



New South Wales

# Electricity Supply Amendment (Offences) Bill 2007

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Electricity Supply Act 1995*:

- (a) to increase the maximum term of imprisonment for the offence of theft of electricity from 2 years to 5 years and to provide for the offence to be an indictable offence if committed by an individual, and
- (b) to create a new offence of entering, climbing or being on *electricity works* (as defined in that Act).

The Bill also makes a consequential amendment to the *Criminal Procedure Act 1986* to provide for the summary disposal of the offence of theft of electricity.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** is a formal provision that gives effect to the amendments to the *Electricity Supply Act 1995* set out in Schedule 1.

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**Clause 4** is a formal provision that gives effect to the amendment to the *Criminal Procedure Act 1986* set out in Schedule 2.

**Clause 5** provides for the repeal of the proposed Act after the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

## **Schedule 1      Amendment of Electricity Supply Act 1995**

**Schedule 1 [1]** amends section 64 of the *Electricity Supply Act 1995* (the *Principal Act*) to increase the maximum term of imprisonment for the offence of theft of electricity from 2 years to 5 years.

**Schedule 1 [2]** inserts proposed section 64 (2)–(4) into the Principal Act. Proposed section 64 (2) provides for the offence of theft of electricity to be an indictable offence if committed by an individual. (The offence, if committed by a corporation, will continue to be dealt with summarily in accordance with section 102 of the Principal Act.) Proposed section 64 (3) and (4) are consequential on proposed section 64 (2) and on the amendment made by Schedule 2.

**Schedule 1 [3]** inserts proposed section 65A into the Principal Act to make it an offence (with a maximum penalty of 10 penalty units or 3 months imprisonment, or both) to enter, climb or be on a network operator’s or retail supplier’s electricity works (currently defined in the Principal Act to mean any electricity power lines or associated equipment or electricity structures that form part of a transmission or distribution system) unless authorised to do so by the network operator or retail supplier concerned. A person who does so for a lawful purpose or with reasonable excuse will not be guilty of an offence.

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

**Schedule 2** amends the *Criminal Procedure Act 1986* to provide for the summary disposal of proceedings for the indictable offence of theft of electricity unless an election to proceed on indictment is made in accordance with the procedures set out in that Act.