



New South Wales

# Essential Services Regulation (No 2) 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 persons to take action in relation to the supply or distribution of coal to a power station in response to the declaration that the supply or distribution of coal is an essential service.

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

## Essential Services Regulation (No 2) 2022

under the

Essential Services Act 1988

### 1 Name of Regulation

This Regulation is the *Essential Services Regulation (No 2) 2022*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

### 3 Definitions

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.

### 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 direct a person to do any act or thing to increase, or facilitate the increase of, the supply or distribution of coal to a power station.

(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.

(3) To avoid doubt, this Regulation and a direction given under this Regulation have effect despite any contrary provision of any contract or agreement.

**Note—** The Act, section 5 provides that the Act has effect despite anything express or implied in a contract or agreement, whether oral or in writing.

### 5 Repeal

This Regulation is repealed on the earlier of the following—

- (a) the revocation of the *Essential Services Proclamation (No 2) 2022*,
- (b) the *Essential Services Proclamation (No 2) 2022* otherwise ceases to be in force.