

Amendments agreed to 1, 2, 4, 5

Amendment 3 not agreed to

ASLUB
17/11/2020

LEGISLATIVE ASSEMBLY

Electricity Infrastructure Investment Bill 2020

First Print

Proposed amendments



No. 1

Objects of Act

Page 2, clause 3(1). Omit “manufacturing.” from line 17. Insert instead—
manufacturing, and

- (f) to create employment, including employment for Aboriginal and Torres Strait Islander people, and
- (g) to invest in education and training, and
- (h) to promote local industry, manufacturing and jobs, and
- (i) to promote export opportunities for generation, storage and network technology.



No. 2

Board and advocate

Page 2. Insert after line 23—

Part 1A Board and advocate

4A Definitions

In this Part—

board means the board for manufacturing and construction in the NSW renewable energy sector established under section 4B.

plan means a plan prepared by the board and approved by the Minister under section 4C.

4B NSW renewable energy sector board

- (1) As soon as practicable after the commencement of this section, the Minister is to establish a board for the NSW renewable energy sector, in particular in relation to the operation of the sector and the manufacture and construction of infrastructure in the sector.
- (2) The board is to consist of—
 - (a) persons appointed by the Minister, including at least 1 person representing each of the following groups—
 - (i) manufacturers of steel, aluminium and other similar materials,
 - (ii) the metal fabrication industry,

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- (iii) the Australian Workers' Union,
 - (iv) the Electrical Trades Union,
 - (v) the Australian Manufacturing Workers' Union,
 - (vi) the Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)
 - (vii) employers in the electricity, manufacturing and construction sectors,
 - (viii) persons involved in the planning, design, construction and operation of generation infrastructure,
 - (ix) NSW electricity customers, and
- (b) the Energy Corporation, and
 - (c) other persons appointed by the Minister.
- (3) The Minister is to appoint as joint chairperson of the board—
 - (a) one person appointed under subsection (2)(a)(iii)–(vi), and
 - (b) one person appointed under subsection (2)(a)(ix).
 - (4) The board has the following functions—
 - (a) to prepare and provide to the Minister a plan for the NSW renewable energy sector, in particular in relation to the operation of the sector and the manufacture and construction of infrastructure in the sector.
 - (b) to monitor and review the plan and make recommendations to the Minister about the implementation of the plan,
 - (c) to report to the Minister on another matter if requested by Parliament by resolution of both Houses of Parliament.
 - (5) The board is to meet at least once every 6 months.
 - (6) The board is to provide to the Minister a report on the board's activities—
 - (a) by 31 March 2021, and
 - (b) by 30 June 2021, and
 - (c) by 30 June of each following financial year.
 - (7) The regulations may make further provision for or with respect to the membership, procedures and functions of the board, including the terms and condition of appointment of members.

4C Plan for NSW renewable energy sector

- (1) The plan required to be prepared by the board under section 4B(4)(a) is to set out how to achieve the following objectives in relation to the construction of generation, storage and network infrastructure carried out under this Act in a cost effective way—
 - (a) to maximise the use of locally produced and supplied goods and services,
 - (b) to maximise the employment of suitable qualified local workers,
 - (c) to foster opportunities for apprentices and trainees,
 - (d) other objectives prescribed by the regulations.
- (2) The board is to provide the plan to the Minister and to make any amendments requested by the Minister.
- (3) The Minister may approve the plan only on the recommendation of the regulator.
- (4) The regulator may recommend a board's plan to the Minister only if satisfied that the plan—
 - (a) protects the financial interests of NSW electricity customers, and

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- (b) is consistent with Australia's international trade obligations.
- (5) A plan approved by the Minister must be published on the Department's website and takes effect on the day it is published.

4D Effect of plan

- (1) In the exercise of functions under this Act, the Minister and the consumer trustee are to take into account the plan.
- (2) The Minister may impose a condition that is consistent with the plan on a direction under section 25 or an authorisation under section 29(2).
- (3) The consumer trustee may, in a recommendation to the Minister under section 24(1)(a), include a recommendation that a condition that is consistent with the plan be imposed on the Minister's direction.
- (4) The consumer trustee may impose a condition that is consistent with the plan on an authorisation under section 24(1)(b).

4E Electricity infrastructure jobs advocate

- (1) As soon as practicable after the commencement of this section, the Minister is to appoint a person or body as the electricity infrastructure jobs advocate.
- (2) The electricity infrastructure jobs advocate is to advise the Minister about—
- (a) strategies and incentives to encourage investment, development, workforce development, employment, education and training in the energy sector in the Hunter and Central Coast, Illawarra, Far West and Central West regions of New South Wales, and
 - (b) road, rail and port infrastructure required in the regions specified in paragraph (a) to promote export opportunities for generation, storage and network technology, and
 - (c) other matters requested by the Minister.
- (3) The electricity infrastructure jobs advocate is to provide the Minister with a report on the advocate's activities—
- (a) as soon as practicable after being appointed, and
 - (b) once a year after the first report.

X No. 3

Requirement to provide information to electricity infrastructure jobs advocate

Insert at the end of Part 1A, as inserted by Amendment No.2—

4F Requirement to provide information to electricity infrastructure jobs advocate

- (1) The electricity infrastructure jobs advocate may, by written notice to a person, require the person to provide information to the advocate that the advocate reasonably requires to exercise its functions.
- (2) A person must not, without lawful excuse, fail to comply with a requirement made of the person under this section.
- Maximum penalty—2,000 penalty units for a corporation or 100 penalty units for an individual.

✓ No. 4

Electricity infrastructure jobs advocate

Insert at the end of Part 1A, as inserted by Amendment No.2—

4G Appointment of electricity infrastructure jobs advocate

- (1) The electricity infrastructure jobs advocate holds office for the term, not exceeding 5 years, specified in the instrument of appointment, but is eligible for re-appointment.

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- (2) The office may be a full-time or part-time office, as specified in the instrument of appointment.
 - (3) The employment of the electricity infrastructure jobs advocate is, subject to this Act, to be governed by a contract of employment between the advocate and the Minister.
 - (4) In the exercise of functions under this Act, the electricity infrastructure jobs advocate is not subject to the direction or control of the Minister.
 - (5) The regulations may make further provision for or with respect to the appointment of the electricity infrastructure jobs advocate, including the terms and conditions of appointment.

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No. 5

Dictionary

Page 39, proposed Dictionary. Insert after line 16—

electricity infrastructure jobs advocate means the person or body appointed as the electricity infrastructure jobs advocate under section 4E.

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Electricity Infrastructure Investment Bill 2020

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Proposed amendments

Agreed to
17/11/2020

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- ✓ No. 1 **Illawarra renewable energy zone**
Page 8, clause 16, heading, line 21. Insert “**Illawarra,**” before “**New England**”.
 - ✓ No. 2 **Illawarra renewable energy zone**
Page 8, clause 16(1). Insert after line 23—
(a1) Illawarra,
 - ✓ No. 3 **Illawarra renewable energy zone**
Page 8, clause 16(5), line 33. Insert “**Illawarra,**” before “**New England**”.

Agreed to as amended by Ms Cateley
Alley
17/11/2020

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- ✓ No. 1 **Hunter renewable energy zone**
Page 8, clause 16, heading, line 21. Omit “and South West”. Insert instead “, South West and Hunter ~~and~~ *-Central Coast*”.
 - ✓ No. 2 **Hunter renewable energy zone**
Page 8, clause 16(1). Insert after line 25—
(d) Hunter. *-Central Coast*.
 - ✓ No. 3 **Hunter renewable energy zone**
Page 8, clause 16(5), line 33. Omit “and South West”. Insert instead “, South West and Hunter ~~and~~ *-Central Coast*”.

*Agreed to
Alerted
11/11/2020*

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Proposed amendments

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- ✓ No. 1 **Hunter-Central Coast renewable energy zone**
Page 8, clause 16, heading, line 21. Omit “and South West”. Insert instead “, South West and Hunter-Central Coast”.
 - ✓ No. 2 **Hunter-Central Coast renewable energy zone**
Page 8, clause 16(1). Insert after line 25—
 (d) Hunter-Central Coast.
 - ✓ No. 3 **Hunter-Central Coast renewable energy zone**
Page 8, clause 16(5), line 32. Omit “and South West”. Insert instead “, South West and Hunter-Central Coast”.

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All-sub
17/11/2020

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Proposed amendments

- ✓ No. 1 **Fees for access schemes**
Page 9, clause 19(2), line 35. Omit “may include a component, not exceeding the amount prescribed by the regulations,”. Insert instead “must include a component”.
- ✓ No. 2 **Fees for access schemes**
Page 9, clause 19. Insert after line 37—
 - (2A) The component must not be less than the minimum amount or proportion prescribed by the regulations and must not exceed the maximum amount or proportion prescribed by the regulations.

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Proposed amendments



No. 1

Fees for access schemes

Page 9, clause 19. Insert after line 37—

- (2A) The fees determined by the consumer trustee must include a component that is to be used for an employment purpose prescribed by the regulations.
- (2B) The component must not be less than the minimum amount or proportion prescribed by the regulations and must not exceed the maximum amount or proportion prescribed by the regulations.
- (2C) In exercising its function under subsection (2A), the consumer trustee is to seek advice from the committee established under section 34W(1)(a1) of the *Energy and Utilities Administration Act 1987*.

Drafting note 1.1 *Subclause (2B) depends on another amendment that inserts section 34W(1)(a1) of the Energy and Utilities Administration Act 1987 being passed.*



No. 2

Fees for access schemes

Page 9, clause 19(3). Insert after line 41—

employment purpose means a purpose that promotes employment, skills and training for employees in the geographic area that forms the renewable energy zone to which the access scheme applies who are affected by changes in electricity generation in the State.

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17/11/2020
[Signature]

LEGISLATIVE ASSEMBLY

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Proposed amendments

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No. 1 Exemption for green hydrogen industry

Page 25, clause 51(6), line 2. Insert “or from a person who buys electricity to use in the production of hydrogen energy” after “1995”.

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No. 2 Climate Change Fund to pay for development of green hydrogen industry

Page 37, Schedule 2.2. Insert after line 39—

[2A] Section 34H(1)(d1)

Insert after section 34H(1)(d)—

- (d1) \$50 million between 2021 and 2030 to develop the green hydrogen sector, including—
 - (i) the production of hydrogen energy using renewable energy, and
 - (ii) the supply, use and export of hydrogen energy produced using renewable energy, and

Agreed to
Alley
12/11/2020

LEGISLATIVE ASSEMBLY

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Proposed amendment

✓ No. 1

Priority transmission infrastructure projects

Page 13, clause 27. Insert after line 40—

- (1A) The Minister must not direct a network operator to carry out a priority transmission infrastructure project unless the Minister has considered the following—
- (a) existing network infrastructure in the area in which the priority transmission infrastructure project will be located,
 - (b) land use planning, environmental and heritage matters,
 - (c) the views of the local community in the area in which the priority transmission infrastructure project will be located,
 - (d) other matters prescribed by the regulations.

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Proposed amendments

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- ✓ No. 1 **Competitive tenders for LTES agreements**
Page 20, clause 40(1), lines 12 and 13. Omit all words on those lines. Insert instead—
(1) The consumer trustee must conduct a competitive tender for LTES agreements unless the regulator otherwise authorises generally or in a particular case.
- ✓ No. 2 **Competitive tenders for LTES agreements**
Page 20, clause 40. Insert after line 18—
(3A) A tender bid must, unless exempted by the regulations, include information about how the proposal will create employment and support industry in New South Wales if the person enters into an LTES agreement.
- ✓ No. 3 **Competitive tenders for LTES agreements**
Page 20, clause 40(7), lines 31–33. Omit all words on those lines.
- ✓ No. 4 **Provision of information by LTES operators**
Page 21, clause 43. Insert after line 15—
(1A) An LTES operator is required to provide information to the Minister every year about the extent to which the LTES operator is creating employment and supporting industry in New South Wales.
(1B) The information is to be provided in a form prescribed by the regulations.
(1C) The Minister is to prepare a yearly report summarising the information received from LTES operators and is to table the report in each House of Parliament.

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12/11/2020

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- ✓ No. 1 **Committees**
Page 38, Schedule 2.2[3], proposed section 34W(1), line 5. Insert “about the following” after “Minister”.
- ✓ No. 2 **Committees**
Page 38, Schedule 2.2[3], proposed section 34W(1)(a), line 6. Omit “in”.
- ✓ No. 3 **Committees**
Page 38, Schedule 2.2[3], proposed section 34W(1)(a), line 8. Omit “or”.
- ✓ No. 4 **Committees**
Page 38, Schedule 2.2[3], proposed section 34W(1). Insert after line 8—
 - (a1) long-term plans for diversifying the economy and supporting the employees and local communities affected by changes in electricity generation in the State,
 - (a2) strategies to reduce emissions,
 - (a3) economic, export and employment opportunities in the renewable energy sector, including global trends in the renewable energy sector,
- ✓ No. 5 **Committees**
Page 38, Schedule 2.2[3], proposed section 34W(1)(b), line 9. Omit “on any matter”. Insert instead “other matters”.