

Act No. 103

ENERGY ADMINISTRATION BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:

- Electricity Development (Amendment) Bill 1987;
- Local Government (Electricity) Amendment Bill 1987;
- Electricity Commission (Amendment) Bill 1987;
- Gas (Amendment) Bill 1987;
- Energy Legislation (Repeals and Savings) Bill 1987.

The objects of this Bill are—

- (a) to constitute the Energy Corporation of New South Wales;
- (b) to constitute the Department of Energy and provide for its Director; and
- (c) to repeal and re-enact (with appropriate modifications) the provisions of the Energy Authority Act 1976.

PART 1—PRELIMINARY

This Part contains preliminary provisions, including provisions—

- (a) defining terms used in the Act, in particular, “Corporation”, “Department”, “Director”, “employee” and “public authority”; and
- (b) stating that the proposed Act binds the Crown.

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PART 2—OBJECTS

This Part sets out the objects of the proposed Act, including—

- (a) securing the best management of the supply and use of energy in the State; and
- (b) applying the State's energy resources, technologies and associated expertise to promote economic development and employment in the State,

as well as other objects relating to the efficiency and accountability of energy producers in the State.

PART 3—ADMINISTRATION

This Part constitutes the administrative framework of the proposed Act. It establishes—

- (a) a Department of Energy; and
- (b) the Energy Corporation of New South Wales.

The Director of the Department will manage the affairs of the Corporation and the Corporation will have power to use the staff of the Department or to employ people as employees or consultants. Committees to advise the Corporation may be established by the Director.

PART 4—FUNCTIONS OF THE CORPORATION

This Part—

- (a) sets out the general objects of the Corporation;
- (b) confers functions on the Corporation;
- (c) requires the Corporation to review plans and draft plans;
- (d) empowers the Corporation to acquire shares in companies having energy-related objects;
- (e) empowers the Corporation to acquire land by lease, purchase or exchange or by resumption;
- (f) enables the Corporation to accept gifts, bequests or devises;
- (g) prohibits the Corporation from dealing with or disposing of land except with the approval of the Minister;
- (h) empowers the Corporation to enter into contracts and to make agency agreements with public authorities; and
- (i) empowers the Corporation to enter into agreements with respect to the conduct of certain investigations, studies or research.

PART 5—INQUIRIES

This Part—

- (a) provides for the carrying out by the Corporation, at the Minister's direction, of an inquiry into any energy-related matter or plan or draft plan; and

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- (b) sets out procedures for the obtaining and giving of evidence for the purposes of such an inquiry.

PART 6—EMERGENCY PROVISIONS

This Part—

- (a) enables a proclamation to be made by the Governor that a form of energy is a proclaimed form of energy; and
- (b) enables regulations to be made as to that form of energy (in particular as to its sale, supply and use) for the period that the proclamation is in force.

The Governor may also proclaim a state of emergency in relation to forms of energy or energy resources (other than gas or electricity) if the available supply is not sufficient for the reasonable requirements of the community. The Minister may make directions as to the form of energy for the period of the state of emergency.

The Part contains certain ancillary provisions, including—

- (a) provisions relating to the resolution of industrial matters;
- (b) penalty provisions;
- (c) provisions appointing inspectors and giving them functions for the purposes of the Part; and
- (d) a provision giving the Part effect despite any other Act, judgment, contract or agreement.

PART 7—FINANCE

This Part establishes the Energy Administration Account.

PART 8—MISCELLANEOUS

This Part contains miscellaneous provisions, including—

- (a) regulation-making powers;
- (b) a power of entry for persons authorised by the Department or employees or officers of the Department;
- (c) provisions relating to the furnishing of information to the Corporation and the disclosure of information;
- (d) provision for authentication of the Corporation's documents;
- (e) provisions enabling the delegation of functions by the Corporation and the Director;
- (f) provisions relating to offences and penalties; and
- (g) provisions amending certain Acts.

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**SCHEDULE 1—SUPERANNUATION AND OTHER RIGHTS OF EMPLOYEES
OF THE CORPORATION**

This Schedule makes provision with respect to the granting of superannuation and other rights to employees and saving the superannuation and other rights of employees of the Corporation who were previously public servants, officers of statutory bodies or contributors to a superannuation scheme or who were given rights to retain benefits by an Act.

SCHEDULE 2—MODIFICATION OF THE PUBLIC WORKS ACT 1912

This Schedule modifies the Public Works Act 1912 for the purposes of the resumption of land by the Corporation.
