



New South Wales

# Energy and Utilities Administration Amendment Bill 2026

## 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 *Energy and Utilities Administration Act 1987* (*the Act*) to amend the legislative framework that provides for responses to energy supply emergencies.

## 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.

## Schedule 1      **Amendment of Energy and Utilities Administration Act 1987 No 103**

### Energy supply directions and cyber security directions

**Schedule 1[6]** substitutes sections 25 and 26.

Proposed section 25 provides that the Minister may give a direction to respond to certain energy supply emergencies (an *energy supply direction*). An energy supply direction may require a person to take certain action, including to control, direct, restrict or prohibit the supply or use of a declared form of energy. A direction may be given in writing or orally.

Proposed section 26 provides that the Minister may give a direction to a person to respond to or prevent the impact of a cyber security incident (a *cyber security direction*). A cyber security direction may require a person to take certain action to respond to, or prevent, the impacts of a cyber security incident.

### Information notices

**Schedule 1[10]** provides that investigating a suspected contravention of a requirement under the Act, Part 6 is a circumstance in which the Minister may, by written notice (an *information notice*), require a person to give information.

**Schedule 1[12]** provides that an information notice may require a person to give information required under the notice by a specified time or periodically.

**Schedule 1[13]** allows the Minister to vary or revoke an information notice.

**Schedule 1[16]** sets out the circumstances in which a person is not required to give a document under an information notice.

### Inspector powers

**Schedule 1[21]** inserts proposed section 27B, which enables the Minister to give a notice requiring a person to answer the questions of an inspector in certain circumstances (a *compelled interview notice*). A compelled interview notice may require a corporate representative to answer questions for a corporation. The proposed section also makes it an offence for a person given a notice to contravene the notice, with the following maximum penalties—

- (a) for an individual—1,000 penalty units and 100 penalty units for each day the offence continues,
- (b) otherwise—5,000 penalty units and 500 penalty units for each day the offence continues.

The offence is made a continuing offence by the inclusion of an additional penalty for each day the offence continues.

**Schedule 1[26]** substitutes section 31 and inserts proposed section 31A.

Proposed section 31 provides for the appointment of inspectors who may exercise functions under the Act, Part 6 to determine whether the part has been contravened and for the administration of the part.

Proposed section 31A provides for the identification of inspectors using identification cards in certain circumstances.

**Schedule 1[27]** omits section 32(1), which limits an inspector's functions to be exercised only if a declaration of an energy supply emergency is in force under section 24.

**Schedule 1[30]** authorises an inspector to require a person the inspector suspects on reasonable grounds to have contravened the Act, Part 6 to state the person's name and address and provide proof of the person's name and address.

**Schedule 1[33]** inserts proposed sections 33A–33I.

Proposed section 33A provides for an inspector to, despite another Act or law, make a recording of questions and answers given under a compelled interview notice.

Proposed section 33B prohibits an inspector from disclosing information obtained by the inspector, except for disclosures to certain persons in certain circumstances.

Proposed section 33C provides that—

- (a) a person is not excused from a requirement to give information or to answer a question if the information or answer might incriminate the person or make them liable to a penalty, and
- (b) the information or answer given by an individual in compliance with a relevant requirement is not admissible as evidence in proceedings in certain circumstances.

However, information may still be admitted in proceedings if the information is in a document required to be given under a notice or direction.

Proposed section 33D clarifies that a person must be warned that a contravention of a requirement under the Act, Part 6 to give information or answer a question is an offence before the person may be found guilty of an offence.

Proposed section 33E provides that, for certain requirements under the Act, Part 6, answers to questions and information given by corporate representatives bind the corporation.

Proposed section 33F provides for the effect of certain offences as continuing offences. The proposed section only applies to offences under the Act, Part 6 that provide additional penalties for a continuing offence.

Proposed section 33G provides for the continuing effect of requirements under the Act, Part 6 until the requirement is complied with.

Proposed section 33H authorises the Minister to bring proceedings in the Supreme Court to remedy or restrain a contravention of the Act, Part 6 or certain threatened or apprehended contraventions.

Proposed section 33I provides for certain types of certificate evidence for proceedings to enforce the Act, Part 6. A certificate signed by the Secretary is, in the absence of evidence to the contrary, evidence of the matter certified.

**Schedule 1[32]** makes amendments consequent on Schedule 1[33].

**Schedule 1[40]** defines *authorised officer* for the Act, section 46A to allow inspectors to issue a penalty notice for a penalty notice offence against the Act, Part 6.

### **Increased penalties for existing energy supply emergency offences**

**Schedule 1[15]** increases the maximum court imposable penalties for the offence of failing to comply with an information notice or giving false or misleading information to—

- (a) for an individual—1,000 penalty units and 100 penalty units for each day the offence continues, or
- (b) otherwise—5,000 penalty units and 500 penalty units for each day the offence continues.

The offence is made a continuing offence by the inclusion of an additional penalty for each day the offence continues.

**Schedule 1[20]** increases the maximum court imposable penalties for the offence of disclosing information prohibited by the Minister to—

- (a) for an individual—1,000 penalty units, and
- (b) otherwise—5,000 penalty units.

**Schedule 1[25]** increases the maximum court imposable penalties for the offence of contravening an energy supply direction, cyber security direction or direction given by the Minister to discontinue the supply of a declared form of energy to—

- (a) for an individual—1,000 penalty units and 100 penalty units for each day the offence continues, or
- (b) otherwise—5,000 penalty units and 500 penalty units for each day the offence continues.

The offence is made a continuing offence by the inclusion of an additional penalty for each day the offence continues.

**Schedule 1[31]** increases the maximum court imposable penalties for the offence of obstructing, misleading or impersonating an inspector to—

- (a) for an individual—100 penalty units, and
- (b) otherwise—500 penalty units.

### **Application of energy supply emergency provisions**

**Schedule 1[35]** inserts proposed section 34AA to provide for the extraterritorial application of the Act, Part 6. The provision expresses the intent of the Parliament to apply, to the extent permitted by the powers of the Parliament, the provisions of the Act, Part 6 to persons and matters not present in New South Wales but that otherwise relate to the management of an energy supply emergency in the State. The provision explicitly allows directions and notices under the Act, Part 6 to be given to persons outside New South Wales.

## Administration and enforcement of Act

**Schedule 1[37]** substitutes section 43A to provide for the service of documents for the Act and regulations.

**Schedule 1[38]** substitutes section 45, which confers a power of delegation on the Minister. Proposed section 45 also confers a power of delegation on the Secretary. Proposed section 45 expands the persons to whom the Minister may delegate functions but prevents the delegation of giving an energy supply direction or a cyber security direction, either of which must be given personally by the Minister.

**Schedule 1[39]** provides for the following—

- (a) the circumstances in which an inspector or person authorised under the Act, section 46A may or must withdraw a penalty notice,
- (b) the effect of a withdrawn penalty notice.

**Schedule 1[41]** substitutes section 47 to provide for the following—

- (a) proceedings for an offence under the Act,
- (b) the maximum monetary penalty the Local Court may impose for certain offences,
- (c) the limitation period for proceedings for an offence under the Act or regulations.

**Schedule 1[42]** amends section 47A, which provides for the liability of directors and officers for corporate offences, to remove the requirement to prove that a person who is a director of a corporation or is involved in the management of the corporation knowingly authorised or permitted a contravention by the corporation. A director or manager may now be personally and strictly liable for the corporation's contravention unless the director or manager shows that—

- (a) the director or manager was not in a position to influence the corporation's conduct in relation to the contravention, or
- (b) the director or manager used all due diligence to prevent the corporation's contravention.

## Miscellaneous

**Schedule 1[1]** inserts definitions for the Act.

**Schedule 1[3], [5], [7], [22] and [34]** insert division headings for the Act, Part 6.

**Schedule 1[4]** inserts definitions for the Act, Part 6 and makes an amendment consequential on Schedule 1[1].

**Schedule 1[9]** replaces the word “provide” with “give” for the Act, section 27 to reflect contemporary drafting practice. **Schedule 1[8], [11] and [17]–[19]** make consequential amendments.

**Schedule 1[14], [23] and [36]** replace references to “fail to comply with” with “contravene”. The amendment relies on the term *contravene*, which is defined by the *Interpretation Act 1987*, Schedule 4. The *Interpretation Act 1987*, section 3(3) applies the meaning of the terms in the dictionary in Schedule 4 to Acts and instruments in which the terms are used. **Schedule 1[24]** makes a consequential amendment to a section heading.

**Schedule 1[28] and [29]** make minor statute law revision amendments.

**Schedule 1[43]** contains savings and transitional amendments relating to Schedule 1[37], [38] and [41].



New South Wales

# Energy and Utilities Administration Amendment Bill 2026

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Energy and Utilities Administration Amendment Bill 2026**

No. \_\_\_\_\_, 2026

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### **A Bill for**

An Act to amend the *Energy and Utilities Administration Act 1987* to make miscellaneous amendments relating to the administration and enforcement of the energy supply emergency provisions of the Act; and for other purposes.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

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**Tabling copy**

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Energy and Utilities Administration Amendment Act 2026*.

3

**2 Commencement**

4

This Act commences on the date of assent to this Act.

5

<b>Schedule 1</b>	<b>Amendment of Energy and Utilities Administration Act 1987 No 103</b>	1
		2
<b>[1] Section 3 Definitions</b>		3
	Insert in alphabetical order in section 3(1)—	4
	<i>AEMO</i> , for Part 6—see section 23.	5
	<i>compelled interview notice</i> , for Part 6—see section 23.	6
	<i>cyber security direction</i> , for Part 6—see section 23.	7
	<i>cyber security incident</i> , for Part 6—see section 23.	8
	<i>declared form of energy</i> , for Part 6—see section 23.	9
	<i>energy supply direction</i> , for Part 6—see section 23.	10
	<i>exercise</i> , a function, includes perform a duty.	11
	<i>form of energy or energy resources</i> , for Part 6—see section 23.	12
	<i>function</i> , includes a power, authority or duty.	13
	<i>information</i> , for Part 6—see section 23.	14
	<i>information notice</i> , for Part 6—see section 23.	15
	<i>inspector</i> means a person appointed, for the time being, under section 31.	16
	<i>place</i> , for Part 6—see section 23.	17
	<i>supply</i> , for Part 6—see section 23.	18
	<i>use</i> , for Part 6—see section 23.	19
<b>[2] Section 3(2)</b>		20
	Omit the subsection.	21
<b>[3] Part 6, Division 1, heading</b>		22
	Insert before section 23—	23
	<b>Division 1 Preliminary</b>	24
<b>[4] Section 23 Definitions</b>		25
	Omit the definition of <i>inspector</i> .	26
	Insert in alphabetical order—	27
	<i>compelled interview notice</i> —see section 27B(1).	28
	<i>cyber security direction</i> —see section 26(2).	29
	<i>energy supply direction</i> —see section 25(2).	30
	<i>information</i> includes a document.	31
	<i>information notice</i> —see section 27(1).	32
<b>[5] Part 6, Division 2, heading</b>		33
	Insert before section 24—	34
	<b>Division 2 Energy supply emergencies</b>	35
<b>[6] Sections 25 and 26</b>		36
	Omit the sections.	37
	Insert instead—	38

<b>25 Energy supply directions</b>	1
(1) This section applies while a declaration under section 24(1)(a) or (b) is in force.	2 3
(2) The Minister may give a direction the Minister considers reasonably necessary to respond to an energy supply emergency (an <b>energy supply direction</b> ), including for the following—	4 5 6
(a) to control, direct, restrict or prohibit the supply or use of a declared form of energy, whether generally or for a purpose specified in the direction,	7 8
(b) to direct a person who supplies a declared form of energy to supply the energy to a person specified in the direction,	9 10
(c) to direct a person to comply with the terms and conditions determined by the Minister for the supply of a declared form of energy,	11 12
(d) to direct a person to whom a declared form of energy is supplied to accept the declared form of energy,	13 14
(e) other matters the Minister considers necessary to give effect to—	15
(i) the declaration, or	16
(ii) a recommendation made by a qualified person under section 28.	17
(3) An energy supply direction may do one or more of the following—	18
(a) operate throughout the whole of the State or in a specified part of the State,	19 20
(b) apply generally or be limited in its application by reference to specified exceptions or factors,	21 22
(c) apply differently according to different factors of a specified kind,	23
(d) authorise a person—	24
(i) to enter land or a place used for or in connection with the supply of the declared form of energy, or	25 26
(ii) to do the following for or in connection with the supply of the declared form of energy—	27 28
(A) take possession of property, a business or an undertaking,	29
(B) take control of property, a business or an undertaking,	30
(C) use property, a business or an undertaking.	31
(4) An energy supply direction has effect—	32
(a) for the period specified in the direction, or	33
(b) otherwise—for the period that—	34
(i) commences when the direction is given, and	35
(ii) continues until the direction is revoked.	36
(5) An energy supply direction must, subject to subsection (7), be in writing.	37
(6) Notice of an energy supply direction—	38
(a) must be published in the Gazette, and	39
(b) is taken to have been given to a person to whom the direction applies after the notice is published.	40 41
(7) Despite subsections (5) and (6), an energy supply direction for a specified person may be given orally (an <b>oral energy supply direction</b> ).	42 43
(8) An oral energy supply direction—	44

(a)	takes effect immediately when made, and	1
(b)	must be confirmed in writing as soon as practicable after the direction is given.	2 3
(9)	An oral energy supply direction is not invalidated or otherwise affected by a contravention of subsection (8)(b).	4 5
(10)	The Minister may—	6
(a)	vary an energy supply direction, or	7
(b)	revoke an energy supply direction.	8
(11)	A variation or revocation of an energy supply direction must comply with the requirements for making the direction.	9 10
(12)	The Minister is not required to consult with a person or otherwise comply with a requirement of procedural fairness before giving, varying or revoking an energy supply direction.	11 12 13
<b>26</b>	<b>Cyber security directions</b>	14
(1)	This section applies while a declaration under section 24(1)(c) is in force.	15
(2)	The Minister may give a direction to a person (a <i>cyber security direction</i> ) requiring the person to take the action the Minister considers reasonably necessary to—	16 17 18
(a)	respond to the impact of the incident on the person’s information technology systems, or	19 20
(b)	prevent the incident from having an impact on the person’s information technology systems.	21 22
(3)	A cyber security direction must—	23
(a)	be in writing, and	24
(b)	include a copy of the Premier’s declaration under which the Minister’s direction is given.	25 26
(4)	A cyber security direction has effect—	27
(a)	for the period specified in the direction, or	28
(b)	otherwise—for the period that—	29
(i)	commences when the direction is given, and	30
(ii)	continues until the direction is revoked.	31
(5)	The Minister may—	32
(a)	vary a cyber security direction, or	33
(b)	revoke a cyber security direction.	34
(6)	A variation or revocation of a cyber security direction must comply with the requirements for making the direction.	35 36
(7)	The Minister is not required to consult with a person or otherwise comply with a requirement of procedural fairness before giving, varying or revoking a cyber security direction.	37 38 39
<b>[7]</b>	<b>Part 6, Division 3, heading</b>	40
	Insert before section 27—	41
<b>Division 3</b>	<b>Information gathering powers</b>	42

<b>[8] Section 27, heading</b>	1
Omit “provide”.	2
Insert instead “give”.	3
<b>[9] Section 27(1), (2) and (5)(b)</b>	4
Omit “provide” wherever occurring.	5
Insert instead “give”.	6
<b>[10] Section 27(1)(c1)</b>	7
Insert after section 27(1)(c)—	8
(c1) to investigate a suspected contravention of a requirement under this part,	9 10
<b>[11] Section 27(3)(a) and (b)</b>	11
Omit “provided” wherever occurring.	12
Insert instead “given”.	13
<b>[12] Section 27(3A)</b>	14
Insert after section 27(3)—	15
(3A) For subsection (3)(b), an information notice may require a person to give information—	16 17
(a) by a specified time, or	18
(b) periodically.	19
<b>[13] Section 27(4A)</b>	20
Insert after section 27(4)—	21
(4A) The Minister may vary or revoke an information notice by further written notice.	22 23
<b>[14] Sections 27(5)(a), 30 and 33(1)(c)</b>	24
Omit “fail to comply with” wherever occurring.	25
Insert instead “contravene”.	26
<b>[15] Section 27(5), penalty</b>	27
Omit the penalty.	28
Insert instead—	29
Maximum penalty—	30
(a) for an individual—	31
(i) 1,000 penalty units, and	32
(ii) a further 100 penalty units for each day the offence continues, or	33
(b) otherwise—	34
(i) 5,000 penalty units, and	35
(ii) a further 500 penalty units for each day the offence continues.	36
<b>[16] Section 27(6)</b>	37
Omit the subsection.	38

Insert instead—	1
(6) An information notice does not require a person to give a document that is not—	2
(a) in the person’s possession, or	3
(b) within the person’s power to lawfully obtain.	4
<b>[17] Section 27A, heading</b>	6
Omit “provided”.	7
Insert instead “given”.	8
<b>[18] Section 27A(1)</b>	9
Omit “provided to”.	10
Insert instead “given to”.	11
<b>[19] Section 27A(1)(a)</b>	12
Omit “provided”.	13
Insert instead “gave”.	14
<b>[20] Section 27A(3), penalty</b>	15
Omit the penalty.	16
Insert instead—	17
Maximum penalty—	18
(a) for an individual—1,000 penalty units, or	19
(b) otherwise—5,000 penalty units.	20
<b>[21] Section 27B</b>	21
Insert after section 27A—	22
<b>27B Requirement to answer questions</b>	23
(1) The Minister may, by written notice (a <i>compelled interview notice</i> ), require a person to answer questions asked by an inspector.	24
(2) A compelled interview notice may require an individual who is a director or an officer of a corporation to answer questions for the corporation.	25
(3) A compelled interview notice may require a person to answer questions asked by an inspector—	26
(a) at a specified time and at a specified place, or	27
(b) at a specified time by remote link.	28
(4) A specified time or place for subsection (3) must be—	29
(a) a time or place nominated by the recipient of the compelled interview notice, or	30
(b) if the time or place nominated is not reasonable or a time or place is not nominated—a time or place nominated by the inspector.	31
(5) A person must not contravene a compelled interview notice given to the person.	32
Maximum penalty—	33
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(a)	for an individual—	1
(i)	1,000 penalty units, and	2
(ii)	a further 100 penalty units for each day the offence continues, or	3
(b)	otherwise—	4
(i)	5,000 penalty units, and	5
(ii)	a further 500 penalty units for each day the offence continues.	6
(6)	In this section—	7
	<i>remote link</i> means technology that enables continuous and contemporaneous—	8
		9
(a)	audio communication between persons at different places, including telephones, or	10
		11
(b)	audio and visual communication between persons at different places, including video conferencing.	12
		13
<b>[22]</b>	<b>Part 6, Division 4, heading</b>	14
	Insert before section 28—	15
	<b>Division 4 Compliance and enforcement</b>	16
<b>[23]</b>	<b>Section 29 Disruption of supply</b>	17
	Omit “failing to comply with” from section 29(1).	18
	Insert instead “contravening”.	19
<b>[24]</b>	<b>Section 30, heading</b>	20
	Omit the heading.	21
	Insert instead—	22
	<b>30 Contravention of Minister’s direction</b>	23
<b>[25]</b>	<b>Section 30, penalty</b>	24
	Omit the penalty.	25
	Insert instead—	26
	Maximum penalty—	27
(a)	for an individual—	28
(i)	1,000 penalty units, and	29
(ii)	a further 100 penalty units for each day the offence continues, or	30
(b)	otherwise—	31
(i)	5,000 penalty units, and	32
(ii)	a further 500 penalty units for each day the offence continues.	33
<b>[26]</b>	<b>Sections 31 and 31A</b>	34
	Omit section 31.	35
	Insert instead—	36
	<b>31 Inspectors</b>	37
(1)	The Minister may appoint a person as an inspector.	38

(2)	The appointment—	1
(a)	must be in writing, and	2
(b)	may do one or more of the following—	3
(i)	appoint persons generally or specifically, including by reference to a role, function or other factor,	4
(ii)	apply generally or be limited in its application by reference to specified exceptions or factors,	6
(iii)	apply differently according to different factors of a specified kind.	8
(3)	An inspector has, and may exercise, functions conferred by this part.	10
(4)	An inspector may exercise functions as follows—	11
(a)	to determine whether this part has been contravened,	12
(b)	for the administration of this part.	13
<b>31A</b>	<b>Identification of inspectors</b>	14
(1)	The Minister must give an identification card to an inspector.	15
(2)	Subsection (1) does not apply to—	16
(a)	a person who is—	17
(i)	appointed as an inspector under section 31 by reference to a role or function of the person, and	18
(ii)	required under another Act or law to, in connection with the person’s role or function—	20
(A)	show an identification document for the role or function, or	22
(B)	otherwise identify themselves for the role or function, or	23
(b)	a police officer appointed as an inspector.	24
(3)	When exercising functions under this part, an inspector must, if requested by a person affected by the exercise of the function—	25
(a)	for an inspector issued with an identification card—show the inspector’s identification card, or	27
(b)	for an inspector described in subsection (2)—show the identification document or otherwise identify themselves as required under another Act or law.	29
(4)	Subsection (3) does not apply to a police officer in uniform.	32
<b>[27]</b>	<b>Section 32 Functions of inspectors</b>	33
	Omit section 32(1).	34
<b>[28]</b>	<b>Section 32(2)</b>	35
	Omit “may—”.	36
	Insert instead “may do the following—”.	37
<b>[29]</b>	<b>Section 32(2)(g)</b>	38
	Omit “and”.	39
<b>[30]</b>	<b>Section 32(2)(i)</b>	40
	Omit “section.” from section 32(2)(h).	41

Insert instead—	1
section,	2
(i) require a person the inspector suspects on reasonable grounds to have contravened this part to—	3
(i) state the person’s name and residential address, and	4
(ii) provide proof of the person’s name and residential address.	5
<b>[31] Section 33 Obstruction etc of inspectors</b>	6
Omit section 33(1), penalty.	7
Insert instead—	8
Maximum penalty—	9
(a) for an individual—100 penalty units, or	10
(b) otherwise—500 penalty units.	11
<b>[32] Section 33(3)–(5)</b>	12
Omit the subsections.	13
<b>[33] Sections 33A–33I</b>	14
Insert after section 33—	15
<b>33A Recording of questions and answers</b>	16
(1) An inspector may make a recording of the questions and answers to questions—	17
(a) required by a compelled interview notice, or	18
(b) under section 32(2)(g).	19
(2) A recording may only be made if the inspector—	20
(a) has informed the person to be questioned that the recording will be made, and	21
(b) gives a copy of the recording to the person questioned as soon as practicable after the recording is made.	22
(3) A recording may be made under this section despite the provisions of another Act or law.	23
<b>33B Disclosure of information given to inspectors</b>	24
An inspector must not disclose information obtained by the inspector under this part except—	25
(a) with the consent of the person who gave the information, or	26
(b) to a Minister, or	27
(c) in connection with the administration or execution of this Act, or	28
(d) to a person prescribed by the regulations for this section, or	29
(e) in accordance with a requirement under an Act or law.	30
Maximum penalty—20 penalty units.	31
<b>33C Incriminating information</b>	32
(1) A person is not excused from a relevant requirement on the basis the information or answer might—	33
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(a)	incriminate the person, or	1
(b)	make the person liable to a penalty.	2
(2)	Information or an answer given by an individual in compliance with a relevant requirement is not admissible in evidence against the individual in proceedings if—	3 4 5
(a)	the person objected at the time to giving the answer or information on the basis the answer or information might incriminate the person, or	6 7
(b)	the person was not warned on that occasion that the person may object to giving the information or answer on the basis the answer or information might incriminate the person.	8 9 10
(3)	Subsection (2) does not apply to an offence against section 33(1).	11
(4)	Subsection (2) does not apply to a document required to be given under a notice or direction.	12 13
(5)	In this section—	14
	<i>relevant requirement</i> means a requirement under this part—	15
(a)	to give information, or	16
(b)	to answer a question.	17
<b>33D</b>	<b>Certain contraventions not an offence</b>	18
	A person is not guilty of an offence of contravening a requirement under this part to give information or answer a question unless the person was warned on that occasion that contravention is an offence.	19 20 21
<b>33E</b>	<b>Information and answers for corporations</b>	22
(1)	This section applies to the following—	23
(a)	an answer given under a compelled interview notice,	24
(b)	information given under a requirement of an information notice,	25
(c)	an answer or information given under section 32(2)(e) or (g).	26
(2)	Answers to questions and information given by an individual who is an officer or director of a corporation bind the corporation unless the corporation proves the individual had no authority to bind the corporation.	27 28 29
<b>33F</b>	<b>Continuing offences</b>	30
(1)	A person is guilty of a continuing offence for each day a contravention of a legal requirement continues if—	31 32
(a)	the contravention of the legal requirement is an offence under this Act or the regulations, and	33 34
(b)	a penalty for a continuing offence is specified in relation to the offence.	35
(2)	The person continues to be required to comply with the legal requirement regardless of whether—	36 37
(a)	a time was specified for compliance, and	38
(b)	the time has passed.	39
(3)	The contravention ceases when—	40
(a)	the legal requirement is complied with, or	41
(b)	for a legal requirement imposed by an instrument—the instrument is revoked or otherwise ceases to apply.	42 43

(4)	In this section—	1
	<i>legal requirement</i> means a requirement for a person to do or cease to do something by the following—	2
		3
	(a) this part,	4
	(b) the regulations made under this part,	5
	(c) an energy supply direction,	6
	(d) a cyber security direction,	7
	(e) an information notice,	8
	(f) a compelled interview notice.	9
<b>33G</b>	<b>Continuing effect of requirements</b>	10
(1)	A requirement imposed under this part continues to have effect until the direction or notice is complied with regardless of whether—	11
		12
	(a) a time was specified for compliance, and	13
	(b) that time has passed.	14
(2)	This section does not apply to the extent a requirement is revoked or repealed.	15
<b>Division 5</b>	<b>Proceedings</b>	16
<b>33H</b>	<b>Restraint of contraventions of part</b>	17
(1)	The Minister may bring proceedings in the Supreme Court to remedy or restrain—	18
		19
	(a) a contravention of this part, or	20
	(b) a threatened or apprehended contravention of this part.	21
(2)	Proceedings may be brought whether or not proceedings have been brought for an offence against this part.	22
		23
(3)	The Court may make orders the Court thinks fit to remedy or restrain a contravention of this part if—	24
		25
	(a) this part has been contravened, or	26
	(b) a contravention would, unless restrained by order of the Court, occur.	27
<b>33I</b>	<b>Certificate evidence</b>	28
(1)	A document certifying a relevant matter—	29
		30
	(a) is admissible in—	31
	(i) civil proceedings under this part, or	32
	(ii) criminal proceedings under this Act for an offence against this part, and	33
	(b) is evidence of the relevant matter unless there is evidence to the contrary.	34
		35
(2)	The document must be signed by—	36
		37
	(a) the Secretary, or	37
	(b) another person prescribed by the regulations.	38
(3)	In this section—	39
	<i>relevant matter</i> means the following—	40
		41
	(a) that a notice or direction was given on a specified day,	41

(b)	that a declaration under section 24—	1
(i)	was made or revoked on a specified day, or	2
(ii)	was in force on a specified day,	3
(c)	that a cyber security direction—	4
(i)	was given, varied or revoked on a specified day, or	5
(ii)	was in force on a specified day,	6
(d)	that an energy supply direction—	7
(i)	was given, varied or revoked on a specified day, or	8
(ii)	was in force on a specified day,	9
(e)	that an information notice was given to a specified person on a specified day,	10
(f)	that a compelled interview notice requiring a person to answer questions at a specified time was given to a specified person,	12
(g)	that a specified function under this part was, on a specified day, delegated by stating—	13
(i)	the person on whom the function was conferred, and	14
(ii)	the person to whom the function was delegated,	15
(h)	that a person was, on a specified day, appointed as an inspector.	16
<b>[34]</b>	<b>Part 6, Division 6, heading</b>	19
	Insert before section 34—	20
	<b>Division 6      Miscellaneous</b>	21
<b>[35]</b>	<b>Section 34AA</b>	22
	Insert after section 34—	23
<b>34AA</b>	<b>Extraterritorial application of emergency provisions</b>	24
(1)	This part is intended to have extraterritorial application to the extent the legislative powers of the State permit, including in relation to persons and matters not present in New South Wales but that otherwise relate to or affect the use or supply of a form of energy or energy resources in the State.	25
(2)	A direction or notice under this part may be given about a matter or thing relating to or affecting the use or supply of a form of energy or energy resources in the State even though—	26
(a)	the recipient of the direction or notice may be outside the State, or	27
(b)	the matter or thing occurs or is located outside the State.	28
<b>[36]</b>	<b>Section 40 Persons may be required to furnish information</b>	29
	Omit “neglect or fail to comply with” from section 40(2).	30
	Insert instead “contravene”.	31
<b>[37]</b>	<b>Section 43A</b>	32
	Omit the section.	33
	Insert instead—	34
		35
		36
		37
		38
		39

**43A Service of documents**

- |  |                |
|--|----------------|
|  | 1              |
| (1) A document authorised or required by this Act or the regulations to be served on a person may be served in the following ways—   | 2<br>3         |
| (a) for service on an individual—  | 4              |
| (i) by personal delivery to the individual, or   | 5              |
| (ii) by post to—   | 6              |
| (A) the address specified by the individual for service of documents generally or documents of that kind, or   | 7<br>8         |
| (B) if the individual has not specified an address for service—the residential or business address of the individual last known to the person serving the document, or                         | 9<br>10<br>11  |
| (iii) by leaving a copy of the document addressed to the individual—   | 12             |
| (A) at the address specified by the individual for service of documents generally or documents of that kind, or  | 13<br>14       |
| (B) if the individual has not specified an address for service—at the residential or business address of the individual last known to the person serving the document, or                      | 15<br>16<br>17 |
| (iv) if the individual has consented, whether explicitly or impliedly, to service of documents generally or documents of that kind by electronic communication—by electronic communication, or | 18<br>19<br>20 |
| (v) in another way authorised by the regulations for the service of documents generally or documents of that kind,   | 21<br>22       |
| (b) for service on another person—   | 23             |
| (i) by post to—  | 24             |
| (A) the address specified by the person for service of documents generally or documents of that kind, or   | 25<br>26       |
| (B) if the person has not specified an address for service—the business address of the person last known to the person serving the document, or  | 27<br>28<br>29 |
| (ii) by leaving a copy of the document addressed to the person—  | 30             |
| (A) at the address specified by the person for service of documents generally or documents of that kind, or  | 31<br>32       |
| (B) if the person has not specified an address for service—at the business address of the person last known to the person serving the document, or   | 33<br>34<br>35 |
| (iii) if the person has consented, whether explicitly or impliedly, to service of documents generally or documents of that kind by electronic communication—by electronic communication, or    | 36<br>37<br>38 |
| (iv) in another way authorised by the regulations for the service of documents generally or documents of that kind.  | 39<br>40       |
| (2) This section does not—   | 41             |
| (a) affect the operation of another law, including the rules of a court, authorising a document to be served on a person in another way, or  | 42<br>43       |
| (b) affect the power of a court or tribunal to authorise service of a document in another way.   | 44<br>45       |
| (3) In this section—   | 46             |
| <i>electronic communication</i> has the same meaning as in the <i>Electronic Transactions Act 2000</i> .   | 47<br>48       |

	<i>serve</i> includes give, issue, notify and send.	1
<b>[38]</b>	<b>Section 45</b>	2
	Omit the section.	3
	Insert instead—	4
	<b>45 Delegation</b>	5
	(1) The Minister may delegate the exercise of a function of the Minister under this Act, other than a restricted function, to the following—	6
	(a) the Secretary,	8
	(b) the Corporation,	9
	(c) a Public Service employee,	10
	(d) a committee established under section 34W,	11
	(e) a person prescribed by the regulations.	12
	(2) The Minister may delegate the following functions to the Secretary—	13
	(a) giving an energy supply direction,	14
	(b) giving a cyber security direction.	15
	(3) The Secretary may delegate the exercise of a function of the Secretary under this Act, other than this power of delegation, to a Public Service employee.	16
	(4) The Secretary may subdelegate the exercise of a function delegated to the Secretary by the Minister under subsection (1) to a Public Service employee.	18
	(5) Subsection (4) is subject to restrictions or limitations imposed by the Minister in the instrument of delegation.	20
	(6) In this section—	22
	<i>restricted function</i> means the following—	23
	(a) giving an energy supply direction,	24
	(b) giving a cyber security direction,	25
	(c) delegating functions under this section.	26
<b>[39]</b>	<b>Section 46A Penalty notices</b>	27
	Insert after section 46A(4)—	28
	(4A) An authorised officer—	29
	(a) may withdraw a penalty notice, and	30
	(b) if directed by the Secretary—must withdraw a penalty notice.	31
	(4B) For a penalty notice that is withdrawn—	32
	(a) the amount payable under the penalty notice ceases to be payable, and	33
	(b) an amount paid under the penalty notice is repayable to the person who paid the amount, and	34
	(c) further proceedings for the alleged offence may be taken against a person, including against the recipient of the notice, as if the notice had never been issued.	36
		37
		38
<b>[40]</b>	<b>Section 46A(6)</b>	39
	Omit the subsection.	40

Insert instead—	1
(6) In this section—	2
<i>authorised officer</i> means the following—	3
(a) for Part 6—an inspector,	4
(b) otherwise—a person authorised in writing by the Corporation for this section.	5
	6
<b>[41] Section 47</b>	7
Omit the section.	8
Insert instead—	9
<b>47 Nature of proceedings for offences</b>	10
(1) Proceedings for an offence under this Act or the regulations may be dealt with as follows—	11
	12
(a) for an offence against Part 6—	13
(i) summarily before the Local Court, or	14
(ii) summarily before the Supreme Court in the Court’s summary jurisdiction,	15
	16
(b) otherwise—summarily before the Local Court.	17
(2) For proceedings for an offence against Part 6 brought in the Local Court, the maximum monetary penalty the Court may impose for the offence is—	18
	19
(a) for an individual—1,000 penalty units, or	20
(b) otherwise—2,000 penalty units.	21
(3) Subsection (2) applies despite Part 6 providing a higher maximum monetary penalty for the offence.	22
	23
(4) Proceedings for an offence against this Act or the regulations may be commenced within 2 years after the commission of the offence.	24
	25
<b>Note—</b> If an act or omission constituting an offence against this Act occurred outside New South Wales, proceedings for the offence may be taken in New South Wales if a geographical nexus exists between New South Wales and the offence. See the <i>Crimes Act 1900</i> , section 3, Part 1A and Schedule 2.	26
	27
	28
	29
<b>[42] Section 47A Offences by corporations</b>	30
Omit “if the person knowingly authorised or permitted the contravention.” from section 47A(1).	31
	32
Insert instead—	33
unless the person satisfies the court—	34
(a) the person was not in a position to influence the conduct of the corporation in relation to the corporation’s contravention of the provision, or	35
	36
	37
(b) the person, if in a position referred to in paragraph (a), used all due diligence to prevent the contravention by the corporation.	38
	39
<b>[43] Schedule 2 Savings, transitional and other provisions</b>	40
Insert at the end of the schedule, with appropriate part numbering—	41

<b>Part</b>	<b>Provisions consequent on Energy and Utilities Administration Amendment Act 2026</b>	1
		2
<b>1</b>	<b>Definition</b>	3
	In this part—	4
	<i>amending Act</i> means the <i>Energy and Utilities Administration Amendment Act 2026</i> .	5
		6
<b>2</b>	<b>Service of documents</b>	7
	The substitution of section 43A by the amending Act does not affect the continued validity of a document served under that section immediately before the substitution.	8
		9
		10
<b>3</b>	<b>Existing delegations</b>	11
	The substitution of section 45 by the amending Act does not affect the continued validity of a delegation in force under that section immediately before the substitution.	12
		13
		14
<b>4</b>	<b>Existing proceedings</b>	15
	The substitution of section 47 by the amending Act does not affect the continued validity of proceedings brought under that section immediately before the substitution.	16
		17
		18