

Draft

13.8.2019 (02)

South Australia

National Electricity (South Australia) (Penalties) Variation Regulations 2019

under the *National Electricity (South Australia) Act 1996*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *National Electricity (South Australia) Regulations*

- 4 Variation of regulation 6—Civil penalty provisions
 - 5 Insertion of regulation 16
 - 16 Indexation of civil and criminal penalty amounts
 - 6 Variation of Schedule 1—Civil penalty provisions
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Electricity (South Australia) (Penalties) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which section 32 of the *Statutes Amendment (National Energy Laws) (Penalties and Enforcement) Bill 2019* comes into operation.

Drafting note—

Section reference to be confirmed when regulations are settled.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *National Electricity (South Australia) Regulations*

4—Variation of regulation 6—Civil penalty provisions

Regulation 6(2)—delete subregulation (2) and substitute:

- (2) For the purposes of paragraph (c) of section 2AB(1) of the new National Electricity Law, a breach of clause 3.8.22A of the Rules is prescribed.

5—Insertion of regulation 16

After regulation 15 insert:

16—Indexation of civil and criminal penalty amounts

- (1) For the purposes of clauses 37A and 37B of Schedule 2 to the new National Electricity Law, each civil penalty amount and criminal penalty amount is to be adjusted in accordance with the following formula:

$$P = Pc \times A / B$$

Where—

P is the amount that applies on and from the date of the adjustment

Pc is the amount that applied immediately before the first adjustment

A is—

- (a) for the first adjustment—the sum of the index numbers for the 4 quarters in the 2022 calendar year; and
- (b) for each subsequent adjustment—the sum of the index numbers for the 4 quarters in the calendar year that ended most recently before the date of the adjustment

B is the sum of the index numbers for the 4 quarters in the 2019 calendar year

A/B is calculated to the nearest 3 decimal places (and a fourth decimal place of 5 is to be rounded up).

- (2) An amount adjusted under this regulation is to be rounded up or down as follows:
 - (a) in the case of an amount that is \$10 000 or greater—to the nearest multiple of \$100 (with an amount of \$50 rounded up);
 - (b) in the case of an amount that is less than \$10 000—to the nearest multiple of \$10 (with an amount of \$5 rounded up).
- (3) If an amount adjusted under this regulation is less than the amount that applied immediately before the adjustment, the amount that applied immediately before the adjustment applies instead.

(4) In this regulation—

index number for a quarter means—

- (a) the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician for that quarter; or
- (b) if the Australian Statistician fails or ceases to publish that Index, another index number determined by the MCE for that quarter.

6—Variation of Schedule 1—Civil penalty provisions

Schedule 1—after "clause 3.8.22(ca)" insert:

clause 3.8.22A

Made by the Governor

on the unanimous recommendation of the Ministers of the participating jurisdictions and with the advice and consent of the Executive Council
on

No of 2019