



New South Wales

# Electricity Legislation Amendment (TransGrid) Bill 2000

## Explanatory note

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

### Overview of Bill

Part 2A of the *Energy Services Corporations Act 1995* sets out the functions of TransGrid (and any other future energy transmission operators). The principal functions of TransGrid as set out in section 6C of that Act relate to the establishment, maintenance and operation of facilities for the transmission of electricity and other forms of energy and the provision of services for the transmission of those forms of energy (the ***principal functions***). Section 6C also sets out certain ancillary functions, including the utilisation and development of TransGrid's facilities for provision of electricity in connection with the provision of telecommunications services (the ***telecommunications function***). TransGrid is accordingly installing telecommunications facilities as part of its electricity network. The transmission facilities are used for, among other purposes, ensuring a safe and reliable supply of electricity (for example, for fault reporting) and transmitting electricity market information essential to the operation of the National Electricity Market.

The object of this Bill is to put beyond doubt both the past and future arrangements supporting TransGrid's exercise of the telecommunications function by amending the *Energy Services Corporations Act 1995*:

- (a) to ensure that any power or right conferred on TransGrid by certain statutory or other easements and vested in it for its principal functions extends to its telecommunications function, and
- (b) to make it clear that the powers conferred on TransGrid under Divisions 2 and 3 of Part 5 of the *Electricity Supply Act 1995* (for example, the powers to erect electricity works and to enter land) relating to the exercise of its principal function may also be exercised for the purposes of the telecommunications function, and
- (c) to specify some of the actions that TransGrid may take in exercising the telecommunications function, and
- (d) to validate past actions of TransGrid that could validly have been taken if the proposed amendments had been in force when they were taken.

The Bill also amends section 44 of the *Electricity Supply Act 1995* to ensure that TransGrid cannot acquire land compulsorily solely for the purposes of exercising its telecommunications function and makes amendments to both that Act and the *Energy Services Corporations Act 1995* to provide for the making of savings and transitional regulations.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Energy Services Corporations Act 1995* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the amendments to the *Electricity Supply Act 1995* set out in Schedule 2.

## **Schedule 1 Amendment of Energy Services Corporations Act 1995**

**Schedule 1 [2] and [5]** (proposed section 6C (2C) and (5)) contain the amendments described in paragraph (a) of the Overview to this Bill.

**Schedule 1 [2]** (proposed section 6C (2D)) contains the amendment described in paragraph (b) of the Overview to this Bill.

**Schedule 1 [2]** (proposed section 6C (2B)) contains the amendment described in paragraph (c) of the Overview to this Bill.

**Schedule 1 [7]** (proposed Part 3 of Schedule 5) contains the amendment described in paragraph (d) of the Overview to this Bill.

**Schedule 1 [1], [3] and [4]** contain consequential amendments.

**Schedule 1 [6]** provides for the making of savings and transitional regulations.

## **Schedule 2 Amendment of Electricity Supply Act 1995**

**Schedule 2 [1]** contains the amendment to section 44 of the *Electricity Supply Act 1995* described in the Overview to this Bill.

**Schedule 2 [2]** provides for the making of savings and transitional regulations.



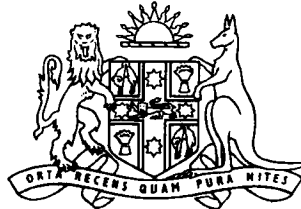
New South Wales

# Electricity Legislation Amendment (TransGrid) Bill 2000

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New South Wales

# Electricity Legislation Amendment (TransGrid) Bill 2000

No. , 2000

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## A Bill for

An Act to amend the *Energy Services Corporations Act 1995* with respect to the use of facilities of energy transmission operators for the provision of telecommunications services and to make related amendments to the *Electricity Supply Act 1995*; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Electricity Legislation Amendment (TransGrid) Act 2000</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on a day or days to be appointed by proclamation.	6 7
<b>3 Amendment of Energy Services Corporations Act 1995 No 95</b>	8
The <i>Energy Services Corporations Act 1995</i> is amended as set out in Schedule 1.	9 10
<b>4 Amendment of Electricity Supply Act 1995 No 94</b>	11
The <i>Electricity Supply Act 1995</i> is amended as set out in Schedule 2.	12

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<b>Schedule 1</b>	<b>Amendment of Energy Services Corporations Act 1995</b>	1
		2
	(Section 3)	3
<b>[1]</b>	<b>Section 3 Interpretation</b>	4
	Insert after section 3 (2):	5
	(3) Notes included in this Act do not form part of this Act.	6
<b>[2]</b>	<b>Section 6C Functions of energy transmission operators</b>	7
	Insert after section 6C (2):	8
	(2A) An energy transmission operator may also utilise and develop its facilities for the transmission of electricity to carry out telecommunications services (the <i>telecommunications function</i> ).	9 10 11 12
	(2B) Without limiting subsection (2A), in exercising the telecommunications function, an energy transmission operator may do any of the following:	13 14 15
	(a) install a telecommunications cable or equipment by attaching it to, or incorporating it in, any of its facilities for the transmission of electricity,	16 17 18
	(b) remove any telecommunications cables or equipment so installed,	19 20
	(c) operate and carry out work relating to telecommunications cables so installed,	21 22
	(d) operate those facilities for the transmission of electricity for the purposes of telecommunications.	23 24
	(2C) Any power or right that an energy transmission operator has under an affected easement with respect to the exercise of its principal functions is taken to extend to the exercise of the telecommunications function.	25 26 27 28

(2D)	Divisions 2 and 3 of Part 5 of the <i>Electricity Supply Act 1995</i> apply to and in respect of the exercise by an energy transmission operator of the telecommunications function as if the references in those Divisions to electricity works included references to telecommunications works.	1 2 3 4 5
	<b>Note.</b> An energy transmission operator, may, for example, for the purposes of exercising its telecommunications function, exercise powers of entry under, and in accordance with, Division 3 of Part 5 of the <i>Electricity Supply Act 1995</i> .	6 7 8 9
<b>[3]</b>	<b>Section 6C (3)</b>	10
	Insert “or telecommunications” after “principal” wherever occurring.	11
<b>[4]</b>	<b>Section 6C (3)</b>	12
	Omit “In particular, an energy transmission operator may utilise and develop its facilities in connection with the provision of telecommunications services.”.	13 14 15
<b>[5]</b>	<b>Section 6C (5)</b>	16
	Insert after section 6C (4):	17
	(5) In this section:	18
	<i>affected easement</i> means any easement (whether created statutorily or otherwise):	19 20
	(a) acquired (whether by agreement or compulsorily) before the commencement of this paragraph, or	21 22
	(b) acquired compulsorily after the commencement of this paragraph.	23 24
<b>[6]</b>	<b>Schedule 5 Savings, transitional and other provisions</b>	25
	Insert at the end of clause 1 (1):	26
	<i>Electricity Legislation Amendment (TransGrid) Act 2000</i> , but only to the extent it amends this Act	27 28



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<b>[7] Schedule 5, Part 3</b>	1
Insert after Part 2:	2
<b>Part 3 Provisions consequent on the enactment of the Electricity Legislation Amendment (TransGrid) Act 2000</b>	3 4 5
<b>17 Definition</b>	6
In this Part:	7
<i>amending Act</i> means the <i>Electricity Legislation Amendment (TransGrid) Act 2000</i> .	8 9
<b>18 Validation</b>	10
Any act done by an energy transmission operator with respect to the carrying out of telecommunications services before the commencement of this clause that could have validly been done had section 6C, as amended by the amending Act, been in force at the time it was done is taken at all times (to the extent of any invalidity) to have been validly done.	11 12 13 14 15 16

<b>Schedule 2</b>	<b>Amendment of Electricity Supply Act 1995</b>	1
	(Section 4)	2
<b>[1]</b>	<b>Section 44 Acquisition of land</b>	3
	Insert after section 44 (3):	4
	(4) This section authorises a network operator that is an energy transmission operator within the meaning of the <i>Energy Services Corporations Act 1995</i> to acquire land by agreement or compulsorily for the purposes of the exercise of its principal functions under section 6C of that Act (whether or not the land acquired may also be used for the purposes of the telecommunications function within the meaning of that section). It does not authorise a network operator to acquire land compulsorily solely for the purposes of the exercise of the telecommunications function.	5 6 7 8 9 10 11 12 13 14
<b>[2]</b>	<b>Schedule 6 Savings, transitional and other provisions</b>	15
	Insert at the end of clause 1 (1):	16
	<i>Electricity Legislation Amendment (TransGrid) Act 2000</i> , but only to the extent it amends this Act	17 18