

**ELECTRICITY DEVELOPMENT (AMENDMENT) ACT,
1982 (1983 No. 1)**

New South Wales



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Act No. 1, 1983.

An Act to amend the Electricity Development Act, 1945, in relation to charges for electricity and to prohibit retrospective variations in the rates of charges for electricity supplied by electricity supply authorities; to make minor amendments to that Act and the Electricity Development (Amendment) Act, 1978; and for other purposes. [Assented to, 4th January, 1983.]

Electricity Development (Amendment).

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, 1982".

Schedules.

2. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT, 1945, RELATING TO ELECTRICITY CHARGES.

SCHEDULE 2.—AMENDMENTS BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 13, 1946.

3. The Electricity Development Act, 1945, is amended in the manner set forth in Schedule 1.

Amendments by way of statute law revision.

4. Each Act specified in Schedule 2 is amended in the manner set forth in that Schedule.

Electricity Development (Amendment).

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT, 1945,
RELATING TO ELECTRICITY CHARGES.

(1) Section 3—

After the matter relating to Part IIIA, insert:—

PART IIIB.—VARIATIONS IN CHARGES FOR ELECTRICITY—
ss. 14H–14K.

PART IIIC.—UNIFORM CONSUMPTION PROVISIONS, ETC.—ss.
14L–14N.

(2) Parts IIIB, IIIC—

After Part IIIA, insert:—

PART IIIB.

VARIATIONS IN CHARGES FOR ELECTRICITY.

Interpretation.

14H. (1) In this Part, “variation” means a variation in the rates of charges for electricity supplied by an electricity supply authority, as referred to in section 14I (1).

(2) A reference in this Part to charges for electricity includes a reference to standing, fixed or minimum charges and other charges for electricity which are not calculated directly by reference to the quantity of electricity actually consumed, but does not include a reference to charges of any prescribed class or description.

Variations to be notified.

14I. (1) A variation in the rates of charges for electricity supplied by an electricity supply authority shall not have effect unless a notice setting out particulars of the variation is first—

(a) published—

(i) in a newspaper or newspapers circulating throughout New South Wales or the area in which the variation is to have effect; or

Electricity Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT, 1945,
RELATING TO ELECTRICITY CHARGES—*continued.*

- (ii) in such other manner as may be prescribed; or
 - (b) in relation to electricity supplied to a particular person—
served personally or by post, or by means of a telegram
or telex, on that person.
- (2) The particulars to be set out in a notice under this section shall—
- (a) specify the date on or after which the variation is to take effect, being a date that is later than the date the notice is published or served;
 - (b) include a statement of the new rates or the amount of the variation; and
 - (c) include such other particulars as may be prescribed.
- (3) A notice under this section may have general application or be limited in its application by reference to specified exceptions or factors.
- (4) Nothing in this section prevents the publication under subsection (1) (a) of a notice that could have been served under subsection (1) (b).

Retrospective variations prohibited.

14J. A variation shall not have any effect in respect of any period before the date specified in the relevant notice under section 14I as the date on or after which the variation is to take effect.

Application of Part IIIB.

- 14K. (1) Subject to this section, this Part extends to and in relation to—
- (a) electricity supplied in bulk or by way of interchange;

Electricity Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT, 1945,
RELATING TO ELECTRICITY CHARGES—*continued.*

- (b) the supply of electricity by an electricity supply authority to another electricity supply authority; and
- (c) without affecting the generality of the foregoing, the supply of electricity by the Electricity Commission of New South Wales.

(2) Subject to this section, this Part has effect notwithstanding anything in any agreement relating to the supply of electricity by an electricity supply authority.

(3) Subject to this section, this Part extends to and in relation to a variation that occurs, in accordance with the relevant electricity supply authority's pricing structure, automatically (whether in consequence of a variation in a rate of charge for electricity supplied to the electricity supply authority or otherwise).

(4) This Part does not apply to or in relation to—

- (a) the supply of electricity to any person outside New South Wales; or
- (b) the supply of electricity generated outside New South Wales and supplied—
 - (i) to an electricity supply authority within New South Wales; or
 - (ii) pursuant to an agreement exempted under subsection (6).

(5) This Part does not apply to or in relation to—

- (a) the supply of electricity by an electricity supply authority pursuant to an agreement exempted under subsection (7), whether the agreement was entered into before or after the commencement of this Part; or

Electricity Development (Amendment).

SCHEDULE 1—*continued.***AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT, 1945,
RELATING TO ELECTRICITY CHARGES—*continued.***

(b) without limiting paragraph (a), the supply of electricity by the Electricity Commission of New South Wales to a person (other than an electricity supply authority) pursuant to an agreement entered into before the commencement of this Part.

(6) Where the Minister is satisfied that electricity generated outside New South Wales is or is to be supplied to a person within New South Wales pursuant to an agreement in circumstances that warrant the giving of an exemption under this subsection, the Minister may, by order in writing, exempt the agreement from the operation of this Part.

(7) Where the Minister is satisfied that electricity is or is to be supplied to a person by an electricity supply authority pursuant to an agreement upon terms or at rates different from those upon or at which electricity is generally available from the electricity supply authority, and that the circumstances warrant the giving of an exemption under this subsection, the Minister may, by order in writing, exempt the agreement from the operation of this Part.

(8) An exemption under subsection (6) or (7) may be given so as to have effect in relation to a variation occurring, or electricity supplied, before or after the exemption is given, and may be given in respect of a particular agreement or agreements of a class or description specified in the order.

PART IIIc.**UNIFORM CONSUMPTION PROVISIONS, ETC.****Interpretation.**

14L. A reference in this Part to charges for electricity includes a reference to standing, fixed or minimum charges and other charges for electricity which are not calculated directly by reference to the quantity of electricity actually consumed, but does not include a reference to charges of any prescribed class or description.

Electricity Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT, 1945,
RELATING TO ELECTRICITY CHARGES—*continued.***Electricity consumed between meter readings.**

14M. (1) For the purpose of calculating the charges for electricity supplied by an electricity supply authority and measured by an electricity meter, the electricity supply authority has, subject to a direction referred to in subsection (2) or a provision of the regulations referred to in subsection (3), power to treat electricity so supplied between 2 consecutive readings of the meter as having been consumed on any of the following bases:—

- (a) the basis that electricity was consumed at a uniform rate throughout the period between the meter readings;
- (b) a basis prescribed by the regulations;
- (c) any basis that would be available if this section were not in force,

whether or not electricity was in fact consumed on any such basis.

(2) A direction may be given under section 13A to an electricity supply authority that it not use any basis mentioned in subsection (1) and specified in the direction, or that it adopt any such basis so specified, or both.

(3) The regulations may contain a provision requiring an electricity supply authority not to use any basis mentioned in subsection (1) and specified in the provision, or to adopt any such basis so specified, or both.

(4) Subject to a direction referred to in subsection (2) or a provision of the regulations referred to in subsection (3)—

- (a) different bases mentioned in subsection (1) may be used for different parts of the period concerned; and
- (b) the reference in subsection (1) (a) to a uniform rate is a reference to a uniform daily, weekly or other periodical rate, as determined by the electricity supply authority concerned.

Electricity Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT, 1945,
RELATING TO ELECTRICITY CHARGES—*continued.*

(5) The regulations may prescribe the method of calculating the charges for electricity treated as having been consumed on a basis mentioned in subsection (1).

(6) For the purposes of this section, an electricity meter read on a particular day shall be deemed to have been read at the beginning of the next following day or at such time on the first-mentioned day as is specified in, or determined in accordance with, the regulations.

(7) This section has effect notwithstanding anything in section 14J.

Application of Part IIIc.

14N. (1) Subject to this section, this Part extends to and in relation to—

- (a) electricity supplied in bulk or by way of interchange; and
- (b) the supply of electricity by an electricity supply authority to another electricity supply authority.

(2) Subject to this section, this Part has effect notwithstanding anything in any agreement relating to the supply of electricity by an electricity supply authority.

(3) This Part does not apply to or in relation to the supply of electricity by an electricity supply authority pursuant to an agreement exempted under subsection (4), whether the agreement was entered into before or after the commencement of this Part.

(4) The Minister may, by order in writing, exempt any agreement from the operation of this Part.

Electricity Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT, 1945,
RELATING TO ELECTRICITY CHARGES—*continued.*

(5) An exemption under subsection (4) may be given so as to have effect in relation to electricity supplied before or after the exemption is given, and may be given in respect of a particular agreement or agreements of a class or description specified in the order.

(6) This Part does not apply to or in relation to the supply of electricity by the Electricity Commission of New South Wales, and nothing in this Part limits or otherwise affects the powers, authorities, duties and functions of that Commission.

(3) Section 37 (2) (e1)—

After section 37 (2) (e), insert:—

(e1) prescribing the form of, or manner of setting out, or the particulars which must be included in, electricity accounts to be rendered by electricity supply authorities;

SCHEDULE 2.

(Sec. 4.)

AMENDMENTS BY WAY OF STATUTE LAW REVISION.

Electricity Development Act, 1945 (1946 No. 13)—

(1) Section 3—

Omit "14" and "14A", insert instead "14A" and "14AA" respectively.

(2) Section 4, definition of "Electricity supply authority"—

Omit "Public Transport Commission", insert instead "State Rail Authority".

Electricity Development (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS BY WAY OF STATUTE LAW REVISION—*continued.*

(3) Section 10 (3)—

Omit “Acts”, insert instead “Act”.

(4) Section 13A (1) (b)—

Omit “supply”, insert instead “supplied”.

(5) Section 14A (in Part IIIA)—

Omit “14A”, insert instead “14AA”.

Electricity Development (Amendment) Act, 1978, No. 148—

(1) Schedule 2 (2) (f)—

Omit “After the definition of ‘Person’ ”, insert instead “Before the definition of ‘Regulations’ ”.

(2) Schedule 2 (4)—

From section 22 (2) (a), omit “registd”, insert instead “registered”.
