

National Electricity Law Amendments (Consumer Data Right)

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Parliamentary Counsel's Committee - Draft d02

National Electricity Law Amendments (Consumer Data Right)

1 Name of Amendments

These amendments are the *National Electricity Law Amendments (Consumer Data Right)*.

Schedule 1 Amendment of National Electricity Law

[1] Section 2 Definitions

Insert in alphabetical order in section 2(1)—

CDR data has the same meaning as in the *Competition and Consumer Act 2010* of the Commonwealth;

CDR provisions has the same meaning as in the *Competition and Consumer Act 2010* of the Commonwealth;

data holder has the same meaning as in the *Competition and Consumer Act 2010* of the Commonwealth;

designated energy sector means ~~the an energy sector designated sector, within the meaning under section 56AC of the Competition and Consumer Act 2010 of the Commonwealth, specified by the Consumer Data Right (Energy Sector) Designation 2020 of the Commonwealth as amended from time to time;~~

Drafting note 3.1 ~~The amended definition would not pick up additional or new designations (e.g. if the 2020 Designation is repealed and replaced with a 2021 Designation, rather than amended). Do you know if this is likely? If so, one option would be to allow the regulations to prescribe another designation. Alternatively, the definition may be revised to remove reference to the name of designation instrument (e.g. designated energy sector means the energy sector designated under section 56AC of the Competition and Consumer Act 2010 of the Commonwealth).~~

designated gateway has the same meaning as in the *Competition and Consumer Act 2010* of the Commonwealth;

[2] Section 49 AEMO's statutory functions

Insert after section 49(1)(f)—

- (f1) any functions in connection with acting as a designated gateway or data holder under the *Competition and Consumer Act 2010* of the Commonwealth for CDR data relating to the designated energy sector;

[3] Section 90AA

Insert after section 90A—

90AA South Australian Minister to make initial Rules relating to consumer data right and further Rules relating to the disclosure of data

- (1) The Minister in right of the Crown of South Australia administering Part 2 of the *National Electricity (South Australia) Act 1996* of South Australia (the **South Australian Minister**) may make Rules—
- (a) for or with respect to the implementation of the CDR provisions relating to the designated energy sector, including the disclosure of CDR data; and
- (b) for or with respect to access to and disclosure of metering data and NMI Standing Data, and

Drafting note 3.2 ~~I would be grateful if you could confirm if this amendment is necessary? Could the amendments to the existing Rules detailed in Part 3 of your instructions be made by the AEMC relying on Schedule 1 of the National Law?~~

- (c) that revoke or amend a Rule ~~made for~~ as a consequence of the purposes enactment of ~~subsection (1)(a)~~ the consumer data right amendments.
- (2) Rules may only be made under subsection (1) on the recommendation of the MCE.
- (3) Section 34(3) applies to Rules made under subsection (1) in the same way as it applies to Rules made by the AEMC.
- (4) As soon as practicable after making Rules under subsection (1), the South Australian Minister must—
 - (a) publish notice of the making of the Rules in the South Australian Government Gazette; and
 - (b) make the Rules publicly available.
- (5) The notice referred to in subsection (4)(a) must state—
 - (a) the date on which the Rules commence operation; or
 - (b) if different Rules will commence operation on different dates, those dates.
- (6) Once the first Rules have been made under subsection (1), no further Rules can be made under that subsection.
- (7) In this section—
consumer data right amendments means the amendments made to this Law by the [title of SA amending Act].

[4] Schedule 1 Subject matter for the National Electricity Rules

Insert after clause 35—

- 35A** Any matter or thing necessary or expedient for the purposes of compliance with, or implementation of, the CDR provisions relating to the designated energy sector.

Schedule 2 Amendment of National Electricity Regulations

Clause 8A

Insert after clause 8—

8A Protected information

For the purposes of section 54C(2)(g) of the Act, ~~CSIRO~~ the Commonwealth Scientific and Industrial Research Organisation is prescribed.

Drafting note 3.3 ~~If is anticipated that the nature of the information disclosed will change over time, it may be best for AEMO to impose conditions under section 54C(4). Has this approach been considered?~~
