

## **Making of National Electricity Amendment (Ministerial Reliability Instrument) Rule 2022**

### **National Electricity Law – Section 90F**

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 2022 under section 90F of the *National Electricity (South Australia) Law* on the recommendation of the Energy Ministers 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 of the National Electricity Amendment (Ministerial Reliability Instrument) Rule 2022 and commences operation on [date].

Hon Tom Koutsantonis MP  
**MINISTER FOR ENERGY AND MINING**

/ /2022

## **National Electricity Amendment (Ministerial Reliability Instrument) Rule 2022**

### **1 Title of Rule**

This Rule is the *National Electricity Amendment (Ministerial Reliability Instrument) Rule 2022*

### **2 Commencement**

This Rule commences operation on [COMMENCEMENT\_DATE].

### **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 '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**

In clause 4A.C.5(a), after “*AER* make a T-3 reliability instrument” insert “, or a *Minister* makes a Ministerial T-3 reliability instrument,”

**[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**

(clause 4)

**[1] New Part ZZZZ[ ]            Ministerial Reliability Instrument**

In Chapter 11, after Part ZZZZ[ ], insert a new Part:

**Part ZZZZ[X]            Ministerial Reliability Instrument Ministerial**

**11.[ ]            Rules consequential on the making of the National  
Electricity Amendment (Ministerial Reliability Instrument)  
Rule 2022**

**11.[ ].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".