



New South Wales

# Electricity Supply Amendment (Offences) Act 2008 No 2

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New South Wales

## **Electricity Supply Amendment (Offences) Act 2008 No 2**

Act No 2, 2008

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An Act to amend the *Electricity Supply Act 1995* and the *Criminal Procedure Act 1986* with respect to the theft of electricity and unlawful entering, climbing or being on electricity works; and for other purposes. [Assented to 19 March 2008]

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

**1 Name of Act**

This Act is the *Electricity Supply Amendment (Offences) Act 2008*.

**2 Commencement**

This Act commences on the date of assent to this Act.

**3 Amendment of Electricity Supply Act 1995 No 94**

The *Electricity Supply Act 1995* is amended as set out in Schedule 1.

**4 Amendment of Criminal Procedure Act 1986 No 209**

The *Criminal Procedure Act 1986* is amended as set out in Schedule 2.

**5 Repeal of Act**

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

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## Schedule 1      Amendment of Electricity Supply Act 1995

(Section 3)

**[1] Section 64 Theft of electricity**

Omit the penalty provision at the end of the section. Insert instead:

Maximum penalty:

- (a) in the case of a corporation—2,000 penalty units, or
- (b) in any other case—100 penalty units or 5 years imprisonment (or both).

**[2] Section 64 (2)–(4)**

Insert at the end of section 64 (after the penalty provision):

- (2) An offence under this section that is committed by an individual is an indictable offence.
- (3) Chapter 5 of the *Criminal Procedure Act 1986* (which relates to the summary disposal of certain indictable offences unless an election is made to proceed on indictment) applies to and in respect of an indictable offence under this section.
- (4) Section 102 does not apply to an indictable offence under this section.

**Note.** Offences by corporations are to be dealt with summarily (see section 102 (1) and (2)).

**[3] Section 65A**

Insert after section 65:

**65A Entering, climbing or being on electricity works**

- (1) A person must not enter, climb or be on a network operator's or retail supplier's electricity works unless authorised to do so by the network operator or retail supplier concerned.  
Maximum penalty: 10 penalty units or 3 months imprisonment (or both).
- (2) A person is not guilty of an offence under this section if the person establishes that he or she had a reasonable excuse for entering, climbing or being on the electricity works or entered, climbed or was on the electricity works for a lawful purpose.

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Schedule 2 Amendment of Criminal Procedure Act 1986

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## **Schedule 2 Amendment of Criminal Procedure Act 1986**

(Section 4)

### **Schedule 1 Indictable offences triable summarily**

Insert after item 19 of Part 4 of Table 1 (Indictable offences that are to be dealt with summarily unless prosecutor or person charged elects otherwise):

#### **19A Electricity Supply Act 1995**

An offence under section 64 of the *Electricity Supply Act 1995* committed by an individual.

[Agreement in principle speech made in Legislative Assembly on 27 June 2007  
Second reading speech made in Legislative Council on 4 March 2008]

BY AUTHORITY