

Act 1994 No. 22

## ELECTRICITY COMMISSION (AMENDMENT) BILL 1994\*

NEW SOUTH WALES



### EXPLANATORY NOTE

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

The object of this Bill is to amend the Electricity Commission Act 1950 to enable the Electricity Commission to establish subsidiary companies in connection with the exercise of its functions.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the proposed Act to commence on a day or days to be proclaimed by the Governor-in-Council.

**Clause 3** is a formal provision giving effect to the schedule of amendments.

#### SCHEDULE 1—AMENDMENTS

**Schedule 1 (1)** inserts a definition of “subsidiary company”.

**Schedule 1 (2)** enables the Electricity Commission to delegate functions to a subsidiary company.

**Schedule 1 (3)** inserts a new Division 2A into Part 3, containing the following proposed sections:

**Proposed section 8A** contains definitions. The word “company” is defined so as to be limited to companies incorporated in New South Wales.

**Proposed section 8B** enables the Electricity Commission to be involved in the establishment of subsidiary companies, with ministerial approval.

**Proposed section 8C** provides that a subsidiary company can exercise functions of the Electricity Commission if they have been delegated to it by the Commission.

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\* Amended in committee—see table at end of volume.

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Such functions can be exercised in the company's name and can be subdelegated, unless this is forbidden in the instrument of delegation. The Minister can direct delegations to be made, revoked or varied, but this is not to affect the Minister's general power to give directions.

**Proposed section 8D** provides that stamp duty is not payable in connection with the setting up of these arrangements.

**Proposed section 8E** makes it clear that a subsidiary company is generally dealt with in legislation in the same way as the Electricity Commission.

**Proposed section 8F** provides for ministerial orders to be made for the transfer of staff from the Electricity Commission to a subsidiary company. Existing awards, agreements and determinations continue in force until other provision is made, and accrued rights to leave are protected.

**Schedule 1 (4)–(7)** bring existing provisions for affiliate companies established in connection with coal mining activities into line with the new arrangements.

**Schedule 1 (8)** enables easements vested in the Electricity Commission to be assigned to a subsidiary company.

**Schedule 1 (9)** enables regulations to be made of a savings or transitional nature consequent on a company becoming or ceasing to be a subsidiary company or on the delegation (or revocation or variation of a delegation) of functions to a subsidiary company.

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