electricity Law or the Code (whether or not such information was provided in confidence to NECA), and the AER or the AEMC (as the case may be) may use that information for any purpose connected with the performance of its functions or the exercise of its powers under the provision of the new National Electricity Law or the Rules (if any) that corresponds to that provision of the old National Electricity Law or the Code.

(2) A disclosure of information referred to in subclause (1) may be made by providing a document, or a copy of a document, that contains that information.

21—Transfer of National Electricity Tribunal funds to AEMC

(1) This clause is made for the purposes of winding up the affairs of the National Electricity Tribunal in preparation for the commencement of section 7 of the *National Electricity (South Australia) (New National Electricity Law) Amendment Act 2005*.

(2) The Registrar and Deputy Registrar of the National Electricity Tribunal may take steps to facilitate winding up the affairs of the Tribunal, including—

(a) preparing financial statements of the accounts of the Tribunal; and

(b) preparing a winding up report; and

(c) causing or facilitating (after payment of the expenses of the winding up) the transfer to the AEMC of any ADI account in the name of the Tribunal or of the money in such an account and any rights to interest on that money.

(3) If there is any money remaining in an ADI account in the name of the National Electricity Tribunal on the commencement of section 7 of the *National Electricity (South Australia) (New National Electricity Law) Amendment Act 2005*, it will then vest in the AEMC.

22—Application of National Energy Retail Law in a participating jurisdiction

The variations made to these regulations by the *National Electricity (South Australia) (National Energy Retail Law) Variation Regulations 2012* do not apply in a participating jurisdiction until the *National Energy Retail Law* is applied in that jurisdiction as a law of that jurisdiction.

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1998	211	*Gazette 8.12.1998 p1820*	13.12.1998: r 2
1999	246	*Gazette 2.12.1999 p3076*	12.12.1999: r 2
2000	276	*Gazette 30.11.2000 p3397*	30.11.2000: r 2
2001	248	*Gazette 29.11.2001 p5249*	29.11.2001: r 2
2002	218	*Gazette 28.11.2002 p4357*	28.11.2002: r 2
2003	269	*Gazette 18.12.2003 p4659*	18.12.2003: r 2
2004	23	*Gazette 29.4.2004 p1179*	29.4.2004: r 2
2005	158	*Gazette 30.6.2005 p2251*	1.7.2005: r 2
2006	183	*Gazette 29.6.2006 p2151*	29.6.2006: r 2
2007	236	*Gazette 27.9.2007 p3852*	13.11.2007: r 2
2007	297	*Gazette 6.12.2007 p4757*	6.12.2007 except rr 1—13—1.1.2008: r 2
2009	191	*Gazette 25.6.2009 p3020*	1.7.2009: r 2
2010	167	*Gazette 1.7.2010 p3359*	1.7.2010: r 2
2011	20	*Gazette 24.3.2011 p846*	24.3.2011: r 2
2012	171	*Gazette 28.6.2012 p2952*	1.7.2012: r 2
2015	34	*Gazette 9.4.2015 p1451*	9.4.2015: r 2
2017	266	*Gazette 29.8.2017 p3824*	29.8.2017: r 2
2017	345	*Gazette 19.12.2017 p5170*	19.12.2017 except Pt 3—1.7.2018 and except Pt 4—19.9.2019: r 2
2019	15	*Gazette 21.2.2019 p660*	21.2.2019: r 2
2019	170	*Gazette 27.6.2019 p2372*	1.7.2019: r 2
2020	3	*Gazette 6.2.2020 p213*	6.2.2020 except r 4(1)—26.3.2020: r 2
2021	4	*Gazette 27.1.2021 p166*	29.1.2021 except Pt 3—31.3.2021 and except Pt 4—24.10.2021: r 2
2021	39	*Gazette 15.4.2021 p1170*	15.4.2021: r 2
2022	107	*Gazette 1.12.2022 p6757*	1.12.2022: r 2
2022	110	*Gazette 8.12.2022 p6825*	8.12.2022: r 2

2023	66	*Gazette 6.7.2023 p2140*	6.7.2023 except r 3(16)—9.10.2023 and except r 3(1), (6), (12), (21), (24), (26), (34), (37), (40), (41), (43) & (44)—3.6.2024 and except r 3(17) to (20)—31.7.2025: r 2
2024	18	*Gazette 4.4.2024 p595*	4.4.2024 except Pt 3—3.6.2024: r 2
2024	22	*Gazette 8.5.2024 p809*	8.5.2024: r 2
2025	11	*Gazette 10.4.2025 p716*	10.4.2025: r 2
2025	38	*Gazette 12.6.2025 p1409*	12.6.2025 except r 3(2)—2.12.2025 and except r 3(7)—1.11.2026: r 2
2026	**37**	***Gazette 4.6.2026 p1578***	**4.6.2026 except r 3(11)—1.7.2026 and except r 3(1) & (2)—23.5.2027: r 2**

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
r 2	*omitted under the Legislation Revision and Publication Act 2002*	*29.4.2004*
r 3	substituted by 158/2005 r 4	1.7.2005
tier 1 civil penalty provision	inserted by 4/2021 r 4	29.1.2021
tier 2 civil penalty provision	inserted by 4/2021 r 4	29.1.2021
tier 3 civil penalty provision	inserted by 4/2021 r 4	29.1.2021
r 4	substituted by 158/2005 r 4	1.7.2005
	substituted by 297/2007 r 4	1.1.2008
r 4A	*inserted by 191/2009 r 4*	*1.7.2009*
	deleted by 171/2012 r 4	*1.7.2012*
r 5	substituted by 158/2005 r 4	1.7.2005
r 5A	inserted by 183/2006 r 4	29.6.2006
	deleted by 297/2007 r 5	1.1.2008
	inserted by 171/2012 r 5	1.7.2012
rr 5B—5D	inserted by 110/2022 r 3	8.12.2022
r 6 before substitution by 4/2021	*substituted by 158/2005 r 4*	*1.7.2005*
r 6(1)	*varied by 297/2007 r 6*	*1.1.2008*
	substituted by 34/2015 r 4(1)	*9.4.2015*
r 6(2)	*varied by 34/2015 r 4(2)*	*9.4.2015*
r 6	substituted by 4/2021 r 5	29.1.2021
r 6A	inserted by 171/2012 r 6	1.7.2012
r 6B	inserted by 107/2022 r 3	1.12.2022
r 7	substituted by 158/2005 r 4	1.7.2005
	substituted by 297/2007 r 7	1.1.2008

	substituted by 39/2021 r 4	15.4.2021
rr 7A—7C	inserted by 39/2021 r 4	15.4.2021
r 8	substituted by 158/2005 r 4	1.7.2005
r 8(1)	varied by 297/2007 r 8	1.1.2008
r 9	deleted by 158/2005 r 4	1.7.2005
	inserted by 297/2007 r 9	1.1.2008
r 9(1)	varied by 39/2021 r 5(1), (2)	15.4.2021
r 9(2)	*deleted by 39/2021 r 5(3)*	*15.4.2021*
r 10	deleted by 158/2005 r 4	1.7.2005
	inserted by 297/2007 r 9	1.1.2008
r 11	deleted by 158/2005 r 4	1.7.2005
	inserted by 297/2007 r 9	1.1.2008
r 12	*deleted by 158/2005 r 4*	*1.7.2005*
r 13		
r 13(1)	varied by 158/2005 r 5(1)	1.7.2005
r 13(2)	substituted by 158/2005 r 5(2)	1.7.2005
	varied by 297/2007 r 10(1)—(4)	1.1.2008
	varied by 191/2009 r 5	1.7.2009
r 13(3) and (4)	inserted by 158/2005 r 5(2)	1.7.2005
r 14	inserted by 246/1999 r 3	12.12.1999
r 14(1)	varied by 276/2000 r 3(a)—(d)	30.11.2000
	varied by 158/2005 r 6(1)	1.7.2005
	varied by 191/2009 r 6(1)—(3)	1.7.2009
r 14(2)	varied by 276/2000 r 3(e)—(g)	30.11.2000
	varied by 158/2005 r 6(2)	1.7.2005
	varied by 191/2009 r 6(4)	1.7.2009
r 14(3)		
prescribed amount	varied by 276/2000 r 3(h)—(j)	30.11.2000
	varied by 191/2009 r 6(5), (6)	1.7.2009
prescribed day	*inserted by 158/2005 r 6(3)*	*1.7.2005*
	deleted by 236/2007 r 4(1)	*13.11.2007*
prescribed 12 month period	inserted by 276/2000 r 3(k)	30.11.2000
	varied by 248/2001 r 3(a)	29.11.2001
	varied by 218/2002 r 3(a)	28.11.2002
	varied by 158/2005 r 6(4)	1.7.2005
	substituted by 236/2007 r 4(1)	13.11.2007
relevant event	varied by 276/2000 r 3(l), (m)	30.11.2000
	varied by 248/2001 r 3(b), (c)	29.11.2001
	varied by 218/2002 r 3(b), (c)	28.11.2002
	varied by 158/2005 r 6(5)—(7)	1.7.2005
	varied by 236/2007 r 4(2), (3)	13.11.2007
	varied by 191/2009 r 6(7)	1.7.2009

r 15		
r 15(1)	r 15 inserted by 297/2007 r 11	1.1.2008
	r 15 redesignated as r 15(1) by 167/2010 r 4	1.7.2010
r 15(2)	inserted by 167/2010 r 4	1.7.2010
r 16	inserted by 4/2021 r 6	29.1.2021
Sch	*varied by 276/2000 r 4*	*30.11.2000*
	varied by 269/2003 r 4	*18.12.2003*
	varied by 23/2004 r 4	*29.4.2004*
	deleted by 158/2005 r 7	*1.7.2005*
Sch 1	inserted by 158/2005 r 7	1.7.2005
	varied by 297/2007 r 12(1)—(32)	1.1.2008
	varied by 191/2009 r 7(1)—(8)	1.7.2009
	varied by 20/2011 r 4(1), (2)	24.3.2011
	varied by 34/2015 r 5(1)—(21)	9.4.2015
	varied by 266/2017 r 4(1)—(7)	29.8.2017
	substituted by 345/2017 r 4	19.12.2017
	varied by 345/2017 r 5(1)—(12)	1.7.2018
	varied by 15/2019 r 4(1)—(5)	21.2.2019
	varied by 170/2019 r 4(1)—(3)	1.7.2019
	varied by 345/2017 r 6	19.9.2019
	varied by 3/2020 r 4(2)—(4)	6.2.2020
	varied by 3/2020 r 4(1)	26.3.2020
	substituted by 4/2021 r 7	29.1.2021
	varied by 4/2021 r 9	31.3.2021
	varied by 4/2021 r 10(1)—(8)	24.10.2021
	amended by 66/2023 r 3(2)—(5), (7)—(11), (13)—(15), (22), (23), (25), (27)—(33), (35), (36), (38), (39), (42), (45)	6.7.2023
	amended by 66/2023 r 3(16)	9.10.2023
	amended by 66/2023 r 3(1), (6), (12), (21), (24), (26), (34), (37), (40), (41), (43), (44)	3.6.2024
	amended by 66/2023 r 3(17)—(20)	31.7.2025
	amended by 18/2024 r 3(1)—(4)	4.4.2024
	amended by 18/2024 r 4(1)—(13)	3.6.2024
	amended by 22/2024 r 3	8.5.2024
	amended by 11/2025 r 3	10.4.2025
	amended by 38/2025 r 3(1), (3)—(6)	12.6.2025
	amended by 38/2025 r 3(2)	2.12.2025
	amended by 38/2025 r 3(7)	1.11.2026—not incorporated
	amended by 37/2026 r 3(3)—(10), (12)	4.6.2026
	amended by 37/2026 r 3(11)	**1.7.2026**
	amended by 37/2026 r 3(1), (2)	23.5.2027—not incorporated
Sch 1AA	inserted by 171/2012 r 7	1.7.2012
	varied by 4/2021 r 8(1), (2)	29.1.2021

Sch 1A	inserted by 297/2007 r 13	1.1.2008
Sch 2	inserted by 158/2005 r 7	1.7.2005
cll 2 and 3	*deleted by 191/2009 r 8(1)*	*1.7.2009*
cl 11	varied by 191/2009 r 8(2)	1.7.2009
cl 12	varied by 191/2009 r 8(3)	1.7.2009
cl 21	inserted by 297/2007 r 14	6.12.2007
cl 22	inserted by 171/2012 r 8	1.7.2012

Historical versions

29.4.2004
1.7.2005
29.6.2006
13.11.2007
6.12.2007
1.1.2008
1.7.2009
1.7.2010
24.3.2011
1.7.2012
9.4.2015
29.8.2017
19.12.2017
1.7.2018
21.2.2019
1.7.2019
19.9.2019
6.2.2020
26.3.2020
29.1.2021
31.3.2021
15.4.2021
24.10.2021
1.12.2022 (electronic only)
8.12.2022
6.7.2023
9.10.2023
4.4.2024
8.5.2024
3.6.2024
10.4.2025
12.6.2025
31.7.2025
2.12.2025

4.6.2026