

**ELECTRICITY (BROKEN HILL) AMENDMENT ACT  
1994 No. 35**

NEW SOUTH WALES



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**ELECTRICITY (BROKEN HILL) AMENDMENT ACT  
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**Act No. 35, 1994**

An Act to amend the Electricity Act 1945 to provide for the establishment of Broken Hill Electricity as an electricity distributor under that Act; and for other purposes. [Assented to 2 June 1994]

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

1. This Act may be cited as the Electricity (Broken Hill) Amendment Act 1994.

**Commencement**

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

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

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

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

**(1) Section 6B (Application of this Act to Tenterfield Council):**

- (a) From section 6B (1) and (3), omit “Broken Hill City Council or the Tenterfield Shire Council”, wherever occurring, insert instead “Tenterfield Council”.
- (b) Omit section 6B (2), insert instead:
  - (2) The Tenterfield Council is, in the exercise of any such functions, subject to this Act (except Division 4) as if it were an electricity distributor.
- (c) From section 6B (4), omit “Broken Hill City Council or Tenterfield Shire Council”, insert instead “Tenterfield Council”.

**(2) Section 6N (Constitution of board of electricity distributor):**

- (a) After section 6N (3), insert:
  - (3A) The number of directors of Broken Hill Electricity is to be 7, with:
    - (a) 5 of those directors to be elected under subsection (1)
      - (a) (i) by the councillors of Broken Hill City Council or appointed under subsection (1) (a) (ii) on the nomination of that Council; and

SCHEDULE 1—AMENDMENT—*continued*

- (b) 1 of those directors to be elected under subsection (1) (a) (i) by the councillors of the Council of Central Darling area or appointed under subsection (1) (a) (ii) on the nomination of that Council; and
  - (c) 1 of those directors to be appointed by the Minister under subsection (2) (b) to represent the interests of customers of Broken Mill Electricity in the Unincorporated area.
- (b) At the ends of section 6N (3) and (5), insert “This subsection does not apply to Broken Hill Electricity.”.
- (3) Schedule 7 (**Electricity distributors**):  
Before the matter relating to Central West Electricity, insert:  
Broken Hill Electricity  
Broken Hill City  
Central Darling local government area  
Unincorporated area (part)
- (4) Schedule 11 (**Savings, transitional and other provisions**):
- (a) At the end of clause 1 (1), insert:  
Electricity (Broken Hill) Amendment Act 1994.
  - (b) In clause 1 (2), after “Electricity (Amendment) Act 1993”, insert “or the Electricity (Broken Hill) Amendment Act 1994”.
  - (c) After Part 2, insert:  
**PART 3—PROVISIONS CONSEQUENT ON THE ENACTMENT OF THE ELECTRICITY (BROKEN HILL) AMENDMENT ACT 1994**
- Application of Part 2**
12. Part 2 applies to and in respect of Broken Hill Electricity as if:
- (a) Broken Hill City Council were a former electricity council under this Schedule; and
  - (b) Broken Hill Electricity were the corresponding electricity distributor in relation to Broken Hill City Council (as a former electricity council); and

SCHEDULE 1—AMENDMENTS —*continued*

- (c) the appointed day in relation to Broken Hill City Council (as a former electricity council) were the date of commencement of this clause.

**First directors of Broken Hill Electricity**

13. (1) The first board of directors of Broken Hill Electricity is to consist of the 7 persons (5 councillors and 2 other persons) who, immediately before the commencement of this clause, were members of the committee of the Broken Hill City Council known as the Electricity Committee.

(2) Those persons are taken to have been elected to the board of Broken Hill Electricity pursuant to section 6N, and Schedule 8 applies to them as elected directors.

(3) Section 6N (1)–(3A) does not apply to the first board of directors of Broken Hill Electricity.

**General manager**

14. The person who, immediately before the commencement of this clause, held office as General Manager (Electricity) of Broken Hill City Council:

- (a) ceases to hold that office and is not entitled to any remuneration or compensation because of the loss of that office; and
- (b) is taken to have been appointed under this Act as the general manager of Broken Hill Electricity under the terms and for the remaining duration of the general manager's existing employment contract with Broken Hill City Council.

**Disputes as to transfer of assets, rights and liabilities**

15. (1) If any dispute arises as to the operation of clause 3 of this Schedule in respect of Broken Hill Electricity and the dispute is not resolved within 3 months after the commencement of this clause, the Minister may refer the dispute to arbitration under the Commercial Arbitration Act 1984 and may appoint an arbitrator for that purpose.

(2) The Minister is not to refer a dispute to arbitration without first consulting on the dispute with the Broken Hill City Council.

SCHEDULE 1—AMENDMENTS —*continued*

(3) For the purposes of any such arbitration, the parties to the arbitration are Broken Hill City Council and Broken Hill Electricity.

(4) The parties are to pay the costs of the arbitration (including the fees and expenses of the arbitrator) in equal shares.

(5) The award made by the arbitrator is final and binding on the parties.

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*[Minister's second reading speech made in—  
Legislative Assembly on 4 May 1994  
Legislative Council on 13May1994]*