

**ELECTRICITY COMMISSION (AMENDMENT) ACT 1989**  
**No. 3**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Electricity Commission Act 1950 No. 22
4. Savings, transitional and other provisions

**SCHEDULE 1—AMENDMENTS**

**SCHEDULE 2—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS**

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**ELECTRICITY COMMISSION (AMENDMENT) ACT 1989 No. 3**

**NEW SOUTH WALES**



**Act No. 3, 1989**

An Act to amend the Electricity Commission Act 1950 with respect to the constitution of the Electricity Commission. [Assented to 14 March 1989]

*Electricity Commission (Amendment) 1989*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Electricity Commission (Amendment) Act 1989.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Electricity Commission Act 1950 No. 22**

3. The Electricity Commission Act 1950 is amended as set out in Schedule 1.

**Savings, transitional and other provisions**

4. Schedule 2 has effect.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 5A (**Provisions relating to the membership and procedure of Commission**)—

Section 5A (1)—

Omit “not less than 8 and not more than 10”, insert instead “not less than 6 and not more than 8”.

(2) Schedule 6, clause 2 (**Commissioners**)—

(a) Omit clause 2 (1) (a) and (b), insert instead:

(a) 1 shall, in and by the instrument by which the commissioner is appointed, be appointed as General Manager of the Commission;

(b) not less than 4 and not more than 6 shall be persons nominated for appointment as commissioners by the Minister and shall, in and by the instruments by which they are appointed, be appointed as part-time commissioners; and

(1A) The persons nominated for appointment as commissioners must have such managerial, commercial or other qualifications as the Minister considers necessary to enable the Commission to carry out its functions.

*Electricity Commission (Amendment) 1989*

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SCHEDULE 1—AMENDMENTS—*continued*

- (3) Schedule 7 (**Provisions relating to the procedure of the Commission**), clause 2 (**Quorum**)—

Omit “Five commissioners (or 6 if there are more than 8”, insert instead “Three commissioners (or 4 if there are more than 6”.

SCHEDULE 2—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

(Sec. 4)

**Amendments relating to constitution of Electricity Commission**

1. (1) The person holding office as General Manager of the Electricity Commission immediately before the commencement of Schedule 1 (2) (a) shall be taken to have been appointed as a commissioner and as General Manager of the Commission under the Electricity Commission Act 1950 as amended by this Act for the balance of the person's term of office.

(2) A person holding office as an appointed part-time commissioner of the Electricity Commission immediately before the commencement of Schedule 1 (2) (a)—

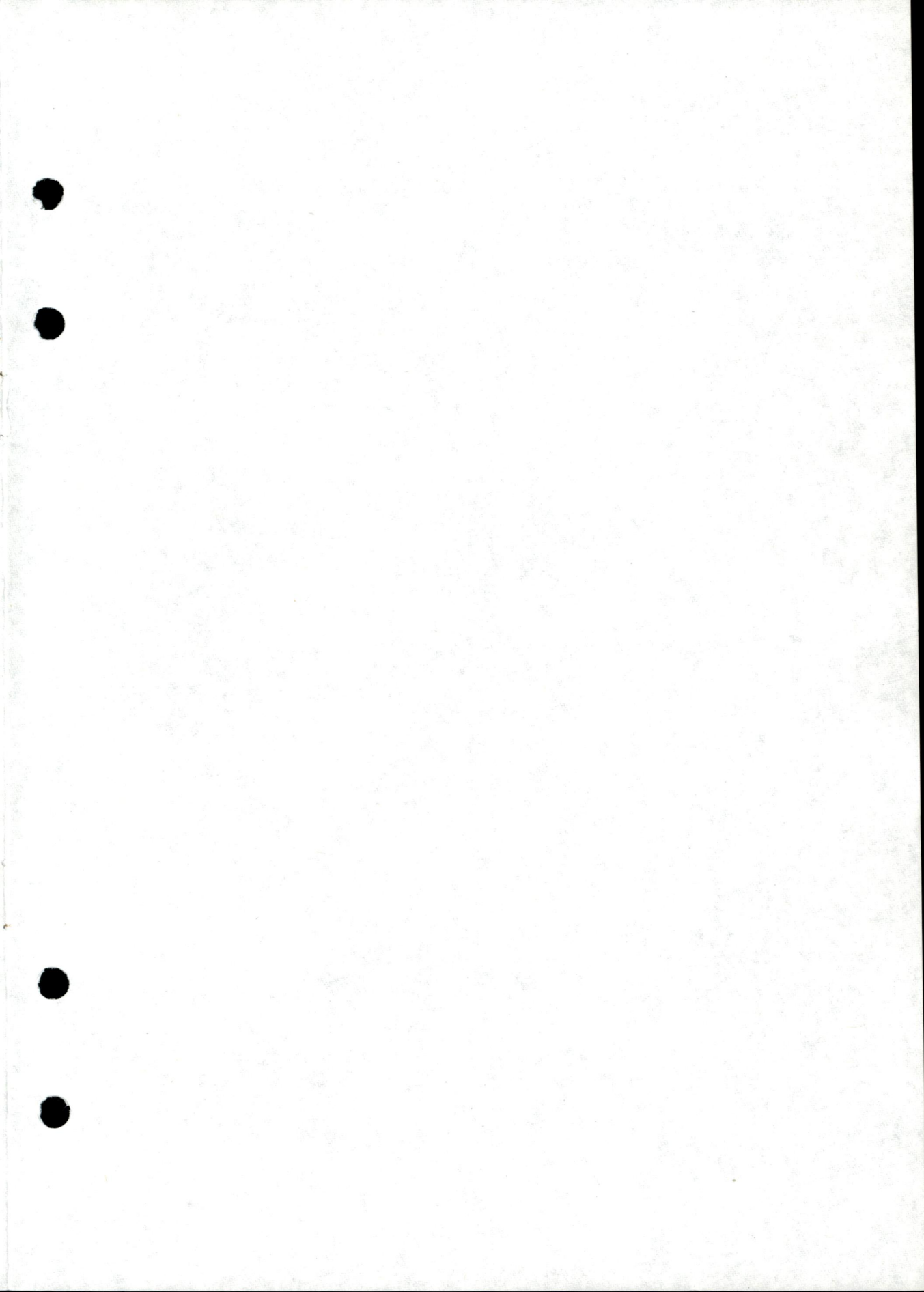
- (a) ceases to hold office as such on that commencement; and
- (b) is eligible (if otherwise qualified) to be a part-time commissioner of the Commission.

(3) A person who ceases to hold office as a commissioner of the Electricity Commission because of the operation of this Act is not entitled to be paid any remuneration or compensation because of so ceasing to hold that office.

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[*Minister's second reading speech made in—*  
*Legislative Assembly on 22 November 1988*  
*Legislative Council on 13 December 1988*]









# ELECTRICITY COMMISSION (AMENDMENT) BILL 1988

NEW SOUTH WALES



## EXPLANATORY NOTE

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

The object of this Bill is to amend the Electricity Commission Act 1950—

- (a) to reduce the number of members of the Electricity Commission from a maximum of 10 and a minimum of 8 commissioners to a maximum of 8 and a minimum of 6 commissioners; and
- (b) to omit the requirement that one of the part-time commissioners be an elected commissioner who is an employee of the Commission and a member of an industrial union representing employees of the Commission; and
- (c) to provide that the part-time commissioners must have appropriate managerial, commercial or other qualifications.

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**Clause 1** specifies the short title of the proposed Act.

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

**Clause 3** is a formal provision that gives effect to the Schedule of amendments.

**Clause 4** is a formal provision that gives effect to the Schedule of savings, transitional and other provisions.

## SCHEDULE 1—AMENDMENTS

### **Reduction in number of commissioners**

Schedule 1 (1) amends section 5A (provisions relating to the membership and procedure of Commission) to reduce the number of members of the Commission.

The amended section 5A (1) will read as follows:

- (1) The Commission shall consist of [*not less than 8 and not more than 10*] **not less than 6 and not more than 8** commissioners who shall be appointed by the Governor.

*Electricity Commission (Amendment) 1988*

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(Matter to be omitted is shown in italics and matter to be inserted is shown in bold type)

Schedule 1 (3) (a) (proposed clause 2 (1) (b)) and (8) make consequential amendments.

**Omission of requirement for elected commissioner**

Schedule 1 (3) (a) substitutes clause 2 (1) of Schedule 6 (provisions relating to the membership of the Commission) so as to omit clause 2 (1) (c).

The provision to be substituted reads (in part) as follows:

2. (1) Of the commissioners—

.....

(c) *1 shall be a person elected in the manner prescribed by regulations made under clause 3 and shall, in and by the instrument by which he is appointed, be appointed as a part-time commissioner.*

Schedule 1 (2), (3) (b), (c) and (4)–(7) make consequential amendments.

**Required qualifications for part-time commissioners**

Schedule 1 (3) (a) inserts clause 2 (1A) into Schedule 6 to require part-time commissioners to have certain qualifications. The provision to be inserted reads:

**(1A) The persons nominated for appointment as commissioners must have such managerial, commercial or other qualifications as the Minister considers necessary to enable the Commission to carry out its functions.**

**SCHEDULE 2—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS**

Schedule 2 ensures that the amendments will not affect the term of office of the present commissioner appointed as General Manager of the Commission or of a commissioner elected under the provision to be repealed.

The remaining commissioners will cease to hold office on the commencement of Schedule 1 (3) (a) but will be eligible (if otherwise qualified) to be re-appointed.

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# ELECTRICITY COMMISSION (AMENDMENT) BILL 1988

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
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SCHEDULE 1—AMENDMENTS

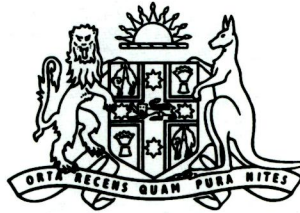
SCHEDULE 2—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

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# ELECTRICITY COMMISSION (AMENDMENT) BILL 1988

NEW SOUTH WALES



No. , 1988

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## A BILL FOR

An Act to amend the Electricity Commission Act 1950 with respect to the constitution of the Electricity Commission.

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*Electricity Commission (Amendment) 1988*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Electricity Commission (Amendment) Act 1988.

**5 Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Electricity Commission Act 1950 No. 22**

3. The Electricity Commission Act 1950 is amended as set out in 10 Schedule 1.

**Savings, transitional and other provisions**

4. Schedule 2 has effect.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

15 (1) Section 5A (**Provisions relating to the membership and procedure of Commission**)—

Section 5A (1)—

Omit “not less than 8 and not more than 10”, insert instead “not less than 6 and not more than 8”.

20 (2) Schedule 6 (**Provisions relating to the membership of the Commission**), clause 1 (**Definition**)—

Omit “or (c)”.

(3) Schedule 6, clause 2 (**Commissioners**)—

(a) Omit clause 2 (1), insert instead:

25 (1) Of the commissioners—

(a) 1 shall, in and by the instrument by which the commissioner is appointed, be appointed as General Manager of the Commission; and

30 (b) not less than 5 and not more than 7 shall be persons nominated for appointment as commissioners by the Minister and shall, in and by the instruments by which they are appointed, be appointed as part-time commissioners.

*Electricity Commission (Amendment) 1988*SCHEDULE 1—AMENDMENTS—*continued*

- (1A) The persons nominated for appointment as commissioners must have such managerial, commercial or other qualifications as the Minister considers necessary to enable the Commission to carry out its functions.
- 5 (b) Clause 2 (2)—  
Omit “or a part-time commissioner referred to in subclause (1) (c)”.
- (c) Clause 2 (3), (4)—  
Omit “referred to in subclause (1) (b)” wherever occurring.
- 10 (4) Schedule 6, clause 3 (**Elected commissioner**)—  
Omit the clause.
- (5) Schedule 6, clauses 4 (**Chairman of the Commission**) and 5 (**Acting commissioners**)—  
Omit “referred to in clause 2 (1) (b)” wherever occurring.
- 15 (6) Schedule 6, clause 6 (**Terms of office**)—
- (a) Clause 6 (1) (b)—  
Omit “except as provided in subclause (2),”.
- (b) Clause 6 (2)—  
Omit the subclause.
- 20 (7) Schedule 6, clause 10 (**Vacation of office**)—
- (a) Clause 10 (1) (h) (i)—  
Omit “or the part-time commissioner referred to in clause 2 (1) (c)”.
- (b) Clause 10 (1) (h) (ii)—  
25 Omit “referred to in clause 2 (1) (b)”.
- (c) Clause 10 (1) (i)—  
After “(3);”, insert “or”.
- (d) Clause 10 (1) (j)—  
Omit “give); or”, insert instead “give).”.
- 30 (e) Clause 10 (1) (k)—  
Omit the paragraph.
- (8) Schedule 7 (**Provisions relating to the procedure of the Commission**),  
clause 2 (**Quorum**)—
- 35 Omit “Five commissioners (or 6 if there are more than 8”, insert instead “Three commissioners (or 4 if there are more than 6”.

*Electricity Commission (Amendment) 1988***SCHEDULE 2—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS**

(Sec. 4)

**Amendments relating to constitution of Electricity Commission**

- 5 1. (1) The person holding office as General Manager of the Electricity Commission immediately before the commencement of Schedule 1 (3) (a) shall be taken to have been appointed as a commissioner and as General Manager of the Commission under the Electricity Commission Act 1950 as amended by this Act for the balance of the person's term of office.
- 10 (2) If a person is holding office as elected part-time commissioner of the Electricity Commission immediately before the commencement of Schedule 1 (3) (a), the person shall be taken to have been appointed as a part-time commissioner under the Electricity Commission Act 1950 as amended by this Act for the balance of the person's term of office.
- 15 (3) A person holding office as an appointed part-time commissioner of the Electricity Commission immediately before the commencement of Schedule 1 (3) (a)—
- (a) ceases to hold office as such on that commencement; and
  - (b) is eligible (if otherwise qualified) to be a part-time commissioner of the Commission.
- 20 (4) A person who ceases to hold office as a commissioner of the Electricity Commission because of the operation of this Act is not entitled to be paid any remuneration or compensation because of so ceasing to hold that office.
- 25 (5) Nothing in the Electricity Commission Act 1950 as in force immediately before the commencement of Schedule 1 (3) (a) shall be taken to require, or to have required, the holding of an election to fill any vacancy in the office of commissioner arising on or after 24 November 1988.

**Electricity Commission (Elections) Regulation 1982**

2. The Electricity Commission (Elections) Regulation 1982 is, on the commencement of Schedule 1 (3) (a), repealed.