



New South Wales

Electricity Infrastructure Investment Amendment (Contractual Arrangements) 2022

under the

Electricity Infrastructure Investment Act 2020

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Infrastructure Investment Act 2020*.

MATT KEAN, MP
Minister for Energy

Explanatory note

The object of this Regulation is to provide for the contractual arrangements that a network operator may be required to enter into to carry out a REZ network infrastructure project or priority transmission infrastructure project under an authorisation.

Electricity Infrastructure Investment Amendment (Contractual Arrangements) 2022

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Electricity Infrastructure Investment Act 2020

1 Name of Regulation

This Regulation is the *Electricity Infrastructure Investment Amendment (Contractual Arrangements) 2022*.

2 Commencement

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

Schedule 1 Amendment of Electricity Infrastructure Investment Regulation 2021

[1] Clause 3 Definitions

Insert in alphabetical order—

recommended contractual arrangements—see clause 43.

[2] Clause 19 Recommendations by consumer trustee about network infrastructure projects—the Act, ss 60(4)(c) and 66(5)(d)

Insert after clause 19(1)—

- (1A) A recommendation by the consumer trustee must include the recommended contractual arrangements.
- (1B) The consumer trustee is not required to assess or review the recommended contractual arrangements before including them in a recommendation.

[3] Clause 19A

Insert after clause 19—

19A Authorisations by consumer trustee and Minister—the Act, ss 60(4)(c) and 79(1)

- (1) An authorisation by the Minister under the Act, section 36(2) must require the network operator to enter into the recommended contractual arrangements.
- (2) An authorisation by the consumer trustee under the Act, section 31(1)(b) must require the network operator to enter into the recommended contractual arrangements.
- (3) The consumer trustee is not required to assess or review the recommended contractual arrangements before including them in an authorisation under subclause (2).
- (4) An authorisation by the Minister under the Act, section 36(2) or the consumer trustee under the Act, section 31(1)(b) ceases to have effect on the termination or expiry of the contractual arrangements entered into by the network operator under the authorisation.

[4] Clause 20 Directions to carry out network infrastructure projects—the Act, s 32(2)(f)

Omit clause 20(1)(a1). Insert instead—

- (a1) require the network operator to enter into the recommended contractual arrangements, and

[5] Clause 20(3)

Insert after clause 20(2)—

- (3) A direction ceases to have effect on the termination or expiry of the contractual arrangements entered into by the network operator under the direction.

[6] Clause 43 Matters requiring assessment and recommendations—the Act, ss 30 and 63(4)

Insert after clause 43(1)(d)—

- (e) the contractual arrangements that a network operator may be required to enter into to carry out a REZ network infrastructure project or priority

transmission infrastructure project under an authorisation (the *recommended contractual arrangements*).

[7] Clause 51 Adjustment of amounts—the Act, ss 38(10)(f) and 40

Insert after clause 51(4)—

- (5) A revenue determination may include provision for adjustment that is to be carried out in relation to the termination or expiry of the contractual arrangements entered into by the network operator under the relevant authorisation.

[8] Clause 53A

Insert after clause 53—

53A Revenue determination ceases to have effect—the Act, s 38(10)(f)

A revenue determination ceases to have effect if the relevant authorisation ceases to have effect.

Note— An authorisation ceases to have effect on the termination or expiry of the contractual arrangements entered into by the network operator under the authorisation. See clauses 19A(4) and 20(3).