



New South Wales

Electricity Infrastructure Investment Amendment (Functions) 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 objects of this regulation are to—

- (a) specify an additional function for the consumer trustee under the *Electricity Infrastructure Investment Act 2020* (***the Act***), and
- (b) specify a number of additional functions for infrastructure planners under the Act, and
- (c) provide for the *National Electricity (NSW) Law* and the *National Electricity Rules* to be modified for the purposes of the Act.

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1 Name of regulation

This regulation is the *Electricity Infrastructure Investment Amendment (Functions) 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 19 Recommendations by consumer trustee about network infrastructure projects—the Act, ss 60(4)(c) and 66(5)(d)**
Omit “project under the Act, section 31” from clause 19(2). Insert instead “project”.
- [2] **Clause 42 Functions of regulator—the Act, s 64(4)(b)**
Omit the clause.
- [3] **Clause 42A Functions of consumer trustee—the Act, s 60(4)**
Insert after clause 42A(2)(b)—
 (b1) give the infrastructure planner information—
 (i) received by the consumer trustee as part of a competitive tender, and
 (ii) relating to the type, magnitude and timing of a person’s proposed connection to an access rights network, and
- [4] **Clause 42C Functions of infrastructure planner—access schemes—the Act, s 63(4)(d)**
Omit clause 42C(3).
- [5] **Clause 42E**
Insert after clause 42D—
42E Functions of infrastructure planner—functions under National Electricity Rules, Chapter 9A—the Act, s 63(4)(d)
 An infrastructure planner has the following functions—
 (a) the functions of an infrastructure planner under the *National Electricity Rules*, Chapter 9A,
 (b) functions ancillary to the functions in paragraph (a),
 (c) the functions set out in Schedule 1B.
- [6] **Clause 47A Regulator’s guidelines about non-contestable revenue determinations—the Act, s 38(10)**
Omit “through.” from clause 47A(4)(j). Insert instead—
 through,
 (k) shared assets.
- [7] **Clause 47A(5)(d)**
Omit the paragraph.
- [8] **Clause 52 Information to be included in revenue determination—the Act, s 38(10)(d)**
Insert after clause 52(2)—
 (2A) A revenue determination must specify the network infrastructure for which the network operator is entitled to payment in accordance with the relevant authorisation.

[9] Clause 54A Meaning of “eligible network operator”

Omit “under the Act, Part 5, Division 3” from the definition of *eligible network operator*, paragraph (a).

[10] Clauses 58 and 59

Omit the clauses. Insert instead—

58 Modification of National Electricity (NSW) Law—the Act, s 41

- (1) A network operator who has a revenue determination under the Act is taken to be a regulated network service provider for the *National Electricity (NSW) Law*, section 157.
- (2) The *National Electricity (NSW) Law*, section 157(1) does not apply to conduct of the network operator that is in accordance with the requirements of an access scheme.

59 Modification of National Electricity Rules—the Act, ss 27 and 41

The *National Electricity Rules* are modified as set out in the document titled *Chapter 9A: Modification of the National Electricity Rules in New South Wales under the Electricity Infrastructure Investment Act* published in the Government Gazette on 6 December 2024.

[11] Schedules 1A and 1B

Omit Schedule 1A. Insert instead—

Schedule 1A Access scheme functions

clause 42C

1 Administer scheme

To administer the access scheme.

2 Access rights register

- (1) To establish, administer, regularly update and operate a publicly available register for access rights under the access scheme.
- (2) To ensure the register specifies—
 - (a) whether the access fee for each participant in an access scheme includes a component that is attributable to the centralised provision of system strength for the access rights network, and
 - (b) if paragraph (a) applies—the megawatt capacity in relation to which the component is payable.
- (3) To ensure the register also specifies—
 - (a) whether each participant in the access scheme is subject to a REZ access standard, and
 - (b) if paragraph (a) applies—the details of the REZ access standard applicable to the participant.

3 Competitive tenders

- (1) For a competitive tender, in relation to the granting or increasing of access rights, not conducted by the consumer trustee—
 - (a) to make rules about the conduct of the competitive tender, and

- (b) to conduct the competitive tender in accordance with the rules.
- (2) For a competitive tender, in relation to the granting or increasing of access rights, conducted by the consumer trustee—to provide to the consumer trustee information relevant to—
 - (a) determining fees payable under the Act, section 26, and
 - (b) conducting the competitive tender.

4 Eligibility criteria

To determine the eligibility criteria for the grant or increase of access rights to participants in the access scheme—

- (a) in consultation with the consumer trustee, and
- (b) before the competitive tender is conducted.

5 Grant or increase of access rights

- (1) To determine the terms and conditions for the grant or increase of access rights to participants in the access scheme.
- (2) To assess and determine the grant or increase of access rights to participants in the access scheme.
- (3) To consider, assess and determine proposals—
 - (a) in relation to the grant or increase of access rights to participants in the access scheme, and
 - (b) made in accordance with the access scheme for the augmentation of network infrastructure in the renewable energy zone in which the access scheme is located.
- (4) The consideration, assessment and determination of proposals includes whether the grant or increase may involve the following—
 - (a) the contestable provision of services related to assets required for connection under the *National Electricity Rules*,
Note— See the *National Electricity Rules*, clause 9A.4.3.
 - (b) the provision of negotiated transmission services under the *National Electricity Rules* by the network operator for an access rights network under the access scheme,
 - (c) the giving of consent to—
 - (i) the design and construction of a designated network asset, or
 - (ii) the conversion of a dedicated connection asset to a dedicated network asset,
Note— See the *National Electricity Rules*, clause 9A.4.3.
 - (d) the giving of a written direction to a network operator to publish or give information for a relevant network infrastructure project.
Note— See the *National Electricity Rules*, clauses 5.2A.5 and 9A.4.3.
- (5) As soon practicable after the grant or increase of access rights to participants in the access scheme following a competitive tender—
 - (a) to notify the network operator for an access rights network under the access scheme of the grant or increase, and
 - (b) to give the network operator for an access rights network under the access scheme the information relating to the type, magnitude and timing of proposed connections to the access rights network.

- (6) In this clause—
negotiated transmission service has the same meaning as in the *National Electricity Rules*.

6 Assessing and approving connections and disconnections

To assess and approve connections to, and disconnections from, an access rights network or access control network under the access scheme, including to give consent in accordance with the following provisions of the *National Electricity Rules*—

- (a) clause 5.3.4(a1) and (a2),
- (b) clause 5.3.6(a4) and (a5),
- (c) clause 5.3.9(b1).

Note— See the *National Electricity Rules*, clauses 9A.5.5(a), 9A.5.6(b) and 9A.5.8.

7 Determining notification readiness criteria

- (1) To determine notification readiness criteria that must be met to determine the notification response trigger date, having regard to—
- (a) whether the access rights network or part of the access rights network is a considered project, and
 - (b) the network information required to be included in a response to an access right notification under the *National Electricity Rules*, Chapter 9A.

Note— See the *National Electricity Rules*, clause 9A.5.3.

- (2) In this clause—
considered project has the same meaning as in the *National Electricity Rules*.

8 Technical matters

To assess, calculate, forecast, determine and implement technical matters for the access scheme, including in relation to the following—

- (a) network capacity,
- (b) network constraints,
- (c) network utilisation,
- (d) access rights,
- (e) maximum capacities applying during different periods.

9 Functional specifications for assets

- (1) To specify the functional specification for any designated network asset or identified user shared asset—
- (a) that will form part of an access rights network under the access scheme, and
 - (b) to which the giving of a consent in accordance with the *National Electricity Rules*, clause 9A.4.3 relates.
- (2) In this clause—
designated network asset and *identified user shared asset* have the same meanings as in the *National Electricity Rules*.

10 Extending term of scheme

To extend, if applicable, the term of the access scheme.

11 Giving notices and information

To give notices or publish information in relation to the access scheme.

12 Amendment of declaration of scheme

For a proposed amendment of the declaration for the access scheme—

- (a) to consider, consult on and assess the proposal, and
- (b) to provide advice to the Minister, and
- (c) to determine voting procedures.

Schedule 1B Functions relating to National Electricity Rules, Chapter 9A

clause 42E(c)

1 REZ access standards—preparation—the Act, s 63(4)(d)

- (1) The infrastructure planner for an access scheme may make REZ access standards.
- (2) REZ access standards must address each technical requirement of access for a generating system or integrated resource system specified in the *National Electricity Rules*, Schedule 5.2.
- (3) A REZ access standard may—
 - (a) be expressed as a range, and
 - (b) apply differently to different participants.
- (4) In this clause—
generating system and *integrated resource system* have the same meanings as in the *National Electricity Rules*.

2 REZ access standards—consultation and approval—the Act, s 63(4)(d)

- (1) The infrastructure planner, when making the REZ access standards—
 - (a) must consult with—
 - (i) transmission network service providers in New South Wales, and
 - (ii) if a network operator for the access rights network is subject to an authorisation—the network operator, and
 - (iii) AEMO, and
 - (iv) network operators that the infrastructure planner considers may be affected by the REZ access standards, and
 - (b) may consult other persons the infrastructure planner considers appropriate.
- (2) The infrastructure planner must obtain the approval of AEMO before finalising the REZ access standards.
- (3) AEMO may consult other parties before determining whether or not to approve the REZ access standards.
- (4) The infrastructure planner must publish the REZ access standards on its website.

3 REZ access standards—review and amendment—the Act, s 63(4)(d)

- (1) The infrastructure planner for an access scheme—

- (a) must review a REZ access standard for the scheme if—
 - (i) the capacity cap is increased by 5% or more, and
 - (ii) because of the increase, the infrastructure planner intends to grant or increase access rights under the scheme, and
 - (b) may review a REZ access standard for the scheme at any other time.
- (2) A review conducted under subclause (1)(a) must be completed before the infrastructure planner or the consumer trustee commences a process to allocate the increased capacity.
- (3) The infrastructure planner must—
 - (a) consult AEMO during the review, and
 - (b) obtain AEMO's approval of the outcome of the review, and
 - (c) if the review recommends amendment of the REZ access standard—implement the recommendation.
- (4) An amendment to a REZ access standard must be prepared and made in the same way as a new REZ access standard.
- (5) In this clause—
capacity cap means the cap on the aggregate maximum capacity available to be allocated under access rights to participants in the access scheme connecting to the access rights network, or a part of the network.

4 REZ access standards—exception REZ access standard—the Act, s 63(4)(d)

- (1) The infrastructure planner for an access scheme may approve an objective proposed by a network operator for the purposes of an exception REZ access standard.
Note— See the *National Electricity Rules*, clause 9A.6.4.
- (2) In this clause—
exception REZ access standard has the same meaning as in the *National Electricity Rules*.

5 Joint planning of network infrastructure—the Act, s 63(4)(d)

- (1) The infrastructure planner for a renewable energy zone must undertake joint planning for REZ network infrastructure projects related to an IP planned REZ network—
 - (a) instead of the transmission network service provider for the IP planned REZ network, and
 - (b) as if the infrastructure planner were the transmission network service provider.
Note— See the *National Electricity Rules*, clauses 9A.9.6 and 9A.10.
- (2) The infrastructure planner for an IP planned REZ network must provide information requested by AEMO for the preparation of—
 - (a) a draft or final Integrated System Plan, or
 - (b) an ISP update.
Note— See the *National Electricity Rules*, clause 9A.10.4(c).
- (3) In this clause—
Integrated System Plan and **ISP update** have the same meanings as in the *National Electricity Rules*.

joint planning means the joint planning activities specified in the *National Electricity Rules*, clause 5.14.

6 IP planned REZ network

- (1) The infrastructure planner may declare a transmission network to not be an IP planned REZ network if—
 - (a) the network operator for the transmission network is the jurisdictional planning body for New South Wales, and
 - (b) AEMO has given written approval for the declaration.

Note— See the *National Electricity Rules*, clause 9A.2.1.

- (2) The declaration must be made by written notice published on the infrastructure planner's website.
- (3) Before making the declaration, the infrastructure planner must consult with a network operator if the network operator is subject to an authorisation in relation to the transmission network.
- (4) The transmission network ceases to be an IP planned REZ network on the making of the declaration.
- (5) This clause applies to part of a transmission network in the same way as it applies to the whole transmission network.
- (6) In this clause—

jurisdictional planning body and **transmission network** have the same meanings as in the *National Electricity Rules*.

[12] Schedule 3 Modification of National Electricity Rules

Omit the schedule.

[13] Schedule 4 Dictionary

Insert in alphabetical order—

IP planned REZ network has the same meaning as in the *National Electricity Rules*.

Note— See the *National Electricity Rules*, clause 9A.2.1.

National Electricity Rules means the *National Electricity Rules* as modified by clause 59.

REZ access standard, for an access scheme, means a technical standard of performance for connection to an access rights network under the access scheme—

- (a) made under Schedule 1B, clause 1 by the infrastructure planner for the access scheme, and
- (b) expressed as a standard of performance or a range of standards of performance.