



New South Wales

Electricity Legislation Amendment (TransGrid) Act 2000 No 88

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Electricity Legislation Amendment (TransGrid) Act 2000 No 88

Act No 88, 2000

An Act to amend the *Energy Services Corporations Act 1995* with respect to the use of facilities of energy transmission operators for the provision of telecommunications services and to make related amendments to the *Electricity Supply Act 1995*; and for other purposes. [Assented to 6 December 2000]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Electricity Legislation Amendment (TransGrid) Act 2000*.

2 Commencement

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

3 Amendment of Energy Services Corporations Act 1995 No 95

The *Energy Services Corporations Act 1995* is amended as set out in Schedule 1.

4 Amendment of Electricity Supply Act 1995 No 94

The *Electricity Supply Act 1995* is amended as set out in Schedule 2.

Schedule 1 Amendment of Energy Services Corporations Act 1995

(Section 3)

[1] Section 3 Interpretation

Insert after section 3 (2):

- (3) Notes included in this Act do not form part of this Act.

[2] Section 6C Functions of energy transmission operators

Insert after section 6C (2):

- (2A) An energy transmission operator may also utilise and develop its facilities for the transmission of electricity to carry out telecommunications services (the *telecommunications function*).
- (2B) Without limiting subsection (2A), in exercising the telecommunications function, an energy transmission operator may do any of the following:
- (a) install a telecommunications cable or equipment by attaching it to, or incorporating it in, any of its facilities for the transmission of electricity,
 - (b) remove any telecommunications cables or equipment so installed,
 - (c) operate and carry out work relating to telecommunications cables so installed,
 - (d) operate those facilities for the transmission of electricity for the purposes of telecommunications.
- (2C) Any power or right that an energy transmission operator has under an affected easement with respect to the exercise of its principal functions is taken to extend to the exercise of the telecommunications function.

(2D) Divisions 2 and 3 of Part 5 of the *Electricity Supply Act 1995* apply to and in respect of the exercise by an energy transmission operator of the telecommunications function as if the references in those Divisions to electricity works included references to telecommunications works.

Note. An energy transmission operator, may, for example, for the purposes of exercising its telecommunications function, exercise powers of entry under, and in accordance with, Division 3 of Part 5 of the *Electricity Supply Act 1995*.

[3] Section 6C (3)

Insert “or telecommunications” after “principal” wherever occurring.

[4] Section 6C (3)

Omit “In particular, an energy transmission operator may utilise and develop its facilities in connection with the provision of telecommunications services.”.

[5] Section 6C (5)

Insert after section 6C (4):

(5) In this section:

affected easement means any easement (whether created statutorily or otherwise):

- (a) acquired (whether by agreement or compulsorily) before the commencement of this paragraph, or
- (b) acquired compulsorily after the commencement of this paragraph.

[6] Schedule 5 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Electricity Legislation Amendment (TransGrid) Act 2000, but only to the extent it amends this Act

[7] Schedule 5, Part 3

Insert after Part 2:

**Part 3 Provisions consequent on the enactment of
the Electricity Legislation Amendment
(TransGrid) Act 2000**

17 Definition

In this Part:

amending Act means the *Electricity Legislation Amendment (TransGrid) Act 2000*.

18 Validation

Any act done by an energy transmission operator with respect to the carrying out of telecommunications services before the commencement of this clause that could have validly been done had section 6C, as amended by the amending Act, been in force at the time it was done is taken at all times (to the extent of any invalidity) to have been validly done.

Schedule 2 Amendment of Electricity Supply Act 1995

(Section 4)

[1] Section 44 Acquisition of land

Insert after section 44 (3):

- (4) This section authorises a network operator that is an energy transmission operator within the meaning of the *Energy Services Corporations Act 1995* to acquire land by agreement or compulsorily for the purposes of the exercise of its principal functions under section 6C of that Act (whether or not the land acquired may also be used for the purposes of the telecommunications function within the meaning of that section). It does not authorise a network operator to acquire land compulsorily solely for the purposes of the exercise of the telecommunications function.

[2] Schedule 6 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Electricity Legislation Amendment (TransGrid) Act 2000, but only to the extent it amends this Act

[Minister's second reading speech made in—
Legislative Assembly on 22 November 2000
Legislative Council on 29 November 2000]

BY AUTHORITY