



New South Wales

# Essential Services Regulation 2022

under the

Essential Services Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Essential Services Act 1988*.

MATT KEAN, MP  
Minister for Energy

## Explanatory note

The object of this Regulation is to authorise the Minister for Energy to direct the Australian Energy Market Operator and other persons to take action in response to the likely interruption or reduction of the supply or distribution of natural gas.

This Regulation is excluded from requirements regarding the making of statutory rules by the *Subordinate Legislation Act 1989*, Schedule 4, item 20.

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### 1 Name of Regulation

This Regulation is the *Essential Services Regulation 2022*.

### 2 Commencement

This Regulation commences on the commencement of the *Essential Services Proclamation 2022*.

### 3 Definitions

(1) In this Regulation—

*the Act* means the *Essential Services Act 1988*.

**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Words and expressions in this Regulation have the same meaning as in the *National Gas (NSW) Law*.

### 4 Authorisation of Minister for Energy to give directions—the Act, s 9

(1) For the Act, section 9, the Minister for Energy is authorised to—

- (a) direct AEMO to apply or disapply a form of market administration set out in the *National Gas (NSW) Law*, or the National Gas Rules, in relation to the short term trading market operated by AEMO at the Sydney STTM hub, and
- (b) direct a person to do any thing to increase, or facilitate the increase of, the supply or distribution of natural gas to the Sydney STTM hub.

(2) A person who refuses or fails to comply with a direction made or given under this section is guilty of an offence against this Regulation.

**Note—** The Act, section 29(1) provides that a person who commits an offence against a regulation made under the Act, section 9 is liable to a penalty not exceeding 10 penalty units.

### 5 Repeal

This Regulation is repealed on the earlier of the following—

- (a) the revocation of the *Essential Services Proclamation 2022*,
- (b) the *Essential Services Proclamation 2022* otherwise ceasing to be in force.