

FIRST PRINT

ELECTRICITY CORPORATIONS BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to constitute electricity distribution corporations and regional electricity transmission corporations.

Electricity distribution corporations will perform essentially the same electricity supply functions as are now performed by the county councils that supply electricity, some of which the Bill proposes to abolish. The policies of a distribution corporation will be determined by a board of directors whose composition will vary depending on the corporation concerned. All the distribution corporations are to be governed by Ministerial directions and may enter into performance agreements with the Minister. The distribution corporations that will be known as Illawarra Electricity, Prospect Electricity and Shortland Electricity are to be constituted as statutory bodies representing the Crown, but the other distribution corporations will not be Crown-representative bodies.

Regional electricity transmission corporations will perform essentially similar functions, as managers of electricity transmission and owners and operators of electricity substation assets, to those now performed by the Electricity Commission. Their main consumer service is to transmit bulk electricity within defined geographical areas known as transmission areas.

The proposed Act also:

- (a) amends the Electricity Act 1945 and the Traffic Act 1909 with respect to the funding and administration of the Traffic Route Lighting Subsidy Account and the Hazardous Poles Relocation Program; and
- (b) repeals the County Districts Reconstitution Act 1979; and
- (c) makes minor and consequential amendments to other Acts.

PART 1—PRELIMINARY

Clause 1 states the short title of the proposed Act.

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

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Clause 3 defines "distribution corporation", "transmission corporation" and other terms used in the Bill. Distribution corporations and transmission corporations are known collectively as "electricity corporations".

PART 2—ELECTRICITY DISTRIBUTION CORPORATIONS

Division 1—Constitution

Clause 4 constitutes electricity distribution corporations (known in short as "distribution corporations"). These are of 2 main kinds—Schedule 1 corporations (named in Schedule 1 to the proposed Act) and Schedule 2 corporations (named in Schedule 2 to the proposed Act). Schedule 1 corporations are autonomous and do not represent the Crown. Schedule 2 corporations are statutory bodies representing the Crown. Proposed Schedules 1 and 2 also specify the operating districts for the corporations (called "distribution districts").

Clause 5 allows for amendment of Schedules 1 and 2 to the proposed Act by regulation.

Division 2—Functions of a distribution corporation

Clause 6 sets out the principal functions of the distribution corporations. Their main business is to purchase electricity and to supply and distribute it within their respective districts. They have a duty to promote the safe and efficient use, and the conservation, of electricity.

Clause 7 gives the distribution corporations certain ancillary functions, for example powers to acquire land, construct plant etc.

Clause 8 provides that a distribution corporation may exercise its functions outside the distribution district on certain conditions.

Clause 9 allows a distribution corporation to delegate its functions to authorised persons and permits sub-delegation with the written consent of the corporation.

PART 3—REGIONAL ELECTRICITY TRANSMISSION CORPORATIONS

Division 1—Constitution

Clause 10 constitutes regional electricity transmission corporations (known in short as "transmission corporations") and their operating districts (called "transmission districts"). These corporations do not represent the Crown. The corporations and their districts are named in Schedule 3 to the proposed Act.

Clause 11 allows for amendment of Schedule 3 to the proposed Act by regulation.

Division 2—Functions of a transmission corporation

Clause 12 sets out the principal functions of the transmission corporations. Their main business is to purchase electricity in bulk and to sell and transmit it within their respective districts.

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Clause 13 gives the transmission corporations certain ancillary functions, for example powers to acquire land, construct plant etc.

Clause 14 provides that a transmission corporation may exercise its functions outside the transmission district on certain conditions.

Clause 15 allows a transmission corporation to delegate its functions to authorised persons and permits sub-delegation with the written consent of the corporation.

PART 4—CORPORATION POLICY AND PRACTICE

Clause 16 provides that the principal function of the board of directors of an electricity corporation is to determine the policies of the corporation. In discharging this function, the board has a duty to see that the corporation functions properly and efficiently and in accordance with sound commercial practice.

Clause 17 provides for Ministerial control and direction of electricity corporations. The Minister may give the board of a corporation written directions in relation to the exercise of the corporation's functions. The board may request the Minister to review the direction if it considers that the corporation would suffer a significant financial loss as a result of complying with the direction and if the direction is contrary to a performance agreement or is not in the corporation's commercial interests. After review, the Minister may confirm or revoke the direction.

Clause 18 requires an electricity corporation to supply the Minister from time to time with information concerning its activities.

Clause 19 requires work undertaken by an electricity corporation to be put out to tender if it is of a kind prescribed by the regulations and if its estimated cost exceeds a level prescribed by the regulations.

Clause 20 provides for performance agreements to be entered into between the Minister and an electricity corporation. These are agreements that set operational performance targets for the corporation. A performance agreement will require a corporation to prepare and submit to the Minister a corporate plan. The corporate plan is to guide the corporation in the conduct of its activities. It must specify the objectives of the corporation in relation to each aspect of its business affairs.

PART 5—CONSTITUTION OF BOARDS

Clause 21 provides for the constitution of a board of directors for each electricity corporation and gives effect to proposed Schedules 4 and 5, which relate to directors and meetings of the board.

Clause 22 describes the composition of a board of directors of a Schedule 1 corporation (other than the corporations to be known as Far West Electricity and Tenterfield Electricity). It consists of persons elected as prescribed by the regulations.

Clause 23 describes the composition of a board of directors of a Schedule 2 corporation. A majority of the board members are to be persons elected as prescribed by the regulations, but the board will also include persons appointed by the Minister for their managerial, financial, commercial or legal or other expertise.

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Clause 24 describes the composition of the board of directors of the Far West distribution corporation, for which special provisions are made.

Clause 25 describes the composition of the board of directors of the Tenterfield distribution corporation, for which special provisions are made.

Clause 26 describes the composition of the board of directors of a transmission corporation. It consists of nominees of the boards of the distribution corporations operating within its transmission district.

PART 6—FINANCE

Clause 27 requires an electricity corporation to establish a General Fund and a Trust Fund.

Clause 28 provides for payment of non-trust money received by an electricity corporation into its General Fund and for payment out of that fund of the ordinary operating expenses (including salaries etc.) of the corporation.

Clause 29 provides for payment into an electricity corporation's Trust Fund of trust money received by the corporation.

Clause 30 provides for each corporation named in Schedule 2 to make an annual contribution to the Consolidated Fund. The amount of the contribution is to be determined by the Treasurer and is payable from annual surpluses and accrued reserves derived from the business operations of the corporation.

Clause 31 provides for the payment by instalments of a Schedule 2 corporation's annual contribution to the Consolidated Fund and allows the Treasurer to waive or reduce a corporation's obligation to make the contribution in a particular year.

Clause 32 provides for the investment by an electricity corporation of money held by it.

Clause 33 enables regulations to be made with respect to accounting methods to be employed by an electricity corporation.

Clause 34 requires the receipts of an electricity corporation to be banked in New South Wales.

Clause 35 prescribes the financial year of an electricity corporation as the year commencing on 1 July, unless the Treasurer determines another financial year under the Public Finance and Audit Act 1983.

PART 7—STAFF

Division 1—Staff generally

Clause 36 empowers an electricity corporation to employ any necessary staff. The staff numbers of a transmission corporation are to conform to the corporation's staff numbers budget or to a Ministerial consent.

Clause 37 provides that an electricity corporation has power, subject to any industrial awards or agreements, to determine the wages and conditions of its staff.

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Clause 38 provides for regulations to be made as to the conditions of employment and discipline of an electricity corporation's staff. The regulations are subject to awards and agreements and to Part 2A of the Public Sector Management Act 1988.

Clause 39 allows an electricity corporation to obtain the services of other public sector employees by secondment or otherwise.

Clause 40 allows an electricity corporation to engage consultants.

Division 2—Organisation structure

Clause 41 requires an electricity corporation to determine an organisation structure.

Clause 42 allows an electricity corporation to re-determine its organisation structure from time to time.

Division 3—The general manager and other senior staff

Clause 43 provides for the appointment of a general manager of a Schedule 1 corporation or transmission corporation and of an acting general manager if the need should arise. The general manager is to be appointed by the board of directors of the corporation.

Clause 44 provides for the appointment of a general manager of a Schedule 2 corporation (who may be designated its "Chief Executive") and of an acting general manager if the need should arise. The general manager is to be appointed by the Governor.

Clause 45 provides that the general manager is to be responsible for the day-to-day management of the affairs of the distribution corporation, with particular responsibility for the appointment and direction of staff.

Clause 46 provides that the general manager is not subject to directions of the corporation in relation to the contents of any advice or recommendation made by the general manager to the corporation.

Clause 47 requires consultation with the corporation when the general manager of an electricity corporation is appointing its senior staff.

Clause 48 requires senior staff of an electricity corporation whose contracts are not regulated by the Chief Executive Service and Senior Executive Service provisions of the Public Sector Management Act 1988 to be appointed on performance-based contracts.

Clause 49 requires the general manager of an electricity corporation to report annually on the contractual conditions of the corporation's senior staff.

Clause 50 provides that the employment of the general manager and senior staff of an electricity corporation, since it is to be on a contract basis, is not subject to any industrial award or agreement.

Clause 51 imposes a duty on a senior staff member of an electricity corporation to report bankruptcy.

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Division 4—Equal employment opportunity

Clause 52 states the objects of the proposed Division. The proposed Division does not apply to Schedule 2 corporations since those corporations will be subject to the Anti-Discrimination Act 1977.

Clause 53 requires an electricity corporation to prepare and implement an equal employment opportunity management plan.

Clause 54 provides that the terms of an equal employment opportunity management plan prevail over the provisions of the Anti-Discrimination Act 1977 to the extent of any inconsistency.

Clause 55 allows the Minister to refer any aspect of an electricity corporation's equal employment opportunity management plan to the Anti-Discrimination Board if the Minister is not satisfied with it.

Division 5—Other provisions concerning staff

Clause 56 requires advertising of staff positions to be filled in an electricity corporation.

Clause 57 requires appointments of staff to be undertaken on a merit basis.

Clause 58 prohibits employees of an electricity corporation from taking on outside employment except with the approval of the general manager of the corporation.

PART 8—ENTRY AND INSPECTION

Clause 59 defines "authorised person" for the purposes of the proposed Part.

Clause 60 provides for the appointment by an electricity corporation of authorised persons and for the issue to them of a certificate of their authority, which they are obliged to produce to the occupiers of premises and other interested parties when exercising their functions under the proposed Act.

Clause 61 gives an authorised person a right to enter premises at reasonable hours to install or read a meter or do other things necessary to ascertain that an electricity corporation's tariff conditions etc. are being observed.

Clause 62 requires advance notice to be served on the occupier of premises when an authorised person enters land or a building in the exercise of his or her functions.

Clause 63 authorises the use of reasonable force by an authorised person to gain entry, if necessary, in accordance with the powers conferred on the person.

Clause 64 requires notice to be given to interested parties whenever force is used to enter any premises.

Clause 65 requires an authorised person to do as little damage as possible in the exercise of functions conferred on the person and to provide alternative means of access to premises where this is necessary.

Clause 66 allows an electricity corporation in certain cases to recover the costs of entry from the owner or occupier of land that it has had to enter by force.

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Clause 67 requires an electricity corporation to pay compensation for damage caused by it under the proposed Part, except damage from work done for the purposes of an inspection.

Clause 68 enables an electricity corporation to discontinue supply to any person who will not give the corporation access to his or her premises for checking the meter or installing any necessary equipment or for similar purposes.

PART 9—MISCELLANEOUS

Clause 69 confers power on an electricity corporation to acquire land. The power is exercisable under the Land Acquisition (Just Terms Compensation) Act 1991.

Clause 70 provides for the formation by two or more distribution corporations of companies, known as special purpose companies, in order to carry out joint ventures in relation to any of their functions.

Clause 71 allows an electricity corporation to discontinue supply to a person who will not pay the charge for electricity supplied.

Clause 72 confers on an electricity corporation the power to dig up roads, put up structures and erect power lines.

Clause 73 provides that, for the purposes of any building approval required under the Local Government Act 1919 for the erection or placement of an electricity corporation's electrical wires, poles and other equipment, the corporation is to be the approving authority.

Clause 74 exonerates an electricity corporation from liability for any charge by a local government council in connection with its placement of wires, poles and other equipment within a local government area.

Clause 75 authorises an electricity corporation to require the owner of a conduit (for example, a pipe or cable) in or under a road or reserve to make an alteration to the conduit. Such alterations are to be made at the corporation's expense.

Clause 76 empowers an electricity corporation to abate any nuisance in the nature of an obstruction to any of its works, to repair damage caused by any such obstruction and to recover the cost of doing so from the person responsible for the obstruction.

Clause 77 prevents any structure or fitting of an electricity corporation that is erected or fixed on land from being taken in execution of a judgment against the owner of the land (unless it is the corporation itself).

Clause 78 permits an electricity corporation to waive or refund the whole or part of any charge or other money due to it.

Clause 79 provides that a function exercised by an electricity corporation or a delegate of the corporation is not invalidated if it is exercised contrary to a direction of the Minister.

Clause 80 exonerates from personal liability the directors of an electricity corporation and persons duly acting under direction for any matter or thing done in good faith in the execution of official duties.

Clause 81 permits an electricity corporation to join an industry association.

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Clause 82 permits an electricity corporation, with the approval of the Minister, to adopt a trading name.

Clause 83 makes provision for the custody and use of the seal of an electricity corporation.

Clause 84 provides for the service of documents on an electricity corporation.

Clause 85 enables an electricity corporation to recover charges etc. as debts.

Clause 86 provides that any offence against the proposed Act or the regulations is to be dealt with in a summary manner before a Local Court.

Clause 87 empowers the making of regulations generally for the purposes of the proposed Act. References in this clause to monetary penalties are expressed in penalty units. Under section 56 of the Interpretation Act 1987, 1 penalty unit is currently equivalent to \$100.

Clause 88 provides that the Governor-in-Council may by proclamation dissolve a county council established under the Local Government Act 1919 that has electricity supply functions or declare, in relation to other county councils and local government councils that at present have electricity supply and other functions, that they no longer have electricity supply functions.

Clause 89 repeals the County Districts Reconstitution Act 1979.

Clause 90 provides for the consequential amendment of Acts specified in Schedule 6.

Clause 91 is a formal provision giving effect to the savings, transitional and other provisions in Schedule 7.

SCHEDULES

Schedule 1 names the electricity distribution corporations that do not represent the Crown and specifies their distribution districts.

Schedule 2 names the electricity distribution corporations that represent the Crown and specifies their distribution districts.

Schedule 3 names the regional electricity transmission corporations and specifies their transmission districts.

Schedule 4 contains provisions relating to the directors of an electricity corporation, including the terms of office of directors and a requirement for a disclosure of pecuniary interests.

Schedule 5 contains provisions relating to the procedure at meetings of a board of directors.

Schedule 6 contains amendments to other Acts consequent on the enactment of the proposed Act.

Schedule 7 contains savings, transitional and other provisions.

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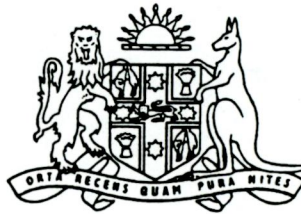
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ELECTRICITY CORPORATIONS BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to constitute electricity distribution corporations and regional electricity transmission corporations, and to specify their functions; to provide for the dissolution of certain county councils constituted under the Local Government Act 1919 that are suppliers of electricity; to repeal the County Districts Reconstitution Act 1979; to make consequential amendments to certain Acts; and for other purposes.

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The Legislature of New South Wales enacts:

PART 1—PRELIMINARY**Short title**

1. This Act may be cited as the Electricity Corporations Act 1992.

5 Commencement

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

10 (2) In the application of this section to the provisions of sections 4, 10, 88, 91 and Schedule 7, different days may be appointed for the operation of those provisions in relation to a corporate body created, dissolved or affected by them.

Definitions

3. (1) In this Act:

15 “**distribution**” of electricity includes supply and reticulation of electricity;

“**distribution corporation**” means an electricity distribution corporation constituted by this Act;

“**distribution district**” of a distribution corporation means its distribution district determined under this Act;

20 “**electricity corporation**” means a distribution corporation or a transmission corporation;

25 “**reticulation**” of electricity means the provision of all conductors and other infrastructure and metering equipment necessary to allow the delivery of electricity from the point of connection of an electricity distributor’s assets to sources of electricity supply, to the point of connection of the distributor’s assets to the assets of an electricity consumer or of an electricity supply authority;

“**Schedule 1 corporation**” means a distribution corporation named in Schedule 1;

30 “**Schedule 2 corporation**” means a distribution corporation named in Schedule 2;

“**supply**” of electricity means the provision of electricity for its delivery and sale to the supplier’s customers;

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“transmission corporation” means a regional electricity transmission corporation constituted by this Act;

“transmission district” of a transmission corporation means its transmission district determined under this Act;

“Unincorporated Area” means the aggregate of those parts of New South Wales that are not within a local government area. 5

(2) In this Act:

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

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty. 10

(3) A reference (however made or expressed) in this Act to any works or property of an electricity corporation includes a reference to any works or property of the Crown of which the corporation has the care, control or management. 15

(4) Words and expressions defined in the Electricity Act 1945 have, if used in this Act, the same meanings as in that Act.

PART 2—ELECTRICITY DISTRIBUTION CORPORATIONS

Division 1—Constitution

Constitution of distribution corporations and their districts 20

4. (1) Each body named in Schedules 1 and 2 is constituted an electricity distribution corporation under that name.

(2) A Schedule 1 corporation is not, and does not represent, the Crown.

(3) A Schedule 2 corporation represents the Crown.

(4) Each distribution corporation has the distribution district consisting of the local government areas or parts of local government areas indicated beneath its name in Schedule 1 or 2. The word “(part)” appearing beside the name of a local government area specified in either such Schedule indicates that, of that local government area, only the part prescribed by the regulations is included in the distribution district. 25

Amendment of Schedules 1 and 2

5. (1) The Governor may by regulation do any of the following:

(a) create a new distribution corporation by inserting its name and distribution district in Schedule 1 or 2; 30

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- (b) dissolve a distribution corporation by removing its name and distribution district from Schedule 1 or 2;
- (c) remove the name and distribution district of a distribution corporation from Schedule 1 and insert that name and distribution district in Schedule 2;
- (d) change the name or distribution district of any corporation named in Schedule 1 or 2.

(2) The Minister is not to recommend the making of a regulation under subsection (1) (c) except with the consent of the corporation or corporations concerned or, if that consent is not forthcoming, after an inquiry under Part 5 of the Energy Administration Act 1987 has been held into the objectives of the proposed regulation.

(3) A regulation under this section may contain savings and transitional provisions.

15 **Division 2—Functions of a distribution corporation**

Principal functions of distribution corporation

6. (1) A distribution corporation has the following principal functions:

- (a) the purchase, transmission and distribution of electricity;
- (b) the provision and maintenance of works for the supply of electricity;
- (c) the protection of the public from dangers arising from the transmission, distribution and use of electricity;
- (d) the promotion of the safe and efficient use of electricity and electrical fittings and appliances;
- (e) the promotion of energy conservation and of measures to increase the efficiency of energy transmission and use.

(2) A distribution corporation has such other functions as are conferred or imposed on it by or under this or any other Act.

30 **Ancillary functions of distribution corporation**

7. (1) In the exercise of its principal functions, a distribution corporation may:

- (a) conduct any business and, for that purpose, use any property or the services of any staff of the corporation; and
- (b) generate electricity; and

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- (c) acquire and develop land as necessary for the exercise of its functions, and dispose of land; and
 - (d) acquire or build, and maintain and dispose of, any buildings, plant, machinery, equipment or vehicles; and
 - (e) make and enter into contracts or arrangements for the carrying out of works or the performance of services or the supply of goods or materials; and 5
 - (f) make charges and impose fees for services performed and goods and materials supplied by it; and
 - (g) appoint agents, and act as agents for other persons. 10
- (2) A distribution corporation may do all such things as are supplemental or incidental to, or consequential on, the exercise of its other functions.

Exercise of functions outside district

8. A distribution corporation may not exercise its functions outside its distribution district except: 15
- (a) with the approval of the Minister, on the recommendation of the Energy Corporation; and
 - (b) on such terms and conditions as may be approved by the Minister, on the recommendation of the Energy Corporation and after consultation with the distribution corporations whose distribution districts are affected. 20

Delegation of functions

9. (1) A distribution corporation may delegate to an authorised person any of its functions, other than this power of delegation. 25
- (2) A delegate may sub-delegate to an authorised person any function delegated by the corporation if the delegate is authorised in writing to do so by the corporation.
- (3) In this section, "authorised person" means:
- (a) a member of staff of the corporation or any other person of whose services the corporation makes use; or 30
 - (b) a person of a class prescribed by the regulations or of a class approved by the directors of the corporation.

**PART 3—REGIONAL ELECTRICITY TRANSMISSION
CORPORATIONS****Division 1—Constitution****Constitution of transmission corporations and their districts**

5 **10.** (1) Each body named in Schedule 3 is constituted a regional electricity transmission corporation under that name.

 (2) A transmission corporation is not, and does not represent, the Crown.

10 (3) Each transmission corporation has the transmission district consisting of the local government areas or parts of local government areas indicated beneath its name in Schedule 3. The word “(part)” appearing beside the name of a local government area specified in the Schedule indicates that, of that local government area, only the part prescribed by the regulations is included in the transmission district.

15 Amendment of Schedule 3

11. (1) The Governor may by regulation amend Schedule 3 so as to vary the transmission district of a transmission corporation.

 (2) A regulation under this section may contain savings and transitional provisions.

20 Division 2—Functions of a transmission corporation**Principal functions of transmission corporation**

12. (1) A transmission corporation has the following principal functions:

25 (a) the buying, selling and transmission of bulk electricity within the transmission district;

 (b) the ownership, acquisition, augmentation and extension of 132 kV and 66 kV electricity sub-transmission assets and other assets for electricity transmission;

30 (c) the undertaking of joint planning in conjunction with distribution corporations to achieve maximum overall economies.

 (2) A transmission corporation has such other functions as are conferred or imposed on it by or under this or any other Act.

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Ancillary functions of transmission corporation

13. (1) In the exercise of its principal functions, a transmission corporation may:

- (a) conduct any business and, for that purpose, use any property or the services of any staff of the corporation; and 5
- (b) acquire and develop land as necessary for the exercise of its functions, and dispose of land; and
- (c) acquire or build, and maintain and dispose of, any buildings, plant, machinery, equipment or vehicles; and
- (d) make and enter into contracts or arrangements for the carrying out of works or the performance of services or the supply of goods or materials; and 10
- (e) make charges and impose fees for services performed and goods and materials supplied by it; and
- (f) appoint agents, and act as agents for other persons. 15

(2) A transmission corporation may do all such things as are supplemental or incidental to, or consequential on, the exercise of its other functions.

Exercise of functions outside district

14. A transmission corporation may not exercise its functions outside its transmission district except: 20

- (a) with the approval of the Minister, on the recommendation of the Energy Corporation; and
- (b) on such terms and conditions as may be approved by the Minister, on the recommendation of the Energy Corporation and after consultation of the transmission corporations whose transmission districts are affected. 25

Delegation of functions

15. (1) A transmission corporation may delegate to an authorised person any of its functions, other than this power of delegation. 30

(2) A delegate may sub-delegate to an authorised person any function delegated by the corporation if the delegate is authorised in writing to do so by the corporation.

(3) In this section, "authorised person" means:

- (a) a member of staff of the corporation or any other person of whose services the corporation makes use; or 35

- (b) a person of a class prescribed by the regulations or of a class approved by the directors of the corporation.

PART 4—CORPORATION POLICY AND PRACTICE

Board to determine policies of corporation etc.

- 5 16. (1) The board of directors of an electricity corporation has the function of determining the policies of the corporation.

(2) In determining those policies, the board must, as far as practicable, ensure that the activities of the corporation are carried out properly and efficiently and in accordance with sound commercial practice.

10 Ministerial control of corporations

17. (1) The Minister may give the board of directors of an electricity corporation written directions in relation to the exercise of the corporation's functions.

- 15 (2) Subject to this section, the board and the general manager of the corporation must ensure that the corporation complies with any such direction.

(3) If the board considers that:

- (a) the corporation would suffer a significant financial loss as a result of complying with the direction; and
20 (b) the direction is contrary to the provisions of a performance agreement or is not in the commercial interests of the corporation,

the board may request the Minister to review the direction.

- (4) A request for a review is to contain an estimate of the financial loss the board considers the corporation would suffer and must be made
25 within 7 days after the direction is given or within such other reasonable period as the Minister determines.

(5) If the board requests a review, the corporation is not required to comply with the direction until notified of the Minister's decision following the review.

- 30 (6) Following the review, the Minister may confirm or revoke the direction.

- (7) For the purposes of this section, the amount of the financial loss that an electricity corporation suffers as a result of complying with a direction includes the amount of expenditure that the corporation incurs, and the amount of revenue that the corporation forgoes, as a result of
35 complying with the direction which it would not otherwise incur or forgo.

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- (8) Subsection (3) does not apply to either of the following directions:
- (a) a direction under section 15 (2) (a) of the Electricity Act 1945;
 - (b) a direction given in relation to a requirement of the Treasurer under section 59B of the Public Finance and Audit Act 1983.

Corporation to provide information to Minister 5

18. An electricity corporation must:
- (a) supply the Minister or a person nominated by the Minister with such information relating to its activities as the Minister or person may require; and
 - (b) keep the Minister informed of the general conduct of its activities, and of any significant development in its activities. 10

Tendering

19. (1) An electricity corporation is to invite tenders for work of a kind, and exceeding an estimated cost level, prescribed by the regulations.
- (2) The corporation itself may submit a tender in any such case. 15

Performance agreements

20. (1) The Minister and an electricity corporation, after consultation between them, may enter into a performance agreement.
- (2) A performance agreement is to set operational performance targets for the corporation 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. 20
- (3) A performance agreement must include provision for a corporate plan, which may specify:
- (a) the separate business activities of the corporation; and 25
 - (b) the objectives of each such separate activity for the financial year concerned and for the following 2 financial years (or such other number of financial years as the Minister directs); and
 - (c) the strategies, policies and budgets for achieving those objectives; and 30
 - (d) targets and criteria for assessing the performance of the corporation; and
 - (e) in the case of a transmission corporation, budgets for capital works and staff numbers.

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(4) The corporation must, as far as practicable, exercise its functions in accordance with the performance agreement.

(5) The results of the corporation's performance under a performance agreement during a financial year are to be included in the corporation's annual report relating to that year.

PART 5—CONSTITUTION OF BOARDS

Board of directors

21. (1) There is to be a board of directors for each electricity corporation.

10 (2) Schedule 4 has effect in relation to each such board.

(3) Schedule 5 has effect in relation to board meetings.

(4) In the case, however, of Far West Electricity, Tenterfield Electricity and any transmission corporation, Schedules 4 and 5 apply subject to any modifications made by the regulations.

15 Constitution of board of Schedule 1 corporation

22. (1) The board of directors of a Schedule 1 corporation (other than Far West Electricity and Tenterfield Electricity) is to consist of persons elected as prescribed by the regulations.

20 (2) The number of directors (being not fewer than 5 and not more than 13) is to be determined from time to time in respect of each corporation by the Minister (and on the recommendation of the existing board, if any).

(3) Of the directors:

25 (a) one is to be elected by them each year to be Chairperson of the corporation; and

(b) one is to be elected by them each year to be Deputy Chairperson of the corporation.

Constitution of board of Schedule 2 corporation

30 23. (1) The board of directors of a Schedule 2 corporation is to consist of 9 directors, being:

(a) 5 persons elected as prescribed by the regulations; and

(b) 4 persons appointed by the Minister.

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(2) The persons appointed by the Minister as directors of a Schedule 2 corporation must have such managerial, commercial, financial, legal or other qualifications as the Minister considers appropriate to enable the directors to carry out their functions.

- (3) Of the directors: 5
- (a) one is to be appointed by the Minister, by instrument in writing, as Chairperson of the corporation; and
- (b) one is to be appointed by the Minister as Deputy Chairperson of the corporation.

Constitution of board of distribution corporation for Far West district 10

24. (1) The board of directors of Far West Electricity is to consist of 8 members, being:

- (a) 5 persons nominated by Broken Hill City Council; and
- (b) 2 persons nominated by Central Darling Shire; and 15
- (c) 1 member representing the Unincorporated Area who is to be elected as prescribed by the regulations.

- (2) Of the directors:
- (a) one is to be elected by them each year to be the Chairperson of the corporation; and 20
- (b) one is to be elected by them each year to be the Deputy Chairperson of the corporation.

Constitution of board of distribution corporation for Tenterfield district

25. (1) The board of directors of Tenterfield Electricity is to consist of a number of persons approved by the Minister, being persons nominated by the Council of the Shire of Tenterfield. 25

- (2) Of the directors:
- (a) one is to be elected by them each year to be the Chairperson of the corporation; and 30
- (b) one is to be elected by them each year to be the Deputy Chairperson of the corporation.

Constitution of board of transmission corporation

26. (1) The board of directors of a transmission corporation is to consist of nominees (one from each) of the boards of directors of the 35

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distribution corporations whose distribution districts form part of its transmission district.

(2) Of the directors:

- 5 (a) one is to be elected by them each year to be Chairperson of the corporation; and
 (b) one is to be elected by them each year to be Deputy Chairperson of the corporation.

PART 6—FINANCE**Establishment of funds**

10 27. An electricity corporation is required to establish the following funds:

- (a) a fund to be known as the General Fund;
 (b) a fund to be known as the Trust Fund.

General Fund

- 15 28. (1) There is to be paid into the General Fund:
 (a) all money received by or on account of the corporation, other than money that is required to be paid into the Trust Fund; and
 (b) all interest and other amounts received in respect of the investment of money belonging to the General Fund; and
 20 (c) all money borrowed by or advanced to the corporation or appropriated by Parliament for the purposes of the corporation; and
 (d) all money required to be paid into the General Fund by or under this or any other Act.
 (2) There may be paid from the General Fund:
 25 (a) the remuneration (including allowances) of the directors and staff of the corporation; and
 (b) all payments made on account of the corporation or otherwise required to meet expenditure incurred in relation to the functions of the corporation; and
 30 (c) all other payments required by or under this or any other Act to be paid from the General Fund.

Trust Fund

29. (1) There is to be paid into the Trust Fund:
 35 (a) all money held by the corporation by way of deposit for any person (including deposits paid to secure a supply of electricity); and

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- (b) all money held by the corporation in the capacity of trustee; and
- (c) all money required to be paid into the Trust Fund by or under this or any other Act.

(2) There may be paid from the Trust Fund:

- (a) repayments of deposits referred to in subsection (1) (a) and interest on any such deposits; and 5
- (b) payments of money made in accordance with the trusts on which the money is held; and
- (c) all other payments required by or under this or any other Act to be paid from the Trust Fund. 10

Schedule 2 corporation dividend contributions to Consolidated Fund

30. (1) A Schedule 2 corporation must pay to the Treasurer for payment into the Consolidated Fund, by way of dividend contribution in respect of each financial year of the corporation, such amount as may be determined by the Treasurer. 15

(2) The amount so determined is to be paid from:

- (a) the profits (if any) derived in the financial year concerned from the exercise by the corporation of its functions; or
- (b) the accumulated reserves of the corporation derived from the exercise of its functions. 20

(3) The Treasurer must consult the Minister and the corporation in connection with any determination to be made by the Treasurer under this section.

(4) This section applies in relation to such financial year of the corporation as the Treasurer determines. 25

(5) Nothing in this section affects section 59B of the Public Finance and Audit Act 1983.

Payment of contributions

31. (1) An amount payable by a Schedule 2 corporation by way of contribution to the Consolidated Fund is to be paid in such instalments and at such times as are determined by the Treasurer and notified in writing to the corporation. 30

(2) The Treasurer may, by notice in writing given to a Schedule 2 corporation, advise that in relation to any specified financial year it need not make a payment required by this Part to the Consolidated Fund or that it is required to make only a specified proportion of that payment. 35

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Investment

32. An electricity corporation may invest money held by it:
- (a) in such manner as may be authorised by the Public Authorities (Financial Arrangements) Act 1987; or
 - 5 (b) if that Act does not confer power to invest money held by the corporation:
 - (i) in any manner authorised for the time being for the investment of trust funds; or
 - 10 (ii) in any other manner approved by the Minister with the concurrence of the Treasurer.

Accounting

33. (1) The regulations may provide for the application, with or without modification, of accounting methods, practices and principles by electricity corporations. In particular, provision may be made for or with respect to:
- 15 (a) the keeping of accounts according to the principles of accrual accounting, using historical cost conventions; and
 - 20 (b) application of the principles set out in the document published by the Office of Energy under the title "Code of Accounting Practice and Financial Reporting of Electricity Councils in New South Wales", or set out in any document prescribed by the regulations, as in force from time to time; and
 - 25 (c) separate accounting in respect of the cost of any system of reticulation; and
 - (d) the preparation, for inclusion in the annual report, of accounts of the salaries and expenses of directors of an electricity corporation.
- (2) This section has effect subject to any other Act or law.

Banking

34. All money received on account of the General Fund or the Trust Fund is to be paid into a bank or banks in New South Wales.

Financial year

35. (1) The financial year of an electricity corporation is the year commencing on 1 July.
- (2) A different financial year may be determined by the Treasurer under section 4 (1A) of the Public Finance and Audit Act 1983.

PART 7—STAFF**Division 1—Staff generally****Employment of staff**

36. (1) An electricity corporation may employ such staff as it requires to exercise its functions, except as provided by subsection (2). 5

(2) A transmission corporation may not employ staff except in accordance with the staff numbers budget contained in a performance agreement or with the consent of the Minister.

Salary, conditions etc. of staff

37. An electricity corporation may determine salary, wages and conditions of employment of its staff in so far as they are not determined by or under any other Act or law. 10

Regulations relating to staff

38. (1) The regulations may make provision for or with respect to the employment of the staff of an electricity corporation, including the conditions of employment and the discipline of any such staff. 15

(2) Any such regulations relating to the conditions of employment or the discipline of staff:

(a) have effect subject to any relevant award made by a competent industrial tribunal and to any industrial agreement to which the corporation is a party; and 20

(b) have effect despite any determination of the corporation; and

(c) have effect subject to Part 2A of the Public Sector Management Act 1988.

Use of staff or facilities of departments etc. 25

39. An electricity corporation may arrange for the use of the services of any staff (by secondment or otherwise) or facilities of another electricity corporation, a government department, an administrative office or a public or local authority.

Consultants 30

40. An electricity corporation may engage such consultants as it requires to exercise its functions.

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Division 2—Organisation structure**Determination of structure**

41. (1) An electricity corporation must determine:
- (a) an organisation structure; and
 - 5 (b) those positions within the organisation structure that are senior staff positions; and
 - (c) the resources to be allocated towards the employment of staff.
- (2) In complying with this section, an electricity corporation is to follow any guidelines issued by the Minister for the purposes of this section.
- 10

Re-determination of structure

42. The organisation structure may be re-determined by the corporation from time to time.

Division 3—The general manager and other senior staff

15 **General manager of Schedule 1 corporation or transmission corporation**

43. (1) This section applies to a Schedule 1 corporation and a transmission corporation.
- (2) The board of directors of the corporation may appoint a general manager of the corporation.
- 20 (3) If a vacancy occurs in the position of general manager of the corporation, a person must immediately be appointed to or to act in the vacant position.
- (4) A director of the board is not to be appointed as general manager or acting general manager.
- 25

General manager of Schedule 2 corporation

44. (1) This section applies to a Schedule 2 corporation.
- (2) The Governor may appoint a general manager of the corporation.
- (3) Before a person is appointed as general manager of the corporation, the Minister must give the directors of the corporation the opportunity to recommend any one or more persons for appointment.
- 30 (4) The employment of the general manager is subject to Part 2A of the Public Sector Management Act 1988, but is not subject to Part 2 of that Act.

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(5) The Minister may, from time to time, appoint a person to act in the office of the general manager during the illness or absence of the general manager (or during a vacancy in the office of general manager) and the person, while so acting, has all the functions of the general manager and is taken to be the general manager.

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(6) The Minister may, at any time, remove a person from office as acting general manager of the corporation.

(7) An acting general manager of the corporation is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

10

(8) A director is not to be appointed as general manager or acting general manager.

(9) The general manager may also be designated the Chief Executive.

Functions of general manager

45. (1) The general manager of an electricity corporation is generally responsible for the efficient and effective operation of the corporation's organisation and for ensuring the implementation, without undue delay, of decisions of the corporation.

15

(2) The general manager has the following particular functions:

(a) to exercise the day-to-day management of the corporation;

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(b) to exercise such of the functions of the corporation as are delegated by the corporation to the general manager;

(c) to appoint staff in accordance with an organisation structure and resources approved by the corporation;

(d) to direct and dismiss staff;

25

(e) to implement the corporation's equal employment opportunity management plan.

(3) The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.

General manager's independence for certain purposes

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46. The general manager of an electricity corporation is not subject to direction by the corporation as to the content of any advice or recommendation given or made by the general manager to the corporation about any matter.

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Corporation to be consulted as to appointment of senior staff

47. The general manager of an electricity corporation may appoint senior staff only after consultation with the board of directors of the corporation.

5 Nature of contracts for senior staff

48. (1) The general manager and other senior staff of an electricity corporation that is not a Schedule 2 corporation are to be employed under contracts that are performance-based.

(2) The term of a contract must not exceed 5 years.

10 (3) Contracts may be renewed from time to time.

(4) This section applies also to the senior staff of a Schedule 2 corporation to whom Part 2A of the Public Sector Management Act 1988 does not apply.

Annual reporting of contracts for senior staff

15 49. The general manager of an electricity corporation must, at least once annually, report to the corporation on the contractual conditions of senior staff.

Industrial arbitration excluded

20 50. (1) In this section, a reference to the employment of the general manager or another senior staff member is a reference to:

(a) the appointment of, or failure to appoint, a person to the vacant position of general manager or to another vacant senior staff position; or

25 (b) the removal, retirement, termination of employment or other cessation of office of the general manager or another senior staff member; or

(c) the remuneration or conditions of employment of the general manager or another senior staff member.

30 (2) The employment of the general manager or another senior staff member, or any matter, question or dispute relating to any such employment, is not an industrial matter for the purposes of the Industrial Relations Act 1991.

35 (3) Subsection (2) applies whether or not any person has been appointed to the vacant position of general manager or another vacant senior staff position.

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(4) No award, agreement, contract determination or order made or taken to have been made or continued in force under the Industrial Relations Act 1991, whether made before or after the commencement of this section, has effect in relation to the employment of senior staff members. 5

(5) No proceedings for an order in the nature of prohibition, certiorari or mandamus or for a declaration or injunction, or for any other relief, lie in respect of the appointment of or failure to appoint a person to the position of general manager or to another senior staff position, the entitlement or non-entitlement of a person to be so appointed or the validity or invalidity of any such appointment. 10

Duty to report bankruptcy

51. (1) If a person who is a senior staff member becomes bankrupt or makes a composition, arrangement or assignment for the benefit of the person's creditors, the person must: 15

(a) immediately give notice of the bankruptcy, composition, arrangement or assignment to the general manager; and

(b) provide the general manager with any further information concerning the cause of the bankruptcy or of the making of the composition, arrangement or assignment required by the general manager within a time specified by the general manager. 20

(2) If the person is the general manager, this section applies as if references to the general manager were references to the corporation.

Division 4—Equal employment opportunity

Application of Division 25

52. (1) The objects of this Division are:

(a) to eliminate and ensure the absence of discrimination in employment in electricity corporations on the grounds of race, sex, marital status and physical impairment; and

(b) to promote equal employment opportunity for women, members of racial minorities and physically handicapped persons in electricity corporations. 30

(2) This Division does not apply to a Schedule 2 corporation.

Preparation and implementation of management plans

53. (1) An electricity corporation must prepare and implement an equal employment opportunity management plan in order to achieve the objects of this Division. 35

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- (2) The plan is to include provisions relating to:
- (a) the devising of policies and programs by which the objects of this Part are to be achieved; and
 - 5 (b) the communication of those policies and programs to persons within the staff of the corporation; and
 - (c) the collection and recording of appropriate information; and
 - (d) the review of personnel practices within the corporation (including recruitment techniques, selection criteria, training and staff development programs, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices; and
 - 10 (e) the setting of goals or targets, where these may reasonably be determined, against which the success of the plan in achieving the objects of this Part may be assessed; and
 - 15 (f) the means, other than those referred to in paragraph (e), of evaluating the policies and programs referred to in paragraph (a); and
 - (g) the revision and amendment of the plan; and
 - 20 (h) the appointment of persons within the corporation to implement the provisions referred to in paragraphs (a)–(g).
- (3) An equal employment opportunity management plan may include provisions, other than those referred to in subsection (2), that are not inconsistent with the objects of this Part.
- 25 (4) An electricity corporation may, from time to time, amend its equal employment opportunity management plan.

Inconsistencies with the Anti-Discrimination Act 1977

30 54. (1) The provisions of an equal employment opportunity management plan, to the extent of any inconsistency between those provisions and the provisions of the Anti-Discrimination Act 1977, prevail.

(2) This section does not apply to or in respect of the provisions of a plan which are the subject of a reference under this Part to the Anti-Discrimination Board or the Director of Equal Opportunity in Public Employment.

35 References

55. (1) Where the Minister is dissatisfied with any matter relating to the preparation, amendment or implementation of an equal employment opportunity management plan by an electricity corporation or any failure

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or omission of an electricity corporation with respect to the preparation, amendment or implementation of any such plan, the Minister may refer the matter to the Anti-Discrimination Board or the Director of Equal Opportunity in Public Employment.

(2) The provisions of section 122N of the Anti-Discrimination Act 1977, and the succeeding provisions of Part 9A of that Act, apply to and in respect of a reference under this section to the Anti-Discrimination Board as if it were a reference under section 122M of that Act and as if the corporation were an authority within the meaning of that Part. 5

Division 5—Other provisions concerning staff 10

Advertising of staff positions

56. (1) When it is proposed to make an appointment to a position within the organisation structure of an electricity corporation, the position must be advertised in a manner sufficient to enable suitably qualified persons to apply for the position. 15

(2) If the position is a senior staff position, the requirement of this section is satisfied if the position is advertised at least twice in a daily newspaper circulating throughout the State.

(3) This section does not apply to the re-appointment, under a new contract, of a senior staff member whose contract has expired. 20

Appointments to be on merit

57. (1) When the decision is being made to appoint a person to a position:

- (a) only a person who has duly applied for appointment to the position may be selected; and 25
- (b) from among the applicants eligible for appointment, the applicant who has, in the opinion of the general manager (in consultation with the corporation, if the position is a senior staff position), the greatest merit is to be selected.

(2) The merit of the persons eligible for appointment to a position is to be determined according to: 30

- (a) the nature of the duties of the position; and
- (b) the abilities, qualifications, experience and standard of work performance of those persons relevant to those duties.

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Other work

58. A member of staff must not engage in private employment or contract work outside the service of the corporation without the written approval of the general manager.

5 **PART 8—ENTRY AND INSPECTION**

Definition

59. In this Part, “**authorised person**” means a person authorised for the purposes of a provision of this Act by an electricity corporation.

Authorised persons

10 60. (1) An electricity corporation may authorise a person to exercise any function conferred or imposed under this Part.

(2) The corporation must issue to an authorised person a certificate of authority in a form approved by the corporation.

15 (3) An authorised person exercising or proposing to exercise a function conferred or imposed under any provision of this Act on or in any land or building must, on request, produce the person’s certificate of authority to a person apparently in charge there.

Power of entry

20 61. For the purposes of and subject to this Act and the regulations, an authorised person may enter on any land or buildings at all reasonable hours for the purpose of:

(a) installing, removing, reading or adjusting any electricity metering equipment or other property of the corporation; or

25 (b) checking if the corporation’s conditions relating to tariffs and to the use of electricity are being complied with.

Notice of entry

30 62. (1) Before an authorised person enters any land or building under a power conferred by this Part, the general manager or an authorised person must serve on the owner or occupier of the land or building notice in writing of the intention to enter the land or building on a day specified in the notice.

(2) This section does not require notice to be given:

(a) if entry to any land or building is made with the consent of the owner or occupier of the land or building; or

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- (b) if entry is required urgently and the case is one in which the general manager has in writing authorised (either generally or in the particular case) entry without notice; or
- (c) if entry is made solely for the purpose of reading an electricity meter.

5

Use of force

63. (1) Reasonable force may be used for the purpose of gaining entry to any land or building (other than any part used for residential purposes) under a power conferred by this Part.

(2) The authority conferred by this section to use reasonable force must not be exercised in any case unless the general manager has authorised in writing (either generally or in the particular case) the use of force in the circumstances of the case.

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(3) Any general authority for the use of force given by the general manager must specify the circumstances which are required to exist before force may be used.

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Notification of use of force or entry without notice

64. If an authorised person:

- (a) uses force for the purpose of gaining entry to any land or building; or
- (b) enters any land or building where notice of intention to enter as required by this Part was not served on the owner or occupier of the land or building,

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the general manager or an authorised person must promptly cause notice in writing to that effect to be served on such persons or authorities as appear to the general manager or authorised person to be appropriate in the circumstances.

25

Exercise of functions

65. In the exercise of a function conferred or imposed by this Part, an authorised person must:

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- (a) do as little damage as possible; and
- (b) provide, if necessary, other means of access or temporary works or structures in place of any taken away or interrupted by it.

Recovery of costs of entry and inspection

66. If an authorised person enters any land or building under this Part for the purpose of making an inspection and as a result of that inspection,

35

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under a power conferred on the authorised person by or under this Act, work is required to be carried out on or in connection with any electric line or any property or works of the corporation on or in the land or building, the corporation may recover the reasonable costs of the entry and inspection from the owner or occupier of the land or building.

Compensation

67. (1) An electricity corporation must compensate all interested parties for any damage caused by it under this Part, other than damage arising from work done for the purpose of an inspection.

10 (2) In the case of land of which temporary possession has been taken or use made, the compensation may be a gross sum or a rent.

Discontinuance of supply following refusal of access or obstruction

68. (1) If, after production of a written authority issued by the corporation to an authorised person, any person:

15 (a) refuses or fails to give the authorised person access at any reasonable time to any premises supplied with electricity by the corporation for the purpose of installing, removing, examining, reading or adjusting any electricity metering equipment or for the purpose of checking if the corporation's conditions relating to tariffs and to the use of electricity are being complied with; or

20 (b) obstructs the authorised person in relation to any act, matter or thing done or to be done in carrying out those purposes,

the corporation may, without prejudice to any other remedy, discontinue the supply of electricity to the premises until such time as the access is given or obstruction is terminated.

25 (2) An electricity corporation is not liable for any loss or damage suffered by any person as a consequence of discontinuing a supply of electricity under this section.

PART 9—MISCELLANEOUS**30 Acquisition of land**

69. (1) An electricity corporation may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

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(2) An electricity corporation may not give a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 without the approval of the Minister.

(3) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the corporation is, in relation to that authorised work, taken to be the Constructing Authority. 5

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

Special purpose companies 10

70. (1) In this section:

“special purpose company” means a company in which distribution corporations have a controlling interest.

(2) For the purpose of carrying on a joint enterprise in relation to any of their functions, two or more distribution corporations may, with the approval of the Minister, form or participate in the formation of a special purpose company. 15

(3) A distribution corporation 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. 20

(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.

Discontinuance of supply for failure to pay 25

71. (1) If a person fails to pay an amount to an electricity corporation for electricity supplied by it, the corporation may, after giving the person reasonable notice of its intention to do so, discontinue the supply of electricity to the person until the amount, together with any expenses incurred by the corporation in discontinuing the supply, are paid. 30

(2) An electricity corporation is not liable for any loss or damage suffered by any person as a consequence of discontinuing a supply of electricity under this section.

Power to break up roads etc.

72. (1) An electricity corporation may, on giving the notice or notices required by the regulations: 35

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- (a) open and break up the soil and pavement of a public road or public reserve; and
- (b) open and break up any thing in or under a public road or public reserve; and
- 5 (c) place structures on, over or beneath a public road or public reserve; and
- (d) erect an electric line or other thing relating to a supply of electricity on, over or beneath a public road or public reserve,

for the purpose of exercising its functions.

10 (2) The statutory body having the control and management of a public road or public reserve may, in accordance with any regulations, require an electricity corporation to comply with conditions in exercising its powers under subsection (1), including conditions for restoration of the surface and removal of rubbish.

15 (3) If an electricity corporation fails to comply with a condition in force under subsection (2), the statutory body affected by the failure may remedy it and recover the cost of doing so as a debt owed to the statutory body by the corporation.

Building approvals for corporation's equipment

20 73. (1) To the extent to which the erection or placement of any pipe, wire, pole, cable or other structure or thing (but not a building) to be erected or placed by an electricity corporation requires approval under Part 11 of the Local Government Act 1919, that approval may be given by the corporation, which need not obtain the approval of the local
25 government council.

(2) The corporation is to have regard, in considering whether an approval under this section is appropriate, to the provisions of Part 11 of the Local Government Act 1919 and of any ordinances made for the purposes of that Part of that Act.

30 Charges for placement of corporation's equipment

74. No annual or other periodic or special charge is payable by an electricity corporation to a local government council for or in respect of any pipe, wire, pole, cable or other structure or thing erected or placed by the corporation in the council's area or for or in respect of the space that
35 it occupies.

*Electricity Corporations 1992***Altering position of conduit of another authority**

75. (1) If:

- (a) an electricity corporation, in order to exercise its functions, needs an alteration to be made in the position of a conduit owned by another person; and
- (b) the alteration would not permanently damage the conduit or adversely affect its operation,

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the corporation may serve on the person a written notice that complies with subsection (2).

(2) A notice must:

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- (a) specify the alteration needed; and
- (b) require the alteration to be made within a reasonable time stated in the notice; and
- (c) include an undertaking by the corporation to pay the reasonable cost of the alteration.

15

(3) If the alteration is not made as required by the notice, the corporation may make the alteration in such a manner as not to damage the conduit permanently or adversely affect its operation on completion of the alteration.

(4) In this section, "conduit" means anything that is in or under a public road or public reserve and is used for the conveyance of a substance, energy or signals.

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Obstruction of works

76. (1) If a person places a structure or other thing in or near a work of an electricity corporation in such a manner as to interfere with or damage the work, the corporation may:

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- (a) demolish and remove the structure or other thing; and
- (b) repair the work; and
- (c) recover the cost of doing so as a debt owing to the corporation by the person who placed the structure or other thing there.

30

(2) An electricity corporation may apply for an injunction to prevent a structure or other thing being placed as referred to in this section.

Corporation's fittings not to be taken in execution

77. (1) If any electric line, meter, fitting, insulator, apparatus or work of an electricity corporation is placed in or on any place or building (not being in the possession of the corporation) for the purpose of supplying

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electricity, it is not to be taken in execution under any process of a court of law or equity.

(2) This section does not affect any execution lawfully issued against an electricity corporation.

5 **Waiver or refund of charges etc. by corporation**

78. An electricity corporation may waive or refund the whole or any part of any charge, fee or money due to the corporation in any particular case or in any class of cases.

Presumption of validity

10 79. The exercise of a function by an electricity corporation or a delegate of the corporation is not invalidated because it is exercised in contravention of a direction by the Minister.

Personal liability of directors etc.

15 80. A matter or thing done or omitted by an electricity corporation, a director of an electricity corporation, the general manager or any person acting under the direction of an electricity corporation, the board or the general manager does not, if the matter or thing was done or omitted in good faith for the purpose of executing this or any other Act, subject the
20 director, the general manager or a person so acting personally to any action, liability, claim or demand.

Industry associations

81. An electricity corporation may join any industry association.

Trading names

25 82. An electricity corporation may, with the approval of the Minister, adopt a trading name.

Seal of corporation

83. The seal of an electricity corporation is to be kept by the general manager and may be affixed to a document only:

- 30 (a) in the presence of the Chairperson (or a person authorised for that purpose by the Chairperson) and the general manager (or a person authorised for that purpose by the general manager); and
- (b) with an attestation by the signature of the general manager or that authorised person of the fact of the affixing of the seal.

Electricity Corporations 1992

Service of documents on corporation

84. (1) A document may be served on an electricity corporation by leaving it at, or by sending it by post to:

- (a) the office of the corporation; or
- (b) if it has more than one office—any one of its offices. 5

(2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on a corporation in any other manner.

Recovery of charges etc. by corporation

85. Any charge, fee or money due to an electricity corporation may be recovered by the corporation as a debt in a court of competent jurisdiction. 10

Proceedings for offences

86. Proceedings for an offence against this Act or the regulations are to be dealt with in a summary manner before a Local Court constituted by a Magistrate sitting alone. 15

Regulations

87. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. 20

(2) In particular, the regulations may make provision for or with respect to the following:

- (a) the appointment of deputies of directors of an electricity corporation; 25
- (b) the transmission, distribution, reticulation and use of electricity;
- (c) charges for electricity;
- (d) fees and service charges;
- (e) the payment of charges for electricity and of fees and service charges; 30
- (f) the payment of interest on unpaid amounts due to an electricity corporation;
- (g) offences relating to the distribution and use of electricity and any works or property of an electricity corporation;

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- (h) requiring the carrying out of work to remove a danger or to remedy a defect relating to the distribution, transmission or use of electricity within a distribution district or transmission district;
- (i) the opening of the surface of roads;
- 5 (j) the application to an electricity corporation, with or without modification, of a specified provision of the Local Government Act 1919 or of any ordinance made under that Act.

(3) A regulation may create an offence punishable by a penalty not exceeding:

- 10 (a) 200 penalty units in the case of a body corporate; or
- (b) 100 penalty units in any other case.

Dissolution of county councils

88. (1) The Governor may, by proclamation published in the Gazette:
- (a) dissolve a county council that has electricity functions; or
 - 15 (b) declare that, as from the date of its publication (or from a later date specified in the proclamation) a county council or local government council has no authority to exercise electricity functions.

(2) A proclamation made in accordance with subsection (1) (b) does not preclude the affected county council or local government council from exercising electricity functions in accordance with a contract entered into with its corresponding corporation (as defined in Schedule 7), but otherwise has effect in accordance with its tenor.

(3) In this section, “**electricity functions**” means the generation, transmission, distribution, reticulation or supply of electricity.

25 **Repeal of County Districts Reconstitution Act 1979 No. 185**

89. The County Districts Reconstitution Act 1979 is repealed.

Amendment of Acts

90. The Acts specified in Schedule 6 are amended in the manner set out in that Schedule.

30 **Savings, transitional and other provisions**

91. Schedule 7 has effect.

**SCHEDULE 1—ELECTRICITY DISTRIBUTION
CORPORATIONS NOT REPRESENTING THE CROWN**

(Sec. 4)

Central West Electricity	
Cabonne Shire (part)	5
Cowra Shire	
Forbes Shire	
Lachlan Shire	
Parkes Shire	
Weddin Shire	10
Far West Electricity	
Broken Hill City	
Central Darling Shire	
Unincorporated area of NSW (part)	
Macquarie Electricity	15
Bogan Shire	
Cobar Shire	
Coonamble Shire	
Dubbo City	
Gilgandra Shire	20
Narromine Shire	
Warren Shire	
Wellington Shire	
Monaro Electricity	
Snowy River Shire	25
Bombala Shire	
Cooma-Monaro Shire	
Murray River Electricity	
Albury City	
Balranald Shire	
Berrigan Shire	30

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**SCHEDULE 1—ELECTRICITY DISTRIBUTION CORPORATIONS
NOT REPRESENTING THE CROWN—*continued***

	Conargo Shire
	Corowa Shire
5	Deniliquin Municipality
	Hume Shire
	Jerilderie Shire
	Wakool Shire
	Wentworth Shire
10	Windouran Shire
	Murray Shire
	Murrumbidgee Electricity
	Carrathool Shire
15	Griffith City
	Hay Shire
	Leeton Shire
	Murrumbidgee Shire
	Narrandera Shire (part)
	Namoi Valley Electricity
20	Gunnedah Shire
	Narrabri Shire
	Walgett Shire
	Brewarrina Shire
	Bourke Shire
25	New England Electricity
	Armidale City
	Dumaresq Shire
	Uralla Shire (part)
	Walcha Shire
30	North West Electricity
	Inverell Shire
	Moree Plains Shire

Electricity Corporations 1992

SCHEDULE 1—ELECTRICITY DISTRIBUTION CORPORATIONS
NOT REPRESENTING THE CROWN—*continued*

Glen Innes Municipality	
Guyra Shire	
Severn Shire	5
Yallaroi Shire	
Uralla Shire (part)	
Bingara Shire	
Northern Riverina Electricity	
Bland Shire	10
Cootamundra Shire	
Junee Shire	
Temora Shire	
Coolamon Shire	
Narrandera Shire (part)	15
Northern Rivers Electricity	
Coffs Harbour City	
Lismore City	
Tweed Shire	
Ballina Shire	20
Byron Shire	
Grafton City	
Maclean Shire	
Copmanhurst Shire	
Nymboida Shire	25
Ulmarra Shire	
Nambucca Shire	
Bellingen Shire	
Casino Municipality	
Kyogle Shire	30
Richmond River Shire	
Ophir Electricity	
Orange City	

Electricity Corporations 1992

SCHEDULE 1—ELECTRICITY DISTRIBUTION CORPORATIONS
NOT REPRESENTING THE CROWN—*continued*

	Blayney Shire
	Cabonne Shire (part)
5	Oxley Electricity
	Great Lakes Shire (part)
	Hastings Municipality
	Greater Taree City
	Kempsey Shire
10	P-CCC Electricity
	Tamworth City
	Parry Shire
	Quirindi Shire
	Barraba Shire
15	Manilla Shire
	Murrurundi Shire
	Nundle Shire
	South West Slopes Electricity
	Young Shire
20	Harden Shire
	Boorowa Shire
	Southern Mitchell Electricity
	Bathurst City
	Evans Shire
25	Oberon Shire
	Mudgee Shire (part)
	Southern Riverina Electricity
	Culcairn Shire
	Holbrook Shire
30	Lockhart Shire

Electricity Corporations 1992

**SCHEDULE 1—ELECTRICITY DISTRIBUTION CORPORATIONS
NOT REPRESENTING THE CROWN—*continued***

Urana Shire	
Wagga Wagga City	
Southern Tablelands Electricity	5
Tallaganda Shire	
Crookwell Shire	
Queanbeyan City	
Goulburn City	
Gunning Shire	10
Mulwaree Shire	
Yarrowlumla Shire	
Yass Shire	
Tenterfield Electricity	
Tenterfield Shire	15
Tumut River Electricity	
Gundagai Shire	
Tumbarumba Shire	
Tumut Shire	
Ulan Electricity	20
Coonabarabran Shire	
Coolah Shire	
Merriwa Shire (part)	
Mudgee Shire (part)	
SCHEDULE 2—ELECTRICITY DISTRIBUTION CORPORATIONS REPRESENTING THE CROWN	25
	(Sec. 4)
Illawarra Electricity	
Wollongong City	
Shoalhaven City	
Eurobodalla Shire	30

Electricity Corporations 1992

SCHEDULE 2—ELECTRICITY DISTRIBUTION CORPORATIONS
REPRESENTING THE CROWN—*continued*

	Shellharbour Municipality
	Bega Valley Shire
5	Kiama Municipality
	Wingecarribee Shire
	Prospect Electricity
	Baulkham Hills Shire
	Blacktown City
10	Campbelltown City
	Fairfield City
	Hawkesbury City
	Holroyd City
	Liverpool City
15	Parramatta City
	Penrith City
	Camden Municipality
	Blue Mountains City
	Wollondilly Shire
20	Rylstone Shire
	Greater Lithgow City
	Shortland Electricity
	Cessnock City
	Dungog Shire
25	Gloucester Shire
	Lake Macquarie City
	Maitland City
	Merriwa Shire (part)
	Singleton Shire
30	Newcastle City
	Port Stephens Shire
	Great Lakes Shire (part)
	Muswellbrook Shire
	Scone Shire

**SCHEDULE 3—REGIONAL ELECTRICITY TRANSMISSION
CORPORATIONS**

(Sec. 10)

Southern Regional Transmission Corporation	
Monaro	5
Murray River	
Murrumbidgee	
Northern Riverina	
Southern Tablelands	
Southern Riverina	10
South West Slopes	
Tumut River	
 Northern Regional Transmission Corporation	
Northern Rivers	
North West	15
Namoi	
New England	
Oxley	
Peel-Cunningham	
Tenterfield	20
 Western Regional Transmission Corporation	
Central West	
Macquarie	
Ophir	
Southern Mitchell	25
Ulan	

SCHEDULE 4—BOARDS OF DIRECTORS

(Sec. 21)

Definitions

1. In this Schedule:

- 5 **“appointed director”** means a member of the board of a Schedule 2 corporation appointed by the Minister under this Act;
- “elected director”** means a member of the board of a Schedule 1 or Schedule 2 corporation elected as prescribed by the regulations.

Chairperson of Schedule 1 corporation

- 10 2. (1) The board of directors of a Schedule 1 corporation may, with the approval of the Minister, remove a director from the office of Chairperson or Deputy Chairperson of the corporation at any time.
- (2) A person who is a director and Chairperson or Deputy Chairperson of a Schedule 1 corporation vacates office as Chairperson or Deputy
- 15 Chairperson if the person:
- (a) is removed from that office by the board; or
- (b) resigns that office by instrument in writing addressed to the board; or
- (c) ceases to be a director.
- 20 (3) The Chairperson's or Deputy Chairperson's term of office is 12 months, after which time he or she (if otherwise qualified) is eligible for re-election.

Chairperson of Schedule 2 corporation

- 25 3. (1) The Minister may remove a director from the office of Chairperson or Deputy Chairperson of a Schedule 2 corporation or a transmission corporation at any time.
- (2) A person who is a director and Chairperson or Deputy Chairperson of a Schedule 2 corporation or a transmission corporation vacates office as Chairperson or Deputy Chairperson if the person:
- 30 (a) is removed from that office by the Minister; or
- (b) resigns that office by instrument in writing addressed to the Minister; or
- (c) ceases to be a director.

*Electricity Corporations 1992***SCHEDULE 4—BOARDS OF DIRECTORS—continued**

(3) The Chairperson's or Deputy Chairperson's term of office is the period (being not more than 4 years) specified in his or her instrument of appointment as Chairperson or Deputy Chairperson.

Terms of office of directors 5

4. (1) Subject to this Schedule, an elected director holds office until the director's successor is elected.

(2) Subject to this Schedule, an appointed director holds office for such period (not exceeding 4 years) as may be specified in the director's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment. 10

Remuneration

5. (1) A director of a Schedule 1 corporation or of a transmission corporation:

(a) is entitled to be paid such remuneration as the Minister may from time to time determine in respect of the director; and 15

(b) is entitled to be paid such travelling and subsistence allowances as the board may from time to time determine in respect of the director.

(2) A director of a Schedule 2 corporation is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the director. 20

Vacancy in office of directors

6. (1) The office of a director becomes vacant if the director:

(a) dies; or 25

(b) completes a term of office and is not re-elected or re-appointed; or

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

(d) is removed from office under this Act; or

(e) is absent from 4 consecutive meetings of the board of which reasonable notice has been given to the director personally or in the ordinary course of post, except on leave granted by the board or unless, before the expiration of 4 weeks after the last of those meetings, the director is excused by the board for having been absent from those meetings; or 30

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*Electricity Corporations 1992*SCHEDULE 4—BOARDS OF DIRECTORS—*continued*

- 5 (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (g) becomes a mentally incapacitated person; or
- 10 (h) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable; or
- (i) in the case of an elected director, ceases, in circumstances prescribed by the regulations, to be a member of a council of a local government area within the corporation's district.
- 15 (2) The Minister may remove an elected or appointed director from office for incapacity, incompetence or misbehaviour.

Disclosure of pecuniary interests

7. (1) If:
- 20 (a) a director has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the directors; and
- (b) the interest appears to raise a conflict with the proper performance of the director's duties in relation to the consideration of the matter,
- 25 the director must, as soon as possible after the relevant facts have come to the director's knowledge, disclose the nature of the interest at a meeting of the directors.
- (2) A disclosure by a director at a meeting of the directors that the director:
- 30 (a) is a member, or is in the employment, of a specified company or other body; or
- (b) is a partner, or is in the employment, of a specified person; or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,
- 35 is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

*Electricity Corporations 1992*SCHEDULE 4—BOARDS OF DIRECTORS—*continued*

- (3) Particulars of any disclosure made under this clause are to be recorded by the directors in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the directors. 5
- (4) After a director has disclosed the nature of an interest in any matter, the director must not, unless the Minister or the other directors otherwise determine:
- (a) be present during any deliberation of the directors with respect to the matter; or 10
- (b) take part in any decision of the directors with respect to the matter.
- (5) For the purpose of the making of a determination by the directors under subclause (4), a director who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the other directors for the purpose of making the determination; or 15
- (b) take part in the making by the other directors of the determination.
- (6) A contravention of this clause does not invalidate any decision of the directors.
- (7) This clause does not apply to or in respect of an interest of a director (being the provision of goods or services to or in respect of the director by the corporation) if the goods or services are, or are to be, available to members of the public on the same terms and conditions. 20

Filling of vacancy in office of director

8. (1) If the office of an elected director becomes vacant: 25
- (a) within a period of 9 months before the date of the next ordinary election of members of councils of local government areas—the vacancy is to be filled by the appointment by the Minister of a person who is qualified for appointment as an elected director; or
- (b) at any other time—the vacancy is to be filled at an election in accordance with this Schedule to be held as soon as practicable (but, in any event, within 3 months) after the vacancy occurred. 30
- (2) The Minister may appoint a person who is qualified for appointment to act in the office of an elected director during any period for which that office would otherwise be vacant. 35

*Electricity Corporations 1992*SCHEDULE 4—BOARDS OF DIRECTORS—*continued*

(3) A person appointed under subclause (2) is, while acting in the office, taken to be an elected director.

5 (4) If the office of any appointed director becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

Dismissal of Board

9. (1) The Minister may, in circumstances prescribed by the regulations, dismiss an entire board from office.

(2) Regulations made for the purposes of this clause:

- 10 (a) may make provision for or with respect to a public inquiry into the affairs of the board; and
- (b) may make provision for the appointment, functions and dismissal of an administrator; and
- 15 (c) must make provision for the election or appointment of a new board within 12 months of the board's dismissal.

Effect of certain other Acts

10. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of an appointed director.

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

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

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

(3) The office of director is not, for the purposes of any Act, an office or place of profit under the Crown.

SCHEDULE 5—BOARD MEETINGS

30

(Sec. 21)

General procedure

1. The procedure for the calling of meetings of the board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the board.

*Electricity Corporations 1992*SCHEDULE 5—BOARD MEETINGS—*continued***Quorum**

2. The quorum for a meeting of the board is the number of directors prescribed by the regulations.

Presiding member

5

3. (1) The Chairperson of a corporation or, in the absence of the Chairperson, the Deputy Chairperson, is to preside at a meeting of the board.

(2) If the Chairperson and the Deputy Chairperson are both absent, another director elected to chair the meeting by the directors present is to preside at a meeting of the board.

10

(3) The person presiding at any meeting of the board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

Voting

15

4. A decision supported by a majority of the votes cast at a meeting of the board at which a quorum is present is the decision of the board.

Transaction of business outside meetings or by telephone etc.

5. (1) The board may, if it thinks fit, transact any of its business by the circulation of papers among all the directors for the time being, and a resolution in writing approved in writing by a majority of those directors is taken to be a decision of the board.

20

(2) The board may, if it thinks fit, transact any of its business at a meeting at which directors (or some directors) participate by telephone, closed-circuit television or other means, but only if any director who speaks on a matter before the meeting can be heard by the other directors.

25

(3) For the purposes of:

(a) the approval of a resolution under subclause (1); or

(b) a meeting held in accordance with subclause (2),

the Chairperson and each director have the same voting rights as they have at an ordinary meeting of the board.

30

(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the board.

Electricity Corporations 1992

SCHEDULE 5—BOARD MEETINGS—*continued*

(5) Papers may be circulated among directors for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

5 **First meeting**

6. The Minister is to call the first meeting of the board in such manner as the Minister thinks fit.

SCHEDULE 6—AMENDMENT OF ACTS

(Sec. 90)

10 **Electricity Act 1945 (1946 No. 13)**

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

- (a) From section 4 (1), omit the definition of “Council”.
- (b) From section 4 (1), omit the definitions of “County district” and “Electricity council”.

15 (c) In section 4 (1), insert in alphabetical order:

“**Distribution corporation**” means a distribution corporation within the meaning of the Electricity Corporations Act 1992.

20 “**Electricity corporation**” means a distribution corporation or transmission corporation constituted under the Electricity Corporations Act 1992.

25 “**Reticulation**” of electricity means the provision of all conductors and other infrastructure and metering equipment necessary to allow the delivery of electricity from the point of connection of an electricity distributor’s assets to sources of electricity supply, to the point of connection of the distributor’s assets to the assets of an electricity consumer or of an electricity supply authority.

30 (d) From section 4 (1), omit the definition of “Electricity supply authority”, insert instead:

“**Electricity supply authority**” means:

- (a) the Electricity Commission; or
- (b) an electricity corporation; or

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

- (c) Sydney Electricity; or
 (d) the State Rail Authority; or
 (e) the Water Administration Ministerial Corporation;
 or 5
 (f) a person or body engaged in the distribution of
 electricity to the public or in the generation of
 electricity for supply, directly or indirectly, to the
 public under a franchise agreement authorised
 under any Act or otherwise. 10
- (2) Section 5 (**Constitution of the Electricity Council**):
 (a) From section 5 (3), omit “17”, insert instead “16”.
 (b) From section 5 (3), omit “15”, insert instead “14”.
 (c) Omit section 5 (4) (a) (ii)–(iv), insert instead:
 (i) Illawarra Electricity; 15
 (ii) Prospect Electricity;
 (iii) Shortland Electricity;
 (d) Omit section 5 (4) (e).
- (3) Parts 2B, 2C:
 Omit the Parts. 20
- (4) Section 9 (**Powers of Corporation relating to the generation
 and supply of electricity**):
 Omit section 9 (1) (f).
- (5) Sections 11, 12:
 Omit the sections. 25
- (6) Section 13A (**Corporation may direct supply authority as to
 charges for and terms of supply**):
 Omit section 13A (4).
- (7) Section 14 (**Corporation may fix charges for bulk electricity
 etc.**): 30
 (a) From section 14 (1) and (2), omit “electricity councils”
 wherever occurring, insert instead “electricity corporations or
 Sydney Electricity”.

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

- (b) From section 14 (3), omit “An electricity council”, insert instead “An electricity corporation or Sydney Electricity”.
- 5 (c) From section 14 (4), omit “An electricity council which contravenes this section”, insert instead “If an electricity corporation or Sydney Electricity contravenes this section, it”.
- (8) **Section 14AAA (Corporation empowered to effect or arrange insurance policies etc.):**
- 10 (a) In section 14AAA (1), after “applies.” insert “The Corporation may also enter into, or arrange for the authorities to enter into, a self-insurance scheme of the kind to which subsection (2A) applies.”.
- 15 (b) After section 14AAA (2), insert:
- 20 (2A) For the purposes of subsection (1), a self-insurance scheme is of a kind to which this subsection applies if it is a scheme under which money is set aside to indemnify an electricity supply authority covered by the scheme in respect of any prescribed liability, loss or damage incurred or sustained during the currency of the scheme by that authority (being a prescribed liability, loss or damage that is specified in the scheme).
- 25 (c) In section 14AAA (3), after “policy”, insert “or scheme”.
- (d) In section 14AAA (4), after “policy”, insert “or self-insurance scheme”.
- (e) From section 14AAA (5), omit “subsection (2)”, insert instead “this section”.
- (f) In section 14AAA (6), after “policy”, insert “or self-insurance scheme”.
- 30 (9) **Section 14AAE (Application of Part to subsidiaries of electricity corporations):**
- Omit “section 7W”, insert instead “section 70 of the Electricity Corporations Act 1992”.
- 35 (10) **Section 14AAF:**
- After section 14AAE, insert:
- Investment of surplus from premium**
- 14AAF. Money in the Electricity Development Fund that was paid to the Fund for the purpose of effecting insurance,

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

- or for management for self-insurance purposes, in accordance with this Part but which is not required for the payment of premiums may be invested by the Corporation:
- (a) in such manner as may be authorised by the Public Authorities (Financial Arrangements) Act 1987; or
 - (b) if that Act does not confer power on the Corporation to invest money—in securities in which trustees are by law authorised to invest.
- (11) Section 14F (**Payment of subsidies for pensioner rebates out of Electricity Development Fund**): 10
 Omit “Prospect County Council, Shortland County Council or Illawarra County Council”, insert instead “Prospect Electricity, Shortland Electricity or Illawarra Electricity”.
- (12) Section 14G (**Supply authority to write off rebates**): 15
 Omit “or in any ordinance under the Local Government Act 1919”.
- (13) Section 15 (**Electricity Development Fund**):
- (a) From section 15 (2) (a), omit “electricity council”, insert instead “electricity corporation, Sydney Electricity”. 20
 - (b) Omit section 15 (2) (f), insert instead:
 - (f) contributions under subsection (2A).
 - (c) After section 15 (2), insert:
 - (2A) An electricity corporation or Sydney Electricity may with the approval of the Minister (and is required to, if the Minister on the recommendation of the Corporation so directs), in accordance with any conditions imposed by the Minister, contribute to the Fund by way of loan to the Corporation for the purposes of the Fund. The Corporation may apply any such contributions for those purposes in accordance with those conditions. 25
30
- (14) Section 16 (**Application of Electricity Development Fund**):
- (a) From section 16 (1) (a), omit “electricity councils” wherever occurring, insert instead “electricity corporations or Sydney Electricity”. 35

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

- (b) From section 16 (1) (a) (ii), omit “a council”, insert instead “any of them”.
- (c) Omit section 16 (1) (b), insert instead:
- 5 (b) amounts to electricity corporations or Sydney Electricity in accordance with section 15 (2A);
- (d) From section 16 (1) (c), omit “electricity councils”, insert instead “electricity corporations, Sydney Electricity”.
- 10 (e) From section 16 (2), omit “electricity council”, insert instead “an electricity corporation or Sydney Electricity”.
- (15) Section 18 (**Agreements as to grants, subsidies etc.**):
Omit “electricity council” wherever occurring, insert instead “electricity council or Sydney Electricity”.
- 15 (16) Section 19AB (**Contributions by electricity distributors and Commission**):
From section 19AB (1), omit “Electricity councils”, insert instead “An electricity corporation, Sydney Electricity”.
- (17) Sections 19A–19D:
Omit the sections.
- 20 (18) Section 19E:
Omit the section, insert instead:
Contribution by distributors
19E. A distribution corporation must contribute annually
25 towards the annual charges for the lighting of traffic routes an amount determined by the Minister in consultation with the Minister administering the Traffic Act 1909.
- (19) Section 19G (**Director may direct corporation to remove structure**):
- 30 (a) From section 19G (1), omit “a council”, insert instead “an electricity corporation”.
- (b) From section 19G (1), omit “the council” where firstly occurring, insert instead “the corporation”.
- (c) From section 19G (1), omit “the area of the council”, insert instead “its distribution or transmission district”.

Electricity Corporations 1992

SCHEDULE 6—AMENDMENT OF ACTS—*continued*

- (d) From section 19G (2), omit “A council”, insert instead “An electricity council”.
- (20) Section 19H (**Payment of subsidies for removal etc. of electricity structures out of Traffic Route Lighting Subsidy Account**): 5
 Omit the section.
- (21) Part 5A:
 After Part 5, insert:
- PART 5A—CONDITIONS OF ELECTRICITY SUPPLY** 10
- Definitions**
- 26A. In this Part:
- “**customer**” means a person who applies for or receives supply of electricity from a distribution corporation; 15
- “**customer’s installation**” means all the customer’s electric wires, cables, appliances, fittings and insulated apparatus installed and used for, or for purposes incidental to, the conveyance, measurement, control or use of electricity supplied or intended to be supplied by a distribution corporation but does not include: 20
- (a) any electricity supply main or service line, meter or apparatus that is the property of the corporation and is used solely for the conveyance, measurement or control of electricity supplied to any premises; or 25
- (b) any movable electrical equipment;
- “**general conditions of supply**” means the general conditions of supply in force for the time being under this Part; 30
- “**metering equipment**” means instruments and equipment used to measure the quantity of or the demand for electricity supplied to a customer by a distribution corporation, and includes equipment such as time switches, relays, contactors and the like used to control that supply; 35

SCHEDULE 6—AMENDMENT OF ACTS—*continued*

“point of connection” means the point at which a distribution corporation’s street mains or works are attached to the customer’s installation;

5 “service equipment” means equipment supplied and installed as provided by this Part;

10 “service line” means an overhead or underground cable operating at a voltage not exceeding 650 volts and located between a distribution corporation’s street mains or works and a customer’s point of connection.

Entitlement to supply by corporation

15 26B. (1) A person who applies to an electricity corporation is entitled to be provided with electricity supply if the person either meets the cost of connection to supply or makes a contribution to that cost in accordance with guidelines issued from time to time by the Energy Corporation.

(2) Any person aggrieved by the amount of any cost or contribution payable under subsection (1) may appeal in accordance with the regulations.

20 (3) The regulations may make provision for or with respect to:

(a) what appeals under subsection (2) may be refused on the face of the appeal; and

25 (b) the referral of the appeal to an arbitrator, whose decision is to be final and binding on the appellant and the corporation concerned; and

(c) the application by any such arbitrator of principles determined by the Minister with respect to capital costs and contributions; and

30 (d) the costs of arbitration and the necessity of its availability to persons of poor means.

(4) A person’s entitlement under this section to a supply of electricity is subject to any right of the corporation under this Act or the regulations to refuse, suspend or discontinue supply to the person.

Formulation of general conditions of supply

35 26C. (1) A distribution corporation may formulate general conditions of supply that make provision for or with respect

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

to the conditions applicable to the supply of electricity by the corporation, and may amend those conditions (by substituting, varying, revoking or adding to them) from time to time.

5

(2) The matters for which the general conditions of supply may make provision include the following:

(a) the charges for electricity supplied and the payment of those charges;

(b) the payments to be made by a customer for any installation work done or to be done by the corporation on a customer's premises or incidental to the provision of a supply of electricity to the customer;

10

(c) the proper care and custody of any metering or other equipment installed by the corporation;

15

(d) such other matters as may be provided for, under this Part, in the general conditions of supply;

(e) installation and servicing requirements.

(3) The general conditions of supply (and any amendment of them) are to be publicly notified by notification published in a newspaper circulating generally in the region of the corporation and take effect on publication of the notification or on such later date as may be specified in the notification.

20

(4) The provisions of the general conditions of supply must not be inconsistent with the provisions of this Act or the Electricity Corporations Act 1992.

25

(5) A distribution corporation is to ensure that a copy of the general conditions of supply is available for inspection by any person free of charge at each office of the corporation during ordinary office hours.

30

Conditions applicable to supply of electricity

26D. (1) A person who applies for or receives supply of electricity from a distribution corporation is to be considered to have entered into an agreement with the corporation containing the provisions of the general conditions of supply as in force from time to time.

35

(2) Subsection (1) applies to a person even if supply to the person commenced before the commencement of this Part.

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

5 (3) A distribution corporation may require a person who applies for supply of electricity to enter into an agreement (an “**alternative agreement**”) with the corporation that makes provision for or with respect to any of the matters for which the general conditions of supply may make provision.

10 (4) A person who enters into an alternative agreement with a distribution corporation is not subject to the general conditions of supply except to the extent that the alternative agreement otherwise provides.

15 (5) A distribution corporation is entitled to refuse, suspend or discontinue supply of electricity to a person who contravenes any provision of the general conditions of supply, any alternative agreement applicable to the person or any requirement imposed on the person under the general conditions of supply or any such alternative agreement.

Requirement for security

20 26E. (1) A distribution corporation may require a customer to give security for payment of all sums due to it or that may become due to it from the customer.

(2) The general conditions of supply may make provision with respect to such security.

Metering equipment

25 26F. (1) A distribution corporation may require the installation of such metering equipment as it thinks necessary for ascertaining the quantity of or demand for electricity supplied to a customer.

(2) For that purpose the corporation may do any of the following:

30 (a) supply and install, or arrange for the supply and installation of, metering equipment;

(b) require the customer to supply and install metering equipment;

35 (c) require the customer to make provision for the supply, mounting and installation of metering equipment.

(3) A distribution corporation may require the customer to pay the whole or any part of the cost of the supply and installation of metering equipment.

SCHEDULE 6—AMENDMENT OF ACTS—*continued*

(4) The position and standards of installation of metering equipment are to be as determined by the corporation.

Service equipment

26G. (1) A distribution corporation may require the installation of such equipment (“**service equipment**”) as it thinks necessary for or reasonably incidental to the provision of a supply of electricity to a customer. 5

(2) For that purpose the corporation may do any of the following: 10

(a) supply and install, or arrange for the supply and installation of, service equipment;

(b) require the customer to supply and install service equipment;

(c) require the customer to make provision for the supply, mounting and installation of service equipment. 15

(3) A distribution corporation may require the customer to pay the whole or any part of the cost of the supply and installation of service equipment.

(4) The position and standards of installation of service equipment are to be as determined by the corporation. 20

Sealing of equipment

26H. A distribution corporation may affix seals to a customer’s installation if of the opinion it is necessary or desirable to do so. 25

Failure of metering equipment to register correctly

26I. (1) This section applies when a distribution corporation finds that:

(a) metering equipment has ceased to register or has ceased to register correctly the quantity of or demand for electricity supplied; or 30

(b) electricity has been supplied without passing through metering equipment; or

(c) metering equipment registering supply is no longer of the appropriate rating to register the quantity of or demand for electricity supplied. 35

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

5 (2) In any such case the corporation may estimate the quantity of or demand for electricity supplied but not registered for any period of up to 6 months before the finding was made.

(3) The customer is liable to pay for the electricity so estimated.

10 (4) Metering equipment is to be regarded as not reading correctly if (and only if) its error in registration is greater than 2%, either in excess or deficiency.

Service lines

15 26J. (1) A distribution corporation may require the installation of such service lines as it thinks necessary to provide a supply of electricity to a customer.

(2) For that purpose the corporation may do any of the following:

(a) supply and install, or arrange for the supply and installation of, a service line;

20 (b) require the customer to supply and install a service line;

(c) require the customer to make such provision as the corporation decides is necessary for the attachment of any service line.

25 (3) A distribution corporation may require the customer to pay the whole or any part of the cost of the supply and installation of a service line.

(4) The type, construction and route of a service line and the point of connection are to be as determined by the corporation.

30 (5) A distribution corporation may require a customer to be provided with more than one point of connection if the corporation thinks it necessary to avoid interference with the supply of electricity to any other customer.

Imposition of requirements as to installation and use of apparatus etc.

35 26K. (1) A distribution corporation may:

(a) impose such requirements as to the installation and use of electrical appliances and equipment by the customer

SCHEDULE 6—AMENDMENT OF ACTS—*continued*

- as the corporation thinks necessary or desirable to prevent or minimise adverse effects on the supply to other customers; and
- (b) impose requirements relating to loading of and the balancing of the load over the phases of the customer's supply; and 5
- (c) impose requirements relating to the location and accessibility of metering and service equipment relating to supply to the customer; and 10
- (d) impose requirements as to the minimum rupture rating or minimum breaking capacity of the customer's main protective devices; and
- (e) require the customer to install relays, current transformers and other protective equipment having characteristics to suit the corporation's protective system. 15
- (2) A customer must comply with any requirement imposed on the customer under this section.
- (3) The general conditions of supply may make provision for or with respect to any of the matters referred to in subsection (1). 20
- Unauthorised connections**
- 26L. (1) A person must not without the permission of the distribution corporation: 25
- (a) connect a customer's installation to a distribution corporation's mains; or
- (b) connect an addition or alteration to a customer's installation so as to cause the supply of electricity to the installation or any part of it to be incorrectly metered. 30
- (2) A distribution corporation may (without prejudice to any other remedy available to it) discontinue the supply of electricity to a customer's installation which is connected in contravention of this section until supply can be provided in accordance with this Part. 35

SCHEDULE 6—AMENDMENT OF ACTS—*continued***Installation of transformers etc. on customer's premises**

5 26M. (1) This section applies when the supply of electricity required by a customer is, in the opinion of the distribution corporation, in excess of that which can be provided by service line from its street mains and supply can best be given by installing transformers, switchgear and other equipment on the premises to be supplied.

10 (2) In such a case, the corporation may require the customer to provide free of cost, for use of the corporation, a place within those premises to accommodate the transformers, switchgear and other equipment that the corporation is of the opinion should be installed.

15 (3) The place provided must be a place that is considered suitable by the distribution corporation and must be enclosed in a manner approved by the corporation.

Recovery of costs of increasing capacity of system

20 26N. (1) In this section:

“**capacity increase**” means increase in the capacity of a distribution corporation's electricity supply system (whether by extension or amplification of mains or otherwise).

25 (2) A distribution corporation may require a person who applies for supply of electricity or for an increase in supply of electricity to pay or agree to pay the whole of a specified part of the reasonable costs incurred or to be incurred by the corporation in capacity increase, being capacity increase:

- 30 (a) that has been or will be necessary to supply electricity or increase the supply of electricity to the customer; or
- (b) that took place in the 6 years prior to the customer's connection to supply or application for an increase in supply and would have been necessary to supply electricity or to increase the supply of electricity to the customer.

35 (3) A distribution corporation must not require payments from 2 or more persons under this section in respect of any particular capacity increase that in total exceed the reasonable costs incurred or to be incurred by the corporation in respect of the capacity increase.

SCHEDULE 6—AMENDMENT OF ACTS—*continued*

(4) A distribution corporation may, in the prescribed circumstances, refund any payment made in accordance with this section.

(5) A distribution corporation may enter into agreements for the purposes of this section. 5

Interruption to supply for maintenance etc.

26O. A distribution corporation is entitled to interrupt the supply of electricity to a customer at such reasonable times as the corporation may decide for the purpose of inspecting, testing or carrying out repairs or maintenance work on the electricity supply system or for such other purpose as the corporation considers necessary for the efficient operation of that system. 10

Liability for failure to supply 15

26P. A distribution corporation is not liable for any loss suffered by any person as a consequence of any failure to supply electricity, or of any defect in that supply, if the failure or defect is caused by the breakdown of machinery or by causes not within the corporation's control. 20

Customer to give 48 hours' notice of discontinuance of supply

26Q. (1) A customer must give the distribution corporation not less than 48 hours' notice of the customer's desire that the supply of electricity to the customer be discontinued. 25

(2) If that notice is not given, the customer remains liable for all charges (including minimum charges) in respect of the supply concerned until 48 hours after the corporation becomes aware of the customer's desire that supply be discontinued or until the corporation discontinues or transfers that supply, whichever happens first. 30

Offences

26R. Unless authorised to do so by a distribution corporation, a person must not:

- (a) wilfully destroy, damage or interfere with any metering equipment, service equipment, line, post, pillar, lamp fitting, installation or other thing that is the property of the corporation and relates to electricity supply; or 35

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

- 5 (b) alter or attempt to alter the register of any metering equipment or in any way prevent or attempt to prevent any metering equipment from correctly registering the quantity of or demand for electricity supplied by the corporation.

Maximum penalty: 50 penalty units.

Refusal etc. of supply for contravention of this Part

- 10 26S. A distribution corporation is entitled to refuse, suspend or discontinue supply of electricity to a person who contravenes any provision of this Part.

Application of this Part to Sydney Electricity

- 15 26T. This Part applies to Sydney Electricity in the same way as to a distribution corporation, but so applies:

- (a) as if a reference in this Part to the distribution district of a distribution corporation were a reference to the Sydney Electricity District; and
 (b) with such other adaptations as may be prescribed by the regulations.

- 20 (22) Section 27 (**Restrictions on supply of electricity**):
 Omit section 27 (1).

(23) Section 27AA (**Restrictions on certain works**):

- 25 (a) In section 27AA (1), after "line", insert "or any reticulation system".
 (b) Omit section 27AA (2), insert instead:
 (2) This section:
 (a) does not apply to the Electricity Commission; and
 (b) in respect of transmission lines, does not apply to a distribution corporation or a transmission corporation; and
 30 (c) in respect of reticulation systems, does not apply to a distribution corporation.

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

- (24) Section 27AB (**Approvals**):
Omit section 27AB (b).
- (25) Section 27AC (**Offences**):
Omit section 27AC (3). 5
- (26) Section 28A (**Electricity supply authorities—personal liability of members etc.**):
Omit the section.
- (27) Section 37 (**Regulations**):
After section 37 (2) (ii), insert: 10
- (jj) capital contributions to be made by customers to electricity corporations or Sydney Electricity in respect of works and connections, and the resolution, by arbitration or otherwise, of disputes arising in relation to such contributions; and 15
- (kk) the provision, to the owners and occupiers of land, of information concerning the nature, purpose and effect of easements vested in or to be vested in any such authority.
- Electricity Commission Act 1950 No. 22** 20
- (1) Section 3 (**Definitions**):
- (a) From section 3 (1), omit the definition of “Council”.
- (b) From section 3 (1), omit the definition of “Electricity supply authority”, insert instead: 25
- “Electricity supply authority” means:
- (a) the Commission; or
- (b) a distribution corporation or a transmission corporation within the meaning of the Electricity Corporations Act 1992; or
- (c) Sydney Electricity; or 30
- (d) the State Rail Authority; or
- (e) the Water Administration Ministerial Corporation; or

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

5 (f) a person or body engaged in the supply of electricity to the public or in the generation of electricity for supply, directly or indirectly, to the public under a franchise agreement under any Act or otherwise.

(2) Section 9 (**Powers of Commission**):

Omit section 9 (2), insert instead:

10 (2) The Commission must not supply electricity to any person for use within the distribution district of a distribution corporation constituted under the Electricity Corporations Act 1992, or within the Sydney Electricity District as defined in the Sydney Electricity Act 1990, except:

15 (a) with the approval of the Minister, on the recommendation of the Corporation; and

(b) on such terms and conditions as may be approved by the Minister, on the recommendation of the Corporation and after consultation with the distribution corporation concerned.

20 (3) Section 78:

After section 77, insert:

Assignment of certain easements

25 78. (1) The Commission may, by notification published in the Gazette, assign to an electricity corporation constituted under the Electricity Corporations Act 1992 any easement vested in the Commission.

30 (2) The assignment takes effect on publication of the notification in the Gazette or on a later date specified in the notification, and takes effect without the need of execution or registration of any other instrument.

35 (3) The Registrar-General may make such amendments of the Register kept under the Real Property Act 1900 as appear to the Registrar-General to be proper to be made in order to record the assignment of an easement under this section and, if need be, may for that purpose require any further particulars of the easement to be furnished by the Commission.

Electricity Corporations 1992

SCHEDULE 6—AMENDMENT OF ACTS—*continued*

**Government and Related Employees Appeal Tribunal Act 1980
No. 39**

Schedule 4 (**Employing Authorities**):

Insert, in alphabetical order:

A corporation named in Schedule 2 to the Electricity
Corporations Act 1992.

5

Government Pricing Tribunal Act 1992 No. 39

Schedule 1 (**Government Agencies for which Tribunal has
Standing Reference**):

10

(a) From the matter relating to county councils, omit “or
electricity”.

(b) After “Sydney Electricity”, insert:

An electricity corporation within the meaning of the
Electricity Corporations Act 1992.

15

Land Development Contribution Management Act 1970 No. 22

Section 7 (**Time when declared land becomes liable for
contribution**):

From section 7 (6), omit “a county council or a council”,
insert instead “an electricity corporation within the meaning
of the Electricity Corporations Act 1992”.

20

Public Authorities (Financial Arrangements) Act 1987 No. 33

Schedule 1 (**Authorities**):

Insert, in alphabetical order:

An electricity corporation constituted under the Electricity
Corporations Act 1992.

25

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued***Public Finance and Audit Act 1983 No. 152**

Schedule 2 (Statutory Bodies):

Insert, in alphabetical order:

- 5 An electricity corporation constituted under the Electricity Corporations Act 1992.

Public Sector Management Act 1988 No. 33

(1) Schedule 3 (Declared Authorities):

Insert, in alphabetical order:

- 10 Illawarra Electricity.
Prospect Electricity.
Shortland Electricity.

(2) Schedule 3A (Chief Executive Positions):

Insert in Part 3, in alphabetical order:

- 15 Chief Executive of Illawarra Electricity
Chief Executive of Prospect Electricity
Chief Executive of Shortland Electricity

State Authorities Non-contributory Superannuation Act 1987 No. 212

Schedule 1 (Employers):

20 In Part 2, insert, in alphabetical order:

- An electricity corporation constituted under the Electricity Corporations Act 1992.

State Authorities Superannuation Act 1987 No. 211

Schedule 1 (Employers):

25 In Part 2, insert, in alphabetical order:

- An electricity corporation constituted under the Electricity Corporations Act 1992.

Electricity Corporations 1992

SCHEDULE 6—AMENDMENT OF ACTS—*continued*

Superannuation Act 1916 No. 28

Schedule 3 (List of Employers):

In Part 2, insert, in alphabetical order:

An electricity corporation constituted under the Electricity Corporations Act 1992. 5

Traffic Act 1909 No. 5

Parts 3B, 3C:

After Part 3A, insert:

PART 3B—TRAFFIC ROUTE LIGHTING 10

Definitions

10Q. In this Part:

“council” means a local government council;

“traffic route” means a public road within the meaning of the Local Government Act 1919: 15

(a) which has been proclaimed or declared as a main or secondary road under the State Roads Act 1986; or

(b) which, if not so proclaimed or declared, the Authority has, by reason of the volume of vehicular or pedestrian traffic carried on it, determined requires lighting to a standard approved by the Authority. 20

Traffic Route Lighting Subsidy Account

10R. (1) There is established an account in the Special Deposits Account to be called the “Traffic Route Lighting Subsidy Account” consisting of: 25

(a) such money as is required to be paid into that Account by this Part; and

(b) any money standing, at the commencement of this Part, to the credit of the account by that name constituted under the Electricity Act 1945. 30

(2) The Traffic Route Lighting Subsidy Account is to be used only for the purposes authorised by this Act.

SCHEDULE 6—AMENDMENT OF ACTS—*continued***Payments of subsidies out of account**

5 10S. (1) The Authority may with the approval of the Minister out of the Traffic Route Lighting Subsidy Account grant annual subsidies to councils for the lighting, to a standard approved by the Authority, of traffic routes.

10 (2) Before granting any such subsidy the Authority may require a council to enter into an agreement with the Authority to secure the carrying out of the purposes for which, and the terms and conditions on and subject to which, the subsidy is granted.

Payments to Traffic Route Lighting Subsidy Account

15 10T. (1) In the period of 12 months commencing on 1 July next succeeding the commencement of this Part and in each period of 12 months thereafter, the Authority must pay to the Treasurer for payment into the Traffic Route Lighting Subsidy Account the amount of subsidies that the Minister with the concurrence of the Treasurer estimates will be granted to local government councils under this Part in that period of 12 months.

20 (2) The Minister, before the commencement of each period of 12 months referred to in subsection (1), is to serve a notice on the Authority specifying the amount of the payment required.

25 (3) An amount payable under this section in any period of 12 months is to be paid in such sum or sums, at such time or times during that period and in such manner as the Minister may require in and by the notice referred to in subsection (2).

30 (4) The Authority may make the whole or any part of a payment required by this section out of the Roads and Traffic Authority Fund under the Transport Administration Act 1988.

PART 3C—ELECTRICITY STRUCTURES**Definitions**

35 10U. In this Part:

“council” means a local government council;

“electricity structure” means any structure erected or maintained by a distribution corporation within the

*Electricity Corporations 1992*SCHEDULE 6—AMENDMENT OF ACTS—*continued*

meaning of the Electricity Corporations Act 1992 for the purpose of transmission or distribution of electricity or for the purpose of public lighting;

“traffic route” has the same meaning as in Part 3B. 5

Payments of subsidies for removal etc. of electricity structures out of Traffic Route Lighting Subsidy Account

10V. (1) The Authority may, with the approval of the Minister, out of money in the Traffic Route Lighting Subsidy Account, grant subsidies to a distribution corporation constituted under the Electricity Corporations Act 1992 for or towards the cost of removing or relocating electricity structures erected, within the distribution district of the corporation, on or adjacent to public roads, being electricity structures which the Authority has determined require removal or relocation for the purposes of traffic safety. 10 15

(2) Before granting any such subsidy, the Authority may require a corporation referred to in subsection (1) to enter into an agreement with the Authority to secure the carrying out of the purposes for which, and the terms and conditions upon and subject to which, the subsidy is granted. 20

Unclaimed Money Act 1982 No. 174

Section 3 (Definitions):

In paragraph (g) of the definition of “business” in section 3 (1), after “1919”, insert “or an electricity corporation within the meaning of the Electricity Corporations Act 1992”. 25

SCHEDULE 7—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

(Sec. 91)

Definitions

30

1. (1) In this Schedule:

“corresponding corporation”, in relation to a former electricity council, means the distribution corporation specified by the regulations;

Electricity Corporations 1992

SCHEDULE 7—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS—*continued*

- “defunct county council” means a county council dissolved by proclamation under this Act;
- 5 “electricity functions” means the generation, distribution, transmission, reticulation or supply of electricity;
- “former electricity council” means a local government council or a county council that, immediately before the appointed day, was authorised under an Act to supply electricity to the public.
- 10 (2) In any provision of this Schedule, “appointed day” means the day appointed for the commencement of that provision.

Savings and transitional regulations

2. (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act. In particular, they may provide for the resolution of disputes, or to avoid doubt, about whether any person employed or thing done or used by a former electricity council was employed or done or used in connection with its electricity functions.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the appointed day or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- 25 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

30 **Transfer of assets, rights and liabilities**

3. (1) On the appointed day, the following provisions have effect:

- (a) any assets of a former electricity council that were used for or in connection with its electricity functions:
- 35 (i) vest in the corresponding corporation, in the case of a former electricity council that corresponds to a Schedule 1 corporation; or

Electricity Corporations 1992

SCHEDULE 7—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

- (ii) vest in the Crown, in the case of a former electricity council that corresponds to a Schedule 2 corporation, without the need of any conveyance, transfer, assignment or assurance; 5
- (b) the rights and liabilities of each former electricity council in connection with its electricity functions become by virtue of this clause the rights and liabilities of the corresponding corporation;
- (c) all proceedings commenced before the appointed day by or against a former electricity council in connection with its electricity functions and pending immediately before the appointed day are taken to be proceedings pending by or against the corresponding corporation; 10
- (d) any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of a former electricity council in connection with its electricity functions is (to the extent that that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the corresponding corporation. 15
- (2) The operation of this clause is not to be regarded: 20
- (a) as a breach of contract or confidence or otherwise as a civil wrong; or
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities; or 25
- (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.
- (3) No attornment to a distribution corporation by a lessee from a former electricity council is required. 30

Existing councillors of defunct county councils

4. (1) A person who, immediately before the appointed day, held office as Chairman or a councillor of a defunct county council:
- (a) ceases to hold that office; and 35
- (b) holds office, subject to this Act, as Chairperson or a member, respectively, of the corresponding corporation.

Electricity Corporations 1992

SCHEDULE 7—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS—*continued*

- 5 (2) A person who so ceases to hold office as a councillor of a defunct county council is not entitled to any remuneration or compensation because of the loss of that office.

Existing general manager of defunct county council

5. (1) A person who, immediately before the appointed day, held office as general manager of a defunct county council:
- (a) ceases to hold that office; and
- 10 (b) except as provided by this clause, is not entitled to any remuneration or compensation because of the loss of that office.
- (2) The general manager of a defunct county council whose corresponding corporation is a Schedule 1 corporation is taken to have been appointed under this Act as the general manager of that corporation
- 15 under the terms and for the remaining duration of the general manager's existing employment contract with the defunct county council.
- (3) The general manager of a defunct county council whose corresponding corporation is a Schedule 2 corporation is taken to have been appointed under this Act as acting general manager until the general
- 20 manager is appointed or until removed from office under this Act.
- (4) If the general manager of a defunct county council referred to in subclause (3) is not appointed as the general manager of the corresponding corporation with effect from the appointed day, the general
- 25 manager is, on the day on which the general manager is appointed or on the day on which the general manager (as acting general manager) is removed from office under this Act, whichever is the earlier, entitled to compensation in accordance with Part 8 of the Public Sector Management Act 1988 as if removed from office under that Part of that Act.

Continuity of staff of former electricity council

- 30 6. (1) The persons who were, immediately before the appointed day, members of staff of a former electricity council employed in connection with its electricity functions are taken to be members of staff of the corresponding corporation employed under this Act.
- 35 (2) Subject to this Schedule, any such members of staff are (until other provision is duly made) to be employed in accordance with the awards, industrial agreements and determinations, and at the rates of pay, applying to them immediately before the appointed day as members of staff of the former electricity council.

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SCHEDULE 7—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS—*continued*

(3) Members of staff to whom this clause applies are entitled to any accrued sick, recreational or extended leave (or any other leave or entitlement prescribed by the regulations) not taken before the appointed day. 5

(4) This clause does not apply to Broken Hill City Council or Tenterfield Shire Council.

General manager and staff of Broken Hill City Council and Tenterfield Shire Council 10

7. (1) A person who, immediately before the appointed day, was the general manager of the Broken Hill City Council or the Tenterfield Shire Council is taken to have been appointed under this Act as the general manager of the corresponding corporation and has the functions of that general manager, but nevertheless: 15

- (a) is not entitled to any remuneration or other allowances in respect of that position; and
- (b) continues, in addition to holding that position, concurrently to hold office as general manager of the former electricity council under the terms and for the remaining duration of his or her existing employment contract with that former electricity council. 20

(2) The persons who were, immediately before the appointed day, members of staff of the Broken Hill City Council or the Tenterfield Shire Council and who were employed in connection with its electricity functions continue to be so employed in accordance with the awards, industrial agreements and determinations, and at the rates of pay, applying to them immediately before the appointed day until transferred, in accordance with the regulations, to the employment of the corresponding corporation. On such a transfer, they are taken to be members of staff of the corresponding corporation employed under this Act. 25 30

(3) Subject to this Schedule, any such members of staff are, if transferred as referred to in subclause (2) (and until other provision is duly made), to be employed by the relevant corporation in accordance with the awards, industrial agreements and determinations, and at the rates of pay, applying to them immediately before the transfer. 35

(4) A transfer referred to in subclause (2) does not affect the entitlements of any members of staff to whom this clause applies to any accrued sick, recreational or extended leave (or any other leave or entitlement prescribed by the regulations) not taken before the transfer.

*Electricity Corporations 1992*SCHEDULE 7—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS—*continued***Saving of water supply functions of certain former electricity councils**

5 8. (1) Subject to the regulations, any functions of a water supply authority that, immediately before the appointed day, were exercisable by a former electricity council in accordance with the Water Supply Authorities Act 1987 are to be exercised by the corresponding corporation.

10 (2) The exercise of any such functions may, in accordance with arrangements approved by the Minister and by the Minister administering the Water Supply Authorities Act 1987, be delegated to the former electricity council.

Cessation of application of the Local Government Act 1919

15 9. (1) Subject to the regulations, the provisions of the Local Government Act 1919 and the ordinances made under that Act relating to:

- (a) defunct county councils; and
- (b) the production and supply of electricity,

do not apply to or in respect of a corporation.

20 (2) The provisions of the Local Government Act 1919 and the ordinances made under that Act relating to the employment of persons by a former electricity council in connection with its electricity functions do not apply to a person employed under this Act, except as provided by this clause.

25 (3) Section 99 of the Local Government Act 1919 continues to apply to a person who, immediately before the appointed day, was an employee of a former electricity council in connection with its electricity functions and who was the subject of an inquiry, or suspended, under that section.

Superseded references

30 10. On and from the appointed day, a reference (other than a reference prescribed by the regulations) in any other Act, in any instrument made under any Act or in any document of any kind:

- (a) to a former electricity council in connection with its electricity functions is taken to be a reference to the corresponding corporation; or
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SCHEDULE 7—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS—*continued*

- (b) the chairman of a defunct county council is taken to be a reference to the Chairperson of the corresponding corporation; or
- (c) to a delegate to a defunct county council is taken to be a reference to a director of the corresponding corporation; or 5
- (d) to the general manager of a defunct county council is taken to be a reference to the general manager of the corresponding corporation.

Existing resumptions and appropriations

- 11. An acquisition of land by compulsory process, and the assessment and payment of compensation relating to the acquisition that was commenced before the appointed day by or on behalf of a former electricity council in connection with its electricity functions is to be completed or otherwise dealt with by or on behalf of the corresponding corporation in accordance with the law applicable immediately before the appointed day to the acquisition. 10
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Saving of operation of County Districts Reconstitution Act 1979, s. 8

- 12. Section 8 of the County Districts Reconstitution Act 1979 continues to apply for the good of any person to whom it applied immediately before its repeal by this Act. 20
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