

SECOND PRINT

**ELECTRICITY AND OTHER LEGISLATION (AMENDMENT)
BILL 1991 (No. 2)**

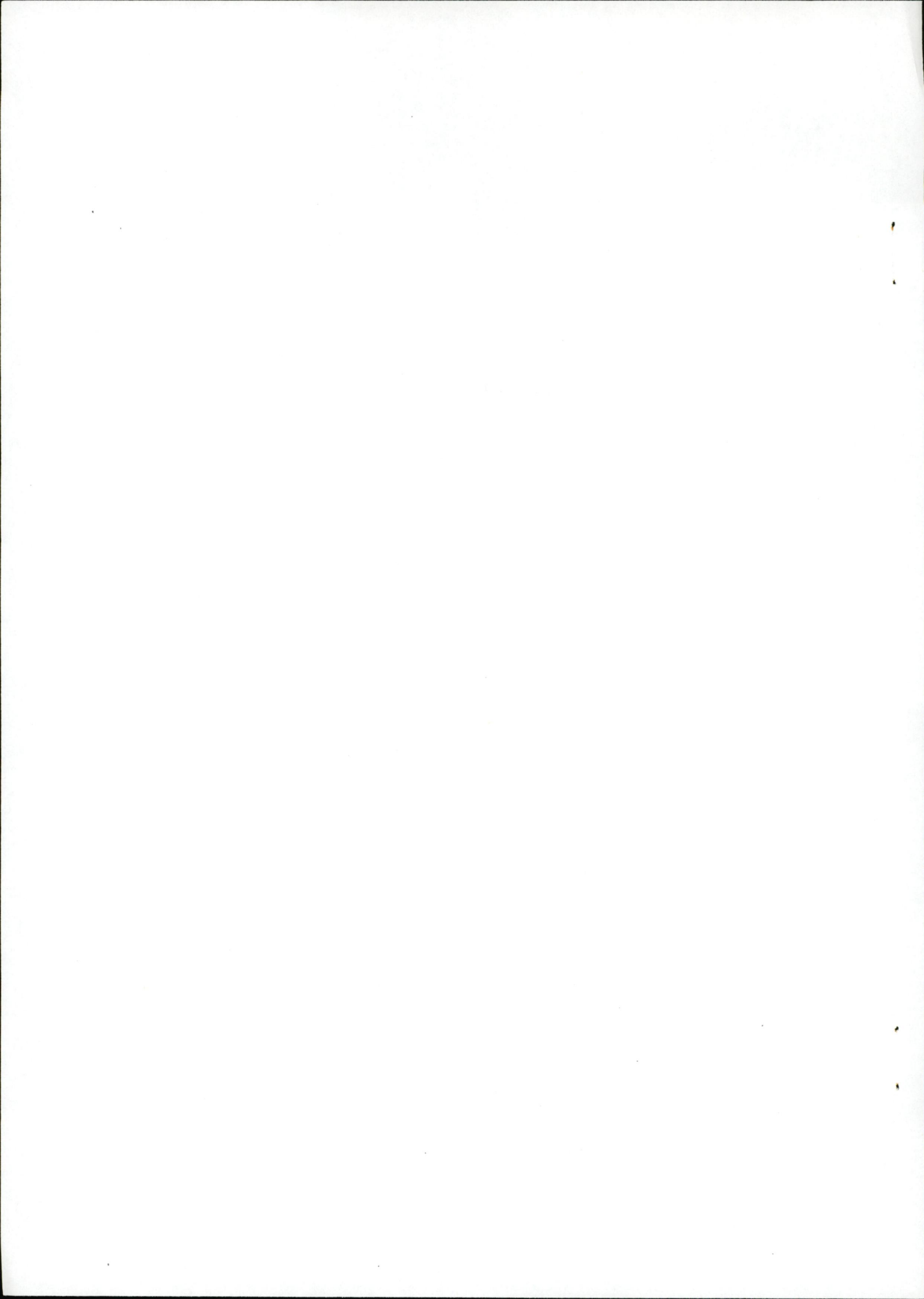
NEW SOUTH WALES



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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945
SCHEDULE 2—AMENDMENT OF OTHER ACTS



This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments.

NEW SOUTH WALES



Act No. , 1991

An Act to amend the Electricity Act 1945 with respect to electrical safety, the administration of electricity supply authorities and offences relating to electricity; to amend certain other Acts; and for other purposes.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Electricity and Other Legislation (Amendment) Act 1991.

Commencement

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.

(2) Section 3 in its application to a provision of Schedule 1 commences on the day on which the provision commences.

(3) Section 4 in its application to a provision of Schedule 2 commences on the day on which the provision commences.

Amendment of Electricity Act 1945 (1946 No. 13)

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

Amendment of other Acts

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

Transitional provisions

5. (1) On the commencement of Schedule 1 (9), the assets and liabilities of the Industrial Development Assistance Fund become assets and liabilities of the Electricity Development Fund.

(2) An amount or additional amount within the meaning of section 419A of the Local Government Act 1919 that could not be recovered by a council before the commencement of the amendment made to that section by this Act may not be recovered after that commencement.

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945

(Sec. 3)

(1) Section 4 (**Definitions**):

(a) From section 4 (1), omit the definition of "Area Board".

(b) From section 4 (1), omit the definition of "Industrial Development Assistance Fund".

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(2) Part 2A (**Electricity Area Boards**):

Omit the Part.

(3) Section 7AA:

After section 7A, insert:

Performance agreements

7AA. (1) The Minister may require an electricity council to enter into a performance agreement.

(2) A performance agreement is to set operational performance targets for the electricity council concerned in the exercise of specified functions during a financial year and is to provide for the evaluation and review of results in relation to those targets.

(3) A performance agreement must not be inconsistent with any guidelines determined by the Treasurer that relate to electricity councils.

(4) An electricity council must, as far as practicable, exercise its functions in accordance with its performance agreement.

(5) The Corporation is required to monitor the performance of an electricity council under its performance agreement and to report to the Minister at least once each year as to the electricity council's performance.

(6) The results of an electricity council's performance during a financial year are to be included in the council's annual report relating to that year.

(4) Section 7D (**Contributions to Electricity Development Fund**):

Omit section 7D (2)–(5).

(5) Part 2C:

After Part 2B, insert:

PART 2C—SUBSIDIARIES OF ELECTRICITY COUNCILS

Special purpose companies

7W. (1) In this section:

“special purpose company” means a company in which electricity councils have a controlling interest.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(2) For the purpose of carrying on a joint enterprise in relation to any of their functions, two or more electricity councils may, with the approval of the Minister, form, or participate in the formation of, a special purpose company.

(3) An electricity council may, with the approval of the Minister:

- (a) acquire interests in a special purpose company; or
- (b) sell or otherwise dispose of interests in a special purpose company.

(4) The Minister must not grant an approval under this section unless satisfied that any guidelines for the time being issued by the Premier relating to the formation and operation of subsidiary companies are complied with.

(6) Section 10:

After section 9, insert:

Powers of Corporation relating to the protection of life etc.

10. The Corporation may exercise, in its own name, any function of an electricity supply authority under this or any other Act as if it were such an authority, if the Corporation is of the opinion that it is necessary to do so in order to protect the life or health of any person.

(7) Section 14AAE:

After section 14AAD, insert:

Application of Part to subsidiaries of electricity councils

14AAE. In this Part, “electricity supply authorities” includes special purpose companies within the meaning of section 7W.

(8) Section 17 (**Contributions to the State Energy Research and Development Fund**):

From section 17 (1), omit “an amount equal to”, insert instead “such amount as may be determined by the Minister on the recommendation of the Corporation not exceeding”.

(9) Sections 19 (**Industrial Development Assistance Fund**), 19AA (**Application of Industrial Development Assistance Fund**):

Omit the sections.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(10) Section 21DA:

After section 21D, insert:

Sale of electrical articles other than those to which s. 21 applies

21DA. (1) This section applies to electrical articles which are not, by an order which is in force under section 21, declared to be electrical articles to which this Part applies.

(2) A person must not sell an electrical article that does not comply with:

- (a) the type specifications, if any; or
- (b) a specification prescribed by the regulations; or
- (c) such other requirements as may be prescribed by the regulations,

for that electrical article.

Maximum penalty: 100 penalty units.

(11) Part 6B:

After Part 6A, insert:

PART 6B—ACCIDENT REPORTING AND INVESTIGATION

Definitions

27D. In this Part:

“**inspector**” means an inspector appointed under section 27F;

“**serious electrical accident**” means an accident:

- (a) in which electricity is involved; and
- (b) as a consequence of which a person dies or suffers permanent disability, is hospitalised, receives treatment from a health care professional or is unable to attend work for any period of time.

Notification of serious electrical accidents

27E. (1) A serious electrical accident must be notified in accordance with subsection (2) to the Corporation by:

- (a) except as provided by paragraph (b), the occupier of the place at which the accident occurred; or

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(b) such other person as is prescribed by the regulations.

Maximum penalty: 5 penalty units where the place at which the accident occurred is residential premises and 100 penalty units in any other case.

(2) A notice of an accident must be given within such time and in such manner as the regulations may prescribe.

Appointment of inspectors

27F. (1) The Corporation may authorise a person to carry out inspections for the purposes of this Part.

(2) The Corporation must provide an inspector with a certificate of the inspector's authority.

(3) An inspector, in exercising in any place any function conferred or imposed under this Part, must, if so required by a person apparently in charge of that place, produce the certificate of authority to that person.

Investigation of serious electrical accidents

27G. The Corporation may arrange for an inspector to investigate and report to it concerning a serious electrical accident, whether or not notice of the accident is given to the Corporation.

Powers of inspectors

27H. (1) For the purposes of this Part, an inspector may, at any place where a serious electrical accident has or may reasonably be expected to have occurred do any one or more of the following:

- (a) enter and inspect the place;
- (b) examine and test any electrical article, electrical appliance or electrical apparatus;
- (c) take photographs;
- (d) take for analysis a sample of any substance or thing which in the inspector's opinion may relate to the accident;
- (e) require any person at the place to produce any record which may be of relevance to the occurrence of the accident;
- (f) take copies of, or extracts or notes from, any such record;

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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

- (g) require any person at the place to answer questions or otherwise furnish information relating to the accident;
- (h) require the owner or occupier of the place to provide the inspector with such assistance and facilities as are reasonably necessary to enable the inspector to exercise the inspector's functions under this section.

(2) An inspector may not exercise the inspector's functions under this section in relation to a part of any premises being used for residential purposes except:

- (a) with the permission of the occupier of that part of the premises; or
- (b) under the authority conferred by a search warrant issued under section 27I.

Search warrant

27I. (1) In this section:

“**authorised justice**” has the same meaning as in the Search Warrants Act 1985.

(2) An inspector may apply to an authorised justice for a search warrant in respect of any premises if the inspector has reasonable grounds for believing that a serious electrical accident has occurred in or on those premises.

(3) An authorised justice to whom an application is made under this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant:

- (a) to enter the premises; and
- (b) to search the premises for evidence of the occurrence of a serious electrical accident.

(4) Part 3 of the Search Warrants Act 1985 applies to a search warrant issued under this section.

Obstruction etc. of inspectors

27J. (1) A person must not:

- (a) prevent an inspector from exercising any function conferred on the inspector under section 27H; or
- (b) hinder or obstruct an inspector in the exercise of any such function; or

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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

- (c) refuse or fail to comply with any requirement or answer any question of an inspector; or
- (d) furnish an inspector with information knowing that it is false or misleading in a material particular; or
- (e) impersonate an inspector.

Maximum penalty: 50 penalty units.

(2) It is a sufficient defence to a prosecution for an offence under subsection (1) (c) because of the failure of the defendant to answer a question of an inspector under section 27H if the defendant proves that the defendant did not know, and could not with reasonable diligence ascertain, the answer to the question.

(3) A person is not excused from answering any question of an inspector under section 27H on the ground that the answer might tend to incriminate the person or make the person liable to a penalty, but the information furnished by the person is not admissible against the person in any proceedings, civil or criminal, except for an offence under subsection (1).

Interference with site of serious electrical accident

27K. A person must not disturb or interfere with the site of a serious electrical accident before it has been inspected by an inspector except:

- (a) to make it safe; or
- (b) with the permission of an inspector.

Maximum penalty: 100 penalty units.

Publication of details of serious electrical accidents

27L. (1) The Corporation may publish such details of serious electrical accidents as it considers necessary in the interests of public information and safety.

(2) The Minister, the Corporation, a member of staff of the Corporation or an inspector is not liable to any claim or action arising from any matter published under this section.

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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(12) Sections 29, 30:

After section 28A, insert:

Responsibilities of consumers concerning the safety of electrical installations

29. (1) For the purpose of causing an electrical installation to be free from any defect or circumstance that is likely to cause fire or otherwise make the installation unsafe, a consumer must, to the best of the consumer's ability and knowledge, ensure that the prescribed parts of the electrical installation, while the electrical installation remains connected to the source of the supply of electricity, are maintained in accordance with the regulations.

(2) A consumer must not connect the consumer's electrical installation or any part of it, or cause the installation or any part to be connected, to the source of supply of electricity if the installation has been lawfully disconnected for reasons of safety until the installation has been made safe.

Maximum penalty: 20 penalty units.

Theft of electricity

30. (1) A person must not, without the permission of an electricity supply authority, abstract, cause to be wasted or diverted, consume or use any electricity from that authority's supply.

(2) A person who is not authorised to do so by the electricity supply authority concerned must not:

(a) alter, or attempt to alter, the register of any meter, or otherwise interfere with the meter; or

(b) interfere with any other installation or thing,

belonging to that electricity supply authority and connected to that authority's supply.

(3) The existence of artificial means:

(a) of abstracting, wasting, diverting, consuming or using electricity, as referred to in subsection (1); or

(b) of altering or interfering with any meter, or of interfering with any other installation or thing belonging to an electricity supply authority, as referred

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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

to in subsection (2), when the meter is in the custody or under the control of the consumer,

is prima facie evidence that such abstraction, waste, diversion, consumption or use has been caused by the person without the permission of the electricity supply authority, or that the alteration or interference has been caused by the consumer.

(4) A person must not, without the permission of the electricity supply authority concerned:

- (a) connect any electrical installation to the mains of that electricity supply authority; or
- (b) connect any addition, or make any alteration, to any electrical installation so as to cause the supply of electricity to an electrical installation or any part of an electrical installation to be incorrectly metered.

(5) Where a person is convicted of an offence under this section, the court may order that the supply of electricity to that person be disconnected until such time as the matter in respect of which the person was convicted (if it is a matter capable of being remedied) has been remedied, by the person and at the person's own expense, to the satisfaction of the electricity supply authority concerned.

Maximum penalty: 50 penalty units.

(13) Section 37 (**Regulations**):

- (a) After section 37 (2) (e1), insert:
 - (e2) the payment of interest on unpaid amounts due to electricity supply authorities at a rate not exceeding the rate prescribed (as at 31 October of the year preceding the year in which the amounts were payable) for the purposes of section 95 (1) of the Supreme Court Act 1970;
- (b) From section 37 (2) (g), omit "where the conditions of such supply may be dangerous to life, health or property,".
- (c) After section 37 (2) (j), insert:
 - (k) the training and qualifications of persons who perform work concerning high voltage electrical equipment;

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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

- (d) From section 37 (2) (ff), omit “and” where lastly occurring.
- (e) After section 37 (2) (gg), insert:
 - (hh) the connection and disconnection of an electrical installation to a supply of electricity; and
 - (ii) the supply, testing and registering of meters and metering equipment and the reading of meters and metering equipment by electricity supply authorities.
- (f) After section 37 (2), insert:
 - (2A) A regulation may apply, adopt or incorporate, with or without modification, the provisions, as in force for the time being, of any Act or statutory rule or of any other publication, whether of the same or of a different kind.

SCHEDULE 2—AMENDMENT OF OTHER ACTS

(Sec. 4)

County Districts Reconstitution Act 1979 No. 185

Section 8:

Omit the section, insert instead:

Redundancy of servants

8. The employment of a person who on the appointed day for a reconstituted county district was, or who pursuant to Part 29 of the Principal Act on that day became, a servant of the county council for that county district may not be terminated on the ground of redundancy arising from the operation of this Act.

Crimes Act 1900 No. 40

Section 154C (Malicious or fraudulent abstraction, waste etc. of electricity):

Omit the section and the short heading before the section.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 2—AMENDMENT OF OTHER ACTS—*continued*

Energy Administration Act 1987 No. 103

Section 11 (Objects and general functions):

At the end of section 11 (1) (e), insert:

; and

- (f) to promote energy conservation and measures to increase the efficiency of energy supply, transmission and use.

Local Government Act 1919 No. 41

(1) **Section 419A (Limitation on recovery of charges for gas supplied):**

- (a) Omit “or electricity” wherever occurring.
(b) From section 419A (2) (d) (i), omit “or of electricity, as the case may be”.

(2) **Section 512E (Penalty for injuring works):**

- (a) From section 512E (1), omit “or alters the index of any meter, or prevents any meter from duly registering the quantity of electricity supplied, or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses electricity supplied by the council, or any other person,”.
(b) Omit section 512E (2).

Search Warrants Act 1985 No. 37

Section 10 (Definitions):

From the definition of “search warrant” in section 10, omit “section 21I of the Electricity Development Act 1945;”, insert instead “sections 21I and 27I of the Electricity Act 1945;”.

FIRST PRINT

**ELECTRICITY AND OTHER LEGISLATION (AMENDMENT)
BILL 1991 (No. 2)**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to amend the Electricity Act 1945 with respect to the following:
 - (i) the abolition of Electricity Area Boards;
 - (ii) the application of performance agreements to electricity councils;
 - (iii) the establishment of subsidiary companies of electricity councils for the purpose of carrying out joint enterprises;
 - (iv) the abolition of the Industrial Development Assistance Fund;
 - (v) prohibiting the sale of certain electrical items that are unsafe;
 - (vi) the responsibilities of consumers for the safety of their electrical installations;
 - (vii) the theft of electricity;
 - (viii) the rendering of accounts by electricity councils and the payment of interest on overdue accounts;
 - (ix) other miscellaneous matters; and
 - (b) to amend the County Districts Reconstitution Act 1979 with respect to the areas within which certain employees of county councils may be based; and
 - (c) to amend the Energy Administration Act 1987 to extend the objects of the Energy Corporation; and
 - (d) to amend the Local Government Act 1919 with respect to the rendering of electricity accounts by county councils; and
 - (e) to make consequential amendments to the Crimes Act 1900 and the Search Warrants Act 1985.
-

Electricity and Other Legislation (Amendment) 1991 (No. 2)

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

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

Clause 4 is a formal provision that gives effect to the Schedule of amendments to other Acts.

Clause 5 is a transitional provision. It vests the assets and liabilities of the Industrial Development Assistance Fund in the Electricity Development Fund on the abolition of the former fund. It also ensures that electricity accounts of electricity councils that could not be recovered before the amendment to section 419A of the Local Government Act 1919 by Schedule 2 cannot be recovered after that amendment.

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945

Abolition of Electricity Area Boards

Schedule 1 (2) omits Part 2A so as to abolish Electricity Area Boards and to remove provisions relating to those Boards from the Principal Act.

Schedule 1 (1) (a) makes a consequential amendment.

Performance agreements

Schedule 1 (3) empowers the Minister administering the Principal Act to require an electricity council to enter into a performance agreement. Performance agreements are to set operational performance targets for electricity councils in the exercise of specified functions during a financial year. Performance agreements are to be monitored by the Energy Corporation constituted under the Energy Administration Act 1987. The results of an electricity council's performance during a financial year are to be included in the council's annual report for that year.

Special purpose companies

Schedule 1 (5) inserts proposed Part 2C. The proposed Part (comprising section 7W) will enable two or more electricity councils, with the Minister's approval, to carry on a common enterprise relating to the performance of their functions by means of a subsidiary company. Electricity councils may form, or participate in the formation of, these companies, acquire interests in them and sell or otherwise dispose of those interests. The companies must conform to the Premier's guidelines relating to subsidiary companies.

Schedule 1 (7) inserts proposed section 14AAE so as to enable the application of the electricity supply authorities insurance scheme to special purpose companies.

Exercise by the Energy Corporation of the functions of electricity supply authorities in order to protect life and prevent injury

Schedule 1 (6) inserts proposed section 10 which will enable the Energy Corporation to exercise, in its own name, any function of an electricity supply authority if the Corporation is of the opinion that it is necessary to do so in order to protect the life or health of any person.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

Contributions to the State Energy Research and Development Fund

Section 17 of the Principal Act requires an amount equal to 0.125 per cent of the value of the gross retail sales of electricity of the electricity industry in each financial year to be paid out of the Electricity Development Fund into the State Energy Research and Development Fund established under section 35A of the Energy Administration Act 1987. Schedule 1 (8) amends section 17 to provide that the amount to be paid out is to be such amount as may be determined by the Minister on the recommendation of the Energy Corporation not exceeding 0.125 per cent of the value of those gross retail sales of electricity.

Abolition of Industrial Development Assistance Fund

Schedule 1 (9) omits sections 19 and 19AA so as to abolish the Industrial Development Assistance Fund. Schedule 1 (1) (b) and (4) make amendments consequential on the abolition of that Fund. Clause 5 (1) will transfer the assets and liabilities of that Fund to the Electricity Development Fund.

Sale of certain electrical articles

As part of a uniform Australian process, electrical appliances and accessories are presently divided into two groups.

The first, or "declared", group of typically domestic products (e.g. kitchen, heating and wiring products) must hold a certificate of approval before sale to ensure that the design and construction complies with specific Australian safety standards.

Other products fall into the second, or "non-declared", group and are not required to have certification before sale, and currently are not subject to any requirement under the Principal Act that they be safe at the point of sale. This latter group includes videos, electronic equipment, televisions, computers and non-domestic equipment.

The principal offence at present is to sell a "declared" product without a certificate of approval.

Schedule 1 (10) inserts proposed section 21DA. The proposed section will apply to electrical articles in the group which have not been declared under section 21. The proposed section makes it an offence to sell an electrical article that does not comply with specifications or other requirements determined for the electrical article. The maximum penalty for the offence is 100 penalty units (currently \$10,000).

Accident reporting and investigation

The Department of Mineral Resources has developed and used an electrical accident record system since 1954. The Department does this centrally on behalf of all electricity supply authorities and the public, and represents New South Wales in gathering national safety statistics. Currently the reporting of accidents is voluntary, and often reports are either not forthcoming or are incomplete.

It is now proposed to reinforce accident prevention measures by requiring serious electrical accidents to be reported so as to enable timely, independent and expert investigation of the cause of an accident.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

Schedule 1 (11) inserts proposed Part 6B containing the following provisions:

Proposed section 27D contains definitions for the purposes of the proposed Part. In particular, "serious electrical accident" is defined to mean an accident, involving electricity or an electrical item, as a consequence of which a person dies or suffers serious injury.

Proposed section 27E requires serious electrical accidents to be notified to the Energy Corporation by the occupier of the place at which the accident occurred or such other person as is prescribed by the regulations. The maximum penalty for the offence is 100 penalty units (currently \$10,000).

Proposed section 27F enables the Energy Corporation to appoint inspectors for the purposes of the Part.

Proposed section 27G enables the Energy Corporation to arrange for an inspector to investigate and report on a serious electrical accident, whether or not notice of the accident is given to the Corporation.

Proposed section 27H sets out the powers of inspectors. An inspector is not empowered to enter premises used for residential purposes without the permission of the occupier or unless the inspector has obtained a search warrant under proposed section 27I.

Proposed section 27I enables an inspector to obtain a search warrant to enter premises on which the inspector has reasonable grounds for believing a serious electrical accident has occurred. Part 3 of the Search Warrants Act 1985 applies to a search warrant issued under the proposed section.

Proposed section 27J makes it an offence to obstruct or fail to co-operate with an inspector in the exercise of the inspector's functions or to impersonate an inspector. The maximum penalty for the offence is 50 penalty units (currently \$5,000). A person is not excused from answering a question of an inspector on the grounds that the answer may be self-incriminating, but the answer given may not be used against the person except for an offence of obstructing or failing to co-operate with an inspector.

Proposed section 27K makes it an offence for a person to disturb the site of a serious electrical accident before it has been inspected by an inspector, except to make it safe or with the permission of an inspector. The maximum penalty for the offence is 100 penalty units (currently \$10,000).

Proposed section 27L enables the Energy Corporation to publish details of electrical accidents and absolves it and associated persons from any liability arising from details so published.

Responsibilities of consumers concerning the safety of electrical installations

Schedule 1 (12) inserts proposed section 29. The proposed section imposes an obligation on a consumer to ensure, to the best of the consumer's ability and knowledge, that the consumer's electrical installation, while it remains connected to the source of supply of electricity, is maintained free from defects or circumstances (such as proximity to the branches of trees) that are likely to cause fire or otherwise make the electrical installation unsafe. The proposed section also prohibits a consumer from connecting the consumer's electrical installation to an electricity supply if the installation has been lawfully disconnected for reasons of safety until the installation has been made safe. The maximum penalty for a breach of the proposed section is 20 penalty units (currently \$2,000).

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Theft of electricity

Schedule 1 (12) also inserts proposed section 30 relating to the theft of electricity.

Provisions relating to the theft of electricity are currently found in section 154C of the Crimes Act 1900, Part 23 of the Local Government Act 1919 and Ordinance No. 54 made under the Local Government Act 1919. The substance of those provisions is consolidated in the proposed section.

Interest on overdue accounts

Currently, electricity councils are not entitled to charge interest on overdue accounts.

Schedule 1 (13) (a) will enable regulations to be made requiring the payment of interest at a rate to be prescribed.

Powers of electricity councils

Schedule 1 (13) (b) and (e) will enable regulations to be made to retain the powers currently conferred on electricity councils under Ordinance No. 54 made under the Local Government Act 1919 in the event that, as a consequence of the review of the functions of councils under that Act or otherwise, the Ordinance is repealed.

Training of certain persons

Schedule 1 (13) (c) will enable regulations to be made concerning the training and qualifications of persons who perform work on high voltage electrical equipment.

Regulations—adoption of publications

Schedule 1 (13) (f) will enable regulations under the Principal Act to adopt publications (such as standards) as in force for the time being rather than as in force at a particular time.

SCHEDULE 2—AMENDMENT OF OTHER ACTS

Crimes Act 1900 No. 40

The Crimes Act 1900 is amended to omit section 154C as a consequence of the amendment of the Principal Act by Schedule 1 (12) relating to the theft of electricity.

County Districts Reconstitution Act 1979 No. 185

The County Districts Reconstitution Act 1979 is amended to remove the restriction that certain employees of county councils whose service was transferred to a council for a reconstituted district under that Act cannot be required to be based outside their old areas.

Energy Administration Act 1987 No. 103

The Energy Administration Act 1987 is amended to add as an object of the Energy Corporation, the promotion of energy conservation and measures to increase the efficiency of energy supply, transmission and use.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

Local Government Act 1919 No. 41

The Local Government Act 1919 is amended to remove the restriction imposed in section 419A that a council cannot recover an amount which, because of an error of the council, has not been charged for electricity supplied more than 2 years before the account for the supply is rendered. Clause 5 (2) prevents the recovery, after the amendment, of an overdue amount that could not be recovered before the amendment.

Search Warrants Act 1985 No. 37

The Search Warrants Act 1985 is amended as a consequence of the amendment made to the Principal Act by Schedule 1 (11) relating to serious electrical accidents.

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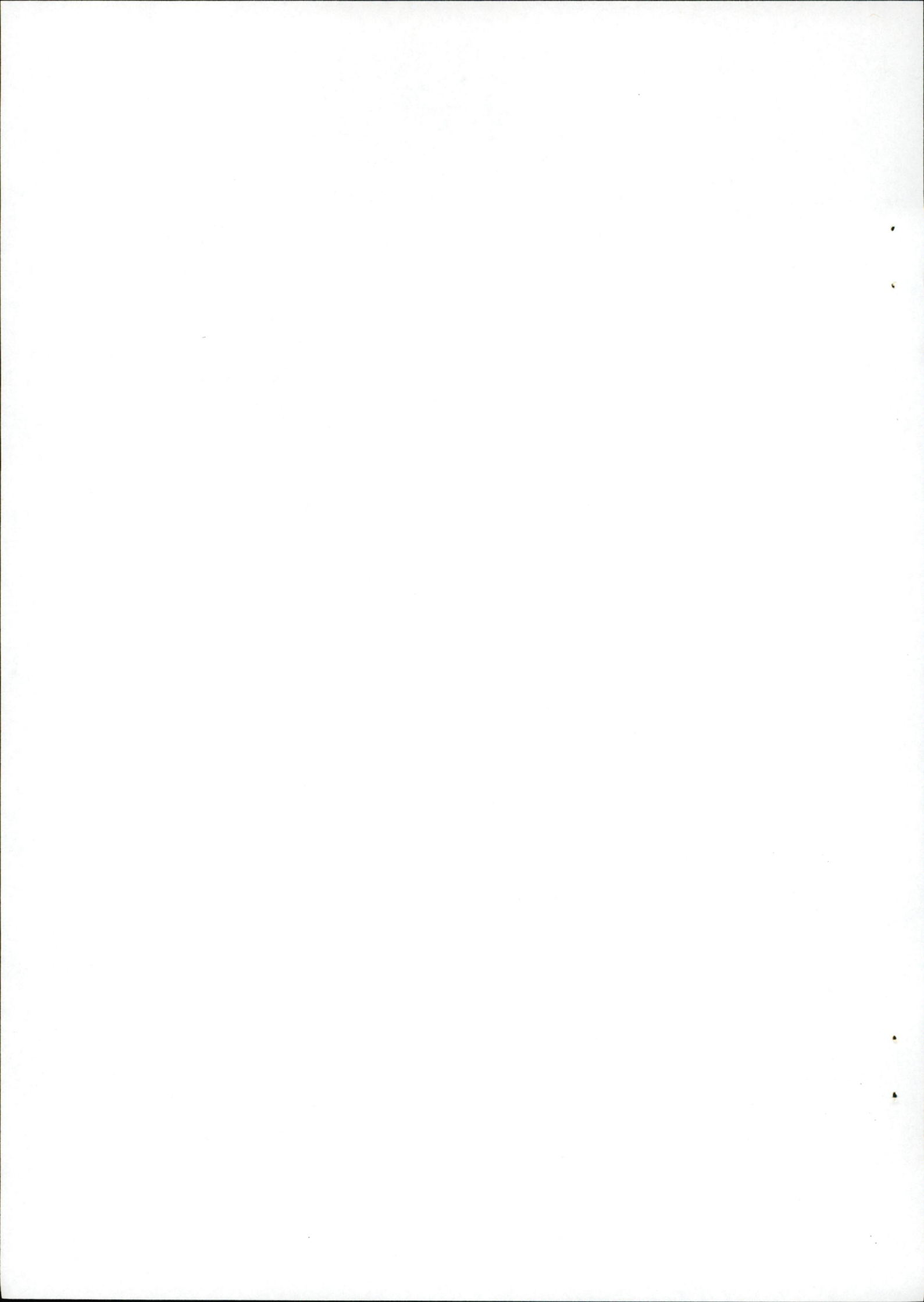
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SCHEDULE 2—AMENDMENT OF OTHER ACTS



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No. , 1991

A BILL FOR

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Transitional provisions

5. (1) On the commencement of Schedule 1 (9), the assets and liabilities of the Industrial Development Assistance Fund become assets and liabilities of the Electricity Development Fund.

(2) An amount or additional amount within the meaning of section 419A of the Local Government Act 1919 that could not be recovered by a council before the commencement of the amendment made to that section by this Act may not be recovered after that commencement.

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945

(Sec. 3)

(1) Section 4 (**Definitions**):

(a) From section 4 (1), omit the definition of "Area Board".

(b) From section 4 (1), omit the definition of "Industrial Development Assistance Fund".

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(2) Part 2A (**Electricity Area Boards**):

Omit the Part.

(3) Section 7AA:

After section 7A, insert:

Performance agreements

7AA. (1) The Minister may require an electricity council to enter into a performance agreement.

(2) A performance agreement is to set operational performance targets for the electricity council concerned in the exercise of specified functions during a financial year and is to provide for the evaluation and review of results in relation to those targets.

(3) A performance agreement must not be inconsistent with any guidelines determined by the Treasurer that relate to electricity councils.

(4) An electricity council must, as far as practicable, exercise its functions in accordance with its performance agreement.

(5) The Corporation is required to monitor the performance of an electricity council under its performance agreement and to report to the Minister at least once each year as to the electricity council's performance.

(6) The results of an electricity council's performance during a financial year are to be included in the council's annual report relating to that year.

(4) Section 7D (**Contributions to Electricity Development Fund**):

Omit section 7D (2)–(5).

(5) Part 2C:

After Part 2B, insert:

PART 2C—SUBSIDIARIES OF ELECTRICITY COUNCILS

Special purpose companies

7W. (1) In this section:

“**special purpose company**” means a company in which electricity councils have a controlling interest.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(2) For the purpose of carrying on a joint enterprise in relation to any of their functions, two or more electricity councils may, with the approval of the Minister, form, or participate in the formation of, a special purpose company.

(3) An electricity council may, with the approval of the Minister:

- (a) acquire interests in a special purpose company; or
- (b) sell or otherwise dispose of interests in a special purpose company.

(4) The Minister must not grant an approval under this section unless satisfied that any guidelines for the time being issued by the Premier relating to the formation and operation of subsidiary companies are complied with.

(6) Section 10:

After section 9, insert:

Powers of Corporation relating to the protection of life etc.

10. The Corporation may exercise, in its own name, any function of an electricity supply authority under this or any other Act as if it were such an authority, if the Corporation is of the opinion that it is necessary to do so in order to protect the life or health of any person.

(7) Section 14AAE:

After section 14AAD, insert:

Application of Part to subsidiaries of electricity councils

14AAE. In this Part, “**electricity supply authorities**” includes special purpose companies within the meaning of section 7W.

(8) Section 17 (**Contributions to the State Energy Research and Development Fund**):

From section 17 (1), omit “an amount equal to”, insert instead “such amount as may be determined by the Minister on the recommendation of the Corporation not exceeding”.

(9) Sections 19 (**Industrial Development Assistance Fund**), 19AA (**Application of Industrial Development Assistance Fund**):

Omit the sections.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(10) Section 21DA:

After section 21D, insert:

Sale of electrical articles other than those to which s. 21 applies

21DA. (1) This section applies to electrical articles which are not, by an order which is in force under section 21, declared to be electrical articles to which this Part applies.

(2) A person must not sell an electrical article that does not comply with:

- (a) the type specifications, if any; or
- (b) a specification prescribed by the regulations; or
- (c) such other requirements as may be prescribed by the regulations,

for that electrical article.

Maximum penalty: 100 penalty units.

(11) Part 6B:

After Part 6A, insert:

PART 6B—ACCIDENT REPORTING AND INVESTIGATION

Definitions

27D. In this Part:

“**inspector**” means an inspector appointed under section 27F;

“**serious electrical accident**” means an accident:

- (a) in which electricity is involved; and
- (b) as a consequence of which a person dies or suffers permanent disability, is hospitalised, receives treatment from a health care professional or is unable to attend work for any period of time.

Notification of serious electrical accidents

27E. (1) A serious electrical accident must be notified in accordance with subsection (2) to the Corporation by:

- (a) except as provided by paragraph (b), the occupier of the place at which the accident occurred; or

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(b) such other person as is prescribed by the regulations.

Maximum penalty: 5 penalty units where the place at which the accident occurred is residential premises and 100 penalty units in any other case.

(2) A notice of an accident must be given within such time and in such manner as the regulations may prescribe.

Appointment of inspectors

27F. (1) The Corporation may authorise a person to carry out inspections for the purposes of this Part.

(2) The Corporation must provide an inspector with a certificate of the inspector's authority.

(3) An inspector, in exercising in any place any function conferred or imposed under this Part, must, if so required by a person apparently in charge of that place, produce the certificate of authority to that person.

Investigation of serious electrical accidents

27G. The Corporation may arrange for an inspector to investigate and report to it concerning a serious electrical accident, whether or not notice of the accident is given to the Corporation.

Powers of inspectors

27H. (1) For the purposes of this Part, an inspector may, at any place where a serious electrical accident has or may reasonably be expected to have occurred do any one or more of the following:

- (a) enter and inspect the place;
- (b) examine and test any electrical article, electrical appliance or electrical apparatus;
- (c) take photographs;
- (d) take for analysis a sample of any substance or thing which in the inspector's opinion may relate to the accident;
- (e) require any person at the place to produce any record which may be of relevance to the occurrence of the accident;
- (f) take copies of, or extracts or notes from, any such record;

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

- (g) require any person at the place to answer questions or otherwise furnish information relating to the accident;
- (h) require the owner or occupier of the place to provide the inspector with such assistance and facilities as are reasonably necessary to enable the inspector to exercise the inspector's functions under this section.

(2) An inspector may not exercise the inspector's functions under this section in relation to a part of any premises being used for residential purposes except:

- (a) with the permission of the occupier of that part of the premises; or
- (b) under the authority conferred by a search warrant issued under section 27I.

Search warrant

27I. (1) In this section:

“authorised justice” has the same meaning as in the Search Warrants Act 1985.

(2) An inspector may apply to an authorised justice for a search warrant in respect of any premises if the inspector has reasonable grounds for believing that a serious electrical accident has occurred in or on those premises.

(3) An authorised justice to whom an application is made under this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant:

- (a) to enter the premises; and
- (b) to search the premises for evidence of the occurrence of a serious electrical accident.

(4) Part 3 of the Search Warrants Act 1985 applies to a search warrant issued under this section.

Obstruction etc. of inspectors

27J. (1) A person must not:

- (a) prevent an inspector from exercising any function conferred on the inspector under section 27H; or
- (b) hinder or obstruct an inspector in the exercise of any such function; or

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

- (c) refuse or fail to comply with any requirement or answer any question of an inspector; or
- (d) furnish an inspector with information knowing that it is false or misleading in a material particular; or
- (e) impersonate an inspector.

Maximum penalty: 50 penalty units.

(2) It is a sufficient defence to a prosecution for an offence under subsection (1) (c) because of the failure of the defendant to answer a question of an inspector under section 27H if the defendant proves that the defendant did not know, and could not with reasonable diligence ascertain, the answer to the question.

(3) A person is not excused from answering any question of an inspector under section 27H on the ground that the answer might tend to incriminate the person or make the person liable to a penalty, but the information furnished by the person is not admissible against the person in any proceedings, civil or criminal, except for an offence under subsection (1).

Interference with site of serious electrical accident

27K. A person must not disturb or interfere with the site of a serious electrical accident before it has been inspected by an inspector except:

- (a) to make it safe; or
- (b) with the permission of an inspector.

Maximum penalty: 100 penalty units.

Publication of details of serious electrical accidents

27L. (1) The Corporation may publish such details of serious electrical accidents as it considers necessary in the interests of public information and safety.

(2) The Minister, the Corporation, a member of staff of the Corporation or an inspector is not liable to any claim or action arising from any matter published under this section.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(12) Sections 29, 30:

After section 28A, insert:

Responsibilities of consumers concerning the safety of electrical installations

29. (1) For the purpose of causing an electrical installation to be free from any defect or circumstance that is likely to cause fire or otherwise make the installation unsafe, a consumer must, to the best of the consumer's ability and knowledge, ensure that the prescribed parts of the electrical installation, while the electrical installation remains connected to the source of the supply of electricity, are maintained in accordance with the regulations.

(2) A consumer must not connect the consumer's electrical installation or any part of it, or cause the installation or any part to be connected, to the source of supply of electricity if the installation has been lawfully disconnected for reasons of safety until the installation has been made safe.

Maximum penalty: 20 penalty units.

Theft of electricity

30. (1) A person must not, without the permission of an electricity supply authority, abstract, cause to be wasted or diverted, consume or use any electricity from that authority's supply.

(2) A person who is not authorised to do so by the electricity supply authority concerned must not:

(a) alter, or attempt to alter, the register of any meter, or otherwise interfere with the meter; or

(b) interfere with any other installation or thing,

belonging to that electricity supply authority and connected to that authority's supply.

(3) The existence of artificial means:

(a) of abstracting, wasting, diverting, consuming or using electricity, as referred to in subsection (1); or

(b) of altering or interfering with any meter, or of interfering with any other installation or thing belonging to an electricity supply authority, as referred

*Electricity and Other Legislation (Amendment) 1991 (No. 2)*SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

to in subsection (2), when the meter is in the custody or under the control of the consumer,

is prima facie evidence that such abstraction, waste, diversion, consumption or use has been caused by the person without the permission of the electricity supply authority, or that the alteration or interference has been caused by the consumer.

(4) A person must not, without the permission of the electricity supply authority concerned:

- (a) connect any electrical installation to the mains of that electricity supply authority; or
- (b) connect any addition, or make any alteration, to any electrical installation so as to cause the supply of electricity to an electrical installation or any part of an electrical installation to be incorrectly metered.

(5) Where a person is convicted of an offence under this section, the court may order that the supply of electricity to that person be disconnected until such time as the matter in respect of which the person was convicted (if it is a matter capable of being remedied) has been remedied, by the person and at the person's own expense, to the satisfaction of the electricity supply authority concerned.

Maximum penalty: 50 penalty units.

(13) Section 37 (**Regulations**):

- (a) After section 37 (2) (e1), insert:
 - (e2) the payment of interest on unpaid amounts due to electricity supply authorities;
- (b) From section 37 (2) (g), omit "where the conditions of such supply may be dangerous to life, health or property,".
- (c) After section 37 (2) (j), insert:
 - (k) the training and qualifications of persons who perform work concerning high voltage electrical equipment;
- (d) From section 37 (2) (ff), omit "and" where lastly occurring.
- (e) After section 37 (2) (gg), insert:
 - (hh) the connection and disconnection of an electrical installation to a supply of electricity; and

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(ii) the supply, testing and registering of meters and metering equipment and the reading of meters and metering equipment by electricity supply authorities.

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

(2A) A regulation may apply, adopt or incorporate, with or without modification, the provisions, as in force for the time being, of any Act or statutory rule or of any other publication, whether of the same or of a different kind.

SCHEDULE 2—AMENDMENT OF OTHER ACTS

(Sec. 4)

County Districts Reconstitution Act 1979 No. 185

Section 8:

Omit the section, insert instead:

Redundancy of servants

8. The employment of a person who on the appointed day for a reconstituted county district was, or who pursuant to Part 29 of the Principal Act on that day became, a servant of the county council for that county district may not be terminated on the ground of redundancy arising from the operation of this Act.

Crimes Act 1900 No. 40

Section 154C (**Malicious or fraudulent abstraction, waste etc. of electricity**):

Omit the section and the short heading before the section.

Energy Administration Act 1987 No. 103

Section 11 (**Objects and general functions**):

At the end of section 11 (1) (e), insert:

; and

(f) to promote energy conservation and measures to increase the efficiency of energy supply, transmission and use.

Electricity and Other Legislation (Amendment) 1991 (No. 2)

SCHEDULE 2—AMENDMENT OF OTHER ACTS—*continued*

Local Government Act 1919 No. 41

- (1) Section 419A (**Limitation on recovery of charges for gas supplied**):
 - (a) Omit “or electricity” wherever occurring.
 - (b) From section 419A (2) (d) (i), omit “or of electricity, as the case may be”.
- (2) Section 512E (**Penalty for injuring works**):
 - (a) From section 512E (1), omit “or alters the index of any meter, or prevents any meter from duly registering the quantity of electricity supplied, or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses electricity supplied by the council, or any other person,”.
 - (b) Omit section 512E (2).

Search Warrants Act 1985 No. 37

Section 10 (**Definitions**):

From the definition of “search warrant” in section 10, omit “section 21I of the Electricity Development Act 1945;”, insert instead “sections 21I and 27I of the Electricity Act 1945;”.

ELECTRICITY AND OTHER LEGISLATION (AMENDMENT)
(NO. 2) BILL 1991

SECOND READING SPEECH

The Hon R J Webster (Minister for Planning and Minister for Energy):

Mr President:

I move:

That this Bill be read a second time.

The New South Wales electricity supply industry is undergoing a period of change. A review of the industry is being carried out.

This review has not yet been completed. The amendments I am now bringing forward are the results of stage one of this review. They are aimed at clarifying a number of administrative provisions contained in the Electricity Act.

It is proposed to formalise the requirement that electricity councils enter into a performance agreement with the Minister, which electricity councils have voluntarily undertaken with the present Government.

One of the initiatives of this Government has been the entering into performance agreements with all twenty-five electricity councils. These agreements ensure improved performance in the areas of customer service, business management, technical management and environmental and community concerns.

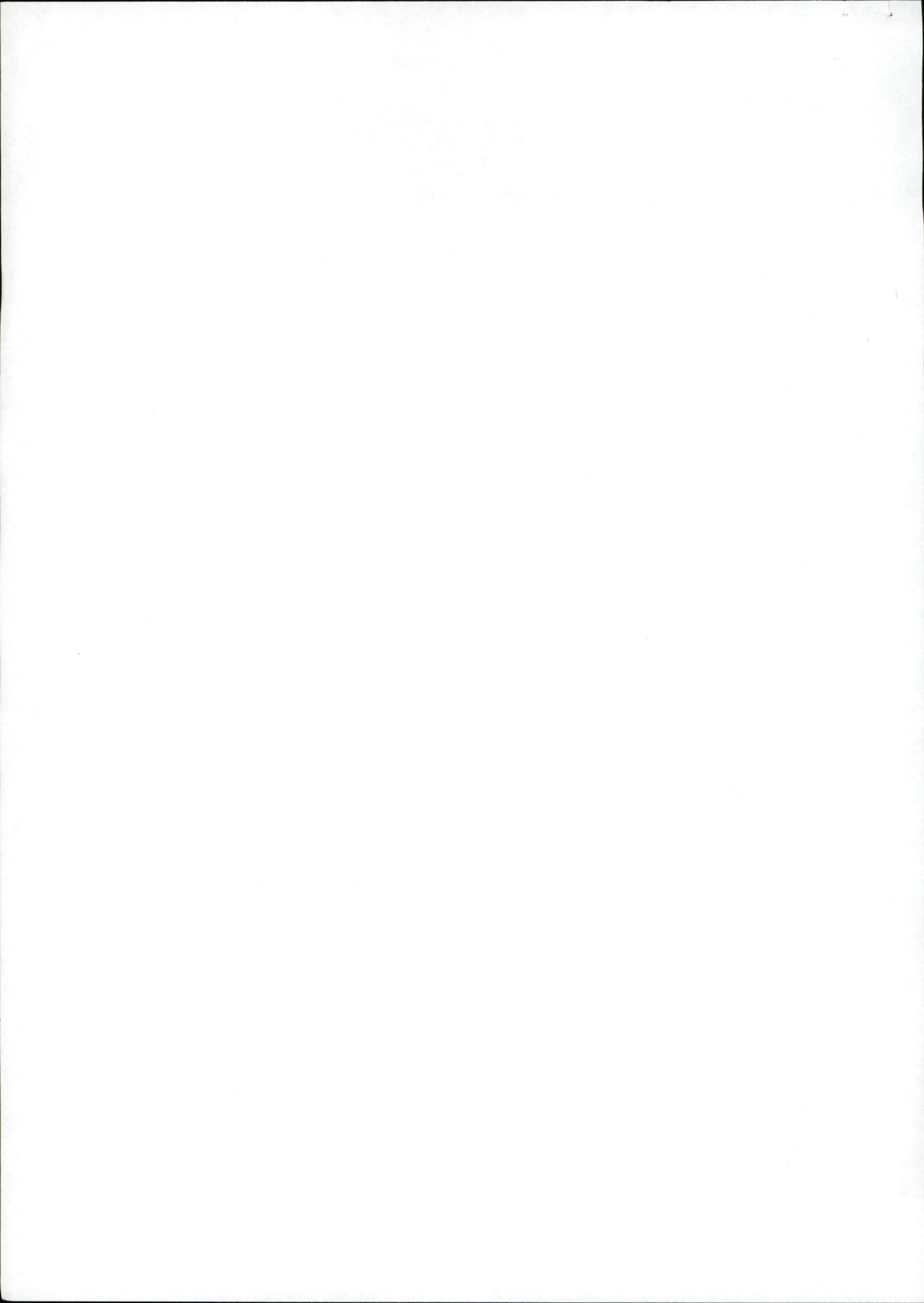
The aim is to optimise the industry's financial performance. These agreements give councils efficiency improvement targets. They are closely monitored by the Performance Agreement Review Committee, a committee of the Energy Corporation.

I am pleased to be able to report that the results of this initiative are already being evidenced through tariff increases being kept below CPI this year.

The Bill proposes that it be a continuing statutory requirement for electricity councils to enter into a performance agreement. Such agreements will continue to set operational performance targets for electricity councils in the exercise of specified functions during a financial year. These agreements will be monitored by the Energy Corporation.

The results of an electricity council's performance during a financial year are to be included in the council's annual report which is tabled in this House.

This means consumers will be able to see and judge for themselves how their respective electricity supplier is performing. This



proposal will make elected representatives on electricity councils even more accountable to their constituents.

At present groups of electricity councils cannot form common purpose companies.

I believe there are economies of scale to be achieved by permitting two or more electricity councils to form companies. Such companies might operate distribution lines, maintain or extend distribution lines or enter into contracts in relation to core activities. For example, they might enter into a contract for common computer or accounting services.

The councils forming the company will be held responsible for its financial performance although, I expect, in most cases it will be a non-profit making enterprise.

No statutory responsibilities will be avoided by these companies. They must comply with the Corporations Law and the Premier's current strict guidelines for the formation and operation of such companies.

The companies will operate on a level playing field and will not enjoy the benefit of cross-subsidisation from other operations of the parent councils. Such companies will also effect compulsory insurance pursuant to the scheme operated by the Energy Corporation under the Electricity Act.

The companies will be audited by the Auditor General and annual reports will be included in the annual reports of the member councils which are, as I mentioned earlier, tabled in this House.

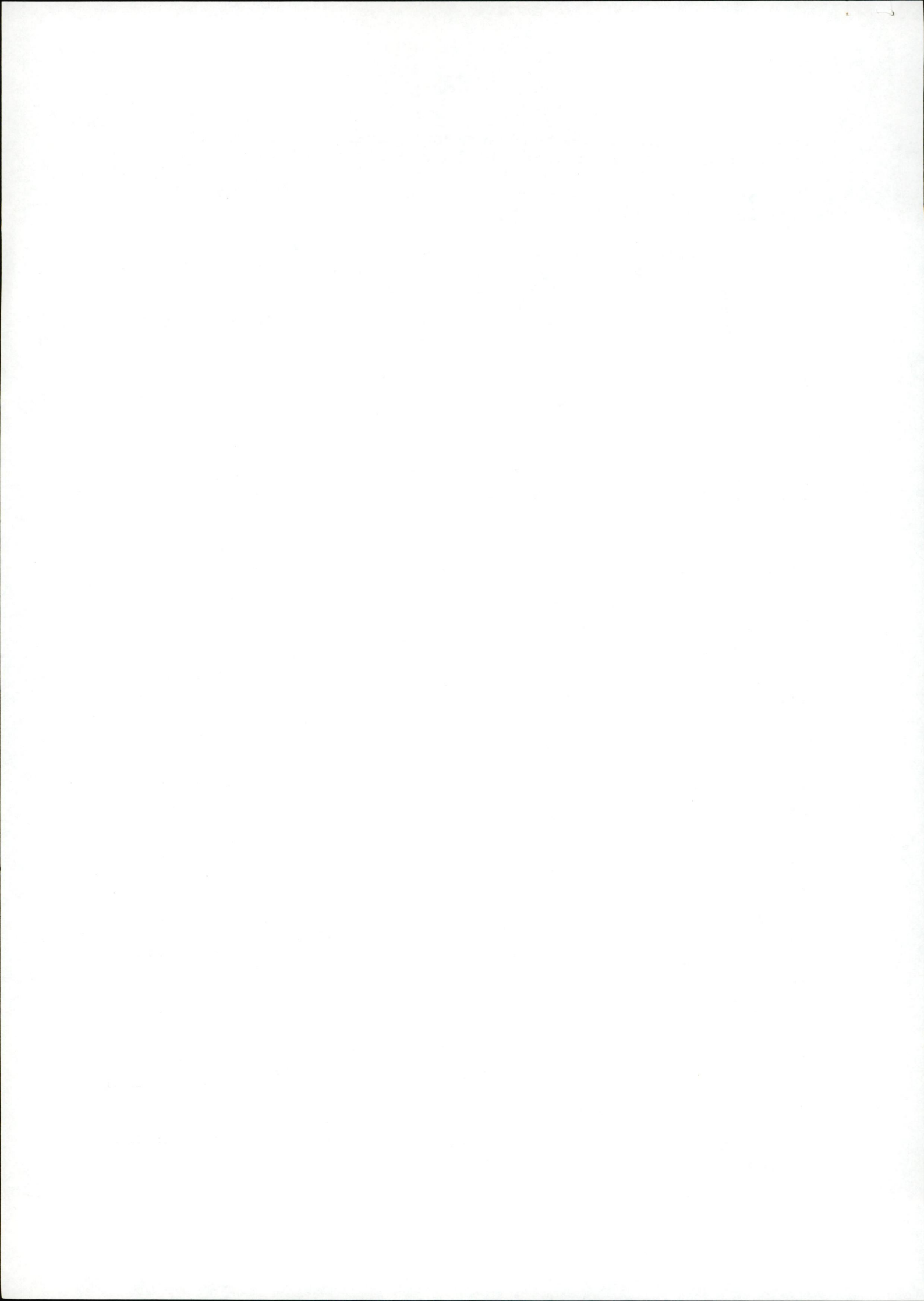
Mr President, I am confident that by applying these economies of scale price increases in electricity can be further reduced.

Under existing legislation officers of the Energy Corporation have no power to disconnect electricity supply to protect the life or health of anybody.

If an Inspector were to see a life-threatening situation he could not disconnect the power supply.

It is proposed that the Energy Corporation may if necessary exercise the functions of an electricity supply authority to protect life and prevent injury. However I would expect the exercise of these functions will rarely occur. The Corporation will certainly not be duplicating the powers of local electricity councils.

Section 17 of the Electricity Act 1945 requires an amount of one eighth of one per cent of the value of gross retail sales of electricity to be paid into the Energy Research and Development Fund. It is proposed to vary this by empowering the Minister, on the recommendation of the Energy Corporation, to determine the amount to be set aside for research and development provided it does not exceed one eighth of one per cent of the value of gross retail sales of electricity.



I cannot emphasise enough the need to use electricity safely. Unfortunately some people do silly things resulting in fatal accidents.

A seller of an electrical article must exercise reasonable care in ensuring the article he sells is safe.

As part of a uniform Australian process, electrical appliances and accessories are presently divided into two groups.

The first or declared articles - mainly domestic items - must hold a certificate of approval before sale to ensure that the design and manufacture comply with specific Australian safety standards.

Other products fall into the second or non-declared group. These are not required to have any certification before sale. They are currently not subject to any requirement that they be safe at point of sale. This group includes videos, electronic equipment, televisions, computers and non-domestic equipment.

It is proposed to make it an offence to sell an electrical article that does not comply with specifications or other requirements determined for the electrical article.

To monitor and independently and expertly investigate electrical accidents it is proposed to require that serious electrical accidents be reported to the Department of Energy.

A voluntary system of reporting has been in place since 1954. This has not been entirely satisfactory as often reports are either not forthcoming or are incomplete.

An inspector appointed under this Act will be able to obtain a search warrant to enter premises. The Search Warrant Act 1985 applies to a search warrant issued under the proposed section. Very strict safeguards will ensure that this power is not abused.

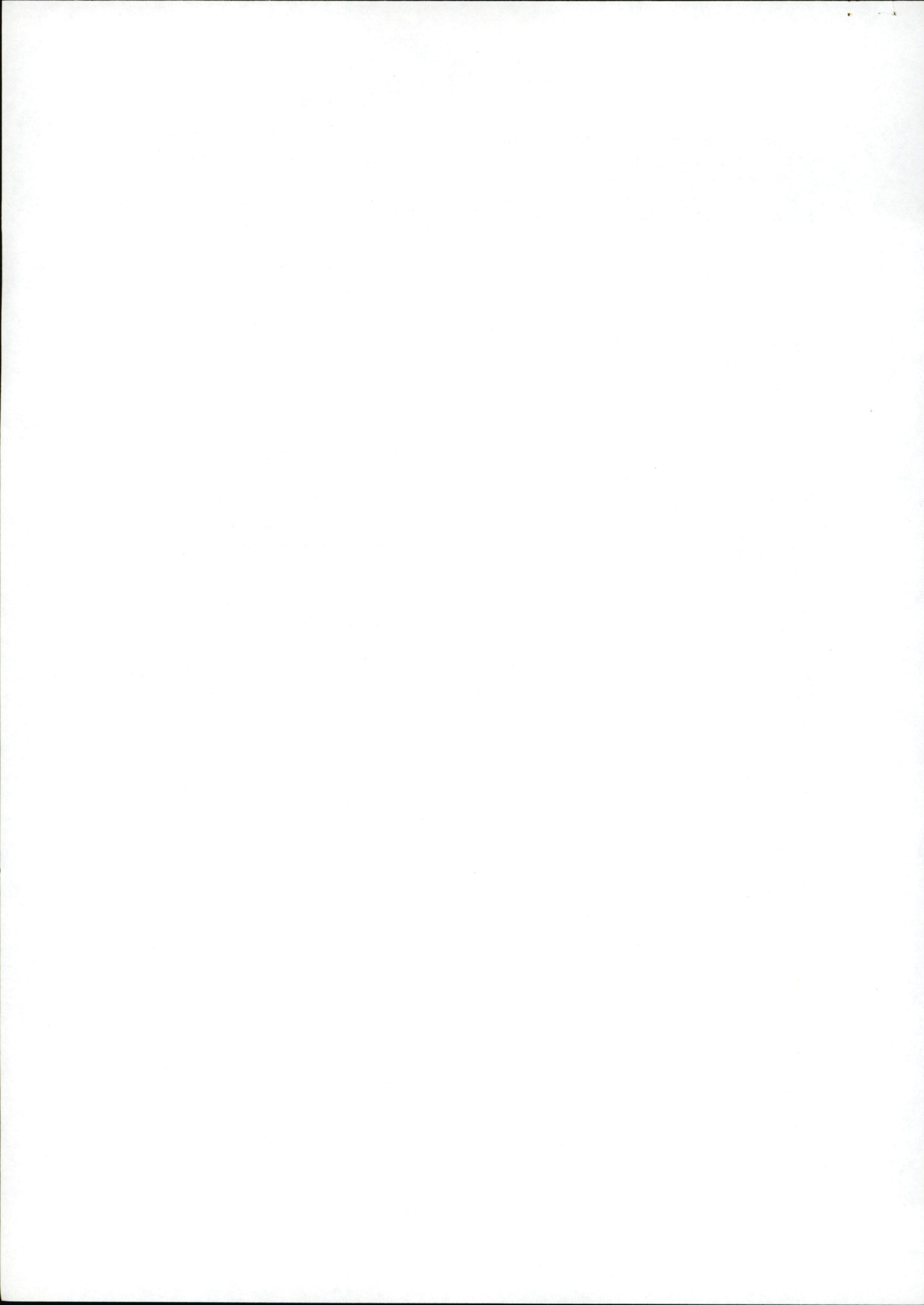
I am sure Honourable Members will support these measures as it is incumbent upon us all to try to reduce the number of deaths caused by electrical accidents. I regret that already this year we have become aware of six deaths from electrical accidents.

Section 29 will impose an obligation to ensure to the best of the consumer's ability and knowledge that an electrical installation is maintained free from defects.

A consumer will be prohibited from reconnecting an installation to the electricity supply where it has been lawfully disconnected for reasons of safety.

The Act, for the first time, will contain provisions which detail a consumer's responsibilities in relation to safety.

My Department conducts regular safety campaigns to educate the public on the dangers of using electricity unwisely.



The Government thinks the Act should contain some sanction for when people wilfully act contrary to the interests of safety.

Honourable Members will have read of the electricity syphoning scam operating in various parts of the State.

Prospect Electricity estimates it suffers a 4 million dollar loss from theft of electricity each year.

Provisions relating to theft of electricity are currently to be found in the Crimes Act, Local Government Act and in Ordinance 54 under the Local Government Act. These provisions are now to be consolidated and all offences relating to theft of electricity will be contained in the Electricity Act with a very heavy penalty.

Where a person is convicted for theft of electricity the Court may order that supply be disconnected until the form of bypassing the meter is removed and the supply is remetered and considered satisfactory by an authorised officer.

I give fair warning now that this Government will not tolerate the stealing of electricity. Firstly, tampering with a meter is obviously dangerous. Secondly, electricity like other forms of energy supplied to premises has to be paid for. Therefore, electricity which is stolen is ultimately paid for by everyone who honestly pays their account.

It is also proposed to abolish Electricity Area Boards and the Industrial Development Assistance Fund. Provisions in the County Districts Reconstitution Act 1979 relating to transfer of staff are to be replaced to allow for the more effective placement of staff.

Mr President, these amendments are essentially of a machinery nature. They strengthen our role in safety, an area which I believe we cannot too strongly emphasise.

I commend the Bill to the House.

**ELECTRICITY AND OTHER LEGISLATION (AMENDMENT)
ACT 1991 No. 63**

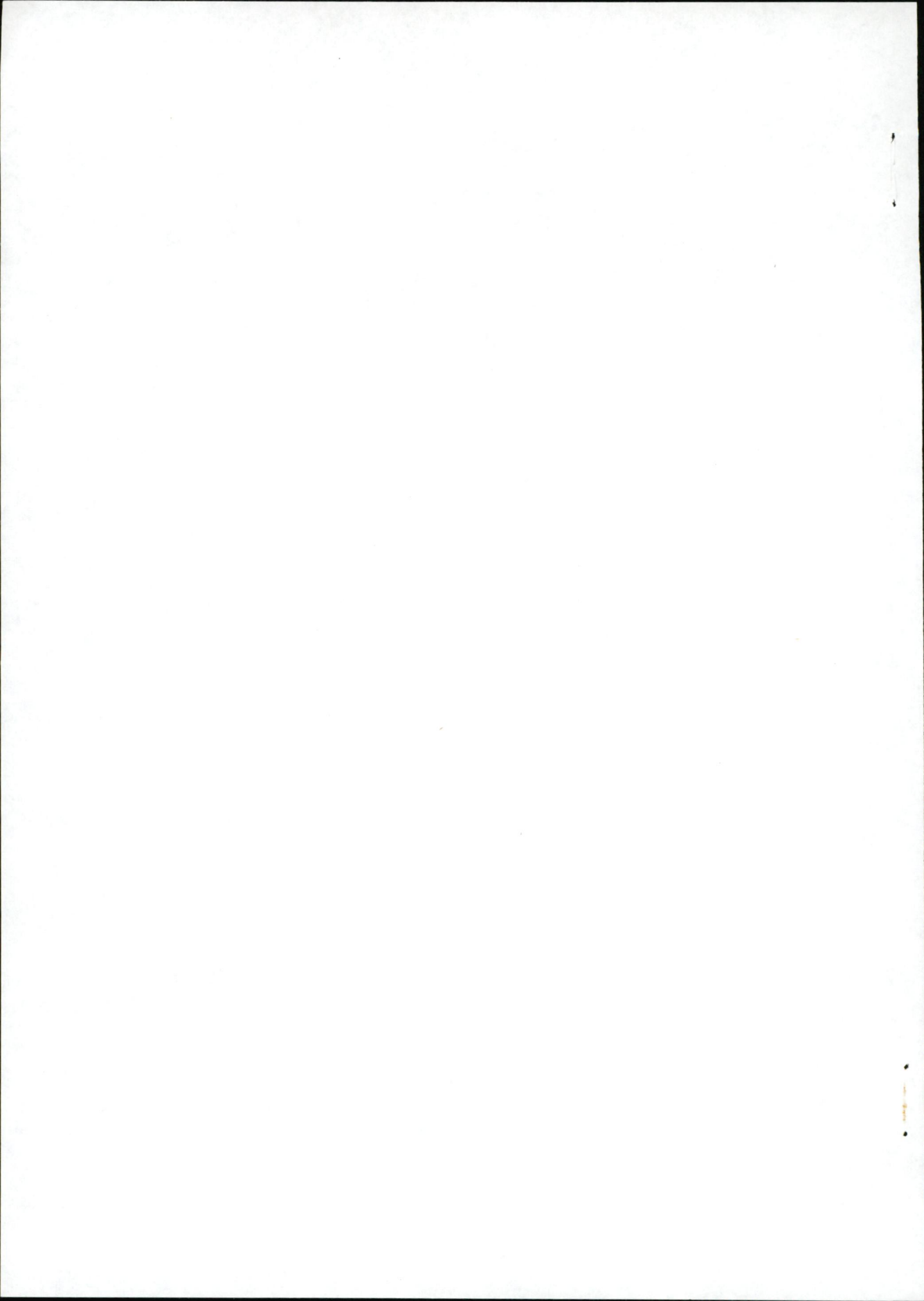
NEW SOUTH WALES



TABLE OF PROVISIONS

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3. Amendment of Electricity Act 1945 (1946 No. 13)
4. Amendment of other Acts
5. Transitional provisions

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945
SCHEDULE 2—AMENDMENT OF OTHER ACTS



**ELECTRICITY AND OTHER LEGISLATION (AMENDMENT)
ACT 1991 No. 63**

NEW SOUTH WALES



Act No. 63, 1991

An Act to amend the Electricity Act 1945 with respect to electrical safety, the administration of electricity supply authorities and offences relating to electricity; to amend certain other Acts; and for other purposes. [Assented to 17 December 1991]

Electricity and Other Legislation (Amendment) 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Electricity and Other Legislation (Amendment) Act 1991.

Commencement

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.

(2) Section 3 in its application to a provision of Schedule 1 commences on the day on which the provision commences.

(3) Section 4 in its application to a provision of Schedule 2 commences on the day on which the provision commences.

Amendment of Electricity Act 1945 (1946 No. 13)

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

Amendment of other Acts

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

Transitional provisions

5. (1) On the commencement of Schedule 1 (9), the assets and liabilities of the Industrial Development Assistance Fund become assets and liabilities of the Electricity Development Fund.

(2) An amount or additional amount within the meaning of section 419A of the Local Government Act 1919 that could not be recovered by a council before the commencement of the amendment made to that section by this Act may not be recovered after that commencement.

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945

(Sec. 3)

(1) Section 4 (**Definitions**):

- (a) From section 4 (1), omit the definition of "Area Board".
- (b) From section 4 (1), omit the definition of "Industrial Development Assistance Fund".

Electricity and Other Legislation (Amendment) 1991

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(2) Part 2A (Electricity Area Boards):

Omit the Part.

(3) Section 7AA:

After section 7A, insert:

Performance agreements

7AA. (1) The Minister may require an electricity council to enter into a performance agreement.

(2) A performance agreement is to set operational performance targets for the electricity council concerned in the exercise of specified functions during a financial year and is to provide for the evaluation and review of results in relation to those targets.

(3) A performance agreement must not be inconsistent with any guidelines determined by the Treasurer that relate to electricity councils.

(4) An electricity council must, as far as practicable, exercise its functions in accordance with its performance agreement.

(5) The Corporation is required to monitor the performance of an electricity council under its performance agreement and to report to the Minister at least once each year as to the electricity council's performance.

(6) The results of an electricity council's performance during a financial year are to be included in the council's annual report relating to that year.

(4) Section 7D (Contributions to Electricity Development Fund):

Omit section 7D (2)–(5).

(5) Part 2C:

After Part 2B, insert:

**PART 2C—SUBSIDIARIES OF ELECTRICITY
COUNCILS**

Special purpose companies

7W. (1) In this section:

“special purpose company” means a company in which electricity councils have a controlling interest.

Electricity and Other Legislation (Amendment) 1991

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(2) For the purpose of carrying on a joint enterprise in relation to any of their functions, two or more electricity councils may, with the approval of the Minister, form, or participate in the formation of, a special purpose company.

(3) An electricity council may, with the approval of the Minister:

- (a) acquire interests in a special purpose company; or
- (b) sell or otherwise dispose of interests in a special purpose company.

(4) The Minister must not grant an approval under this section unless satisfied that any guidelines for the time being issued by the Premier relating to the formation and operation of subsidiary companies are complied with.

(6) Section 10:

After section 9, insert:

Powers of Corporation relating to the protection of life etc.

10. The Corporation may exercise, in its own name, any function of an electricity supply authority under this or any other Act as if it were such an authority, if the Corporation is of the opinion that it is necessary to do so in order to protect the life or health of any person.

(7) Section 14AAE:

After section 14AAD, insert:

Application of Part to subsidiaries of electricity councils

14AAE. In this Part, “electricity supply authorities” includes special purpose companies within the meaning of section 7W.

(8) Section 17 (**Contributions to the State Energy Research and Development Fund**):

From section 17 (1), omit “an amount equal to”, insert instead “such amount as may be determined by the Minister on the recommendation of the Corporation not exceeding”.

(9) Sections 19 (**Industrial Development Assistance Fund**), 19AA (**Application of Industrial Development Assistance Fund**):

Omit the sections.

Electricity and Other Legislation (Amendment) 1991

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(10) Section 21DA:

After section 21D, insert:

Sale of electrical articles other than those to which s. 21 applies

21DA. (1) This section applies to electrical articles which are not, by an order which is in force under section 21, declared to be electrical articles to which this Part applies.

(2) A person must not sell an electrical article that does not comply with:

- (a) the type specifications, if any; or
- (b) a specification prescribed by the regulations; or
- (c) such other requirements as may be prescribed by the regulations,

for that electrical article.

Maximum penalty: 100 penalty units.

(11) Part 6B:

After Part 6A, insert:

PART 6B—ACCIDENT REPORTING AND INVESTIGATION

Definitions

27D. In this Part:

“**inspector**” means an inspector appointed under section 27F;

“**serious electrical accident**” means an accident:

- (a) in which electricity is involved; and
- (b) as a consequence of which a person dies or suffers permanent disability, is hospitalised, receives treatment from a health care professional or is unable to attend work for any period of time.

Notification of serious electrical accidents

27E. (1) A serious electrical accident must be notified in accordance with subsection (2) to the Corporation by:

- (a) except as provided by paragraph (b), the occupier of the place at which the accident occurred; or

Electricity and Other Legislation (Amendment) 1991

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—
continued

(b) such other person as is prescribed by the regulations.

Maximum penalty: 5 penalty units where the place at which the accident occurred is residential premises and 100 penalty units in any other case.

(2) A notice of an accident must be given within such time and in such manner as the regulations may prescribe.

Appointment of inspectors

27F. (1) The Corporation may authorise a person to carry out inspections for the purposes of this Part.

(2) The Corporation must provide an inspector with a certificate of the inspector's authority.

(3) An inspector, in exercising in any place any function conferred or imposed under this Part, must, if so required by a person apparently in charge of that place, produce the certificate of authority to that person.

Investigation of serious electrical accidents

27G. The Corporation may arrange for an inspector to investigate and report to it concerning a serious electrical accident, whether or not notice of the accident is given to the Corporation.

Powers of inspectors

27H. (1) For the purposes of this Part, an inspector may, at any place where a serious electrical accident has or may reasonably be expected to have occurred do any one or more of the following:

- (a) enter and inspect the place;
- (b) examine and test any electrical article, electrical appliance or electrical apparatus;
- (c) take photographs;
- (d) take for analysis a sample of any substance or thing which in the inspector's opinion may relate to the accident;
- (e) require any person at the place to produce any record which may be of relevance to the occurrence of the accident;
- (f) take copies of, or extracts or notes from, any such record;

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- (g) require any person at the place to answer questions or otherwise furnish information relating to the accident;
- (h) require the owner or occupier of the place to provide the inspector with such assistance and facilities as are reasonably necessary to enable the inspector to exercise the inspector's functions under this section.

(2) An inspector may not exercise the inspector's functions under this section in relation to a part of any premises being used for residential purposes except:

- (a) with the permission of the occupier of that part of the premises; or
- (b) under the authority conferred by a search warrant issued under section 27I.

Search warrant

27I. (1) In this section:

“**authorised justice**” has the same meaning as in the Search Warrants Act 1985.

(2) An inspector may apply to an authorised justice for a search warrant in respect of any premises if the inspector has reasonable grounds for believing that a serious electrical accident has occurred in or on those premises.

(3) An authorised justice to whom an application is made under this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an inspector named in the warrant:

- (a) to enter the premises; and
- (b) to search the premises for evidence of the occurrence of a serious electrical accident.

(4) Part 3 of the Search Warrants Act 1985 applies to a search warrant issued under this section.

Obstruction etc. of inspectors

27J. (1) A person must not:

- (a) prevent an inspector from exercising any function conferred on the inspector under section 27H; or
- (b) hinder or obstruct an inspector in the exercise of any such function; or

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- (c) refuse or fail to comply with any requirement or answer any question of an inspector; or
- (d) furnish an inspector with information knowing that it is false or misleading in a material particular; or
- (e) impersonate an inspector.

Maximum penalty: 50 penalty units.

(2) It is a sufficient defence to a prosecution for an offence under subsection (1) (c) because of the failure of the defendant to answer a question of an inspector under section 27H if the defendant proves that the defendant did not know, and could not with reasonable diligence ascertain, the answer to the question.

(3) A person is not excused from answering any question of an inspector under section 27H on the ground that the answer might tend to incriminate the person or make the person liable to a penalty, but the information furnished by the person is not admissible against the person in any proceedings, civil or criminal, except for an offence under subsection (1).

Interference with site of serious electrical accident

27K. A person must not disturb or interfere with the site of a serious electrical accident before it has been inspected by an inspector except:

- (a) to make it safe; or
- (b) with the permission of an inspector.

Maximum penalty: 100 penalty units.

Publication of details of serious electrical accidents

27L. (1) The Corporation may publish such details of serious electrical accidents as it considers necessary in the interests of public information and safety.

(2) The Minister, the Corporation, a member of staff of the Corporation or an inspector is not liable to any claim or action arising from any matter published under this section.

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(12) Sections 29, 30:

After section 28A, insert:

Responsibilities of consumers concerning the safety of electrical installations

29. (1) For the purpose of causing an electrical installation to be free from any defect or circumstance that is likely to cause fire or otherwise make the installation unsafe, a consumer must, to the best of the consumer's ability and knowledge, ensure that the prescribed parts of the electrical installation, while the electrical installation remains connected to the source of the supply of electricity, are maintained in accordance with the regulations.

(2) A consumer must not connect the consumer's electrical installation or any part of it, or cause the installation or any part to be connected, to the source of supply of electricity if the installation has been lawfully disconnected for reasons of safety until the installation has been made safe.

Maximum penalty: 20 penalty units.

Theft of electricity

30. (1) A person must not, without the permission of an electricity supply authority, abstract, cause to be wasted or diverted, consume or use any electricity from that authority's supply.

(2) A person who is not authorised to do so by the electricity supply authority concerned must not:

(a) alter, or attempt to alter, the register of any meter, or otherwise interfere with the meter; or

(b) interfere with any other installation or thing,

belonging to that electricity supply authority and connected to that authority's supply.

(3) The existence of artificial means:

(a) of abstracting, wasting, diverting, consuming or using electricity, as referred to in subsection (1); or

(b) of altering or interfering with any meter, or of interfering with any other installation or thing belonging to an electricity supply authority, as referred

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to in subsection (2), when the meter is in the custody or under the control of the consumer,

is prima facie evidence that such abstraction, waste, diversion, consumption or use has been caused by the person without the permission of the electricity supply authority, or that the alteration or interference has been caused by the consumer.

(4) A person must not, without the permission of the electricity supply authority concerned:

- (a) connect any electrical installation to the mains of that electricity supply authority; or
- (b) connect any addition, or make any alteration, to any electrical installation so as to cause the supply of electricity to an electrical installation or any part of an electrical installation to be incorrectly metered.

(5) Where a person is convicted of an offence under this section, the court may order that the supply of electricity to that person be disconnected until such time as the matter in respect of which the person was convicted (if it is a matter capable of being remedied) has been remedied, by the person and at the person's own expense, to the satisfaction of the electricity supply authority concerned.

Maximum penalty: 50 penalty units.

(13) Section 37 (**Regulations**):

- (a) After section 37 (2) (e1), insert:
 - (e2) the payment of interest on unpaid amounts due to electricity supply authorities at a rate not exceeding the rate prescribed (as at 31 October of the year preceding the year in which the amounts were payable) for the purposes of section 95 (1) of the Supreme Court Act 1970;
- (b) From section 37 (2) (g), omit "where the conditions of such supply may be dangerous to life, health or property,".
- (c) After section 37 (2) (j), insert:
 - (k) the training and qualifications of persons who perform work concerning high voltage electrical equipment;

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- (d) From section 37 (2) (ff), omit “and” where lastly occurring.
- (e) After section 37 (2) (gg), insert:
 - (hh) the connection and disconnection of an electrical installation to a supply of electricity; and
 - (ii) the supply, testing and registering of meters and metering equipment and the reading of meters and metering equipment by electricity supply authorities.
- (f) After section 37 (2), insert:
 - (2A) A regulation may apply, adopt or incorporate, with or without modification, the provisions, as in force for the time being, of any Act or statutory rule or of any other publication, whether of the same or of a different kind.

SCHEDULE 2—AMENDMENT OF OTHER ACTS

(Sec. 4)

County Districts Reconstitution Act 1979 No. 185

Section 8:

Omit the section, insert instead:

Redundancy of servants

8. The employment of a person who on the appointed day for a reconstituted county district was, or who pursuant to Part 29 of the Principal Act on that day became, a servant of the county council for that county district may not be terminated on the ground of redundancy arising from the operation of this Act.

Crimes Act 1900 No. 40

Section 154C (Malicious or fraudulent abstraction, waste etc. of electricity):

Omit the section and the short heading before the section.

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SCHEDULE 2—AMENDMENT OF OTHER ACTS—*continued*

Energy Administration Act 1987 No. 103

Section 11 (Objects and general functions):

At the end of section 11 (1) (e), insert:

; and

- (f) to promote energy conservation and measures to increase the efficiency of energy supply, transmission and use.

Local Government Act 1919 No. 41

- (1) Section 419A (**Limitation on recovery of charges for gas supplied**):

- (a) Omit “or electricity” wherever occurring.
(b) From section 419A (2) (d) (i), omit “or of electricity, as the case may be”.

- (2) Section 512E (**Penalty for injuring works**):

- (a) From section 512E (1), omit “or alters the index of any meter, or prevents any meter from duly registering the quantity of electricity supplied, or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses electricity supplied by the council, or any other person.”.
(b) Omit section 512E (2).

Search Warrants Act 1985 No. 37

Section 10 (Definitions):

From the definition of “search warrant” in section 10, omit “section 21I of the Electricity Development Act 1945;”, insert instead “sections 21I and 27I of the Electricity Act 1945;”.

*[Minister's second reading speech made in—
Legislative Assembly on 22 October 1991
Legislative Council on 26 September 1991]*