

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

NEW SOUTH WALES



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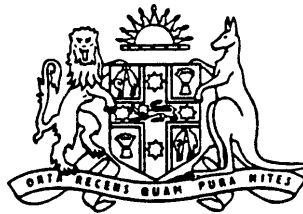
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**ELECTRICITY AND OTHER LEGISLATION (AMENDMENT)  
ACT 1991 No. 63**

NEW SOUTH WALES



**Act No. 63, 1991**

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

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**The Legislature of New South Wales enacts:**

**Short title**

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

**Commencement**

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

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

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

**Amendment of Electricity Act 1945 (1946 No. 13)**

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

**Amendment of other Acts**

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

**Transitional provisions**

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

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

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**SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945**

(Sec. 3)

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

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

SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—  
*continued*

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

Omit the Part.

(3) Section 7AA:

After section 7A, insert:

**Performance agreements**

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

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

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

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

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

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

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

Omit section 7D (2)–(5).

(5) Part 2C:

After Part 2B, insert:

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

**Special purpose companies**

7W. (1) In this section:

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

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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—  
*continued*

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

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

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

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

(6) Section 10:

After section 9, insert:

**Powers of Corporation relating to the protection of life etc.**

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

(7) Section 14AAE:

After section 14AAD, insert:

**Application of Part to subsidiaries of electricity councils**

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

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

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

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

Omit the sections.

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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—  
*continued*

(10) Section 21DA:

After section 21D, insert:

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

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

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

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

for that electrical article.

Maximum penalty: 100 penalty units.

(11) Part 6B:

After Part 6A, insert:

**PART 6B—ACCIDENT REPORTING AND INVESTIGATION**

**Definitions**

27D. In this Part:

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

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

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

**Notification of serious electrical accidents**

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

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

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SCHEDULE 1—AMENMENT OF ELECTRICITY ACT 1945—  
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(b) such other person as is prescribed by the regulations.

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

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

**Appointment of inspectors**

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

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

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

**Investigation of serious electrical accidents**

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

**Powers of inspectors**

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

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

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

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

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

**Search warrant**

27I. (1) In this section:

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

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

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

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

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

**Obstruction etc. of inspectors**

27J. (1) A person must not:

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



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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—  
*continued*

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

Maximum penalty: 50 penalty units.

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

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

**Interference with site of serious electrical accident**

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

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

Maximum penalty: 100 penalty units.

**Publication of details of serious electrical accidents**

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

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

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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—  
*continued*

(12) Sections 29, 30:

After section 28A, insert:

**Responsibilities of consumers concerning the safety of electrical installations**

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

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

Maximum penalty: 20 penalty units.

**Theft of electricity**

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

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

- (a) alter, or attempt to alter, the register of any meter, or otherwise interfere with the meter; or
- (b) interfere with any other installation or thing,

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

(3) The existence of artificial means:

- (a) of abstracting, wasting, diverting, consuming or using electricity, as referred to in subsection (1); or
- (b) of altering or interfering with any meter, or of interfering with any other installation or thing belonging to an electricity supply authority, as referred

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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—  
*continued*

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

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

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

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

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

Maximum penalty: 50 penalty units.

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

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

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SCHEDULE 1—AMENDMENT OF ELECTRICITY ACT 1945—  
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- (d) From section 37 (2) (ff), omit " and " where lastly occurring.
- (e) After section 37 (2) (gg), insert:
- (hh) the connection and disconnection of an electrical installation to a supply of electricity; and
  - (ii) the supply, testing and registering of meters and metering equipment and the reading of meters and metering equipment by electricity supply authorities.
- (f), After section 37 (2), insert:
- (2A) A regulation may apply, adopt or incorporate, with or without modification, the provisions, as in force for the time being, of any Act or statutory rule or of any other publication, whether of the same or of a different kind.

**SCHEDULE 2—AMENDMENT OF OTHER ACTS**

(Sec. 4)

**County Districts Reconstitution Act 1979 No. 185**

Section 8

Omit the section, insert instead:

**Redundancy of servants**

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

**Crimes Act 1900 No. 40**

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

Omit the section and the short heading before the section.

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SCHEDULE 2—AMENDMENT OF OTHER ACTS—*continued***Energy Administration Act 1987 No. 103****Section 11 (Objects and general functions):**

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

; and

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

**Local Government Act 1919 No. 41****(1) Section 419A (Limitation on recovery of charges for gas supplied):**

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

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

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

**Search Warrants Act 1985 No. 37****Section 10 (Definitions):**

From the definition of “search warrant” in section 10, omit “section 211 of the Electricity Development Act 1945;”, insert instead “sections 21I and 27I of the Electricity Act 1945;”.

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*[Minister's second reading speech made in—  
Legislative Assembly on 22 October 1991  
Legislative Council on 21 August 1991]*