

# Energy Services Corporations (Savings and Transitional) Regulation 1996

[1996-65]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# Energy Services Corporations (Savings and Transitional) Regulation 1996



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation may be cited as the *Energy Services Corporations (Savings and Transitional) Regulation 1996*.

### 2 Commencement

This Regulation commences on 1 March 1996.

## Part 2 Application of **Environmental Planning and Assessment Act 1979**

### 3 Definitions

In this Part:

**former distributor** means an electricity distributor constituted under the *Electricity Act 1945*.

**new distributor** means an energy distributor constituted under the *Energy Services Corporations Act 1995*.

**new generator** means an electricity generator constituted under the *Energy Services Corporations Act 1995*.

**Pacific Power** means the corporation constituted by section 5 of the *Electricity (Pacific Power) Act 1950*.

### 4 Application of Pt 5 of **Environmental Planning and Assessment Act 1979** to new generators

(1) This clause applies to any activity in respect of which:

(a) Pacific Power has obtained an environmental impact statement before 1 March

1996, or

(b) the Director-General of the Department of Urban Affairs and Planning has, before 1 March 1996, notified a person preparing an environmental impact statement for Pacific Power of requirements with respect to the form and contents of such a statement.

(2) Part 5 of the *Environmental Planning and Assessment Act 1979* applies to any such activity that is carried out by a new generator as if:

(a) the new generator had been in existence when such a statement was obtained or such requirements were notified, and

(b) anything that has been done before 1 March 1996 by, to or in respect of Pacific Power in connection with the activity (including the obtaining of such a statement or the notification of such requirements) had instead been done by, to or in respect of the new generator.

(3) Clause 5 of Schedule 5 to the *Energy Services Corporations Act 1995* does not apply to an activity to which this clause applies.

#### **5 Application of Pt 5 of *Environmental Planning and Assessment Act 1979* to new distributors**

(1) Division 4 of Part 5 of the *Environmental Planning and Assessment Act 1979* does not apply to an activity carried out by a new distributor if:

(a) the former distributor of the same name has obtained an environmental impact statement for that activity before 1 March 1996, or

(b) the former distributor of the same name obtains an environmental impact statement for that activity after 1 March 1996, but the Director-General of the Department of Urban Affairs and Planning has before that date duly notified the person preparing the statement of requirements with respect to the form and contents of the statement.

(2) Clause 11 of Schedule 5 to the *Energy Services Corporations Act 1995* does not apply to an activity that is excluded by this clause from the operation of Division 4 of Part 5 of the *Environmental Planning and Assessment Act 1979*.

### **Part 3 Portability of extended service leave entitlements for electricity generators' staff**

#### **6 Definitions**

In this Part:

***electricity generator*** includes Pacific Power.

**eligible employee** means a person who is, and who has continuously since 1 March 1996 been, a employee of an electricity generator.

**new generator** means the electricity generator by which an electricity employee is currently employed.

**old generator** means the electricity generator by which an eligible employee was employed immediately before becoming an employee of the new generator.

## **7 Preservation of extended service leave entitlements**

Continuous service of an eligible employee with the old generator is taken to be service with the new generator for the purpose only of calculating the employee's entitlement to extended service leave.

## **8 No dual benefits**

An eligible employee is not entitled to claim, both under this Part and under any other law, dual benefits of the same kind for the same period of service.

## **9 Funding of extended service leave entitlements**

- (1) As a consequence of the transfer of an eligible employee from one electricity generator to another, the old generator becomes liable to pay to the new generator:
  - (a) in the case of an eligible employee whose period of service with the old generator (as at the date of the transfer) was 5 years or more but less than 10 years, 50 per cent of the monetary value of the extended service leave to which the employee would have been entitled as at that date had the period of service been 10 years, or
  - (b) in the case of an eligible employee whose period of service with the old generator (as at the date of the transfer) was 10 years or more, 100 per cent of the monetary value of the employee's entitlement to extended service leave as at that date.
- (2) No such liability exists in the case of an eligible employee whose period of service with the old generator (as at the date of the transfer) was less than 5 years.

## **Part 4 Portability of extended service leave entitlements for energy distributors' staff**

### **10 Definitions**

In this Part:

**eligible employee** means a person who is, and who has continuously since 1 March 1996 been, an employee of an energy distributor.

***new distributor*** means the energy distributor by which an eligible employee is currently employed.

***old distributor*** means the energy distributor by which an eligible employee was employed immediately before becoming an employee of the new distributor.

#### **11 Preservation of extended service leave entitlements**

Continuous service of an eligible employee with the old distributor is taken to be service with the new distributor for the purpose only of calculating the employee's entitlement to extended service leave.

#### **12 No dual benefits**

An eligible employee is not entitled to claim, both under this Part and under any other law, dual benefits of the same kind for the same period of service.

#### **13 Funding of extended service leave entitlements**

- (1) As a consequence of the transfer of an eligible employee from one energy distributor to another, the old distributor becomes liable to pay to the new distributor:
  - (a) in the case of an eligible employee whose period of service with the old distributor (as at the date of the transfer) was 5 years or more but less than 10 years, 50 per cent of the monetary value of the extended service leave to which the employee would have been entitled as at that date had the period of service been 10 years, or
  - (b) in the case of an eligible employee whose period of service with the old distributor (as at the date of the transfer) was 10 years or more, 100 per cent of the monetary value of the employee's entitlement to extended service leave as at that date.
- (2) No such liability exists in the case of an eligible employee whose period of service with the old distributor (as at the date of the transfer) was less than 5 years.