



New South Wales

Electricity Infrastructure Investment Amendment (Priority Network Projects) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Electricity Infrastructure Investment Act 2020* (*the Act*) to—

- (a) broaden the meaning of a priority transmission infrastructure project to include a priority network infrastructure project, and
- (b) broaden and clarify the Minister’s powers relating to directing network operators to carry out REZ network infrastructure projects and priority network infrastructure projects, and
- (c) extend the functions of an infrastructure planner in relation to priority network infrastructure projects, and
- (d) make provision for other miscellaneous matters.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Electricity Infrastructure Investment Act 2020 No 44

Schedule 1[2] inserts definitions of *carry out* an infrastructure project and *infrastructure project* for Part 5 under proposed section 30A and clarifies references to infrastructure projects for the part under proposed section 30B. **Schedule 1[12] and [13]** make consequential amendments.

Schedule 1[3] removes requirements for which matters must be specified in a direction by the Minister to a network operator to carry out an infrastructure project under section 32.

Schedule 1[4] clarifies the circumstances in which a direction under section 32 may be made, including if the network operator does not own or lease the infrastructure.

Schedule 1[6] amends the matters the Minister must be satisfied of under the Act, section 34 before making a direction under the Act, section 32 in relation to a priority network infrastructure project.

Schedule 1[7] inserts proposed sections 35A–35C. Proposed section 35A sets out when a direction under section 32 commences. Proposed section 35B alters the power to amend a direction under section 32. Proposed section 35C sets out the circumstances for when directions under section 32 may be made without complying with section 34(1) and (2). **Schedule 1[16]** makes a consequential amendment.

Schedule 1[8] removes the defence of a reasonable excuse from the offence under the Act, section 34 for failure to comply with a direction under section 32.

Schedule 1[9] is a drafting update to move definitions for the division to a new section. **Schedule 1[11]** makes a consequential amendment.

Schedule 1[10] clarifies the circumstances in which an authorisation for Part 5, Division 3 may be made by the Minister under the Act, section 36(2).

Schedule 1[14] clarifies that the reference to components are the components applicable to the relevant authorisation that is the subject of the regulator's determination under section 38 for determining the amount payable to the network operator.

Schedule 1[15] deems a notice given to a network operator under the Act, section 38(7) is a condition of a licence under the *Electricity Supply Act 1995* held by the network operator, but provides a person must not be both prosecuted for failure to comply with the notice and the licence conditions.

Schedule 1[17] clarifies that an infrastructure planner may be appointed in relation to a priority network infrastructure project.

Schedule 1[18] extends the functions of an infrastructure planner to include identifying, assessing and recommending to the Minister network infrastructure projects in certain circumstances.

Schedule 1[20] substitutes the definition of *network infrastructure* to include generation or storage infrastructure that provides network services. Schedule 1[20] also substitutes the definition of *priority transmission infrastructure project* by replacing the term with *priority network infrastructure project* and amends the kinds of reports under the *National Electricity Rules* and recommendations by the infrastructure planner for which a network infrastructure project is a priority network infrastructure project. **Schedule 1[1], [5] and [19]** make consequential amendments.