



New South Wales

# Electricity Supply (Licence Compliance Advisory Board) Regulation 1996

under the

Electricity Supply Act 1995

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

M. R. Egan

Minister for Energy

## Explanatory note

The object of the Regulation is to prescribe matters relating to the constitution and procedure of the Licence Compliance Advisory Board established under section 86 of the Act. The Regulation deals with the appointment of members (including the chairperson), members' terms of office and entitlements to allowances, casual vacancies and deputy members (Part 2) and with the procedure for meetings, the number of members who make a quorum, the functions of the presiding member and the keeping of minutes (Part 3).

This Regulation relates to matters of a machinery nature.

**1996 No 166**

Electricity Supply (Licence Compliance Advisory Board) Regulation 1996

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## Electricity Supply (Licence Compliance Advisory Board) Regulation 1996

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Electricity Supply (Licence Compliance Advisory Board) Regulation 1996*.

#### 2 Commencement

This Regulation commences on 10 May 1996.

#### 3 Definitions

In this Schedule:

*Board* means the Licence Compliance Advisory Board established under section 86 of the Act.

*member* means a member of the Board.

*the Act* means the *Electricity Supply Act 1995*.

#### 4 Notes

The explanatory note and table of contents do not form part of this Regulation.

### Part 2 Constitution of the Board

#### 5 Minister to appoint members

The members are to be appointed by the Minister in accordance with section 86 of the Act.

#### 6 Chairperson

- (1) One of the members of the Board is to be appointed by the Minister as the chairperson of the Board.

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- (2) Any such appointment may be made at the time the person is appointed as a member or after that appointment.
- (3) The Minister may at any time remove a member from the office of chairperson of the Board.
- (4) The office of chairperson becomes vacant if the chairperson:
  - (a) is removed from that office under this clause, or
  - (b) resigns that office by instrument in writing addressed to the Minister, or
  - (c) ceases to be a member.
- (5) The deputy of the member who is chairperson of the Board is also the deputy chairperson of the Board and, in that capacity, may exercise the functions of the chairperson while acting in the place of that member.

### **7 Terms of office**

Subject to this Part, a member holds office for such period (not exceeding 2 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

### **8 Allowances**

A member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the member.

### **9 Casual vacancies**

- (1) The office of a member becomes vacant if the member:
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office under this clause, or
  - (e) is absent from 4 consecutive meetings of the Board of which reasonable notice has been given to the member personally or in the ordinary course of post, except on

leave granted by the Board or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Board for having been absent from those meetings, or

- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
- (g) becomes a mentally incapacitated person, or
- (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere of an offence that, if committed in New South Wales, would be an offence so punishable.

- (2) The Minister may at any time remove a member from office.
- (3) If the office of a member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

#### **10 Deputy members**

- (1) A deputy may be appointed for a member:
  - (a) in the case of the member nominated by the Nature Conservation Council, by that Council, and
  - (b) in the case of the member nominated by the Australian Consumers Association, by that Association, and
  - (c) in the case of a member representative of the Minister for Energy, by that Minister.
- (2) In the absence of a member, the member's deputy:
  - (a) may, if available, act in the place of the member, and
  - (b) while so acting, has all the functions of the member and is taken to be a member.
- (3) A person while acting in the place of a member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.

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Clause 11 Electricity Supply (Licence Compliance Advisory Board) Regulation 1996

Part 3 Procedure of the Board

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### **Part 3 Procedure of the Board**

#### **11 Procedure at meetings**

- (1) The procedure for the calling of meetings of the Board and for the conduct of business at those meetings is, subject to any direction of the Minister, to be as determined by the Board.
- (2) Except where the Board determines otherwise in a particular case, a meeting of the Board is not to be held unless at least 14 days' notice of the meeting has been given to all of the members.
- (3) The notice must indicate the date, time and place of the meeting and must include an agenda describing the business proposed to be conducted at the meeting.
- (4) The Board may not make a decision on any matter arising at any of its meetings unless the matter is included on the agenda for that meeting.

#### **12 Quorum**

The quorum for a meeting of the Board is 2 members, of whom at least one must be a member appointed under section 86 (2) (c) of the Act.

#### **13 Presiding member**

- (1) The chairperson of the Board or, in the absence of the chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Board.
- (2) The person presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

#### **14 Voting**

A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

#### **15 Minutes of meetings**

The Board is required to keep minutes of proceedings at its meetings and to furnish to the Minister a copy of the minutes of each meeting within 14 days after the meeting was held.

#### **16 First meeting**

The Minister may call the first meeting of the Board in such manner as the Minister thinks fit.