

Table of functions

IPART has provided the below 'table of functions' to assist the entity report against each of their functions under the *Electricity Infrastructure Investment Act 2020* (NSW) (EII Act) and the *Electricity Infrastructure Investment Regulation 2021* (NSW) (EII Regulation). This is a revision of the table we provided last year, to reflect changes to the legislations since the last report. We acknowledge some of the functions listed may not have been relevant for FY2024-25. We have included these functions for completeness. Please review the table and update if necessary.

For each of the entity's functions under the EII Act and EII Regulation, the entity should set out:

- Whether the entity exercised each function in FY2024-25.
- Relevant timeframes on when the entity exercised each function and outputs (for example, details of frameworks/guidelines/rational supporting any assessments carried out, recommendations, drafted documents, etc.).
- How the entity exercised each function, including any constraints or limitations on the entity's ability to carry out, or complete, each function.
- If the entity did not exercise a function in FY2024-25, an explanation why.

Table 1 Functions of the Regulator (AER) under the EII Act and EII Regulation

Function area	Ref ^a	Function	Comments
Consideration of recommendations by the Infrastructure Planner	Section 31(3)	The Regulator must not disclose the maximum amount for development and construction of the REZ network infrastructure to any person.	Consistent with the requirements of the EII Act, the maximum amount for the prudent, reasonable and efficient capital costs were not disclosed to any other person in FY2024-25. This included the costs for the development and construction of the Central-West Orana REZ network infrastructure project and the Hunter Central Coast REZ network infrastructure project. The AER has not been provided the maximum amount of any other project in FY2024-25.
Consultee for priority transmission infrastructure projects	Section 34(1)	The Minister must consult the Regulator before directing a network operator to carry out a priority transmission infrastructure project.	On 31 March 2025, the Infrastructure Planner issued a letter to the AER on behalf of the Minister consulting on the System Strength Acceleration Project. The Minister is considering directing or authorising Transgrid to carry out the Project as a Priority Transmission Infrastructure Project (PTIP) under the EII Act. The AER issued a letter in response on 16 April 2025.
Consultee for authorising a network operator	Section 36(3)	The Minister must consult with the Regulator before authorising a network operator to carry out a priority transmission infrastructure project.	This function was not exercised in FY2024-25 as the Minister did not authorise any projects in this period.
Regulator to take into account principles	Section 37(1)	In exercising its functions in relation to the authorisation of a network operator (under Part 5, Div 3 of the EII Act), the Regulator is to take into account the following principles— (a) a network operator is entitled to recover the prudent, efficient, and reasonable costs incurred by the network operator for carrying out the infrastructure project, (b) incentives should be given to network operators to promote economic efficiency, (c) a network operator is entitled to revenue for the ongoing ownership, control and operation of an infrastructure project that is commensurate with the regulatory and commercial risks to the network operator,	The AER has published guidelines^c on revenue determinations for contestable and non-contestable projects. These set out how the principles listed in Section 37(1) of the EII Act and Clause 46 of the EII Regulation are considered. The AER considered the principles when: - making the revenue determination for the main Central-West Orana REZ network project on 13 December 2024 (published on 4 April 2025), - remaking the main Central-West Orana REZ network project revenue determination on 27 June 2025, - making its revenue adjustment decision for the non-contestable component of the Waratah Super Battery project in May 2025, and - making its revenue adjustment decision for the SIPS Battery service (contestable) component of the Waratah Super Battery project in May 2025.

^a In this column, references to sections are to section of the EII Act, while references to clauses are references to clauses of the EII Regulation.

^c Revenue determination guideline for NSW contestable network projects (19 August 2022) and Revenue determination guideline for NSW non-contestable projects (25 July 2024)

Function area	Ref ^a	Function	Comments
		(d) a network operator is entitled to be informed of material issues being considered by the Regulator under Part 5, Div 3,	
		(e) other principles prescribed by the regulations ^b .	
Principles for Regulator in making revenue determinations	Clause 46 (s 37(1)(e))	This clause prescribes the principles that the Regulator must take into account when making revenue determinations.	See the response provided under Section 37(1) of the AER's functions above.
Making revenue determinations	Sections 38(1)-(4) and (6)	The Regulator is to determine the amount payable to network operators for network infrastructure projects. Procedural requirements for the determination are set out in sections 38(2)-(4) and (6)-(6A).	The revenue determination guidelines^d were applied to decisions in FY2024-25 and these guidelines adhere to the requirements set out in Section 38(1)-(6A). The relevant decisions made in FY2024-25 was the revenue determination made by the AER for the main Central-West Orana REZ network project (13 December 2024) and the remade revenue determination for this project (27 June 2025). The initial determination was published on the AER's website and contains the amounts payable to the network operator. The remade determination is set out in the AER's summary report that was published on 5 August (under clause 54 of the EII Regulation, which was amended on 4 July 2025). The summary report includes the revised amounts payable to the network operator. Several legislation changes occurred in FY2024-25. These changes included the introduction of Sections 38(3A) and (3B). These sections enable the AER to include amounts payable by a network operator to the SFV (in specified circumstances) as part of making a revenue determination. The sections also clarify that adjustments of amounts continue to have effect after authorisation expiry. These provisions were not relevant for FY2024-25. Additionally, a new Section 40(3) was added that means Section 38(6) does not apply in relation to the review and remaking of a revenue determination. This provision was not relevant for FY2024-25.

^b See clause 46 below.

^d Revenue determination guideline for NSW contestable network projects (19 August 2022) and Revenue determination guideline for NSW non-contestable projects (25 July 2024)

Function area	Ref ^a	Function	Comments
	Section 38(5)	The Regulator is to publish guidelines on its website about the transmission efficiency test.	The transmission efficiency test is contained within the AER's revenue determination guidelines. ^e The non-contestable guideline was updated and published in July 2024 and the contestable guideline was published in August 2022.
	Section 38(7)-(8)	The Regulator may, by written notice to a network operator, require the network operator to provide information to the Regulator that the Regulator considers necessary to enable the Regulator to make a determination. Subsection (8) prescribes the requirements for a notice if the Regulator issues a notice.	The AER issued a Regulatory Information notice (RIN) to ACERZ for the Central West Orana REZ main (contestable) network project in October 2024 for its revenue proposal in November 2024. The AER also issued a RIN to Ausgrid for the Hunter Central Coast REZ Network Infrastructure Project on 2 May 2025 and a response was received on 16 May 2025. The AER expects to issue a RIN to Transgrid for the Central-West Orana enabling (non-contestable) network project in FY2025-26. No other notices were issued in FY2024-25 as no other revenue proposals were required to be submitted in this period.
Revenue determinations guidelines	Clause 47	The Regulator must prepare and publish guidelines on its website about how it will exercise its functions in relation to revenue determinations.	See the response provided under Section 37(1) of the AER's functions above.
	(s 38(10))		
Guidelines about non-contestable revenue determinations	Clause 47A	This clause prescribes the requirements for the Regulator's guidelines for non-contestable revenue determinations.	See the response provided under Section 37(1) of the AER's functions above.
	(s 38(10))	The Regulator must make a non-contestable revenue determination in accordance with these guidelines.	On 13 December 2024, clause 47(A) was amended to require the AER to address 'shared assets' in its non-contestable revenue determination guideline. The AER expects to set out how it will deal with shared assets in a future update of the non-contestable revenue determination guideline.
Guidelines about non-contestable revenue determinations must include schemes and models	Clause 47B	This clause prescribes the required schemes and models to be included in the Regulator's guidelines for non-contestable revenue determinations.	The application of these schemes and models are described in the AER's non-contestable revenue determination guideline. In November 2024, the AER updated its Guidance note on how the post-tax revenue model (PTRM) published under the National Electricity Rules (NER) is implemented in EII non-contestable determinations. The AER published a new version of the NER PTRM in March 2025 which is to be used in EII determinations.
	(s 38(10))		

^e Transmission Efficiency Test and revenue determination guideline for non-contestable network infrastructure projects, 25 July 2024, Revenue determination guideline for NSW contestable network projects, 19 August 2022

Function area	Ref ^a	Function	Comments
Making non-contestable revenue determinations	Clause 47D (s 38(10)(a))	This clause prescribes the requirements for the making of non-contestable revenue determinations by the Regulator.	A non-contestable revenue proposal for the Hunter Central Coast REZ network infrastructure project was submitted on 16 May 2025. The AER is considering the requirements under Clause 47D prior to making its revenue determination, which is expected in FY2025-26. Similarly, the AER is considering these requirements for the Central West Orana REZ (non-contestable) enabling project revenue determination which is expected to be made in FY2025-26.
Making revenue determinations for contestable augmentation	Clause 47E (s 38(10)(a))	The Regulator must determine the amount for the components under the Act, section 38(2) for a revenue determination for a contestable augmentation in accordance with this clause 47E. When making a determination under this clause, the Regulator must take into account the matters prescribed in subclause (5).	The AER was not required to make a revenue determination for a contestable augmentation in FY2024-25.
Network operator to give information to Regulator	Clause 48 (ss 38(10)(b) - (c))	The Regulator may require the provision of information from network operators.	See the response provided under Section 38(7)-(8) of the AER's functions above.
Consultation with the Infrastructure Planner and Consumer Trustee	Clause 49(1)-(1A) (s 38(10)(a))	The Regulator must consult the Infrastructure Planner before making a revenue determination. If the revenue determination relates to a REZ network infrastructure project, the Regulator must also consult the Consumer Trustee.	The AER consulted with the Infrastructure Planner and the Consumer Trustee prior to making the contestable revenue determination for the main Central-West Orana REZ network project. As part of this consultation, the Consumer Trustee (AusEnergy Services Ltd) was provided with relevant extracts of the revenue determination relating to the authorisation process for comment. The AER also consulted with the Infrastructure Planner prior to making this revenue determination. This involved providing the Infrastructure Planner with a draft of the revenue determination for comment. The AER also undertook similar consultation with the Consumer Trustee and Infrastructure Planner in remaking its initial revenue determination for the main Central-West Orana REZ network project. No other revenue determinations were made in FY2024-25.

Function area	Ref ^a	Function	Comments
Timing for making revenue determinations	Clause 50 (s 38(10)(a))	Provides the timeframes within which the Regulator must make a revenue determination in relation to a network operator, the process of extending those timeframes, and the requirements of the Regulator if it fails to meet the timeframes.	The AER's timeframe for making a contestable revenue determination is 42 business days. For the main Central-West Orana REZ network project, the AER made a revenue determination on 13 December 2024 which was 32 business days after receipt of ACEREZ's revenue proposal. No other revenue determinations were made in FY2024-25.
Components of non-contestable revenue determinations	Clause 50A (s 38(2)(d))	This clause prescribes other components the Regulator is to include in a non-contestable revenue determination.	No non-contestable revenue determinations were made in FY2024-25. The AER expects to make non-contestable revenue determinations for the Hunter Central Coast REZ Network Infrastructure Project and the enabling Central-West Orana REZ network project in FY2025-26.
Adjustment of amount(s) included in revenue determination	Clause 51 (ss 38(10)(f), 40 and 42)	This clause prescribes the type of provisions for adjustment of any amount included in a revenue determination, and the process for carrying out adjustments.	The AER included several adjustment mechanisms in the revenue determination for the main Central-West Orana REZ network project that were consistent with the contractual arrangements entered into between the Infrastructure Planner and the Network Operator in line with Clause 51. The AER made revenue adjustment decisions for the non-contestable component and the SIPS battery service component of the Waratah Super Battery project in May 2025. This was in accordance with the AER's Guidelines published under clause 47 and the adjustment mechanisms included in the revenue determinations for those components consistent with clause 51. The AER also considered these provisions in the review and remake of the revenue determination for the main Central-West Orana network project. No other revenue determinations or adjustments were made in FY2024-25.
Content	Clause 52 (s 38(10)(d))	Prescribes the content the Regulator must include in revenue determinations.	The revenue determination for the main Central-West Orana REZ network project (13 December 2024) and the remake revenue determination (27 June 2025) contained the relevant information to be included in a contestable revenue determination, including the schedule of amounts payable and the timing of those payments.
Publication	Clause 53(1)–(4) (s 38(10)(f))	The Regulator must publish the following on its website— (a) if a revenue determination is made or remake— (i) the revenue determination, and	On 13 December 2024, the AER made the revenue determination for the main Central-West Orana REZ network project. This was then published on the AER website on 4 April 2025 following assessment of the confidentiality claims from the Infrastructure Planner and Network Operator. The revenue determination included the reasons for making the determination and the schedule of quarterly payments for the following 5 years.

Function area	Ref ^a	Function	Comments
		(ii) the reasons for making the revenue determination, (b) if an adjustment is made to a revenue determination under clause 51 that did not require the revenue determination to be reviewed and remade- an updated schedule of amounts required to be paid to or by the network operator. The revenue determination or schedule must be published as soon as reasonably practicable. The Regulator must consult with the Infrastructure Planner before publishing a revenue determination on its website. There are some exceptions to publishing in subclause (4). The schedule required to be published for a contestable revenue determination and a revenue determination for a contestable augmentation must only set out the amounts required to be paid for the following 5 years	On 27 June 2025, the AER decided to remake this revenue determination in response to an adjustment proposal from ACERZ following financial close for the project. A summary report of the remade revenue determination was published on the AER website on 5 August 2025 (under clause 54 of the EII Regulation). Additionally, in May 2025, the AER decided to publish an updated schedule of payments for the non-contestable components of the Waratah Super Battery project following a revenue adjustment proposal from Transgrid. The AER also approved a revenue adjustment to the SIPS battery service component of the Waratah Super Battery project on 12 May 2025. The AER published the revenue adjustment proposal and a notice that the revenue adjustment decision had occurred on its website. However, the updated schedule of payments will be published in FY2025-26 as an aggregated total with the other contestable component of the Waratah Super Battery project, to avoid revealing commercially sensitive information in line with clause 53.
	Clause 53(5)-(6)	The Regulator may also publish on its website information given to the Regulator under clause 48 that relates to—	On 16 May 2025, the AER received a non-contestable revenue proposal from Ausgrid for the Hunter Central Coast REZ Network Infrastructure Project. Ausgrid's proposal and its supporting materials were published to the AER's website on 23 May 2025. ^f
	(a)	a non-contestable revenue determination, or	The AER expects to receive a non-contestable revenue proposal from Transgrid for the Central-West Orana REZ non-contestable enabling project in FY2025-26. Following receipt, the AER intends to publish the proposal and any other information given to the regulator that is not deemed commercially sensitive.
	(s 38(10)(f))	(b) a determination under clause 47E(4) for a contestable augmentation.	The AER did not make any revenue determinations for contestable augmentations in FY2024-25.
		There are some restrictions on publishing this information in Clause 53(6).	
Applying for a cost recovery declaration	Clause 54C(1)(b) and (3)(a)	The Regulator, as a 'relevant person' for the purposes of clause 54C, may apply to the Minister for a cost recovery declaration.	The AER did not apply to the Minister for a cost recovery declaration in FY2024-25.

^f <https://www.aer.gov.au/industry/registers/determinations/hunter-central-coast-renewable-energy-zone-network-infrastructure-project-non-contestable/proposal>

Function area	Ref ^a	Function	Comments
	(ss 39(2) and 41)	The Regulator is to be consulted by the Minister before the Minister makes a cost recovery declaration.	
Reviewing determinations	Section 40(1)	The Regulator is, in accordance with the regulations, to remake a determination under section 38— (a) once every 5 years, and (b) at any time the Consumer Trustee directs.	The AER has not remade a determination under Section 40(1) in FY2024-25. We expect the first determination remade under section 40(1)(a) will be the System Integrity Protection Scheme (SIPS) battery service by 1 July 2028.
	Section 40(2)	The Regulator may review and remake a determination at any time, subject to the regulations.	The AER reviewed and remade the revenue determination for the main Central-West Orana REZ network project on 27 June 2025 in response to a request from the network operator for the project.
Reviewing, remaking or adjusting determination for transfer	Clause 54AA (ss 38(10)(f), 40 and 42)	This clause sets out the actions the Regulator is required to undertake when reviewing, amending or adjusting a determination if the transfer of part of network infrastructure to which an authorisation relates is approved under clause 21(1)(c)(ii).	This power was not exercised as there was no transfer of network infrastructure in FY2024-25.
Review of errors in revenue determinations	Clause 54 (s 40)	The Regulator may review and remake a revenue determination to the extent necessary to correct— (a) a material error, misdescription or miscalculation, or (b) an error resulting from the provision of false or materially misleading information to the Regulator. Subclause (2) prescribes the persons the Regulator must consult before reviewing or remaking a revenue determination.	This power was not exercised in FY2024-25 as it was not required.
Tendering for LTES agreements	Section 47(1)	The Regulator may authorise the Consumer Trustee to not conduct a competitive tender for LTES agreements.	This power was not exercised in FY2024-25 as it was not required.

Function area	Ref ^a	Function	Comments
Consultee on tendering rules	Section 47(6)	The Regulator is to be consulted before the Consumer Trustee makes tendering rules under section 47(5)	The AER was consulted twice in FY2024-25.
Risk management framework	Section 51(3), (5)(b) and (6)(a)	The Regulator must approve the risk management framework prepared by the Consumer Trustee. The Regulator may also approve the Consumer Trustee not to publish a part of the risk management framework. The Minister may require the Regulator to review an approved risk management framework.	These powers were not exercised in FY2024-25.
Regulator to make annual contribution determinations	Section 56(1)	The Regulator is to determine an amount for a financial year (a contribution determination) that is required for the Scheme Financial Vehicle to be able to make the payments from the Fund that are required under the Act, including the amount required for the Scheme Financial Vehicle to meet its liabilities as they fall due.	The AER made the contribution determination for FY2025-26 on 7 February 2025. The AER gazetted the contribution determination on 19 February 2025.^g The AER made its contribution determination in line with its contribution determination guideline^h. The gazette notice included the information required under Section 56, including: - the total contribution determination amount - the minimum prudent cash balance - the amounts required to be paid by each NSW electricity distributor, and - details of how the contribution determination was made.
	Section 56(2)-(5)	The purpose of the contribution determination is to determine the amount required to be recovered from distribution network service providers (DNSPs). The amount determined by the Regulator is to include a minimum prudent cash balance for the Fund and the amount required to be paid by each DNSP.	See the response provided under Section 56(1) of the AER's functions above.

^g https://gazette.nsw.gov.au/gazette/2025/2/2025-2_60-gazette.pdf

^h NSW contribution determination guideline, 24 August 2023

Function area	Ref ^a	Function	Comments
		The contribution determination must contain details of how it was made, and other information prescribed by the regulations. It must be published in the Gazette no later than 28 February before the beginning of the financial year to which it applies, unless the Minister approves a later date.	
	Section 56(6)	In making a contribution determination, the Regulator must consult with the Financial Trustee and take into account the matters prescribed by the regulations.	In making its contribution determination, the AER consulted with the Financial Trustee by letter on 5 December 2024 as required by section 56(6)(a) of the EII Act. The Financial Trustee responded to AER's letter on 10 January 2025.
Contribution determination	Clause 35 (s 56(6))	In making a contribution determination, the Regulator must take into account the matters listed in the clause.	Table 1 of the gazette notice (noted under Section 56(1) above) summarises how the AER considered the matters listed in clause 35 of the EII Regulation.
	Section 56(7)	The Scheme Financial Vehicle must, if requested by the regulator, provide the regulator with the information the regulator considers necessary to enable the regulator to make a contribution determination.	The Scheme Financial Vehicle has a central role in collating the data that underpins contribution determinations. It provided the AER with the required information in line with the process set out in the AER's contribution determination guideline.
Variation of contribution determinations	Section 57(1)	The Regulator may, by further order published in the Gazette, vary a contribution determination in certain circumstances.	No variations were required in FY2024-25.
	Section 57(2)	The Regulator is to publish guidelines on its website about the exercise of the Regulator's functions under this section.	The AER published an updated contribution determination guideline and model on its website on 15 August 2024. The guideline includes a section on varying contribution determinations under section 57(2).
	Clause 39 (ss 60(4), 61(2) and 63(4))	The Regulator may require the Consumer Trustee, Financial Trustee, and Infrastructure Planner to provide information to the Regulator where the Regulator considers it is reasonably necessary to enable the Regulator to make a contribution determination.	The AER relies on this information power to gather the data from NSW scheme entities that underpins the AER's contribution determinations. The AER issued an information request to these entities on 30 August 2024.

Function area	Ref ^a	Function	Comments
Consultee for competitive assessment process	Clause 45(4) (ss 30(5)(a) and 63(4))	The Regulator is to be consulted and, if it has requested, be provided information by the Infrastructure Planner, before and during a competitive assessment process.	The Infrastructure Planner consulted with the AER in FY2024-25 for the competitive assessment processes it undertook in that period. This included the: • Hunter Transmission Project • main Central-West Orana REZ network project • Paired Generation component of the Waratah Super Battery project • System Strength Acceleration Project • New England REZ network project. The consultation has generally been in the form of regular updates and discussions. Additionally, the AER has been included as an observer at key meetings for each of the competitive assessment processes. The AER also required information on all competitive assessment processes as set out in the AER's contestable guideline. This information includes the procurement strategy at the beginning of the competitive assessment process and all other key procurement documentation developed throughout the process, including evaluation and negotiation plans.
Competitive assessment process	Clause 45(6) (ss 30(5)(a) and 63(4))	In the exercise of the Regulator's functions under the Act, Part 5, the Regulator must rely on and adopt information if— (a) the information was given to the Regulator— (i) by the Infrastructure Planner, or (ii) by the network operator under clause 48(1A)(a), and (b) the Infrastructure Planner or network operator obtained the information from a competitive assessment process, and (c) the Regulator is satisfied the competitive assessment process was genuine and appropriate.	The AER complied with this requirement in making the contestable revenue determination for the main Central-West Orana REZ network project in December 2024. In making this revenue determination the AER relied on and adopted the information provided by the Infrastructure Planner and the authorised Network Operator. This information included the procurement report and other supporting documentation.
Guidelines	Section 64(4)(a)	The Regulator has the function of issuing guidelines in relation to the exercise of functions by the persons and bodies appointed under the EII Act (see below the entry for clause 42 of the regulations.)	The AER issued three guidelines in relation to the EII Act: • Revenue determination guideline for NSW contestable network projects, 19 August 2022 • Revenue determination guideline for NSW non-contestable projects, 27 April 2023 (revised on 25 July 2024)

Function area	Ref ^a	Function	Comments
			- NSW contribution determination guideline, September 2022 (revised in August 2023 and 15 August 2024). In 2023 the AER also published the following supporting guidance: - A draft cost allocation guideline under the EII Act - A draft legal and functional separation guideline under the EII Act - A draft confidentiality guideline regarding the treatment of non-disclosure claims for information provided to the AER under the EII Act and EII Regulation. In December 2024, NSW DCCEEW made several changes to the EII Act and EII Regulation. These changes include the repeal of clause 42 of the EII Regulation. In response, the AER published a guidance noteⁱ setting out how the draft cost allocation guideline and draft legal and functional separation guideline now apply to Network Operators under the EII Act. The AER anticipates additional legislative changes will be made removing the need for a draft cost allocation guideline and draft legal and functional separation guideline. These will then be removed from the AER's website and replaced by the equivalent guidelines under the NER. Therefore, these two draft guidelines will not be finalised.
	Clause 36 (s 64(4))	The Regulator must, within 1 week after a contribution determination is published in the Gazette, give each distribution network service provider a notice setting out the percentage of the contribution determination relating to LTES agreements for generation infrastructure.	The AER issued notices to the NSW distribution network service providers via email on 20 February 2025. These percentages are outputs of the contribution determination template but are provided confidentially to each of the distribution network service providers due to their commercially sensitive nature.
	Clause 39A (s 64(4))	A Regulator must, if requested to do so by another regulator that is making a contribution determination (the second regulator), give the second regulator information the second regulator considers reasonably necessary to enable the making of the contribution determination	IPART and the EPA respectively provided us input data and supporting materials regarding their administration costs. We used these to inform our contribution determination for FY2025-26, alongside the input data and supporting materials we obtained from other NSW scheme entities.
Annual Reports	Section 70(2)	The regulator must prepare an annual report on the exercise of its functions under the EII Act (see conferral agreement). ^j	This table fulfils this requirement and has been prepared following a request for information from IPART received on 21 May 2025.

ⁱ <https://www.aer.gov.au/industry/registers/resources/guidelines/nsw-rez-supporting-guidelines/update>

^j Agreement - Conferral of functions on the Australian Energy Regulator under the Electricity Infrastructure Investment Act 2020 (NSW).

Function area	Ref ^a	Function	Comments
Delegation	Section 71(3)	The Regulator may delegate any of its functions, other than the power of delegation, to a person of a class prescribed by the regulations.	The AER has not exercised any delegations under this provision of the EII Act in FY2024-25.
	Clause 42F	The Competition and Consumer Act 2010 of the Commonwealth, section 44AAEC extends to and has effect for the purposes of the Act and this regulation.	This provision gives the AER Chair the power to direct that a Division of the AER may exercise the functions and powers of the AER under Electricity Infrastructure Investment Act 2020 (NSW) and Electricity Infrastructure Investment Regulation 2021 (NSW). The AER established a Division under this provision. The REZ Division achieves administrative efficiencies by making decisions under the EII Act and Regulation on behalf of the AER Board (where appropriate).
Penalty notices	Section 76(1)	The AER (as an authorised officer) ^k may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.	This power was not required to be exercised in FY2024-25.
Amendment of Regulator's guidelines	Clause 47C	This clause prescribes the procedural requirements for the Regulator to amend its guidelines.	The AER finalised an update to the non-contestable revenue determination guideline in July 2024 after undertaking these procedural requirements.
New functions conferred on the AER on 3 March 2025			
Functions under the National Electricity (NSW) Law	Section 80 and Schedule 2 of the EII Act	The National Electricity (NSW) Law has been modified as set out in Schedule 2 of the EII Act. In particular, functions under sections 2, 2AB, 28YB, 28ZI and 28ZJ of the National Electricity (NSW) Law.	The AER has the functions conferred under the National Electricity (NSW) Law to monitor and enforce the National Electricity Rules as modified by the EII Act and EII Regulation. These functions relate to monitoring and enforcing compliance by network participants (via functions/powers available under the National Electricity (NSW) Law) and the Infrastructure Planner (via functions/powers under section 15(1)(a), (b), (c) and (d) and Part 6 of the National Electricity (NSW) Law) in relation to the modified National Electricity Rules (i.e. Chapter 9A as provided under clause 59 of EII Regulation). No enforcement actions under section 15 of the NSW NEL were exercised on Network Operators or Infrastructure Planners under the EII Act in FY2024-25. 28YB of the National Electricity Law authorises the AER to disclose information to the Minister that it is given in confidence in connection with the performance of its functions under the National Electricity Law for Network Operators and Infrastructure Planners. This was not required in FY2024-25.

^k Clause 3A prescribes the AER is an authorised officer.

Function area	Ref ^a	Function	Comments
Functions under the National Electricity Rules	Clause 59	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. ¹	The AER functions outlined under Chapter 9A include (but are not limited to): 9A.1.4 – the AER may review and amend any guideline, instrument or document to account for the provisions under Chapter 9A, the EII Act or the EII Regulation. The AER has not exercised this function in FY2024-25. 9A.4.4 – the AER must consult with the Infrastructure Planner on any access policy (including amended policies) before approving or deciding not to approve the policy. The AER has not exercised this function in FY2024-25. 9A.13.2 – requires a cost recovery declaration or the Infrastructure Planner's consent for the AER to make a transmission determination for an EII Transmission Network Service Provider. This was not required in FY2024-25. 9A.13.6 and 9A.13.7 – the AER may amend the NER Cost Allocation Guidelines and the NER Transmission Ring-Fencing Guideline to address the application of those guidelines to a Transmission Network Service Provider. The AER has not exercised this function in FY2024-25 but intends to in future financial years.

¹ https://gazette.nsw.gov.au/gazette/2024/12/2024-12_476-gazette.pdf