

**ELECTRICITY DEVELOPMENT (AMENDMENT)  
ACT, 1980, No. 192**

**New South Wales**



ANNO VICESIMO NONO

**ELIZABETHÆ II REGINÆ**

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**Act No. 192, 1980.**

An Act to amend the Electricity Development Act, 1945, with respect to rebates for electricity supplied to certain pensioners, terms and conditions of supply of electricity and the removal or relocation of certain electricity structures, and for other purposes. [Assented to, 19th December, 1980.]

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*Electricity Development (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.           **1.** This Act may be cited as the "Electricity Development (Amendment) Act, 1980".

Principal Act.       **2.** The Electricity Development Act, 1945, is referred to in this Act as the Principal Act.

Schedules.         **3.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT  
RELATING TO PENSIONER REBATES.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT  
RELATING TO TERMS AND CONDITIONS OF SUPPLY OF  
ELECTRICITY.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT  
RELATING TO ELECTRICITY STRUCTURES.

SCHEDULE 4.—MISCELLANEOUS AMENDMENTS TO THE  
PRINCIPAL ACT.

SCHEDULE 5.—SAVINGS, TRANSITIONAL AND OTHER  
PROVISIONS.

Amendment of Act No. 13, 1946.   **4.** The Principal Act is amended in the manner set forth in Schedules 1–4.

Savings, transitional and other provisions.   **5.** Schedule 5 has effect.

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*Electricity Development (Amendment).*

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SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENSIONER  
REBATES.

(1) Section 3—

After the matter relating to Part III, insert :—

PART IIIA.—PENSIONER REBATES—*ss.* 14A–14G.

(2) Part IIIA—

After Part III, insert :—

PART IIIA.

PENSIONER REBATES.

14A. (1) In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

Interpre-  
tation:  
Pt. IIIA.

“accounting period”, in relation to a person, means the period in respect of which an account is rendered to the person by an electricity supply authority;

“approved” means approved by the Minister;

“dwelling” means a building or part of a building used as a place of abode which is—

- (a) supplied with electricity by an electricity supply authority; and
- (b) separately metered by that electricity supply authority;

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*Electricity Development (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENSIONER  
REBATES—*continued.*

“eligible pensioner”, in relation to a dwelling, means—

- (a) (i) a person who is in receipt of a pension under Part III or Part IV or a benefit under Part IVAAA of the Social Services Act 1947, as amended by subsequent Acts, of the Parliament of the Commonwealth; or
- (ii) a person who is in receipt of a service pension under Division 5 of Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth,
- and who is the holder of a pensioner health benefits card issued by the Commonwealth Department of Social Security;
- (b) a person who is in receipt of a pension under Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth as—
- (i) the widow of a member of the Forces;
- (ii) the unmarried mother of a deceased unmarried member of the Forces; or
- (iii) the widowed mother of a deceased unmarried member of the Forces,
- and either—
- (iv) who is the holder of a pensioner health benefits card issued by the Commonwealth Department of Social Security; or

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*Electricity Development (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENSIONER  
REBATES—*continued.*

(v) whose assets and income are such as, if that person were a pensioner of the kind referred to in paragraph (a) (i), would entitle that person to be the holder of a pensioner health benefits card issued by the Commonwealth Department of Social Security; and

(c) a person who, under Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth, is in receipt of a special pension referred to in the Second Schedule to that Act,

being a person who occupies that dwelling as his or her sole or principal place of abode either alone or together with another person or other persons who is or each of whom is a person—

(d) who occupies that dwelling as his or her principal place of abode; and

(e) either—

(i) who is a person referred to in paragraph (a), (b) or (c); or

(ii) whose assets and income are such as, if that person were a pensioner of a kind referred to in paragraph (a) (i), would entitle that person to be the holder of a pensioner health benefits card issued by the Commonwealth Department of Social Security.

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*Electricity Development (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENSIONER  
REBATES—*continued.*

(2) A reference in this Part to accounts rendered by an electricity supply authority on a quarterly basis is a reference to accounts that are, in accordance with the terms and conditions of supply of electricity by that supply authority, rendered on that basis, whether or not the periods in respect of which the accounts are rendered are exactly 3 months.

(3) A reference in this Part to the supply of electricity is a reference to the supply of electricity for domestic purposes.

Application  
for  
rebate.

14B. (1) Except as otherwise provided in this Part, where a person who is—

- (a) an eligible pensioner in relation to a dwelling; and
- (b) solely or jointly liable to pay for electricity supplied to the dwelling by an electricity supply authority,

applies to the electricity supply authority for a rebate of the amounts payable in respect of electricity so supplied, he is entitled to a rebate of those amounts in accordance with this Part in respect of accounts rendered on or after 1st January, 1981.

(2) A person is not entitled to a rebate under this Part unless he has made an application for the rebate on an approved form and has verified the application by a statutory declaration made in approved terms, but such an application may relate to more than one account to be rendered to him.

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*Electricity Development (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENSIONER  
REBATES—*continued.*

(3) An electricity supply authority may refuse to allow a person a rebate to which he would otherwise be entitled under this Part in respect of an account if his application for the rebate is not made at least 14 days before the last day of the accounting period to which the account relates.

14c. (1) Where—

(a) a person is entitled, under this Part, to a rebate in respect of the whole of the accounting period to which an account rendered by an electricity supply authority relates; and

Amount  
of  
rebate.

(b) the account is rendered on a quarterly basis,  
the supply authority shall reduce the amount otherwise payable pursuant to that account by \$10 or such greater sum as is prescribed.

(2) Where—

(a) a person is entitled, under this Part, to a rebate in respect of an accounting period to which an account rendered by an electricity supply authority relates; and

(b) the account is not an account to which subsection (1) applies,

the supply authority shall, subject to the regulations, reduce the amount otherwise payable pursuant to that account by such sum as appears equitable to the supply authority, but so that the reduction is effected at a rate that is, as nearly as practicable, equivalent to the rate that would be applicable under subsection (1) if that subsection applied in relation to the account.

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*Electricity Development (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENSIONER  
REBATES—*continued.*

(3) The regulations may make provision for or with respect to determining the sum by which amounts payable for electricity are to be reduced under subsection (2).

(4) A sum by which amounts payable for electricity are required to be reduced under this section is deductible only from the account to which it relates and not from any account subsequently rendered.

(5) Nothing in this Part prevents an electricity supply authority from allowing a rebate under this Part at a greater rate than that provided for by this Part.

(6) This section has effect notwithstanding anything in section 419 (2) of the Local Government Act, 1919, or section 27 (1) of the Municipal Council of Sydney Electric Lighting Act, 1896.

Publicity.

14D. An electricity supply authority shall—

- (a) make and keep available, to the public, approved application forms referred to in section 14B (2), and copies of the approved terms of statutory declarations referred to in this Part; and
- (b) in accordance with the requirements, if any, prescribed for the purposes of this section, and (subject to the regulations) on a regular basis, publicise, throughout the area to which the supply authority supplies electricity, the fact that pensioners may, upon application made to the supply authority, be entitled to rebates of amounts payable by them for electricity.



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*Electricity Development (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENSIONER  
REBATES—*continued.*

14E. (1) An electricity supply authority may, from time to time, require a person entitled to a rebate under this Part to supply to it a statutory declaration made in the approved terms or to produce to the electricity supply authority such evidence of an approved kind as to his being an eligible pensioner as the supply authority may require. Proof of eligibility.

(2) Upon failure to comply with a requirement under subsection (1) imposed on a person, an electricity supply authority may refuse to allow the person a rebate under this Part in respect of accounts rendered to him, until he complies with this Part and any requirements imposed thereunder.

14F. (1) The Authority may, with the approval of the Minister, out of money in the Electricity Development Account, grant subsidies to an electricity supply authority (not being the Sydney County Council, Prospect County Council, Shortland County Council or Illawarra County Council) for or towards meeting the cost of deducting from the amounts payable for electricity the rebates to which persons are entitled from the supply authority under this Part. Payment of subsidies for pensioner rebates out of Electricity Development Account.

(2) Before granting any subsidy under subsection (1), the Authority may require an electricity supply authority 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.

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*Electricity Development (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENSIONER  
REBATES—*continued.*

Supply  
authority  
to write  
off rebates.

14G. An electricity supply authority shall write off the sums by which amounts payable for electricity are reduced by it pursuant to this Part and, notwithstanding anything in any other Act or in any ordinance under the Local Government Act, 1919, shall not, except where the sum has been written off as a result of any wilfully false statement in an application under section 14B (1) or in any statutory declaration made for the purposes of this Part, at any time thereafter take proceedings for the recovery of a sum written off pursuant to this section.

Sec. 4.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO TERMS AND  
CONDITIONS OF SUPPLY OF ELECTRICITY.

(1) Sections 13A–13C—

After section 13, insert :—

Authority  
may  
direct  
supply  
authority  
as to  
charges  
for, or  
terms  
of, supply  
of  
electricity.

13A. (1) Subject to this section, the Authority may, by notice in writing, give a direction to an electricity supply authority—

- (a) to charge for electricity on a specified form and basis;
- (b) to adopt a specified method in fixing the charges for electricity supply by it; or
- (c) to supply electricity on such terms and conditions as may be specified,

or to do any combination of those things.

(2) An electricity supply authority shall comply with a direction given to it under subsection (1).

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*Electricity Development (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO TERMS AND  
CONDITIONS OF SUPPLY OF ELECTRICITY—*continued.*

(3) A notice referred to in subsection (1)—

- (a) may be published in the Gazette and if so published the direction or directions contained therein shall be deemed to have been given to the electricity supply authority specified in the notice; or
- (b) may, without affecting the provisions of paragraph (a), be given to the electricity supply authority specified in the notice by delivering a copy of the notice to that supply authority by hand, or by sending a copy of the notice to it by post or by means of a telegram or telex.

(4) Where a direction under subsection (1) is inconsistent with a provision of an ordinance under the Local Government Act, 1919, the direction shall, to the extent of the inconsistency, prevail.

(5) Where a direction under subsection (1) is inconsistent with a provision of the regulations, the provision of the regulations shall, to the extent of the inconsistency, prevail.

(6) A direction under subsection (1) shall remain in force for—

- (a) a period of 3 months from—
  - (i) the date of publication, in the Gazette, of the notice containing the direction; or
  - (ii) the date on which that notice is given to the electricity supply authority specified in the notice,

whichever date is the earlier; or

- (b) such lesser period as may be specified in that notice.

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*Electricity Development (Amendment).*


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 SCHEDULE 2—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO TERMS AND  
 CONDITIONS OF SUPPLY OF ELECTRICITY—*continued.*

(7) Nothing in this section relates to electricity supplied in bulk or by way of interchange.

Electricity supply authority to notify Authority of certain matters.

13B. (1) Except as prescribed, where an electricity supply authority varies—

- (a) the form and basis of charging for electricity supplied by it;
- (b) the method adopted in fixing charges for electricity supplied by it; or
- (c) the terms and conditions of supply of electricity supplied by it,

it shall, within 14 days after the date of the resolution bringing about the variation or, if there is no resolution, after the variation takes effect, notify the Authority in writing of the terms of the variation.

(2) Nothing in this section relates to electricity supplied in bulk or by way of interchange.

Payment of subsidies for reductions in charges out of Electricity Development Account.

13C. (1) The Authority may, with the approval of the Minister, out of money in the Electricity Development Account, grant subsidies to an electricity supply authority for or towards the cost of reducing the charges payable for electricity supplied by that supply authority.

(2) Before granting a subsidy under subsection (1), the Authority may require an electricity supply authority 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.

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*Electricity Development (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO TERMS AND  
CONDITIONS OF SUPPLY OF ELECTRICITY—*continued.*

(3) Nothing in this section relates to electricity  
supplied in bulk or by way of interchange.

(2) Section 37 (2) (c1)—

After section 37 (2) (c), insert :—

(c1) prescribing the terms and conditions under which  
electricity (not being electricity supplied in bulk  
or by way of interchange) is to be supplied by  
electricity supply authorities;

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SCHEDULE 3.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ELECTRICITY  
STRUCTURES.

(1) Section 3—

After the matter relating to Part IVA, insert :—

PART IVB.—ELECTRICITY STRUCTURES—*ss. 19F–19H.*

(2) Section 19C (1)—

Omit “section 19D”, insert instead “sections 19D and 19H”.

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*Electricity Development (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ELECTRICITY  
STRUCTURES—*continued.*

(3) Part IVB—

After Part IVA, insert :—

PART IVB.

ELECTRICITY STRUCTURES.

Interpre-  
tation:  
Pt. IVB.

19F. In this Part—

“electricity structure” means any structure erected or maintained by a council for the purpose of transmission or distribution of electricity or for the purpose of public lighting;

“traffic route” has the meaning ascribed thereto in section 19A.

Authority  
may  
direct  
council  
to remove  
structure.

19G. (1) The Authority may, by notice in writing served on a council, direct the council to remove or relocate an electricity structure specified in the notice, being an electricity structure erected within the area of the council on or adjacent to a public road within the meaning of the Local Government Act, 1919, that is a traffic route or a public road which the Authority has, for the purpose of traffic safety and having regard to the volume and nature of the vehicular traffic carried thereon, determined requires the removal or relocation of electricity structures erected thereon or adjacent thereto.

(2) A council shall comply with a notice served on it pursuant to subsection (1).

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*Electricity Development (Amendment).*


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SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ELECTRICITY  
STRUCTURES—*continued.*

19H. (1) The Authority may, with the approval of the Minister, out of money in the Traffic Route Lighting Subsidy Account, grant subsidies to a council for or towards the cost of removing or relocating electricity structures erected, within the area of the council, on or adjacent to public roads within the meaning of the Local Government Act, 1919, being electricity structures which the Authority has determined require removal or relocation for the purposes of traffic safety.

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

(2) Before granting a subsidy under subsection (1), 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 upon and subject to which, the subsidy is granted.

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 SCHEDULE 4.

Sec. 4.

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

## (1) Section 15—

Omit “section 13”, insert instead “sections 13, 13C and 14F”.

## (2) Section 15A—

Omit “section 13”, insert instead “sections 13, 13C and 14F”.

## (3) Section 17 (1)—

Omit “section 13 (1)”, insert instead “sections 13, 13C and 14F”.

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*Electricity Development (Amendment).*

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SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued.*

## (4) Section 19B (2)—

Omit “sections 16 (2) and 19”, insert instead “section 16 (2)”.

## (5) Section 27 (4) (d) (i)—

Omit the subparagraph, insert instead :—

- (i) by the Sydney County Council, Shortland County Council, Prospect County Council or Illawarra County Council within their respective county districts;

## (6) Section 37 (2A)—

After section 37 (2), insert :—

## (2A) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

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*Electricity Development (Amendment).*

## SCHEDULE 5.

Sec. 5.

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires— **Interpretation.**

“appointed day”, in relation to an electricity supply authority, means such day as may be appointed in relation to the supply authority for the purposes of this Schedule by the Authority by order published in the Gazette:

“pensioner rebate scheme” means a scheme under which certain pensioners are entitled to a reduction of the amounts payable for electricity supplied to them:

“Principal Act” means the Principal Act, as amended by this Act.

(2) Expressions used in this Schedule have the meanings ascribed to them in the Principal Act.

(3) A reference in this Schedule to the occurrence of an event before the appointed day includes a reference to the occurrence of the event before a day has been appointed as the appointed day.

2. An order referred to in the definition of “appointed day” in clause 1 (1) may specify a day as the appointed day in relation to— **Orders.**

(a) all electricity supply authorities;

(b) specified electricity supply authorities; or

(c) all electricity supply authorities except specified electricity supply authorities.

3. A person who is, immediately before 1st January, 1981, entitled, pursuant to any pensioner rebate scheme, to a rebate of the amounts payable for electricity, shall, for the purposes of Part IIIA of the Principal Act, without making any further application but subject otherwise to that Part, be deemed to be entitled to a rebate under that Part. **Certain persons deemed to be entitled to rebate.**

4. (1) A person who is entitled to a rebate under Part IIIA of the Principal Act, being a person who becomes so entitled on or before the appointed day, and who satisfies the electricity supply authority from which he is entitled to the rebate that he was, on or after 1st July, 1980, and before the appointed day— **Certain persons entitled to rebate in respect of amounts payable before appointed day.**

(a) an eligible pensioner in relation to a dwelling; and

*Electricity Development (Amendment).*SCHEDULE 5—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (b) solely or jointly liable to pay the amounts payable for electricity supplied to the dwelling by that supply authority, in respect of which electricity an account was rendered to him by that supply authority on or after 1st July, 1980, and before the appointed day,

is entitled, in respect of that account, to a rebate calculated in accordance with clause 5.

(2) A person is not entitled to a rebate under this Schedule in respect of an account if he is entitled to a rebate under Part IIIA of the Principal Act in respect of that account.

Amount  
of rebate.

5. (1) Subject to this clause, the rebate to which a person is entitled under this Schedule in respect of an account is a sum equal to the sum by which the amount payable pursuant to that account would have been reduced under section 14c of the Principal Act if the person had been entitled to a rebate in respect of that account under Part IIIA of that Act less the sum (if any) by which the amount payable pursuant to that account was reduced pursuant to any pensioner rebate scheme conducted, by the electricity supply authority to which the amount is payable, before 1st January, 1981.

(2) Where an account in respect of which a person is entitled to a rebate under this Schedule was rendered on or after 1st July, 1980, and before 1st January, 1981, for the purpose of calculating the amount of the rebate under subclause (1), the reference in section 14c (1) of the Principal Act to \$10 or such greater sum as is prescribed shall be read and construed as a reference to \$5.

(3) Any fraction of a cent included in a sum ascertained under subclause (1) shall be disregarded.

Rebate in  
respect of  
account  
rendered  
in respect of  
accounting  
period  
ending  
within 14  
days after  
appointed  
day.

6. Where a person becomes entitled to a rebate under Part IIIA of the Principal Act before the appointed day, the electricity supply authority from which he is entitled to the rebate shall not, pursuant to section 14b (3) of the Principal Act, refuse to allow him a rebate under that Part in respect of an account rendered to him on or after that day, being an account in respect of electricity supplied during an accounting period ending less than 14 days after that day, but may treat the rebate to which he is entitled under that Part in respect of that account as being a rebate to which he is entitled under this Schedule.

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*Electricity Development (Amendment).*

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SCHEDULE 5—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

7. A rebate to which a person is entitled under this Schedule shall be deducted from the amount payable under the first account rendered to him by the electricity supply authority from which he is entitled to the rebate, being the first account in respect of which the person is entitled to a rebate from that supply authority under Part IIIA of the Principal Act and, to the extent to which the full amount of the rebate cannot be so deducted, by reason of the sum of that rebate and any rebate to which he is entitled under that Part being greater than the amount payable in respect of electricity supplied during the period to which the account relates, the rebate to which he is entitled under this Schedule shall be deducted from the amount payable under the second account so rendered by that supply authority and so on until the person is given the full benefit of the rebate to which he is entitled under this Schedule. Rebate—  
how  
payable.

8. Where a person is entitled to have deducted from an account a rebate to which he is entitled under Part IIIA of the Principal Act and a rebate to which he is entitled under this Schedule, the former rebate shall be deducted from the amount payable for electricity pursuant to that account in priority to the latter rebate being so deducted. Rebates —  
how  
deducted.

9. Section 14F of the Principal Act applies to and in relation to rebates to which persons are entitled under this Schedule in the same way as it applies to and in relation to rebates to which persons are entitled under Part IIIA of that Act. Payment of  
subsidies.