

1993—No. 255

## **ELECTRICITY ACT 1945—REGULATION**

(Electricity (Savings, Transitional and Machinery Provisions) Regulation 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Electricity Act 1945, has been pleased to make the Regulation set forth hereunder.

GARRY WEST, M.P.,  
Minister for Energy.

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### **Citation**

1. This Regulation may be cited as the Electricity (Savings, Transitional and Machinery Provisions) Regulation 1993.

### **Commencement**

2. This Regulation commences on 1 July 1993.

### **Definitions**

3. In this Regulation:

“corresponding electricity distributor” and “former electricity council” have the same meanings as in Schedule 11 to the Act; “the Act” means the Electricity Act 1945.

### **Parts of certain local government areas and the unincorporated area that are included in electricity distribution districts**

4. For the purposes of section 6 (2) of the Act:

- such part of Cabonne Shire as was within Central West County Council immediately before 1 July 1993 is prescribed as being included in the distribution district of Central West Electricity

- such part of Narrandera Shire as was within Murrumbidgee County Council immediately before 1 July 1993 is prescribed as being included in the distribution district of Murrumbidgee Electricity
- such part of Uralla Shire as was within New England County Council immediately before 1 July 1993 is prescribed as being included in the distribution district of New England Electricity
- such part of Uralla Shire as was within the North West County Council immediately before 1 July 1993 is prescribed as being included in the distribution district of North West Electricity
- such part of Narrandera Shire as was within the Northern Riverina County Council immediately before 1 July 1993 is prescribed as being included in the distribution district of Northern Riverina Electricity
- such part of Cabonne Shire as was within the Ophir County Council immediately before 1 July 1993 is prescribed as being included in the distribution district of Ophir Electricity
- such part of Great Lakes Shire as was within the Oxley County Council immediately before 1 July 1993 is prescribed as being included in the, distribution district of Oxley Electricity
- such part of Great Lakes Shire as was within the Shortland County Council immediately before 1 July 1993 is prescribed as being included in the distribution district of Shortland Electricity
- such part of Merriwa Shire as was within the Shortland County Council immediately before 1 July 1993 is prescribed as being included in the electricity district of Shortland Electricity
- such part of Mudgee Shire as was within the Southern Mitchell County Council immediately before 1 July 1993 is prescribed as being included in the distribution district of Southern Mitchell Electricity
- such part of Merriwa Shire as was within the Ulan County Council immediately before 1 July 1993 is prescribed as being included in the distribution district of Ulan Electricity
- such part of Mudgee Shire as was within the Ulan County Council immediately before 1 July 1993 is prescribed as being included in the distribution district of Ulan Electricity

- such part of the unincorporated area as was within the Namoi Valley County Council immediately before 1 July 1993 is prescribed as being included in the electricity distribution district of Namoi Valley Electricity.

### **Saving of existing conditions of supply of electricity**

5. Until such time as an electricity distributor formulates general conditions of supply under Part 5A of the Act, or until 1 January 1994, whichever is earlier, any conditions of supply of electricity applicable to the supply of electricity by a former electricity council immediately before 1 July 1993 are taken to be general conditions of supply applicable to the supply of electricity by the corresponding electricity distributor.

### **Continuation of rate assessments by Namoi Valley Electricity**

6. (1) Despite the repeal of Part 29 of the Local Government Act 1919 (by Schedule 1 to the Local Government (Consequential Provisions) Act 1993), and in pursuance of clause 8 of Schedule II to the Act, Namoi Valley Electricity may continue to assess, for the period and purpose referred to in subclause (2), constituent councils in the same way as Namoi Valley County Council could before 1 July 1993 as if that Part (in particular, section 572B) were still in force.

(2) For the purposes of subclause (1):

- (a) the period for which Namoi Valley Electricity may continue to assess constituent councils is up to and including the year 2002 or such earlier period in which the loans referred to in paragraph (b) are repaid; and
- (b) the purpose for which Namoi Valley Electricity may continue to assess constituent councils is in respect of repaying specific loans and portions of loans taken out by the Namoi Valley County Council to finance electricity extensions in particular constituent areas.

(3) To give effect to this clause, any relevant provisions of Part 29 of the Local Government Act 1919 apply, as if that Part were in force, until the loans referred to in subclause (2) are repaid.

**Continuation in office of Deputy Chairmen of former electricity councils**

**7. (1)** Pursuant to clause 1 of Schedule 11 to the Act, a person who, immediately before 1 July 1993, held office as Deputy Chairman of a former electricity council:

- (a) ceases to hold that office; and
- (b) holds office, subject to the Act, as Deputy Chairperson of the corresponding electricity distributor.

**(2)** A person who so ceases to hold office as a Deputy Chairman of a former electricity council is not entitled to any remuneration or compensation because of the loss of that office.

**Saving of existing delegations**

**8.** Any delegation under section 7P of the Act by the general manager of a former electricity council and in force immediately before 1 July 1993 is taken to be a delegation made under section 6G of the Act (as inserted by the Electricity (Amendment) Act 1993) by the corresponding electricity distributor and is to continue in force until 1 October 1993, unless sooner revoked or varied.

**Seal of former electricity council**

**9.** The official seal of a former electricity council is taken to be the seal of the corresponding electricity distributor until the electricity distributor has adopted its own seal.

**Quorum for meeting of board of directors of electricity distributor**

**10.** For the purposes of clause 2 of Schedule 9 to the Act, the quorum for a meeting of the board of an electricity distributor is a majority of the directors of the board who hold office for the time being.

**Appeals against cost of connection to electricity supply**

**11. (1)** For the purposes of section 26B (2) of the Act, a person aggrieved by the amount of any cost or contribution payable under section 26B (1) of the Act may appeal to the Corporation in writing for a re-assessment of the cost or contribution.

(2) The Corporation may refer the appeal to an independent arbitrator who is to determine the appeal (including the costs of the appeal).

(3) This clause has effect only until such time as regulations are made under section 26B (3) of the Act for or with respect to appeals under section 26B (2).

**Notice to statutory body in relation to powers to break up roads etc.**

**12.** For the purposes of section 7J (1) of the Act, the notice required to be given by an electricity distributor to a statutory body having the control or management of the public road or public reserve in respect of which the electricity distributor is exercising its powers under that subsection is written notice given:

- (a) at least 1 month before the electricity distributor starts exercising those powers, or such earlier time as may be agreed on by the electricity distributor and the statutory body concerned; or
- (b) in the case of an emergency, as soon as practicable after the electricity distributor starts exercising those powers.

**NOTE**

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**EXPLANATORY NOTE**

The object of this Regulation is to prescribe certain matters of a savings, transitional and machinery nature, consequent on the enactment of the Electricity (Amendment) Act 1993. That Act provides for, among other things, the dissolution of county councils exercising electricity functions and the transfer of their responsibilities, assets and liabilities to electricity distributors.

This Regulation:

- specifies those parts of certain local government areas (and of the unincorporated area situated within Namoi Valley Electricity) that are located in certain electricity distribution districts
- continues the existing general conditions of electricity supply applicable to supply of electricity by former electricity councils in relation to supply by the corresponding electricity distributors until such time as the distributors formulate their own conditions
- provides for Namoi Valley Electricity to take over from Namoi Valley County Council the assessment of constituent councils under provisions of the Local Government Act 1919 that are to be repealed until it has repaid loans taken out to effect electricity extensions in the relevant council areas
- provides for Deputy Chairmen of former electricity councils to continue in the positions of Deputy Chairpersons of the corresponding electricity distributor
- continues for up to 3 months the existing delegations by the general managers of former electricity councils, during which time the corresponding electricity distributors will issue new delegations
- continues the use of the seals of former electricity councils by the corresponding electricity distributors until the distributors adopt their own seals
- prescribes the quorum for electricity distributor board meetings as being the majority of the directors
- provides that a person who is aggrieved by the cost of connection to electricity supplied by an electricity distributor can appeal to the Energy Corporation who may refer the appeal to an arbitrator
- provides that an electricity distributor is to give at least 1 month's notice (except in an emergency or if another period is agreed on) to the statutory body controlling or managing the public road or reserve in respect of which the electricity distributor is to exercise certain powers.

This Regulation is made under the Electricity Act 1945, including section 6 (2) and clauses 1 and 8 of Schedule 11 (Savings, transitional and other provisions).

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