



New South Wales

Electricity Infrastructure Investment Amendment (Revenue Determinations) Regulation 2024

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*.

PENNY SHARPE, MLC
Minister for Energy

Explanatory note

The object of this regulation is to make further provision in relation to revenue determinations made by the regulator under the *Electricity Infrastructure Investment Act 2020*, section 38.

Electricity Infrastructure Investment Amendment (Revenue Determinations) Regulation 2024

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1 Name of regulation

This regulation is the *Electricity Infrastructure Investment Amendment (Revenue Determinations) Regulation 2024*.

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 47A Regulator’s guidelines about non-contestable revenue determinations—the Act, s 38(10)

Insert after clause 47A(5)—

- (6) The regulator’s guidelines for non-contestable revenue determinations must set out how the regulator must—
 - (a) apply the regulator’s guidelines for contestable revenue determinations to a contestable component of a revenue determination in relation to which the regulator is satisfied the competitive assessment process was genuine and appropriate, and
 - (b) apply the regulator’s guidelines for non-contestable revenue determinations to a contestable component of a revenue determination in relation to which the regulator is not satisfied the competitive assessment process was genuine and appropriate.

[2] Clause 47B Regulator’s guidelines about non-contestable revenue determinations must include schemes and models—the Act, s 38(10)

Insert after clause 47B(1)—

- (1A) The regulator’s guidelines for non-contestable revenue determinations must provide that the schemes specified in subclause (1)(a) and (b) do not apply to a contestable component of a non-contestable revenue determination.

[3] Clause 47E Making revenue determinations for contestable augmentation—the Act, s 38(10)(a)

Omit clause 47E(7), definition of *component*.

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

Insert “or a contestable component of a non-contestable revenue determination” after “determination” in clause 51(3)(b).

[5] Schedule 4 Dictionary

Omit the definition of *non-contestable revenue determination*.

Insert in alphabetical order—

component, of a revenue determination, means a component referred to in the Act, section 38(2) and includes part of a component.

contestable component, of a non-contestable revenue determination, means a component where the costs of the component are derived as a result of a competitive assessment process.

non-contestable revenue determination means a revenue determination, made other than as a result of a competitive assessment process, that —

- (a) does not include a contestable component, or
- (b) includes at least—
 - (i) 1 contestable component, and
 - (ii) 1 component that is not a contestable component.