



New South Wales

# National Electricity (New South Wales) Regulation 2022

under the

National Electricity (New South Wales) Act 1997

His Honour the Administrator, with the advice of the Executive Council, has made the following Regulation under the *National Electricity (New South Wales) Act 1997*.

MATT KEAN, MP  
Minister for Energy

## Explanatory note

The object of this Regulation is to repeal and remake, with minor amendments, the *National Electricity (New South Wales) Regulation 2015*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

This Regulation modifies the operation of the *National Electricity Rules*, to the extent that the Rules apply as a law of New South Wales, by—

- (a) exempting the lessor of a transacted distribution system or transacted transmission system under the *Electricity Network Assets (Authorised Transactions) Act 2015* from the requirement, as an owner, to register as a Network Service Provider, and
- (b) replacing a reference to TransGrid as a result of an authorised transaction under the Act.

This Regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## National Electricity (New South Wales) Regulation 2022

under the

National Electricity (New South Wales) Act 1997

### 1 Name of Regulation

This Regulation is the *National Electricity (New South Wales) Regulation 2022*.

### 2 Commencement

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

**Note—** This Regulation repeals and replaces the *National Electricity (New South Wales) Regulation 2015*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Definition

In this Regulation—

**the Act** means the *National Electricity (New South Wales) Act 1997*.

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

### 4 Modification of National Electricity Rules—registration as Network Service Provider

For the Act, section 9(2)(a), the *National Electricity Rules* are modified by inserting the following clause after Chapter 9, Part B, rule 9.12, clause 9.12.4—

#### 9.12.5 Registration as a Network Service Provider

- (a) The lessor of a transacted distribution system or transacted transmission system under a lease is, while the lease is in force, exempt from complying with clause 2.5.1 in relation to the activity of owning the *distribution system* or *transmission system*.

- (b) In this clause:

**transacted distribution system** means a transacted distribution system under the *Electricity Network Assets (Authorised Transactions) Act 2015*.

**transacted transmission system** means a transacted transmission system under the *Electricity Network Assets (Authorised Transactions) Act 2015*.

### 5 Modification of National Electricity Rules—transitional arrangements for TransGrid

For the Act, section 9(2)(b), the *National Electricity Rules* are modified as follows—

- (a) omit “TransGrid” from Chapter 9, Part B, clause 9.14.1 and insert instead “the transmission system operator”,
- (b) renumber clause 9.14.1 as clause 9.14.1(a),
- (c) insert after clause 9.14.1(a), as renumbered—

(b) In this clause:

**transmission system operator** means the *Network Service Provider* that operates the *transmission system* that is a transacted transmission system under the *Electricity Network Assets (Authorised Transactions) Act 2015*.

## 6 Repeal and savings

- (1) The *National Electricity (New South Wales) Regulation 2015* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *National Electricity (New South Wales) Regulation 2015*, had effect under that Regulation continues to have effect under this Regulation.