

**ELECTRICITY ACT 1945—REGULATION**

(Electricity (Dismissal of Boards) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Electricity Act 1945, has been pleased to make the Regulation set forth hereunder.

MICHAEL KNIGHT, M.P.,  
for Acting Minister for Energy.

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**Citation**

1. This Regulation may be cited as the Electricity (Dismissal of Boards) Regulation 1995.

**Definitions**

2. In this Regulation:

“**administrator**” means an administrator appointed under clause 4;

“**board**” means the board of directors of an electricity distributor;

“**the Act**” means the Electricity Act 1945.

**Dismissal of boards**

3. (1) For the purposes of clause 8 of Schedule 8 to the Act, each of—the following circumstances are prescribed as circumstances in which an entire board may be dismissed from office:

- (a) circumstances in which the Minister is satisfied that the board has failed to comply with the requirements of the Act, or of any other Act, in connection with the exercise of its functions;
- (b) circumstances in which the Minister is satisfied that the board has failed to comply with any directions given to it by the Minister, under section 61 of the Act, in connection with the exercise of its functions;

- (c) circumstances in which the Minister is satisfied that the board has failed to exercise its functions under the Act, or has exercised those functions in an incompetent manner;
  - (d) circumstances in which the Energy Corporation has recommended that the entire board be dismissed from office.
- (2) For the purpose of deciding whether or not any circumstances of the kind referred to in subclause (1) (a), (b) or (c) exist, the Minister:
- (a) may, but is not required to, arrange for a public inquiry to be conducted into the affairs of the board; and
  - (b) may have regard to matters occurring before or after the commencement of this Regulation.
- (3) If the Minister decides that a public inquiry should be conducted, the public inquiry is to be conducted in such manner, and by such person or persons, as the Minister determines.

#### **Administrator to be appointed**

4. (1) On dismissing a board from office, the Minister must appoint an administrator for the electricity distributor concerned.
- (2) The term for which an administrator may be appointed is such period as the Minister determines.
- (3) The Minister may, at any time, dismiss a person from office as administrator.
- (4) An administrator is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.
- (5) An administrator has all of the functions of a board.
- (6) Section 7R of the Act applies to the administrator in the same way as it applies to a director of an electricity distributor.

#### **Establishment of new boards**

5. (1) Within 12 months after the date on which a board is dismissed, the Minister must ensure that a new board is established (by election or appointment, as appropriate) in accordance with Division 4 of Part 2A of the Act.
- (2) On the establishment of the new board, the administrator of the electricity distributor concerned ceases to hold office as administrator.
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**EXPLANATORY NOTE**

The object of this Regulation is to provide for the dismissal of the board of directors of an electricity distributor, the appointment of an administrator to exercise the functions of a board that has been dismissed and the establishment of a new board.

This Regulation is made under the Electricity Act 1945, including section 37 (the general regulation making power) and clause 8 of Schedule 8.

This Regulation relates to matters that do not impose an appreciable burden, cost or disadvantage on any sector of the public.

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