



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.

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.

First print



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New South Wales

Electricity Supply Amendment (Offences) Bill 2007

No. , 2007

A Bill for

An Act to amend the *Electricity Supply Act 1995* and the *Criminal Procedure Act 1986* with respect to the theft of electricity and unlawful entering, climbing or being on electricity works; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Electricity Supply Amendment (Offences) Act 2007</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Amendment of Electricity Supply Act 1995 No 94	6
The <i>Electricity Supply Act 1995</i> is amended as set out in Schedule 1.	7
4 Amendment of Criminal Procedure Act 1986 No 209	8
The <i>Criminal Procedure Act 1986</i> is amended as set out in Schedule 2.	9
5 Repeal of Act	10
(1) This Act is repealed on the day following the day on which this Act commences.	11 12
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	13 14

Schedule 1	Amendment of Electricity Supply Act 1995	1
		2
	(Section 3)	3
[1] Section 64 Theft of electricity		4
	Omit the penalty provision at the end of the section. Insert instead:	5
	Maximum penalty:	6
	(a) in the case of a corporation—2,000 penalty units, or	7
	(b) in any other case—100 penalty units or 5 years imprisonment (or both).	8
		9
[2] Section 64 (2)–(4)		10
	Insert at the end of section 64 (after the penalty provision):	11
	(2) An offence under this section that is committed by an individual is an indictable offence.	12
		13
	(3) Chapter 5 of the <i>Criminal Procedure Act 1986</i> (which relates to the summary disposal of certain indictable offences unless an election is made to proceed on indictment) applies to and in respect of an indictable offence under this section.	14
		15
		16
		17
	(4) Section 102 does not apply to an indictable offence under this section.	18
		19
	Note. Offences by corporations are to be dealt with summarily (see section 102 (1) and (2)).	20
		21
[3] Section 65A		22
	Insert after section 65:	23
65A Entering, climbing or being on electricity works		24
	(1) A person must not enter, climb or be on a network operator's or retail supplier's electricity works unless authorised to do so by the network operator or retail supplier concerned.	25
		26
		27
	Maximum penalty: 10 penalty units or 3 months imprisonment (or both).	28
		29
	(2) A person is not guilty of an offence under this section if the person establishes that he or she had a reasonable excuse for entering, climbing or being on the electricity works or entered, climbed or was on the electricity works for a lawful purpose.	30
		31
		32
		33

Schedule 2	Amendment of Criminal Procedure Act 1986	1
		2
	(Section 4)	3
	Schedule 1 Indictable offences triable summarily	4
	Insert after item 19 of Part 4 of Table 1 (Indictable offences that are to be dealt with summarily unless prosecutor or person charged elects otherwise):	5
		6
19A	Electricity Supply Act 1995	7
	An offence under section 64 of the <i>Electricity Supply Act 1995</i> committed by an individual.	8
		9