

**ENERGY CORPORATIONS
(TRANSITIONAL AND
CONSEQUENTIAL PROVISIONS)
ACT 1994**

(No. 89 of 1994)

ARRANGEMENT

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1. Short title
2. Commencement

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3. Principal Act
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6. Section 4 amended
7. Section 5 amended
8. Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18,
19, 26, 27 and 27A repealed
9. Section 28 amended
10. Sections 29, 30, 31, 32, 33, 34 and 35 repealed
11. Section 39 amended
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*Energy Corporations (Transitional and
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- 13. Section 42 amended
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- 16. Section 45 amended
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- 22. Section 60 amended
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- 24. Section 62 amended
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- 28. Section 75 amended
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- 32. Section 87 amended
- 33. Section 88 amended
- 34. Sections 89, 90, 91, 92, 93, 94, 95, 96, 98,
98A, 99, 100, 101, 102, 104, 105, 106, 107,
108, 110, 111, 112, 113, 114 and 119 repealed
- 35. Section 120 amended
- 36. Section 121 amended
- 37. Section 122 repealed and a section substituted
- 38. Section 124 amended
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changed to “a corporation”
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*Energy Corporations (Transitional and
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*Energy Corporations (Transitional and
Consequential Provisions) Act 1994*

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**ENERGY CORPORATIONS
(TRANSITIONAL AND
CONSEQUENTIAL PROVISIONS)
ACT 1994**

No. 89 of 1994

AN ACT to amend the *State Energy Commission Act 1979* and other Acts as part of a scheme for —

- **the abolition of the State Energy Commission and its replacement with a corporation to undertake electricity supply and a corporation to undertake gas supply; and**
- **the vesting of some functions of the Commission in certain public officials,**

to provide for the devolution of assets and liabilities from the Commission to those corporations and for other transitional matters, and for related purposes.

[Assented to 15 December 1994.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Energy Corporations (Transitional and Consequential Provisions) Act 1994*.

Commencement

2. (1) This section, the long title and sections 1, 42, 43 and 44 come into operation on the day on which this Act receives the Royal Assent.

(2) The other provisions of this Act come into operation on such day as is fixed by proclamation, but the proclamation cannot be made until section 44 (1) has been complied with.

PART 2 — STATE ENERGY COMMISSION ACT 1979

Principal Act

3. In this Part the *State Energy Commission Act 1979** is referred to as the principal Act.

[* *Reprinted as at 21 May 1987.*

*For subsequent amendments see 1993 Index to
Legislation of Western Australia, Table 1, p. 199.]*

Long title repealed and replaced

4. The long title to the principal Act is repealed and the following long title is substituted —

“
**An Act to vest powers in the Electricity
Corporation and the Gas Corporation, to
make other provision in respect of the
functions of those corporations, and for
related and other purposes.**

”.

Section 1 amended

5. Section 1 of the principal Act is amended by deleting “*State Energy Commission*” and substituting the following —

“ *Energy Corporations (Powers)* ”.

Section 4 amended

6. Section 4 (1) of the principal Act is amended —

(a) by deleting the definitions of “Assistant Commissioner”, “Associate Commissioner”, “Chairman

of the Commission”, “Commission”, “Commissioner”, “Deputy Commissioner”, “member”, “Secretary” and “sell”;

- (b) by inserting, in their appropriate alphabetical positions, the following definitions —

“

“Coordinator of Energy” means the Coordinator of Energy referred to in section 4 of the *Energy Coordination Act 1994*;

“corporation” means the Electricity Corporation or the Gas Corporation;

“Electricity Corporation” means the body corporate established by section 4 of the *Electricity Corporation Act 1994*;

“Gas Corporation” means the body corporate established by section 4 of the *Gas Corporation Act 1994*;

”;

- (c) in the definition of “charges” by deleting “the Commission” and substituting the following —

“ a corporation ”; and

- (d) in the definition of “service apparatus” by deleting “Commission” and substituting the following —

“ corporation concerned ”.

Section 5 amended

7. (1) Section 5 (2) of the principal Act is amended by deleting “the Commission by this or any other Act” and substituting the following —

“ a corporation by this Act ”.

(2) Section 5 (4) of the principal Act is repealed.

**Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 26, 27 and
27A repealed**

8. Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 26, 27 and 27A of the principal Act are repealed.

Section 28 amended

9. (1) Section 28 (1) and (2) of the principal Act are repealed.

(2) Section 28 (3) of the principal Act is amended —

(a) by deleting “Without prejudice to the generality of the power conferred by subsection (1), for the purposes of its function under this Act or its functions under any other Act administered by the Commission, the Commission, subject to this Act may” and substituting the following —

“ A corporation may ”;

(b) by deleting paragraphs (a) and (b);

(c) in paragraphs (c) and (e), by deleting “Commission” and substituting the following —

“ corporation ”; and

- (d) by deleting paragraphs (f), (g), (h), (j), (k), (ka), (l), (m), (n), (o) and (p).

(3) Section 28 (4) of the principal Act is repealed.

Sections 29, 30, 31, 32, 33, 34 and 35 repealed

10. Sections 29, 30, 31, 32, 33, 34 and 35 of the principal Act are repealed.

Section 39 amended

11. (1) Section 39 (1) of the principal Act is amended —

- (a) by deleting “for the purposes of this Act, the Commission” and substituting the following —

“ , a corporation ”; and

- (b) by deleting “conferred on the Commission by this Act” and substituting the following —

“ of the corporation ”.

(2) Section 39 (2) of the principal Act is amended —

- (a) by deleting “the Commission but the Commission” and substituting the following —

“ a corporation but the corporation ”; and

- (b) in paragraph (b), by deleting “, subject to the approval in writing of the Minister,”.

(3) Section 39 (4) of the principal Act is repealed.

Section 40 amended

12. (1) Section 40 (1) of the principal Act is amended —
- (a) by deleting “, with the approval of the Minister,”; and
 - (b) by deleting “this Act” and substituting the following —
“ the performance of its functions ”.
- (2) Section 40 (2) of the principal Act is amended by deleting “under this Act or any other Act”.
- (3) Section 40 (3) of the principal Act is repealed.

Section 42 amended

13. Section 42 of the principal Act is amended by deleting “the Commission may use, for the purposes of this Act,” and substituting the following —
“ a corporation may use ”.

Section 43 amended

14. (1) Section 43 (1) of the principal Act is amended —
- (a) by deleting paragraph (a) and substituting the following paragraph —
“
(a) a corporation, in the performance or purported performance of its functions;
”,
and

- (b) by deleting “this Act and any other Act administered by the Commission” and substituting the following —

“ the performance of its functions ”.

- (2) Section 43 (1a) of the principal Act is amended —

- (a) by deleting “the Commission pursuant to this Act the Commission” and substituting the following —

“ a corporation it ”; and

- (b) by deleting “Commission, for the purposes of this Act and any other Act administered by the Commission, and,” and substituting the following —

“ corporation, and ”.

Section 44 repealed

15. Section 44 of the principal Act is repealed.

Section 45 amended

16. (1) Section 45 (1) of the principal Act is amended by deleting “; nor shall the Commission be liable to pay compensation in respect of the vesting in the Commission of any estate or interest pursuant to section 44 or in respect of any restriction imposed on the use of land pursuant to that section”.

- (2) Section 45 (4) of the principal Act is amended —

- (a) by deleting “on the Commission by section 28 (3) (c) and section 46, the Commission” and substituting the following —

“ by sections 28 (3) (c) and 46, a corporation ”;

- (b) by deleting paragraph (b) and substituting the following paragraph —

“

(b) in the case of the Electricity Corporation, all electricity transmission works operating at 200 000 volts or above;

”;

- (c) in paragraph (c) by inserting immediately before “all” the following —

“ in the case of the Gas Corporation, ”;

- (d) by deleting the comma at the end of paragraph (d) and substituting a full stop; and

- (e) by deleting the passage from and including “and regulations made” to the end of the subsection.

(3) Section 45 (5) of the principal Act is amended by deleting “for the purposes of this Act the Commission” and substituting the following —

“ in the performance of its functions a corporation ”.

(4) Section 45 (7) of the principal Act is amended by deleting “pursuant to this Act” and substituting the following —

“ by a corporation in the performance of its functions ”.

Section 46 amended

17. (1) Section 46 (2) of the principal Act is amended by deleting “administered by the Commission” and substituting the following —

“ that confers powers on the corporation ”.

(2) Section 46 (7) of the principal Act is amended by deleting “exercise of a power conferred by this Act” and substituting the following —

“ performance of a function of the corporation ”.

(3) Section 46 (9) of the principal Act is amended by deleting “this Act” and substituting the following —

“ the performance of its functions ”.

(4) Section 46 (10) of the principal Act is amended by deleting “this Act” and substituting the following —

“ the performance of its functions ”.

Section 55 amended

18. (1) Section 55 (a) of the principal Act is amended by deleting “Governor given pursuant to a recommendation of the Minister after consultation with the Commission” and substituting the following —

“ Coordinator of Energy ”.

(2) Section 55 (b) of the principal Act is amended by deleting “other than the Commission” and substituting the following —

“ other than the Gas Corporation ”.

(3) Section 55 (b) (i) of the principal Act is amended by deleting “Governor pursuant to a recommendation of the Minister after consultation with the Commission” and substituting the following —

“ Coordinator of Energy ”.

Section 56 amended

19. (1) Section 56 (2) of the principal Act is amended by deleting “other than the Commission” and substituting the following —

“ other than the Gas Corporation ”.

(2) Section 56 (2) (a), (4) and (5) of the principal Act are amended by deleting “Commission” in each place where it appears and substituting the following —

“ Coordinator of Energy ”.

Section 58 amended

20. Section 58 (1) of the principal Act is amended —

(a) by deleting “Notwithstanding the general duty imposed by section 27, except” and substituting the following —

“ Except ”; and

(b) in paragraph (b) by deleting “this Act” and substituting the following —

“ any Act ”.

Section 59 amended

21. Section 59 of the principal Act is amended —

(a) by deleting “Subject to this Act, the Commission may enter” and substituting the following —

“ Where a corporation in the performance of
its functions enters ”;

and

- (b) by deleting “and in relation” and substituting the following —

“ in relation ”.

Section 60 amended

- 22.** Section 60 (3) of the principal Act is repealed.

Section 61 amended

- 23.** Section 61 (1) of the principal Act is amended —

- (a) by deleting “under any other provision of this Act” and substituting the following —

“ in the performance of its functions ”;

- (b) in paragraph (a) by deleting “Commission under this Act” and substituting the following —

“ corporation ”; and

- (c) by deleting “entered into by the Commission pursuant to” and substituting the following —

“ made under ”.

Section 62 amended

- 24.** (1) Section 62 (1) of the principal Act is amended by inserting after “pursuant to this Act” the following —

“ or any other Act ”.

- (2) Section 62 (2) of the principal Act is amended by inserting after “this Act” the following —

“ or any other Act ”.

- (3) Section 62 (15) of the principal Act is repealed.

Section 67A amended

25. Section 67A (1) of the principal Act is amended by inserting after “to pay” the following —

“ to the corporation ”.

Section 68 amended

26. (1) Section 68 (1) and (2) of the principal Act are repealed and the following subsection is substituted —

“

(1) A corporation may appoint an officer of the corporation to be an inspector.

”.

(2) Section 68 (3) of the principal Act is amended —

(a) by deleting “or subsection (2)”; and

(b) by deleting “specifying his classification”.

(3) Section 68 (4) of the principal Act is repealed.

(4) Section 68 (5) of the principal Act is amended by deleting “and classification”.

(5) Section 68 (8) of the principal Act is amended by deleting paragraphs (a), (b), (c) and (d) and substituting the following paragraphs —

“

(a) enter without notice on or into any land, premises or thing where any plant, works or apparatus of the corporation is or may be situated and inspect all such plant, works or apparatus;

- (b) if the inspector has reasonable cause to believe that a consumer is attempting to circumvent or prevent the due regulation or recording of the supply of energy to the consumer by the corporation, enter without notice on or into any land, premises or thing where any plant, works or apparatus of the consumer is or may be situated and inspect all such plant, works or apparatus; and
- (c) take with him such persons as he thinks competent and necessary to assist him in making any inspection.

”.

(6) Section 68 (9) and (10) of the principal Act are repealed.

Sections 70, 71, 72 and 73 repealed

27. Sections 70, 71, 72 and 73 of the principal Act are repealed.

Section 75 amended

28. (1) Section 75 (1) (a) of the principal Act is amended by deleting “pursuant to this Act” and substituting the following —

“ by a corporation in the performance of its functions ”.

(2) Section 75 (3) of the principal Act is amended by deleting “Commission” and substituting the following —

“ corporation concerned ”.

(3) Section 75 (4) of the principal Act is amended by deleting “or any other Act administered by the Commission”.

Section 79 amended

29. (1) Section 79 (1) of the principal Act is amended by deleting “acting in the execution of this Act or in pursuance of any regulation or by-law made under this Act,” and substituting the following —

“ performing any function ”.

(2) Section 79 (2) of the principal Act is amended by deleting “acting in the execution of this Act or in pursuance of any regulation or by-law made under this Act” and substituting the following —

“ performing any function ”.

Section 83 amended

30. Section 83 of the principal Act is amended by deleting “or any other Act administered by the Commission”.

Section 84 amended

31. Section 84 (3) of the principal Act is amended by deleting “Commissioner in writing under his hand” and substituting the following —

“ corporation ”.

Section 87 amended

32. (1) Section 87 (1) of the principal Act is amended —

(a) by deleting paragraph (c) and substituting the following paragraph —

“ (c) the particular or general appointment of any officer of the corporation to take proceedings against any person; ”,

- (b) by deleting paragraph (d) and substituting the following paragraph —

“

(d) the powers of any officer of the corporation to prosecute;

”;

and

- (c) by deleting paragraph (e) and substituting the following paragraph —

“

(e) the appointment of a person as an officer of the corporation;

”.

(2) Section 87 (2) (b) of the principal Act is amended by deleting “Secretary of the Commission” and substituting the following —

“ chief executive officer of a corporation ”.

(3) Section 87 (3) of the principal Act is amended by deleting “Commission” and substituting the following —

“ board of directors of a corporation ”.

(4) Section 87 (4) (b) of the principal Act is amended by deleting “36 (2) of the *Interpretation Act 1918*” and substituting the following —

“ 42 of the *Interpretation Act 1984* ”.

Section 88 amended

33. (1) Section 88 (1) of the principal Act is amended by deleting “the Commissioner, a Deputy Commissioner, an

Assistant Commissioner, or the Secretary” and substituting the following —

“
a director or the chief executive officer of the
corporation
”.

(2) Section 88 (2) of the principal Act is amended by deleting “Secretary” and substituting the following —

“ chief executive officer of the corporation ”.

Sections 89, 90, 91, 92, 93, 94, 95, 96, 98, 98A, 99, 100, 101, 102, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114 and 119 repealed

34. (1) Sections 89, 90, 91, 92, 93, 94, 95, 96, 98, 98A, 99, 100, 101, 102, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114 and 119 of the principal Act are repealed.

(2) Any appeal commenced under section 91 of the principal Act before the commencement of this section may be continued and dealt with under the principal Act as if this section had not been passed.

Section 120 amended

35. Section 120 of the principal Act is amended —

(a) by deleting “whether under this Act or any other Act administered by the Commission,”; and

(b) by deleting “Commission’s” and substituting the following —

“ corporation’s ”.

Section 121 amended

36. Section 121 (1) of the principal Act is amended by deleting “or any other Act administered by the Commission”.

Section 122 repealed and a section substituted

37. Section 122 of the principal Act is repealed and the following section is substituted —

“

Protection

122. A person is not personally liable for any act done or omission made by that person in good faith and in the course of the exercise or performance or purported exercise or performance of a power or duty which he had reasonable and probable cause to believe was conferred or imposed by this Act.

”

Section 124 amended

38. (1) Section 124 (1) of the principal Act is amended by deleting “exercise of its powers and of the discharge of its duties and obligations under this Act” and substituting the following —

“

performance of its functions, and as to the other matters provided for by this Act

”

(2) After section 124 (1) of the principal Act the following subsection is inserted —

“

(1a) By-laws made by a corporation shall make provision only in respect of energy, or the supply of energy, of a kind which is within the corporation’s functions, and in respect of related matters.

”

(3) Section 124 (4) of the principal Act is amended —

(a) by inserting after “by-laws made under this Act” the following —

“ by a corporation ”;

(b) in paragraph (b) by deleting “electricity, gas or other”;

(c) in paragraph (d) (i) by deleting “electricity, gas, or any other form of”;

(d) in paragraph (d) (iaa) by deleting “electricity, gas or any other form of”;

(e) in paragraph (d) (ia) by deleting “electricity, gas or any other form of”;

(f) in paragraph (d) (vii) by deleting “under this Act” and substituting the following —

“ to the corporation ”;

(g) in paragraph (e) by deleting “under this Act” and substituting the following —

“ to the corporation ”;

(h) by deleting paragraphs (f) and (g); and

(i) by deleting paragraphs (k), (l) and (m) and substituting the following paragraph —

“
(k) in the case of by-laws made by the Electricity Corporation, providing for frequency control voltages to be imposed on normal supply voltage and prohibiting the use of frequency control voltages within prescribed limits otherwise than by that corporation;

”.

(4) Section 124 (5) of the principal Act is amended —

(a) by deleting “Commission may” and substituting the following —

“ Electricity Corporation may ”;

(b) in paragraph (a) by deleting “the Commission” and substituting the following —

“ it ”;

(c) in paragraph (c) by deleting “the Commission’s” and substituting the following —

“ its ”;

(d) by deleting “Commission has” and substituting the following —

“ Electricity Corporation has ”; and

(e) by deleting “the Commission shall” and substituting the following —

“ it shall ”.

**Various references to “the Commission” changed to
“a corporation”**

39. The principal Act is amended, in accordance with the tables to this section, by deleting “the Commission” in the provisions referred to in those tables and substituting the following —

“ a corporation ”.

Table 1 — delete and substitute wherever occurs

6 (3)	58 (1) (a)	74 (2)
38 (1)	58 (4)	75 (1) (b)
38 (3)	62 (2)	75 (1) (c)
38 (4)	62 (9)	75 (2)
39 (2a)	62 (10) (a)	77
40 (3)	62 (10) (b)	79 (1)
43 (1) (b)	62 (12) (a)	84 (2)
46 (1)	65 (7)	123 (1)
46 (5)	67 (3)	123 (3) (a)
48 (2)	67 (4) (b)	124 (1)
50	67A (1)	124 (2)
57 (10)	74 (1) (a)	

Table 2 — delete and substitute in 1st place where occurs

4 (2)	45 (12)	53 (1)	64 (2)
5 (3)	45 (13)	54 (2)	65 (1)
6 (2)	45 (14)	58 (1) (b)	66 (1)
34	46 (2)	58 (2)	67 (1)
37 (1)	46 (3)	58 (3)	67A (2)
37 (2)	46 (7)	60 (2)	75 (1) (d)
38 (5)	46 (8)	60 (4)	75 (1) (e)
39 (3)	46 (9)	60 (5)	75 (4)
40 (1)	46 (10)	61 (1)	76
41	46 (11)	61 (4)	79 (2)
42 (2)	46 (14)	61 (7)	84 (3)
45 (1)	46 (16)	62 (1)	87 (1)
45 (2)	48 (1)	62 (3)	88 (1)
45 (3)	48 (4)	62 (5)	120
45 (6)	49	62 (12) (b)	121 (2)
45 (9)	51	62 (13)	125 (1) (c)
45 (10)	52 (1)	62 (17)	
45 (11)	52 (2)	64 (1)	

**Table 3 — delete and substitute in 1st and 2nd places
where occurs**

62 (4)
62 (8)
65 (2)

**Table 4 — delete and substitute in 1st, 2nd and 3rd places
where occurs**

57 (1)

**Various references to “The Commission” changed to
“A corporation”**

40. The principal Act is amended by deleting “The Commission” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ A corporation ”.

Table

43 (2)	61 (3)	66 (6)
46 (12)	61 (5)	68 (1)
48 (3)	62 (16)	68 (2)
53 (2)	64 (3)	84 (1)
61 (2)	64 (4)	121 (1)

**Other references to “Commission” changed to
“corporation”**

41. (1) This section applies to every provision of the principal Act in which “Commission” appears, other than sections 3 and 56, and which is not amended by another provision of this Act in such a way as to delete the word from the first-mentioned provision.

(2) The principal Act is amended by deleting "Commission" wherever it occurs in a provision to which this section applies, other than the 3rd occurrence in section 49 (e), and substituting the following —

" corporation ".

**PART 3 — TRANSITIONAL PROVISIONS FOR
SUCCESSION FROM COMMISSION TO NEW
CORPORATIONS**

Division 1 — Preliminary

Intention

42. The intention of the provisions of this Part is that the Electricity Corporation and the Gas Corporation will, in accordance with those provisions, stand in place of and be the successors to the Commission, except so far as section 48 applies.

Definitions

43. In this Part, unless the contrary intention appears —

“**assets**” means —

- (a) property of every kind whether tangible or intangible, real or personal, corporeal or incorporeal; and
- (b) without limiting paragraph (a) includes choses in action, goodwill, rights, interests and claims of every kind in or to property, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether liquidated or unliquidated, actual, contingent or prospective;

“**commencement day**” means the day on which Part 2 comes into operation;

“**Commission**” means the Commission under the principal Act as in force before the commencement day;

“corporation” means the Electricity Corporation or the Gas Corporation but in section 47 **“corporations”** means both of those corporations;

“Electricity Corporation” means the body corporate established by section 4 of the *Electricity Corporation Act 1994*;

“Gas Corporation” means the body corporate established by section 4 of the *Gas Corporation Act 1994*;

“liability” means any liability, duty or obligation whether actual, contingent or prospective, liquidated or unliquidated, or whether owed alone or jointly or jointly and severally with any other person;

“principal Act” means the *State Energy Commission Act 1979*;

“right” means any right, power, privilege or immunity whether actual, contingent or prospective;

“transfer order” means the order and any amendments to it made by the Minister under section 44, and includes any order made under subsection (5) of that section.

Division 2 — Devolution of Commission’s assets and liabilities etc.

Minister to make order for allocation of assets and liabilities

44. (1) As soon as is practicable after this section comes into force the Minister is to make and publish in the *Gazette* an order specifying —

- (a) how assets, rights and liabilities of the Commission are to be allocated to the Electricity Corporation and the Gas Corporation; and

- (b) any proceedings in which the Electricity Corporation or the Gas Corporation is to be, or both of those corporations are to be, substituted for the Commission as a party or parties.
- (2) An allocation under subsection (1) (a) may be made to —
- (a) the Electricity Corporation;
 - (b) the Gas Corporation; or
 - (c) both of those corporations either jointly or as tenants in common in equal or unequal shares.
- (3) Without limiting subsection (1), an order under that subsection may —
- (a) provide for the allocation of income in respect of any asset;
 - (b) in respect of a particular liability, allocate a specified share of the liability to each of the corporations;
 - (c) provide for the transfer, debiting, crediting, closing or otherwise dealing with any account, reserve, fund, provision, profit or liability for any levy; and
 - (d) contain such incidental or supplementary provisions as the Minister thinks fit.
- (4) The transfer order may be amended by the Minister, by further order published in the *Gazette*, but no such amendment may be made after the commencement day.
- (5) Where for any reason it is not practicable to allocate any asset, right or liability to a corporation, or to both of the corporations, under this section before the commencement date —
- (a) the transfer order is to specify that the asset, right or liability is to be allocated under this subsection; and

(b) the Minister may make a further order under this section in respect of that asset, right or liability not later than 90 days after the commencement day.

(6) An order under subsection (5) is to have effect from the commencement day.

(7) The Commission is to be taken to continue to hold an asset or right, and to be liable for a liability, to which subsection (5) applies until an order is made under that subsection.

Transfer of assets and liabilities to the Electricity Corporation

45. (1) On and after the commencement day —

- (a) the assets and rights of the Commission allocated to the Electricity Corporation by the transfer order vest in that corporation by force of this section;
- (b) the liabilities of the Commission (including a share of a liability) allocated to the Electricity Corporation by the transfer order become, by force of this section, the liabilities of that corporation;
- (c) subject to section 49, any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if the Electricity Corporation were substituted for the Commission in the agreement or instrument;
- (d) the Electricity Corporation is a party to any proceedings by or against the Commission commenced before the commencement day in accordance with any provision of the transfer order to that effect made under section 44 (1) (b);
- (e) any proceedings or remedy that might have been commenced by or available against or to the Commission in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b), may be commenced and are available, by or against or to the Electricity Corporation;

- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the commencement day by, to or in respect of the Commission (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the Electricity Corporation;
- (g) the Commission is to deliver to the Electricity Corporation all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to —
 - (i) the assets, rights and liabilities referred to in paragraphs (a) and (b); and
 - (ii) proceedings referred to in paragraph (d);and
- (h) all provisions of the transfer order relevant to this section have effect.

(2) Subsection (1) (c) and (e) has effect subject to any provision of the transfer order made under section 44 (3) (b).

Transfer of assets and liabilities to the Gas Corporation

- 46.** (1) On and after the commencement day —
- (a) the assets and rights of the Commission allocated to the Gas Corporation by the transfer order vest in that corporation by force of this section;
 - (b) the liabilities of the Commission (including a share of a liability) allocated to the Gas Corporation by the transfer order become, by force of this section, the liabilities of that corporation;

- (c) subject to section 49, any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if the Gas Corporation were substituted for the Commission in the agreement or instrument;
- (d) the Gas Corporation is a party to any proceedings by or against the Commission commenced before the commencement day in accordance with any provision of the transfer order to that effect made under section 44 (1) (b);
- (e) any proceedings or remedy that might have been commenced by or available against or to the Commission in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b), may be commenced and are available, by or against or to the Gas Corporation;
- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the commencement day by, to or in respect of the Commission (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the Gas Corporation;
- (g) the Commission is to deliver to the Gas Corporation all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to —
 - (i) the assets, rights and liabilities referred to in paragraphs (a) and (b); and
 - (ii) proceedings referred to in paragraph (d);and
- (h) all of the provisions of the transfer order relevant to this section have effect.

(2) Subsection (1) (c) and (e) has effect subject to any provision of the transfer made under section 44 (3) (b).

Transfer of assets and liabilities to both corporations**47. On and after the commencement day —**

- (a) the assets and rights of the Commission allocated to the corporations jointly by the transfer order vest in those corporations jointly by force of this section;
- (b) the assets and rights of the Commission allocated to the corporations as tenants in common by the transfer order vest in those corporations as tenants in common in the shares specified in the transfer order by force of this section;
- (c) the liabilities of the Commission allocated to the corporations jointly by the transfer order become, by force of this section, the liabilities of those corporations jointly;
- (d) subject to section 49, any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if the corporations were substituted for the Commission in the agreement or instrument;
- (e) the corporations jointly are parties to any proceedings by or against the Commission commenced before the commencement day in accordance with any provision of the transfer order to that effect made under section 44 (1) (b);
- (f) any proceedings or remedy that might have been commenced by or available against or to the Commission in relation to the assets, rights and liabilities referred to in paragraphs (a), (b) and (c), may be commenced and are available, by or against or to the corporations jointly or severally in accordance with the transfer order;
- (g) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a), (b) and (c) before the commencement day by, to or in respect of the Commission (to the extent that that act, matter or

thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the corporations jointly or severally in accordance with the transfer order;

- (h) the Commission is to deliver to the Electricity Corporation all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to —
 - (i) the assets, rights and liabilities referred to in paragraphs (a), (b) and (c); and
 - (ii) proceedings referred to in paragraph (e);and
- (i) all of the provisions of the transfer order relevant to this section have effect.

Unallocated assets and liabilities

48. Subject to section 44 (5), on and after the commencement day —

- (a) any assets and rights of the Commission that do not vest in a corporation or the corporations under section 45, 46 or 47, are to be dealt with as the Minister directs;
- (b) any liability of the Commission that does not become a liability of a corporation or the corporations under section 45, 46 or 47 is, so far as it is properly payable, to be discharged in such manner and from such source as the Minister, with the approval of the Treasurer, directs;
- (c) subject to section 49, any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if the State were substituted for the Commission in the agreement or instrument;

- (d) any proceedings or remedy that might have been commenced by or available against or to the Commission in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b), may be commenced and are available, by or against or to the State;
- (e) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the commencement day by, to or in respect of the Commission (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the State; and
- (f) the Commission is to deliver to the Minister all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to the assets, rights and liabilities referred to in paragraphs (a) and (b).

References to Commission in Government agreements

49. (1) The transfer order is to also specify for each provision in a Government agreement in which there is a reference to the Commission whether that reference is to be read as a reference to —

- (a) the Electricity Corporation;
- (b) the Gas Corporation;
- (c) both those corporations either jointly or as tenants in common in equal or unequal shares;
- (d) a Minister of the Crown or the State; or
- (e) the Coordinator of Energy referred to in section 4 of the *Energy Coordination Act 1994*.

(2) Subsection (1) does not apply to a provision of a Government agreement that is spent or has had its effect.

(3) On and after the commencement day a provision of a Government agreement which under subsection (1) is affected by the transfer order has effect by force of this section as so affected.

(4) In this section “**Government agreement**” has the same meaning as it has in the *Government Agreements Act 1979*.

Debentures and inscribed stock

50. (1) Without limiting section 45, 46 or 47 any debentures or inscribed stock which devolve under any of those sections, and the determination of rights and obligations in respect of the same, continue to be governed by sections 108 and 111 of the principal Act and regulations made under section 110 of that Act, despite the repeal of those sections, as if —

- (a) those sections and regulations remained in force; and
- (b) references in those sections and regulations to the “Commission” were references to a corporation or the corporations jointly or severally in accordance with the transfer order.

(2) The Governor may, by further regulations, amend or repeal the regulations referred to in subsection (1).

Guarantees in respect of Commission

51. (1) A guarantee under section 30 or 108 of the principal Act as in force immediately before the commencement day is not affected by —

- (a) any provision of this Act, including without limitation the transfer of any liability of the Commission under section 45, 46 or 47 to a corporation or the corporations jointly; or

- (b) any transfer, vesting or assumption of any liability of the Commission to, in or by a corporation or the corporations jointly by any other means.

(2) Any guarantee referred to in subsection (1) is to continue in force and is to be read and construed, on and from —

- (a) the commencement day; or
- (b) the day on which the transfer, vesting or assumption by any other means referred to in subsection (1) is effective,

as if it were a guarantee of the liabilities of the corporation which have been transferred, vested or assumed to, in or by it.

(3) Despite its repeal by section 34, section 106 (1) of the principal Act is to be taken to continue to apply for the purposes of subsection (2).

(4) The Treasurer may enter into any instrument confirming the continued liability of the State under a guarantee referred to in subsection (1).

(5) Division 4 of Part 5 of the relevant Act is to be taken to apply to a liability of a corporation referred to in subsection (1) if a guarantee of that liability cannot be preserved under this section (whether because the guarantee is governed otherwise than by the law of the State or for any other reason).

(6) In subsection (5) “**relevant Act**” means —

- (a) in the case of the Electricity Corporation, the *Electricity Corporation Act 1994*; and
- (b) in the case of the Gas Corporation, the *Gas Corporation Act 1994*.

(7) By virtue of this subsection, any sum paid by the Treasurer under a guarantee referred to in subsection (1)

constitutes a charge on the assets of the relevant corporation or the corporations jointly, as the case may require.

Commission to complete necessary transactions

52. (1) Where any asset, right or liability to which this Part applies cannot be properly vested in or succeeded to by the Electricity Corporation or the Gas Corporation, or by both of those corporations, by the operation of this Part (whether because the matter is governed otherwise than by the law of the State, or for any other reason) —

- (a) the Commission is to be taken to continue to hold or be liable for that asset, right or liability until the same is effectively vested in or succeeded to by the corporation concerned or both of the corporations in accordance with this Part; and
- (b) the Commission is to take all practicable steps for the purpose of securing that such asset, right or liability is effectively vested in or succeeded to by the corporation concerned or both of the corporations in accordance with this Part.

(2) The fact that subsection (1) (a) applies to an asset, right or liability that is allocated to a corporation or to both of the corporations under this Part does not affect the duty of the corporation or the corporations to account for and report on that asset, right or liability under the written law by which the corporation is established.

Exemption from State taxation

53. (1) In this section —

“**State tax**” includes stamp duty chargeable under the *Stamp Act 1921* and any other tax, duty, fee, levy or charge under a law of the State.

(2) State tax is not payable in relation to —

- (a) anything that occurs by the operation of this Part; or
- (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Part, or to give effect to this Part, or for a purpose connected with or arising out of, giving effect to this Part.

(3) The Treasurer or a person authorized by the Treasurer may, on request by the Electricity Corporation or the Gas Corporation, certify in writing that —

- (a) a specified thing occurred by the operation of this Part; or
- (b) a specified thing was done under this Part, or to give effect to this Part, or for a purpose connected with or arising out of giving effect to this Part.

(4) For all purposes and in all proceedings, a certificate under subsection (3) is conclusive evidence of the matters it certifies, except so far as the contrary is shown.

Registration of documents

54. (1) The relevant officials are to take notice of the provisions of this Part and are empowered to record and register in the appropriate manner the documents necessary to give effect to this Part.

(2) Without limiting subsection (1), a statement in an instrument executed by the Electricity Corporation or the Gas Corporation that any estate or interest in land or other property has become vested in it or in the corporations jointly or in specified shares under section 45, 46 or 47 is evidence of that fact.

(3) In subsection (1) “**relevant officials**” means the Registrar of Titles, the Registrar of Deeds, the Ministers respectively administering the *Land Act 1933* and the *Mining Act 1978* and any other person authorized by a written law to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land or any other property.

Saving

55. The operation of section 45, 46 or 47 is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information;
- (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability;
- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

Division 3 — Staff**Transition of employment**

56. Any agreement made at any time between the Commission and a person for the employment of that person on the staff of a corporation has effect after the commencement of section 15 of the *Electricity Corporation Act 1994* or section 15 of the *Gas Corporation Act 1994* as if it had been made by the board of the corporation under that section.

Employees' rights preserved

57. Except as otherwise agreed by an employee, the change from employment by the Commission to employment by a corporation does not —

- (a) affect the employee's remuneration;
- (b) prejudice the employee's existing or accruing rights;
- (c) affect any rights under a superannuation scheme; or
- (d) interrupt continuity of service.

Division 4 — General transitional provisions**Annual report for part of a year**

58. The accountable authority, within the meaning in the *Financial Administration and Audit Act 1985*, of the Commission is to report in respect of that body as required by section 66 of that Act, but limited to the period from the preceding 1 July to the commencement day, and Division 14 of Part II of that Act applies as if that period were a full financial year.

Completion of things commenced

59. Anything commenced to be done by the Commission under the principal Act before the commencement day may be continued by a corporation so far as the doing of that thing is within the functions of that corporation after the commencement day.

Continuing effect of things done

60. Any act, matter or thing done or omitted to be done before the commencement day by, to or in respect of the Commission, to the extent that that act, matter or thing —

- (a) has any force; and
- (b) is not governed by section 45 (f), 46 (f) or 47 (g),

is to be taken to have been done or omitted by, to or in respect of a corporation so far as the act, matter or thing is relevant to that corporation.

Immunity to continue

61. Despite Part 2 of this Act, where the Commission had the benefit of any immunity in respect of an act, matter or thing done or omitted before the commencement day, that immunity continues in that respect for the benefit of the corporations.

Agreements and instruments generally

62. (1) This section applies to any agreement or instrument subsisting immediately before the commencement day that does not come within the provisions of section 45 (1) (c), 46 (1) (c), 47 (d) or 49.

(2) Any agreement or instrument to which this section applies —

- (a) to which the Commission was a party; or
- (b) which contains a reference to the Commission,

has effect after that day as if —

- (c) the relevant corporation were substituted for the Commission as a party to the agreement or instrument; and
- (d) any reference in the agreement or instrument to the Commission were (unless the context otherwise requires) a reference to the relevant corporation.

(3) In this section “**relevant corporation**” means —

- (a) in relation to the functions of the Commission that after the commencement day are functions of the Electricity Corporation, that corporation;
- (b) in relation to the functions of the Commission that after the commencement day are functions of the Gas Corporation, that corporation.

Commission to perform necessary transitional functions

63. (1) Despite the repeal of section 7 of the principal Act by section 8 of this Act, the Commission continues in existence for the purpose of —

- (a) reporting as required by section 58; and
- (b) performing the functions described in sections 44 (7), 45 (1) (g), 46 (1) (g), 47 (h), 48 (f) and 52.

(2) The accountable authority, within the meaning in the *Financial Administration and Audit Act 1985*, also continues in existence for the purpose described in subsection (1) (a).

(3) Despite the provisions of the principal Act —

- (a) the members of the Commission immediately before the commencement day cease to hold office on that day;
- (b) the Commission is to be constituted by a person appointed by the Minister; and
- (c) the Commission is to perform the functions referred to in subsection (1) through that person.

(4) The person referred to in subsection (3) (b) holds office at the pleasure of the Minister and on such terms and conditions as the Minister determines.

(5) The Commission as constituted under this section has the powers that are necessary or convenient for the purposes of subsection (1).

(6) Each of the corporations is to provide the clerical or other assistance that the Commission reasonably requires for performing the functions described in subsection (1) in respect of that corporation.

Further transitional provision may be made

64. (1) If there is no sufficient provision in this Part for any matter or thing necessary or convenient to give effect to the intention described in section 42 the Minister may make that provision by order published in the *Gazette*.

(2) Any such order may be made so as to have effect from the commencement day.

(3) To the extent that a provision of any such order has effect on a day that is earlier than the day of its publication in the *Gazette*, the provision does not operate so as —

- (a) to affect, in a manner prejudicial to any person (other than the State, the Electricity Corporation, the Gas Corporation or any authority of the State), the rights of that person existing before the day of its publication; or
- (b) to impose liabilities on any person (other than the State, the Electricity Corporation, the Gas Corporation or any authority of the State), in respect of anything done or omitted to be done before the day of publication.

PART 4 — ELECTRICITY ACT 1945

Principal Act

65. In this Part the *Electricity Act 1945** is referred to as the principal Act.

[* *Reprinted as approved 26 June 1984.*

*For subsequent amendments see 1993 Index to
Legislation of Western Australia, Table 1, p. 68.]*

Section 4 repealed

66. Section 4 of the principal Act is repealed.

Section 5 amended

67. (1) Section 5 (1) of the principal Act is amended —

- (a) by deleting the definition of “Commission”;
- (b) by inserting the following definitions in their appropriate alphabetical positions —

“**Coordinator**” means the Coordinator of Energy referred to in section 4 of the *Energy Coordination Act 1994*;

“**Director**” means the Director of Energy Safety referred to in section 5 of the *Energy Coordination Act 1994*;

“**Electricity Corporation**” means the body corporate established by section 4 of the *Electricity Corporation Act 1994*;

”;

- (c) by deleting the definition of “inspector” and substituting the following —

“

“**inspector**” means a person designated as an inspector under section 12 of the *Energy Coordination Act 1994*;

”;

- (d) in the definition of “service apparatus” by deleting “the Commission” and substituting the following —

“ a supply authority ”; and

- (e) in the definition of “supply authority” by deleting “, and a reference to a supply authority may, pursuant to subsection (2) of this section, include a reference to the Commission”.

- (2) Section 5 (2) of the principal Act is repealed.

Section 6 repealed and sections substituted

68. Section 6 of the principal Act is repealed and the following sections are substituted —

“

Application of Act to Electricity Corporation

6. (1) The Electricity Corporation is a supply authority for the purposes of sections 25, 30, 32, 42, and 53, but not otherwise.

(2) The prohibition in section 7 (1) does not apply to the Electricity Corporation.

(3) By-laws made under section 33 do not apply to the Electricity Corporation.

Exemption may be granted

6A. The Minister may by instrument in writing served on the Electricity Corporation wholly or partially exempt that corporation from the requirements of section 30, on such terms and conditions and subject to compliance with such arrangements as he or she thinks fit, and may in like manner amend or revoke any such instrument.

”.

Section 7 amended

69. Section 7 (1) (d) of the principal Act is amended by deleting “Commission” in both places where it appears and substituting the following —

“ Electricity Corporation ”.

Section 9 amended

70. (1) Section 9 (1) of the principal Act is amended —

(a) by deleting “and in particular to subsection (2) of this section”; and

(b) by deleting “Commission” and substituting the following —

“

Coordinator and in accordance with any conditions and stipulations which he or she may impose and specify in the consent

”.

(2) Section 9 (2) of the principal Act is repealed.

Section 10 amended

71. Section 10 (2) of the principal Act is amended by deleting “Commission” and substituting the following —

“ Coordinator ”.

Sections 26, 27, 28 and 29 repealed

72. Sections 26, 27, 28 and 29 of the principal Act are repealed.

Section 30 amended

73. (1) Section 30 (1) (a) of the principal Act is amended by deleting “under this Act”.

(2) After section 30 (1) of the principal Act the following subsection is inserted —

“

(1a) The Minister may, by instrument in writing served on a supply authority, exempt that authority, wholly or partially, from the requirements of subsection (1) on such terms and conditions, and subject to compliance with such arrangements, as the Minister thinks fit.

(1b) The Minister may, in like manner, amend or revoke an instrument under subsection (1a).

”.

Section 31 repealed

74. Section 31 of the principal Act is repealed.

Section 32 amended

75. (1) Section 32 (1) of the principal Act is amended —

(a) by deleting “, on the recommendation of the Commission,”; and

(b) by deleting “and of the Commission thereunder”.

(2) Section 32 (1) (e) of the principal Act is amended by deleting “from time to time by the Commission or by officers of the Commission duly appointed for such purposes”.

(3) Section 32 (1) (k) of the principal Act is amended by deleting “Commission” and substituting the following —

“ Director ”.

(4) Section 32 (3) (a) of the principal Act is amended by deleting “Commission” and substituting the following —

“ Director ”.

(5) Section 32 (3) (e) of the principal Act is amended —

(a) by deleting “Commission” in both places where it appears and substituting the following —

“ Director ”; and

(b) by deleting “its” and substituting the following —

“ his or her ”.

(6) Section 32 (3) (i) of the principal Act is amended by deleting “Commission” in each place where it appears and substituting the following —

“ Director ”.

(7) Section 32 (5) of the principal Act is repealed and the following subsections are substituted —

“

(5) After the commencement of Part 4 of the *Energy Corporations (Transitional and Consequential Provisions) Act 1994* the powers conferred by this section are not to be exercised so as to impose, or authorize the imposition of, any obligation on the Electricity Corporation unless —

- (a) the responsible Ministers have recommended that exercise; and
- (b) the recommendation is made after the responsible Ministers have consulted with the Electricity Corporation.

(6) In subsection (5) “**responsible Ministers**” means —

- (a) the Minister to whom the administration of this Act is committed by the Governor; and
- (b) the Minister to whom the administration of the *Electricity Corporation Act 1994* is committed by the Governor.

”.

Section 33 amended

76. Section 33 (1) of the principal Act is amended by deleting “Commission and the consent of the Commission” and substituting the following —

“ Director ”.

Section 33B amended

77. (1) Section 33B (1) (b) of the principal Act is amended by inserting after “prescribed form” the following —

“

, and shall, unless exempted by the Director, be accompanied by a test report from a testing laboratory approved by him or her

”.

(2) Section 33B (5) (a) is amended by deleting “shall provide for the examination or testing or both of the electrical appliance referred to in the application and thereafter”.

(3) Section 33B (6) (b) of the principal Act is amended by deleting “testing” and substituting the following —

“ approval ”.

Section 54 repealed

78. Section 54 of the principal Act is repealed.

Various references to “Commission” changed to “Coordinator”

79. The principal Act is amended by deleting “Commission” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Coordinator ”.

Table

7 (1) (excluding para (d))	13 (6)	17 (2)
8 (1)	14	42 (2)
8 (2)	15 (1)	43 (1)
8 (3)	15 (3)	46 (1)
12 (1)	15 (4)	46 (2)
13 (1)	15 (5)	49 (1)
13 (2)	15 (6)	51 (1)
13 (3)	16 (2)	51 (2)
13 (4)	16 (3)	
13 (5)	17 (1)	

Various references to “Commission” changed to “Director”

80. The principal Act is amended by deleting “Commission” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Director ”.

Table

18 (f) (iii)	33 (2)	33B (4)
19 (2)	33AA (1)	33B (5)
20 (1) (b)	33AA (3)	33B (6)
20 (1) (c)	33B (1)	33C (1)
25 (2) (a)	33B (2)	41 (3) (a)
25 (2) (b)	33B (3)	

Amendment of “it” to “he or she”

81. The principal Act is amended by deleting “it” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ he or she ”.

Table

8 (3)	13 (4)	32 (3) (i)
13 (3)	15 (4)	46 (1) (second occurrence)

Amendment of “its” to “his or her”

82. The principal Act is amended by deleting “its” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ his or her ”.

Table

7 (1)
13 (2)

Deletion of “its”

83. The principal Act is amended by deleting “its” where it occurs in the provisions referred to in the table to this section.

Table

13 (3) (twice)	15 (3)	33B (1) (b)
13 (4)	15 (4)	

Transitional provision

84. Every instrument under a provision of the principal Act in force immediately before the commencement of this Part is to continue to have effect after that commencement according to its terms and conditions, as if it had been made under that provision as amended by this Part.

PART 5 — GAS STANDARDS ACT 1972

Principal Act

85. In this Part the *Gas Standards Act 1972** is referred to as the principal Act.

[* Reprinted as at 15 February 1989.]

Section 4 amended

86. Section 4 of the principal Act is amended —

- (a) by deleting the definition of “Commission”;
- (b) by inserting the following definitions in their appropriate alphabetical positions —

“

“**Director**” means the Director of Energy Safety referred to in section 5 of the *Energy Coordination Act 1994*;

“**Gas Corporation**” means the body corporate established by section 4 of the *Gas Corporation Act 1994*;

”;

- (c) in the definition of “inspector” by deleting “appointed under section 12” and substituting the following —

“

designated under section 12 of the *Energy Coordination Act 1994*

”;

and

- (d) in the definition of “undertaker” by deleting “Commission” and substituting the following —

“ Gas Corporation ”.

Section 6 repealed

87. Section 6 of the principal Act is repealed.

Section 12 amended

88. (1) Section 12 (1) and (2) of the principal Act are repealed.

(2) Section 12 (4) of the principal Act is amended by deleting “(2) or”.

- (3) Section 12 (5) and (6) of the principal Act are repealed.

Section 13 amended

89. Section 13 (2), (3), (4) and (5) of the principal Act are repealed and the following subsections are substituted —

“

(2) The Minister may, by instrument in writing served on an undertaker or a pipeline licensee, exempt that undertaker or pipeline licensee from the duty to carry out an inspection of all gas installations for the purposes of subsection (1), and may in like manner amend or revoke any such instrument.

(3) An exemption under subsection (2) may be granted on such terms and conditions, and subject to compliance with such arrangements, as the Minister thinks fit.

”.

Section 13A amended

90. (1) Section 13A (1) of the principal Act is repealed.

(2) Section 13A (3) of the principal Act is amended —

(a) in paragraph (e) by deleting “its” and substituting the following —

“ his or her ”; and

(b) in paragraph (i) by deleting “it” and substituting the following —

“ he or she ”.

(3) Section 13A (5) of the principal Act is amended by deleting “Secretary to the Commission” and substituting the following —

“ Director ”.

Section 13E amended

91. (1) Section 13E (2) of the principal Act is repealed and the following subsections are substituted —

“

(2) The Director may require that a gas appliance, or a gas appliance of the kind to which the application relates, be tested or approved, or tested and approved, by a person recognized by the Director as a competent authority for that purpose and carry a mark recognized by the Director.

(2a) The Director may, by notice published in the *Gazette*, specify the persons and the marks which are recognized by the Director for the purposes of subsection (2).

”.

(2) Section 13E (3) of the principal Act is amended by deleting “its”.

(3) Section 13E (4) of the principal Act is repealed and the following subsection is substituted —

“

(4) A person who applies for the approval of a gas appliance under subsection (1) shall pay to the Director such fee or charge as is determined by the Director having regard to the cost of processing the application and determining the suitability of the gas appliance for approval.

”.

(4) Section 13E (6) of the principal Act is amended by deleting “its”.

Section 15 amended

92. After section 15 (3) of the principal Act the following subsections are inserted —

“

(4) After the commencement of Part 5 of the *Energy Corporations (Transitional and Consequential Provisions) Act 1994* the powers conferred by this section are not to be exercised so as to impose, or authorize the imposition of, any obligation on the Gas Corporation unless —

- (a) the responsible Ministers have recommended that exercise; and
- (b) the recommendation is made after the responsible Ministers have consulted with the Gas Corporation.

(5) In subsection (4) **“responsible Ministers”** means —

- (a) the Minister to whom the administration of this Act is committed by the Governor; and
- (b) the Minister to whom the administration of the *Gas Corporation Act 1994* is committed by the Governor.

”.

Various references to “Commission” changed to “Director”

93. The principal Act is amended by deleting “Commission” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Director ”.

Table

10 (1)	13A (9)	13B (3)	13F (1)
10 (2)	13A (10)	13C (3)	13F (2)
10 (3)	13A (11)	13C (4)	13F (3)
10 (4) (d)	13A (12)	13D (1)	13G (1)
11 (b)	13A (13)	13D (2)	13H (1)
13A (3)	13A (15)	13E (1)	13H (2)
13A (4)	13A (16)	13E (3)	13H (3)
13A (6)	13A (17)	13E (5)	15 (2)
13A (7)	13A (19)	13E (6)	
13A (8)	13A (20)	13E (7)	

PART 6 — GAS UNDERTAKINGS ACT 1947

Principal Act

94. In this Part the *Gas Undertakings Act 1947** is referred to as the principal Act.

[* Reprinted as at 15 January 1991.]

Section 2 amended

95. Section 2 (1) of the principal Act is amended —

- (a) by deleting the definition of “Commission” and substituting the following —

“

“**Coordinator**” means the Coordinator of Energy referred to in section 4 of the *Energy Coordination Act 1994*;

”;

- (b) by inserting after the definition of “franchised area” the following definition —

“

“**Gas Corporation**” means the body corporate established by section 4 of the *Gas Corporation Act 1994*;

”;

and

- (c) in the definition of “gas undertaker” or “undertaker” by inserting after “local authority” the following —

“ or the Gas Corporation ”.

Section 3 repealed

96. Section 3 of the principal Act is repealed.

Section 5 amended

97. Section 5 of the principal Act is amended by deleting “its” and substituting the following —

“ his or her ”.

Section 18 amended

98. Section 18 (3) (c) of the principal Act is amended by deleting “the company, the Commission” and substituting the following —

“ the company ”.

Section 18B amended

99. Section 18B of the principal Act is amended by deleting “its” and substituting the following —

“ his or her ”.

Section 18C amended

100. (1) Section 18C (2) (a) of the principal Act is amended by deleting “the Commission” and substituting the following —

“ any person ”.

(2) Section 18C (4) (h) of the principal Act is amended by deleting “the Commission or any other” and substituting the following —

“ any ”.

Section 18D amended

101. Section 18D (1) of the principal Act is amended —

(a) by deleting “the Commission or any other” and substituting the following —

“ any ”; and

(b) by deleting “Commission or that other”.

Section 28 amended

102. Section 28 of the principal Act is amended —

(a) by deleting “by it”; and

(b) by deleting “its” and substituting the following —

“ the Coordinator’s ”.

Various references to “Commission” changed to “Coordinator”

103. The principal Act is amended by deleting “Commission” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Coordinator ”.

Table

4 (1)	14 (1)	18 (1)	18B
5	14 (2)	18 (2)	18C (1)
6 (1)	14 (3)	18 (3)	18C (3)
6 (3)	14 (4)	18A (1)	18F
6 (4)	14 (5)	18A (2)	22
8 (2)	17 (1)	18A (3)	28

PART 7 — LIQUID PETROLEUM GAS ACT 1956

Principal Act

104. In this Part the *Liquid Petroleum Gas Act 1956** is referred to as the principal Act.

[* *Act No. 58 of 1956.*

*For subsequent amendments see 1993 Index to
Legislation of Western Australia, Table 1, p. 121.]*

Section 4 amended

105. Section 4 of the principal Act is amended —

- (a) by deleting the definition of “Commission” and substituting the following —

“

“**Director**” means the Director of Energy Safety referred to in section 5 of the *Energy Coordination Act 1994*;

”;

and

- (b) in the definition of “standard” by deleting “Commission” and substituting the following —

“ Director ”.

Section 5 repealed

106. Section 5 of the principal Act is repealed.

Section 7 amended

107. Section 7 (2) and (3) of the principal Act are repealed.

Various references to “Commission” changed to “Director”

108. The principal Act is amended by deleting “Commission” where it occurs in the provisions referred to in the table to this section and substituting the following —

“ Director ”.

Table

6 (1)	6 (3)	7 (4)
6 (2)	6 (4)	7 (5)
6 (2a)	7 (1)	7 (6)

PART 8 — AMENDMENT OF VARIOUS ACTS

Various Acts amended

109. The Acts referred to in the first column of the table to this section are amended in the manner set out in the second column of that table.

TABLE

Short title of Act	Amendment
	In Part 3 of Schedule V —
<i>Constitution Acts Amendment Act 1899</i>	(a) the item relating to the Energy Advisory Council is deleted;
	(b) the item relating to the State Energy Commission of Western Australia is deleted;
	(c) the following items are inserted in their appropriate alphabetical positions —
	“ The Electricity Corporation established by the <i>Electricity Corporation Act 1994</i> .
	The Gas Corporation established by the <i>Gas Corporation Act 1994</i> . ”

*Equal Opportunity
Act 1984*

In Section 139 (1), paragraph (c) is deleted and the following paragraphs are substituted —

“ (c) the Electricity Corporation established by the *Electricity Corporation Act 1994*;

(ca) the Gas Corporation established by the *Gas Corporation Act 1994*;

”.

*Explosives and
Dangerous Goods
Act 1961*

(1) In section 63 (ea) “, the *Petroleum (Submerged Lands) Act 1982* or the *State Energy Commission Act 1979*” is deleted and the following is substituted —

“ or the *Petroleum (Submerged Lands) Act 1982*

”.

(2) After section 63 (ea) the following paragraph is inserted —

“ (eb) to any pipeline owned, operated or maintained by the Electricity Corporation under the *Electricity Corporation Act 1994* or the Gas Corporation under the *Gas Corporation Act 1994*;

”.

*Financial
Administration
and Audit Act
1985*

In Schedule 1, the item relating to the State Energy Commission of Western Australia is deleted.

*Fuel, Energy and
Power Resources
Act 1972*

(1) Section 4 is repealed.

(2) In section 42 “the Commission or such other” is deleted and the following is substituted —

“ such ”.

(3) In section 52 “the Commission,” is deleted.

*Government
Employees
Superannuation
Act 1987*

In Schedule 1, in Part B the item relating to the State Energy Commission of Western Australia is deleted and the following items are inserted in their appropriate alphabetical positions —

“ Gas Corporation ”;

“ Electricity Corporation ”.

*Local Government
Act 1960*

(1) In section 297A (3), paragraph (b) is deleted and the following paragraphs are substituted —

“ (b) the Electricity
C o r p o r a t i o n
established by the
E l e c t r i c i t y
Corporation Act 1994;

(ba) the Gas Corporation
established by the
Gas Corporation Act
1994;

”.

- (2) In section 297B (2) (b), subparagraph (iv) is deleted and the following subparagraphs are substituted —

“ (iv) the Electricity Corporation established by the *Electricity Corporation Act 1994*;

(iva) the Gas Corporation established by the *Gas Corporation Act 1994*; ”.

Metropolitan Region Town Planning Scheme Act 1959

In the Second Schedule, item 13 is deleted and the following is substituted —

“ 13. Electricity Corporation.
13A. Gas Corporation. ”.

Minerals and Energy Research Act 1987

- (1) In section 3, after the definition of “Board Chairman” the following definition is inserted —

“ **“Coordinator of Energy”**
m e a n s t h e
C o o r d i n a t o r o f
E n e r g y r e f e r r e d t o i n
s e c t i o n 4 o f t h e
Energy Coordination Act 1994; ”.

- (2) In section 3, in the definition of “the Solar Institute”, the semicolon is deleted and a full stop is substituted.

- (3) In section 3, the definition of “the State Energy Commission” is deleted.

- (4) In section 5 “State Energy Commission” is deleted and the following is substituted —

“ Coordinator of Energy ”.

- (5) In section 12 (2) “State Energy Commission” is deleted and the following is substituted —

“ Coordinator of Energy ”.

- (6) In section 21 (1) (h) “*State Energy Commission Act 1979*” is deleted and the following is substituted —

“ *Energy Coordination
Act 1994* ”.

*Parliamentary
Commissioner
Act 1971*

- (1) In the Schedule, after the item relating to the Gaming Commission of Western Australia the following item is inserted —

“ Gas Corporation established
by the *Gas Corporation
Act 1994*. ”.

- (2) In the Schedule, the item relating to the State Energy Commission of Western Australia is deleted.

- (3) In the Schedule, after the item relating to the Ministry of Education the following item is inserted —

“ Electricity Corporation
established by the *Electricity
Corporation Act 1994*. ”.

*Public Authorities
(Contributions)
Act 1974* In section 2, in the definition of “public
authority”, paragraph (a) is deleted.

*Public Sector
Management
Act 1994* (1) The following items are added to
Schedule 1 —

- “ 16. Gas Corporation
established by the *Gas
Corporation Act 1994*
17. Electricity Corporation
established by the
*Electricity Corporation
Act 1994* ”.

(2) In Schedule 2, item 52 is deleted.

*Public Works
Act 1902* (1) In section 5A, paragraph (d) is deleted
and the following paragraphs are
substituted —

- “ (d) the Minister of the
Crown to whom the
administration of the
*E l e c t r i c i t y
Corporation Act 1994*
is for the time being
committed by the
Governor;
- (da) the Minister of the
Crown to whom the
administration of the
*Gas Corporation Act
1994* is for the time
being committed by
the Governor; ”.

*Energy Corporations (Transitional and
Consequential Provisions) Act 1994*

- (2) In section 5B (1), paragraph (c) is deleted and the following paragraphs are substituted —

“ (c) in the case of the Minister of the Crown referred to in section 5A (d), to the Electricity Corporation established by the *Electricity Corporation Act 1994* or an officer of that corporation;

(ca) in the case of the Minister of the Crown referred to in section 5A (da), to the Gas Corporation established by the *Gas Corporation Act 1994* or an officer of that corporation; or ”.

- (3) Part VA is repealed.

*Superannuation
and Family
Benefits Act 1938*

In section 6 (1), in the definition of “department”, “State Energy Commission of Western Australia” is deleted and the following is substituted —

“ Gas Corporation and the
Electricity Corporation ”.

*Town Planning
and Development
Act 1928*

In section 27A (1) (b) subparagraph (iv) is deleted and the following subparagraphs are substituted —

- “ (iv) the Electricity Corporation under the *Electricity Corporation Act 1994* for the purpose of the supply of electricity or access to electricity supply works;
- (v) the Gas Corporation under the *Gas Corporation Act 1994* for the purpose of the supply of gas or access to gas supply works,

”.