

FIRST PRINT

ELECTRICITY DEVELOPMENT (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Energy Administration Bill 1987.

The object of this Bill is to amend the Electricity Development Act 1945 so as—

- (a) to change the name of that Act to the Electricity Act 1945;
- (b) to constitute the Electricity Council of New South Wales and Electricity Area Boards for rural electricity councils;
- (c) to enable, through the Industrial Development Assistance Fund, the acquisition of shares in the capital of the New South Wales Investment Corporation;
- (d) to require electricity councils to appoint general managers and assistant general managers;
- (e) to establish the Electricity Development Fund and the Industrial Development Assistance Fund; and
- (f) to make amendments consequential on the enactment of the proposed Energy Administration Act 1987 and the constitution of the Energy Corporation of New South Wales.

Clause 1 specifies the short title of the proposed Act.

Clause 2 specifies that the proposed Act will, with minor exceptions, commence on the commencement of the proposed Energy Administration Act 1987.

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Clause 3 provides that the Electricity Development Act 1945 is referred to as the Principal Act.

Clause 4 gives effect to the Schedules of amendments to the Principal Act.

Clause 5 gives effect to the Schedule amending the Public Finance and Audit Act 1983.

Clause 6 gives effect to the Schedule providing for the transfer of part of the area of Parramatta from the Sydney County District to the Prospect County District.

**SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY AREA
BOARDS AND ELECTRICITY COUNCILS**

Schedule 1 (1) inserts definitions of "Electricity council" and "Electricity Council" into section 4 (Interpretation) of the Principal Act.

Schedule 1 (2) inserts proposed Parts II, IIA and IIB into the Principal Act.

Proposed Part II (Electricity Council of New South Wales) contains the following proposed sections:

Section 5 (Constitution of the Electricity Council) constitutes the Electricity Council of New South Wales.

Section 5A (Functions of the Electricity Council) sets out the functions of the Electricity Council, which mainly relate to giving advice and making reports and recommendations to the Minister.

Section 5B (Staff and facilities) enables the Electricity Council to use staff of the Corporation or the Department of Energy.

Section 5C (Committees) enables the Electricity Council to appoint committees.

Section 5D (Program and estimate) requires the Electricity Council to prepare annual financial estimates as well as a program.

Section 5E (Information) empowers the Council to obtain information from electricity supply authorities.

Proposed Part IIA (Electricity Area Boards) contains the following proposed sections:

Section 6 (Constitution of Area Boards) enables Electricity Area Boards to be constituted for specified electricity councils (other than the metropolitan councils).

Section 6A (Functions of an Area Board) sets out the functions of Area Boards.

Section 6B (Committees) enables Area Boards to appoint committees.

Section 6C (Costs of Area Boards) provides for the costs of each Area Board to be borne by its constituent electricity councils.

Proposed Part IIB (Electricity councils) contains the following proposed sections:

Section 7 (Electricity councils to be subject to Ministerial control) provides for electricity councils to be subject, in their electricity supply functions, to the control and direction of the Minister for Energy and Technology.

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- Section 7A (Appointment of government representatives to electricity councils) enables the Minister to appoint 2 persons as delegates to any of the metropolitan electricity councils and 1 person as a delegate to any other electricity council.
- Section 7B (Operations of electricity councils) sets out the duties of electricity councils in the exercise of their functions related to the supply of electricity. These include a duty to carry out their functions efficiently and economically.
- Section 7C (Miscellaneous financial matters) contains miscellaneous financial provisions.
- Section 7D (Contributions to the Electricity Development Fund and the Industrial Development Assistance Fund) provides for electricity councils to contribute, by way of loans to the Corporation, on certain conditions to the Electricity Development Fund and the Industrial Development Assistance Fund. Amounts may be paid to the councils from that Fund in accordance with those conditions.
- Section 7E (Certain provisions of Local Government Act 1919 not to apply to electricity councils) excludes certain provisions of the Local Government Act 1919, and Ordinance No. 4 under that Act, to the extent to which they are inconsistent with the Principal Act from applying to electricity councils.
- Section 7F (Sydney County Council) contains provisions constituting the Sydney County District and the Sydney County Council and giving the Council certain functions under the Local Government Act 1919.
- Section 7G (Shortland County Council) deems to be omitted from the proclamation delegating functions to the Shortland County Council those functions contained in the Borough of Newcastle Electric Lighting Act (1892) consequent on the proposed repeal of that Act.
- Section 7H (General managers of county councils) provides for the appointment of general managers by county councils that are electricity councils. The general manager will be the chief executive officer of the council and will be appointed for a term not exceeding 7 years at a time.
- Section 7I (Assistant general managers of county councils) provides for the appointment of assistant general managers by county councils that are electricity councils.
- Section 7J (Provisions relating to the employment of general managers and assistant general managers) gives effect to provisions relating to the employment of general managers and assistant general managers and the first appointments by councils of general managers and assistant general managers.
- Section 7K (Functions of general managers) confers on the general manager of a council the council's functions relating to the employment, suspension and termination of the council's employees as well as all the other functions of the council except its reserved functions. The general manager will also—
- (a) be required to prepare financial estimates;
 - (b) make contracts for and on behalf of the council; and

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(c) carry into effect all lawful orders of the council relating to its reserved functions.

Section 7L (Strategic plans and annual operating plans) requires the general manager to prepare and submit plans setting out the strategy for the council in carrying out its functions and for its annual operation.

Section 7M (General manager to provide information and advice) provides for the general manager to give advice and assistance to the council.

Section 7N (Functions relating to tenders) enables a general manager of a council to call for and accept tenders for contracts involving the expenditure of amounts not exceeding \$50,000, or such other amount as may be prescribed by or under the Principal Act or the Local Government Act 1919.

Section 7O (Functions relating to staff) gives the general manager of a council power to appoint, control and supervise the employees of the council.

Section 7P (Delegation of functions by general managers) provides for the delegation by the general manager of his or her functions.

Section 7Q (Reserved functions) sets out the reserved functions of a council. These include the making of a rate, the voting of money for expenditure, the acquisition of land and the acceptance of tenders of more than \$50,000. A duty is imposed on the general manager to advise and assist the council in relation to the reserved functions. Reserved functions may only be exercised by the council.

Section 7R (General manager to act by signed order) sets out a procedure for the doing of acts by the general manager which would ordinarily be required to be done by a resolution of a council.

Section 7S (Evidence of orders) provides for orders or copies of orders to be received by courts as evidence.

Section 7T (Attendance at meetings) gives the general manager of a council the right to attend and take part in, but not to vote at, meetings of the council. The general manager must attend a meeting of the council if required to do so by the council.

Section 7U (Legal proceedings) enables the general manager to act for and on behalf of the council in legal proceedings.

Schedule 1 (3) inserts into section 37 (Regulations) a power to make regulations with respect to the advertisement of vacancies for general managers and assistant general managers of councils and notification of their appointments.

Schedule 1 (4) inserts the following proposed Schedules into the Principal Act:

Schedule 1 contains provisions relating to the members of the Electricity Council of New South Wales.

Schedule 2 contains provisions relating to the procedure of the Electricity Council of New South Wales.

Schedule 3 contains provisions relating to the members of Electricity Area Boards.

Schedule 4 contains provisions relating to the procedure of Electricity Area Boards.

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Schedule 5 sets out the local government areas which constitute the Sydney County District.

Schedule 6 sets out the electoral constituencies, and the number of delegates for each constituency, of the Sydney County Council.

Schedule 7 contains provisions relating to the general managers and assistant general managers of county councils that are electricity councils.

SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

Schedule 2 (1), (4), (5), (7), (8), (10), (19), (21), (24), (25), (27)–(41) and (47) amend the Principal Act as a consequence of the enactment of the proposed Energy Administration Act 1987 and the replacement of the Energy Authority of New South Wales with the Energy Corporation of New South Wales and the Department of Energy and make other minor amendments to the Principal Act.

Schedule 2 (2) amends section 1 (Short title and commencement) of the Principal Act to change the name of the Principal Act to the Electricity Act 1945.

Schedule 2 (3) amends section 4 (Interpretation) of the Principal Act by inserting definitions of "Corporation", "Council", "Director", "Electricity Development Fund" and "Industrial Development Assistance Fund" and omitting the definitions of "Authority" and "Electricity Development Account" and in other respects.

Schedule 2 (6) omits section 10 (Inquiries and investigations) of the Principal Act.

Schedule 2 (9) omits section 13 (Authority may grant subsidies) of the Principal Act.

Schedule 2 (11) amends section 13B (Electricity supply authority to notify Corporation of certain matters) of the Principal Act in relation to the notification of increased charges.

Schedule 2 (12) omits section 13C (Payment of subsidies for reductions in charges out of Electricity Development Account) of the Principal Act.

Schedule 2 (13) substitutes section 14 (Corporation may fix charges for bulk electricity etc.) of the Principal Act to enable the Corporation to fix charges for bulk electricity by directions to electricity councils.

Schedule 2 (14) substitutes section 14A (Application of Part to Electricity Commission) of the Principal Act which exempts the Commission from almost all of Part III of the Act.

Schedule 2 (15) amends section 14AAA (Corporation empowered to effect or arrange insurance policies on behalf of electricity supply authorities) of the Principal Act to enable the Corporation to arrange for electricity supply authorities to enter into insurance policies, in addition to its power to enter into such policies.

Schedule 2 (16)–(18) amend sections 14AAB–14AAD of the Principal Act as a consequence of the amendment made by Schedule 2 (15).

Schedule 2 (20) amends section 14C (Amount of rebate) of the Principal Act as a consequence of the enactment of the proposed Local Government (Electricity) Amendment Act 1987 and the proposed repeal of the Municipal Council of Sydney Electric Lighting Act 1896.

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Schedule 2 (22) amends section 14N (Application of Part IIIc) of the Principal Act as a consequence of an amendment made by Schedule 2 (3).

Schedule 2 (23) inserts proposed Part IV (Finance) into the Principal Act. The proposed Part contains the following proposed sections:

Section 15 (Electricity Development Fund) establishes the Electricity Development Fund.

Section 16 (Application of Electricity Development Fund) sets out the purposes for which the Fund may be applied.

Section 17 (Contributions to the State Energy Research and Development Fund) provides for contributions to be made to the State Energy Research and Development Fund from the Electricity Development Fund.

Section 18 (Agreements as to grants, subsidies etc.) enables the Corporation to require electricity supply authorities to enter into agreements relating to grants, loans and subsidies.

Section 19 (Industrial Development Assistance Fund) establishes the Industrial Development Assistance Fund.

Section 19AA (Application of Industrial Development Assistance Fund) sets out the purposes for which the Fund may be applied.

Section 19AB (Contributions by electricity councils and Commission) requires electricity councils and the Electricity Commission to make contributions under the proposed Act.

Schedule 2 (26) amends section 19c (Payments to Traffic Route Lighting Subsidy Account) of the Principal Act to require payments to be made to the Account by the Corporation (75 per cent) and the Commissioner for Main Roads (25 per cent).

Schedule 2 (43) inserts proposed Part VI (Restrictions on works, agreements and trading undertakings) into the Principal Act. The proposed Part contains the following proposed sections:

Section 27 (Restrictions on trading undertakings and supply of electricity) prohibits a council from carrying on certain trading and other activities without the permission of the Corporation.

Section 27A (Restriction on certain works) prohibits certain persons from erecting or extending power stations and transmission lines without the approval of the Corporation.

Section 27AB (Approvals) makes provision with respect to approvals given under the proposed Part.

Section 27AC (Offences) creates certain offences arising out of the prohibitions contained in the proposed Part.

Schedule 2 (44) amends section 27B (Offence to impose charges for the resupply of electricity in certain cases) of the Principal Act to require people (such as landlords) resupplying electricity to make and furnish records as to that resupply.

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Schedule 2 (45) omits section 28 (Certain provisions not to apply) of the Principal Act.

Schedule 2 (46) amends section 28A (Electricity supply authorities—personal liability of members etc.) to protect general managers, assistant general managers and persons acting under their direction from liability.

Schedule 2 (48) amends section 37 (Regulations) of the Principal Act to insert new powers to make regulations as to the policies or procedures with respect to customers of electricity councils, and other matters. A provision will also be inserted to ensure that regulations made under the Principal Act have effect despite the provisions of any inconsistent ordinance under the Local Government Act 1919.

SCHEDULE 3—AMENDMENT TO THE PUBLIC FINANCE AND AUDIT ACT 1983

This Schedule applies the provisions of the Public Finance and Audit Act 1983 to the county councils that are electricity councils having only electricity functions.

SCHEDULE 4—PROVISIONS RELATING TO THE TRANSFER OF PART OF THE PARRAMATTA AREA

This Schedule provides a mechanism for the transfer of part of the local government area of Parramatta from the Sydney County District to the Prospect County District.

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TABLE OF PROVISIONS

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ELECTRICITY DEVELOPMENT (AMENDMENT) BILL 1987

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Electricity Development Act 1945 with respect to the Energy Corporation of New South Wales, the Electricity Council of New South Wales, Electricity Area Boards and electricity councils; the funding of electricity projects; and for other purposes.

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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 Short title

1. This Act may be cited as the "Electricity Development (Amendment) Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Energy Administration Act 1987.

Principal Act

15 3. The Electricity Development Act 1945 is referred to in this Act as the Principal Act.

Amendment of Act No. 13, 1946

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

20 **Amendment of Act No. 152, 1983**

5. The Public Finance and Audit Act 1983 is amended in the manner set forth in Schedule 3.

Transfer of part of Parramatta area to Prospect County District

25 6. Schedule 4 has effect with respect to that part of the area of Parramatta that was, immediately before the commencement of this Act, included in the Sydney County District by virtue of the Electricity (Special Provisions) Act 1935.

SCHEDULE 1

(Sec. 4)

5 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS

(1) Section 4 (**Interpretation**)—

(a) Section 4 (1), definition of “Area Board”—

After the definition of “Apprentice”, insert:

10 “Area Board” means an Electricity Area Board constituted
under section 6.

(b) Section 4 (1), definitions of “Electricity council”, “Electricity Council”—

After the definition of “Electricity Commission”, insert:

15 “Electricity council” means a council which is an electricity
supply authority.

“Electricity Council”, when used in Parts II and IIA and
Schedules 1 and 2, means the Electricity Council of New
South Wales constituted under section 5.

(c) Section 4 (4)—

20 After section 4 (3), insert:

(4) In this Act—

(a) a reference to a function includes a reference to a power,
authority and duty; and

25 (b) a reference to the exercise of a function includes, where
the function is a duty, a reference to the performance of
the duty.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) Parts II-IIB—

After Part I, insert:

PART II

ELECTRICITY COUNCIL OF NEW SOUTH WALES

5 **Constitution of the Electricity Council**

5. (1) There is constituted by this Act a body with the name of the "Electricity Council of New South Wales".

(2) The Electricity Council shall have and may exercise the functions conferred or imposed on it by or under this Act.

10 (3) The Electricity Council shall consist of 15 part-time members, of whom 2 shall be appointed by the Minister and 13 shall be official members.

(4) The official members are—

15 (a) the general managers, and the chairmen, of each of the following:

(i) Sydney County Council;

(ii) Prospect County Council;

(iii) Shortland County Council;

(iv) Illawarra County Council;

20 (b) a person nominated by the Local Government Electricity Association of New South Wales;

(c) a person nominated by the Labor Council of New South Wales;

25 (d) the General Manager of the Electricity Commission of New South Wales;

(e) the Secretary of the Department of Local Government; and

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
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(f) the Director of the Department of Energy,
or their nominees.

(5) A reference in subsection (4) to an officer includes a reference to a person duly acting in the office concerned.

5 (6) Schedule 1 has effect with respect to the members of the Electricity Council.

(7) Schedule 2 has effect with respect to the procedure of the Electricity Council.

Functions of the Electricity Council

10 5A. (1) The principal functions of the Electricity Council are to advise the Minister of the electricity supply industry's response to government policy and to consider, and furnish reports, advice and recommendations to the Minister on, the operation and development of the industry in New South Wales, with particular
15 reference to—

- (a) the generation and distribution sectors of the industry;
- (b) capital works programs for those sectors;
- (c) charges;
- (d) financial targets;
- 20 (e) the financial performance and efficiency of the industry as a whole; and
- (f) community expectations.

(2) The Electricity Council shall furnish periodic reports (with appropriate advice and recommendations) on the following
25 matters relevant to the electricity supply industry:

- (a) charges for the bulk supply of electricity and other supply of electricity (on an annual basis);
- (b) capital works programs (on an annual basis);

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
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- (c) industry loan programs (on an annual basis);
- (d) transfers of funds to and from the Electricity Development Fund (on an annual basis);
- (e) marketing initiatives;
- 5 (f) energy management initiatives;
- (g) research;
- (h) load forecasting;
- (i) an industry corporate plan;
- (j) industry performance indicators;
- 10 (k) industry insurance;
- (l) industry maintenance requirements;
- (m) progress in implementing government policy;
- (n) a report on the industry (on an annual basis);
- (o) such other matters as the Minister determines.
- 15 (3) Without affecting the generality of the above, the Electricity Council may consider, and furnish reports, advice and recommendations to the Minister on, the following matters relevant to the electricity supply industry:
 - (a) standardisation of—
 - 20 (i) equipment and construction and maintenance practices;
 - (ii) accounting practices;
 - (iii) financial and reporting practices; and
 - (iv) policies and practices concerning consumers;
 - 25 (b) centralised purchasing of equipment and stores;
 - (c) transfer of subtransmission assets;

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
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(d) advertising programs;

(e) training activities.

5 (4) The Minister may require reports of the Electricity Council to be furnished on such matters, in such form, at such times and in respect of such periods as the Minister specifies.

(5) The Electricity Council shall prepare and submit to the Minister an annual report of its work and activities.

Staff and facilities

10 5B. (1) Such staff as may be necessary to enable the Electricity Council to exercise its functions shall be employed in accordance with section 9 of the Energy Administration Act 1987.

(2) The Director or the Corporation may, with the approval of the Minister, provide to the Electricity Council the services of any staff or facilities of the Department of Energy or the Corporation.

15 **Committees**

5C. (1) The Electricity Council may establish committees to assist it in connection with the exercise of any of its functions.

(2) It does not matter that any or all of the members of a committee are not members of the Electricity Council.

20 (3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall be as determined by the Electricity Council or (subject to any determination of the Electricity Council) by the committee.

Program and estimate

25 5D. (1) The Electricity Council shall each year determine its program for the next year commencing on 1 July and make an estimate of the financial and other resources that would be necessary to carry out the program.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
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(2) The program and estimate shall be submitted to the Minister, who may approve it with such omissions, additions and other changes as the Minister thinks fit.

5 (3) The Electricity Council shall, as far as practicable, exercise its functions in accordance with the approved program.

Information

10 .5E. (1) For the purpose of assisting the Electricity Council to exercise its functions, the Council may require electricity supply authorities to provide it with such kinds of relevant information, in such form and within such times, as it requests.

(2) An electricity supply authority must provide the requested information in accordance with the request.

PART IIA

ELECTRICITY AREA BOARDS

15 **Constitution of Area Boards**

20 6. (1) The Minister may, by order published in the Gazette, constitute one or more Electricity Area Boards in respect of specified electricity councils (other than the Sydney County Council, Prospect County Council, Shortland County Council and Illawarra County Council).

(2) An Area Board shall have and may exercise the functions conferred or imposed on it by or under this Act.

(3) The order constituting an Area Board shall specify the area for which the Board is constituted.

25 (4) As soon as practicable after an order constituting an Area Board is published, the constituent electricity councils shall determine the number of members of the Board and the manner of nominating the members.

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
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(5) An Area Board shall consist of part-time members appointed by the constituent electricity councils.

(6) Members shall hold office for such periods as may be determined by the constituent electricity councils.

5 (7) The Minister may, by order published in the Gazette, abolish an Area Board.

(8) Schedule 3 has effect with respect to the members of an Area Board.

10 (9) Schedule 4 has effect with respect to the procedure of an Area Board.

Functions of an Area Board

6A. (1) The principal functions of an Area Board are—

(a) to provide a forum for—

15 (i) promoting co-operation between the constituent electricity councils in the exercise of their functions related to the supply of electricity;

(ii) discussing trends in the development and practices of the electricity distribution industry; and

(iii) promoting specialist expertise in particular fields;

20 (b) to facilitate liaison with other bodies and organisations; and

25 (c) to consider, and furnish reports, advice and recommendations to the Minister and the Electricity Council on, matters relevant to the electricity distribution industry in the Board's area.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
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(2) An Area Board shall consider and adopt programs for the following matters relevant to the electricity distribution industry in the Board's area:

- 5 (a) information exchange (including data on forecasts, technical and financial statistics and proposed new strategies);
- (b) standardisation of design, construction and maintenance practices;
- 10 (c) standardisation of policies (including policies on capital contributions and charge conditions);
- (d) resource and staff sharing, including pooling of emergency back-up resources;
- (e) co-ordination of training activities;
- 15 (f) preparation of consolidated representations on policy and other matters to the Minister, the Electricity Council and the Corporation;
- (g) co-ordination within the Board's area of the implementation of statewide initiatives;
- 20 (h) co-ordination or combining of market research and marketing activities.

(3) The Minister or the Electricity Council may require reports of an Area Board to be furnished on such matters, in such form, at such times and in respect of such periods as the Minister or Council specifies.

25 **Committees**

6B. (1) An Area Board may establish committees to assist it in connection with the exercise of any of its functions.

(2) It does not matter that any or all of the members of a committee are not members of the Area Board.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
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(3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall be as determined by the Area Board or (subject to any determination of the Board) by the committee.

5 **Costs of Area Boards**

6C. The costs incurred in respect of an Area Board, including the remuneration of its members, shall be borne in equal shares by the constituent electricity councils, or in such other manner as may be prescribed.

10

PART IIB

ELECTRICITY COUNCILS

DIVISION 1—*General matters***Electricity councils to be subject to Ministerial control**

15

7. (1) An electricity council shall, in the exercise of its functions related to the supply of electricity, be subject to the control and direction of the Minister.

20

(2) Without limiting the generality of subsection (1), the Minister may, from time to time, by notice in writing direct an electricity council to do such things or to refrain from doing such things (being things connected with its functions related to the supply of electricity) as are specified in the notice.

(3) An electricity council shall, within 21 days after receiving a direction under subsection (2), notify the Minister in writing of—

25

(a) the things done or proposed to be done to give effect to the direction and the time when or within which those things were done or are proposed to be done; or

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
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(b) if the direction has not been complied with, or it is not intended to comply with it, the reasons for the non-compliance.

5 (4) If an electricity council fails to comply with a direction given by the Minister in accordance with this Act, the Minister may—

(a) commence legal proceedings to enforce compliance with the direction; or

10 (b) recommend to the Minister administering the Local Government Act 1919 that action be taken against the council under section 86 of that Act.

15 (5) For the purposes of this Act, the functions of an electricity council related to the supply of electricity include the making of a contribution to a Fund by or under this Act and the setting of any charge, fee or rate levied by an electricity council for or in connection with the supply of electricity under this or any other Act, and any other functions of the council, but do not include—

(a) any function related to the constitution or election of members of or delegates to an electricity council;

20 (b) any function related to the conditions of employment of the employees of a council; or

25 (c) in the case of an electricity council having functions related to water supply or being a council of a city, municipality or shire—any water supply function or other function not related to its electricity supply functions.

Appointment of government representatives to electricity councils

7A. (1) The Minister may, from time to time, appoint—

30 (a) up to 2 persons as delegates to each of the Sydney County Council, the Prospect County Council, the Shortland County Council and the Illawarra County Council; and

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
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- (b) 1 person as a delegate to any other county council that is an electricity council,

in addition to the delegates elected to the councils.

- (2) A person appointed under subsection (1)—

- 5 (a) shall hold office for such period as may be specified in the instrument of appointment of the person; and
- (b) shall have all the functions of an elected delegate to a county council, but shall not be eligible to be the chairman of the county council.

- 10 (3) A person who is not a member of a council of an area comprised in a county district, or who is not eligible to be elected as such a member, may be appointed to an electricity council under this section.

Operations of electricity councils

- 15 7B. It is the duty of an electricity council, in the exercise of its functions related to the supply of electricity—

- (a) to carry out those functions efficiently and economically and to ensure that it has adequate internal audit procedures;
- 20 (b) to promote standardisation of systems and equipment for the supply of electricity and electrical installations and other electrical equipment;
- (c) to publish standard charges and, except as permitted by or under this Act or by the Corporation, to supply electricity
- 25 in accordance with those charges; and
- (d) except as permitted by or under this Act or by the Corporation, not to supply electricity to any person on terms or at rates different from those on which it supplies other persons having similar technical and quantity
- 30 requirements and similar patterns of use of electricity.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Miscellaneous financial matters**

5 7C. (1) In addition to any other money it may expend, an electricity council may expend money, with the approval of the Minister, on contributions to research or technical organisations engaged on matters associated with the generation or supply of electricity.

10 (2) For the purposes of the Public Authorities (Financial Arrangements) Act 1987, the Minister, in relation to an electricity council borrowing or investing money for purposes connected with the exercise of its functions related to the supply of electricity, is the Minister administering this Act.

Contributions to Electricity Development Fund and Industrial Development Assistance Fund

15 7D. (1) An electricity council—
 (a) may with the approval of the Minister; or
 (b) shall at the direction of the Minister, on the recommendation of the Corporation,

20 and subject to any terms and stipulations specified in the approval or direction, contribute to the Electricity Development Fund by way of loan to the Corporation for the purposes of that Fund, and the Corporation is hereby empowered to apply any such contributions for use for those purposes in accordance with the approval or direction.

25 (2) An electricity council may, with the concurrence of the Treasurer and the approval of the Minister, and subject to any terms and stipulations specified in the approval, contribute to the Industrial Development Assistance Fund by way of loan to the Corporation for the purposes specified in the approval, and the Corporation is hereby empowered to apply any such contributions
 30 for use for those purposes in accordance with the approval.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(3) Amounts may be paid out of those Funds, at the direction of the Minister, to an electricity council entitled to the amounts by virtue of an approval or direction given under this section.

5 (4) The Corporation may borrow and enter into any agreement required by the Minister for the purposes of this section.

(5) Nothing in this section limits or otherwise affects the operation of Part IV.

Certain provisions of Local Government Act 1919 not to apply to electricity councils

10 7E. Notwithstanding any provision made by or under any other Act—

(a) sections 88, 89, 90A, 173, 187, 418 (4) (a) and (4A) and 419 (1) of, and Ordinance No. 4 under, the Local Government Act 1919; and

15 (b) any other provisions of that Act or any ordinances made under that Act,

to the extent to which they are inconsistent with this Act do not apply to an electricity council.

DIVISION 2—*Sydney County Council*20 **Sydney County Council**

7F. (1) There shall be a Sydney County District which shall consist of the areas specified in Schedule 5.

25 (2) There shall be a Sydney County Council, comprised of the delegates for the constituencies specified in Schedule 6, which shall be the council for the Sydney County District.

(3) The Sydney County District and the Sydney County Council shall be deemed to be constituted under Part XXIX of the Local Government Act 1919.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(4) The following functions shall be deemed to have been delegated to the Sydney County Council in accordance with the Local Government Act 1919:

- 5 (a) the power to supply electricity and to supply electrical fittings and appliances;
- (b) the functions of a council under section 382 of the Local Government Act 1919 to construct, extend, protect, maintain, control and manage works for the supply of electricity;
- 10 (c) the functions of a council under sections 416–417A of the Local Government Act 1919 related to the supply of electricity and the supply of electrical fittings and appliances;
- 15 (d) the power to make and levy a loan rate in connection with any loan raised by the council;
- 20 (e) the functions of a council under sections 84, 85, 106 (1) (b), (d) and (e) and (2), 108, 110, 111, 120, 132–164, 173–187, 188 (1), 189–200, 383, 384, 503A, 506, 516–518, 519, 520, 521, 524, 528, 529, 530 and 531–536 of the Local Government Act 1919.

(5) The provisions of the Local Government Act 1919 and any ordinances made under that Act, including provisions relating to—

- 25 (a) the combination or alteration of county districts;
- (b) the alteration of boundaries or the number of delegates; and
- (c) the delegation of functions,

30 apply to the Sydney County District, the Sydney County Council and the functions deemed to have been delegated by this section in the same way as they apply to a county district or county council constituted, or functions delegated, under that Act.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

5 (6) Sections 87 and 100–104 of the Local Government Act 1919 apply to the chairman of the Sydney County Council and to any employees of the Sydney County Council in the same way as they apply to the mayor or president and the employees of a council.

(7) Ordinances made under sections 105 and 165 of the Local Government Act 1919 apply to the Sydney County Council in the same way as they apply to a county council that is an electricity council.

10 (8) A person is eligible to be elected as a delegate to the Sydney County Council if the person is a member of a council of an area included in the Sydney County District or is eligible to be elected as an alderman or councillor of such an area.

DIVISION 3—*Shortland County Council*15 **Shortland County Council**

20 7G. The Proclamation of 3 July 1957 published in Gazette No. 77 of 12 July 1957 at page 2152 shall be deemed to be amended by omitting the matter relating to the powers or duties conferred or imposed on the Council of the City of Newcastle under the Borough of Newcastle Electric Lighting Act (1892).

DIVISION 4—*General managers and assistant general managers***General managers of county councils**

25 7H. (1) The Governor may, on the recommendation of the Minister and the nomination of a county council that is an electricity council, appoint a person so recommended and nominated to be the general manager of the council.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) A person shall not be nominated by a council for appointment as the general manager unless—

5 (a) the position of general manager has been advertised and the proposed appointment notified as required by any relevant ordinance made under the Local Government Act 1919 and the regulations (if any);

(b) the person has suitable executive, technical and administrative experience and qualifications; and

10 (c) the person is the most meritorious applicant for the position.

(3) The general manager—

(a) is responsible, as the chief executive officer of the council, for the management of the affairs of the council subject to and in accordance with any directions of the council; and

15 (b) shall have and may exercise such other functions as are conferred or imposed on the general manager by or under this or any other Act.

20 (4) A general manager shall be appointed for such period, not exceeding 7 years, as may be specified in the instrument of appointment of the general manager, but is eligible (if otherwise qualified) for re-appointment.

Assistant general managers of county councils

25 71. (1) A county council that is an electricity council shall appoint one or more persons (as may be required by the regulations) to be assistant general managers of the council.

(2) A person shall not be appointed by a council as an assistant general manager unless—

30 (a) the position of assistant general manager has been advertised and the proposed appointment notified as required by any relevant ordinance made under the Local Government Act 1919 and the regulations (if any);

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

- (b) the person has suitable executive, technical and administrative experience and qualifications;
- 5 (c) in the case of a position carrying responsibility for engineering matters, the person is a corporate member of the Institution of Engineers, Australia, or has such other qualification as may be prescribed; and
- (d) the person is the most meritorious applicant for the position.
- 10 (3) An assistant general manager shall have and may exercise such functions as are conferred or imposed on the assistant general manager by or under this Act.
- (4) An assistant general manager shall be appointed for such period as may be specified in the instrument of appointment of the assistant general manager.
- 15 (5) The regulations may provide for the division of functions among the assistant general managers of a council.
- Provisions relating to the employment of general managers and assistant general managers**
- 20 7J. (1) Schedule 7 has effect with respect to the employment of general managers and assistant general managers appointed under this Division.
- (2) Clause 2 of Schedule 4 to the Energy Legislation (Repeals and Savings) Act 1987 has effect with respect to the appointment of the first general managers and assistant general managers of county councils that are electricity councils.
- 25 (3) Section 99 of the Local Government Act 1919 does not apply to a general manager or assistant general manager appointed under this Division (other than a first general manager or assistant general manager who was, immediately before appointment, the county clerk or principal engineer of the relevant council).
- 30

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Functions of general managers**

- 5 7k. (1) The general manager of a county council that is an electricity council shall exercise for and on behalf of the council the functions of the council (including its functions relating to the employment, suspension and termination of employees of the council), except the reserved functions of the council.
- (2) In relation to the financial affairs of the council, the general manager shall—
- 10 (a) before the beginning of each financial year of the council, prepare and submit to the council an estimate of income and expenditure for that year in the prescribed form (if any); and
- (b) advise the council, from time to time, of the income and expenditure of the council and of variations from the estimate.
- 15 (3) The estimate shall be submitted by the general manager to the chairman of the council not less than 21 days before the meeting held under subsection (4).
- (4) The estimate shall be considered at a meeting of the council attended by the general manager, of which not less than 21 days' notice has been given by the general manager to the delegates, and shall be adopted, with or without amendment, at that meeting or any adjournment of that meeting.
- 20 (5) A general manager may do all such matters and things, including the making of contracts for and on behalf of the council and the affixing of the official seal of the council to documents, as may be necessary for or incidental to the exercise of any of the functions conferred or imposed on the general manager by or under this or any other Act.
- 25 (6) It is the duty of a general manager to carry into effect all lawful orders of the council in relation to the exercise of the council's reserved functions.
- 30

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Strategic plans and annual operating plans**

7L. (1) The general manager of a county council that is an electricity council shall prepare and submit to the council—

- 5 (a) a plan relating to the proposed strategy for the council in carrying out its functions in the period (of not less than 5 years) next succeeding the preparation of the plan; and
- (b) an annual operating plan in accordance with the plan referred to in paragraph (a).

(2) Plans prepared under this section—

- 10 (a) shall contain the matters set out in the regulations; and
- (b) shall be submitted in accordance with the regulations.

General manager to provide information and advice

15 7M. The general manager of a county council that is an electricity council shall, whenever requested by the council, provide to the council any information in the possession or procurement of the general manager in relation to any act, matter or thing concerning any business or transaction of the council which is mentioned in the request.

Functions relating to tenders

20 7N. The general manager of a county council that is an electricity council may call for and accept tenders for contracts where—

- 25 (a) the contract involves the estimated expenditure of an amount not exceeding \$50,000, or such other amount as may be prescribed by or under this Act or the Local Government Act 1919; and
- (b) the amount is within the limit of expenditure authorised by the council.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Functions relating to staff**

7O. (1) In relation to the employees of the council, the general manager of a county council that is an electricity council shall—

- 5 (a) make proposals to the council as to the organisation, employment and salary of the council's employees; and
- (b) prepare and submit an annual estimate of expenditure relating to the council's employees for consideration at the meeting referred to in section 7K (4).

10 (2) The general manager shall appoint, and have control and supervision of, the employees of the council and the council shall not direct the general manager to appoint any person.

(3) The general manager—

- 15 (a) shall not appoint assistant general managers; and
- (b) may not appoint more persons as employees of the council than are provided for in the staff establishment of the council as determined from time to time by the council.

Delegation of functions by general managers

20 7P. (1) The general manager of a county council that is an electricity council may, with the approval of the council, delegate to an employee of the council the exercise of any of the functions of the general manager.

(2) A delegation—

- 25 (a) shall be in or evidenced by writing;
- (b) may be general or limited; and
- (c) may be revoked, wholly or partly, by the council or the general manager.

(3) A delegate is, in the exercise of a delegated function, subject to such conditions as are specified in the instrument of delegation.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(4) A delegated function, when exercised by the delegate, shall be deemed to have been exercised by the general manager.

(5) A delegation does not prevent the exercise of a function by the general manager.

5 (6) A function purporting to have been exercised by a delegate shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

Reserved functions

10 7Q. (1) The reserved functions of a county council that is an electricity council are—

- (a) the making of any rate, the fixing of charges or fees and the borrowing of any money;
- 15 (b) the voting of money for the making of a contribution to a Fund by or under this Act and for expenditure on the works, services and operations of the council;
- (c) the resumption or other acquisition, leasing, sale and exchange of any land or other property and the granting of any lease of land;
- 20 (d) the acceptance of tenders for works costing more than \$50,000, or such other amount as may be prescribed by or under this Act or the Local Government Act 1919; and
- (e) such other functions as may be prescribed.

25 (2) It is the duty of the general manager of a county council that is an electricity council to advise and assist the council generally in relation to the exercise by it of the council's reserved functions and in particular in relation to any matter or thing about which the council requests the advice or assistance of the general manager.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***General manager to act by signed order**

5 7R. (1) Every act or thing done or decision taken by the general manager of a county council that is an electricity council which, if done or taken by the council, would be required by law to be done or taken by resolution of the council, shall be done or taken by the general manager by order in writing—

(a) signed by the general manager; and

(b) containing a statement of the time at which it was so signed.

10 (2) If by or under this or any other Act public notice of any matter is required to be given by the council, that notice shall be given by the general manager.

(3) Every order made by a general manager under this section shall for all purposes be deemed—

15 (a) to be made at the time at which it is signed by the general manager; and

(b) until the contrary is proved, to be signed at the time stated in the order.

20 (4) A general manager shall keep a register in which shall be entered a copy of every order made under this section, and the general manager shall, at every meeting of the council, produce for the inspection of the delegates so much of the register as contains any such orders made since the last meeting of the council.

25 Evidence of orders

30 7s. (1) Every document purporting to be an order made and signed by the general manager of a county council that is an electricity council shall, without proof of the signature of the person purporting to have signed the document or that the person was the general manager, be received in evidence in all courts.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) Every document purporting to be certified in writing by a general manager to be a true copy of an order made under section 7R—

5 (a) shall, without proof of the signature of the person purporting so to certify or that the person was the general manager, be received in evidence in all courts; and

10 (b) shall, until the contrary is proved, be deemed to be evidence of the contents of the order of which it purports to be a copy and of the fact the order was duly made and signed by the general manager under section 7R at the time stated in the order.

Attendance at meetings

15 7T. (1) The general manager of a county council that is an electricity council has the right to attend meetings of the council and to take part in discussion at such meetings as if the general manager were a delegate, but is not entitled to vote on any question which is to be decided by a vote of the delegates.

20 (2) A general manager is not entitled to be present at any meeting of the council during any discussion which concerns the appointment, dismissal, salary or conditions of employment of the general manager.

(3) A general manager shall—

(a) attend any meeting of the council at which the general manager is required by the council to attend; and

25 (b) give to the council any advice and assistance reasonably required by the council, and for that purpose shall arrange for the attendance at such a meeting of such of the employees of the council as may be necessary, having regard to the business to be transacted at the meeting.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Legal proceedings**

5 7U. (1) In every legal proceeding, whether civil or criminal, instituted by or against a county council that is an electricity council the general manager shall act for and on behalf of the council.

10 (2) In acting for or on behalf of the council, the general manager may do all such acts, matters or things as the general manager may consider necessary for the preparation and prosecution or defence of the proceeding in the same manner in all respects as would be the case if the general manager were the plaintiff, prosecutor or defendant (as the case requires) in the proceeding.

(3) Section 37 (**Regulations**)—

Section 37 (2) (b1)—

15 After section 37 (2) (b), insert:

(b1) the advertisement of vacancies for the positions of, and notification of appointments of, general managers and assistant general managers of county councils that are electricity councils;

(4) Schedules 1-7—

20 After section 38, insert:

SCHEDULE 1

(Sec. 5 (6))

PROVISIONS RELATING TO THE MEMBERS OF THE ELECTRICITY
COUNCIL OF NEW SOUTH WALES**Application of Schedule**

1. This Schedule applies to the members of the Electricity Council.

Chairperson and Deputy Chairperson

30 2. (1) One of the appointed members shall be appointed by the Minister as Chairperson and another member shall be appointed as Deputy Chairperson.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) The Minister may remove a member from the office of Chairperson or Deputy Chairperson.

(3) A person who is Chairperson or Deputy Chairperson shall be deemed to have vacated office as such if the person—

5

(a) is removed from that office by the Minister under subclause (2);

(b) resigns that office by instrument in writing addressed to the Minister;
or

(c) ceases to be a member.

Acting members

10

3. (1) The Minister may, from time to time, appoint a person to act in the office of an appointed member during the illness or absence of the member, and the person, while so acting, shall have and may exercise all the functions of the member and shall be deemed to be a member.

15

(2) The Minister may, from time to time, appoint an appointed member to act in the office of Chairperson or any member to act in the office of Deputy Chairperson during the illness or absence of the Chairperson or Deputy Chairperson, and the member, while so acting, shall have and may exercise all the functions of and shall be deemed to be the Chairperson or Deputy Chairperson.

20

(3) The Minister may remove any person from any office to which the person was appointed under subclause (1) or (2).

(4) A person while acting in the office of an appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

25

(5) For the purposes of this clause, a vacancy in the office of an appointed member, the Chairperson or the Deputy Chairperson shall be deemed to be an absence from office.

30

(6) An official member may nominate another person to attend a meeting to represent the member, and, for the purposes of the meeting, the person shall have and may exercise all the functions of the member and shall be deemed to be a member.

Terms of office

35

4. Subject to this Schedule, an appointed member shall hold office for such period not exceeding 5 years as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Remuneration**

5 (1) A member (other than a member who is the chairman or an employee of a council, a public servant or the General Manager of the Electricity Commission) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

10 (2) A member who is the chairman of or a delegate to a council is entitled to be paid such remuneration (including travelling and subsistence allowances) in relation to the Electricity Council as the member is entitled to be paid when carrying out the duties of chairman of or a delegate to the council.

Filling of vacancy

6. If the office of any appointed member becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

Casual vacancies

15 7. (1) An appointed member, an official member nominated under section 5 (4) (b) or (c) or the member appointed as Deputy Chairperson shall be deemed to have vacated office if the member—

(a) dies;

20 (b) absents himself or herself from 4 consecutive meetings of the Electricity Council of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Minister for being absent from those meetings;

25 (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

30 (d) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983;

35 (e) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence that if committed in New South Wales would be an offence so punishable;

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(f) resigns the office by instrument in writing addressed to the Minister;

(g) reaches the age of 70 years; or

(h) is removed from office by the Minister under subclause (2).

(2) The Minister may remove an appointed member from office.

5 **Effect of certain other Acts**

8. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a member and a member is not, as a member, subject to that Act.

(2) If by or under any other Act provision is made—

10 (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or

(b) prohibiting the person from engaging in employment outside the duties of that office,

15 that provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

(3) The office of an appointed member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Liability of members etc.

20 9. No matter or thing done by the Electricity Council, any member or any person acting under the direction of the Electricity Council shall, if the matter or thing was done in good faith for the purpose of executing this Act, subject a member or a person so acting personally to any action, liability, claim or demand.

25 **SCHEDULE 2**

(Sec. 5 (7))

**PROVISIONS RELATING TO THE PROCEDURE OF THE ELECTRICITY
COUNCIL OF NEW SOUTH WALES****General procedure**

30 1. The procedure for the calling of meetings of the Electricity Council and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Chairperson of the Council.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Quorum**

2. The quorum for a meeting of the Electricity Council is 8 members, of whom one must be the Chairperson or Deputy Chairperson.

Presiding member

5 3. The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson shall preside at a meeting of the Electricity Council.

Decisions

4. Decisions of the Electricity Council shall be made in the manner determined by the Council or as prescribed.

10 **Minutes**

5. The Electricity Council shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Council.

First meeting

15 6. The Minister shall call the first meeting of the Electricity Council in such manner as the Minister thinks fit.

SCHEDULE 3

(Sec. 6 (8))

PROVISIONS RELATING TO THE MEMBERS OF ELECTRICITY AREA
BOARDS20 **Application of Schedule**

1. This Schedule applies to the members of an Area Board.

Remuneration

25 2. A member (other than a member who is an employee of a constituent electricity council) is entitled to be paid such remuneration (including travelling and subsistence allowances) in relation to the Area Board as the member is entitled to be paid when carrying out the duties of a member of a council.

Filling of vacancy

3. If the office of a member becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Casual vacancies**

4. (1) A member shall be deemed to have vacated office if the member—

(a) dies;

5 (b) absents himself or herself from 4 consecutive meetings of the Area Board of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Board or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Board for being absent from those meetings;

10 (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

15 (d) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983;

20 (e) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence that if committed in New South Wales would be an offence so punishable;

(f) resigns the office by instrument in writing addressed to the constituent electricity councils;

(g) reaches the age of 70 years;

25 (h) ceases to be a member or an employee of a constituent electricity council; or

(i) is removed from office by the constituent electricity councils under subclause (2).

(2) The constituent electricity councils may remove a member from office.

Effect of certain other Acts

30 5. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a member and a member is not, as a member, subject to that Act.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) If by or under any other Act provision is made—

(a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or

(b) prohibiting the person from engaging in employment outside the duties of that office,

that provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

(3) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Liability of members etc.

6. No matter or thing done by an Area Board, any member or any person acting under the direction of the Board shall, if the matter or thing was done in good faith for the purpose of executing this Act, subject a member or a person so acting personally to any action, liability, claim or demand.

SCHEDULE 4

(Sec. 6 (9))

PROVISIONS RELATING TO THE PROCEDURE OF ELECTRICITY
AREA BOARDS**General procedure**

1. The procedure for the calling of meetings of an Area Board and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Board.

Presiding member

2. A member elected to chair the meeting by the members present shall preside at a meeting of an Area Board.

Decisions

3. Decisions of an Area Board shall be made in the manner determined by the Board or as prescribed.

Minutes

4. An Area Board shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Board.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***First meeting**

5. The constituent electricity councils shall call the first meeting of an Area Board in such manner as the constituent electricity councils think fit.

SCHEDULE 5

5

(Sec. 7F (1))

AREAS WHICH CONSTITUTE THE SYDNEY

COUNTY DISTRICT

	City of Sydney	Leichhardt
	Ashfield	Manly
10	Auburn	Marrickville
	Bankstown	Mosman
	Botany	North Sydney
	Burwood	Randwick
	Canterbury	Rockdale
15	Concord	Ryde
	Drummoyne	Strathfield
	Gosford	Sutherland
	Hornsby	Warringah
	Hunter's Hill	Waverley
20	Hurstville	Willoughby
	Kogarah	Woollahra
	Ku-ring-gai	Wyong
	Lane Cove	

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

SCHEDULE 6

(Sec. 7F (2))

DELEGATES TO THE SYDNEY COUNTY COUNCIL

	Constituency	Area	Number to be elected
5	First	City of Sydney ...	1
	Second	Ashfield	2
		Auburn	
10		Bankstown	
		Burwood	
		Canterbury	
		Concord	
		Drummoyne	
		Strathfield	
15	Third	Randwick	2
		Sutherland	
		Waverley	
		Woollahra	
20	Fourth	Hornsby	2
		Hunter's Hill	
		Ku-ring-gai	
		Lane Cove	
		Mosman	
25		North Sydney ...	
		Ryde	
		Willoughby	
	Fifth	Botany	2
		Leichhardt	
		Marrickville	
30	Sixth	Hurstville	3
		Kogarah	
		Rockdale	
	Seventh	Manly	2
		Warringah	
35	Eighth	Gosford	2
		Wyong	

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

SCHEDULE 7

(Sec. 7J (1))

GENERAL MANAGERS AND ASSISTANT GENERAL MANAGERS

Remuneration

- 5 1. (1) The salary and allowances of a general manager or assistant general manager shall be as determined by an award under the Industrial Arbitration Act 1940 and not otherwise.
- (2) Subclause (1) does not apply where the salary or allowances are determined by or under another Act or law (but not by an agreement under that Act).

10 **Casual vacancies**

2. (1) A general manager or an assistant general manager shall be deemed to have vacated office if the general manager or assistant general manager—
- (a) dies;
- 15 (b) absents himself or herself from duty for 14 days (whether or not wholly or partly consecutive) in any period of 12 months, except on leave granted by the council or unless the absence is occasioned by illness or other unavoidable cause;
- 20 (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (d) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983;
- 25 (e) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence that if committed in New South Wales would be an offence so punishable;
- 30 (f) engages in any paid employment outside the duties of the office of general manager or assistant general manager, except with the consent of the council;
- (g) resigns the office by instrument in writing addressed to the council; or
- (h) is removed from office by the Governor under subclause (2).

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) The Governor may remove a general manager or an assistant general manager from office for incapacity, incompetence or misbehaviour.

Acting general manager

5 3. (1) An assistant general manager may, from time to time, be appointed by a council to act in the office of the general manager appointed under this Act during the illness or absence of the general manager, and that person, while so acting, shall have and may exercise all the functions of the general manager and shall be deemed to be the general manager.

10 (2) A person while acting in the office of a general manager is entitled to be paid such additional remuneration as the council may, from time to time, determine in respect of the person, but the total remuneration paid to such a person shall not exceed the remuneration payable to a general manager.

(3) For the purposes of this clause, a vacancy in the office of a general manager shall be deemed to be an absence from office of the general manager.

15

SCHEDULE 2

(Sec. 4)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

(1) Long title—

20 Omit “the Energy Authority of New South Wales”, insert instead “the Energy Corporation of New South Wales”.

(2) Section 1 (**Short title and commencement**)—

Section 1 (1)—

Omit the subsection, insert instead:

(1) This Act may be cited as the “Electricity Act 1945”.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued(3) Section 4 (**Interpretation**)—

(a) Section 4 (1), paragraph (c) of the definition of “Apprentice”—

Omit the paragraph, insert instead:

5 (c) employed as a probationer within the meaning of the
Apprenticeship Act 1981,

(b) Section 4 (1), definition of “Authority”—

Omit the definition.

(c) Section 4 (1), definition of “Corporation”—

After the definition of “Cathodic protection system”, insert:

10 “Corporation” means the Energy Corporation of New South
Wales constituted under the Energy Administration Act 1987.

(d) Section 4 (1), definition of “Council”—

Omit the definition, insert instead:

15 “Council” has the same meaning as in the Local Government
Act 1919, and includes a county council constituted under
that Act.

(e) Section 4 (1), definition of “Director”—

After the definition of “Council”, insert:

“Director” means the Director of the Department of Energy.

20 (f) Section 4 (1), definition of “Electricity Development Fund”—

Omit the definition of “Electricity Development Account”, insert
instead:

“Electricity Development Fund” means the fund established
under section 15.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (g) Section 4 (1), definition of “Industrial Development Assistance Fund”—

After the definition of “Electricity supply authority”, insert:

“Industrial Development Assistance Fund” means the fund established under section 19.

- (4) Part III, heading—

Omit the heading, insert instead:

PART III

THE CORPORATION

- (5) Section 9—

Omit the section, insert instead:

Powers of Corporation relating to the generation and supply of electricity

9. (1) In addition to any function of the Corporation under the Energy Administration Act 1987, the Corporation may—

- (a) promote and regulate the co-ordination, development, expansion, extension and improvement of electricity supply throughout the State, and without limiting the generality of the foregoing function, promote and regulate—

- (i) the interconnection of power stations;
- (ii) the interchange of electricity between power stations;
- (iii) the erection, extension or alteration of power stations;
- (iv) the installation and renewal of generating units and plant in power stations;
- (v) the erection and extension of transmission lines;
- (vi) the extension and improvement of electricity supply to and within rural districts; and

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (vii) the adoption of standards of plant, equipment, frequency and voltage for the generation, transmission, distribution and supply of electricity;
- 5 (b) promote and encourage the safety of persons and property in relation to electricity, and without limiting the generality of that function, promote and encourage the safety of persons and property in relation to—
- 10 (i) the installation, maintenance and use of electric lines, works, electrical installations and cathodic protection systems; and
- (ii) the sale or hire of electrical articles;
- (c) without limiting the generality of paragraph (b), issue or publish public statements or warnings relating to—
- 15 (i) electrical articles, electrical installations or cathodic protection systems which, in the opinion of the Corporation are, or are potentially, unsafe; and
- (ii) safety in relation to electricity generally;
- 20 (d) promote and encourage the development and use of the natural resources of the State in connection with the generation of electricity;
- (e) promote and encourage the use of electricity, especially its use for industrial and manufacturing purposes and for the purpose of primary production;
- 25 (f) promote the installation, extension and improvement of the lighting of public roads, and, without limiting the generality of that function, to exercise the functions conferred by Part IVA on the Corporation in relation to the installation, extension and improvement of the lighting of traffic routes;

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (g) advise any person engaged in the generation, transmission, distribution or supply of electricity on all matters of and concerning such generation, transmission, distribution and supply;
- 5 (h) consider the advisability of amending the law relating to the generation, transmission, distribution, supply and use of electricity, and report on that to the Minister; and
- (i) do such other acts as may be necessary or expedient for those purposes.
- 10 (2) Where by or under any other Act the approval of the Governor is required to be given to any proposal relating to electricity or to the generation, transmission, distribution or supply of electricity, approval shall not be given unless and until
15 the proposal has been referred to the Corporation for consideration and report.
- (6) Section 10 (**Inquiries and investigations**)—
Omit the section.
- (7) Section 11 (**Corporation to formulate proposals relating to electricity**)—
20 Omit “Authority” wherever occurring, insert instead “Corporation”.
- (8) Section 12 (**Constitution of county districts**)—
(a) Section 12 (1)—
Omit “Authority”, insert instead “Corporation”.
- (b) Section 12 (1) (a), (2)—
25 Omit “powers and duties” wherever occurring, insert instead “functions”.
- (c) Section 12 (3)—
Omit the subsection.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued(9) Section 13 (**Authority may grant subsidies**)—

Omit the section.

(10) Section 13A (**Corporation may direct supply authority as to charges for and terms of supply**)—

5 (a) Section 13A (1)—

Omit “Authority”, insert instead “Corporation”.

(b) Section 13A (1) (b)—

Omit “or”.

(c) Section 13A (1) (b1)—

10 After section 13A (1) (b), insert:

(b1) to adopt specified charges for electricity supplied by it; or

(d) Section 13A (6) (a)—

Omit “3 months”, insert instead “12 months”.

15 (11) Section 13B (**Electricity supply authority to notify Corporation of certain matters**)—

(a) Section 13B (1)—

Omit “before”, insert instead “when”.

(b) Section 13B (1) (b)—

Omit “or”.

20 (c) Section 13B (1) (b1)—

After section 13B (1) (b), insert:

(b1) the charges for electricity specified by it; or

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(d) Section 13B (1)—

Omit “it shall notify the Authority in writing of the terms of the proposed variation”, insert instead “it shall, within 7 days after the date of the resolution bringing about the variation (but not less than 14 days before the variation takes effect), or, if there is no resolution, within 7 days after the variation takes effect, notify the Corporation in writing of the terms of the variation”.

(e) Section 13B (1A)—

Omit the subsection.

10 (12) Section 13C (**Payment of subsidies for reductions in charges out of Electricity Development Account**)—

Omit the section.

(13) Section 14—

Omit the section, insert instead:

15 **Corporation may fix charges for bulk electricity etc.**

14. (1) Notwithstanding any other Act, the Corporation, with the approval of the Minister, may from time to time by notification published in the Gazette direct one or more electricity councils—

20 (a) to charge for electricity supplied in bulk or by way of interchange on a specified form and basis;

(b) to adopt a specified method in fixing charges for such electricity;

(c) to adopt specified charges for such electricity; or

25 (d) to supply such electricity on such terms and conditions as may be specified,

or to do any combination of those things.

(2) A direction given under subsection (1) may apply differently to different electricity councils.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(3) An electricity council shall comply with a direction given to it under subsection (1).

(4) An electricity council which contravenes this section is guilty of an offence and liable to a penalty not exceeding \$200.

5 (5) In addition to any penalty imposed under subsection (4)—

(a) a court may order the defendant to refund to any consumer any money paid by the consumer in excess of the lawful charge; and

10 (b) proceedings may be taken in relation to such an order as if it were a judgment of the court in favour of the consumer.

(14) Section 14A—

Omit the section, insert instead:

Application of Part to Electricity Commission

15 14A. (1) Except as provided by subsection (2), nothing in this Part limits or otherwise affects the functions of the Electricity Commission.

20 (2) The Corporation may, in relation to the Electricity Commission, exercise the functions referred to in section 9 (1) (a) (vii) and (b).

(15) Section 14AAA (**Corporation empowered to effect or arrange insurance policies on behalf of electricity supply authorities**)—

(a) Section 14AAA—

25 Omit “Authority” wherever occurring, insert instead “Corporation”.

(b) Section 14AAA (1)—

After “enter into”, insert “or arrange for the authorities to enter into”.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(c) Section 14AAA (3)—

Omit “power to enter into an insurance policy”, insert instead “Corporation’s powers”.

(d) Section 14AAA (3)—

5 Omit “the policy”, insert instead “the relevant policy”.

(e) Section 14AAA (4)—

After “entering into”, insert “or arranging for the authorities to enter into”.

(f) Section 14AAA (6)—

10 Omit the subsection, insert instead:

(6) An electricity supply authority shall enter into an insurance policy in accordance with an arrangement made by the Corporation under this section when directed to do so by the Minister.

15 (16) Section 14AAB (**Variation etc. of policy of insurance**)—

(a) Omit “Authority”, insert instead “Corporation”.

(b) After “entered into”, insert “or arranged”.

(c) After “enter into”, insert “or arrange for the authorities to enter into”.

20 (d) After “surrender”, insert “or arrange for the authorities to surrender”.

(e) Section 14AAB (2)—

At the end of section 14AAB, insert:

25 (2) An electricity supply authority shall enter into an agreement to vary an insurance policy in accordance with an arrangement made by the Corporation under this section or surrender a policy when directed to do so by the Minister.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued(17) Section 14AAC (**Payment of premiums etc.**)—

(a) Section 14AAC (1)—

Omit “Authority” wherever occurring, insert instead
“Corporation”.

5 (b) Section 14AAC (1)—

After “enters into”, insert “or arranges for electricity supply
authorities to enter into”.

(c) Section 14AAC (2)—

10 Omit “Electricity Development Account”, insert instead
“Electricity Development Fund”.

(18) Section 14AAD (**Power of Minister to require electricity supply authority to contribute towards premium or additional premium paid under section 14AAC**)—

(a) Section 14AAD (1)—

15 After “entering into” wherever occurring, insert “or arranging for
electricity supply authorities to enter into”.

(b) Section 14AAD (1), (2)—

Omit “Authority” wherever occurring, insert instead
“Corporation”.

20 (c) Section 14AAD (1), (3)—

After “payable” wherever occurring, insert “or paid”.

(d) Section 14AAD (2)—

After “entered into”, insert “or arranged for electricity supply
authorities to enter into”.

25 (e) Section 14AAD (2)—

After “to be incurred”, insert “or incurred”.

Electricity Development (Amendment) 1987

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(f) Section 14AAD (6)—

Omit “Electricity Development Account”, insert instead
“Electricity Development Fund”.

(19) Section 14AA (**Interpretation**)—

Section 14AA (1), definition of “approved”—

Omit the definition, insert instead:

“approved” means approved by the Director;

(20) Section 14C (**Amount of rebate**)—

Section 14C (6)—

Omit the subsection.

(21) Section 14F (**Payment of subsidies for pensioner rebates out of Electricity Development Fund**)—

(a) Section 14F—

Omit “Authority” wherever occurring, insert instead
“Corporation”.

(b) Section 14F (1)—

Omit “Electricity Development Account”, insert instead
“Electricity Development Fund”.

(22) Section 14N (**Application of Part IIIc**)—

Section 14N (6)—

Omit “powers, authorities, duties and”.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(23) Part IV—

Omit the Part, insert instead:

PART IV

FINANCE

5 **Electricity Development Fund**

15. (1) There shall be established in the Special Deposits Account in the Treasury an Electricity Development Fund.

(2) There shall be paid into the Fund—

- 10 (a) by each electricity council and the Commission—such contributions as may be directed, from time to time, in respect of each of them by the Minister on the recommendation of the Corporation;
- 15 (b) any money provided by Parliament for electricity purposes (including money for subsidies under this Act);
- (c) by the Corporation—such contributions as may be directed, from time to time, by the Minister;
- (d) any money held in the Electricity Development Account before the commencement of this Act;
- (e) income accruing to the Fund; and
- 20 (f) contributions made under section 7D or funds transferred pursuant to section 19AA.

(3) The Fund shall, subject to this Act, be under the direction, control and management of the Corporation.

25 (4) Particulars of payments into and out of the Fund shall be set out in the annual report of the Department of Energy.

(5) Nothing in subsection (4) affects the requirements of the Public Finance and Audit Act 1983, the Annual Reports (Statutory Bodies) Act 1984 or the Annual Reports (Departments) Act 1985.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
*continued***Application of Electricity Development Fund**

16. (1) There may be paid out of the Electricity Development Fund—

5 (a) grants, subsidies or loans to electricity councils of such amounts as may be directed, from time to time, by the Minister on the recommendation of the Corporation, for the purposes of—

(i) reducing the charges made by electricity councils; or

10 (ii) meeting (wholly or partly) the cost to electricity councils of the erection, construction, carrying out or maintenance of any works for the supply of electricity which may be lawfully erected, constructed or carried out by a council, and any costs incurred in connection with that erection, construction, carrying out or maintenance;

15 (b) amounts to electricity councils in accordance with section 7D;

20 (c) such other amounts to electricity councils, the Electricity Commission and the Corporation as may be directed, from time to time, by the Minister; and

(d) amounts for other purposes authorised by or under this or any other Act.

(2) The approval of the Governor of a grant, subsidy or loan under this section to an electricity council is not necessary.

Contributions to the State Energy Research and Development Fund

25 17. (1) There shall be paid out of the Electricity Development Fund into the State Energy Research and Development Fund established under section 133 of the Gas Act 1986, not later than
30 12 months after the end of each financial year of the Corporation, an amount equal to 0.125 per cent of the value of the gross retail sales of electricity of the electricity industry in that year.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(2) For the purposes of subsection (1), the value of the gross retail sales of electricity of the electricity industry shall be the value determined by the Corporation.

Agreements as to grants, subsidies etc.

5 18. (1) Before making a grant, subsidy or loan under section 16 to an electricity council, the Corporation may require the electricity council to enter into an agreement with the Corporation to secure the carrying out of—

- (a) the purposes for which; and
- 10 (b) the terms and conditions (if any) on and subject to which, the grant, loan or subsidy is made and, in the case of a loan, the payment of interest on the loan.

(2) An electricity council may borrow and enter into any agreement for the purposes of this Part.

15 **Industrial Development Assistance Fund**

19. (1) There shall be established in the Special Deposits Account in the Treasury an Industrial Development Assistance Fund.

(2) There shall be paid into the Fund—

- 20 (a) by each electricity council and the Commission—such contributions as may be directed, from time to time, in respect of each of them by the Minister on the recommendation of the Corporation;
- 25 (b) income accruing from the investment or re-investment of money under section 19AA (including dividends and other amounts payable as a result of the acquisition of shares under section 19AA (a)), or otherwise accruing to the Fund; and
- (c) contributions made under section 7D (2).

30 (3) The Fund shall, subject to this Part, be under the direction, control and management of the Corporation.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(4) Particulars of payments into and out of the Fund shall be set out in the annual report of the Department of Energy.

(5) Nothing in subsection (4) affects the requirements of the Public Finance and Audit Act 1983, the Annual Reports (Statutory Bodies) Act 1984 or the Annual Reports (Departments) Act 1985.

Application of Industrial Development Assistance Fund

19AA. There may be paid out of the Industrial Development Assistance Fund—

- 10 (a) amounts for the acquisition of shares by the Corporation in the capital of the New South Wales Investment Corporation;
- (b) such amounts for grants or subsidies for industrial development projects as may be directed, from time to time, by the Minister;
- 15 (c) such amounts for investment in industrial development projects as may be directed, from time to time, by the Minister;
- (d) amounts to electricity councils in accordance with section 7D; and
- 20 (e) such amounts for transfer to the Electricity Development Fund as may be directed, from time to time, by the Minister.

Contributions by electricity councils and Commission

25 19AB. (1) Electricity councils and the Electricity Commission shall make contributions to the Electricity Development Fund and the Industrial Development Assistance Fund when directed to do so by the Minister, notwithstanding the provisions of any other Act or instrument.

30 (2) The Corporation shall make contributions to the Electricity Development Fund when directed to do so by the Minister, notwithstanding the provisions of any other Act or instrument.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued(24) Section 19A (**Interpretation**)—

Definition of “Traffic route”—

- (a) Omit “Main Roads Act 1924”, insert instead “State Roads Act 1986”.
- 5 (b) Omit “Authority” wherever occurring, insert instead “Director”.

(25) Section 19B (**Traffic Route Lighting Subsidy Account**)—

Section 19B (2)—

- 10 Omit “and the provisions of section 16 (2) shall apply, mutatis mutandis, to and in respect of that Account”.

(26) Section 19C (**Payments to Traffic Route Lighting Subsidy Account**)—

(a) Section 19C (1)—

Omit the subsection, insert instead:

- 15 (1) In the period of 12 months commencing on 1 July next succeeding the commencement of the Electricity Development (Amendment) Act 1987 and in each period of 12 months thereafter—

20 (a) the Corporation shall pay to the Treasurer from the Electricity Development Fund for payment into the Traffic Route Lighting Subsidy Account an amount equal to 75 per cent; and

(b) the Commissioner for Main Roads shall pay to the Treasurer for payment into the Traffic Route Lighting Subsidy Account an amount equal to 25 per cent,

- 25 of the amount of subsidies which the Minister with the concurrence of the Treasurer estimates will be granted to councils under sections 19D and 19H in that period of 12 months.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(b) Section 19C (5)—

Omit section 19C (5) and (6), insert instead:

(5) The Commissioner for Main Roads may make the whole or any part of a payment required by subsection (1) (b) out of—

- 5 (a) the Metropolitan Roads Fund or the Country Roads Fund established under the State Roads Act 1986; or
- (b) any other fund which may be utilised for the improvement or maintenance of traffic routes under that Act.

(27) Section 19D (**Payments of subsidies out of Account**)—

- 10 Omit “Authority” wherever occurring, insert instead “Corporation”.

(28) Section 19E (**Contribution towards subsidy by electricity supply authorities**)—

Section 19E (1)—

- 15 Omit “Authority”, insert instead “Corporation”.

(29) Section 19G (**Director may direct council to remove structure**)—

Section 19G (1)—

Omit “Authority” wherever occurring, insert instead “Director”.

(30) Section 19H (**Payments of subsidies for removal etc. of electricity structures out of Traffic Route Lighting Subsidy Account**)—

- 20 Omit “Authority” wherever occurring, insert instead “Corporation”.

(31) Section 20 (**Interpretation**)—

Section 20 (1), definition of “type specification”—

- 25 Omit “Authority”, insert instead “Director”.

(32) Section 21A (**Sale of certain electrical articles**)—

Omit “Authority” wherever occurring, insert instead “Director”.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (33) Section 21B (**Preliminary application**)—
Omit “Authority” wherever occurring, insert instead “Director”.
- (34) Section 21C (**Approval of type of electrical article**)—
 (a) Section 21C—
 5 Omit “Authority” wherever occurring, insert instead “Director”.
 (b) Section 21C (4), (5), (8)—
 Omit “it shall” wherever occurring, insert instead “the Director shall”.
 (c) Section 21C (5)—
 10 Omit “it has”, insert instead “the Director has”.
- (35) Section 21E (**Defective electrical articles**)—
Omit “Authority” wherever occurring, insert instead “Director”.
- (36) Section 21F (**Powers of authorised persons**)—
 (a) Section 21F—
 15 Omit “Authority” wherever occurring, insert instead “Director”.
 (b) Section 21F (2) (h)—
 Omit “powers, authorities, duties or”.
 (c) Section 21F (6) (a)—
 20 Omit “or performing any power, authority, duty or”, insert instead
 “any”.
 (d) Section 21F (6) (b)—
 Omit “or performance of any such power, authority, duty or”,
 insert instead “of any such”.
 (e) Section 21F (11) (a)—
 25 Omit “its opinion”, insert instead “the Director’s opinion”.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (f) Section 21F (11) (b)—
Omit “it”, insert instead “the Director”.
- (g) Section 21F (13)—
Omit “power”, insert instead “function”.
- 5 (37) Section 21G (**Forfeiture of certain electrical articles**)—
- (a) Section 21G (1)—
Omit the subsection, insert instead:
(1) If the Director determines that an electrical article seized under section 21F (2) (d) is unsafe, the Director may apply, in the prescribed manner, to a Local Court constituted by a Magistrate sitting alone for forfeiture of the electrical article to the Crown.
- (b) Section 21G (3)—
Omit “Authority”, insert instead “Director”.
- (38) Section 21H (**Evidentiary provisions**)—
- 15 Omit “Authority”, insert instead “Department of Energy”.
- (39) Section 21J (**Protection of authorised persons etc.**)—
Omit “Authority”, insert instead “Director”.
- (40) Section 21K (**Disclosure of information**)—
- (a) Section 21K (3)—
- 20 Omit “An officer or employee of the Authority may, with the consent of the Authority”, insert instead “An officer or employee of the Department of Energy may, with the consent of the Director”.
- (b) Section 21K (3)—
- 25 Omit “or performance of the powers, authorities, duties or”, insert instead “of the”.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued(41) Section 25 (**Power of entry**)—

(a) Section 25—

Omit “Authority” wherever occurring, insert instead “Director”.

(b) Section 25 (1)—

5 Omit “council”, insert instead “electricity council”.

(42) Section 26 (**Safety**)—

(a) Section 26 (1), (3)—

Omit “Authority” wherever occurring, insert instead “Director”.

(b) Section 26 (2)—

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

(43) Part VI—

Omit the Part, insert instead:

PART VI

15 RESTRICTIONS ON WORKS, AGREEMENTS AND
TRADING UNDERTAKINGS**Restrictions on trading undertakings and supply of electricity**

27. (1) A council shall not—

20 (a) establish or acquire a trading undertaking for the supply of electricity;

(b) extend any such trading undertaking into the area of any other council; or

(c) grant or renew permission to supply electricity to the public within its area,

25 except with the approval of the Corporation and on such terms and stipulations as may be specified in the approval.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(2) An electricity supply authority (other than the Electricity Commission) shall not enter into an agreement to—

(a) supply or take a supply of electricity in bulk to or from any person; or

5 (b) supply electricity by way of interchange with another electricity supply authority (other than the Electricity Commission),

10 except with the approval of the Corporation and on such terms and stipulations as may be specified in the approval or in the regulations.

Restrictions on certain works

15 27AA. (1) A person shall not establish, erect or extend any power station or transmission line, except with the approval of the Corporation and on such terms and stipulations as may be specified in the approval or in the regulations.

(2) Subsection (1) does not apply to the Electricity Commission and, in respect of transmission lines, does not apply to electricity councils.

(3) In this section—

20 “extend”, in relation to a power station, means install, replace or renew generating units or plant in the power station.

Approvals

25 27AB. An approval given by the Corporation under this Part may specify—

(a) the period for which it is valid; and

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(b) in the case of an approval given under section 27 (1) (c), a time within which the council's permission shall be acted on,

5 and the approval or permission shall lapse if it is not substantially acted on within any specified period or within such extended period as the Corporation may, from time to time, approve in writing.

Offences

10 27AC. (1) A person shall not use or operate a power station or transmission line established, erected or extended in contravention of this Part.

Penalty: \$100 for each day during which the offence continues.

15 (2) A person (other than a council or the Electricity Commission) shall not supply electricity to the public, except with the permission of the relevant council and in accordance with an approval of the Corporation and any relevant regulations under section 27.

Penalty: \$100 for each day during which the offence continues.

20 (3) A council shall not—

(a) conduct a trading undertaking for the supply of electricity that is established, acquired or extended in contravention of this Part; or

25 (b) supply or take a supply of electricity in bulk to or from another person or by way of interchange with another electricity supply authority, except in accordance with an approval of the Corporation and any relevant regulations under section 27.

Penalty: \$100 for each day during which the offence continues.

30 (4) A person who contravenes this Part is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000 (in addition to any other penalty applicable under this Part).

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued(44) Section 27B (**Offence to impose charges for the resupply of electricity in certain cases**)—

(a) Section 27B (1A), (1B)—

After section 27B (1), insert:

5 (1A) A person to whom this Part applies and who resupplies to another person electricity originally supplied by an electricity supply authority shall—

(a) make such records relating to that resupply; and

(b) keep those records for such period,

10 as may be prescribed.

(1B) The regulations may provide for the furnishing of copies of records made under subsection (1A) to a person who is resupplied with electricity.

(b) Section 27B (2)—

15 Omit “Subsection (1) does”, insert instead “Subsections (1) and (1A) do”.

(c) Section 27B (3)—

Omit “subsection (1) (a) or (b)”, insert instead “subsection (1) (a) or (b) or (1A)”.

20 (45) Section 28 (**Certain provisions not to apply**)—

Omit the section.

(46) Section 28A (**Electricity supply authorities—personal liability of members etc.**)—

(a) Section 28A (1)—

25 After “authority” where secondly occurring, insert “, a general manager or assistant general manager of an electricity council that is a county council”.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(b) Section 28A (1)—

After “authority” where thirdly occurring, insert “or a general manager or assistant general manager of an electricity council that is a county council”.

5 (47) Section 33A (Evidence)—

Omit “chairman and general manager of the Authority or a prescribed officer of the Authority”, insert instead “Director or a prescribed officer of the Department of Energy”.

(48) Section 37 (Regulations)—

10 (a) Section 37 (2) (a1)–(a3)—

Omit section 37 (2) (a1), insert instead:

(a1) the policies, procedures and practices of electricity councils with respect to customers;

15 (a2) the accounting and budgetary practices and procedures of electricity councils;

(a3) the installation and operation of cathodic protection systems;

(b) Section 37 (2) (k1)—

Omit “Authority”, insert instead “Corporation”.

20 (c) Section 37 (2) (m)—

Before “information”, insert “reports,”.

(d) Section 37 (2) (n)—

Omit “a consumer’s”, insert instead “an”.

(e) Section 37 (2) (n)—

25 After “installation”, insert “(whether or not it is a consumer’s installation)”.

(f) Section 37 (2) (o)—

Omit “Authority” wherever occurring, insert instead “Director”.

Electricity Development (Amendment) 1987

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(g) Section 37 (2) (bb)—

Omit “and”.

(h) Section 37 (2) (dd)–(gg)—

After section 37 (2) (cc), insert:

5 (dd) prescribing standards for electrical installations and other
equipment used for or in connection with the generation
or supply of electricity (other than by the Electricity
Commission) and for materials used in the manufacture of
10 such equipment, and the adoption of engineering standards
for such installations, equipment and materials;

(ee) the methods to be adopted by electricity councils in
estimating future demand for the supply of electricity;

15 (ff) the conditions of supply of electricity and electrical
articles, installations and apparatus by electricity councils;
and

(gg) agreements by electricity supply authorities (other than the
Electricity Commission or electricity councils) for the
generation or supply of electricity.

(i) Section 37 (2A) (a)—

20 Omit “Authority”, insert instead “Corporation”.

(j) Section 37 (5)—

After section 37 (4), insert:

25 (5) A regulation shall, to the extent to which it is inconsistent
with the provisions of any ordinance made under the Local
Government Act 1919, prevail.

SCHEDULE 3

(Sec. 5)

AMENDMENT TO THE PUBLIC FINANCE AND AUDIT ACT 1983

Schedule 2 (Statutory Bodies)—

5 Insert, in appropriate alphabetical order:

- Central West County Council.
 Illawarra County Council.
 Macquarie County Council.
 Monaro County Council.
 10 Murray River County Council.
 Murrumbidgee County Council.
 Namoi Valley County Council.
 New England County Council.
 Northern Rivers County Council.
 15 North-west County Council.
 Ophir County Council.
 Peel-Cunningham County Council.
 Prospect County Council.
 Shortland County Council.
 20 Southern Mitchell County Council.
 Southern Tablelands County Council.
 South-west Slopes County Council.
 Tumut River County Council.
 Ulan County Council.

25

SCHEDULE 4

(Sec. 6)

PROVISIONS RELATING TO THE TRANSFER OF PART OF THE
PARRAMATTA AREA**Division of assets and liabilities etc.**

- 30 1. (1) The Prospect County Council and the Sydney County Council shall, as soon
 as practicable, arrange and agree on a division of the assets, debts and liabilities of the
 Sydney County Council in connection with that part of its functions relating to that part
 of the area of Parramatta that was, immediately before the commencement of this Act,
 included in the Sydney County District by virtue of the Electricity (Special Provisions)
 35 Act 1935.

Electricity Development (Amendment) 1987

SCHEDULE 4—*continued*

PROVISIONS RELATING TO THE TRANSFER OF PART OF THE
PARRAMATTA AREA—*continued*

(2) Until the day appointed under clause 2 for the transfer of that part of the area of Paramatta from the Sydney County District to the Prospect County District, the area which is to be so transferred shall be deemed to be included in the Sydney County District.

5 (3) In reaching an agreement under this clause, the Councils shall determine—

(a) what assets, if any, of the Sydney County Council are to be transferred to the Prospect County Council;

(b) what debts and liabilities, if any, of the Sydney County Council are to be transferred to the Prospect County Council;

10 (c) what books, documents, records and papers held by the Sydney County Council, being books, documents, records and papers which relate to the assets, debts and liabilities referred to in paragraphs (a) and (b), and which are necessary or expedient in order to enable the Prospect County Council to carry out its functions in relation to the area transferred, are to be handed over to the Prospect County Council;

15 (d) whether any assets of the Sydney County Council not transferred to the Prospect County Council by this Act shall be made available for use by the Prospect County Council and the terms and conditions of such use; and

20 (e) whether any assets of the Sydney County Council not transferred to the Prospect County Council by this Act shall be made available by the Sydney County Council for joint use with the Prospect County Council and the terms and conditions of such use.

25 (4) If the Prospect County Council and the Sydney County Council fail to agree on or to determine any matter which they are required to agree on or to determine by this clause, the matter shall be referred to the Minister by one or both of the Councils and shall be decided by the Minister.

(5) The Councils shall keep a record of any agreement or determination made under this clause and shall notify the Minister and the Minister administering the Local Government Act 1919 in writing of any agreement or determination.

30 **Transfer of part of Parramatta area from Sydney County Council**

2. (1) On and from a day to be appointed by the Governor and notified by proclamation published in the Gazette, that part of the area of Parramatta included or deemed to be included in the Sydney County District immediately before that day shall be transferred to the Prospect County District.

*Electricity Development (Amendment) 1987*SCHEDULE 4—*continued*PROVISIONS RELATING TO THE TRANSFER OF PART OF THE
PARRAMATTA AREA—*continued*

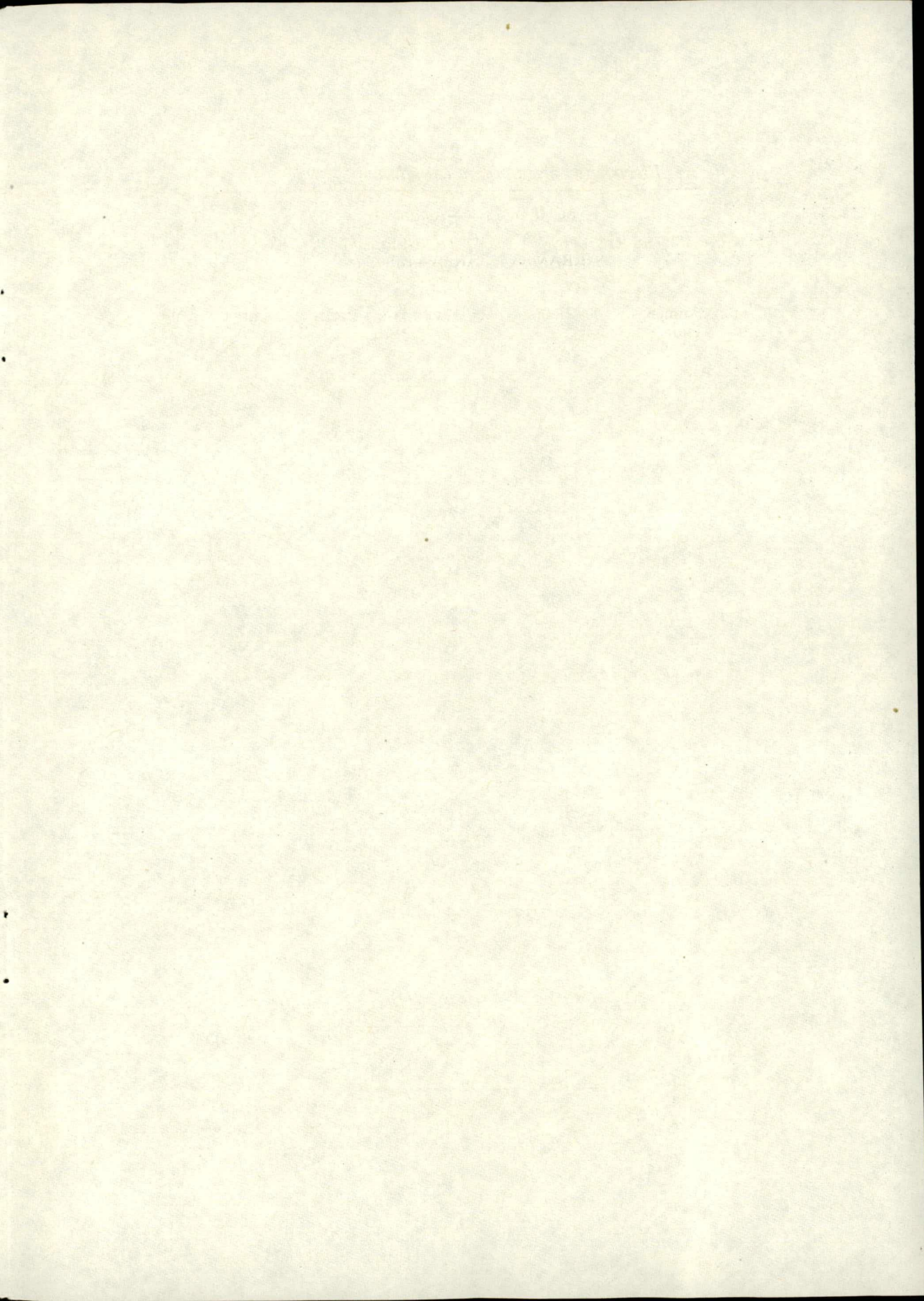
- (2) On and from the appointed day—
- 5 (a) all real and personal property (whether situated in New South Wales or elsewhere) and all rights and interests in that property and all management and control of any land or thing which, immediately before the appointed day, is vested in or belongs to the Sydney County Council and is held or used by it for or in connection with that part of its functions relating to the area transferred to the Prospect County Council, shall vest in and belong to the Prospect County Council;
- 10 (b) all money and claims in respect of money that, immediately before the appointed day are payable to or recoverable by the Sydney County Council for or in connection with that part of its functions relating to the area transferred to the Prospect County Council, shall become money and claims payable to or by or recoverable by or from the Prospect County Council;
- 15 (c) all legal proceedings brought by or against the Sydney County Council, and pending immediately before the appointed day, by or against the Sydney County Council in respect of any matter or claim for or in connection with that part of its functions relating to the area so transferred shall be deemed to be proceedings brought by or against the Prospect County Council;
- 20 (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Sydney County Council for or in connection with that part of its functions relating to the area so transferred, and in force immediately before the appointed day, shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Prospect County Council;
- 25 (e) the Prospect County Council 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 money and claims referred to in this subclause and for the prosecution of proceedings so referred to as the Sydney County Council might have done before that day;
- 30 (f) the Prospect County Council may enforce and realise any security or charge existing immediately before the appointed day in favour of the Sydney County Council, and may exercise any powers conferred on the Sydney County Council by the security or charge, as if the security or charge were a security or charge in favour of the Prospect County Council;
- 35 (g) all debts due and money payable by the Sydney County Council for or in connection with that part of its functions relating to the area so transferred and all claims, whether liquidated or unliquidated, recoverable against the Sydney County Council relating to those functions shall be debts due and money payable by and claims recoverable against the Prospect County Council; and

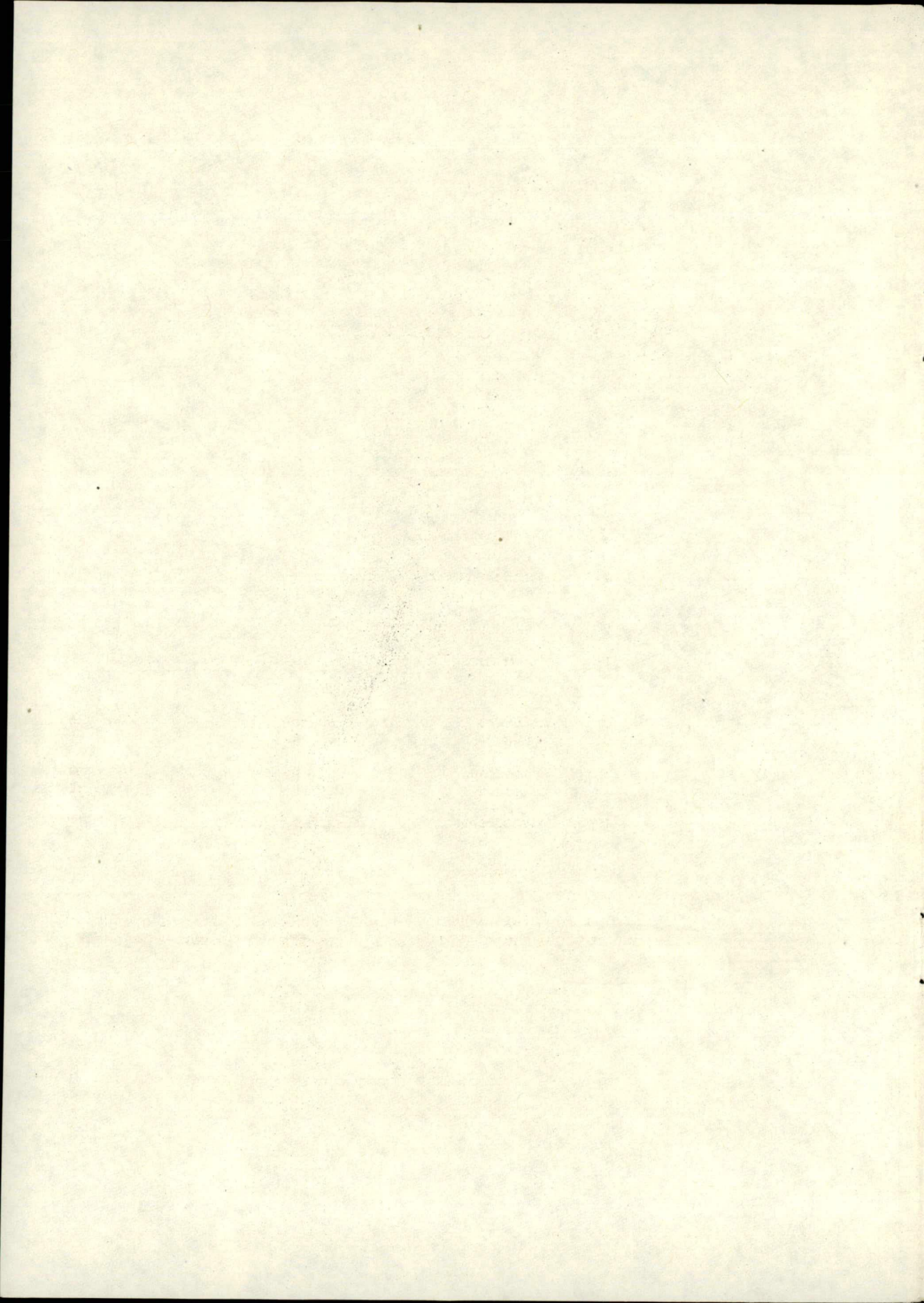
Electricity Development (Amendment) 1987

SCHEDULE 4—*continued*

PROVISIONS RELATING TO THE TRANSFER OF PART OF THE
PARRAMATTA AREA—*continued*

- (h) no attornment by a lessee of any land vested in the Prospect County Council by this section is necessary.





ELECTRICITY DEVELOPMENT (AMENDMENT) ACT 1987
No. 104

NEW SOUTH WALES



TABLE OF PROVISIONS

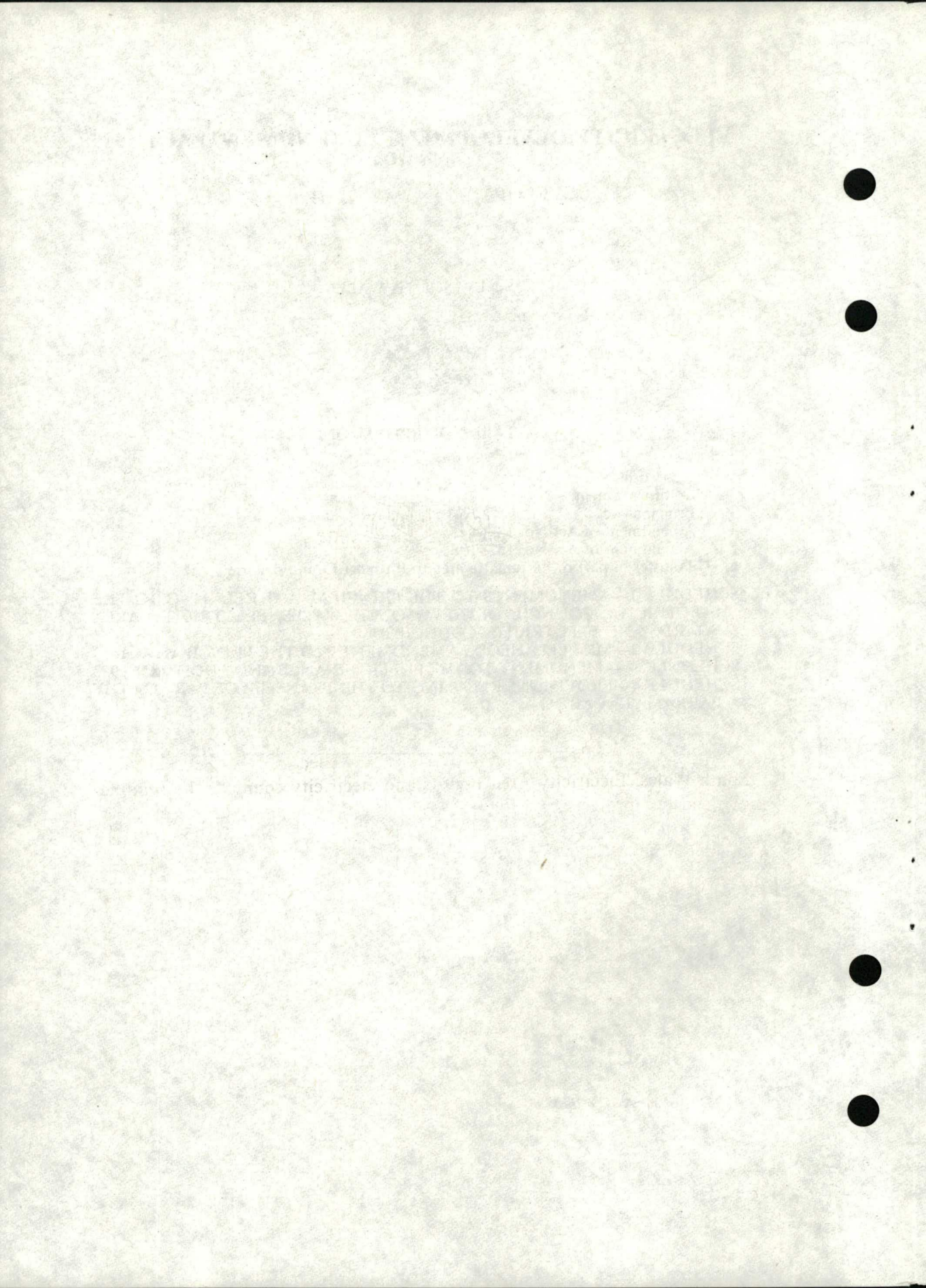
1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 13, 1946
5. Amendment of Act No. 152, 1983
6. Transfer of part of Parramatta area to Prospect County District

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
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BOARDS AND ELECTRICITY COUNCILS

SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

SCHEDULE 3—AMENDMENT TO THE PUBLIC FINANCE AND AUDIT ACT 1983

SCHEDULE 4—PROVISIONS RELATING TO THE TRANSFER OF PART OF THE
PARRAMATTA AREA



ELECTRICITY DEVELOPMENT (AMENDMENT) ACT 1987 No. 104

NEW SOUTH WALES



Act No. 104, 1987

An Act to amend the Electricity Development Act 1945 with respect to the Energy Corporation of New South Wales, the Electricity Council of New South Wales, Electricity Area Boards and electricity councils; the funding of electricity projects; and for other purposes. [Assented to 12 June 1987]

Electricity Development (Amendment) 1987

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 "Electricity Development (Amendment) Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Energy Administration Act 1987.

Principal Act

3. The Electricity Development Act 1945 is referred to in this Act as the Principal Act.

Amendment of Act No. 13, 1946

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Amendment of Act No. 152, 1983

5. The Public Finance and Audit Act 1983 is amended in the manner set forth in Schedule 3.

Transfer of part of Parramatta area to Prospect County District

6. Schedule 4 has effect with respect to that part of the area of Parramatta that was, immediately before the commencement of this Act, included in the Sydney County District by virtue of the Electricity (Special Provisions) Act 1935.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS(1) Section 4 (**Interpretation**)—

(a) Section 4 (1), definition of “Area Board”—

After the definition of “Apprentice”, insert:

“Area Board” means an Electricity Area Board constituted under section 6.

(b) Section 4 (1), definitions of “Electricity council”, “Electricity Council”—

After the definition of “Electricity Commission”, insert:

“Electricity council” means a council which is an electricity supply authority.

“Electricity Council”, when used in Parts II and IIA and Schedules 1 and 2, means the Electricity Council of New South Wales constituted under section 5.

(c) Section 4 (4)—

After section 4 (3), insert:

(4) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

Electricity Development (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) Parts II–IIB—

After Part I, insert:

PART II

ELECTRICITY COUNCIL OF NEW SOUTH WALES

Constitution of the Electricity Council

5. (1) There is constituted by this Act a body with the name of the “Electricity Council of New South Wales”.

(2) The Electricity Council shall have and may exercise the functions conferred or imposed on it by or under this Act.

(3) The Electricity Council shall consist of 15 part-time members, of whom 2 shall be appointed by the Minister and 13 shall be official members.

(4) The official members are—

- (a) the general managers, and the chairmen, of each of the following:
 - (i) Sydney County Council;
 - (ii) Prospect County Council;
 - (iii) Shortland County Council;
 - (iv) Illawarra County Council;
- (b) a person nominated by the Local Government Electricity Association of New South Wales;
- (c) a person nominated by the Labor Council of New South Wales;
- (d) the General Manager of the Electricity Commission of New South Wales;
- (e) the Secretary of the Department of Local Government; and

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(f) the Director of the Department of Energy,
or their nominees.

(5) A reference in subsection (4) to an officer includes a reference to a person duly acting in the office concerned.

(6) Schedule 1 has effect with respect to the members of the Electricity Council.

(7) Schedule 2 has effect with respect to the procedure of the Electricity Council.

Functions of the Electricity Council

5A. (1) The principal functions of the Electricity Council are to advise the Minister of the electricity supply industry's response to government policy and to consider, and furnish reports, advice and recommendations to the Minister on, the operation and development of the industry in New South Wales, with particular reference to—

- (a) the generation and distribution sectors of the industry;
- (b) capital works programs for those sectors;
- (c) charges;
- (d) financial targets;
- (e) the financial performance and efficiency of the industry as a whole; and
- (f) community expectations.

(2) The Electricity Council shall furnish periodic reports (with appropriate advice and recommendations) on the following matters relevant to the electricity supply industry:

- (a) charges for the bulk supply of electricity and other supply of electricity (on an annual basis);
- (b) capital works programs (on an annual basis);

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

- (c) industry loan programs (on an annual basis);
- (d) transfers of funds to and from the Electricity Development Fund (on an annual basis);
- (e) marketing initiatives;
- (f) energy management initiatives;
- (g) research;
- (h) load forecasting;
- (i) an industry corporate plan;
- (j) industry performance indicators;
- (k) industry insurance;
- (l) industry maintenance requirements;
- (m) progress in implementing government policy;
- (n) a report on the industry (on an annual basis);
- (o) such other matters as the Minister determines.

(3) Without affecting the generality of the above, the Electricity Council may consider, and furnish reports, advice and recommendations to the Minister on, the following matters relevant to the electricity supply industry:

- (a) standardisation of—
 - (i) equipment and construction and maintenance practices;
 - (ii) accounting practices;
 - (iii) financial and reporting practices; and
 - (iv) policies and practices concerning consumers;
- (b) centralised purchasing of equipment and stores;
- (c) transfer of subtransmission assets;

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(d) advertising programs;

(e) training activities.

(4) The Minister may require reports of the Electricity Council to be furnished on such matters, in such form, at such times and in respect of such periods as the Minister specifies.

(5) The Electricity Council shall prepare and submit to the Minister an annual report of its work and activities.

Staff and facilities

5B. (1) Such staff as may be necessary to enable the Electricity Council to exercise its functions shall be employed in accordance with section 9 of the Energy Administration Act 1987.

(2) The Director or the Corporation may, with the approval of the Minister, provide to the Electricity Council the services of any staff or facilities of the Department of Energy or the Corporation.

Committees

5C. (1) The Electricity Council may establish committees to assist it in connection with the exercise of any of its functions.

(2) It does not matter that any or all of the members of a committee are not members of the Electricity Council.

(3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall be as determined by the Electricity Council or (subject to any determination of the Electricity Council) by the committee.

Program and estimate

5D. (1) The Electricity Council shall each year determine its program for the next year commencing on 1 July and make an estimate of the financial and other resources that would be necessary to carry out the program.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) The program and estimate shall be submitted to the Minister, who may approve it with such omissions, additions and other changes as the Minister thinks fit.

(3) The Electricity Council shall, as far as practicable, exercise its functions in accordance with the approved program.

Information

5E. (1) For the purpose of assisting the Electricity Council to exercise its functions, the Council may require electricity supply authorities to provide it with such kinds of relevant information, in such form and within such times, as it requests.

(2) An electricity supply authority must provide the requested information in accordance with the request.

PART IIA**ELECTRICITY AREA BOARDS****Constitution of Area Boards**

6. (1) The Minister may, by order published in the Gazette, constitute one or more Electricity Area Boards in respect of specified electricity councils (other than the Sydney County Council, Prospect County Council, Shortland County Council and Illawarra County Council).

(2) An Area Board shall have and may exercise the functions conferred or imposed on it by or under this Act.

(3) The order constituting an Area Board shall specify the area for which the Board is constituted.

(4) As soon as practicable after an order constituting an Area Board is published, the constituent electricity councils shall determine the number of members of the Board and the manner of nominating the members.

Electricity Development (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(5) An Area Board shall consist of part-time members appointed by the constituent electricity councils.

(6) Members shall hold office for such periods as may be determined by the constituent electricity councils.

(7) The Minister may, by order published in the Gazette, abolish an Area Board.

(8) Schedule 3 has effect with respect to the members of an Area Board.

(9) Schedule 4 has effect with respect to the procedure of an Area Board.

Functions of an Area Board

6A. (1) The principal functions of an Area Board are—

(a) to provide a forum for—

(i) promoting co-operation between the constituent electricity councils in the exercise of their functions related to the supply of electricity;

(ii) discussing trends in the development and practices of the electricity distribution industry; and

(iii) promoting specialist expertise in particular fields;

(b) to facilitate liaison with other bodies and organisations; and

(c) to consider, and furnish reports, advice and recommendations to the Minister and the Electricity Council on, matters relevant to the electricity distribution industry in the Board's area.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) An Area Board shall consider and adopt programs for the following matters relevant to the electricity distribution industry in the Board's area:

- (a) information exchange (including data on forecasts, technical and financial statistics and proposed new strategies);
- (b) standardisation of design, construction and maintenance practices;
- (c) standardisation of policies (including policies on capital contributions and charge conditions);
- (d) resource and staff sharing, including pooling of emergency back-up resources;
- (e) co-ordination of training activities;
- (f) preparation of consolidated representations on policy and other matters to the Minister, the Electricity Council and the Corporation;
- (g) co-ordination within the Board's area of the implementation of statewide initiatives;
- (h) co-ordination or combining of market research and marketing activities.

(3) The Minister or the Electricity Council may require reports of an Area Board to be furnished on such matters, in such form, at such times and in respect of such periods as the Minister or Council specifies.

Committees

6B. (1) An Area Board may establish committees to assist it in connection with the exercise of any of its functions.

(2) It does not matter that any or all of the members of a committee are not members of the Area Board.

Electricity Development (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall be as determined by the Area Board or (subject to any determination of the Board) by the committee.

Costs of Area Boards

6C. The costs incurred in respect of an Area Board, including the remuneration of its members, shall be borne in equal shares by the constituent electricity councils, or in such other manner as may be prescribed.

PART IIB

ELECTRICITY COUNCILS

DIVISION 1—*General matters*

Electricity councils to be subject to Ministerial control

7. (1) An electricity council shall, in the exercise of its functions related to the supply of electricity, be subject to the control and direction of the Minister.

(2) Without limiting the generality of subsection (1), the Minister may, from time to time, by notice in writing direct an electricity council to do such things or to refrain from doing such things (being things connected with its functions related to the supply of electricity) as are specified in the notice.

(3) An electricity council shall, within 21 days after receiving a direction under subsection (2), notify the Minister in writing of—

- (a) the things done or proposed to be done to give effect to the direction and the time when or within which those things were done or are proposed to be done; or

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(b) if the direction has not been complied with, or it is not intended to comply with it, the reasons for the non-compliance.

(4) If an electricity council fails to comply with a direction given by the Minister in accordance with this Act, the Minister may—

- (a) commence legal proceedings to enforce compliance with the direction; or
- (b) recommend to the Minister administering the Local Government Act 1919 that action be taken against the council under section 86 of that Act.

(5) For the purposes of this Act, the functions of an electricity council related to the supply of electricity include the making of a contribution to a Fund by or under this Act and the setting of any charge, fee or rate levied by an electricity council for or in connection with the supply of electricity under this or any other Act, and any other functions of the council, but do not include—

- (a) any function related to the constitution or election of members of or delegates to an electricity council;
- (b) any function related to the conditions of employment of the employees of a council; or
- (c) in the case of an electricity council having functions related to water supply or being a council of a city, municipality or shire—any water supply function or other function not related to its electricity supply functions.

Appointment of government representatives to electricity councils

7A. (1) The Minister may, from time to time, appoint—

- (a) up to 2 persons as delegates to each of the Sydney County Council, the Prospect County Council, the Shortland County Council and the Illawarra County Council; and

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
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- (b) 1 person as a delegate to any other county council that is an electricity council,

in addition to the delegates elected to the councils.

- (2) A person appointed under subsection (1)—

- (a) shall hold office for such period as may be specified in the instrument of appointment of the person; and
- (b) shall have all the functions of an elected delegate to a county council, but shall not be eligible to be the chairman of the county council.

(3) A person who is not a member of a council of an area comprised in a county district, or who is not eligible to be elected as such a member, may be appointed to an electricity council under this section.

Operations of electricity councils

7B. It is the duty of an electricity council, in the exercise of its functions related to the supply of electricity—

- (a) to carry out those functions efficiently and economically and to ensure that it has adequate internal audit procedures;
- (b) to promote standardisation of systems and equipment for the supply of electricity and electrical installations and other electrical equipment;
- (c) to publish standard charges and, except as permitted by or under this Act or by the Corporation, to supply electricity in accordance with those charges; and
- (d) except as permitted by or under this Act or by the Corporation, not to supply electricity to any person on terms or at rates different from those on which it supplies other persons having similar technical and quantity requirements and similar patterns of use of electricity.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Miscellaneous financial matters**

7C. (1) In addition to any other money it may expend, an electricity council may expend money, with the approval of the Minister, on contributions to research or technical organisations engaged on matters associated with the generation or supply of electricity.

(2) For the purposes of the Public Authorities (Financial Arrangements) Act 1987, the Minister, in relation to an electricity council borrowing or investing money for purposes connected with the exercise of its functions related to the supply of electricity, is the Minister administering this Act.

Contributions to Electricity Development Fund and Industrial Development Assistance Fund

7D. (1) An electricity council—

(a) may with the approval of the Minister; or

(b) shall at the direction of the Minister, on the recommendation of the Corporation,

and subject to any terms and stipulations specified in the approval or direction, contribute to the Electricity Development Fund by way of loan to the Corporation for the purposes of that Fund, and the Corporation is hereby empowered to apply any such contributions for use for those purposes in accordance with the approval or direction.

(2) An electricity council may, with the concurrence of the Treasurer and the approval of the Minister, and subject to any terms and stipulations specified in the approval, contribute to the Industrial Development Assistance Fund by way of loan to the Corporation for the purposes specified in the approval, and the Corporation is hereby empowered to apply any such contributions for use for those purposes in accordance with the approval.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(3) Amounts may be paid out of those Funds, at the direction of the Minister, to an electricity council entitled to the amounts by virtue of an approval or direction given under this section.

(4) The Corporation may borrow and enter into any agreement required by the Minister for the purposes of this section.

(5) Nothing in this section limits or otherwise affects the operation of Part IV.

Certain provisions of Local Government Act 1919 not to apply to electricity councils

7E. Notwithstanding any provision made by or under any other Act—

(a) sections 88, 89, 90A, 173, 187, 418 (4) (a) and (4A) and 419 (1) of, and Ordinance No. 4 under, the Local Government Act 1919; and

(b) any other provisions of that Act or any ordinances made under that Act,

to the extent to which they are inconsistent with this Act do not apply to an electricity council.

DIVISION 2—*Sydney County Council***Sydney County Council**

7F. (1) There shall be a Sydney County District which shall consist of the areas specified in Schedule 5.

(2) There shall be a Sydney County Council, comprised of the delegates for the constituencies specified in Schedule 6, which shall be the council for the Sydney County District.

(3) The Sydney County District and the Sydney County Council shall be deemed to be constituted under Part XXIX of the Local Government Act 1919.

Electricity Development (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(4) The following functions shall be deemed to have been delegated to the Sydney County Council in accordance with the Local Government Act 1919:

- (a) the power to supply electricity and to supply electrical fittings and appliances;
- (b) the functions of a council under section 382 of the Local Government Act 1919 to construct, extend, protect, maintain, control and manage works for the supply of electricity;
- (c) the functions of a council under sections 416–417A of the Local Government Act 1919 related to the supply of electricity and the supply of electrical fittings and appliances;
- (d) the power to make and levy a loan rate in connection with any loan raised by the council;
- (e) the functions of a council under sections 84, 85, 106 (1) (b), (d) and (e) and (2), 108, 110, 111, 120, 132–164, 173–187, 188 (1), 189–200, 383, 384, 503A, 506, 516–518, 519, 520, 521, 524, 528, 529, 530 and 531–536 of the Local Government Act 1919.

(5) The provisions of the Local Government Act 1919 and any ordinances made under that Act, including provisions relating to—

- (a) the combination or alteration of county districts;
- (b) the alteration of boundaries or the number of delegates; and
- (c) the delegation of functions,

apply to the Sydney County District, the Sydney County Council and the functions deemed to have been delegated by this section in the same way as they apply to a county district or county council constituted, or functions delegated, under that Act.

Electricity Development (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(6) Sections 87 and 100–104 of the Local Government Act 1919 apply to the chairman of the Sydney County Council and to any employees of the Sydney County Council in the same way as they apply to the mayor or president and the employees of a council.

(7) Ordinances made under sections 105 and 165 of the Local Government Act 1919 apply to the Sydney County Council in the same way as they apply to a county council that is an electricity council.

(8) A person is eligible to be elected as a delegate to the Sydney County Council if the person is a member of a council of an area included in the Sydney County District or is eligible to be elected as an alderman or councillor of such an area.

DIVISION 3—*Shortland County Council*

Shortland County Council

7G. The Proclamation of 3 July 1957 published in Gazette No. 77 of 12 July 1957 at page 2152 shall be deemed to be amended by omitting the matter relating to the powers or duties conferred or imposed on the Council of the City of Newcastle under the Borough of Newcastle Electric Lighting Act (1892).

DIVISION 4—*General managers and assistant general managers*

General managers of county councils

7H. (1) The Governor may, on the recommendation of the Minister and the nomination of a county council that is an electricity council, appoint a person so recommended and nominated to be the general manager of the council.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) A person shall not be nominated by a council for appointment as the general manager unless—

- (a) the position of general manager has been advertised and the proposed appointment notified as required by any relevant ordinance made under the Local Government Act 1919 and the regulations (if any);
- (b) the person has suitable executive, technical and administrative experience and qualifications; and
- (c) the person is the most meritorious applicant for the position.

(3) The general manager—

- (a) is responsible, as the chief executive officer of the council, for the management of the affairs of the council subject to and in accordance with any directions of the council; and
- (b) shall have and may exercise such other functions as are conferred or imposed on the general manager by or under this or any other Act.

(4) A general manager shall be appointed for such period, not exceeding 7 years, as may be specified in the instrument of appointment of the general manager, but is eligible (if otherwise qualified) for re-appointment.

Assistant general managers of county councils

71. (1) A county council that is an electricity council shall appoint one or more persons (as may be required by the regulations) to be assistant general managers of the council.

(2) A person shall not be appointed by a council as an assistant general manager unless—

- (a) the position of assistant general manager has been advertised and the proposed appointment notified as required by any relevant ordinance made under the Local Government Act 1919 and the regulations (if any);

Electricity Development (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
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- (b) the person has suitable executive, technical and administrative experience and qualifications;
- (c) in the case of a position carrying responsibility for engineering matters, the person is a corporate member of the Institution of Engineers, Australia, or has such other qualification as may be prescribed; and
- (d) the person is the most meritorious applicant for the position.

(3) An assistant general manager shall have and may exercise such functions as are conferred or imposed on the assistant general manager by or under this Act.

(4) An assistant general manager shall be appointed for such period as may be specified in the instrument of appointment of the assistant general manager.

(5) The regulations may provide for the division of functions among the assistant general managers of a council.

Provisions relating to the employment of general managers and assistant general managers

7J. (1) Schedule 7 has effect with respect to the employment of general managers and assistant general managers appointed under this Division.

(2) Clause 2 of Schedule 4 to the Energy Legislation (Repeals and Savings) Act 1987 has effect with respect to the appointment of the first general managers and assistant general managers of county councils that are electricity councils.

(3) Section 99 of the Local Government Act 1919 does not apply to a general manager or assistant general manager appointed under this Division (other than a first general manager or assistant general manager who was, immediately before appointment, the county clerk or principal engineer of the relevant council).

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Functions of general managers**

7k. (1) The general manager of a county council that is an electricity council shall exercise for and on behalf of the council the functions of the council (including its functions relating to the employment, suspension and termination of employees of the council), except the reserved functions of the council.

(2) In relation to the financial affairs of the council, the general manager shall—

- (a) before the beginning of each financial year of the council, prepare and submit to the council an estimate of income and expenditure for that year in the prescribed form (if any); and
- (b) advise the council, from time to time, of the income and expenditure of the council and of variations from the estimate.

(3) The estimate shall be submitted by the general manager to the chairman of the council not less than 21 days before the meeting held under subsection (4).

(4) The estimate shall be considered at a meeting of the council attended by the general manager, of which not less than 21 days' notice has been given by the general manager to the delegates, and shall be adopted, with or without amendment, at that meeting or any adjournment of that meeting.

(5) A general manager may do all such matters and things, including the making of contracts for and on behalf of the council and the affixing of the official seal of the council to documents, as may be necessary for or incidental to the exercise of any of the functions conferred or imposed on the general manager by or under this or any other Act.

(6) It is the duty of a general manager to carry into effect all lawful orders of the council in relation to the exercise of the council's reserved functions.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Strategic plans and annual operating plans**

7L. (1) The general manager of a county council that is an electricity council shall prepare and submit to the council—

- (a) a plan relating to the proposed strategy for the council in carrying out its functions in the period (of not less than 5 years) next succeeding the preparation of the plan; and
- (b) an annual operating plan in accordance with the plan referred to in paragraph (a).

(2) Plans prepared under this section—

- (a) shall contain the matters set out in the regulations; and
- (b) shall be submitted in accordance with the regulations.

General manager to provide information and advice

7M. The general manager of a county council that is an electricity council shall, whenever requested by the council, provide to the council any information in the possession or procurement of the general manager in relation to any act, matter or thing concerning any business or transaction of the council which is mentioned in the request.

Functions relating to tenders

7N. The general manager of a county council that is an electricity council may call for and accept tenders for contracts where—

- (a) the contract involves the estimated expenditure of an amount not exceeding \$50,000, or such other amount as may be prescribed by or under this Act or the Local Government Act 1919; and
- (b) the amount is within the limit of expenditure authorised by the council.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Functions relating to staff**

7O. (1) In relation to the employees of the council, the general manager of a county council that is an electricity council shall—

- (a) make proposals to the council as to the organisation, employment and salary of the council's employees; and
- (b) prepare and submit an annual estimate of expenditure relating to the council's employees for consideration at the meeting referred to in section 7K (4).

(2) The general manager shall appoint, and have control and supervision of, the employees of the council and the council shall not direct the general manager to appoint any person.

(3) The general manager—

- (a) shall not appoint assistant general managers; and
- (b) may not appoint more persons as employees of the council than are provided for in the staff establishment of the council as determined from time to time by the council.

Delegation of functions by general managers

7P. (1) The general manager of a county council that is an electricity council may, with the approval of the council, delegate to an employee of the council the exercise of any of the functions of the general manager.

(2) A delegation—

- (a) shall be in or evidenced by writing;
- (b) may be general or limited; and
- (c) may be revoked, wholly or partly, by the council or the general manager.

(3) A delegate is, in the exercise of a delegated function, subject to such conditions as are specified in the instrument of delegation.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(4) A delegated function, when exercised by the delegate, shall be deemed to have been exercised by the general manager.

(5) A delegation does not prevent the exercise of a function by the general manager.

(6) A function purporting to have been exercised by a delegate shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

Reserved functions

7Q. (1) The reserved functions of a county council that is an electricity council are—

- (a) the making of any rate, the fixing of charges or fees and the borrowing of any money;
- (b) the voting of money for the making of a contribution to a Fund by or under this Act and for expenditure on the works, services and operations of the council;
- (c) the resumption or other acquisition, leasing, sale and exchange of any land or other property and the granting of any lease of land;
- (d) the acceptance of tenders for works costing more than \$50,000, or such other amount as may be prescribed by or under this Act or the Local Government Act 1919; and
- (e) such other functions as may be prescribed.

(2) It is the duty of the general manager of a county council that is an electricity council to advise and assist the council generally in relation to the exercise by it of the council's reserved functions and in particular in relation to any matter or thing about which the council requests the advice or assistance of the general manager.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***General manager to act by signed order**

7R. (1) Every act or thing done or decision taken by the general manager of a county council that is an electricity council which, if done or taken by the council, would be required by law to be done or taken by resolution of the council, shall be done or taken by the general manager by order in writing—

- (a) signed by the general manager; and
- (b) containing a statement of the time at which it was so signed.

(2) If by or under this or any other Act public notice of any matter is required to be given by the council, that notice shall be given by the general manager.

(3) Every order made by a general manager under this section shall for all purposes be deemed—

- (a) to be made at the time at which it is signed by the general manager; and
- (b) until the contrary is proved, to be signed at the time stated in the order.

(4) A general manager shall keep a register in which shall be entered a copy of every order made under this section, and the general manager shall, at every meeting of the council, produce for the inspection of the delegates so much of the register as contains any such orders made since the last meeting of the council.

Evidence of orders

7s. (1) Every document purporting to be an order made and signed by the general manager of a county council that is an electricity council shall, without proof of the signature of the person purporting to have signed the document or that the person was the general manager, be received in evidence in all courts.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) Every document purporting to be certified in writing by a general manager to be a true copy of an order made under section 7R—

- (a) shall, without proof of the signature of the person purporting so to certify or that the person was the general manager, be received in evidence in all courts; and
- (b) shall, until the contrary is proved, be deemed to be evidence of the contents of the order of which it purports to be a copy and of the fact the order was duly made and signed by the general manager under section 7R at the time stated in the order.

Attendance at meetings

7T. (1) The general manager of a county council that is an electricity council has the right to attend meetings of the council and to take part in discussion at such meetings as if the general manager were a delegate, but is not entitled to vote on any question which is to be decided by a vote of the delegates.

(2) A general manager is not entitled to be present at any meeting of the council during any discussion which concerns the appointment, dismissal, salary or conditions of employment of the general manager.

(3) A general manager shall—

- (a) attend any meeting of the council at which the general manager is required by the council to attend; and
- (b) give to the council any advice and assistance reasonably required by the council, and for that purpose shall arrange for the attendance at such a meeting of such of the employees of the council as may be necessary, having regard to the business to be transacted at the meeting.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Legal proceedings**

7U. (1) In every legal proceeding, whether civil or criminal, instituted by or against a county council that is an electricity council the general manager shall act for and on behalf of the council.

(2) In acting for or on behalf of the council, the general manager may do all such acts, matters or things as the general manager may consider necessary for the preparation and prosecution or defence of the proceeding in the same manner in all respects as would be the case if the general manager were the plaintiff, prosecutor or defendant (as the case requires) in the proceeding.

(3) Section 37 (**Regulations**)—

Section 37 (2) (b1)—

After section 37 (2) (b), insert:

(b1) the advertisement of vacancies for the positions of, and notification of appointments of, general managers and assistant general managers of county councils that are electricity councils;

(4) Schedules 1–7—

After section 38, insert:

SCHEDULE 1

(Sec. 5 (6))

PROVISIONS RELATING TO THE MEMBERS OF THE ELECTRICITY
COUNCIL OF NEW SOUTH WALES**Application of Schedule**

1. This Schedule applies to the members of the Electricity Council.

Chairperson and Deputy Chairperson

2. (1) One of the appointed members shall be appointed by the Minister as Chairperson and another member shall be appointed as Deputy Chairperson.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) The Minister may remove a member from the office of Chairperson or Deputy Chairperson.

(3) A person who is Chairperson or Deputy Chairperson shall be deemed to have vacated office as such if the person—

(a) is removed from that office by the Minister under subclause (2);

(b) resigns that office by instrument in writing addressed to the Minister;
or

(c) ceases to be a member.

Acting members

3. (1) The Minister may, from time to time, appoint a person to act in the office of an appointed member during the illness or absence of the member, and the person, while so acting, shall have and may exercise all the functions of the member and shall be deemed to be a member.

(2) The Minister may, from time to time, appoint an appointed member to act in the office of Chairperson or any member to act in the office of Deputy Chairperson during the illness or absence of the Chairperson or Deputy Chairperson, and the member, while so acting, shall have and may exercise all the functions of and shall be deemed to be the Chairperson or Deputy Chairperson.

(3) The Minister may remove any person from any office to which the person was appointed under subclause (1) or (2).

(4) A person while acting in the office of an appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

(5) For the purposes of this clause, a vacancy in the office of an appointed member, the Chairperson or the Deputy Chairperson shall be deemed to be an absence from office.

(6) An official member may nominate another person to attend a meeting to represent the member, and, for the purposes of the meeting, the person shall have and may exercise all the functions of the member and shall be deemed to be a member.

Terms of office

4. Subject to this Schedule, an appointed member shall hold office for such period not exceeding 5 years as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Remuneration**

5. (1) A member (other than a member who is the chairman or an employee of a council, a public servant or the General Manager of the Electricity Commission) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

(2) A member who is the chairman of or a delegate to a council is entitled to be paid such remuneration (including travelling and subsistence allowances) in relation to the Electricity Council as the member is entitled to be paid when carrying out the duties of chairman of or a delegate to the council.

Filling of vacancy

6. If the office of any appointed member becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

Casual vacancies

7. (1) An appointed member, an official member nominated under section 5 (4) (b) or (c) or the member appointed as Deputy Chairperson shall be deemed to have vacated office if the member—

- (a) dies;
- (b) absents himself or herself from 4 consecutive meetings of the Electricity Council of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Minister for being absent from those meetings;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (d) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983;
- (e) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence that if committed in New South Wales would be an offence so punishable;

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
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- (f) resigns the office by instrument in writing addressed to the Minister;
 - (g) reaches the age of 70 years; or
 - (h) is removed from office by the Minister under subclause (2).
- (2) The Minister may remove an appointed member from office.

Effect of certain other Acts

8. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a member and a member is not, as a member, subject to that Act.

(2) If by or under any other Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

that provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

(3) The office of an appointed member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Liability of members etc.

9. No matter or thing done by the Electricity Council, any member or any person acting under the direction of the Electricity Council shall, if the matter or thing was done in good faith for the purpose of executing this Act, subject a member or a person so acting personally to any action, liability, claim or demand.

SCHEDULE 2

(Sec. 5 (7))

PROVISIONS RELATING TO THE PROCEDURE OF THE ELECTRICITY
COUNCIL OF NEW SOUTH WALES**General procedure**

1. The procedure for the calling of meetings of the Electricity Council and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Chairperson of the Council.

Electricity Development (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

Quorum

2. The quorum for a meeting of the Electricity Council is 8 members, of whom one must be the Chairperson or Deputy Chairperson.

Presiding member

3. The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson shall preside at a meeting of the Electricity Council.

Decisions

4. Decisions of the Electricity Council shall be made in the manner determined by the Council or as prescribed.

Minutes

5. The Electricity Council shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Council.

First meeting

6. The Minister shall call the first meeting of the Electricity Council in such manner as the Minister thinks fit.

SCHEDULE 3

(Sec. 6 (8))

PROVISIONS RELATING TO THE MEMBERS OF ELECTRICITY AREA
BOARDS

Application of Schedule

1. This Schedule applies to the members of an Area Board.

Remuneration

2. A member (other than a member who is an employee of a constituent electricity council) is entitled to be paid such remuneration (including travelling and subsistence allowances) in relation to the Area Board as the member is entitled to be paid when carrying out the duties of a member of a council.

Filling of vacancy

3. If the office of a member becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***Casual vacancies**

4. (1) A member shall be deemed to have vacated office if the member—
- (a) dies;
 - (b) absents himself or herself from 4 consecutive meetings of the Area Board of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Board or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Board for being absent from those meetings;
 - (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
 - (d) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983;
 - (e) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence that if committed in New South Wales would be an offence so punishable;
 - (f) resigns the office by instrument in writing addressed to the constituent electricity councils;
 - (g) reaches the age of 70 years;
 - (h) ceases to be a member or an employee of a constituent electricity council; or
 - (i) is removed from office by the constituent electricity councils under subclause (2).
- (2) The constituent electricity councils may remove a member from office.

Effect of certain other Acts

5. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a member and a member is not, as a member, subject to that Act.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) If by or under any other Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

that provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

(3) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Liability of members etc.

6. No matter or thing done by an Area Board, any member or any person acting under the direction of the Board shall, if the matter or thing was done in good faith for the purpose of executing this Act, subject a member or a person so acting personally to any action, liability, claim or demand.

SCHEDULE 4

(Sec. 6 (9))

PROVISIONS RELATING TO THE PROCEDURE OF ELECTRICITY
AREA BOARDS**General procedure**

1. The procedure for the calling of meetings of an Area Board and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Board.

Presiding member

2. A member elected to chair the meeting by the members present shall preside at a meeting of an Area Board.

Decisions

3. Decisions of an Area Board shall be made in the manner determined by the Board or as prescribed.

Minutes

4. An Area Board shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Board.

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued***First meeting**

5. The constituent electricity councils shall call the first meeting of an Area Board in such manner as the constituent electricity councils think fit.

SCHEDULE 5

(Sec. 7F (1))

AREAS WHICH CONSTITUTE THE SYDNEY

COUNTY DISTRICT

City of Sydney	Leichhardt
Ashfield	Manly
Auburn	Marrickville
Bankstown	Mosman
Botany	North Sydney
Burwood	Randwick
Canterbury	Rockdale
Concord	Ryde
Drummoyne	Strathfield
Gosford	Sutherland
Hornsby	Warringah
Hunter's Hill	Waverley
Hurstville	Willoughby
Kogarah	Woollahra
Ku-ring-gai	Wyong
Lane Cove	

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

SCHEDULE 6

(Sec. 7F (2))

DELEGATES TO THE SYDNEY COUNTY COUNCIL

Constituency	Area	Number to be elected
First	City of Sydney ...	1
Second	Ashfield	2
	Auburn	
	Bankstown	
	Burwood	
	Canterbury	
	Concord	
	Drummoyne	
	Strathfield	
Third	Randwick	2
	Sutherland	
	Waverley	
	Woollahra	
Fourth	Hornsby	2
	Hunter's Hill	
	Ku-ring-gai	
	Lane Cove	
	Mosman	
	North Sydney ...	
	Ryde	
	Willoughby	
Fifth	Botany	2
	Leichhardt	
	Marrickville	
Sixth	Hurstville	3
	Kogarah	
	Rockdale	
Seventh	Manly	2
	Warringah	
Eighth	Gosford	2
	Wyong	

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

SCHEDULE 7

(Sec. 7J (1))

GENERAL MANAGERS AND ASSISTANT GENERAL MANAGERS

Remuneration

1. (1) The salary and allowances of a general manager or assistant general manager shall be as determined by an award under the Industrial Arbitration Act 1940 and not otherwise.

(2) Subclause (1) does not apply where the salary or allowances are determined by or under another Act or law (but not by an agreement under that Act).

Casual vacancies

2. (1) A general manager or an assistant general manager shall be deemed to have vacated office if the general manager or assistant general manager—

- (a) dies;
- (b) absents himself or herself from duty for 14 days (whether or not wholly or partly consecutive) in any period of 12 months, except on leave granted by the council or unless the absence is occasioned by illness or other unavoidable cause;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (d) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983;
- (e) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence that if committed in New South Wales would be an offence so punishable;
- (f) engages in any paid employment outside the duties of the office of general manager or assistant general manager, except with the consent of the council;
- (g) resigns the office by instrument in writing addressed to the council; or
- (h) is removed from office by the Governor under subclause (2).

*Electricity Development (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
ELECTRICITY COUNCIL OF NEW SOUTH WALES, ELECTRICITY
AREA BOARDS AND ELECTRICITY COUNCILS—*continued*

(2) The Governor may remove a general manager or an assistant general manager from office for incapacity, incompetence or misbehaviour.

Acting general manager

3. (1) An assistant general manager may, from time to time, be appointed by a council to act in the office of the general manager appointed under this Act during the illness or absence of the general manager, and that person, while so acting, shall have and may exercise all the functions of the general manager and shall be deemed to be the general manager.

(2) A person while acting in the office of a general manager is entitled to be paid such additional remuneration as the council may, from time to time, determine in respect of the person, but the total remuneration paid to such a person shall not exceed the remuneration payable to a general manager.

(3) For the purposes of this clause, a vacancy in the office of a general manager shall be deemed to be an absence from office of the general manager.

SCHEDULE 2

(Sec. 4)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

(1) Long title—

Omit “the Energy Authority of New South Wales”, insert instead “the Energy Corporation of New South Wales”.

(2) Section 1 (**Short title and commencement**)—

Section 1 (1)—

Omit the subsection, insert instead:

(1) This Act may be cited as the “Electricity Act 1945”.

Electricity Development (Amendment) 1987

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(3) Section 4 (**Interpretation**)—

- (a) Section 4 (1), paragraph (c) of the definition of “Apprentice”—

Omit the paragraph, insert instead:

(c) employed as a probationer within the meaning of the Apprenticeship Act 1981,

- (b) Section 4 (1), definition of “Authority”—

Omit the definition.

- (c) Section 4 (1), definition of “Corporation”—

After the definition of “Cathodic protection system”, insert:

“Corporation” means the Energy Corporation of New South Wales constituted under the Energy Administration Act 1987.

- (d) Section 4 (1), definition of “Council”—

Omit the definition, insert instead:

“Council” has the same meaning as in the Local Government Act 1919, and includes a county council constituted under that Act.

- (e) Section 4 (1), definition of “Director”—

After the definition of “Council”, insert:

“Director” means the Director of the Department of Energy.

- (f) Section 4 (1), definition of “Electricity Development Fund”—

Omit the definition of “Electricity Development Account”, insert instead:

“Electricity Development Fund” means the fund established under section 15.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (g) Section 4 (1), definition of “Industrial Development Assistance Fund”—

After the definition of “Electricity supply authority”, insert:

“Industrial Development Assistance Fund” means the fund established under section 19.

- (4) Part III, heading—

Omit the heading, insert instead:

PART III
THE CORPORATION

- (5) Section 9—

Omit the section, insert instead:

Powers of Corporation relating to the generation and supply of electricity

9. (1) In addition to any function of the Corporation under the Energy Administration Act 1987, the Corporation may—

- (a) promote and regulate the co-ordination, development, expansion, extension and improvement of electricity supply throughout the State, and without limiting the generality of the foregoing function, promote and regulate—
- (i) the interconnection of power stations;
 - (ii) the interchange of electricity between power stations;
 - (iii) the erection, extension or alteration of power stations;
 - (iv) the installation and renewal of generating units and plant in power stations;
 - (v) the erection and extension of transmission lines;
 - (vi) the extension and improvement of electricity supply to and within rural districts; and

Electricity Development (Amendment) 1987

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (vii) the adoption of standards of plant, equipment, frequency and voltage for the generation, transmission, distribution and supply of electricity;
- (b) promote and encourage the safety of persons and property in relation to electricity, and without limiting the generality of that function, promote and encourage the safety of persons and property in relation to—
 - (i) the installation, maintenance and use of electric lines, works, electrical installations and cathodic protection systems; and
 - (ii) the sale or hire of electrical articles;
- (c) without limiting the generality of paragraph (b), issue or publish public statements or warnings relating to—
 - (i) electrical articles, electrical installations or cathodic protection systems which, in the opinion of the Corporation are, or are potentially, unsafe; and
 - (ii) safety in relation to electricity generally;
- (d) promote and encourage the development and use of the natural resources of the State in connection with the generation of electricity;
- (e) promote and encourage the use of electricity, especially its use for industrial and manufacturing purposes and for the purpose of primary production;
- (f) promote the installation, extension and improvement of the lighting of public roads, and, without limiting the generality of that function, to exercise the functions conferred by Part IVA on the Corporation in relation to the installation, extension and improvement of the lighting of traffic routes;

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (g) advise any person engaged in the generation, transmission, distribution or supply of electricity on all matters of and concerning such generation, transmission, distribution and supply;
- (h) consider the advisability of amending the law relating to the generation, transmission, distribution, supply and use of electricity, and report on that to the Minister; and
- (i) do such other acts as may be necessary or expedient for those purposes.

(2) Where by or under any other Act the approval of the Governor is required to be given to any proposal relating to electricity or to the generation, transmission, distribution or supply of electricity, approval shall not be given unless and until the proposal has been referred to the Corporation for consideration and report.

(6) Section 10 (**Inquiries and investigations**)—

Omit the section.

(7) Section 11 (**Corporation to formulate proposals relating to electricity**)—

Omit “Authority” wherever occurring, insert instead “Corporation”.

(8) Section 12 (**Constitution of county districts**)—

(a) Section 12 (1)—

Omit “Authority”, insert instead “Corporation”.

(b) Section 12 (1) (a), (2)—

Omit “powers and duties” wherever occurring, insert instead “functions”.

(c) Section 12 (3)—

Omit the subsection.

Electricity Development (Amendment) 1987

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued(9) Section 13 (**Authority may grant subsidies**)—

Omit the section.

(10) Section 13A (**Corporation may direct supply authority as to charges for and terms of supply**)—

(a) Section 13A (1)—

Omit “Authority”, insert instead “Corporation”.

(b) Section 13A (1) (b)—

Omit “or”.

(c) Section 13A (1) (b1)—

After section 13A (1) (b), insert:

(b1) to adopt specified charges for electricity supplied by it; or

(d) Section 13A (6) (a)—

Omit “3 months”, insert instead “12 months”.

(11) Section 13B (**Electricity supply authority to notify Corporation of certain matters**)—

(a) Section 13B (1)—

Omit “before”, insert instead “when”.

(b) Section 13B (1) (b)—

Omit “or”.

(c) Section 13B (1) (b1)—

After section 13B (1) (b), insert:

(b1) the charges for electricity specified by it; or

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(d) Section 13B (1)—

Omit “it shall notify the Authority in writing of the terms of the proposed variation”, insert instead “it shall, within 7 days after the date of the resolution bringing about the variation (but not less than 14 days before the variation takes effect), or, if there is no resolution, within 7 days after the variation takes effect, notify the Corporation in writing of the terms of the variation”.

(e) Section 13B (1A)—

Omit the subsection.

(12) Section 13C (**Payment of subsidies for reductions in charges out of Electricity Development Account**)—

Omit the section.

(13) Section 14—

Omit the section, insert instead:

Corporation may fix charges for bulk electricity etc.

14. (1) Notwithstanding any other Act, the Corporation, with the approval of the Minister, may from time to time by notification published in the Gazette direct one or more electricity councils—

- (a) to charge for electricity supplied in bulk or by way of interchange on a specified form and basis;
- (b) to adopt a specified method in fixing charges for such electricity;
- (c) to adopt specified charges for such electricity; or
- (d) to supply such electricity on such terms and conditions as may be specified,

or to do any combination of those things.

(2) A direction given under subsection (1) may apply differently to different electricity councils.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(3) An electricity council shall comply with a direction given to it under subsection (1).

(4) An electricity council which contravenes this section is guilty of an offence and liable to a penalty not exceeding \$200.

(5) In addition to any penalty imposed under subsection (4)—

(a) a court may order the defendant to refund to any consumer any money paid by the consumer in excess of the lawful charge; and

(b) proceedings may be taken in relation to such an order as if it were a judgment of the court in favour of the consumer.

(14) Section 14A—

Omit the section, insert instead:

Application of Part to Electricity Commission

14A. (1) Except as provided by subsection (2), nothing in this Part limits or otherwise affects the functions of the Electricity Commission.

(2) The Corporation may, in relation to the Electricity Commission, exercise the functions referred to in section 9 (1) (a) (vii) and (b).

(15) Section 14AAA (**Corporation empowered to effect or arrange insurance policies on behalf of electricity supply authorities**)—

(a) Section 14AAA—

Omit “Authority” wherever occurring, insert instead “Corporation”.

(b) Section 14AAA (1)—

After “enter into”, insert “or arrange for the authorities to enter into”.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (c) Section 14AAA (3)—
Omit “power to enter into an insurance policy”, insert instead “Corporation’s powers”.
- (d) Section 14AAA (3)—
Omit “the policy”, insert instead “the relevant policy”.
- (e) Section 14AAA (4)—
After “entering into”, insert “or arranging for the authorities to enter into”.
- (f) Section 14AAA (6)—
Omit the subsection, insert instead:
(6) An electricity supply authority shall enter into an insurance policy in accordance with an arrangement made by the Corporation under this section when directed to do so by the Minister.
- (16) Section 14AAB (**Variation etc. of policy of insurance**)—
- (a) Omit “Authority”, insert instead “Corporation”.
- (b) After “entered into”, insert “or arranged”.
- (c) After “enter into”, insert “or arrange for the authorities to enter into”.
- (d) After “surrender”, insert “or arrange for the authorities to surrender”.
- (e) Section 14AAB (2)—
At the end of section 14AAB, insert:
(2) An electricity supply authority shall enter into an agreement to vary an insurance policy in accordance with an arrangement made by the Corporation under this section or surrender a policy when directed to do so by the Minister.

Electricity Development (Amendment) 1987

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(17) Section 14AAC (**Payment of premiums etc.**)—

(a) Section 14AAC (1)—

Omit “Authority” wherever occurring, insert instead “Corporation”.

(b) Section 14AAC (1)—

After “enters into”, insert “or arranges for electricity supply authorities to enter into”.

(c) Section 14AAC (2)—

Omit “Electricity Development Account”, insert instead “Electricity Development Fund”.

(18) Section 14AAD (**Power of Minister to require electricity supply authority to contribute towards premium or additional premium paid under section 14AAC**)—

(a) Section 14AAD (1)—

After “entering into” wherever occurring, insert “or arranging for electricity supply authorities to enter into”.

(b) Section 14AAD (1), (2)—

Omit “Authority” wherever occurring, insert instead “Corporation”.

(c) Section 14AAD (1), (3)—

After “payable” wherever occurring, insert “or paid”.

(d) Section 14AAD (2)—

After “entered into”, insert “or arranged for electricity supply authorities to enter into”.

(e) Section 14AAD (2)—

After “to be incurred”, insert “or incurred”.

Electricity Development (Amendment) 1987

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(f) Section 14AAD (6)—

Omit “Electricity Development Account”, insert instead “Electricity Development Fund”.

(19) Section 14AA (**Interpretation**)—

Section 14AA (1), definition of “approved”—

Omit the definition, insert instead:

“approved” means approved by the Director;

(20) Section 14C (**Amount of rebate**)—

Section 14C (6)—

Omit the subsection.

(21) Section 14F (**Payment of subsidies for pensioner rebates out of Electricity Development Fund**)—

(a) Section 14F—

Omit “Authority” wherever occurring, insert instead “Corporation”.

(b) Section 14F (1)—

Omit “Electricity Development Account”, insert instead “Electricity Development Fund”.

(22) Section 14N (**Application of Part IIIc**)—

Section 14N (6)—

Omit “powers, authorities, duties and”.

Electricity Development (Amendment) 1987

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(23) Part IV—

Omit the Part, insert instead:

PART IV

FINANCE

Electricity Development Fund

15. (1) There shall be established in the Special Deposits Account in the Treasury an Electricity Development Fund.

(2) There shall be paid into the Fund—

- (a) by each electricity council and the Commission—such contributions as may be directed, from time to time, in respect of each of them by the Minister on the recommendation of the Corporation;
- (b) any money provided by Parliament for electricity purposes (including money for subsidies under this Act);
- (c) by the Corporation—such contributions as may be directed, from time to time, by the Minister;
- (d) any money held in the Electricity Development Account before the commencement of this Act;
- (e) income accruing to the Fund; and
- (f) contributions made under section 7D or funds transferred pursuant to section 19AA.

(3) The Fund shall, subject to this Act, be under the direction, control and management of the Corporation.

(4) Particulars of payments into and out of the Fund shall be set out in the annual report of the Department of Energy.

(5) Nothing in subsection (4) affects the requirements of the Public Finance and Audit Act 1983, the Annual Reports (Statutory Bodies) Act 1984 or the Annual Reports (Departments) Act 1985.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
*continued***Application of Electricity Development Fund**

16. (1) There may be paid out of the Electricity Development Fund—

- (a) grants, subsidies or loans to electricity councils of such amounts as may be directed, from time to time, by the Minister on the recommendation of the Corporation, for the purposes of—
 - (i) reducing the charges made by electricity councils; or
 - (ii) meeting (wholly or partly) the cost to electricity councils of the erection, construction, carrying out or maintenance of any works for the supply of electricity which may be lawfully erected, constructed or carried out by a council, and any costs incurred in connection with that erection, construction, carrying out or maintenance;
- (b) amounts to electricity councils in accordance with section 7D;
- (c) such other amounts to electricity councils, the Electricity Commission and the Corporation as may be directed, from time to time, by the Minister; and
- (d) amounts for other purposes authorised by or under this or any other Act.

(2) The approval of the Governor of a grant, subsidy or loan under this section to an electricity council is not necessary.

Contributions to the State Energy Research and Development Fund

17. (1) There shall be paid out of the Electricity Development Fund into the State Energy Research and Development Fund established under section 133 of the Gas Act 1986, not later than 12 months after the end of each financial year of the Corporation, an amount equal to 0.125 per cent of the value of the gross retail sales of electricity of the electricity industry in that year.

Electricity Development (Amendment) 1987

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(2) For the purposes of subsection (1), the value of the gross retail sales of electricity of the electricity industry shall be the value determined by the Corporation.

Agreements as to grants, subsidies etc.

18. (1) Before making a grant, subsidy or loan under section 16 to an electricity council, the Corporation may require the electricity council to enter into an agreement with the Corporation to secure the carrying out of—

(a) the purposes for which; and

(b) the terms and conditions (if any) on and subject to which, the grant, loan or subsidy is made and, in the case of a loan, the payment of interest on the loan.

(2) An electricity council may borrow and enter into any agreement for the purposes of this Part.

Industrial Development Assistance Fund

19. (1) There shall be established in the Special Deposits Account in the Treasury an Industrial Development Assistance Fund.

(2) There shall be paid into the Fund—

(a) by each electricity council and the Commission—such contributions as may be directed, from time to time, in respect of each of them by the Minister on the recommendation of the Corporation;

(b) income accruing from the investment or re-investment of money under section 19AA (including dividends and other amounts payable as a result of the acquisition of shares under section 19AA (a)), or otherwise accruing to the Fund; and

(c) contributions made under section 7D (2).

(3) The Fund shall, subject to this Part, be under the direction, control and management of the Corporation.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(4) Particulars of payments into and out of the Fund shall be set out in the annual report of the Department of Energy.

(5) Nothing in subsection (4) affects the requirements of the Public Finance and Audit Act 1983, the Annual Reports (Statutory Bodies) Act 1984 or the Annual Reports (Departments) Act 1985.

Application of Industrial Development Assistance Fund

19AA. There may be paid out of the Industrial Development Assistance Fund—

- (a) amounts for the acquisition of shares by the Corporation in the capital of the New South Wales Investment Corporation;
- (b) such amounts for grants or subsidies for industrial development projects as may be directed, from time to time, by the Minister;
- (c) such amounts for investment in industrial development projects as may be directed, from time to time, by the Minister;
- (d) amounts to electricity councils in accordance with section 7D; and
- (e) such amounts for transfer to the Electricity Development Fund as may be directed, from time to time, by the Minister.

Contributions by electricity councils and Commission

19AB. (1) Electricity councils and the Electricity Commission shall make contributions to the Electricity Development Fund and the Industrial Development Assistance Fund when directed to do so by the Minister, notwithstanding the provisions of any other Act or instrument.

(2) The Corporation shall make contributions to the Electricity Development Fund when directed to do so by the Minister, notwithstanding the provisions of any other Act or instrument.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued(24) Section 19A (**Interpretation**)—

Definition of “Traffic route”—

- (a) Omit “Main Roads Act 1924”, insert instead “State Roads Act 1986”.
- (b) Omit “Authority” wherever occurring, insert instead “Director”.

(25) Section 19B (**Traffic Route Lighting Subsidy Account**)—

Section 19B (2)—

Omit “and the provisions of section 16 (2) shall apply, mutatis mutandis, to and in respect of that Account”.

(26) Section 19C (**Payments to Traffic Route Lighting Subsidy Account**)—

(a) Section 19C (1)—

Omit the subsection, insert instead:

(1) In the period of 12 months commencing on 1 July next succeeding the commencement of the Electricity Development (Amendment) Act 1987 and in each period of 12 months thereafter—

- (a) the Corporation shall pay to the Treasurer from the Electricity Development Fund for payment into the Traffic Route Lighting Subsidy Account an amount equal to 75 per cent; and
- (b) the Commissioner for Main Roads shall pay to the Treasurer for payment into the Traffic Route Lighting Subsidy Account an amount equal to 25 per cent,

of the amount of subsidies which the Minister with the concurrence of the Treasurer estimates will be granted to councils under sections 19D and 19H in that period of 12 months.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (b) Section 19C (5)—
Omit section 19C (5) and (6), insert instead:
- (5) The Commissioner for Main Roads may make the whole or any part of a payment required by subsection (1) (b) out of—
- (a) the Metropolitan Roads Fund or the Country Roads Fund established under the State Roads Act 1986; or
- (b) any other fund which may be utilised for the improvement or maintenance of traffic routes under that Act.
- (27) Section 19D (**Payments of subsidies out of Account**)—
Omit “Authority” wherever occurring, insert instead “Corporation”.
- (28) Section 19E (**Contribution towards subsidy by electricity supply authorities**)—
Section 19E (1)—
Omit “Authority”, insert instead “Corporation”.
- (29) Section 19G (**Director may direct council to remove structure**)—
Section 19G (1)—
Omit “Authority” wherever occurring, insert instead “Director”.
- (30) Section 19H (**Payments of subsidies for removal etc. of electricity structures out of Traffic Route Lighting Subsidy Account**)—
Omit “Authority” wherever occurring, insert instead “Corporation”.
- (31) Section 20 (**Interpretation**)—
Section 20 (1), definition of “type specification”—
Omit “Authority”, insert instead “Director”.
- (32) Section 21A (**Sale of certain electrical articles**)—
Omit “Authority” wherever occurring, insert instead “Director”.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued(33) Section 21B (**Preliminary application**)—

Omit “Authority” wherever occurring, insert instead “Director”.

(34) Section 21C (**Approval of type of electrical article**)—

(a) Section 21C—

Omit “Authority” wherever occurring, insert instead “Director”.

(b) Section 21C (4), (5), (8)—

Omit “it shall” wherever occurring, insert instead “the Director shall”.

(c) Section 21C (5)—

Omit “it has”, insert instead “the Director has”.

(35) Section 21E (**Defective electrical articles**)—

Omit “Authority” wherever occurring, insert instead “Director”.

(36) Section 21F (**Powers of authorised persons**)—

(a) Section 21F—

Omit “Authority” wherever occurring, insert instead “Director”.

(b) Section 21F (2) (h)—

Omit “powers, authorities, duties or”.

(c) Section 21F (6) (a)—

Omit “or performing any power, authority, duty or”, insert instead “any”.

(d) Section 21F (6) (b)—

Omit “or performance of any such power, authority, duty or”, insert instead “of any such”.

(e) Section 21F (11) (a)—

Omit “its opinion”, insert instead “the Director’s opinion”.

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SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (f) Section 21F (11) (b)—
Omit “it”, insert instead “the Director”.
- (g) Section 21F (13)—
Omit “power”, insert instead “function”.
- (37) Section 21G (**Forfeiture of certain electrical articles**)—
- (a) Section 21G (1)—
Omit the subsection, insert instead:

(1) If the Director determines that an electrical article seized under section 21F (2) (d) is unsafe, the Director may apply, in the prescribed manner, to a Local Court constituted by a Magistrate sitting alone for forfeiture of the electrical article to the Crown.
- (b) Section 21G (3)—
Omit “Authority”, insert instead “Director”.
- (38) Section 21H (**Evidentiary provisions**)—
Omit “Authority”, insert instead “Department of Energy”.
- (39) Section 21J (**Protection of authorised persons etc.**)—
Omit “Authority”, insert instead “Director”.
- (40) Section 21K (**Disclosure of information**)—
- (a) Section 21K (3)—
Omit “An officer or employee of the Authority may, with the consent of the Authority”, insert instead “An officer or employee of the Department of Energy may, with the consent of the Director”.
- (b) Section 21K (3)—
Omit “or performance of the powers, authorities, duties or”, insert instead “of the”.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued(41) Section 25 (**Power of entry**)—

(a) Section 25—

Omit “Authority” wherever occurring, insert instead “Director”.

(b) Section 25 (1)—

Omit “council”, insert instead “electricity council”.

(42) Section 26 (**Safety**)—

(a) Section 26 (1), (3)—

Omit “Authority” wherever occurring, insert instead “Director”.

(b) Section 26 (2)—

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

(43) Part VI—

Omit the Part, insert instead:

PART VI

RESTRICTIONS ON WORKS, AGREEMENTS AND
TRADING UNDERTAKINGS**Restrictions on trading undertakings and supply of electricity**

27. (1) A council shall not—

- (a) establish or acquire a trading undertaking for the supply of electricity;
- (b) extend any such trading undertaking into the area of any other council; or
- (c) grant or renew permission to supply electricity to the public within its area,

except with the approval of the Corporation and on such terms and stipulations as may be specified in the approval.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(2) An electricity supply authority (other than the Electricity Commission) shall not enter into an agreement to—

- (a) supply or take a supply of electricity in bulk to or from any person; or
- (b) supply electricity by way of interchange with another electricity supply authority (other than the Electricity Commission),

except with the approval of the Corporation and on such terms and stipulations as may be specified in the approval or in the regulations.

Restrictions on certain works

27AA. (1) A person shall not establish, erect or extend any power station or transmission line, except with the approval of the Corporation and on such terms and stipulations as may be specified in the approval or in the regulations.

(2) Subsection (1) does not apply to the Electricity Commission and, in respect of transmission lines, does not apply to electricity councils.

(3) In this section—

“extend”, in relation to a power station, means install, replace or renew generating units or plant in the power station.

Approvals

27AB. An approval given by the Corporation under this Part may specify—

- (a) the period for which it is valid; and

Electricity Development (Amendment) 1987

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (b) in the case of an approval given under section 27 (1) (c), a time within which the council's permission shall be acted on,

and the approval or permission shall lapse if it is not substantially acted on within any specified period or within such extended period as the Corporation may, from time to time, approve in writing.

Offences

27AC. (1) A person shall not use or operate a power station or transmission line established, erected or extended in contravention of this Part.

Penalty: \$100 for each day during which the offence continues.

(2) A person (other than a council or the Electricity Commission) shall not supply electricity to the public, except with the permission of the relevant council and in accordance with an approval of the Corporation and any relevant regulations under section 27.

Penalty: \$100 for each day during which the offence continues.

(3) A council shall not—

- (a) conduct a trading undertaking for the supply of electricity that is established, acquired or extended in contravention of this Part; or
- (b) supply or take a supply of electricity in bulk to or from another person or by way of interchange with another electricity supply authority, except in accordance with an approval of the Corporation and any relevant regulations under section 27.

Penalty: \$100 for each day during which the offence continues.

(4) A person who contravenes this Part is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000 (in addition to any other penalty applicable under this Part).

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SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(44) Section 27B (**Offence to impose charges for the resupply of electricity in certain cases**)—

(a) Section 27B (1A), (1B)—

After section 27B (1), insert:

(1A) A person to whom this Part applies and who resupplies to another person electricity originally supplied by an electricity supply authority shall—

(a) make such records relating to that resupply; and

(b) keep those records for such period,

as may be prescribed.

(1B) The regulations may provide for the furnishing of copies of records made under subsection (1A) to a person who is resupplied with electricity.

(b) Section 27B (2)—

Omit “Subsection (1) does”, insert instead “Subsections (1) and (1A) do”.

(c) Section 27B (3)—

Omit “subsection (1) (a) or (b)”, insert instead “subsection (1) (a) or (b) or (1A)”.

(45) Section 28 (**Certain provisions not to apply**)—

Omit the section.

(46) Section 28A (**Electricity supply authorities—personal liability of members etc.**)—

(a) Section 28A (1)—

After “authority” where secondly occurring, insert “, a general manager or assistant general manager of an electricity council that is a county council”.

*Electricity Development (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(b) Section 28A (1)—

After “authority” where thirdly occurring, insert “or a general manager or assistant general manager of an electricity council that is a county council”.

(47) Section 33A (**Evidence**)—

Omit “chairman and general manager of the Authority or a prescribed officer of the Authority”, insert instead “Director or a prescribed officer of the Department of Energy”.

(48) Section 37 (**Regulations**)—

(a) Section 37 (2) (a1)–(a3)—

Omit section 37 (2) (a1), insert instead:

(a1) the policies, procedures and practices of electricity councils with respect to customers;

(a2) the accounting and budgetary practices and procedures of electricity councils;

(a3) the installation and operation of cathodic protection systems;

(b) Section 37 (2) (k1)—

Omit “Authority”, insert instead “Corporation”.

(c) Section 37 (2) (m)—

Before “information”, insert “reports,”.

(d) Section 37 (2) (n)—

Omit “a consumer’s”, insert instead “an”.

(e) Section 37 (2) (n)—

After “installation”, insert “(whether or not it is a consumer’s installation)”.

(f) Section 37 (2) (o)—

Omit “Authority” wherever occurring, insert instead “Director”.

SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(g) Section 37 (2) (bb)—

Omit “and”.

(h) Section 37 (2) (dd)–(gg)—

After section 37 (2) (cc), insert:

- (dd) prescribing standards for electrical installations and other equipment used for or in connection with the generation or supply of electricity (other than by the Electricity Commission) and for materials used in the manufacture of such equipment, and the adoption of engineering standards for such installations, equipment and materials;
- (ee) the methods to be adopted by electricity councils in estimating future demand for the supply of electricity;
- (ff) the conditions of supply of electricity and electrical articles, installations and apparatus by electricity councils; and
- (gg) agreements by electricity supply authorities (other than the Electricity Commission or electricity councils) for the generation or supply of electricity.

(i) Section 37 (2A) (a)—

Omit “Authority”, insert instead “Corporation”.

(j) Section 37 (5)—

After section 37 (4), insert:

- (5) A regulation shall, to the extent to which it is inconsistent with the provisions of any ordinance made under the Local Government Act 1919, prevail.
-

Electricity Development (Amendment) 1987

SCHEDULE 3

(Sec. 5)

AMENDMENT TO THE PUBLIC FINANCE AND AUDIT ACT 1983

Schedule 2 (**Statutory Bodies**)—

Insert, in appropriate alphabetical order:

Central West County Council.
Illawarra County Council.
Macquarie County Council.
Monaro County Council.
Murray River County Council.
Murrumbidgee County Council.
Namoi Valley County Council.
New England County Council.
Northern Rivers County Council.
North-west County Council.
Ophir County Council.
Peel-Cunningham County Council.
Prospect County Council.
Shortland County Council.
Southern Mitchell County Council.
Southern Tablelands County Council.
South-west Slopes County Council.
Tumut River County Council.
Ulan County Council.

SCHEDULE 4

(Sec. 6)

PROVISIONS RELATING TO THE TRANSFER OF PART OF THE
PARRAMATTA AREA**Division of assets and liabilities etc.**

1. (1) The Prospect County Council and the Sydney County Council shall, as soon as practicable, arrange and agree on a division of the assets, debts and liabilities of the Sydney County Council in connection with that part of its functions relating to that part of the area of Parramatta that was, immediately before the commencement of this Act, included in the Sydney County District by virtue of the Electricity (Special Provisions) Act 1935.

Electricity Development (Amendment) 1987

SCHEDULE 4—*continued*

PROVISIONS RELATING TO THE TRANSFER OF PART OF THE
PARRAMATTA AREA—*continued*

(2) Until the day appointed under clause 2 for the transfer of that part of the area of Paramatta from the Sydney County District to the Prospect County District, the area which is to be so transferred shall be deemed to be included in the Sydney County District.

(3) In reaching an agreement under this clause, the Councils shall determine—

(a) what assets, if any, of the Sydney County Council are to be transferred to the Prospect County Council;

(b) what debts and liabilities, if any, of the Sydney County Council are to be transferred to the Prospect County Council;

(c) what books, documents, records and papers held by the Sydney County Council, being books, documents, records and papers which relate to the assets, debts and liabilities referred to in paragraphs (a) and (b), and which are necessary or expedient in order to enable the Prospect County Council to carry out its functions in relation to the area transferred, are to be handed over to the Prospect County Council;

(d) whether any assets of the Sydney County Council not transferred to the Prospect County Council by this Act shall be made available for use by the Prospect County Council and the terms and conditions of such use; and

(e) whether any assets of the Sydney County Council not transferred to the Prospect County Council by this Act shall be made available by the Sydney County Council for joint use with the Prospect County Council and the terms and conditions of such use.

(4) If the Prospect County Council and the Sydney County Council fail to agree on or to determine any matter which they are required to agree on or to determine by this clause, the matter shall be referred to the Minister by one or both of the Councils and shall be decided by the Minister.

(5) The Councils shall keep a record of any agreement or determination made under this clause and shall notify the Minister and the Minister administering the Local Government Act 1919 in writing of any agreement or determination.

Transfer of part of Parramatta area from Sydney County Council

2. (1) On and from a day to be appointed by the Governor and notified by proclamation published in the Gazette, that part of the area of Parramatta included or deemed to be included in the Sydney County District immediately before that day shall be transferred to the Prospect County District.

*Electricity Development (Amendment) 1987*SCHEDULE 4—*continued*PROVISIONS RELATING TO THE TRANSFER OF PART OF THE
PARRAMATTA AREA—*continued*

- (2) On and from the appointed day—
- (a) all real and personal property (whether situated in New South Wales or elsewhere) and all rights and interests in that property and all management and control of any land or thing which, immediately before the appointed day, is vested in or belongs to the Sydney County Council and is held or used by it for or in connection with that part of its functions relating to the area transferred to the Prospect County Council, shall vest in and belong to the Prospect County Council;
 - (b) all money and claims in respect of money that, immediately before the appointed day are payable to or recoverable by the Sydney County Council for or in connection with that part of its functions relating to the area transferred to the Prospect County Council, shall become money and claims payable to or by or recoverable by or from the Prospect County Council;
 - (c) all legal proceedings brought by or against the Sydney County Council, and pending immediately before the appointed day, by or against the Sydney County Council in respect of any matter or claim for or in connection with that part of its functions relating to the area so transferred shall be deemed to be proceedings brought by or against the Prospect County Council;
 - (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Sydney County Council for or in connection with that part of its functions relating to the area so transferred, and in force immediately before the appointed day, shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Prospect County Council;
 - (e) the Prospect County Council 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 money and claims referred to in this subclause and for the prosecution of proceedings so referred to as the Sydney County Council might have done before that day;
 - (f) the Prospect County Council may enforce and realise any security or charge existing immediately before the appointed day in favour of the Sydney County Council, and may exercise any powers conferred on the Sydney County Council by the security or charge, as if the security or charge were a security or charge in favour of the Prospect County Council;
 - (g) all debts due and money payable by the Sydney County Council for or in connection with that part of its functions relating to the area so transferred and all claims, whether liquidated or unliquidated, recoverable against the Sydney County Council relating to those functions shall be debts due and money payable by and claims recoverable against the Prospect County Council; and

Electricity Development (Amendment) 1987

SCHEDULE 4—*continued*

PROVISIONS RELATING TO THE TRANSFER OF PART OF THE
PARRAMATTA AREA—*continued*

- (h) no attornment by a lessee of any land vested in the Prospect County Council by this section is necessary.



