

**ELECTRICITY (BROKEN HILL) AMENDMENT ACT
1994 No. 35**

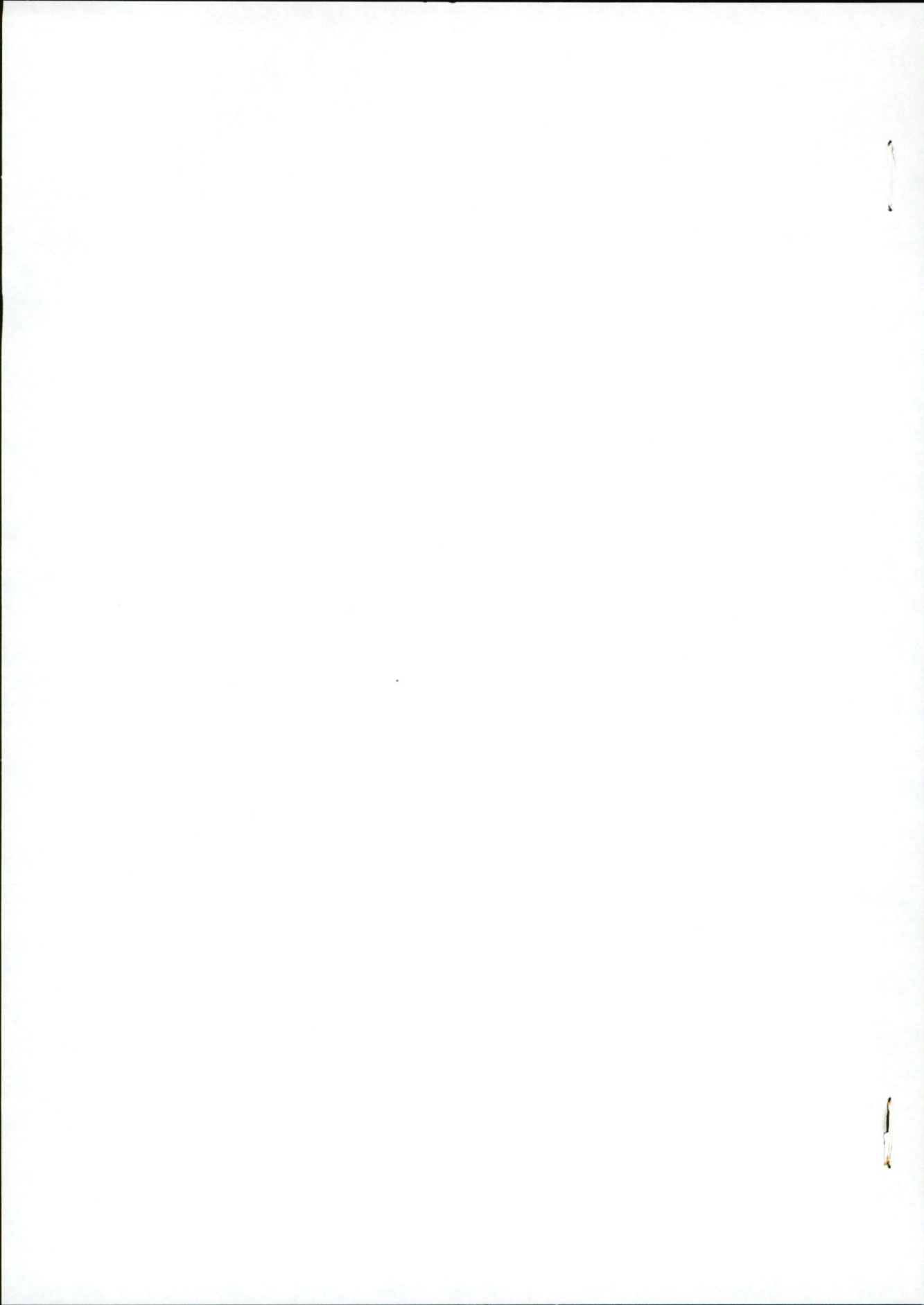
NEW SOUTH WALES



TABLE OF PROVISIONS

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2. Commencement
3. Amendment of Electricity Act 1945 (1946 No. 13)

SCHEDULE 1—AMENDMENTS



**ELECTRICITY (BROKEN HILL) AMENDMENT ACT
1994 No. 35**

NEW SOUTH WALES



Act No. 35, 1994

An Act to amend the Electricity Act 1945 to provide for the establishment of Broken Hill Electricity as an electricity distributor under that Act; and for other purposes. [Assented to 2 June 1994]

Electricity (Broken Hill) Amendment Act 1994 No. 35

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Electricity (Broken Hill) Amendment Act 1994.

Commencement

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

Amendment of Electricity Act 1945 (1946 No. 13)

3. The Electricity Act 1945 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 6B (**Application of this Act to Tenterfield Council**):

(a) From section 6B (1) and (3), omit "Broken Hill City Council or the Tenterfield Shire Council", wherever occurring, insert instead "Tenterfield Council".

(b) Omit section 6B (2), insert instead:

(2) The Tenterfield Council is, in the exercise of any such functions, subject to this Act (except Division 4) as if it were an electricity distributor.

(c) From section 6B (4), omit "Broken Hill City Council or Tenterfield Shire Council", insert instead "Tenterfield Council".

(2) Section 6N (**Constitution of board of electricity distributor**):

(a) After section 6N (3), insert:

(3A) The number of directors of Broken Hill Electricity is to be 7, with:

(a) 5 of those directors to be elected under subsection (1) (a) (i) by the councillors of Broken Hill City Council or appointed under subsection (1) (a) (ii) on the nomination of that Council; and

SCHEDULE 1—AMENDMENTS—*continued*

- (b) 1 of those directors to be elected under subsection (1)
 - (a) (i) by the councillors of the Council of Central Darling area or appointed under subsection (1) (a) (ii) on the nomination of that Council; and
 - (c) 1 of those directors to be appointed by the Minister under subsection (2) (b) to represent the interests of customers of Broken Hill Electricity in the Unincorporated area.
- (b) At the ends of section 6N (3) and (5), insert “This subsection does not apply to Broken Hill Electricity.”.
- (3) Schedule 7 (**Electricity distributors**):
 - Before the matter relating to Central West Electricity, insert:
 - Broken Hill Electricity
 - Broken Hill City
 - Central Darling local government area
 - Unincorporated area (part)
- (4) Schedule 11 (**Savings, transitional and other provisions**):
 - (a) At the end of clause 1 (1), insert:
 - Electricity (Broken Hill) Amendment Act 1994.
 - (b) In clause 1 (2), after “Electricity (Amendment) Act 1993”, insert “or the Electricity (Broken Hill) Amendment Act 1994”.
 - (c) After Part 2, insert:

**PART 3—PROVISIONS CONSEQUENT ON THE
ENACTMENT OF THE ELECTRICITY (BROKEN
HILL) AMENDMENT ACT 1994**

Application of Part 2

12. Part 2 applies to and in respect of Broken Hill Electricity as if:

- (a) Broken Hill City Council were a former electricity council under this Schedule; and
- (b) Broken Hill Electricity were the corresponding electricity distributor in relation to Broken Hill City Council (as a former electricity council); and

SCHEDULE 1—AMENDMENTS—*continued*

- (c) the appointed day in relation to Broken Hill City Council (as a former electricity council) were the date of commencement of this clause.

First directors of Broken Hill Electricity

13. (1) The first board of directors of Broken Hill Electricity is to consist of the 7 persons (5 councillors and 2 other persons) who, immediately before the commencement of this clause, were members of the committee of the Broken Hill City Council known as the Electricity Committee.

(2) Those persons are taken to have been elected to the board of Broken Hill Electricity pursuant to section 6N, and Schedule 8 applies to them as elected directors.

(3) Section 6N (1)–(3A) does not apply to the first board of directors of Broken Hill Electricity.

General manager

14. The person who, immediately before the commencement of this clause, held office as General Manager (Electricity) of Broken Hill City Council:

- (a) ceases to hold that office and is not entitled to any remuneration or compensation because of the loss of that office; and
- (b) is taken to have been appointed under this Act as the general manager of Broken Hill Electricity under the terms and for the remaining duration of the general manager's existing employment contract with Broken Hill City Council.

Disputes as to transfer of assets, rights and liabilities

15. (1) If any dispute arises as to the operation of clause 3 of this Schedule in respect of Broken Hill Electricity and the dispute is not resolved within 3 months after the commencement of this clause, the Minister may refer the dispute to arbitration under the Commercial Arbitration Act 1984 and may appoint an arbitrator for that purpose.

(2) The Minister is not to refer a dispute to arbitration without first consulting on the dispute with the Broken Hill City Council.

Electricity (Broken Hill) Amendment Act 1994 No. 35

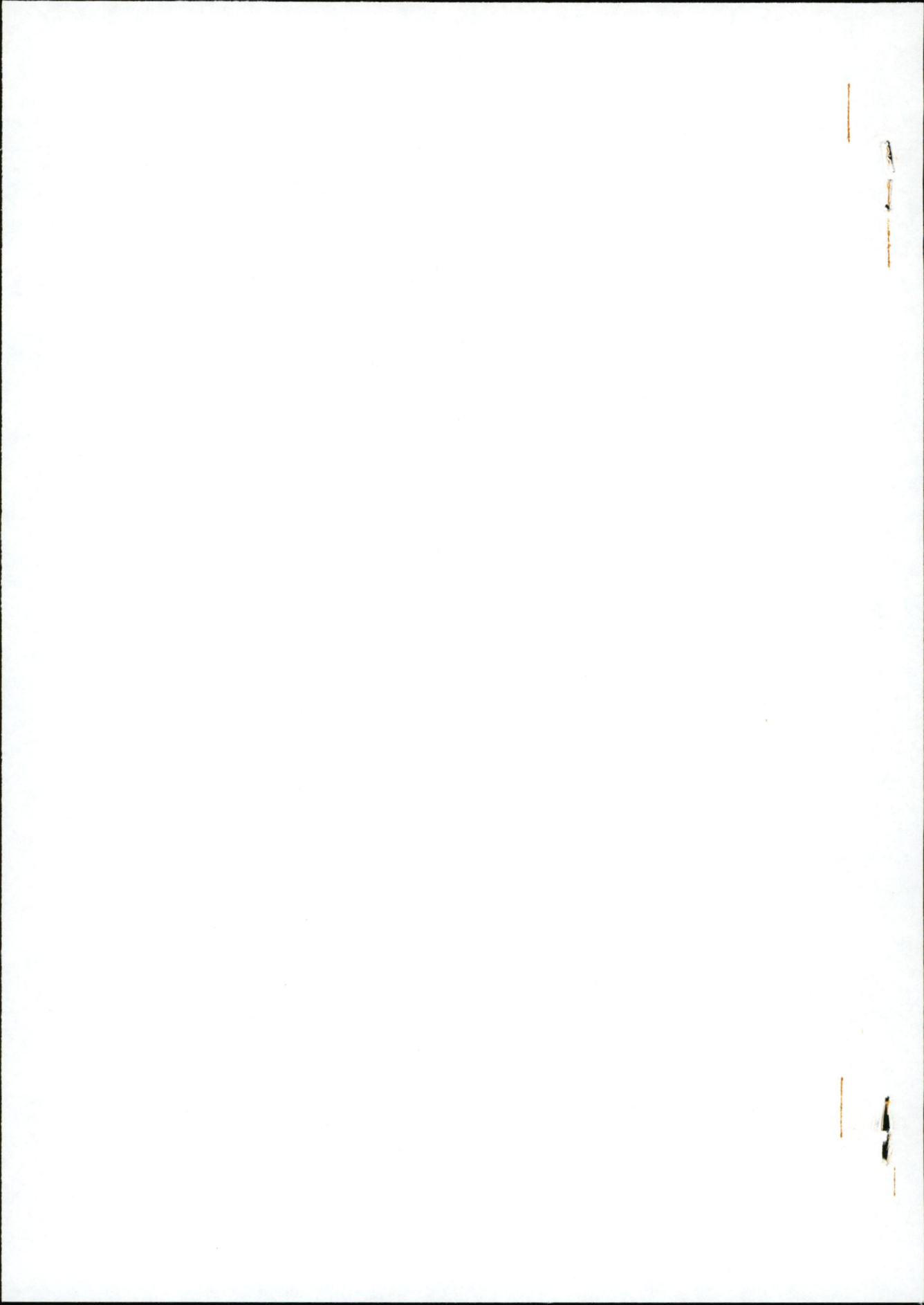
SCHEDULE 1—AMENDMENTS—*continued*

(3) For the purposes of any such arbitration, the parties to the arbitration are Broken Hill City Council and Broken Hill Electricity.

(4) The parties are to pay the costs of the arbitration (including the fees and expenses of the arbitrator) in equal shares.

(5) The award made by the arbitrator is final and binding on the parties.

[*Minister's second reading speech made in—
Legislative Assembly on 4 May 1994
Legislative Council on 13 May 1994*]



FIRST PRINT

ELECTRICITY (BROKEN HILL) AMENDMENT BILL 1994

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 Act 1945 to provide for the creation under that Act of an electricity distributor for Broken Hill and surrounding districts.

The Bill provides for the following:

- (a) the new electricity distributor will be called Broken Hill Electricity with an area of operations taking in Broken Hill City, Central Darling local government area and part of the Unincorporated area (the area of the State not within a local government area) prescribed by the regulations;
 - (b) the first board of directors of Broken Hill Electricity is to consist of the present members of the Electricity Committee of Broken Hill City Council with existing provisions of the Act applying thereafter to the election, nomination or appointment of directors of Broken Hill Electricity, subject to paragraph (c);
 - (c) in the future, the board of directors of Broken Hill Electricity will consist of 7 directors, with 5 nominated or elected by Broken Hill City Council, 1 nominated or elected by Central Darling Council and 1 appointed by the Minister to represent customers in the rest of the area of operations of the new distributor;
 - (d) Broken Hill Electricity will take over the existing electricity undertaking of Broken Hill City Council and the assets and liabilities of that undertaking, with existing staff of Broken Hill City Council who are employed in connection with the Council's electricity undertaking being transferred to Broken Hill Electricity and the General Manager (Electricity) of Broken Hill City Council becoming the General Manager of Broken Hill Electricity;
 - (e) the Minister can refer disputes arising under the transfer of undertaking provisions to arbitration with the decision of the arbitrator being final and binding on the parties.
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Electricity (Broken Hill) Amendment 1994

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 is a formal provision giving effect to the Schedule of amendments to the Electricity Act 1945.

Schedule 1 contains the amendments to the Electricity Act 1945 described above.

FIRST PRINT

ELECTRICITY (BROKEN HILL) AMENDMENT BILL 1994

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Electricity Act 1945 (1946 No. 13)

SCHEDULE 1—AMENDMENTS

ELECTRICITY (BROKEN HILL) AMENDMENT BILL 1994

NEW SOUTH WALES



No. , 1994

A BILL FOR

An Act to amend the Electricity Act 1945 to provide for the establishment of Broken Hill Electricity as an electricity distributor under that Act; and for other purposes.

*Electricity (Broken Hill) Amendment 1994***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Electricity (Broken Hill) Amendment Act 1994.

5 Commencement

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

Amendment of Electricity Act 1945 (1946 No. 13)

3. The Electricity Act 1945 is amended as set out in Schedule 1.

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 6B (Application of this Act to Tenterfield Council):

15 (a) From section 6B (1) and (3), omit "Broken Hill City Council or the Tenterfield Shire Council", wherever occurring, insert instead "Tenterfield Council".

(b) Omit section 6B (2), insert instead:

(2) The Tenterfield Council is, in the exercise of any such functions, subject to this Act (except Division 4) as if it were an electricity distributor.

20 (c) From section 6B (4), omit "Broken Hill City Council or Tenterfield Shire Council", insert instead "Tenterfield Council".

(2) Section 6N (Constitution of board of electricity distributor):

(a) After section 6N (3), insert:

25 (3A) The number of directors of Broken Hill Electricity is to be 7, with:

(a) 5 of those directors to be elected under subsection (1)

30 (a) (i) by the councillors of Broken Hill City Council or appointed under subsection (1) (a) (ii) on the nomination of that Council; and

Electricity (Broken Hill) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

- (b) 1 of those directors to be elected under subsection (1) (a) (i) by the councillors of the Council of Central Darling area or appointed under subsection (1) (a) (ii) on the nomination of that Council; and 5
- (c) 1 of those directors to be appointed by the Minister under subsection (2) (b) to represent the interests of customers of Broken Hill Electricity in the Unincorporated area. 10
- (b) At the ends of section 6N (3) and (5), insert “This subsection does not apply to Broken Hill Electricity.”. 10
- (3) Schedule 7 (**Electricity distributors**):
- Before the matter relating to Central West Electricity, insert:
- Broken Hill Electricity
- Broken Hill City 15
- Central Darling local government area
- Unincorporated area (part)
- (4) Schedule 11 (**Savings, transitional and other provisions**):
- (a) At the end of clause 1 (1), insert: 20
- Electricity (Broken Hill) Amendment Act 1994.
- (b) In clause 1 (2), after “Electricity (Amendment) Act 1993”, insert “or the Electricity (Broken Hill) Amendment Act 1994”.
- (c) After Part 2, insert: 25
- PART 3—PROVISIONS CONSEQUENT ON THE ENACTMENT OF THE ELECTRICITY (BROKEN HILL) AMENDMENT ACT 1994**
- Application of Part 2**
12. Part 2 applies to and in respect of Broken Hill Electricity as if: 30
- (a) Broken Hill City Council were a former electricity council under this Schedule; and
- (b) Broken Hill Electricity were the corresponding electricity distributor in relation to Broken Hill City Council (as a former electricity council); and 35

Electricity (Broken Hill) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

- (c) the appointed day in relation to Broken Hill City Council (as a former electricity council) were the date of commencement of this clause.

5 **First directors of Broken Hill Electricity**

13. (1) The first board of directors of Broken Hill Electricity is to consist of the 7 persons (5 councillors and 2 other persons) who, immediately before the commencement of this clause, were members of the committee of the Broken Hill City Council known as the Electricity Committee.

(2) Those persons are taken to have been elected to the board of Broken Hill Electricity pursuant to section 6N, and Schedule 8 applies to them as elected directors.

15 (3) Section 6N (1)–(3A) does not apply to the first board of directors of Broken Hill Electricity.

General manager

14. The person who, immediately before the commencement of this clause, held office as General Manager (Electricity) of Broken Hill City Council:

- 20 (a) ceases to hold that office and is not entitled to any remuneration or compensation because of the loss of that office; and
- 25 (b) is taken to have been appointed under this Act as the general manager of Broken Hill Electricity under the terms and for the remaining duration of the general manager's existing employment contract with Broken Hill City Council.

Disputes as to transfer of assets, rights and liabilities

30 15. (1) If any dispute arises as to the operation of clause 3 of this Schedule in respect of Broken Hill Electricity and the dispute is not resolved within 3 months after the commencement of this clause, the Minister may refer the dispute to arbitration under the Commercial Arbitration Act 1984 and may appoint an arbitrator for that purpose.

35 (2) The Minister is not to refer a dispute to arbitration without first consulting on the dispute with the Broken Hill City Council.

Electricity (Broken Hill) Amendment 1994

SCHEDULE 1—AMENDMENTS—*continued*

(3) For the purposes of any such arbitration, the parties to the arbitration are Broken Hill City Council and Broken Hill Electricity.

(4) The parties are to pay the costs of the arbitration (including the fees and expenses of the arbitrator) in equal shares.

(5) The award made by the arbitrator is final and binding on the parties.
