

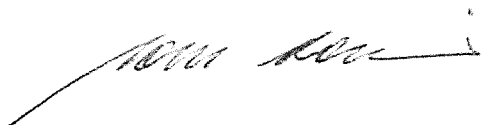
OFFICIAL

Making of National Electricity Rules

National Electricity (South Australia) Law – Section 90EC

I, Tom Koutsantonis, Minister for Energy and Mining for the Crown in right of the State of South Australia, as the Minister administering the *National Electricity (South Australia) Act 1996* of South Australia, hereby make the National Electricity Amendment (Ministerial Reliability Instrument) Rule 2023 under section 90EC(1) of the National Electricity (South Australia) Law on the unanimous recommendation of the Ministers of the participating jurisdictions sitting as the Ministerial Council on Energy for the purposes of that section.

This Rule has been signed by me for the purposes of identification as the National Electricity Amendment (Ministerial Reliability Instrument) Rule 2023 and commences operation on 27 April 2023.



Hon Tom Koutsantonis MP

Minister for Energy and Mining

18 April 2023

National Electricity Amendment (Ministerial Reliability Instrument) Rule 2023

1 Title of Rule

This Rule is the *National Electricity Amendment (Ministerial Reliability Instrument) Rule 2023*.

2 Commencement

This Rule commences operation on the date or dates stated in the notice published under section 90EC of the National Electricity Law.

3 Amendment to the National Electricity Rules

The National Electricity Rules are amended as set out in Schedule 1.

4 Savings and Transitional Amendment to the National Electricity Rules

The National Electricity Rules are amended as set out in Schedule 2.

Schedule 1

Amendment to the National Electricity Rules (Clause 3)

[1] Clause 4A.A.1 Definitions

In clause 4A.A.1 insert the following new definitions in alphabetical order:

Ministerial reliability gap has the meaning given in the *NEL*.

Ministerial reliability gap period has the meaning given in the *NEL*.

Ministerial T-3 reliability instrument means a reliability instrument made by a *Minister* under section 14JA of the *NEL*.

[2] Clause 4A.A.2 Forecast reliability gap materiality

At the end of clause 4A.A.2, omit the 'Note' and substitute:

Note

Section 14G(1) of the *NEL* states –

A forecast reliability gap occurs when the amount of electricity forecast for a region, in accordance with the Rules, does not meet the reliability standard to an extent that, in accordance with the Rules, is material and a reference in this Part to a forecast reliability gap includes, where the context requires, a reference to a Ministerial reliability gap.

Under rule 11.132, the reference to the *reliability standard* is replaced with the *interim reliability measure* until 30 June 2025.

The reference to the *forecast reliability gap* in this clause 4A.A.2 does not include a Ministerial reliability gap.

[3] Clause 4A.B.2 Reliability forecast components

After clause 4A.B.2(c), insert:

Note

References to *forecast reliability gap* and forecast reliability gap period in this clause 4A.B.2 does not include a Ministerial reliability gap or Ministerial reliability gap period, respectively.

[4] Clause 4A.B.4 Reliability Forecast Guidelines

After clause 4A.B.4(b)(10), insert:

Note

References to *forecast reliability gap* and forecast reliability gap period in this clause 4A.B.4(b) does not include a Ministerial reliability gap or Ministerial reliability gap period, respectively.

[5] Clause 4A.C.5 Notification of a closed forecast reliability gap at T-1

Omit clause 4A.C.5(a) and substitute:

- a. If the *AER* makes a T-3 reliability instrument, or a *Minister* makes a Ministerial T-3 reliability instrument, and the *reliability forecast* in the *statement of opportunities* published in the second *financial year* following that instrument shows that the *forecast reliability gap* is not forecast to occur, *AEMO* must provide written notice to the *AER* of that, and publish that notice on its website, within 5 *business days* of that *reliability forecast* being published.

[6] Clause 4A.H.3 Commencement of voluntary book build

In clause 4A.H.3(a)(1), after “*AER* makes a T-3 reliability instrument,” insert “or a *Minister* makes a Ministerial T-3 reliability instrument,”

**Schedule 2 Savings and Transitional Amendment to
the National Electricity Rules**

[1] New Part ZZZZZH Ministerial Reliability Instrument (clause 4)

In Chapter 11, after Part ZZZZZG, insert a new Part:

Part ZZZZZH Ministerial Reliability Instrument Lever

**11.157 Rules consequential on the making of the National
Electricity Amendment (Ministerial Reliability Instrument)
Rule 2022**

11.157.1 Ministerial T-3 reliability instrument for 2025/2026

If a *Minister* has made a Ministerial T-3 reliability instrument to which section 14JA(8) of the *National Electricity Law* applies, then the following amendments apply to the *Rules* in respect of a T-1 reliability instrument for a *region* that is related to that T-3 reliability instrument:

- (a) clause 4A.C.3(b)(3)—delete "second" and substitute "first";
- (b) Rule 4A.D.7—delete "that is 18 months after the date the relevant T-3 reliability instrument is effective" and substitute "that falls 12 months before the contract position day".