



New South Wales

Electricity Infrastructure Investment 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 *Electricity Infrastructure Investment Act 2020* (***the Act***) to—

- (a) provide the Minister may create an access scheme to authorise or prohibit access to, and use of, infrastructure that has, or proposes to have, a network connection that is capable of transmitting a certain amount of electricity and that meets prescribed requirements (***large load infrastructure***), and
- (b) prescribe the persons who are network operators for the Act.

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 Electricity Infrastructure Investment Act 2020 No 44

Schedule 1[3] provides the Minister may, by order published in the Gazette (a ***declaration***), declare an access scheme that applies to the whole or part of the State that proposes to contain large load infrastructure (a ***large load infrastructure access scheme***). **Schedule 1[1] and [2]** make consequential amendments.

Schedule 1[4] provides a large load infrastructure access scheme authorises or prohibits access to certain network infrastructure.

Schedule 1[5] provides a large load infrastructure access scheme may be declared over an area of the State already subject to another access scheme.

Schedule 1[6] provides a declaration may specify the network infrastructure or area of the State to which a large load infrastructure access scheme applies.

Schedule 1[7] provides the Minister must comply with certain procedural requirements before making a declaration.

Schedule 1[8] and [9] provide for the following—

- (a) the principles a consumer trustee must consider when determining the fees payable to the scheme financial vehicle by participants in an access scheme, including a large load infrastructure access scheme,
- (b) that the consumer trustee must not take into account maximising financial value for NSW electricity customers when determining the fees payable for a large load infrastructure access scheme.

Schedule 1[10] and [11] make consequential amendments to the definitions of *community purpose* and *employment purpose* to provide the consumer trustee may determine fees payable by participants of a large load infrastructure access scheme.

Schedule 1[12] provides the regulations may modify the application of, or disapply, a provision of the *National Electricity (NSW) Law* or *National Electricity Rules* to provide for—

- (a) the operation of access schemes, and
- (b) large load infrastructure connecting to network infrastructure.

Schedule 1[13] provides an infrastructure planner is a protected person not personally liable in certain circumstances in relation to the administration of an access scheme, including a large load infrastructure access scheme.

Schedule 1[14] and [15] omit, insert and amend definitions, including by expanding the definition of *network operator* to mean a person who carries out, organises, arranges or causes specified activities to be carried out for network infrastructure.

Schedule 2 Statute law revision amendment of Electricity Infrastructure Investment Act 2020 No 44

Schedule 2[1] makes minor amendments for the purpose of statute law revision to references to the Minister for Planning and Public Spaces.



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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

Electricity Infrastructure Investment Amendment Bill 2026

No , 2026

A Bill for

An Act to amend the *Electricity Infrastructure Investment Act 2020* in relation to network operators and large load infrastructure; and for related purposes.

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

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Electricity Infrastructure Investment Amendment Act 2026</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

Schedule 1	Amendment of Electricity Infrastructure Investment Act 2020 No 44	1
		2
[1] Part 4, Division 2, heading		3
Omit “for renewable energy zones and access areas”.		4
[2] Section 24, heading		5
Omit “for renewable energy zone or access area”.		6
[3] Section 24(1)(c)		7
Omit “area.” from section 24(1)(b).		8
Insert instead—		9
area, or		10
(c) in the whole or part of the State that proposes to contain large load infrastructure (a <i>large load infrastructure access scheme</i>).		11
		12
[4] Section 24(2)(c)		13
Omit “applies.” from section 24(2)(b).		14
Insert instead—		15
applies, or		16
(c) for a large load infrastructure access scheme—authorises or prohibits access to, and use of, the following by large load infrastructure in the area to which the scheme applies—		17
(i) specified network infrastructure,		18
(ii) a class of network infrastructure.		19
		20
		21
[5] Section 24(4A)		22
Insert after section 24(4)—		23
(4A) A large load infrastructure access scheme may be declared over an area of the State also subject to an access scheme for—		24
(a) a renewable energy zone, or		25
(b) an access area.		26
		27
[6] Section 24(5)(e1)		28
Insert after section 24(5)(e)—		29
(e1) for a large load infrastructure access scheme—		30
(i) specified network infrastructure or a class of network infrastructure to which the access scheme applies, and		31
(ii) the area of the State to which the access scheme applies,		32
		33
[7] Section 24(6)(d)		34
Omit “declaration.” from section 24(6)(c).		35
Insert instead—		36
declaration, and		37
(d) for a large load infrastructure access scheme—		38

	(i)	consider a report from the Secretary about the potential effects of the declaration on electricity costs for NSW electricity customers, and	1 2 3
	(ii)	consult the Planning Minister.	4
[8]	Section 26 Fees for access schemes		5
		Omit section 26(1)(c).	6
		Insert instead—	7
	(c)	optimal use of the existing and planned network infrastructure in the following—	8 9
		(i) the renewable energy zone,	10
		(ii) the access area,	11
		(iii) the large load infrastructure area,	12
[9]	Section 26(1A)		13
		Insert after section 26(1)—	14
	(1A)	The consumer trustee must consider the following principles when determining the fees payable to the scheme financial vehicle by participants in a large load infrastructure access scheme—	15 16 17
		(a) the principles in subsection (1),	18
		(b) the following additional principles—	19
		(i) ensuring proponents of large load infrastructure are responsible for the cost of network infrastructure required to supply large load infrastructure,	20 21 22
		(ii) ensuring NSW electricity customers, other than proponents of large load infrastructure, do not pay the cost of network infrastructure required to supply large load infrastructure,	23 24 25
		(iii) the importance of maintaining electricity supply that is the following—	26 27
		(A) reliable,	28
		(B) secure,	29
		(C) affordable,	30
		(D) sustainable.	31
	(1B)	Despite subsection (1A)(a), the consumer trustee must not consider the principle in subsection (1)(a) when determining the fees payable to the scheme financial vehicle by participants in a large load infrastructure access scheme.	32 33 34
[10]	Section 26(7), definition of “community purpose”, paragraph (c)		35
		Omit “applies.” from paragraph (b).	36
		Insert instead—	37
		applies, or	38
		(c) the geographical area that forms the large load infrastructure area to which the access scheme applies.	39 40
[11]	Section 26(7), definition of “employment purpose”, paragraph (c)		41
		Omit “applies.” from paragraph (b).	42
		Insert instead—	43

	applies, or	1
	(c) the geographical area that forms the large load infrastructure area to which the access scheme applies.	2 3
[12]	Section 27 Application of National Electricity (NSW) Law and National Electricity Rules	4 5
	Omit section 27(1).	6
	Insert instead—	7
	(1) The regulations may modify the application of, or disapply, a provision of the <i>National Electricity (NSW) Law</i> or the <i>National Electricity Rules</i> to the extent reasonably necessary to achieve the objects of this Act and to—	8 9 10
	(a) enable the operation of an access scheme, or	11
	(b) impose requirements on proponents of large load infrastructure connecting to distribution or transmission networks in New South Wales, or	12 13 14
	(c) require proponents of large load infrastructure to pay the cost of network infrastructure required to supply large load infrastructure—	15 16
	(i) to a transmission network service provider or distribution network service provider, or	17 18
	(ii) into the electricity infrastructure fund, or	19
	(d) require a transmission network service provider and distribution network service provider to manage the reliability and system security impacts of connecting large load infrastructure to network infrastructure.	20 21 22 23
[13]	Section 73 Personal liability	24
	Omit “in a renewable energy zone or access area” from section 73(3), definition of <i>protected person</i> , paragraph (e)(i).	25 26
[14]	Dictionary	27
	Omit “area.” from the definition of <i>access scheme</i> , paragraph (b).	28
	Insert instead—	29
	area, or	30
	(c) the whole or part of the State that is declared by the Minister as a large load infrastructure area.	31 32
[15]	Dictionary	33
	Omit the definition of <i>network operator</i> wherever occurring.	34
	Insert in alphabetical order—	35
	<i>large load infrastructure</i> means infrastructure that—	36
	(a) has, or is proposed to have, a network connection capable of transmitting in total 5MW of electricity instantaneously, or a higher amount of electricity prescribed by the regulations, and	37 38 39
	(b) meets requirements prescribed by the regulations.	40
	<i>large load infrastructure access scheme</i> —see section 24(1)(c).	41
	<i>large load infrastructure area</i> means the area specified in a declaration by the Minister as the area subject to a large load infrastructure access scheme.	42 43
	<i>network operator</i> —	44

(a)	for Part 5, Division 3—see section 36A, or	1
(b)	otherwise—means a person who—	2
	(i) owns, controls or operates network infrastructure, or	3
	(ii) proposes to own, control or operate network infrastructure, or	4
	(iii) provides network infrastructure, or	5
	(iv) proposes to provide network infrastructure, or	6
	(v) carries out, organises, arranges or causes one or more of the	7
	following activities to be carried out for network infrastructure—	8
	(A) the planning, design, financing, commissioning,	9
	development or construction of network infrastructure and	10
	other preparatory activities in connection with network	11
	infrastructure,	12
	(B) an activity in connection with the ownership or control of	13
	network infrastructure,	14
	(C) the operation or maintenance of network infrastructure,	15
	(D) other activities in connection with network infrastructure	16
	prescribed by the regulations.	17
	Planning Minister means the Minister administering the <i>Environmental</i>	18
	<i>Planning and Assessment Act 1979</i> .	19

Schedule 2	Statute law revision amendment of Electricity Infrastructure and Investment Act 2020 No 44	1
		2
[1] Sections 20(c), 33(2) and 34(1)(a)		3
Omit “Minister for Planning and Public Spaces” wherever occurring.		4
Insert instead “Planning Minister”.		5