

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.

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, April, 1979.*

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. , 1979.

An Act to amend the Energy Authority Act, 1976, to provide for the reconstitution of the Energy Authority, the dissolution of The Electricity Authority of New South Wales and the transfer of its functions, property, rights, liabilities and staff to the Energy Authority.

See also Electricity Development (Energy Authority) Amendment Bill, 1979; Statutory and Other Offices Remuneration (Energy Authority) Amendment Bill, 1979.

Energy Authority (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Energy Authority Short
(Amendment) Act, 1979". title.

2. (1) Except as provided in subsection (2), this Act shall Commence-
commence on the date of assent to this Act. ment.

 (2) Sections 5 and 6 and Schedules 1–3 shall commence
10 on such day as may be appointed by the Governor in respect
thereof and as may be notified by proclamation published in the
Gazette.

3. The Energy Authority Act, 1976, is referred to in this Act Principal
as the Principal Act. Act.

15 **4.** This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE CONSTITUTION AND PROCEDURE OF
THE ENERGY AUTHORITY.

20 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE ESTABLISHMENT OF BOARDS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE FUNCTIONS OF THE ENERGY
AUTHORITY.

SCHEDULE 4.—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS.

Energy Authority (Amendment).

5. The Principal Act is amended in the manner set forth in Schedules 1–3. Amendment of Act No. 69, 1976.

6. The Electricity Authority of New South Wales is hereby dissolved. Dissolution of Electricity Authority of New South Wales.

5 7. Schedule 4 has effect. Savings, transitional and other provisions.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY.

- (1) (a) Section 5, definition of “appointed member”—
 10 Omit the definition.
- (b) Section 5, definition of “chairman”—
 Omit “chairman of the Authority”, insert instead
 “chairman and general manager of the Authority”.
- (2) Section 7—
 15 Omit the section, insert instead :—
7. (1) The Authority shall consist of 7 members Members of Authority.
 appointed by the Governor on the nomination of the Minister, of whom—
- 20 (a) one shall, in and by the instrument of his appointment, or by a later instrument executed by the Governor, be appointed as chairman and general manager of the Authority and shall be a full-time member; and

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (b) 6 shall be part-time members.
- (2) The part-time members shall comprise—
- (a) a person who has, in the opinion of the Minister,
special knowledge of the electricity industry;
- 10 (b) a person who has, in the opinion of the Minister,
special knowledge of the mining industry;
- (c) a person who has, in the opinion of the Minister,
special knowledge of the oil industry;
- 15 (d) a person who has, in the opinion of the Minister,
special knowledge of the gaseous fuel and coal
industry;
- (e) a person who has, in the opinion of the Minister,
special knowledge of the nuclear energy industry;
and
- 20 (f) a person who is a member of the Labor Council
of New South Wales.

(3) Section 9—

Omit “, including an executive officer of the Authority,”.

(4) (a) Schedule 1, clause 1—

25 Omit “an appointed” wherever occurring, insert
instead “a”.

(b) Schedule 1, clause 2—

Omit “An appointed” wherever occurring, insert
instead “A”.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

5 (c) Schedule 1, clauses 2A–2E—

After clause 2 of Schedule 1, insert :—

2A. The chairman shall devote the whole of his time to the duties of his office. Chairman to be full-time member.

2B. The chairman is entitled to be paid— Remuneration of and allowances for chairman.

10 (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and

15 (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

20 2C. (1) In this clause—
“statutory body” means any body declared under clause 2E to be a statutory body for the purposes of this Schedule and includes the Electricity Commission; Preservation of rights of chairman previously a public servant, etc.

25 “superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) of this clause and to the terms of his appointment, where the chairman was, immediately before his appointment as chairman—

30 (a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was
 made by any Act that he retain any rights
 accrued or accruing to him as an officer or
 employee,
- 10 he—
- (e) shall retain any rights accrued or accruing
 to him as such an officer, contributory or
 person;
- (f) may continue to contribute to any super-
15 annuation scheme to which he was a
 contributor immediately before his
 appointment as chairman; and
- (g) shall be entitled to receive any deferred or
20 extended leave and any payment, pension
 or gratuity,
- as if he had continued to be such an officer,
 contributor or person during his service as chairman,
 and—
- 25 (h) his service as chairman shall be deemed to
 be service as an officer or employee for the
 purpose of any law under which those rights
 accrued or were accruing, under which he
 continues to contribute or by which that
 entitlement is conferred; and
- 30 (i) he shall be deemed to be an officer or
 employee, and the Authority shall be
 deemed to be his employer, for the purposes
 of the superannuation scheme to which he
 is entitled to contribute under this clause.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

5 (3) If the chairman would, but for this sub-
clause, be entitled under subclause (2) of this clause
to contribute to a superannuation scheme or to receive
any payment, pension or gratuity under that scheme,
10 he shall not be so entitled upon his becoming
(whether upon his appointment as a member or at
any later time while he holds office as chairman) a
contributor to any other superannuation scheme, and
the provisions of subclause (2) (i) of this clause cease
15 to apply to or in respect of him and the Authority in
any case where he becomes a contributor to such
another superannuation scheme.

(4) Subclause (3) of this clause does not
prevent the payment to a member upon his ceasing to
be a contributor to a superannuation scheme of such
20 amount as would have been payable to him if he had
ceased, by reason of his resignation, to be an officer
or employee for the purposes of that scheme.

(5) The chairman shall not, in respect of the
same period of service, be entitled to claim a benefit
25 under this Act and another Act.

2D. (1) In this clause—

“retiring age” means—

(a) in relation to a person who was,
immediately before his appointment
as chairman, an officer of the Public
30 Service—the age of 60 years; and

Chairman
entitled to
re-appoint-
ment to
former
employment
in certain
cases.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (b) in relation to a person who was,
immediately before his appointment
as chairman, an officer or employee
of a statutory body—
- 10 (i) where the statutory body is
still in existence at the date
upon which he ceases to be
chairman—the age at which
officers or employees (being
15 officers or employees of the
class to which that person
belonged immediately before
his appointment as chair-
man), as the case may be,
of that statutory body are
20 entitled to retire; or
- (ii) where the statutory body is
not in existence at the date
upon which he ceases to be
chairman—60 years;
- 25 “statutory body” means any body declared under
clause 2E to be a statutory body for the
purposes of this Schedule and includes the
Electricity Commission.
- 30 (2) A person who ceases to be chairman,
otherwise than pursuant to clause 8 (1) (paragraph
(f) excepted), shall, if he has not attained the retiring
age, be entitled to be appointed, where, immediately
before his appointment as chairman, he was—
- 35 (a) an officer of the Public Service—to some
office in the Public Service not lower in
classification and salary;

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (b) an officer or employee of a statutory body
that is still in existence at the date upon
which he ceases to be chairman—to some
office in the service of that body not lower
in classification and salary; or
- 10 (c) an officer or employee of a statutory body
that is not in existence at the date upon
which he ceases to be chairman—to some
office in the Public Service not lower in
salary,
- 15 than that which he held immediately before his
appointment as chairman.

2E. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

20

Declarations
of statutory
bodies.

- (d) Schedule 1, clause 3 (1)—
After “member” where firstly occurring, insert “other
than the chairman”.
- (e) Schedule 1, clause 3 (2)—
25 After “member”, insert “other than the chairman”.
- (f) Schedule 1, clause 4—
Omit “appointed member”, insert instead “member
other than the chairman”.
- (g) Schedule 1, clause 4—
30 Omit “each member is entitled to be paid”.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (h) Schedule 1, clause 5—
Omit “an appointed” wherever occurring, insert
instead “a”.
- (i) Schedule 1, clause 6 (1)—
10 Omit “an appointed member”, insert instead “a
member other than the chairman”.
- (j) Schedule 1, clause 6 (1)—
Omit “appointed” where secondly, thirdly and fifthly
occurring.
- (k) Schedule 1, clause 6 (2)—
15 Omit “An appointed”, insert instead “A”.
- (l) Schedule 1, clause 6 (3)—
Omit “an appointed”, insert instead “a”.
- (m) Schedule 1, clause 6 (3)—
Omit “appointed” where secondly occurring.
- 20 (n) Schedule 1, clause 8 (1)—
Omit “An appointed”, insert instead “A”.
- (o) Schedule 1, clause 8 (1) (a1)—
After clause 8 (1) (a), insert :—
25 (a1) if, being the chairman, he engages in any paid
employment outside the duties of his office;

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (p) Schedule 1, clause 8 (1) (j)—
Omit “(c)”, insert instead “(f)”.
- (q) Schedule 1, clause 8 (2)—
Omit “any appointed”, insert instead “a”.
- (r) Schedule 1, clause 9 (1)—
10 Omit “an appointed”, insert instead “a”.
- (s) Schedule 1, clause 9 (2)—
Omit “appointed” where secondly occurring.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ESTABLISHMENT OF BOARDS.

15

(1) Section 3—

After the matter relating to Part III, insert :—

PART IIIA.—BOARDS—ss. 19A–19D.

(2) Section 5, definitions of “board”—

20

After the definition of “Authority”, insert :—

“board” means a board established under section 19A
(1);

Energy Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ESTABLISHMENT OF BOARDS—*continued.*

(3) Part IIIA—

5 After Part III, insert :—

PART IIIA.

BOARDS.

19A. (1) The Minister may, by instrument in writing, **Establish-**
establish boards for the purposes of this Act. **ment.**

10 (2) A board so established shall be subject to the
control and direction of the Minister.

15 19B. (1) A board shall consist of the chairman and **Members.**
general manager of the Authority and such other persons
as the Minister may, upon such terms and conditions as to
him seem fit, appoint.

(2) The chairman and general manager of the
Authority shall be the chairman of each board.

20 (3) One of the members of a board shall, in and
by the instrument of his appointment, or by a later instru-
ment executed by the Minister, be appointed as deputy
chairman of the board.

19C. (1) A board shall—

Functions.

25 (a) carry out such investigations and inquiries, and
make such reports to the Minister, as the Minister
may from time to time direct;

(b) carry out such investigations and inquiries, and
make such reports to the Authority, as the
Authority may request; and

30 (c) carry out such functions as are delegated to it by
the Authority under section 41,

Energy Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ESTABLISHMENT OF BOARDS—*continued.*

- 5 (2) Where the Minister so approves, a board may,
subject to such conditions, if any, as are specified in the
approval, carry out such investigations or inquiries, and
make such reports, as the board may from time to time
determine.
- 10 19D. Schedule 1 (clauses 2A–2E, 7 (1), 7 (2), 8 (1) Constitution
(j) and 9 excepted) applies to and in respect of the consti- and
tution and procedure of a board in the same way as it procedure.
applies to and in respect of the constitution and procedure
of the Authority.
- (4) (a) Section 41 (1)—
- 15 After “Authority” where secondly occurring, insert
“or to a board”.
- (b) Section 41 (6)—
- After “by” where firstly occurring, insert “or on behalf
of”.
- 20 (c) Section 41 (6)—
- After “his”, insert “or its”.
- (5) (a) Section 47 (1) (a)—
- After “Authority”, insert “or of a board”.
- (b) Section 47 (1) (c)—
- 25 After “section 11”, insert “or of a board”.
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Energy Authority (Amendment).

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
FUNCTIONS OF THE ENERGY AUTHORITY.

- 5 (1) Section 5, definition of "Electricity Authority"—
Omit the definition.
- (2) (a) Section 12 (1) (c)—
Omit "Act; and", insert instead "Act;".
(b) Section 12 (1) (d)—
Omit "resources.", insert instead "resources; and".
- 10 (c) Section 12 (1) (e)—
After section 12 (1) (d), insert :—
(e) such functions as are conferred or imposed on
the Authority by or under any other Act.
- (3) Section 19—
- 15 Omit "for the purposes of this Act", insert instead "to
enable the Authority to exercise or perform its functions".
- (4) Section 20 (1)—
After "Act", insert "or incurred in connection with the
exercise or performance, by the Authority, of its functions
20 under any other Act".
- (5) Section 38 (2) (a)—
Omit "administration of this Act", insert instead "exercise
or performance by the Authority of its functions".

Energy Authority (Amendment).

SCHEDULE 4.

Sec. 7.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule—

Interpre-
tation:
Sch. 4.

5 “appointed day” means the day appointed and notified under section 2 (2);

“Electricity Authority” means The Electricity Authority of New South Wales constituted under the Electricity Development Act, 1945;

10 “Electricity Commission” means The Electricity Commission of New South Wales constituted under the Electricity Commission Act, 1950;

“Energy Authority” means the Energy Authority of New South Wales constituted under the Principal Act.

2. On and from the appointed day—

Transfer
of
property,
rights and
liabilities,
etc., of the
Electricity
Authority
to the
Energy
Authority.

15 (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Electricity Authority shall vest in or belong to the Energy Authority;

20 (b) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable to, or recoverable by, the Electricity Authority shall be debts due and moneys payable to and claims recoverable by the Energy Authority;

25 (c) all suits, actions and proceedings pending immediately before that day at the suit of the Electricity Authority shall be respectively suits, actions and proceedings pending at the suit of the Energy Authority and all suits, actions and proceedings so pending at the suit of any person against the Electricity Authority shall be respectively suits, actions and proceedings pending at the suit of that person against the Energy Authority;

30 (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Electricity Authority and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Energy Authority;

Energy Authority (Amendment).

SCHEDULE 4—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- 5 (e) the Energy Authority may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subclause and for the prosecution of suits, actions and proceedings so referred to as the Electricity Authority might have done but for the enactment of this Act;
- 10 (f) the Energy Authority may enforce and realise any security or charge existing immediately before that day in favour of the Electricity Authority and may exercise any powers thereby conferred on the Electricity Authority as if the security or charge were a security or charge in favour of the Energy Authority;
- 15 (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Electricity Authority shall be debts due and moneys payable by and claims recoverable against the Energy Authority; and
- 20 (h) all liquidated and unliquidated claims for which the Electricity Authority would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Energy Authority shall be liable.

3. (1) On and from the appointed day, a reference to the Electricity Authority in a provision of any other Act (section 59 (4) of the Electricity Commission Act, 1950, excepted) or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be read and construed as a reference to the Energy Authority. **References.**

25

(2) On and from the appointed day, a reference in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, to any officer of the Electricity Authority shall be read and construed—

30

- 35 (a) if there is an office in the staff establishment of the Energy Authority that corresponds to the office held by that officer, as a reference to the person holding that office in the staff establishment of the Energy Authority; or
- (b) if there is no such corresponding office, as a reference to such office in the staff establishment of the Energy Authority as may be determined by the Minister.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

4. In respect of—
- 5 (a) proceedings brought before the appointed day by or against the Electricity Authority; and
- (b) proceedings brought on or after the appointed day by or against the Energy Authority by virtue of clause 2,
- no proof shall be required (until evidence is given to the contrary) of—
- 10 (c) the constitution of the Electricity Authority;
- (d) any resolution of the Electricity Authority;
- (e) the appointment of any member of the Electricity Authority; or
- (f) the presence of a quorum at any meeting of the Electricity Authority.
- 15 5. A servant of the Electricity Commission to whom section 7 (4) (b) of the Electricity Development Act, 1945, applied immediately before the appointed day shall, on and from the appointed day, perform such duties as are determined in respect of him by the Energy Authority and—
- (a) he shall be deemed to be a person to whom section 10 (1) of the Principal Act applies; and
- 20 (b) there shall be deemed to have been arranged, in respect of him, under section 10 (1) of the Principal Act such terms, if any, as applied, in respect of him, immediately before the appointed day, under section 7 (4) (b) of the Electricity Development Act, 1945.
- 25 6. (1) Upon the expiration of a period of 3 months after the appointed day, a person referred to in clause 5 shall, except where he makes an election under subclause (2) of this clause, be deemed to have been appointed, under and subject to the Public Service Act, 1902, as an officer or employee of the Public Service, as referred to in section 9 of the Principal Act.
- 30 (2) A person referred to in clause 5 may elect to remain as a servant of the Electricity Commission.

Evidence
as to
certain
matters.

Duties,
etc., of
staff.

Staff to
enter
Public
Service.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) An election under subclause (2) of this clause shall be made by the person entitled to make the election by notice in writing and shall be served on the Electricity Commission at any time before the expiration of a period of 3 months after the appointed day.

(4) The Electricity Commission shall, as soon as practicable after the expiration of a period of 3 months after the appointed day, notify the Public Service Board of all of the persons referred to in clause 5 who have not made an election under subclause (2) of this clause.

7. (1) A person who becomes an officer or employee of the Public Service pursuant to clause 6 (1) shall, as such an officer or employee—
Entry into Public Service.

(a) be paid salary or wages at a rate not less than the rate which was payable to him immediately before he became such an officer or employee, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered by an award of a competent tribunal, an industrial agreement or the Public Service Board; and

(b) where—

(i) there is a position in the staff establishment of the Energy Authority that corresponds to the position which he held immediately before he becomes such an officer or employee, be deemed to have been appointed and to be employed in that corresponding position; or

(ii) there is no such corresponding position, be deemed to have been appointed to such position in the staff establishment of the Energy Authority as may be determined by the Governor on the recommendation of the Public Service Board.

(2) Where any condition of employment of a person referred to in subclause (1) of this clause was, immediately before he became an officer or employee of the Public Service, regulated by an award or industrial agreement, that condition shall continue after that commencement to be so regulated until it is varied or altered by an award by which the Public Service Board is bound made by a court of competent jurisdiction or that condition is regulated by an industrial agreement to which the Public Service Board is a party.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

8. (1) In this clause, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preservation of rights of persons to whom cl. 6 (1) applies.

(2) Subject to subclause (3) of this clause, where a person was, immediately before he became an officer or employee of the Public Service pursuant to clause 6 (1), a contributor to a superannuation scheme, he—

(a) shall retain any rights accrued or accruing to him as such a contributor; and

(b) may, notwithstanding any provision of the Superannuation Act, 1916, to the contrary, continue to contribute to any superannuation scheme to which he was a contributor immediately before he becomes such an officer or employee,

as if he had continued to be such a contributor during his service as an officer or employee of the Public Service, and—

(c) his service as such an officer or employee shall be deemed to be service as a servant of the Electricity Commission for the purposes of any law under which those rights accrued or were accruing or under which he continues to contribute; and

(d) he shall be deemed to be an officer or employee, and the Public Service Board shall be deemed to be his employer, for the purposes of the superannuation scheme to which he is entitled to contribute under this clause.

(3) If an officer or employee of the Public Service would, but for this subclause, be entitled to contribute under subclause (2) of this clause to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, he shall not be so entitled upon his becoming (whether upon his becoming an officer or employee of the Public Service pursuant to clause 6 (1) or at any later time while he is such an officer or employee) a contributor to any other superannuation scheme, and the provisions of subclause (2) (d) of this clause cease to apply to or in respect of him and the Public Service Board in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) of this clause does not prevent the payment to a person upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(5) Service with the Electricity Commission of a person who becomes an officer or employee of the Public Service pursuant to clause 5 6 (1) shall, for the purposes of annual leave, sick leave and long service leave, be deemed to be service as such an officer or employee.

(6) A person shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

9. A person who immediately before the time he becomes an officer or Eligibility
10 employee of the Public Service pursuant to clause 6 (1) was a contributor to a superannuation scheme established by or under the Local Government contribute to State
and Other Authorities (Superannuation) Act, 1927, shall not, as such an Super-
officer or employee, be an employee within the meaning and for the Fund.
purposes of the Superannuation Act, 1916.

15 10. Clauses 8 and 9 apply to and in respect of a person referred to in Preservation
clause 5 who becomes an officer or employee of the Public Service, as of rights
referred to in section 9 of the Principal Act, otherwise than pursuant to of certain
clause 6 (1) in the same way as they apply to and in respect of a person servants of
who becomes an officer or employee of the Public Service pursuant to Electricity
clause 6 (1). Commission
who become
public
servants
otherwise
than
pursuant
to cl. 6 (1).

20 11. The sum authorised by the General Loan Account Appropriation Unexpended
Act, 1978, to be appropriated out of the General Loan Account and to be funds
applied under the heading "MINISTER FOR ENERGY" for the payment by the appro-
Electricity Authority, under the Electricity Development Act, 1945, of priated to
subsidies to electricity supply authorities in respect of rural electrification Minister
25 shall be deemed, to the extent that, at the appointed day, it had not been so for Energy
applied, to be a sum authorised by that Act to be appropriated out of that in respect
account and to be applied for the payment by the Energy Authority of those of
subsidies. Electricity
Authority.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

12. Any function of the Electricity Authority under section 10 (2) of Functions
the Electricity Development Act, 1945, that had not been completed on not
5 the appointed day may be completed by the Energy Authority and may completed.
be so completed as if any inquiry or investigation conducted by the
Electricity Authority before the appointed day were an inquiry or
investigation that the Energy Authority was authorised to conduct.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

ENERGY AUTHORITY (AMENDMENT) BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill :—

Electricity Development (Energy Authority) Amendment Bill, 1979;

Statutory and Other Offices Remuneration (Energy Authority) Amendment Bill, 1979.

The objects of this Bill are—

- (a) to provide for the dissolution of the Electricity Authority of New South Wales and the transfer of its functions and staff to the Energy Authority of New South Wales (clauses 6 and 7 and Schedule 4);
 - (b) to provide for the reconstitution of the Energy Authority so that it will consist of a full-time chairman and general manager and 6 other part-time members (Schedule 1 (2) and (4));
 - (c) to provide for the establishment, by the Minister administering the Energy Authority Act, 1976, of boards for the purposes of that Act and the functions of those boards (Schedule 2 (3));
 - (d) to facilitate the exercise or performance by the Energy Authority of responsibilities, powers, authorities, duties and functions conferred on it by Acts other than the Energy Authority Act, 1976 (Schedule 3);
 - (e) to make provisions of a savings or transitional nature (clause 7 and Schedule 4); and
 - (f) to make provisions of a minor, ancillary or consequential nature.
-

ENERGY AUTHORITY (AMENDMENT) BILL, 1979

No. , 1979.

A BILL FOR

An Act to amend the Energy Authority Act, 1976, to provide for the reconstitution of the Energy Authority, the dissolution of The Electricity Authority of New South Wales and the transfer of its functions, property, rights, liabilities and staff to the Energy Authority.

[MR HILLS—22 March, 1979.]

See also Electricity Development (Energy Authority) Amendment Bill, 1979; Statutory and Other Offices Remuneration (Energy Authority) Amendment Bill, 1979.

Energy Authority (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the "Energy Authority Short
(Amendment) Act, 1979". title.

2. (1) Except as provided in subsection (2), this Act shall Commence-
commence on the date of assent to this Act. ment.

10 (2) Sections 5 and 6 and Schedules 1–3 shall commence
on such day as may be appointed by the Governor in respect
thereof and as may be notified by proclamation published in the
Gazette.

3. The Energy Authority Act, 1976, is referred to in this Act Principal
as the Principal Act. Act.

15 4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE CONSTITUTION AND PROCEDURE OF
THE ENERGY AUTHORITY.

20 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE ESTABLISHMENT OF BOARDS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE FUNCTIONS OF THE ENERGY
AUTHORITY.

25 SCHEDULE 4.—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS.

Energy Authority (Amendment).

5. The Principal Act is amended in the manner set forth in Schedules 1-3. Amendment of Act No. 69, 1976.

6. The Electricity Authority of New South Wales is hereby dissolved. Dissolution of Electricity Authority of New South Wales.

5 7. Schedule 4 has effect. Savings, transitional and other provisions.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY.

(1) (a) Section 5, definition of "appointed member"—

10 Omit the definition.

(b) Section 5, definition of "chairman"—

Omit "chairman of the Authority", insert instead "chairman and general manager of the Authority".

(2) Section 7—

15 Omit the section, insert instead :—

7. (1) The Authority shall consist of 7 members Members of Authority.
appointed by the Governor on the nomination of the Minister, of whom—

20 (a) one shall, in and by the instrument of his appointment, or by a later instrument executed by the Governor, be appointed as chairman and general manager of the Authority and shall be a full-time member; and

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (b) 6 shall be part-time members.
- (2) The part-time members shall comprise—
- (a) a person who has, in the opinion of the Minister,
special knowledge of the electricity industry;
- 10 (b) a person who has, in the opinion of the Minister,
special knowledge of the mining industry;
- (c) a person who has, in the opinion of the Minister,
special knowledge of the oil industry;
- 15 (d) a person who has, in the opinion of the Minister,
special knowledge of the gaseous fuel and coal
industry;
- (e) a person who has, in the opinion of the Minister,
special knowledge of the nuclear energy industry;
and
- 20 (f) a person who is a member of the Labor Council
of New South Wales.

(3) Section 9—

Omit “, including an executive officer of the Authority,”.

(4) (a) Schedule 1, clause 1—

25 Omit “an appointed” wherever occurring, insert
instead “a”.

(b) Schedule 1, clause 2—

Omit “An appointed” wherever occurring, insert
instead “A”.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

5 (c) Schedule 1, clauses 2A–2E—

After clause 2 of Schedule 1, insert :—

2A. The chairman shall devote the whole of his time to the duties of his office. Chairman to be full-time member.

2B. The chairman is entitled to be paid—

10

(a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and Remuneration of and allowances for chairman.

15

(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

2c. (1) In this clause—

20

“statutory body” means any body declared under clause 2E to be a statutory body for the purposes of this Schedule and includes the Electricity Commission; Preservation of rights of chairman previously a public servant, etc.

25

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) of this clause and to the terms of his appointment, where the chairman was, immediately before his appointment as chairman—

30

(a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

10 he—

- (e) shall retain any rights accrued or accruing to him as such an officer, contributory or person;
- 15 (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as chairman; and
- (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,
- 20

as if he had continued to be such an officer, contributor or person during his service as chairman, and—

- 25 (h) his service as chairman shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- 30 (i) he shall be deemed to be an officer or employee, and the Authority shall be deemed to be his employer, for the purposes of the superannuation scheme to which he is entitled to contribute under this clause.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

5 (3) If the chairman would, but for this sub-
clause, be entitled under subclause (2) of this clause
to contribute to a superannuation scheme or to receive
any payment, pension or gratuity under that scheme,
10 he shall not be so entitled upon his becoming
(whether upon his appointment as a member or at
any later time while he holds office as chairman) a
contributor to any other superannuation scheme, and
the provisions of subclause (2) (i) of this clause cease
15 to apply to or in respect of him and the Authority in
any case where he becomes a contributor to such
another superannuation scheme.

(4) Subclause (3) of this clause does not
prevent the payment to a member upon his ceasing to
be a contributor to a superannuation scheme of such
20 amount as would have been payable to him if he had
ceased, by reason of his resignation, to be an officer
or employee for the purposes of that scheme.

(5) The chairman shall not, in respect of the
same period of service, be entitled to claim a benefit
25 under this Act and another Act.

2D. (1) In this clause—

“retiring age” means—

(a) in relation to a person who was,
immediately before his appointment
as chairman, an officer of the Public
30 Service—the age of 60 years; and

Chairman
entitled to
re-appoint-
ment to
former
employment
in certain
cases.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (b) in relation to a person who was,
immediately before his appointment
as chairman, an officer or employee
of a statutory body—
- 10 (i) where the statutory body is
still in existence at the date
upon which he ceases to be
chairman—the age at which
officers or employees (being
15 officers or employees of the
class to which that person
belonged immediately before
his appointment as chair-
man), as the case may be,
of that statutory body are
entitled to retire; or
- 20 (ii) where the statutory body is
not in existence at the date
upon which he ceases to be
chairman—60 years;
- 25 “statutory body” means any body declared under
clause 2E to be a statutory body for the
purposes of this Schedule and includes the
Electricity Commission.
- 30 (2) A person who ceases to be chairman,
otherwise than pursuant to clause 8 (1) (paragraph
(f) excepted), shall, if he has not attained the retiring
age, be entitled to be appointed, where, immediately
before his appointment as chairman, he was—
- 35 (a) an officer of the Public Service—to some
office in the Public Service not lower in
classification and salary;

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (b) an officer or employee of a statutory body
that is still in existence at the date upon
which he ceases to be chairman—to some
office in the service of that body not lower
in classification and salary; or
- 10 (c) an officer or employee of a statutory body
that is not in existence at the date upon
which he ceases to be chairman—to some
office in the Public Service not lower in
salary,
- 15 than that which he held immediately before his
appointment as chairman.

20 2E. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule. Declarations of statutory bodies.

- (d) Schedule 1, clause 3 (1)—
After “member” where firstly occurring, insert “other than the chairman”.
- (e) Schedule 1, clause 3 (2)—
25 After “member”, insert “other than the chairman”.
- (f) Schedule 1, clause 4—
Omit “appointed member”, insert instead “member other than the chairman”.
- (g) Schedule 1, clause 4—
30 Omit “each member is entitled to be paid”.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

5 (h) Schedule 1, clause 5—

Omit “an appointed” wherever occurring, insert
instead “a”.

(i) Schedule 1, clause 6 (1)—

10 Omit “an appointed member”, insert instead “a
member other than the chairman”.

(j) Schedule 1, clause 6 (1)—

Omit “appointed” where secondly, thirdly and fifthly
occurring.

(k) Schedule 1, clause 6 (2)—

15 Omit “An appointed”, insert instead “A”.

(l) Schedule 1, clause 6 (3)—

Omit “an appointed”, insert instead “a”.

(m) Schedule 1, clause 6 (3)—

Omit “appointed” where secondly occurring.

20 (n) Schedule 1, clause 8 (1)—

Omit “An appointed”, insert instead “A”.

(o) Schedule 1, clause 8 (1) (a1)—

After clause 8 (1) (a), insert :—

25 (a1) if, being the chairman, he engages in any paid
employment outside the duties of his office;

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- 5 (p) Schedule 1, clause 8 (1) (j)—
Omit “(c)”, insert instead “(f)”.
- (q) Schedule 1, clause 8 (2)—
Omit “any appointed”, insert instead “a”.
- (r) Schedule 1, clause 9 (1)—
10 Omit “an appointed”, insert instead “a”.
- (s) Schedule 1, clause 9 (2)—
Omit “appointed” where secondly occurring.

SCHEDULE 2.

Sec. 5.

15 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ESTABLISHMENT OF BOARDS.

- (1) Section 3—
After the matter relating to Part III, insert :—
PART IIIA.—BOARDS—ss. 19A–19D.
- (2) Section 5, definitions of “board”—
20 After the definition of “Authority”, insert :—
“board” means a board established under section 19A
(1);

Energy Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ESTABLISHMENT OF BOARDS—*continued.*

(3) Part IIIA—

5 After Part III, insert :—

PART IIIA.

BOARDS.

19A. (1) The Minister may, by instrument in writing, Establish-
establish boards for the purposes of this Act. ment.

10 (2) A board so established shall be subject to the
control and direction of the Minister.

15 19B. (1) A board shall consist of the chairman and Members.
general manager of the Authority and such other persons
as the Minister may, upon such terms and conditions as to
him seem fit, appoint.

(2) The chairman and general manager of the
Authority shall be the chairman of each board.

20 (3) One of the members of a board shall, in and
by the instrument of his appointment, or by a later instru-
ment executed by the Minister, be appointed as deputy
chairman of the board.

19C. (1) A board shall—

Functions.

25 (a) carry out such investigations and inquiries, and
make such reports to the Minister, as the Minister
may from time to time direct;

(b) carry out such investigations and inquiries, and
make such reports to the Authority, as the
Authority may request; and

30 (c) carry out such functions as are delegated to it by
the Authority under section 41.

Energy Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ESTABLISHMENT OF BOARDS—*continued.*

5 (2) Where the Minister so approves, a board may, subject to such conditions, if any, as are specified in the approval, carry out such investigations or inquiries, and make such reports, as the board may from time to time determine.

10 19D. Schedule 1 (clauses 2A–2E, 7 (1), 7 (2), 8 (1) (j) and 9 excepted) applies to and in respect of the constitution and procedure of a board in the same way as it applies to and in respect of the constitution and procedure of the Authority. Constitution
and
procedure.

(4) (a) Section 41 (1)—

15 After “Authority” where secondly occurring, insert “or to a board”.

(b) Section 41 (6)—

After “by” where firstly occurring, insert “or on behalf of”.

20 (c) Section 41 (6)—

After “his”, insert “or its”.

(5) (a) Section 47 (1) (a)—

After “Authority”, insert “or of a board”.

(b) Section 47 (1) (c)—

25 After “section 11”, insert “or of a board”.

Energy Authority (Amendment).

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
FUNCTIONS OF THE ENERGY AUTHORITY.

- 5 (1) Section 5, definition of "Electricity Authority"—
Omit the definition.

- (2) (a) Section 12 (1) (c)—
Omit "Act; and", insert instead "Act;".

- (b) Section 12 (1) (d)—
Omit "resources.", insert instead "resources; and".

- 10 (c) Section 12 (1) (e)—
After section 12 (1) (d), insert :—
(e) such functions as are conferred or imposed on
the Authority by or under any other Act.

- (3) Section 19—
15 Omit "for the purposes of this Act", insert instead "to
enable the Authority to exercise or perform its functions".

- (4) Section 20 (1)—
After "Act", insert "or incurred in connection with the
20 exercise or performance, by the Authority, of its functions
under any other Act".

- (5) Section 38 (2) (a)—
Omit "administration of this Act", insert instead "exercise
or performance by the Authority of its functions".
-

Energy Authority (Amendment).

SCHEDULE 4.

Sec. 7.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule—

Interpre-
tation:
Sch. 4.

5 “appointed day” means the day appointed and notified under section
2 (2);

“Electricity Authority” means The Electricity Authority of New South
Wales constituted under the Electricity Development Act, 1945;

10 “Electricity Commission” means The Electricity Commission of New
South Wales constituted under the Electricity Commission Act,
1950;

“Energy Authority” means the Energy Authority of New South Wales
constituted under the Principal Act.

2. On and from the appointed day—

Transfer
of
property,
rights and
liabilities,
etc., of the
Electricity
Authority
to the
Energy
Authority.

15 (a) all real and personal property and all right and interest therein
and all management and control thereof that, immediately before
that day, was vested in or belonged to the Electricity Authority
shall vest in or belong to the Energy Authority;

20 (b) all debts, moneys and claims, liquidated and unliquidated, that,
immediately before that day, were due or payable to, or recover-
able by, the Electricity Authority shall be debts due and moneys
payable to and claims recoverable by the Energy Authority;

25 (c) all suits, actions and proceedings pending immediately before that
day at the suit of the Electricity Authority shall be respectively
suits, actions and proceedings pending at the suit of the Energy
Authority and all suits, actions and proceedings so pending at the
suit of any person against the Electricity Authority shall be
respectively suits, actions and proceedings pending at the suit of
that person against the Energy Authority;

30 (d) all contracts, agreements, arrangements and undertakings entered
into with and all securities lawfully given to or by the Electricity
Authority and in force immediately before that day shall be
deemed to be contracts, agreements, arrangements and under-
takings entered into with and securities given to or by the Energy
Authority;

Energy Authority (Amendment).

SCHEDULE 4—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- 5 (e) the Energy Authority may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subclause and for the prosecution of suits, actions and proceedings so referred to as the Electricity Authority might have done but for the enactment of this Act;
- 10 (f) the Energy Authority may enforce and realise any security or charge existing immediately before that day in favour of the Electricity Authority and may exercise any powers thereby conferred on the Electricity Authority as if the security or charge were a security or charge in favour of the Energy Authority;
- 15 (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Electricity Authority shall be debts due and moneys payable by and claims recoverable against the Energy Authority; and
- 20 (h) all liquidated and unliquidated claims for which the Electricity Authority would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Energy Authority shall be liable.

3. (1) On and from the appointed day, a reference to the Electricity Authority in a provision of any other Act (section 59 (4) of the Electricity Commission Act, 1950, excepted) or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be read and construed as a reference to the Energy Authority. References.

(2) On and from the appointed day, a reference in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, to any officer of the Electricity Authority shall be read and construed—

- 35 (a) if there is an office in the staff establishment of the Energy Authority that corresponds to the office held by that officer, as a reference to the person holding that office in the staff establishment of the Energy Authority; or
- (b) if there is no such corresponding office, as a reference to such office in the staff establishment of the Energy Authority as may be determined by the Minister.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

4. In respect of—
- 5 (a) proceedings brought before the appointed day by or against the Electricity Authority; and
- (b) proceedings brought on or after the appointed day by or against the Energy Authority by virtue of clause 2,
- no proof shall be required (until evidence is given to the contrary) of—
- (c) the constitution of the Electricity Authority;
- 10 (d) any resolution of the Electricity Authority;
- (e) the appointment of any member of the Electricity Authority; or
- (f) the presence of a quorum at any meeting of the Electricity Authority.
5. A servant of the Electricity Commission to whom section 7 (4) (b) Duties, etc., of staff.
- 15 of the Electricity Development Act, 1945, applied immediately before the appointed day shall, on and from the appointed day, perform such duties as are determined in respect of him by the Energy Authority and—
- (a) he shall be deemed to be a person to whom section 10 (1) of the Principal Act applies; and
- 20 (b) there shall be deemed to have been arranged, in respect of him, under section 10 (1) of the Principal Act such terms, if any, as applied, in respect of him, immediately before the appointed day, under section 7 (4) (b) of the Electricity Development Act, 1945.
6. (1) Upon the expiration of a period of 1 month after the appointed Staff to enter Public Service.
- 25 day, a person referred to in clause 5 shall, except where he makes an election under subclause (2) of this clause, be deemed to have been appointed, under and subject to the Public Service Act, 1902, as an officer or employee of the Public Service, as referred to in section 9 of the Principal Act.
- 30 (2) A person referred to in clause 5 may elect to remain as a servant of the Electricity Commission.

Energy Authority (Amendment).

SCHEDULE 4—continued.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—continued.

5 (3) An election under subclause (2) of this clause shall be made by the person entitled to make the election by notice in writing and shall be served on the Electricity Commission at any time before the expiration of a period of 1 month after the appointed day.

10 (4) The Electricity Commission shall, as soon as practicable after the expiration of a period of 1 month after the appointed day, notify the Public Service Board of all of the persons referred to in clause 5 who have not made an election under subclause (2) of this clause.

7. (1) A person who becomes an officer or employee of the Public Service pursuant to clause 6 (1) shall, as such an officer or employee—

Entry
into
Public
Service.

15 (a) be paid salary or wages at a rate not less than the rate which was payable to him immediately before he became such an officer or employee, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered by an award of a competent tribunal, an industrial agreement or the Public Service Board; and

20 (b) where—

25 (i) there is a position in the staff establishment of the Energy Authority that corresponds to the position which he held immediately before he becomes such an officer or employee, be deemed to have been appointed and to be employed in that corresponding position; or

30 (ii) there is no such corresponding position, be deemed to have been appointed to such position in the staff establishment of the Energy Authority as may be determined by the Governor on the recommendation of the Public Service Board.

35 (2) Where any condition of employment of a person referred to in subclause (1) of this clause was, immediately before he became an officer or employee of the Public Service, regulated by an award or industrial agreement, that condition shall continue after that commencement to be so regulated until it is varied or altered by an award by which the Public Service Board is bound made by a court of competent jurisdiction or that condition is regulated by an industrial agreement to which the Public Service Board is a party.

Energy Authority (Amendment).

*SCHEDULE 4—continued.**SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—continued.*

8. (1) In this clause, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preservation
of rights
of persons
to whom
cl. 6 (1)
applies.

(2) Subject to subclause (3) of this clause, where a person was, immediately before he became an officer or employee of the Public Service pursuant to clause 6 (1), a contributor to a superannuation scheme, he—

(a) shall retain any rights accrued or accruing to him as such a contributor; and

(b) may, notwithstanding any provision of the Superannuation Act, 1916, to the contrary, continue to contribute to any superannuation scheme to which he was a contributor immediately before he becomes such an officer or employee,

as if he had continued to be such a contributor during his service as an officer or employee of the Public Service, and—

(c) his service as such an officer or employee shall be deemed to be service as a servant of the Electricity Commission for the purposes of any law under which those rights accrued or were accruing or under which he continues to contribute; and

(d) he shall be deemed to be an officer or employee, and the Public Service Board shall be deemed to be his employer, for the purposes of the superannuation scheme to which he is entitled to contribute under this clause.

(3) If an officer or employee of the Public Service would, but for this subclause, be entitled to contribute under subclause (2) of this clause to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, he shall not be so entitled upon his becoming (whether upon his becoming an officer or employee of the Public Service pursuant to clause 6 (1) or at any later time while he is such an officer or employee) a contributor to any other superannuation scheme, and the provisions of subclause (2) (d) of this clause cease to apply to or in respect of him and the Public Service Board in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) of this clause does not prevent the payment to a person upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(5) Service with the Electricity Commission of a person who becomes an officer or employee of the Public Service pursuant to clause 6 (1) shall, for the purposes of annual leave, sick leave and long service leave, be deemed to be service as such an officer or employee.

(6) A person shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

9. A person who immediately before the time he becomes an officer or employee of the Public Service pursuant to clause 6 (1) was a contributor to a superannuation scheme established by or under the Local Government and Other Authorities (Superannuation) Act, 1927, shall not, as such an officer or employee, be an employee within the meaning and for the purposes of the Superannuation Act, 1916.

10. Clauses 8 and 9 apply to and in respect of a person referred to in clause 5 who becomes an officer or employee of the Public Service, as referred to in section 9 of the Principal Act, otherwise than pursuant to clause 6 (1) in the same way as they apply to and in respect of a person who becomes an officer or employee of the Public Service pursuant to clause 6 (1).

11. The sum authorised by the General Loan Account Appropriation Act, 1978, to be appropriated out of the General Loan Account and to be applied under the heading "MINISTER FOR ENERGY" for the payment by the Electricity Authority, under the Electricity Development Act, 1945, of subsidies to electricity supply authorities in respect of rural electrification shall be deemed, to the extent that, at the appointed day, it had not been so applied, to be a sum authorised by that Act to be appropriated out of that account and to be applied for the payment by the Energy Authority of those subsidies.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

12. Any function of the Electricity Authority under section 10 (2) of Functions
the Electricity Development Act, 1945, that had not been completed on not
5 the appointed day may be completed by the Energy Authority and may completed.
be so completed as if any inquiry or investigation conducted by the
Electricity Authority before the appointed day were an inquiry or
investigation that the Energy Authority was authorised to conduct.

BY AUTHORITY

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1970

Vol. 10

Family History

SCHOLARSHIP

1970-1971

2. The purpose of the scholarship is to provide financial assistance to students who are pursuing a degree in the field of family history. The scholarship is awarded to students who have demonstrated exceptional academic achievement and a strong interest in the field of family history. The scholarship is awarded for one year and is renewable for a second year. The scholarship is awarded to students who are currently enrolled in a college or university and who are pursuing a degree in the field of family history. The scholarship is awarded to students who are currently enrolled in a college or university and who are pursuing a degree in the field of family history. The scholarship is awarded to students who are currently enrolled in a college or university and who are pursuing a degree in the field of family history.

**ENERGY AUTHORITY (AMENDMENT)
ACT, 1979, No. 103**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 103, 1979.

An Act to amend the Energy Authority Act, 1976, to provide for the reconstitution of the Energy Authority, the dissolution of The Electricity Authority of New South Wales and the transfer of its functions, property, rights, liabilities and staff to the Energy Authority. [Assented to, 17th May, 1979.]

See also Electricity Development (Energy Authority) Amendment Act, 1979; Statutory and Other Offices Remuneration (Energy Authority) Amendment Act, 1979.

Energy Authority (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short
title.

1. This Act may be cited as the "Energy Authority (Amendment) Act, 1979".

Commence-
ment.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Sections 5 and 6 and Schedules 1–3 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the *Gazette*.

Principal
Act.

3. The Energy Authority Act, 1976, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE CONSTITUTION AND PROCEDURE OF
THE ENERGY AUTHORITY.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE ESTABLISHMENT OF BOARDS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE FUNCTIONS OF THE ENERGY
AUTHORITY.

SCHEDULE 4.—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS.

Energy Authority (Amendment).

5. The Principal Act is amended in the manner set forth in Schedules 1–3.

Amendment of
Act No.
69, 1976.

6. The Electricity Authority of New South Wales is hereby dissolved.

Dissolu-
tion of
Electricity
Authority
of New
South
Wales.

7. Schedule 4 has effect.

Savings,
transitional
and other
provisions.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY.

(1) (a) Section 5, definition of “appointed member”—

Omit the definition.

(b) Section 5, definition of “chairman”—

Omit “chairman of the Authority”, insert instead
“chairman and general manager of the Authority”.

(2) Section 7—

Omit the section, insert instead :—

7. (1) The Authority shall consist of 7 members appointed by the Governor on the nomination of the Minister, of whom—

Members of
Authority.

(a) one shall, in and by the instrument of his appointment, or by a later instrument executed by the Governor, be appointed as chairman and general manager of the Authority and shall be a full-time member; and

Energy Authority (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- (b) 6 shall be part-time members.
- (2) The part-time members shall comprise—
 - (a) a person who has, in the opinion of the Minister, special knowledge of the electricity industry;
 - (b) a person who has, in the opinion of the Minister, special knowledge of the mining industry;
 - (c) a person who has, in the opinion of the Minister, special knowledge of the oil industry;
 - (d) a person who has, in the opinion of the Minister, special knowledge of the gaseous fuel and coal industry;
 - (e) a person who has, in the opinion of the Minister, special knowledge of the nuclear energy industry;
and
 - (f) a person who is a member of the Labor Council of New South Wales.

(3) Section 9—

Omit “, including an executive officer of the Authority,”.

(4) (a) Schedule 1, clause 1—

Omit “an appointed” wherever occurring, insert instead “a”.

(b) Schedule 1, clause 2—

Omit “An appointed” wherever occurring, insert instead “A”.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

(c) Schedule 1, clauses 2A–2E—

After clause 2 of Schedule 1, insert :—

2A. The chairman shall devote the whole of his time to the duties of his office. Chairman to be full-time member.

2B. The chairman is entitled to be paid— Remuneration of and allowances for chairman.

(a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and

(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

2C. (1) In this clause—

“statutory body” means any body declared under clause 2E to be a statutory body for the purposes of this Schedule and includes the Electricity Commission; Preservation of rights of chairman previously a public servant, etc.

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) of this clause and to the terms of his appointment, where the chairman was, immediately before his appointment as chairman—

(a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

Energy Authority (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

- (e) shall retain any rights accrued or accruing to him as such an officer, contributory or person;
- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as chairman; and
- (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as chairman, and—

- (h) his service as chairman shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (i) he shall be deemed to be an officer or employee, and the Authority shall be deemed to be his employer, for the purposes of the superannuation scheme to which he is entitled to contribute under this clause.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

(3) If the chairman would, but for this subclause, be entitled under subclause (2) of this clause to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, he shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as chairman) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) of this clause cease to apply to or in respect of him and the Authority in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) of this clause does not prevent the payment to a member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) The chairman shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

2D. (1) In this clause—

“retiring age” means—

- (a) in relation to a person who was, immediately before his appointment as chairman, an officer of the Public Service—the age of 60 years; and

Chairman
entitled to
re-appoint-
ment to
former
employment
in certain
cases.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

(b) in relation to a person who was, immediately before his appointment as chairman, an officer or employee of a statutory body—

(i) where the statutory body is still in existence at the date upon which he ceases to be chairman—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as chairman), as the case may be, of that statutory body are entitled to retire; or

(ii) where the statutory body is not in existence at the date upon which he ceases to be chairman—60 years;

“statutory body” means any body declared under clause 2E to be a statutory body for the purposes of this Schedule and includes the Electricity Commission.

(2) A person who ceases to be chairman, otherwise than pursuant to clause 8 (1) (paragraph (f) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as chairman, he was—

(a) an officer of the Public Service—to some office in the Public Service not lower in classification and salary;

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

(b) an officer or employee of a statutory body that is still in existence at the date upon which he ceases to be chairman—to some office in the service of that body not lower in classification and salary; or

(c) an officer or employee of a statutory body that is not in existence at the date upon which he ceases to be chairman—to some office in the Public Service not lower in salary,

than that which he held immediately before his appointment as chairman.

2E. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule. Declarations of statutory bodies.

(d) Schedule 1, clause 3 (1)—

After “member” where firstly occurring, insert “other than the chairman”.

(e) Schedule 1, clause 3 (2)—

After “member”, insert “other than the chairman”.

(f) Schedule 1, clause 4—

Omit “appointed member”, insert instead “member other than the chairman”.

(g) Schedule 1, clause 4—

Omit “each member is entitled to be paid”.

Energy Authority (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

(h) Schedule 1, clause 5—

Omit “an appointed” wherever occurring, insert instead “a”.

(i) Schedule 1, clause 6 (1)—

Omit “an appointed member”, insert instead “a member other than the chairman”.

(j) Schedule 1, clause 6 (1)—

Omit “appointed” where secondly, thirdly and fifthly occurring.

(k) Schedule 1, clause 6 (2)—

Omit “An appointed”, insert instead “A”.

(l) Schedule 1, clause 6 (3)—

Omit “an appointed”, insert instead “a”.

(m) Schedule 1, clause 6 (3)—

Omit “appointed” where secondly occurring.

(n) Schedule 1, clause 8 (1)—

Omit “An appointed”, insert instead “A”.

(o) Schedule 1, clause 8 (1) (a1)—

After clause 8 (1) (a), insert :—

(a1) if, being the chairman, he engages in any paid employment outside the duties of his office;

Energy Authority (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND PROCEDURE OF THE ENERGY AUTHORITY
—*continued.*

- (p) Schedule 1, clause 8 (1) (j)—
Omit “(c)”, insert instead “(f)”.
- (q) Schedule 1, clause 8 (2)—
Omit “any appointed”, insert instead “a”.
- (r) Schedule 1, clause 9 (1)—
Omit “an appointed”, insert instead “a”.
- (s) Schedule 1, clause 9 (2)—
Omit “appointed” where secondly occurring.

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ESTABLISHMENT OF BOARDS.

- (1) Section 3—
After the matter relating to Part III, insert :—
PART IIIA.—BOARDS—ss. 19A–19D.
- (2) Section 5, definitions of “board”—
After the definition of “Authority”, insert :—
“board” means a board established under section 19A
(1);

Energy Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ESTABLISHMENT OF BOARDS—*continued.*

(3) Part IIIA—

After Part III, insert :—

PART IIIA.

BOARDS.

Establish-
ment.

19A. (1) The Minister may, by instrument in writing, establish boards for the purposes of this Act.

(2) A board so established shall be subject to the control and direction of the Minister.

Members.

19B. (1) A board shall consist of the chairman and general manager of the Authority and such other persons as the Minister may, upon such terms and conditions as to him seem fit, appoint.

(2) The chairman and general manager of the Authority shall be the chairman of each board.

(3) One of the members of a board shall, in and by the instrument of his appointment, or by a later instrument executed by the Minister, be appointed as deputy chairman of the board.

Functions.

19C. (1) A board shall—

(a) carry out such investigations and inquiries, and make such reports to the Minister, as the Minister may from time to time direct;

(b) carry out such investigations and inquiries, and make such reports to the Authority, as the Authority may request; and

(c) carry out such functions as are delegated to it by the Authority under section 41.

Energy Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ESTABLISHMENT OF BOARDS—*continued.*

(2) Where the Minister so approves, a board may, subject to such conditions, if any, as are specified in the approval, carry out such investigations or inquiries, and make such reports, as the board may from time to time determine.

19D. Schedule 1 (clauses 2A–2E, 7 (1), 7 (2), 8 (1) (j) and 9 excepted) applies to and in respect of the constitution and procedure of a board in the same way as it applies to and in respect of the constitution and procedure of the Authority.

(4) (a) Section 41 (1)—

After “Authority” where secondly occurring, insert “or to a board”.

(b) Section 41 (6)—

After “by” where firstly occurring, insert “or on behalf of”.

(c) Section 41 (6)—

After “his”, insert “or its”.

(5) (a) Section 47 (1) (a)—

After “Authority”, insert “or of a board”.

(b) Section 47 (1) (c)—

After “section 11”, insert “or of a board”.

Energy Authority (Amendment).

Sec. 5.

SCHEDULE 3.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
FUNCTIONS OF THE ENERGY AUTHORITY.

- (1) Section 5, definition of "Electricity Authority"—
Omit the definition.
 - (2) (a) Section 12 (1) (c)—
Omit "Act; and", insert instead "Act;".
(b) Section 12 (1) (d)—
Omit "resources.", insert instead "resources; and".
(c) Section 12 (1) (e)—
After section 12 (1) (d), insert :—
(e) such functions as are conferred or imposed on
the Authority by or under any other Act.
 - (3) Section 19—
Omit "for the purposes of this Act", insert instead "to
enable the Authority to exercise or perform its functions".
 - (4) Section 20 (1)—
After "Act", insert "or incurred in connection with the
exercise or performance, by the Authority, of its functions
under any other Act".
 - (5) Section 38 (2) (a)—
Omit "administration of this Act", insert instead "exercise
or performance by the Authority of its functions".
-

Energy Authority (Amendment).

SCHEDULE 4.

Sec. 7.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule—

Interpre-
tation:
Sch. 4.

“appointed day” means the day appointed and notified under section 2 (2);

“Electricity Authority” means The Electricity Authority of New South Wales constituted under the Electricity Development Act, 1945;

“Electricity Commission” means The Electricity Commission of New South Wales constituted under the Electricity Commission Act, 1950;

“Energy Authority” means the Energy Authority of New South Wales constituted under the Principal Act.

2. On and from the appointed day—

Transfer
of
property,
rights and
liabilities,
etc., of the
Electricity
Authority
to the
Energy
Authority.

(a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Electricity Authority shall vest in or belong to the Energy Authority;

(b) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable to, or recoverable by, the Electricity Authority shall be debts due and moneys payable to and claims recoverable by the Energy Authority;

(c) all suits, actions and proceedings pending immediately before that day at the suit of the Electricity Authority shall be respectively suits, actions and proceedings pending at the suit of the Energy Authority and all suits, actions and proceedings so pending at the suit of any person against the Electricity Authority shall be respectively suits, actions and proceedings pending at the suit of that person against the Energy Authority;

(d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by the Electricity Authority and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Energy Authority;

Energy Authority (Amendment).

SCHEDULE 4—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (e) the Energy Authority may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subclause and for the prosecution of suits, actions and proceedings so referred to as the Electricity Authority might have done but for the enactment of this Act;
- (f) the Energy Authority may enforce and realise any security or charge existing immediately before that day in favour of the Electricity Authority and may exercise any powers thereby conferred on the Electricity Authority as if the security or charge were a security or charge in favour of the Energy Authority;
- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Electricity Authority shall be debts due and moneys payable by and claims recoverable against the Energy Authority; and
- (h) all liquidated and unliquidated claims for which the Electricity Authority would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the Energy Authority shall be liable.

References.

3. (1) On and from the appointed day, a reference to the Electricity Authority in a provision of any other Act (section 59 (4) of the Electricity Commission Act, 1950, excepted) or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, shall be read and construed as a reference to the Energy Authority.

(2) On and from the appointed day, a reference in any other Act or in any by-law, regulation, statutory instrument or other document, whether of the same or of a different kind, to any officer of the Electricity Authority shall be read and construed—

- (a) if there is an office in the staff establishment of the Energy Authority that corresponds to the office held by that officer, as a reference to the person holding that office in the staff establishment of the Energy Authority; or
- (b) if there is no such corresponding office, as a reference to such office in the staff establishment of the Energy Authority as may be determined by the Minister.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

4. In respect of—

Evidence
as to
certain
matters.

- (a) proceedings brought before the appointed day by or against the Electricity Authority; and
- (b) proceedings brought on or after the appointed day by or against the Energy Authority by virtue of clause 2,

no proof shall be required (until evidence is given to the contrary) of—

- (c) the constitution of the Electricity Authority;
- (d) any resolution of the Electricity Authority;
- (e) the appointment of any member of the Electricity Authority; or
- (f) the presence of a quorum at any meeting of the Electricity Authority.

5. A servant of the Electricity Commission to whom section 7 (4) (b) of the Electricity Development Act, 1945, applied immediately before the appointed day shall, on and from the appointed day, perform such duties as are determined in respect of him by the Energy Authority and—

Duties,
etc., of
staff.

- (a) he shall be deemed to be a person to whom section 10 (1) of the Principal Act applies; and
- (b) there shall be deemed to have been arranged, in respect of him, under section 10 (1) of the Principal Act such terms, if any, as applied, in respect of him, immediately before the appointed day, under section 7 (4) (b) of the Electricity Development Act, 1945.

6. (1) Upon the expiration of a period of 3 months after the appointed day, a person referred to in clause 5 shall, except where he makes an election under subclause (2) of this clause, be deemed to have been appointed, under and subject to the Public Service Act, 1902, as an officer or employee of the Public Service, as referred to in section 9 of the Principal Act.

Staff to
enter
Public
Service.

(2) A person referred to in clause 5 may elect to remain as a servant of the Electricity Commission.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) An election under subclause (2) of this clause shall be made by the person entitled to make the election by notice in writing and shall be served on the Electricity Commission at any time before the expiration of a period of 3 months after the appointed day.

(4) The Electricity Commission shall, as soon as practicable after the expiration of a period of 3 months after the appointed day, notify the Public Service Board of all of the persons referred to in clause 5 who have not made an election under subclause (2) of this clause.

Entry
into
Public
Service.

7. (1) A person who becomes an officer or employee of the Public Service pursuant to clause 6 (1) shall, as such an officer or employee—

(a) be paid salary or wages at a rate not less than the rate which was payable to him immediately before he became such an officer or employee, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered by an award of a competent tribunal, an industrial agreement or the Public Service Board; and

(b) where—

(i) there is a position in the staff establishment of the Energy Authority that corresponds to the position which he held immediately before he becomes such an officer or employee, be deemed to have been appointed and to be employed in that corresponding position; or

(ii) there is no such corresponding position, be deemed to have been appointed to such position in the staff establishment of the Energy Authority as may be determined by the Governor on the recommendation of the Public Service Board.

(2) Where any condition of employment of a person referred to in subclause (1) of this clause was, immediately before he became an officer or employee of the Public Service, regulated by an award or industrial agreement, that condition shall continue after that commencement to be so regulated until it is varied or altered by an award by which the Public Service Board is bound made by a court of competent jurisdiction or that condition is regulated by an industrial agreement to which the Public Service Board is a party.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

8. (1) In this clause, “superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preservation
of rights
of persons
to whom
cl. 6 (1)
applies.

(2) Subject to subclause (3) of this clause, where a person was, immediately before he became an officer or employee of the Public Service pursuant to clause 6 (1), a contributor to a superannuation scheme, he—

- (a) shall retain any rights accrued or accruing to him as such a contributor; and
- (b) may, notwithstanding any provision of the Superannuation Act, 1916, to the contrary, continue to contribute to any superannuation scheme to which he was a contributor immediately before he becomes such an officer or employee,

as if he had continued to be such a contributor during his service as an officer or employee of the Public Service, and—

- (c) his service as such an officer or employee shall be deemed to be service as a servant of the Electricity Commission for the purposes of any law under which those rights accrued or were accruing or under which he continues to contribute; and
- (d) he shall be deemed to be an officer or employee, and the Public Service Board shall be deemed to be his employer, for the purposes of the superannuation scheme to which he is entitled to contribute under this clause.

(3) If an officer or employee of the Public Service would, but for this subclause, be entitled to contribute under subclause (2) of this clause to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, he shall not be so entitled upon his becoming (whether upon his becoming an officer or employee of the Public Service pursuant to clause 6 (1) or at any later time while he is such an officer or employee) a contributor to any other superannuation scheme, and the provisions of subclause (2) (d) of this clause cease to apply to or in respect of him and the Public Service Board in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) of this clause does not prevent the payment to a person upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

Energy Authority (Amendment).

 SCHEDULE 4—*continued.*

 SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(5) Service with the Electricity Commission of a person who becomes an officer or employee of the Public Service pursuant to clause 6 (1) shall, for the purposes of annual leave, sick leave and long service leave, be deemed to be service as such an officer or employee.

(6) A person shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Eligibility
to contribute to State
Super-
annuation
Fund.

9. A person who immediately before the time he becomes an officer or employee of the Public Service pursuant to clause 6 (1) was a contributor to a superannuation scheme established by or under the Local Government and Other Authorities (Superannuation) Act, 1927, shall not, as such an officer or employee, be an employee within the meaning and for the purposes of the Superannuation Act, 1916.

Preservation
of rights
of certain
servants of
Electricity
Commission
who become
public
servants
otherwise
than
pursuant
to cl. 6 (1).

10. Clauses 8 and 9 apply to and in respect of a person referred to in clause 5 who becomes an officer or employee of the Public Service, as referred to in section 9 of the Principal Act, otherwise than pursuant to clause 6 (1) in the same way as they apply to and in respect of a person who becomes an officer or employee of the Public Service pursuant to clause 6 (1).

Unexpended
funds
appropriated to
Minister
for Energy
in respect
of
Electricity
Authority.

11. The sum authorised by the General Loan Account Appropriation Act, 1978, to be appropriated out of the General Loan Account and to be applied under the heading "MINISTER FOR ENERGY" for the payment by the Electricity Authority, under the Electricity Development Act, 1945, of subsidies to electricity supply authorities in respect of rural electrification shall be deemed, to the extent that, at the appointed day, it had not been so applied, to be a sum authorised by that Act to be appropriated out of that account and to be applied for the payment by the Energy Authority of those subsidies.

Energy Authority (Amendment).

SCHEDULE 4—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

12. Any function of the Electricity Authority under section 10 (2) of Functions the Electricity Development Act, 1945, that had not been completed on not the appointed day may be completed by the Energy Authority and may completed. be so completed as if any inquiry or investigation conducted by the Electricity Authority before the appointed day were an inquiry or investigation that the Energy Authority was authorised to conduct.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 17th May, 1979.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979



