

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 December, 1945.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, December, 1945.*

New South Wales.



ANNO DECIMO

GEORGII VI REGIS.

Act No. , 1945.

An Act to provide for the development of electricity supply; to provide for the constitution of the Electricity Authority of New South Wales and to define its powers, authorities, duties and functions; to provide for the regulation of the sale and hiring of electrical apparatus and the licensing of electrical contractors and electricians; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

73223

25—A

BE

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Electricity Development.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Electricity Development Act, 1945." Short title and commencement.

10 (2) Parts I, II and VII of this Act shall commence on the day upon which the assent of His Majesty to this Act is signified.

15 (3) Parts III, IV, V and VI of this Act shall commence upon such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Different days may be so appointed and notified in respect of such Parts.

20 **2.** This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of **25** such provision to other persons or circumstances shall not be affected. Construction.

3. This Act is divided into Parts as follows :—

Division into Parts.

PART I.—PRELIMINARY—*ss.* 1-4.

30 PART II.—CONSTITUTION OF THE ELECTRICITY AUTHORITY OF NEW SOUTH WALES—*ss.* 5-7.

PART III.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY—*ss.* 8-14.

PART IV.—FINANCE—*ss.* 15-19.

35 PART V.—ELECTRICAL APPARATUS AND APPLIANCES; AND ELECTRICAL CONTRACTORS AND ELECTRICIANS *ss.* 20-26.

PART

Electricity Development.

PART VI.—RESTRICTIONS UPON WORKS FOR
ELECTRICITY SUPPLY—s. 27.

PART VII.—GENERAL—ss. 28-37.

SCHEDULE.

5 4. In this Act, unless the context or subject matter ^{Interpreta-}
otherwise indicates or requires— _{tion.}

“Authority” means The Electricity Authority of
New South Wales.

10 “Council” has the meaning ascribed thereto in the
Local Government Act, 1919, as amended by
subsequent Acts, and includes a county council
constituted under that Act, as so amended, and
15 a county council for a county district con-
stituted pursuant to section twelve of this Act,
and the Sydney County Council.

“Electrical contractor” includes a firm, company,
partnership, society, association or body of
persons, corporate or unincorporate, trading as
an electrical contractor, and any person licensed
20 under or in pursuance of this Act as an
electrical contractor.

“Electrical installation” means any appliances,
wires, fittings or other apparatus placed in, on,
25 under, or over any premises (including premises
held under lease from the Crown for private
purposes and premises occupied for private
purposes which are supplied with electricity by
the Crown) and used for or for purposes
30 incidental to the conveyance, control or use of
electricity supplied or intended to be supplied by
an electricity supply authority, and whether
such appliances, wires, fittings or apparatus are
or are not supplied by the person contracting
or undertaking to instal the same, and includes
35 additions, alterations and repairs to an electrical
installation; but does not include—

(a) any electricity supply main or service
line of an electricity supply authority;

or

(b)

Electricity Development.

5 (b) any appliances, wires, fittings or apparatus connected to and beyond any electrical outlet socket which is installed for the purpose of connecting portable electrical appliances, fittings or apparatus and at which fixed wiring terminates; or

10 (c) any appliances, wires, fittings or apparatus which are placed in, on or over any premises owned or occupied by an electricity supply authority and which are not used for the consumption of electricity on such premises or which are not used solely for purposes incidental to the conveyance or control of electricity so consumed; or

15 (d) any electrical installation in or about a mine.

20 "Electrical wiring work" and "work" mean the actual physical work of installing an electrical installation.

"Electrician" means any person engaged in electrical wiring work who is not an electrical contractor.

25 "Electricity supply authority" means any person engaged in the supply of electricity to the public or in the generation of electricity for supply, directly or indirectly, to the public, whether by
30 virtue of any statute or any franchise agreement under any Act or otherwise and includes the Administrator of the Southern Electricity Supply of New South Wales, The Commissioner for Railways and the Water Conservation and Irrigation Commission.

35 "Main transmission line" means any cable or overhead line which connects or transmits or is designed or intended to connect or transmit electricity between two or more power stations

or

Electricity Development.

- 5 or which is operated for or in connection with the supply of electricity directly or indirectly to the public at a voltage in excess of eleven thousand five hundred volts, and all towers, poles and equipment and all step-up and step-down transformers and switchgear necessary to and used for the control and operation of any such cable or overhead line.
- 10 “Member” means member of the Authority.
“Mine” has the meaning ascribed thereto in the Local Government Act, 1919, as amended by subsequent Acts.
- 15 “Power station” means any station for generating or which is designed or intended for generating electricity for supply directly or indirectly to the public.
- “Prescribed” means prescribed by this Act or by the regulations.
- 20 “Person” includes a council.
“Regulations” means regulations made or deemed to be made under this Act.

PART II.

CONSTITUTION OF THE ELECTRICITY AUTHORITY OF
NEW SOUTH WALES.

- 25 5. (1) (a) There shall be constituted an Electricity Authority of New South Wales which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Authority by or under this Act. Constitution of Authority.
- 30 (b) The Authority shall consist of seven members appointed by the Governor.
- (c) One of such members shall in and by the instrument by which he is appointed be the chairman of the Authority and another of such members shall in and by Chairman.
- 35 the instrument by which he is appointed be the deputy chairman of the Authority.
- (d) (i) One of the members shall be an engineer having special knowledge of the generation, transmission and supply of electricity; (ii)

Electricity Development.

(ii) two of the members shall be members of a council;

(iii) one of the members shall be the manager, general manager, electrical engineer or person in charge
5 of the electricity undertaking of a council; and

(iv) one of the members shall be a person appointed to represent the interests of employees engaged in the electrical industry:

10 Provided that of the two members appointed under subparagraph (ii) of this paragraph one shall be a member of a council within the County of Cumberland or the County of Northumberland and one a member of a council outside the County of Cumberland those counties.

15 (2) (a) Subject to this Act—

Term of office.

(i) the chairman shall hold office for a term of seven years;

(ii) each member other than the chairman shall hold office for such term, not exceeding seven years,
20 as may be specified in the instrument by which he is appointed;

(iii) a member shall, if otherwise qualified, be eligible from time to time for re-appointment upon the expiration of his term of office.

25 (b) A person who is of or above the age of sixty-five years shall not be appointed a member.

(3) (a) The chairman shall devote the whole of his time to the duties of his office and shall receive such annual salary as the Governor may determine.
Duties of chairman.

30 (b) Each member, other than the chairman, shall be entitled to receive such remuneration for his services as may from time to time be fixed by the Governor.

35 A member who is an officer of the Public Service shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration under this paragraph in addition to any remuneration to which he is entitled as an officer of the Public Service.

(c)

Electricity Development.

(c) Each member shall be entitled to receive travelling expenses at such rate as the Governor may from time to time determine.

Travelling expenses.

(d) The office of a member other than the chairman shall not for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1932, or any Act amending such Acts, be deemed to be an office or place of profit under the Crown.

(4) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any member, and a member shall not, in his capacity as a member, be subject to the provisions of any such Act during his term of office.

(5) (a) Each member before entering upon the duties of his office shall take an oath of allegiance under and in accordance with the Oaths Act, 1900-1936, and shall make and subscribe the following declaration of office:—

Oath of allegiance and declaration of office.
cf. Act No. 20, 1940, s. 27.

I.....
having been appointed a member of The Electricity Authority of New South Wales, do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

(b) If a person, after having been afforded an opportunity of taking the oath of allegiance and making and subscribing such declaration, neglects to do so for a period of one month or during such extended period as the Governor may appoint pursuant to paragraph (c) of this subsection after the date upon which he is appointed, he shall upon the expiration of such period of one month or extended period, as the case may be, be deemed to have declined to accept office.

(c) Where the Governor is satisfied that the delay in taking such oath and making and subscribing such declaration is unavoidable he may extend the time for taking such oath and making and subscribing such declaration for any period not exceeding six months.

(d)

Electricity Development.

(d) Any person who is deemed to have declined to accept office shall not be eligible to be re-appointed to fill the vacancy created.

(6) (a) A member shall be deemed to have vacated ^{Vacation} his office— _{of office.}

- (i) if, being the chairman, he engages in New South Wales during his term of office in any paid employment outside the duties of his office;
- 10 (ii) if, being one of the members referred to in subparagraph (ii) or subparagraph (iii) of paragraph (d) of subsection one of this section, he ceases to hold the qualification by virtue of which he was appointed;
- 15 (iii) if he becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (iv) if, being the chairman, he absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Minister (which 20 leave the Minister is hereby authorised to grant);
- (v) if he is absent from four consecutive ordinary meetings of the Authority without leave granted by the Authority;
- 25 (vi) if he becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1944;
- 30 (vii) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- 35 (viii) if he resigns his office by writing under his hand addressed to the Governor;
- (ix) if he is removed from office by the Governor; or
- (x) if he declines office or is deemed to have declined office.

(b)

Electricity Development.

(b) A member shall be deemed to have vacated his office on the day upon which he attains the age of sixty-five years.

5 (7) The Governor may, for any cause which appears to him sufficient, remove a member from office.

(8) Any member who is in any wise personally concerned or interested in any bargain or contract made by or on behalf of the Authority for any purpose connected with or relating to the powers, authorities, duties or
10 functions of the Authority or in any wise participates or claims to be entitled to participate in the profit of any such bargain or contract or in any benefit or emolument arising therefrom shall thereby vacate his office as a member and shall also be liable upon summary con-
15 viction to a penalty not exceeding fifty pounds:

cf. Act No. 65, 1941, s. 5 (8); Act No. 19, 1943, s. 5 (4) (b).

Provided that a member shall not vacate his office or be liable to any penalty as aforesaid by reason only of—

- (a) receiving or being entitled to receive any pay-
20 ment, benefit or emolument in consequence of his appointment as member;
- (b) being beneficially interested in any newspaper ~~in which~~ or other advertising medium used by the Authority ~~inserts advertisements~~; or
- (c) being a shareholder or member (but not a
25 director or manager) of any incorporated company of more than twenty persons with which the Authority has entered into any bargain or contract for any purpose connected with or
30 relating to the powers, authorities, duties or functions of the Authority.

(9) On the occurrence of a vacancy in the office of a member, a person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

Vacancy in office of member.

35 (10) A person who at the date of his appointment as chairman is an officer of the Public Service, and who ceases to be chairman from any cause whatsoever, other-
wise than in pursuance of subsections six, seven and eight of this section (subparagraph (viii) of paragraph

Officer of Public Service appointed chairman.

40 (a) of subsection six excepted), shall if he is under the age of sixty years be appointed to some office in the
Public

Electricity Development.

Public Service not lower in classification and salary than that which he held immediately before his appointment as chairman.

(11) (a) Nothing contained in this Act shall affect
 5 the rights accrued and accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916-1944, or any Act amending such Acts, to any person appointed chairman who is at the time of his appointment or has
 10 been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916-1944, or any amendment thereof.

(b) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916-1944, or any amendment
 15 thereof, appointed chairman shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or
 20 the Superannuation Act, 1916-1944, as the case may be, or any Act amending such Acts, and for such purpose his service as chairman shall be deemed to be service for the purpose of such Acts.

6. (1) The Authority shall be a body corporate with
 25 perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising and disposing of or otherwise dealing with real and personal
 30 property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) The corporate name of the Authority shall be
 "The Electricity Authority of New South Wales." Corporate name.

(3) The common seal shall be kept in the custody
 35 of the chairman and shall not be affixed to any instrument except in pursuance of a resolution of the Authority. Common seal.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of any two
 40 members.

Electricity Development.

(4) (a) In the case of the absence from duty of the chairman, the deputy chairman shall act in his place, and whilst so acting shall have the immunities and may exercise all the powers and authorities of the chairman.

5 (b) The deputy chairman while so acting may, if the Governor thinks fit, be paid such additional remuneration for his services as the Governor may determine.

10 (c) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the deputy chairman to act in the place of the chairman; and all acts or things done or omitted by the deputy chairman while so acting shall be as valid and effectual and shall have the same consequences as if the
15 same had been done or omitted by the chairman.

(5) (a) The procedure for the calling of meetings Procedure. of the Authority and for the conduct of business at such meetings shall, subject to this Act and any regulations in relation thereto, be as determined by the Authority.

20 (b) The chairman or in his absence the deputy chairman shall preside at all meetings of the Authority Chairman to preside at meetings. at which he is present, and in addition to a deliberative vote shall, if the voting be equal, have a second or casting vote.

25 (c) Four members, one of whom shall be the chairman or, in his absence, the deputy chairman, shall form a quorum and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Authority, and shall have and may exercise and discharge all the powers, authorities, duties, and
30 functions of the Authority. Quorum.

A decision of the majority of the members present at a meeting of the Authority shall be the decision of the Authority.

35 (d) The Authority shall cause minutes of its decisions to be kept upon the official papers and cause minutes to be kept of its proceedings at formal meetings.

(6)

Electricity Development.

(6) (a) No matter or thing done, and no contract entered into by the Authority, and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Authority shall, if
5 the matter or thing was done or the contract was entered into bona fide for the purposes of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(b) Nothing in this subsection shall exempt
10 any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Authority, and which such member authorised or joined in authorising.

(7) No act or proceeding of the Authority shall
15 be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the offices of members.

Validity of
acts and
proceedings.

7. (1) The Governor may, under and subject to the
20 provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary to enable the Authority to exercise and discharge the powers, authorities, duties and functions conferred and imposed on
25 the Authority by or under this or any other Act.

Officers and
employees.
cf. Act No.
65, 1941,
s. 6.

(2) The officers and employees so appointed shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, during their tenure of office.

(3) The Authority may appoint, employ and dismiss such casual employees as it deems necessary and may fix wages and conditions of employment of such casual employees where such wages and conditions are not fixed in accordance with the provisions of any other
35 Act.

The appointment of casual employees under this subsection shall not be subject to the provisions of the Public Service Act, 1902, or any Act amending that Act, and a
casual

Electricity Development.

casual employee so appointed shall not be subject to the provisions of any such Acts during the period of his employment.

(4) (a) For the purposes of exercising and dis-
5 charging the powers, authorities, duties and functions conferred and imposed on the Authority by or under this or any other Act, the Authority may, with the approval of the Minister of the Department concerned, on such terms as may be arranged, make use of the services
10 of any of the officers or employees of any Government Department.

(b) The Authority may for the like purpose with the approval of any statutory body or council, on such terms as may be arranged, make use of the services
15 of any of the officers, servants or employees of such statutory body or council.

(c) In this subsection "statutory body" means any public body which the Governor may by proclamation published in the Gazette declare to be a
20 statutory body.

(5) Nothing in this section shall be construed to preclude the Authority from engaging for any particular purpose specified in a resolution of the Authority the services of any engineer, architect, surveyor, builder,
25 contractor or other person whomsoever.

PART III.

POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE
AUTHORITY.

30 8. In the exercise and discharge of its powers, authorities, duties and functions the Authority shall be subject in all respects to the control and direction of the Minister.

Authority
subject to
control of
Minister.

9.

Electricity Development.

9. (1) Subject to this Act the Authority shall have ^{Powers of} power— _{Authority.}

- 5 (a) to promote and regulate the co-ordination, development, expansion, extension and improvement of electricity supply throughout the State, and without limiting the generality of the foregoing power, to promote and regulate—
- 10 (i) the interconnection of power stations;
- (ii) the interchange of electricity between power stations;
- 15 (iii) the erection, extension or alteration of power stations;
- (iv) the installation and renewal of generating units and steam raising plant in power stations;
- 20 (v) the erection and extension of main transmission lines;
- (vi) the extension and improvement of electricity supply to and within rural districts;
- 25 (vii) the adoption of standards of plant, equipment, frequency and voltage for the generation, transmission, distribution and supply of electricity;
- 30 (b) to promote and encourage the development and use of the natural resources of the State in connection with the generation of electricity;
- (c) to promote and encourage the use of electricity and especially the use thereof for industrial and manufacturing purposes and for the purpose of primary production;
- 35 (d) to advise any person engaged in the generation, transmission, distribution or supply of electricity upon all matters of and concerning such generation, transmission, distribution and supply;
- (e)

Electricity Development.

- (e) to consider the advisability of amending the law relating to the generation, transmission, distribution, supply and use of electricity, and to report thereon to the Minister. Any such report shall be accompanied by a draft of the legislation (including regulations and the like) necessary to give effect to such report; and
- (f) to do such supplemental, incidental and consequential acts as may be necessary or expedient for the purposes aforesaid.
- (2) Where by any other Act or by any ordinance, regulation or by-law made under any other Act the approval of the Governor is required to be given to any proposal relating to electricity or to the generation, transmission, distribution or supply thereof, such approval shall not be given unless and until the proposal has been referred to the Authority for consideration and report.
- (3) Sections 512H and 512I of the Local Government Act, 1919, as amended by subsequent Acts, are hereby repealed.

10. (1) The Authority ~~may, and whenever required by the Minister shall,~~ **shall, as and when required by the Minister,** conduct inquiries or investigations for any purpose of or connected with the carrying out of the provisions of this Act.

(2) The Authority shall furnish the Minister with a report setting out the results of any inquiry or investigation made under this section.

(3) For the purposes of any inquiry or investigation under this section the Authority shall have the powers and immunities of a commissioner, and the chairman of the Authority shall have the powers of a chairman within the meaning of Division 1 of Part II of the Royal Commissions Acts, 1923-1934, and the provisions of that Act, with the exception of section thirteen and of Division 2 of Part II shall, mutatis mutandis, apply to any witness or person summoned by or appearing before the Authority.

11.

Repeal of Act No. 41, 1919, ss. 512H and 512I.

(Electricity Advisory Committee.)

(Consequential.)

Inquiries and investigations.

cf. Act No. 65, 1941, s. 17.

Electricity Development.

11. (1) For the purposes of carrying out the provisions of this Act the Authority may from time to time formulate proposals for and in respect of any one or more of the following matters:—

Authority to formulate proposals relating to electricity.

- 5 (a) requiring any council—
- (i) to carry out such additions, alterations, modifications and renewals of and to plant and equipment installed in any power station owned or operated by such council as may be specified in any such proposal;
- 10 (ii) to undertake the supply of electricity to the public within its area or within any specified part thereof;
- 15 (iii) to undertake the supply of electricity to the public within the area or any specified part of the area of any other council specified in any such proposal;
- 20 (b) requiring any electricity supply authority (including an electricity supply authority being a council)—
- (i) to carry out the interconnection of any power station owned or operated by such electricity supply authority with any other power station;
- 25 (ii) to effect the interchange of electricity between interconnected power stations at such times, in such quantity and upon and subject to such terms and conditions as may be specified in any such proposal;
- 30 (iii) to carry out such alterations and modifications to any plant and equipment installed in any power station owned or operated by such electricity supply authority as may be necessary in order to enable such interconnection or interchange to be carried out and effected.
- 35 (iv)

Electricity Development.

- 5 (iv) to provide from any power station owned or operated by such electricity supply authority, a bulk supply of electricity to any other electricity supply authority specified in any such proposal, at such times, in such quantity and upon and subject to such terms and conditions as may be specified in such proposal;
- 10 (v) to take a bulk supply of electricity from any other electricity supply authority specified in any such proposal at such times, in such quantity and upon and subject to such terms and conditions
- 15 as may be specified in such proposal.
- (2) A proposal under subparagraph (iii) of paragraph (a) of subsection one of this section shall not be formulated unless the council of the area within which the supply of electricity is to be so undertaken—
- 20 (a) consents;
- (b) has failed to comply with the terms of a proclamation embodying a proposal under subparagraph (ii) of paragraph (a) of subsection one of this section; or
- 25 (c) is not engaged in the supply of electricity to the public within its area or within the part of its area specified in any proposal under subparagraph (iii) of paragraph (a) of subsection one of this section.
- 30 (3) (a) A proposal under subparagraph (i) of paragraph (b) of subsection one of this section may include such provisions as to the sharing of the costs and expenses of carrying out the interconnection referred to in such subparagraph as may have been agreed upon
- 35 between the electricity supply authorities affected by such proposal and, failing such agreement, as may be determined by the Authority.

Electricity Development.

(b) A proposal under subparagraph (ii) of paragraph (b) of subsection one of this section may include such provisions relating to the interchange of electricity as may have been agreed upon between the
5 electricity supply authorities affected by such proposal.

(4) Any ~~such proposal~~ **proposal under this section** may fix a period within which the requirements thereof are to be carried into effect and may provide that the Authority may from time to time grant extensions of
10 such period.

(5) The Authority shall submit any such proposal to the Minister and shall serve a copy thereof on any electricity supply authority or council affected thereby.
Proposal to be submitted to Minister.

The Authority shall also notify, in the Gazette and in
15 one or more newspapers, a summary of such proposal and the time within which objections thereto may be lodged with the Minister.

(6) Any person may, within the prescribed time, lodge with the Minister an objection in writing to such
20 proposal and shall state the grounds for such objection.

(7) At the expiration of the time prescribed pursuant to subsection six of this section the Minister shall consider such proposal together with any objections that may have been lodged in accordance with that subsection
25 and may approve of the proposal with such amendments or modifications (if any) as may be necessary to give effect to any objection allowed by the Minister.

The Minister may, in considering any such proposal, refer any objection on financial or technical grounds to
30 any independent person for investigation and report.

(8) The Authority shall forthwith cause notice of the proposal as so approved by the Minister to be communicated to the electricity supply authority or council affected thereby.

35 (9) Any such proposal may be supplemented, amended, or rescinded by a subsequent proposal.

(10) Any such proposal as so approved by the Minister shall be laid before both Houses of Parliament.

If either House of Parliament passes a resolution of
40 which notice has been given at any time within fifteen sitting

Electricity Development.

sitting days after any such proposal has been laid before such House disallowing such proposal or any part thereof, such proposal or part, as the case may be, shall lapse and shall not be given effect to.

- 5 (11) Any such proposal, to the extent to which it has not been disallowed pursuant to subsection ~~nine~~ ten of this section, may be embodied in a proclamation made by the Governor.

Such proclamation shall—

- 10 (a) be published in the Gazette; and
(b) take effect from the date of such publication or from a later date specified therein.

Provided that a proclamation embodying a proposal under subparagraph (v) of paragraph (b) of subsection 15 one of this section shall not affect an agreement under which the electricity supply authority affected by such proposal was, at the date of commencement of this Part, taking a bulk supply of electricity from another electricity supply authority.

- 20 (12) The Authority shall cause a copy of any proclamation published in pursuance of this section to be served by registered post on all electricity supply authorities or councils affected thereby.

25 (13) All proclamations published in pursuance of this section shall have the force of law and notwithstanding any law to the contrary all electricity supply authorities or councils affected by any such proclamation shall do, perform and carry out all such acts, matters and things as are necessary in order to comply with any 30 such proclamation in accordance in all respects with the terms thereof.

(14) For the purpose of so complying with any proclamation published in pursuance of this section any council affected thereby may borrow by way of ordinary 35 loan under and subject to the provisions of the Local Government Act, 1919, as amended by subsequent Acts.

The provisions of the Local Government Act, 1919, as so amended applicable to ordinary loans, shall mutatis mutandis apply to and in respect of any borrowing by a 40 council under this subsection:

Provided

Electricity Development.

Provided that the Governor may, notwithstanding any restrictions imposed by the Local Government Act, 1919, as so amended, or any other Act, on the granting of approval to loans for works for the supply of electricity,
 5 approve of a loan for any of the purposes of this subsection.

(15) Any electricity supply authority or council which refuses or fails to comply with any terms, conditions or requirements of any proclamation published
 10 in pursuance of this section and applicable to such electricity supply authority or council shall be liable to a penalty not exceeding five hundred pounds and to a further daily penalty not exceeding fifty pounds for each and every day during which such refusal or failure
 15 continues.

12. (1) For the purpose of carrying out the provisions of this Act the Authority may from time to time submit to the Governor through the Minister for the time being administering the Local Government Act, 1919, as
 20 amended by subsequent Acts, recommendations—

Constitution
 of county
 districts.
 cf. Act No.
 41, 1919,
 s. 561.

(a) for the constitution of county districts comprising the whole or parts of two or more areas within the meaning of the Local Government Act, 1919, as amended by subsequent Acts, and
 25 for the delegation to the county council of any such district of such powers and duties (including the power to borrow and to levy rates) of the councils whose areas are wholly or partly included in such county district in relation to
 30 the supply of electricity and works for the supply of electricity as may be specified in any such recommendation; and

(b) for the alteration of the boundaries of county districts whether constituted upon a recommendation under this section or otherwise:
 35

Provided that before any recommendation under ~~paragraphs (a) and~~ **paragraph (a) or (b)** of this section is submitted to the Governor for his approval, due notice of such recommendation shall be given by the Minister
 40 to the council or councils whose area or areas are directly affected

Electricity Development.

affected thereby; and such council or councils may within the prescribed time lodge with the Minister an objection thereto in writing and shall state the grounds for such objection.

- 5 (2) Thereupon the Governor may under and subject to the provisions of the Local Government Act, 1919, as amended by subsequent Acts, constitute county districts or alter the boundaries of county districts, as the case may be, in accordance with any such recom-
 10 mendation or with such modifications or variations thereof as he may deem fit and may, notwithstanding that a request for such delegation has not been made by the councils whose areas are wholly or partly included in any such county district, delegate to the county council
 15 of any such county district such powers and duties as are specified in the recommendation for the constitution of such county district or as may be determined by the Governor.

Delegation
of powers.
cf. Act No.
41, 1919,
s. 564.

- 20 (3) The provisions of section forty of the Gas and Electricity Act, 1935-1941, shall apply to and in respect of any alteration of the boundaries of the Sydney County District upon a recommendation under this section: Provided that the recommendation of the
 25 Sydney County Council for the inclusion of any area or part of an area and the consent of the council of that area shall not be necessary.

13. (1) The Authority may, with the approval of the Minister, out of moneys in the Electricity Development Account, grant subsidies or loans—

Authority
may grant
subsidies.

- 30 (a) to any council for or towards meeting the cost of the erection, construction or carrying out by or on behalf of such council of any works for the supply of electricity which the council may lawfully erect, construct or carry out or for or
 35 towards meeting any periodical liability incurred by such council in connection with the erection, construction or carrying out of any such works;
- (b) to any electricity supply authority (including any electricity supply authority being a council)
 40 for or towards meeting the cost of carrying out extensions

Electricity Development.

5 extensions of the distribution lines of such electricity supply authority or for or towards meeting any periodical liability incurred by any electricity supply authority in connection with any such extension.

(2) Before granting any subsidy or loan as aforesaid the Authority may require an electricity supply authority or council, as the case may be, to enter into an agreement with the Authority to secure the carrying
10 out of the purposes for which and the terms and conditions upon and subject to which such subsidy or loan is granted and in the case of a loan the repayment of principal and the payment of interest in respect of such loan.

15 (3) Notwithstanding anything contained in this or any other Act the approval of the Governor shall not be necessary in the case of a loan to a council in pursuance of this section and a council is hereby empowered to borrow and enter into any agreement for the
20 purpose of this section.

(4) Any subsidy or loan under this section may be granted for or towards meeting any cost or liability incurred for the purpose referred to in subsection one of this section at any time after the first day of July,
25 one thousand nine hundred and forty-four.

14. (1) Notwithstanding anything contained in any other Act, the Authority, with the approval of the Minister, may from time to time by notification published in the Gazette fix and declare forms and bases of charging
30 and maximum prices for electricity supplied in bulk and for electricity supplied by way of interchange by electricity supply authorities and specify a date on and from which any such forms and bases of charging or maximum prices (as the case may be) shall apply.

Authority may fix maximum prices.

35 (2) Any such notification may fix and declare—
(a) forms and bases of charging and maximum prices applicable to all electricity supply authorities or to such electricity supply authorities as may be specified in the notification;
40

(b)

Electricity Development.

- (b) different forms and bases of charging and different maximum prices applicable to different electricity supply authorities; and
- 5 (c) different forms and bases of charging and different maximum prices according to the times during which and the circumstances and conditions under which the supply is given but so that such forms and bases of charging and maximum prices shall be uniform for electricity supplied
- 10 in bulk or for electricity supplied by way of interchange by any one electricity supply authority during the same times and under the same circumstances and conditions of supply.
- (3) No electricity supply authority shall charge
- 15 or impose or offer or agree to charge or impose for electricity supplied in bulk or for electricity supplied by way of interchange a different form or basis of charging or a higher price than that fixed and declared by any notification under this section applicable to such electricity
- 20 supply authority.
- (4) Any electricity supply authority which contravenes the provisions of subsection three of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding one hundred
- 25 pounds; and in addition the court may order the defendant to refund to any consumer any moneys paid by such consumer in excess of the lawful charge and the like proceedings may be taken upon any such order as if the same were a judgment of the court in favour of
- 30 the consumer.

Electricity Development.

PART IV.

FINANCE.

15 **15.** (1) The Authority shall in or before the month
of May in each year make an estimate of the amount to
5 be expended by the Authority during the next following
year commencing on the first day of July in defraying
the expenses incurred in the administration of this Act
and in carrying out the powers, authorities, duties and
functions conferred and imposed upon the Authority by
10 or under this Act and shall, in such estimate and subject
to the approval of the Minister, determine what part
of such amount is to be contributed by the electricity
supply authorities named in the first column of the
Schedule to this Act in respect of the year for which such
15 estimate is made.

Contributions
by electricity
supply
authorities
towards
expenses of
administration.

(2) Each electricity supply authority named in
the first column of the Schedule to this Act shall make
such contributions towards the amount determined under
subsection one of this section upon such basis or in such
20 amounts and in such manner and at such times as may
be prescribed:

Provided that an electricity supply authority named in
the first column of the said Schedule shall not be required
to contribute, in respect of any year ending on the
25 thirtieth day of June, an amount exceeding the amount
set out in the second column of the said Schedule opposite
the name of such electricity supply authority, but in no
case shall any electricity supply authority be required
to contribute, in respect of any year ending on the
30 thirtieth day of June, an amount exceeding one hundred
thousand pounds.

The regulations may—

(a) provide for the payment of different amounts
by different electricity supply authorities named
35 in the first column of the said Schedule;

(b)

Electricity Development.

- (b) add to or remove from the first column of the said Schedule, the name of any electricity supply authority;
- 5 (c) insert an amount in the second column of the said Schedule opposite the name of any electricity supply authority which has been added to the first column of the said Schedule;
- (d) vary **but not increase** any amount set out in the second column of the said Schedule; and
- 10 (e) amend the second column of the said Schedule by omitting therefrom the amount set out opposite the name of any electricity supply authority which has been removed from the first column of the said Schedule pursuant to this
- 15 subsection.

The said Schedule, as added to, varied or amended from time to time in accordance with this subsection, shall be the Schedule to this Act.

20 The contribution first payable after the commencement of this Part by any electricity supply authority pursuant to this section shall not be due or payable until the expiration of six months after notice of the amount of such contribution has been given to such electricity supply authority.

25 (3) (a) In the event of an electricity supply authority making default in the payment of any moneys payable to the Authority under this section within the time prescribed such moneys shall constitute a debt due and payable to the Authority and shall be recoverable

30 in any court of competent jurisdiction.

(b) In the case of an electricity supply authority, being a council, making default as aforesaid and such default continuing for a period of three months after written notice has been given to such council by

35 or on behalf of the Authority then and in any such case such default shall be deemed to be a default within the meaning of section three hundred and seventy-six of the Local Government Act, 1919, as amended by subsequent Acts,

Electricity Development.

Acts, and a receiver may be appointed accordingly by the Supreme Court on the application of the Minister, and such receiver shall have the powers and duties of a receiver appointed by virtue of that section.

5 **16.** (1) There shall be constituted an account in the Special Deposits Account in the Treasury to be called the "Electricity Development Account." Electricity
Development
Account.

(2) The form and manner of keeping the Electricity Development Account shall be as prescribed by 10 regulations made under the Audit Act, 1902.

17. (1) The Electricity Development Account shall consist of— Assets of
Account.

- (a) all moneys appropriated by Parliament for the purposes of this Act; and
- 15 (b) all moneys received by the Authority from any other source.

(2) The Electricity Development Account may be applied to any of the following purposes— Applica-
tion of
Account.

- 20 (a) payment of remuneration to members and all expenses incurred in the administration of this Act;
- (b) any purpose which the Authority is directed or authorised to undertake or carry out by or under this or any other Act;
- 25 (c) the repayment of advances made by the Colonial Treasurer pursuant to section eighteen of this Act.

(3) The Electricity Development Account shall be operated on in the manner prescribed.

30 **18.** The Colonial Treasurer may for the temporary accommodation of the Authority advance such moneys to the Authority as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon. Advances
by Colonial
Treasurer.

Electricity Development.

19. (1) The Authority shall cause to be kept proper books of account in relation to the Electricity Development Account and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority. Accounts to be rendered.
- (2) The accounts of the Authority shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the chairman and members of the Authority and its officers in the same manner as it applies to accounting officers of public departments. Audit.
- (3) The Auditor-General shall report to the Authority and the Minister—
- (a) whether or not in his opinion—
- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;
- (ii) the expenditure incurred has been duly authorised, vouched, and supervised; and
- (iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly dealt with; and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed.
- (4) Towards defraying the cost and expenses of such audit the Authority shall pay to the Consolidated Revenue Fund such sums, at such periods, as the Colonial Treasurer may decide.

Electricity Development.

PART V.

ELECTRICAL APPARATUS AND APPLIANCES; AND ELECTRICAL CONTRACTORS AND ELECTRICIANS.

- 5 **20.** (1) Sections 422A, 512A, 512J, 512K, 512L, 512M, Amendment
of Act No.
41, 1919.
512N, and 512O, and paragraphs (h) to (h8) both
inclusive, of subsection one and subsections two and three
of section five hundred and thirteen of the Local Govern-
ment Act, 1919, as amended by subsequent Acts, are
hereby repealed.
- 10 (2) All ordinances and proclamations made or
published under the authority of the enactments repealed
by subsection one of this section and in force at the
commencement of this Part shall be deemed to be regu-
15 lations and proclamations respectively made or pub-
lished under this Act and shall continue in force until
amended or repealed in pursuance of this Act.
- (3) All licenses issued pursuant to the enact-
ments repealed by subsection one of this section and the
ordinances made thereunder and in force at the com-
20 mencement of this Part shall be deemed to have been
issued pursuant to this Act and the regulations made
thereunder and shall remain in force until the expira-
tion of the period for which the same respectively were
granted unless sooner suspended or cancelled pursuant
25 to this Act.
- (4) All consents, approvals and permissions
given pursuant to the enactments repealed by subsection
one of this section and the ordinances made thereunder
and subsisting at the commencement of this Part shall
30 continue in force unless revoked or withdrawn pursuant
to this Act.
- (5) A reference in any ordinance, proclamation,
or other instrument to the Electricity Advisory Commit-
tee or the prescribed authority shall be construed as a
35 reference to the Authority.

Electricity Development.

21. (1) The Governor may by proclamation published in the Gazette prescribe any class, description, or type of wire, cable, appliance, fitting, meter, insulator, apparatus or material, intended, suggested or designed for use in or for purposes of or for connection to any electrical installation, which shall not after a date specified in such proclamation be sold, hired or exposed for sale or hire or advertised for sale or hire unless such type, description, or class of wire, cable, appliance, fitting, meter, insulator, apparatus or material has been approved of by the Authority and is stamped or labelled as prescribed.

Power to prescribe classes, descriptions, or types of electrical appliances, &c., which shall not be sold unless approved under the regulations.

(2) Any person who, after the date so specified, sells, hires or exposes for sale or hire or advertises for sale or hire or causes to be sold or hired or exposed or advertised for sale or hire any wire, cable, appliance, fitting, meter, insulator, apparatus or material of the class, description or type prescribed in such proclamation shall, unless such type, description or class of wire, cable, appliance, fitting, meter, insulator, apparatus or material has been approved of by the Authority, and is stamped or labelled as prescribed, be guilty of an offence against this Act.

(3) For the purposes of this section the regulations made in that behalf may provide for approval of a type, description or class of electric wire or cable or electrical appliance, fitting, meter, insulator, apparatus or material being signified by approval of a sample thereof or by any other means whatsoever.

22. (1) A person shall not undertake or carry out any electrical wiring work unless he is licensed as prescribed, or unless he is in the employment of and carries out such work under the personal supervision of a person so licensed.

Restriction of work by unlicensed persons.

(2) An electrical contractor undertaking any electrical wiring work, if he does not himself carry out the work, with or without assistance, shall constantly employ on the work until it is completed at least one person licensed as prescribed:

Provided

Electricity Development.

Provided that where the electrical contractor undertaking any electrical wiring work is a firm, company, partnership, society, association or body of persons corporate or unincorporate, no member of such firm, 5 company, partnership, society, association or body shall carry out any such work unless he is licensed as prescribed.

Where the work is carried out under the personal supervision of a person licensed as prescribed, and consists of fixing, connecting and maintaining overhead 10 electrical conductors not in conduits, or of other work usually carried out by a linesman, this subsection shall not extend to such work.

(3) The holder of an electrician's license shall 15 not undertake or carry out any electrical wiring work save as the employee of an electrical contractor; but this provision shall not apply where a licensed electrician undertakes or carries out electrical wiring work on his own premises.

(4) Nothing in this section shall prevent the 20 employment of or the carrying out of electrical wiring work by an apprentice or a trainee apprentice working under the supervision of his master under regulations made under the Industrial Arbitration Act, 1940-1943, 25 as amended by subsequent Acts, or any other Act governing the electrical industry in the State.

(5) The particulars of the licenses of electrical contractors and electricians shall be recorded at the office of the Authority. A certificate purporting to be under 30 the hand of the chairman of the Authority or of any prescribed officer certifying that any person is or is not the holder of an electrical contractor's license or an electrician's license or that certain particulars do or do not appear on such records shall in all courts and upon all 35 occasions whatsoever be received as evidence.

Such certificate shall be prima facie evidence of the particulars contained therein.

The production of such records or any license, requisition, notice or other document upon which such 40 certificate may be founded and proof of the signature of the chairman or officer so certifying shall not be necessary unless the court so orders. **23.**

Electricity Development.

23. Nothing contained in this Part shall preclude any unlicensed person from undertaking electrical wiring work as part of a contract for building or construction work if the installation is carried out by or under the personal supervision of a person holding a license as an electrical contractor or a licensed electrician.

General
contractors
excluded.

24. Notwithstanding anything contained in this Part, any person, firm, company, partnership, society, association or body of persons corporate or unincorporate, not trading as an electrical contractor and who or which is employing a licensed electrician for the purpose of making or maintaining the installations necessary for the conduct of the business of such person, firm, company, partnership, society, association or body of persons, need not be licensed under or in pursuance of this Act and any licensed electrician so employed may carry out the duties of such employment.

Circum-
stances in
which a
license
is not
required.

25. Any person authorised in writing by the Minister or by the chairman of the Authority or by any council shall have power to enter any premises at any reasonable time for the examination of any electrical installation on such premises.

Power of
entry.

26. (1) The Authority may from time to time cause any machinery, apparatus, appliances, material or equipment of what kind soever used or intended to be used by any electricity supply authority for or in connection with the generation, transmission or distribution of electricity, to be examined and tested for the purpose of determining whether such machinery, apparatus, appliances, material or equipment can be used without danger to life or limb.

Safety.

(2) Any person authorised in writing by the Minister or the chairman of the Authority may at all reasonable times enter into and upon any place or premises whatsoever for the purpose of examining or testing any such machinery, apparatus, appliances, material or equipment.

Any person who interferes with or obstructs any person authorised as aforesaid in the execution of his duty under this subsection shall be liable to a penalty not exceeding twenty pounds.

(3)

Electricity Development.

(3) The Minister, on the recommendation of the Authority and on being satisfied that any such machinery, apparatus, appliance, material or equipment cannot be used without danger to life or limb, may, by order, 5 prohibit any such machinery, apparatus, appliance, material or equipment from being used or if it is capable of repair or alteration from being used until it is duly repaired or altered to the Minister's satisfaction. Any person who fails to comply with any such order shall 10 for each offence be liable to a penalty not exceeding ten pounds for every day during which such failure continues.

Any order under this subsection shall be served on the electricity supply authority using or intending to use the machinery, apparatus, appliance, material or 15 equipment referred to in such order or on any responsible servant of such electricity supply authority.

cf. Act No.
39, 1912,
s. 35.

PART VI.**RESTRICTIONS UPON WORKS FOR ELECTRICITY SUPPLY.**

27. (1) No person shall establish, erect or extend any 20 power station or main transmission line except with the approval of the Authority and upon such conditions and stipulations as may be specified in such approval and in accordance in all respects with particulars previously submitted to and approved by the Authority.

Restrictions
in relation
to certain
works.

cf. Act No.
41, 1919,
s. 422A.

25 (2) No council shall establish or acquire a trading undertaking for the supply of electricity or extend any such trading undertaking into the area of any other council or enter into an agreement to supply or take a supply of electricity in bulk to or from any person except with 30 the approval of the Authority, and upon such conditions and stipulations as may be specified in such approval.

(3)

Electricity Development.

(3) No council shall grant or renew permission to any person to supply electricity to the public within its area except with the approval of the Authority and upon such conditions and stipulations as may be specified
5 in such approval:

Provided that nothing in this subsection shall affect the operation of sections forty-four and forty-seven of the Borough of Balmain Electric Lighting Act, 1906.

(4) The approval of the Authority under this
10 section shall not be required—

- (a) for the completion of any work which had been substantially carried out before the commencement of this Part; or
- 15 (b) as to any work for the carrying out of which a binding contract had been entered into before the commencement of this Part; or
- (c) as to any matter in respect of which the Governor's approval had pursuant to any Act been obtained before the commencement of this Part;
20 or
- (d) for the establishment, erection or extension of any main transmission line within any area by any electricity supply authority lawfully supplying electricity directly to the public in any such
25 area where such main transmission line is intended to be used solely for the purpose of supplying electricity in any such area.

30 For the purposes of this paragraph, the expression "area" has the meaning ascribed thereto in the Local Government Act, 1919, as amended by subsequent Acts, and includes the county district of a county council constituted under that Act, as so amended, and a county district of a county council constituted pursuant to section twelve of this Act and the county
35 district of the Sydney County Council and the area or areas for the time being supplied by the Electric Light and Power Supply Corporation Limited.

Electricity Development.

(5) Any approval given pursuant to this section may specify a time within which such approval shall be acted upon and, in the case of an approval given pursuant to subsection three of this section, may also specify a
5 time within which the council's permission shall be acted upon, and any such approval or permission shall lapse if it is not substantially acted upon within the specified time or within such extended time as the Authority may from time to time approve in writing.

10 (6) Any person who contravenes this section shall be liable to a penalty not exceeding five hundred pounds.

(7) Any person who—

(a) uses or operates any power station or main
15 transmission line established erected or extended in contravention of this section; or

(b) supplies electricity except with the permission
20 of the council and approval of the Authority and in accordance with the conditions and stipulations specified in such approval under subsection three of this section; or

(c) being a council conducts a trading undertaking
25 for the supply of electricity established acquired or extended in contravention of subsection two of this section or supplies or takes a supply of electricity in bulk except in pursuance of an agreement approved of by the Authority and in accordance with the conditions and stipulations specified in such approval;

30 shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds for each day during which such offence continues.

(8) In this section "extend" in relation to a power station means instal, replace or renew generating units or steam-raising plant therein.

Electricity Development.

PART VII.

GENERAL.

28. (1) The Minister may from time to time by notification published in the Gazette declare that such of the provisions of sections eleven, ~~fifteen~~, twenty-six and twenty-seven of this Act as are specified in any such notification shall not apply—

Certain provisions not to apply

(a) to any specified electricity supply authority which is engaged in the generation of electricity for use primarily on its own premises and not primarily for supply directly or indirectly to the public; or

(b) to any specified power station or main transmission line for the generation or transmission of electricity for use primarily on the premises of the person by whom such power station or main transmission line is owned or operated and not primarily for supply directly or indirectly to the public.

(2) The Minister may from time to time in the like manner revoke any such notification.

29. All courts and persons having by law or consent of parties authority to hear, receive and examine evidence—

Judicial notice of seal of authority.

(a) shall take judicial notice of the seal of the Authority affixed to any document; and

(b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

30. Any notice, summons, writ, or other proceeding required to be served upon the Authority may be served by being left at the office of the Authority or, in the case of a notice, by post.

Service of notice and legal proceedings.

31. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the chairman of the Authority.

Documents, how authenticated.

Electricity Development.

32. Every person guilty of an offence against this Act shall for every such offence be liable to the penalty expressly provided therefor and if no penalty is so provided to a penalty not exceeding fifty pounds and to
5 a further daily penalty not exceeding ten pounds.

Penalty.
cf. Act No.
41, 1919,
s. 633.

33. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in petty sessions.

Recovery
of penalty.
Ibid. s. 639.

10 (2) Where the penalty is a daily penalty, it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

34. In any legal proceedings by or against the
15 Authority, no proof shall be required (until evidence is given to the contrary) of—

Proof of
certain
matters not
required.

(a) the constitution of the Authority;

Act No. 65,
1941, s. 31.

(b) any resolution of the Authority;

20 (c) the appointment of any member, or of any officer or employee of the Authority;

(d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Authority.

35. (1) The Authority may, from time to time by
25 resolution, delegate such of the powers, authorities, duties or functions of the Authority (other than the power of delegation) as may be prescribed and as are specified in the resolution—

Delegation.
Ibid. s. 34.

(a) to any member of the Authority;

30 (b) to any officer of the Authority;

(c) to any officer or employee of whose services the Authority makes use pursuant to this or any other Act.

(2) Any such delegation may be made either
35 generally or for any particular case or class of cases.

(3) Any person, when acting within the scope of any such delegation to him, shall be deemed to be the Authority.

(4)

Electricity Development.

(4) Any instrument necessary to be executed and any notice, order, summons or other like document requiring authentication for the purpose of the exercise or discharge of any power, authority, duty or function delegated to any person under this section, shall be sufficiently executed or authenticated, as the case may be, if signed by such person in such a way as to show that he does so under and in pursuance of the delegation.

(5) The Authority may by resolution revoke any delegation made under this section.

36. (1) As soon as practicable after the thirtieth day of June in each year, the Authority shall prepare and furnish to the Minister a report upon the operations and activities of the Authority during the year ending on the date aforesaid.

Annual
report.

(2) The Minister shall lay such report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

37. (1) The Governor may make regulations not consistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.

(2) Without prejudice to the generality of the power conferred by subsection one of this section regulations may be made for or with respect to:—

(a) the keeping by electricity supply authorities of such books, accounts and records as may be prescribed, the particulars to be entered therein and the manner of keeping the same;

(b) the examination, testing, approval and stamping or labelling and the withholding and withdrawal of approval of any type, description or class of wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested or designed for use for purposes of or for connection to any electrical installation;

(c)

Electricity Development.

- (c) prescribing standards for electric wires and cables and for the materials used in the manufacture of electrical appliances, meters, fittings, insulators and/or apparatus;
- 5 (d) the fees to be charged for the examination, testing, and/or approval of any type, description or class of wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested or designed for use for purposes of
- 10 or for connection to any electrical installation;
- (e) prescribing the form and basis of charging for electricity (otherwise than for electricity sold or supplied in bulk) and the methods to be adopted in fixing such charges and prescribing
- 15 times for revising such charges;
- (f) prohibiting interference by unauthorised persons with any electric wire, cable and/or meter and/or any prescribed electrical appliance, fitting, insulator and/or apparatus;
- 20 (g) conferring upon any electricity supply authority the power to refuse or discontinue the supply of electricity where the conditions of such supply may be dangerous to life, health or property, and regulating the exercise of such power;
- 25 (h) requiring the periodical inspection by electricity supply authorities of electrical wires, cables, appliances, meters, fittings, insulators and apparatus installed in, on, over or under any place or premises whatsoever;
- 30 (i) prescribing standards for the voltages to be maintained at the terminals of consumers of electricity;
- 35 (j) prescribing standards and rules for the installation of electric wires, cables, appliances, meters, fittings, insulators, or apparatus in, on, over or under any place or premises whatsoever and the alteration, repair or renewal thereof;

(k)

Electricity Development.

- (k) the licensing of electrical contractors and electricians and the cancellation and suspension of such licenses;
- 5 (l) the safety of persons employed by electricity supply authorities in connection with the generation, transmission, distribution or supply of electricity or of persons engaged in the installation of electric wires, cables, appliances, meters, fittings, insulators or apparatus in, on, under or
10 over any place or premises whatsoever;
- (m) prescribing the furnishing of information, particulars, returns and statistics by electricity supply authorities and the time and mode of furnishing and the manner of verification of the
15 same.
- (3) A regulation made under this section may impose a penalty not exceeding fifty pounds for any breach thereof and also a daily penalty not exceeding ten pounds for any continuing breach thereof.
- 20 (4) A regulation made under the authority of this section shall bind the Crown if expressed so to do.
- (5) A regulation made in relation to any of the matters referred to in subsection two of this section may adopt wholly or partially or by reference any of the
25 standard rules recommended or adopted by the Standards Association of Australia relating to the matter with which the regulation deals.
- (6) The regulations shall—
- (a) be published in the Gazette;
- 30 (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within
35 fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(7)

Electricity Development.

(7) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

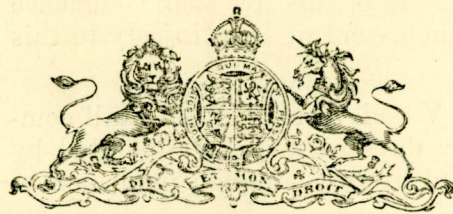
SCHEDULE.

	Electricity Supply Authority.	Maximum amount of contribution.
	Sydney County Council	£100,000
10	The Commissioner for Railways	£27,500
	The Administrator of the Southern Electricity Supply of New South Wales	£12,500
	The Electric Light and Power Supply Corporation Limited	£12,000
	The Clarence River County Council	£4,500
15	The Greater Newcastle Council	£7,500
	St. George County Council	£3,000
	Parramatta and Granville Electric Supply Company Limited	£2,000

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 11 December, 1945.

New South Wales.



ANNO DECIMO

GEORGI VI REGIS.

Act No. , 1945.

An Act to provide for the development of electricity supply; to provide for the constitution of the Electricity Authority of New South Wales and to define its powers, authorities, duties and functions; to provide for the regulation of the sale and hiring of electrical apparatus and the licensing of electrical contractors and electricians; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

Electricity Development.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Electricity Development Act, 1945." Short title and commencement.

10 (2) Parts I, II and VII of this Act shall commence on the day upon which the assent of His Majesty to this Act is signified.

(3) Parts III, IV, V and VI of this Act shall commence upon such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Different days may be so appointed and notified in respect of such Parts.

20 **2.** This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected. Construction.

3. This Act is divided into Parts as follows:—

Division into Parts.

PART I.—PRELIMINARY—ss. 1-4.

30 PART II.—CONSTITUTION OF THE ELECTRICITY AUTHORITY OF NEW SOUTH WALES—ss. 5-7.

PART III.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY—ss. 8-14.

PART IV.—FINANCE—ss. 15-19.

35 PART V.—ELECTRICAL APPARATUS AND APPLIANCES; AND ELECTRICAL CONTRACTORS AND ELECTRICIANS ss. 20-26.

PART

Electricity Development.

PART VI.—RESTRICTIONS UPON WORKS FOR
ELECTRICITY SUPPLY—s. 27.

PART VII.—GENERAL—SS. 28-37.

SCHEDULE.

5 4. In this Act, unless the context or subject matter otherwise indicates or requires— Interpreta
tion.

“Authority” means The Electricity Authority of
New South Wales.

10 “Council” has the meaning ascribed thereto in the
Local Government Act, 1919, as amended by
subsequent Acts, and includes a county council
constituted under that Act, as so amended, and
15 a county council for a county district con-
stituted pursuant to section twelve of this Act,
and the Sydney County Council.

20 “Electrical contractor” includes a firm, company,
partnership, society, association or body of
persons, corporate or unincorporate, trading as
an electrical contractor, and any person licensed
under or in pursuance of this Act as an
electrical contractor.

25 “Electrical installation” means any appliances,
wires, fittings or other apparatus placed in, on,
under, or over any premises (including premises
held under lease from the Crown for private
purposes and premises occupied for private
purposes which are supplied with electricity by
the Crown) and used for or for purposes
30 incidental to the conveyance, control or use of
electricity supplied or intended to be supplied by
an electricity supply authority, and whether
such appliances, wires, fittings or apparatus are
or are not supplied by the person contracting
or undertaking to instal the same, and includes
35 additions, alterations and repairs to an electrical
installation; but does not include—

- (a) any electricity supply main or service
line of an electricity supply authority;
- or
- (b)

Electricity Development.

- 5 (b) any appliances, wires, fittings or apparatus connected to and beyond any electrical outlet socket which is installed for the purpose of connecting portable electrical appliances, fittings or apparatus and at which fixed wiring terminates; or
- 10 (c) any appliances, wires, fittings or apparatus which are placed in, on or over any premises owned or occupied by an electricity supply authority and which are not used for the consumption of electricity on such premises or which are not used solely for purposes incidental to the conveyance or control of electricity so consumed; or
- 15 (d) any electrical installation in or about a mine.
- 20 "Electrical wiring work" and "work" mean the actual physical work of installing an electrical installation.
- "Electrician" means any person engaged in electrical wiring work who is not an electrical contractor.
- 25 "Electricity supply authority" means any person engaged in the supply of electricity to the public or in the generation of electricity for supply, directly or indirectly, to the public, whether by virtue of any statute or any franchise agreement under any Act or otherwise and
- 30 includes the Administrator of the Southern Electricity Supply of New South Wales, The Commissioner for Railways and the Water Conservation and Irrigation Commission.
- 35 "Main transmission line" means any cable or overhead line which connects or transmits or is designed or intended to connect or transmit electricity between two or more power stations
or

Electricity Development.

5 or which is operated for or in connection with the supply of electricity directly or indirectly to the public at a voltage in excess of eleven thousand five hundred volts, and all towers, poles and equipment and all step-up and step-down transformers and switchgear necessary to and used for the control and operation of any such cable or overhead line.

“Member” means member of the Authority.

10 “Power station” means any station for generating or which is designed or intended for generating electricity for supply directly or indirectly to the public.

15 “Prescribed” means prescribed by this Act or by the regulations.

“Person” includes a council.

“Regulations” means regulations made or deemed to be made under this Act.

PART II.

20 CONSTITUTION OF THE ELECTRICITY AUTHORITY OF
NEW SOUTH WALES.

5. (1) (a) There shall be constituted an Electricity ^{Constitution} Authority of New South Wales which shall have and may ^{of} exercise and discharge the powers, authorities, duties and ^{Authority.} 25 functions conferred and imposed upon the Authority by or under this Act.

(b) The Authority shall consist of seven members appointed by the Governor.

(c) One of such members shall in and by the instru- ^{Chairman.} 30 ment by which he is appointed be the chairman of the Authority and another of such members shall in and by the instrument by which he is appointed be the deputy chairman of the Authority.

(d) (i) One of the members shall be an engineer 35 having special knowledge of the generation, transmission and supply of electricity;

(ii)

Electricity Development.

(ii) two of the members shall be members of a council;

(iii) one of the members shall be the manager, general manager, electrical engineer or person in charge of the electricity undertaking of a council; and

(iv) one of the members shall be a person appointed to represent the interests of employees engaged in the electrical industry:

Provided that of the two members appointed under subparagraph (ii) of this paragraph one shall be a member of a council within the County of Cumberland and one a member of a council outside the County of Cumberland.

(2) (a) Subject to this Act—

(i) the chairman shall hold office for a term of seven years;

(ii) each member other than the chairman shall hold office for such term, not exceeding seven years, as may be specified in the instrument by which he is appointed;

(iii) a member shall, if otherwise qualified, be eligible from time to time for re-appointment upon the expiration of his term of office.

(b) A person who is of or above the age of sixty-five years shall not be appointed a member.

(3) (a) The chairman shall devote the whole of his time to the duties of his office and shall receive such annual salary as the Governor may determine.

(b) Each member, other than the chairman, shall be entitled to receive such remuneration for his services as may from time to time be fixed by the Governor.

A member who is an officer of the Public Service shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration under this paragraph in addition to any remuneration to which he is entitled as an officer of the Public Service.

(c)

Term of office.

Duties of chairman.

Electricity Development.

(c) Each member shall be entitled to receive travelling expenses at such rate as the Governor may from time to time determine.

Travelling expenses.

(d) The office of a member other than the chairman shall not for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1932, or any Act amending such Acts, be deemed to be an office or place of profit under the Crown.

(4) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any member, and a member shall not, in his capacity as a member, be subject to the provisions of any such Act during his term of office.

(5) (a) Each member before entering upon the duties of his office shall take an oath of allegiance under and in accordance with the Oaths Act, 1900-1936, and shall make and subscribe the following declaration of office:—

Oath of allegiance and declaration of office.
cf. Act No. 20, 1940, s. 27.

I.....
having been appointed a member of The Electricity Authority of New South Wales, do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

(b) If a person, after having been afforded an opportunity of taking the oath of allegiance and making and subscribing such declaration, neglects to do so for a period of one month or during such extended period as the Governor may appoint pursuant to paragraph (c) of this subsection after the date upon which he is appointed, he shall upon the expiration of such period of one month or extended period, as the case may be, be deemed to have declined to accept office.

(c) Where the Governor is satisfied that the delay in taking such oath and making and subscribing such declaration is unavoidable he may extend the time for taking such oath and making and subscribing such declaration for any period not exceeding six months.

(d)

Electricity Development.

(d) Any person who is deemed to have declined to accept office shall not be eligible to be re-appointed to fill the vacancy created.

(6) (a) A member shall be deemed to have vacated ^{Vacation} his office— _{of office.}

- (i) if, being the chairman, he engages in New South Wales during his term of office in any paid employment outside the duties of his office;
- 10 (ii) if, being one of the members referred to in sub-paragraph (ii) or sub-paragraph (iii) of paragraph (d) of subsection one of this section, he ceases to hold the qualification by virtue of which he was appointed;
- 15 (iii) if he becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (iv) if, being the chairman, he absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Minister (which 20 leave the Minister is hereby authorised to grant);
- (v) if he is absent from four consecutive ordinary meetings of the Authority without leave granted by the Authority;
- 25 (vi) if he becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1944;
- 30 (vii) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- 35 (viii) if he resigns his office by writing under his hand addressed to the Governor;
- (ix) if he is removed from office by the Governor; or
- (x) if he declines office or is deemed to have declined office.

(b)

Electricity Development.

(b) A member shall be deemed to have vacated his office on the day upon which he attains the age of sixty-five years.

(7) The Governor may, for any cause which appears to him sufficient, remove a member from office.

(8) Any member who is in any wise personally concerned or interested in any bargain or contract made by or on behalf of the Authority for any purpose connected with or relating to the powers, authorities, duties or functions of the Authority or in any wise participates or claims to be entitled to participate in the profit of any such bargain or contract or in any benefit or emolument arising therefrom shall thereby vacate his office as a member and shall also be liable upon summary conviction to a penalty not exceeding fifty pounds:

cf. Act No. 65, 1941, s. 5 (8); Act No. 19, 1943, s. 5 (4) (b).

Provided that a member shall not vacate his office or be liable to any penalty as aforesaid by reason only of—

- (a) receiving or being entitled to receive any payment, benefit or emolument in consequence of his appointment as member;
- (b) being beneficially interested in any newspaper in which the Authority inserts advertisements; or
- (c) being a shareholder or member (but not a director or manager) of any incorporated company of more than twenty persons with which the Authority has entered into any bargain or contract for any purpose connected with or relating to the powers, authorities, duties or functions of the Authority.

(9) On the occurrence of a vacancy in the office of a member, a person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

Vacancy in office of member.

(10) A person who at the date of his appointment as chairman is an officer of the Public Service, and who ceases to be chairman from any cause whatsoever, otherwise than in pursuance of subsections six, seven and eight of this section (subparagraph (viii) of paragraph (a) of subsection six excepted), shall if he is under the age of sixty years be appointed to some office in the

Officer of Public Service appointed chairman.

Public

Electricity Development.

Public Service not lower in classification and salary than that which he held immediately before his appointment as chairman.

(11) (a) Nothing contained in this Act shall affect
 5 the rights accrued and accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916-1944, or any Act amending such Acts, to any person appointed chairman who is at the time of his appointment or has
 10 been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916-1944, or any amendment thereof.

(b) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916-1944, or any amendment
 15 thereof, appointed chairman shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or
 20 the Superannuation Act, 1916-1944, as the case may be, or any Act amending such Acts, and for such purpose his service as chairman shall be deemed to be service for the purpose of such Acts.

6. (1) The Authority shall be a body corporate with
 25 perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising and disposing of or otherwise dealing with real and personal
 30 property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) The corporate name of the Authority shall be
 "The Electricity Authority of New South Wales." Corporate name.

(3) The common seal shall be kept in the custody
 35 of the chairman and shall not be affixed to any instrument except in pursuance of a resolution of the Authority. Common seal.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of any two
 40 members.

(4)

Electricity Development.

(4) (a) In the case of the absence from duty of the chairman, the deputy chairman shall act in his place, and whilst so acting shall have the immunities and may exercise all the powers and authorities of the chairman.

5 (b) The deputy chairman while so acting may, if the Governor thinks fit, be paid such additional remuneration for his services as the Governor may determine.

10 (c) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the deputy chairman to act in the place of the chairman; and all acts or things done or omitted by the deputy chairman while so acting shall be as valid and effectual and shall have the same consequences as if the
15 same had been done or omitted by the chairman.

(5) (a) The procedure for the calling of meetings Procedure. of the Authority and for the conduct of business at such meetings shall, subject to this Act and any regulations in relation thereto, be as determined by the Authority.

20 (b) The chairman or in his absence the deputy chairman shall preside at all meetings of the Authority at which he is present, and in addition to a deliberative vote shall, if the voting be equal, have a second or casting vote. Chairman to preside at meetings.

25 (c) Four members, one of whom shall be the chairman or, in his absence, the deputy chairman, shall form a quorum and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Authority, and shall have and may exercise and discharge all the powers, authorities, duties, and
30 functions of the Authority. Quorum.

A decision of the majority of the members present at a meeting of the Authority shall be the decision of the Authority.

35 (d) The Authority shall cause minutes of its decisions to be kept upon the official papers and cause minutes to be kept of its proceedings at formal meetings.

(6).

Electricity Development.

(6) (a) No matter or thing done, and no contract entered into by the Authority, and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Authority shall, if
 5 the matter or thing was done or the contract was entered into bona fide for the purposes of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(b) Nothing in this subsection shall exempt
 10 any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Authority, and which such member authorised or joined in authorising.

(7) No act or proceeding of the Authority shall
 15 be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the offices of members.

7. (1) The Governor may, under and subject to the
 20 provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary to enable the Authority to exercise and discharge the powers, authorities, duties and functions conferred and imposed on
 25 the Authority by or under this or any other Act.

Validity of
acts and
proceedings.

Officers and
employees.
cf. Act No.
65, 1941,
s. 6.

(2) The officers and employees so appointed shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, during their tenure of office.

(3) The Authority may appoint, employ and dismiss such casual employees as it deems necessary and may fix wages and conditions of employment of such casual employees where such wages and conditions are not fixed in accordance with the provisions of any other
 35 Act.

The appointment of casual employees under this subsection shall not be subject to the provisions of the Public Service Act, 1902, or any Act amending that Act, and a
 casual

Electricity Development.

casual employee so appointed shall not be subject to the provisions of any such Acts during the period of his employment.

(4) (a) For the purposes of exercising and dis-
5 charging the powers, authorities, duties and functions conferred and imposed on the Authority by or under this or any other Act, the Authority may, with the approval of the Minister of the Department concerned, on such terms as may be arranged, make use of the services
10 of any of the officers or employees of any Government Department.

(b) The Authority may for the like purpose with the approval of any statutory body or council, on such terms as may be arranged, make use of the services
15 of any of the officers, servants or employees of such statutory body or council.

(c) In this subsection "statutory body" means any public body which the Governor may by proclamation published in the Gazette declare to be a
20 statutory body.

(5) Nothing in this section shall be construed to preclude the Authority from engaging for any particular purpose specified in a resolution of the Authority the services of any engineer, architect, surveyor, builder,
25 contractor or other person whomsoever.

PART III.

POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE
AUTHORITY.

8. In the exercise and discharge of its powers, autho-
30 rities, duties and functions the Authority shall be sub-
ject in all respects to the control and direction of the
Minister.

Authority
subject to
control of
Minister.

9.

Electricity Development.

9. (1) Subject to this Act the Authority shall have **Powers of Authority.**
power—

- 5 (a) to promote and regulate the co-ordination, development, expansion, extension and improvement of electricity supply throughout the State, and without limiting the generality of the foregoing power, to promote and regulate—
- 10 (i) the interconnection of power stations;
- (ii) the interchange of electricity between power stations;
- 15 (iii) the erection, extension or alteration of power stations;
- (iv) the installation and renewal of generating units and steam raising plant in power stations;
- (v) the erection and extension of main transmission lines;
- 20 (vi) the extension and improvement of electricity supply to and within rural districts;
- (vii) the adoption of standards of plant, equipment, frequency and voltage for the generation, transmission, distribution and supply of electricity;
- 25 (b) to promote and encourage the development and use of the natural resources of the State in connection with the generation of electricity;
- 30 (c) to promote and encourage the use of electricity and especially the use thereof for industrial and manufacturing purposes and for the purpose of primary production;
- 35 (d) to advise any person engaged in the generation, transmission, distribution or supply of electricity upon all matters of and concerning such generation, transmission, distribution and supply;
- (e)

Electricity Development.

- (e) to consider the advisability of amending the law relating to the generation, transmission, distribution, supply and use of electricity, and to report thereon to the Minister. Any such report shall be accompanied by a draft of the legislation (including regulations and the like) necessary to give effect to such report; and
- (f) to do such supplemental, incidental and consequential acts as may be necessary or expedient for the purposes aforesaid.

(2) Where by any other Act or by any ordinance, regulation or by-law made under any other Act the approval of the Governor is required to be given to any proposal relating to electricity or to the generation, transmission, distribution or supply thereof, such approval shall not be given unless and until the proposal has been referred to the Authority for consideration and report.

(3) Sections 512H and 512I of the Local Government Act, 1919, as amended by subsequent Acts, are hereby repealed.

Repeal of Act No. 41, 1919, ss. 512H and 512I.

(Electricity Advisory Committee.)

(Consequential.)

Inquiries and investigations.

cf. Act No. 65, 1941, s. 17.

10. (1) The Authority may, and whenever required by the Minister shall, conduct inquiries or investigations for any purpose of or connected with the carrying out of the provisions of this Act.

(2) The Authority shall furnish the Minister with a report setting out the results of any inquiry or investigation made under this section.

(3) For the purposes of any inquiry or investigation under this section the Authority shall have the powers and immunities of a commissioner, and the chairman of the Authority shall have the powers of a chairman within the meaning of Division 1 of Part II of the Royal Commissions Acts, 1923-1934, and the provisions of that Act, with the exception of section thirteen and of Division 2 of Part II shall, mutatis mutandis, apply to any witness or person summoned by or appearing before the Authority.

Electricity Development.

11. (1) For the purposes of carrying out the provisions of this Act the Authority may from time to time formulate proposals for and in respect of any one or more of the following matters:—

Authority to formulate proposals relating to electricity.

5 (a) requiring any council—

(i) to carry out such additions, alterations, modifications and renewals of and to plant and equipment installed in any power station owned or operated by such council as may be specified in any such proposal;

10

(ii) to undertake the supply of electricity to the public within its area or within any specified part thereof;

15

(iii) to undertake the supply of electricity to the public within the area or any specified part of the area of any other council specified in any such proposal;

(b) requiring any electricity supply authority (including an electricity supply authority being a council)—

20

(i) to carry out the interconnection of any power station owned or operated by such electricity supply authority with any other power station;

25

(ii) to effect the interchange of electricity between interconnected power stations at such times, in such quantity and upon and subject to such terms and conditions as may be specified in any such proposal;

30

(iii) to carry out such alterations and modifications to any plant and equipment installed in any power station owned or operated by such electricity supply authority as may be necessary in order to enable such interconnection or interchange to be carried out and effected.

35

(iv)

Electricity Development.

- 5 (iv) to provide from any power station owned or operated by such electricity supply authority, a bulk supply of electricity to any other electricity supply authority specified in any such proposal, at such times, in such quantity and upon and subject to such terms and conditions as may be specified in such proposal;
- 10 (v) to take a bulk supply of electricity from any other electricity supply authority specified in any such proposal at such times, in such quantity and upon and subject to such terms and conditions
- 15 as may be specified in such proposal.
- (2) A proposal under subparagraph (iii) of paragraph (a) of subsection one of this section shall not be formulated unless the council of the area within which the supply of electricity is to be so undertaken—
- 20 (a) consents;
- (b) has failed to comply with the terms of a proclamation embodying a proposal under subparagraph (ii) of paragraph (a) of subsection one of this section; or
- 25 (c) is not engaged in the supply of electricity to the public within its area or within the part of its area specified in any proposal under subparagraph (iii) of paragraph (a) of subsection one of this section.
- 30 (3) (a) A proposal under subparagraph (i) of paragraph (b) of subsection one of this section may include such provisions as to the sharing of the costs and expenses of carrying out the interconnection referred to in such subparagraph as may have been agreed upon
- 35 between the electricity supply authorities affected by such proposal and, failing such agreement, as may be determined by the Authority.

Electricity Development.

(b) A proposal under subparagraph (ii) of paragraph (b) of subsection one of this section may include such provisions relating to the interchange of electricity as may have been agreed upon between the
5 electricity supply authorities affected by such proposal.

(4) Any such proposal may fix a period within which the requirements thereof are to be carried into effect and may provide that the Authority may from time to time grant extensions of such period.

10 (5) The Authority shall submit any such proposal to the Minister and shall serve a copy thereof on any electricity supply authority or council affected thereby. Proposal to be submitted to Minister.

The Authority shall also notify, in the Gazette and in one or more newspapers, a summary of such proposal
15 and the time within which objections thereto may be lodged with the Minister.

(6) Any person may, within the prescribed time, lodge with the Minister an objection in writing to such proposal and shall state the grounds for such objection.

20 (7) At the expiration of the time prescribed pursuant to subsection six of this section the Minister shall consider such proposal together with any objections that may have been lodged in accordance with that subsection and may approve of the proposal with such amendments
25 or modifications (if any) as may be necessary to give effect to any objection allowed by the Minister.

The Minister may, in considering any such proposal, refer any objection on financial or technical grounds to any independent person for investigation and report.

30 (8) The Authority shall forthwith cause notice of the proposal as so approved by the Minister to be communicated to the electricity supply authority or council affected thereby.

(9) Any such proposal may be supplemented,
35 amended, or rescinded by a subsequent proposal.

(10) Any such proposal as so approved by the Minister shall be laid before both Houses of Parliament.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting

Electricity Development.

sitting days after any such proposal has been laid before such House disallowing such proposal or any part thereof, such proposal or part, as the case may be, shall lapse and shall not be given effect to.

- 5 (11) Any such proposal, to the extent to which it has not been disallowed pursuant to subsection nine of this section, may be embodied in a proclamation made by the Governor.

Such proclamation shall—

- 10 (a) be published in the Gazette; and
(b) take effect from the date of such publication or from a later date specified therein.

- 15 (12) The Authority shall cause a copy of any proclamation published in pursuance of this section to be served by registered post on all electricity supply authorities or councils affected thereby.

- 20 (13) All proclamations published in pursuance of this section shall have the force of law and notwithstanding any law to the contrary all electricity supply authorities or councils affected by any such proclamation shall do, perform and carry out all such acts, matters and things as are necessary in order to comply with any such proclamation in accordance in all respects with the terms thereof.

- 25 (14) For the purpose of so complying with any proclamation published in pursuance of this section any council affected thereby may borrow by way of ordinary loan under and subject to the provisions of the Local Government Act, 1919, as amended by subsequent Acts.

- 30 The provisions of the Local Government Act, 1919, as so amended applicable to ordinary loans, shall mutatis mutandis apply to and in respect of any borrowing by a council under this subsection:

- 35 Provided that the Governor may, notwithstanding any restrictions imposed by the Local Government Act, 1919, as so amended, or any other Act, on the granting of approval to loans for works for the supply of electricity, approve of a loan for any of the purposes of this subsection.

Electricity Development.

(15) Any electricity supply authority or council which refuses or fails to comply with any terms, conditions or requirements of any proclamation published in pursuance of this section and applicable to such
 5 electricity supply authority or council shall be liable to a penalty not exceeding five hundred pounds and to a further daily penalty not exceeding fifty pounds for each and every day during which such refusal or failure continues.

10 **12.** (1) For the purpose of carrying out the provisions of this Act the Authority may from time to time submit to the Governor through the Minister for the time being administering the Local Government Act, 1919, as amended by subsequent Acts, recommendations—

Constitution
of county
districts.
cf. Act No.
41, 1919,
s. 561.

15 (a) for the constitution of county districts comprising the whole or parts of two or more areas within the meaning of the Local Government Act, 1919, as amended by subsequent Acts, and
 20 for the delegation to the county council of any such district of such powers and duties (including the power to borrow and to levy rates) of the councils whose areas are wholly or partly included in such county district in relation to
 25 the supply of electricity and works for the supply of electricity as may be specified in any such recommendation; and

(b) for the alteration of the boundaries of county districts whether constituted upon a recommendation under this section or otherwise:

30 Provided that before any recommendation under paragraphs (a) and (b) of this section is submitted to the Governor for his approval, due notice of such recommendation shall be given by the Minister to the council or councils whose area or areas are directly
 35 affected thereby; and such council or councils may within the prescribed time lodge with the Minister an objection thereto in writing and shall state the grounds for such objection.

Electricity Development.

(2) Thereupon the Governor may under and subject to the provisions of the Local Government Act, 1919, as amended by subsequent Acts, constitute county districts or alter the boundaries of county districts, as
 5 the case may be, in accordance with any such recommendation or with such modifications or variations thereof as he may deem fit and may, notwithstanding that a request for such delegation has not been made by the councils whose areas are wholly or partly included
 10 in any such county district, delegate to the county council of any such county district such powers and duties as are specified in the recommendation for the constitution of such county district or as may be determined by the Governor.

Delegation of powers. cf. Act No. 41, 1919, s. 564.

(3) The provisions of section forty of the Gas and Electricity Act, 1935-1941, shall apply to and in respect of any alteration of the boundaries of the Sydney County District upon a recommendation under this section: Provided that the recommendation of the
 15 Sydney County Council for the inclusion of any area or part of an area and the consent of the council of that area shall not be necessary.

13. (1) The Authority may, with the approval of the Minister, out of moneys in the Electricity Development Account, grant subsidies or loans—
 25

Authority may grant subsidies.

(a) to any council for or towards meeting the cost of the erection, construction or carrying out by or on behalf of such council of any works for the supply of electricity which the council may lawfully erect, construct or carry out or for or
 30 towards meeting any periodical liability incurred by such council in connection with the erection, construction or carrying out of any such works;

(b) to any electricity supply authority (including any electricity supply authority being a council) for or towards meeting the cost of carrying out extensions of the distribution lines of such electricity supply authority or for or towards meeting any periodical liability incurred by any electricity supply authority in connection with any such extension.
 35
 40

(2)

Electricity Development.

(2) Before granting any subsidy or loan as aforesaid the Authority may require an electricity supply authority or council, as the case may be, to enter into an agreement with the Authority to secure the carrying
5 out of the purposes for which and the terms and conditions upon and subject to which such subsidy or loan is granted and in the case of a loan the repayment of principal and the payment of interest in respect of such loan.

10 (3) Notwithstanding anything contained in this or any other Act the approval of the Governor shall not be necessary in the case of a loan to a council in pursuance of this section and a council is hereby empowered to borrow and enter into any agreement for the
15 purpose of this section.

(4) Any subsidy or loan under this section may be granted for or towards meeting any cost or liability incurred for the purpose referred to in subsection one of this section at any time after the first day of July,
20 one thousand nine hundred and forty-four.

14. (1) Notwithstanding anything contained in any other Act, the Authority, with the approval of the Minister, may from time to time by notification published in the Gazette fix and declare forms and bases of charging
25 and maximum prices for electricity supplied in bulk and for electricity supplied by way of interchange by electricity supply authorities and specify a date on and from which any such forms and bases of charging or maximum prices (as the case may be) shall apply.

Authority
may fix
maximum
prices.

30 (2) Any such notification may fix and declare—

(a) forms and bases of charging and maximum prices applicable to all electricity supply authorities or to such electricity supply authorities as may be specified in the notification;
35

(b) different forms and bases of charging and different maximum prices applicable to different electricity supply authorities; and

(c)

Electricity Development.

5 (c) different forms and bases of charging and differ-
ent maximum prices according to the times dur-
ing which and the circumstances and conditions
under which the supply is given but so that
such forms and bases of charging and maximum
prices shall be uniform for electricity supplied
in bulk or for electricity supplied by way of
interchange by any one electricity supply
authority during the same times and under the
10 same circumstances and conditions of supply.

(3) No electricity supply authority shall charge
or impose or offer or agree to charge or impose for elec-
tricity supplied in bulk or for electricity supplied by way
of interchange a different form or basis of charging or
15 a higher price than that fixed and declared by any noti-
fication under this section applicable to such electricity
supply authority.

(4) Any electricity supply authority which contra-
venes the provisions of subsection three of this section
20 shall be guilty of an offence and shall be liable on sum-
mary conviction to a penalty not exceeding one hundred
pounds; and in addition the court may order the defen-
dant to refund to any consumer any moneys paid by
such consumer in excess of the lawful charge and the
25 like proceedings may be taken upon any such order as
if the same were a judgment of the court in favour of
the consumer.

Electricity Development.

PART IV.

FINANCE.

15. (1) The Authority shall in or before the month of May in each year make an estimate of the amount to be expended by the Authority during the next following year commencing on the first day of July in defraying the expenses incurred in the administration of this Act and in carrying out the powers, authorities, duties and functions conferred and imposed upon the Authority by or under this Act and shall, in such estimate and subject to the approval of the Minister, determine what part of such amount is to be contributed by the electricity supply authorities named in the first column of the Schedule to this Act in respect of the year for which such estimate is made.

Contributions
by electricity
supply
authorities
towards
expenses of
administration.

(2) Each electricity supply authority named in the first column of the Schedule to this Act shall make such contributions towards the amount determined under subsection one of this section upon such basis or in such amounts and in such manner and at such times as may be prescribed:

Provided that an electricity supply authority named in the first column of the said Schedule shall not be required to contribute, in respect of any year ending on the thirtieth day of June, an amount exceeding the amount set out in the second column of the said Schedule opposite the name of such electricity supply authority, but in no case shall any electricity supply authority be required to contribute, in respect of any year ending on the thirtieth day of June, an amount exceeding one hundred thousand pounds.

The regulations may—

(a) provide for the payment of different amounts by different electricity supply authorities named in the first column of the said Schedule;

(b)

Electricity Development.

- (b) add to or remove from the first column of the said Schedule, the name of any electricity supply authority;
- 5 (c) insert an amount in the second column of the said Schedule opposite the name of any electricity supply authority which has been added to the first column of the said Schedule;
- (d) vary any amount set out in the second column of the said Schedule; and
- 10 (e) amend the second column of the said Schedule by omitting therefrom the amount set out opposite the name of any electricity supply authority which has been removed from the first column of the said Schedule pursuant to this
- 15 subsection.

The said Schedule, as added to, varied or amended from time to time in accordance with this subsection, shall be the Schedule to this Act.

The contribution first payable after the commencement
20 of this Part by any electricity supply authority pursuant to this section shall not be due or payable until the expiration of six months after notice of the amount of such contribution has been given to such electricity supply authority.

25 (3) (a) In the event of an electricity supply authority making default in the payment of any moneys payable to the Authority under this section within the time prescribed such moneys shall constitute a debt due and payable to the Authority and shall be recoverable
30 in any court of competent jurisdiction.

(b) In the case of an electricity supply authority, being a council, making default as aforesaid and such default continuing for a period of three months after written notice has been given to such council by
35 or on behalf of the Authority then and in any such case such default shall be deemed to be a default within the meaning of section three hundred and seventy-six of the Local Government Act, 1919, as amended by subsequent Acts,

Electricity Development.

Acts, and a receiver may be appointed accordingly by the Supreme Court on the application of the Minister, and such receiver shall have the powers and duties of a receiver appointed by virtue of that section.

5 **16.** (1) There shall be constituted an account in the Special Deposits Account in the Treasury to be called the "Electricity Development Account."

Electricity
Development
Account.

(2) The form and manner of keeping the Electricity Development Account shall be as prescribed by 10 regulations made under the Audit Act, 1902.

17. (1) The Electricity Development Account shall consist of—

Assets of
Account.

- (a) all moneys appropriated by Parliament for the purposes of this Act; and
- 15 (b) all moneys received by the Authority from any other source.

(2) The Electricity Development Account may be applied to any of the following purposes—

Applica-
tion of
Account.

- 20 (a) payment of remuneration to members and all expenses incurred in the administration of this Act;
- (b) any purpose which the Authority is directed or authorised to undertake or carry out by or under this or any other Act;
- 25 (c) the repayment of advances made by the Colonial Treasurer pursuant to section eighteen of this Act.

(3) The Electricity Development Account shall be operated on in the manner prescribed.

30 **18.** The Colonial Treasurer may for the temporary accommodation of the Authority advance such moneys to the Authority as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon.

Advances
by Colonial
Treasurer.

Electricity Development.

19. (1) The Authority shall cause to be kept proper books of account in relation to the Electricity Development Account and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit
5 to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial
position and transactions of the Authority.

Accounts
to be
rendered.

(2) The accounts of the Authority shall be
10 audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the
15 chairman and members of the Authority and its officers in the same manner as it applies to accounting officers of public departments.

Audit.

(3) The Auditor-General shall report to the Authority and the Minister—

- 20 (a) whether or not in his opinion—
- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;
 - 25 (ii) the expenditure incurred has been duly authorised, vouched, and supervised; and
 - (iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly
30 dealt with; and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed.

(4) Towards defraying the cost and expenses of such audit the Authority shall pay to the Consolidated
35 Revenue Fund such sums, at such periods, as the Colonial Treasurer may decide.

Electricity Development.

PART V.

ELECTRICAL APPARATUS AND APPLIANCES; AND ELECTRICAL CONTRACTORS AND ELECTRICIANS.

20. (1) Sections 422A, 512A, 512J, 512K, 512L, 512M, 512N, and 512O, and paragraphs (h) to (h8) both inclusive, of subsection one and subsections two and three of section five hundred and thirteen of the Local Government Act, 1919, as amended by subsequent Acts, are hereby repealed. Amendment of Act No. 41, 1919.
- 10 (2) All ordinances and proclamations made or published under the authority of the enactments repealed by subsection one of this section and in force at the commencement of this Part shall be deemed to be regulations and proclamations respectively made or published under this Act and shall continue in force until amended or repealed in pursuance of this Act.
- 15 (3) All licenses issued pursuant to the enactments repealed by subsection one of this section and the ordinances made thereunder and in force at the commencement of this Part shall be deemed to have been issued pursuant to this Act and the regulations made thereunder and shall remain in force until the expiration of the period for which the same respectively were granted unless sooner suspended or cancelled pursuant to this Act.
- 20 (4) All consents, approvals and permissions given pursuant to the enactments repealed by subsection one of this section and the ordinances made thereunder and subsisting at the commencement of this Part shall continue in force unless revoked or withdrawn pursuant to this Act.
- 25 (5) A reference in any ordinance, proclamation, or other instrument to the Electricity Advisory Committee or the prescribed authority shall be construed as a reference to the Authority.

Electricity Development.

21. (1) The Governor may by proclamation published in the Gazette prescribe any class, description, or type of wire, cable, appliance, fitting, meter, insulator, apparatus or material, intended, suggested or designed for use in or for purposes of or for connection to any electrical installation, which shall not after a date specified in such proclamation be sold, hired or exposed for sale or hire or advertised for sale or hire unless such type, description, or class of wire, cable, appliance, fitting, meter, insulator, apparatus or material has been approved of by the Authority and is stamped or labelled as prescribed.

Power to prescribe classes, descriptions, or types of electrical appliances, &c., which shall not be sold unless approved under the regulations.

(2) Any person who, after the date so specified, sells, hires or exposes for sale or hire or advertises for sale or hire or causes to be sold or hired or exposed or advertised for sale or hire any wire, cable, appliance, fitting, meter, insulator, apparatus or material of the class, description or type prescribed in such proclamation shall, unless such type, description or class of wire, cable, appliance, fitting, meter, insulator, apparatus or material has been approved of by the Authority, and is stamped or labelled as prescribed, be guilty of an offence against this Act.

(3) For the purposes of this section the regulations made in that behalf may provide for approval of a type, description or class of electric wire or cable or electrical appliance, fitting, meter, insulator, apparatus or material being signified by approval of a sample thereof or by any other means whatsoever.

22. (1) A person shall not undertake or carry out any electrical wiring work unless he is licensed as prescribed, or unless he is in the employment of and carries out such work under the personal supervision of a person so licensed.

Restriction of work by unlicensed persons.

(2) An electrical contractor undertaking any electrical wiring work, if he does not himself carry out the work, with or without assistance, shall constantly employ on the work until it is completed at least one person licensed as prescribed:

Provided

Electricity Development.

Provided that where the electrical contractor undertaking any electrical wiring work is a firm, company, partnership, society, association or body of persons corporate or unincorporate, no member of such firm, 5 company, partnership, society, association or body shall carry out any such work unless he is licensed as prescribed.

Where the work is carried out under the personal supervision of a person licensed as prescribed, and consists of fixing, connecting and maintaining overhead 10 electrical conductors not in conduits, or of other work usually carried out by a linesman, this subsection shall not extend to such work.

(3) The holder of an electrician's license shall 15 not undertake or carry out any electrical wiring work save as the employee of an electrical contractor; but this provision shall not apply where a licensed electrician undertakes or carries out electrical wiring work on his own premises.

(4) Nothing in this section shall prevent the 20 employment of or the carrying out of electrical wiring work by an apprentice or a trainee apprentice working under the supervision of his master under regulations made under the Industrial Arbitration Act, 1940-1943, 25 as amended by subsequent Acts, or any other Act governing the electrical industry in the State.

(5) The particulars of the licenses of electrical contractors and electricians shall be recorded at the office of the Authority. A certificate purporting to be under 30 the hand of the chairman of the Authority or of any prescribed officer certifying that any person is or is not the holder of an electrical contractor's license or an electrician's license or that certain particulars do or do not appear on such records shall in all courts and upon all 35 occasions whatsoever be received as evidence.

Such certificate shall be prima facie evidence of the particulars contained therein.

The production of such records or any license, requisition, notice or other document upon which such 40 certificate may be founded and proof of the signature of the chairman or officer so certifying shall not be necessary unless the court so orders. **23.**

Electricity Development.

23. Nothing contained in this Part shall preclude any unlicensed person from undertaking electrical wiring work as part of a contract for building or construction work if the installation is carried out by or under the
5 personal supervision of a person holding a license as an electrical contractor or a licensed electrician.

General
contractors
excluded.

24. Notwithstanding anything contained in this Part, any person, firm, company, partnership, society, association or body of persons corporate or unincorporate, not
10 trading as an electrical contractor and who or which is employing a licensed electrician for the purpose of making or maintaining the installations necessary for the conduct of the business of such person, firm, company, partnership, society, association or body of persons, need
15 not be licensed under or in pursuance of this Act and any licensed electrician so employed may carry out the duties of such employment.

Circum-
stances in
which a
license
is not
required.

25. Any person authorised in writing by the Minister or by the chairman of the Authority or by any council
20 shall have power to enter any premises at any reasonable time for the examination of any electrical installation on such premises.

Power of
entry.

26. (1) The Authority may from time to time cause
25 any machinery, apparatus, appliances, material or equipment of what kind soever used or intended to be used by any electricity supply authority for or in connection with the generation, transmission or distribution of electricity, to be examined and tested for the purpose of determining whether such machinery, apparatus, appliances, material
30 or equipment can be used without danger to life or limb.

Safety.

(2) Any person authorised in writing by the Minister or the chairman of the Authority may at all
35 reasonable times enter into and upon any place or premises whatsoever for the purpose of examining or testing any such machinery, apparatus, appliances material or equipment.

Any person who interferes with or obstructs any person authorised as aforesaid in the execution of his duty
40 under this subsection shall be liable to a penalty not exceeding twenty pounds.

(3)

Electricity Development.

(3) The Minister, on the recommendation of the Authority and on being satisfied that any such machinery, apparatus, appliance, material or equipment cannot be used without danger to life or limb, may, by order, cf. Act No. 39, 1912, s. 35.

5 prohibit any such machinery, apparatus, appliance, material or equipment from being used or if it is capable of repair or alteration from being used until it is duly repaired or altered to the Minister's satisfaction. Any person who fails to comply with any such order shall

10 for each offence be liable to a penalty not exceeding ten pounds for every day during which such failure continues.

Any order under this subsection shall be served on the electricity supply authority using or intending to use the machinery, apparatus, appliance, material or

15 equipment referred to in such order or on any responsible servant of such electricity supply authority.

PART VI.

RESTRICTIONS UPON WORKS FOR ELECTRICITY SUPPLY.

20 **27.** (1) No person shall establish, erect or extend any power station or main transmission line except with the approval of the Authority and upon such conditions and stipulations as may be specified in such approval and in accordance in all respects with particulars previously submitted to and approved by the Authority. Restrictions in relation to certain works. cf. Act No. 41, 1919, s. 422A.

25 (2) No council shall establish or acquire a trading undertaking for the supply of electricity or extend any such trading undertaking into the area of any other council or enter into an agreement to supply or take a supply of electricity in bulk to or from any person except with

30 the approval of the Authority, and upon such conditions and stipulations as may be specified in such approval.

(3)

Electricity Development.

(3) No council shall grant or renew permission to any person to supply electricity to the public within its area except with the approval of the Authority and upon such conditions and stipulations as may be specified
 5 in such approval:

Provided that nothing in this subsection shall affect the operation of sections forty-four and forty-seven of the Borough of Balmain Electric Lighting Act, 1906.

(4) The approval of the Authority under this
 10 section shall not be required—

- (a) for the completion of any work which had been substantially carried out before the commencement of this Part; or
- 15 (b) as to any work for the carrying out of which a binding contract had been entered into before the commencement of this Part; or
- (c) as to any matter in respect of which the Governor's approval had pursuant to any Act been obtained before the commencement of this Part;
 20 or
- (d) for the establishment, erection or extension of any main transmission line within any area by any electricity supply authority lawfully supplying electricity directly to the public in any such
 25 area where such main transmission line is intended to be used solely for the purpose of supplying electricity in any such area.

For the purposes of this paragraph, the expression
 30 "area" has the meaning ascribed thereto in the Local Government Act, 1919, as amended by subsequent Acts, and includes the county district of a county council constituted under that Act, as so amended, and a county district of a county council constituted pursuant to section twelve of this Act and the county
 35 district of the Sydney County Council and the area or areas for the time being supplied by the Electric Light and Power Supply Corporation Limited.

Electricity Development.

(5) Any approval given pursuant to this section may specify a time within which such approval shall be acted upon and, in the case of an approval given pursuant to subsection three of this section, may also specify a
5 time within which the council's permission shall be acted upon, and any such approval or permission shall lapse if it is not substantially acted upon within the specified time or within such extended time as the Authority may from time to time approve in writing.

10 (6) Any person who contravenes this section shall be liable to a penalty not exceeding five hundred pounds.

(7) Any person who—

15 (a) uses or operates any power station or main transmission line established erected or extended in contravention of this section; or

(b) supplies electricity except with the permission of the council and approval of the Authority and in accordance with the conditions and stipulations specified in such approval under subsection
20 three of this section; or

(c) being a council conducts a trading undertaking for the supply of electricity established acquired or extended in contravention of subsection two of this section or supplies or takes a supply of
25 electricity in bulk except in pursuance of an agreement approved of by the Authority and in accordance with the conditions and stipulations specified in such approval;

shall be guilty of an offence against this Act and shall be
30 liable to a penalty not exceeding fifty pounds for each day during which such offence continues.

(8) In this section "extend" in relation to a power station means instal, replace or renew generating units or steam-raising plant therein.

Electricity Development.

PART VII.

GENERAL.

28. (1) The Minister may from time to time by notification published in the Gazette declare that such of the provisions of sections eleven, fifteen, twenty-six and twenty-seven of this Act as are specified in any such notification shall not apply—
- 5
- (a) to any specified electricity supply authority which is engaged in the generation of electricity for use primarily on its own premises and not primarily for supply directly or indirectly to the public; or
- 10
- (b) to any specified power station or main transmission line for the generation or transmission of electricity for use primarily on the premises of the person by whom such power station or main transmission line is owned or operated and not primarily for supply directly or indirectly to the public.
- 15
- (2) The Minister may from time to time in the like manner revoke any such notification.
- 20
29. All courts and persons having by law or consent of parties authority to hear, receive and examine evidence—
- 25
- (a) shall take judicial notice of the seal of the Authority affixed to any document; and
- (b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.
- 30
30. Any notice, summons, writ, or other proceeding required to be served upon the Authority may be served by being left at the office of the Authority or, in the case of a notice, by post.
- 35
31. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the chairman of the Authority.

Certain provisions not to apply

Judicial notice of seal of authority.

Service of notice and legal proceedings.

Documents, how authenticated.

Electricity Development.

32. Every person guilty of an offence against this Act shall for every such offence be liable to the penalty expressly provided therefor and if no penalty is so provided to a penalty not exceeding fifty pounds and to a further daily penalty not exceeding ten pounds.

Penalty.
cf. Act No.
41, 1919,
s. 633.

33. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in petty sessions.

Recovery
of penalty.
Ibid. s. 639.

(2) Where the penalty is a daily penalty, it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

34. In any legal proceedings by or against the Authority, no proof shall be required (until evidence is given to the contrary) of—

Proof of
certain
matters not
required.

(a) the constitution of the Authority;

(b) any resolution of the Authority;

(c) the appointment of any member, or of any officer or employee of the Authority;

(d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Authority.

Act No. 65,
1941, s. 31.

35. (1) The Authority may, from time to time by resolution, delegate such of the powers, authorities, duties or functions of the Authority (other than the power of delegation) as may be prescribed and as are specified in the resolution—

Delegation.
Ibid. s. 34.

(a) to any member of the Authority;

(b) to any officer of the Authority;

(c) to any officer or employee of whose services the Authority makes use pursuant to this or any other Act.

(2) Any such delegation may be made either generally or for any particular case or class of cases.

(3) Any person, when acting within the scope of any such delegation to him, shall be deemed to be the Authority.

(4)

Electricity Development.

(4) Any instrument necessary to be executed and any notice, order, summons or other like document requiring authentication for the purpose of the exercise or discharge of any power, authority, duty or function delegated to any person under this section, shall be sufficiently executed or authenticated, as the case may be, if signed by such person in such a way as to show that he does so under and in pursuance of the delegation.

(5) The Authority may by resolution revoke any delegation made under this section.

36. (1) As soon as practicable after the thirtieth day of June in each year, the Authority shall prepare and furnish to the Minister a report upon the operations and activities of the Authority during the year ending on the date aforesaid. Annual report.

(2) The Minister shall lay such report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

37. (1) The Governor may make regulations not consistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) Without prejudice to the generality of the power conferred by subsection one of this section regulations may be made for or with respect to:—

(a) the keeping by electricity supply authorities of such books, accounts and records as may be prescribed, the particulars to be entered therein and the manner of keeping the same;

(b) the examination, testing, approval and stamping or labelling and the withholding and withdrawal of approval of any type, description or class of wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested or designed for use for purposes of or for connection to any electrical installation;

(c)

Electricity Development.

- (c) prescribing standards for electric wires and cables and for the materials used in the manufacture of electrical appliances, meters, fittings, insulators and/or apparatus;
- 5 (d) the fees to be charged for the examination, testing, and/or approval of any type, description or class of wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested or designed for use for purposes of
- 10 or for connection to any electrical installation;
- (e) prescribing the form and basis of charging for electricity (otherwise than for electricity sold or supplied in bulk) and the methods to be adopted in fixing such charges and prescribing
- 15 times for revising such charges;
- (f) prohibiting interference by unauthorised persons with any electric wire, cable and/or meter and/or any prescribed electrical appliance, fitting, insulator and/or apparatus;
- 20 (g) conferring upon any electricity supply authority the power to refuse or discontinue the supply of electricity where the conditions of such supply may be dangerous to life, health or property, and regulating the exercise of such power;
- 25 (h) requiring the periodical inspection by electricity supply authorities of electrical wires, cables, appliances, meters, fittings, insulators and apparatus installed in, on, over or under any place or premises whatsoever;
- 30 (i) prescribing standards for the voltages to be maintained at the terminals of consumers of electricity;
- (j) prescribing standards and rules for the installation of electric wires, cables, appliances, meters, fittings, insulators, or apparatus in, on, over or
- 35 under any place or premises whatsoever and the alteration, repair or renewal thereof;
- (k)

Electricity Development.

- (k) the licensing of electrical contractors and electricians and the cancellation and suspension of such licenses;
- 5 (l) the safety of persons employed by electricity supply authorities in connection with the generation, transmission, distribution or supply of electricity or of persons engaged in the installation of electric wires, cables, appliances, meters, fittings, insulators or apparatus in, on, under or
10 over any place or premises whatsoever;
- (m) prescribing the furnishing of information, particulars, returns and statistics by electricity supply authorities and the time and mode of furnishing and the manner of verification of the
15 same.
- (3) A regulation made under this section may impose a penalty not exceeding fifty pounds for any breach thereof and also a daily penalty not exceeding ten pounds for any continuing breach thereof.
- 20 (4) A regulation made under the authority of this section shall bind the Crown if expressed so to do.
- (5) A regulation made in relation to any of the matters referred to in subsection two of this section may adopt wholly or partially or by reference any of the
25 standard rules recommended or adopted by the Standards Association of Australia relating to the matter with which the regulation deals.
- (6) The regulations shall—
- (a) be published in the Gazette;
- 30 (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within
35 fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(7)

Electricity Development.

(7) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

SCHEDULE.

	Electricity Supply Authority.	Maximum amount of contribution.
	Sydney County Council	£100,000
10	The Commissioner for Railways	£27,500
	The Administrator of the Southern Electricity Supply of New South Wales	£12,500
	The Electric Light and Power Supply Corporation Limited	£12,000
	The Clarence River County Council	£4,500
15	The Greater Newcastle Council	£7,500
	St. George County Council	£3,000
	Parramatta and Granville Electric Supply Company Limited	£2,000

Sydney: Thomas Henry Tennant, Government Printer--1945.

[2s. 6d.]

No. , 1945.

A BILL

To provide for the development of electricity supply; to provide for the constitution of the Electricity Authority of New South Wales and to define its powers, authorities, duties and functions; to provide for the regulation of the sale and hiring of electrical apparatus and the licensing of electrical contractors and electricians; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. CAHILL;—23 October, 1945.]

Electricity Development.

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Electricity
Development Act, 1945." Short title
and com-
mencement.

10 (2) Parts I, II and VII of this Act shall commence
on the day upon which the assent of His Majesty to this
Act is signified.

(3) Parts III, IV, V and VI of this Act shall com-
mence upon such day or days as may be appointed by
15 the Governor and notified by proclamation published in
the Gazette.

Different days may be so appointed and notified in
respect of such Parts.

2. This Act shall be read and construed subject to the
20 Commonwealth of Australia Constitution Act, and so as
not to exceed the legislative power of the State to the
intent that where any provision of this Act or the
application thereof to any person or circumstance is held
invalid the remainder of this Act and the application of
25 such provision to other persons or circumstances shall
not be affected. Construc-
tion.

3. This Act is divided into Parts as follows :— Division
into Parts.

PART I.—PRELIMINARY—ss. 1-4.

30 PART II.—CONSTITUTION OF THE ELECTRICITY
AUTHORITY OF NEW SOUTH WALES—ss. 5-7.

PART III.—POWERS, AUTHORITIES, DUTIES AND
FUNCTIONS OF THE AUTHORITY—ss. 8-14.

PART IV.—FINANCE—ss. 15-19.

35 PART V.—ELECTRICAL APPARATUS AND APPLIANCES;
AND ELECTRICAL CONTRACTORS AND ELECTRICIANS
ss. 20-26.

PART

Electricity Development.

PART VI.—CONSTRUCTION OF WORKS FOR AND RESTRICTIONS UPON ELECTRICITY SUPPLY—SS. 27, 28.

PART VII.—GENERAL—SS. 29-38.

5 4. In this Act, unless the context or subject matter otherwise indicates or requires— Interpretation.

“Authority” means The Electricity Authority of New South Wales.

10 “Council” has the meaning ascribed thereto in the Local Government Act, 1919, as amended by subsequent Acts, and includes a county council constituted under that Act, as so amended, and
15 a county council for a county district constituted pursuant to section twelve of this Act, and the Sydney County Council.

20 “Electrical contractor” includes a firm, company, partnership, society, association or body of persons, corporate or unincorporate, trading as an electrical contractor, and any person licensed under or in pursuance of this Act as an electrical contractor.

25 “Electrical installation” means any appliances, wires, fittings or other apparatus placed in, on, under, or over any premises (including premises held under lease from the Crown for private purposes and premises occupied for private purposes which are supplied with electricity by the Crown) and used for or for purposes incidental to the conveyance, control or use of
30 electricity supplied or intended to be supplied by an electricity supply authority, and whether such appliances, wires, fittings or apparatus are or are not supplied by the person contracting or undertaking to instal the same, and includes
35 additions, alterations and repairs to an electrical installation; but does not include—

- (a) any electricity supply main or service line of an electricity supply authority;
- or
- (b)

Electricity Development.

5 (b) any appliances, wires, fittings or apparatus connected to and beyond any electrical outlet socket which is installed for the purpose of connecting portable electrical appliances, fittings or apparatus and at which fixed wiring terminates; or

10 (c) any appliances, wires, fittings or apparatus which are placed in, on or over any premises owned or occupied by an electricity supply authority and which are not used for the consumption of electricity on such premises or
15 which are not used solely for purposes incidental to the conveyance or control of electricity so consumed; or

(d) any electrical installation in or about a mine.

20 "Electrical wiring work" and "work" mean the actual physical work of installing an electrical installation.

"Electrician" means any person engaged in electrical wiring work who is not an electrical contractor.

25 "Electricity supply authority" means any person engaged in the supply of electricity to the public or in the generation of electricity for supply, directly or indirectly, to the public, whether by
30 virtue of any statute or any franchise agreement under any Act or otherwise and (except in sections thirteen and fourteen of this Act) includes the Administrator of the Southern Electricity Supply of New South Wales, The
35 Commissioner for Railways and the Water Conservation and Irrigation Commission.

"Main transmission line" means any cable or overhead line which connects or transmits or is designed or intended to connect or transmit electricity between two or more power stations

or

Electricity Development.

5 or which is operated for or in connection with the supply of electricity directly or indirectly to the public at a voltage in excess of eleven thousand five hundred volts, and all towers, poles and equipment and all step-up and step-down transformers and switchgear necessary to and used for the control and operation of any such cable or overhead line.

“Member” means member of the Authority.

10 “Power station” means any station for generating or which is designed or intended for generating electricity for supply directly or indirectly to the public.

15 “Prescribed” means prescribed by this Act or by the regulations.

“Person” includes a council.

“Regulations” means regulations made or deemed to be made under this Act.

PART II.

20 CONSTITUTION OF THE ELECTRICITY AUTHORITY OF
NEW SOUTH WALES.

5. (1) (a) There shall be constituted an Electricity ^{Constitution} Authority of New South Wales which shall have and may ^{of} exercise and discharge the powers, authorities, duties and ^{Authority.} functions conferred and imposed upon the Authority by
25 or under this Act.

(b) The Authority shall consist of seven members appointed by the Governor.

(c) One of such members shall in and by the instru- ^{Chairman.}
30 ment by which he is appointed be the chairman of the Authority and another of such members shall in and by the instrument by which he is appointed be the deputy chairman of the Authority.

(d) |

Electricity Development.

(d) (i) One of the members shall be an engineer having special knowledge of the generation, transmission and supply of electricity;

(ii) two of the members shall be members of a 5 council;

(iii) one of the members shall be the manager, general manager, electrical engineer or person in charge of the electricity undertaking of a council; and

(iv) one of the members shall be a person ap- 10 pointed to represent the interests of employees engaged in the electrical industry.

(2) (a) Subject to this Act—

Term of office.

(i) the chairman shall hold office for a term of seven years;

15 (ii) each member other than the chairman shall hold office for such term, not exceeding seven years, as may be specified in the instrument by which he is appointed;

20 (iii) a member shall, if otherwise qualified, be eligible from time to time for re-appointment upon the expiration of his term of office.

(b) A person who is of or above the age of sixty-five years shall not be appointed a member.

(3) (a) The chairman shall devote the whole of his 25 time to the duties of his office and shall receive such annual salary as the Governor may determine. Duties of chairman.

(b) Each member, other than the chairman, shall be entitled to receive such remuneration for his services as may from time to time be fixed by the 30 Governor.

A member who is an officer of the Public Service shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration under this paragraph in addition to any 35 remuneration to which he is entitled as an officer of the Public Service.

(c)

Electricity Development.

(c) Each member shall be entitled to receive travelling expenses at such rate as the Governor may from time to time determine.

Travelling expenses.

(d) The office of a member other than the chairman shall not for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1932, or any Act amending such Acts, be deemed to be an office or place of profit under the Crown.

(4) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any member, and a member shall not, in his capacity as a member, be subject to the provisions of any such Act during his term of office.

(5) (a) Each member before entering upon the duties of his office shall take an oath of allegiance under and in accordance with the Oaths Act, 1900-1936, and shall make and subscribe the following declaration of office:—

Oath of allegiance and declaration of office.

cf. Act No. 20, 1940, s. 27.

I.....
20 having been appointed a member of The Electricity Authority of New South Wales, do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

(b) If a person, after having been afforded an opportunity of taking the oath of allegiance and making and subscribing such declaration, neglects to do so for a period of one month or during such extended period as the Governor may appoint pursuant to paragraph (c) of this subsection after the date upon which he is appointed, he shall upon the expiration of such period of one month or extended period, as the case may be, be deemed to have declined to accept office.

(c) Where the Governor is satisfied that the delay in taking such oath and making and subscribing such declaration is unavoidable he may extend the time for taking such oath and making and subscribing such declaration for any period not exceeding six months.

(d)

Electricity Development.

(d) Any person who is deemed to have declined to accept office shall not be eligible to be re-appointed to fill the vacancy created.

(6) (a) A member shall be deemed to have vacated ^{Vacation} his office— _{of office.}

- (i) if, being the chairman, he engages in New South Wales during his term of office in any paid employment outside the duties of his office;
- 10 (ii) if, being one of the members referred to in subparagraph (ii) or subparagraph (iii) of paragraph (d) of subsection one of this section, he ceases to hold the qualification by virtue of which he was appointed;
- 15 (iii) if he becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- 20 (iv) if, being the chairman, he absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant);
- 25 (v) if he is absent from four consecutive ordinary meetings of the Authority without leave granted by the Authority;
- 30 (vi) if he becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1944;
- 35 (vii) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (viii) if he resigns his office by writing under his hand addressed to the Governor;
- (ix) if he is removed from office by the Governor; or
- (x) if he declines office or is deemed to have declined office.

(b)

Electricity Development.

(b) A member shall be deemed to have vacated his office on the day upon which he attains the age of sixty-five years.

5 (7) The Governor may, for any cause which appears to him sufficient, remove a member from office.

(8) Any member who is in any wise personally concerned or interested in any bargain or contract made by or on behalf of the Authority for any purpose connected with or relating to the powers, authorities, duties or
10 functions of the Authority or in any wise participates or claims to be entitled to participate in the profit of any such bargain or contract or in any benefit or emolument arising therefrom shall thereby vacate his office as a member and shall also be liable upon summary con-
15 viction to a penalty not exceeding fifty pounds:

cf. Act No. 65, 1941, s. 5 (8); Act No. 19, 1943, s. 5 (4) (b).

Provided that a member shall not vacate his office or be liable to any penalty as aforesaid by reason only of—

- 20 (a) receiving or being entitled to receive any payment, benefit or emolument in consequence of his appointment as member;
- (b) being beneficially interested in any newspaper in which the Authority inserts advertisements;
or
- 25 (c) being a shareholder or member (but not a director or manager) of any incorporated company of more than twenty persons with which the Authority has entered into any bargain or contract for any purpose connected with or relating to the powers, authorities, duties or
30 functions of the Authority.

(9) On the occurrence of a vacancy in the office of a member, a person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

Vacancy in office of member.

35 (10) A person who at the date of his appointment as chairman is an officer of the Public Service, and who ceases to be chairman from any cause whatsoever, otherwise than in pursuance of subsections six, seven and eight of this section (subparagraph (viii) of paragraph

Officer of Public Service appointed chairman.

40 (a) of subsection six excepted), shall if he is under the age of sixty years be appointed to some office in the

Public

Electricity Development.

Public Service not lower in classification and salary than that which he held immediately before his appointment as chairman.

(11) (a) Nothing contained in this Act shall affect
5 the rights accrued and accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916-1944, or any Act amending such Acts, to any person appointed chairman who is at the time of his appointment or has
10 been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916-1944, or any amendment thereof.

(b) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916-1944, or any amendment
15 thereof, appointed chairman shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or
20 the Superannuation Act, 1916-1944, as the case may be, or any Act amending such Acts, and for such purpose his service as chairman shall be deemed to be service for the purpose of such Acts.

6. (1) The Authority shall be a body corporate with
25 perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising and disposing of or otherwise dealing with real and personal
30 property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) The corporate name of the Authority shall be
"The Electricity Authority of New South Wales."
Corporate name.

(3) The common seal shall be kept in the custody
35 of the chairman and shall not be affixed to any instrument except in pursuance of a resolution of the Authority.
Common seal.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of any two
40 members.

(4)

Electricity Development.

(4) (a) In the case of the absence from duty of the chairman, the deputy chairman shall act in his place, and whilst so acting shall have the immunities and may exercise all the powers and authorities of the chairman.

5 (b) The deputy chairman while so acting may, if the Governor thinks fit, be paid such additional remuneration for his services as the Governor may determine.

10 (c) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the deputy chairman to act in the place of the chairman; and all acts or things done or omitted by the deputy chairman while so acting shall be as valid and effectual and shall have the same consequences as if the
15 same had been done or omitted by the chairman.

(5) (a) The procedure for the calling of meetings of the Authority and for the conduct of business at such meetings shall, subject to this Act and any regulations in relation thereto, be as determined by the Authority. Procedure.

20 (b) The chairman or in his absence the deputy chairman shall preside at all meetings of the Authority at which he is present, and in addition to a deliberative vote shall, if the voting be equal, have a second or casting vote. Chairman to preside at meetings.

25 (c) Four members, one of whom shall be the chairman or, in his absence, the deputy chairman, shall form a quorum and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Authority, and shall have and may exercise and discharge all the powers, authorities, duties, and
30 functions of the Authority. Quorum.

A decision of the majority of the members present at a meeting of the Authority shall be the decision of the Authority.

35 (d) The Authority shall cause minutes of its decisions to be kept upon the official papers and cause minutes to be kept of its proceedings at formal meetings.

Electricity Development.

(6) (a) No matter or thing done, and no contract entered into by the Authority, and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Authority shall, if
5 the matter or thing was done or the contract was entered into bona fide for the purposes of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(b) Nothing in this subsection shall exempt
10 any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Authority, and which such member authorised or joined in authorising.

(7) No act or proceeding of the Authority shall
15 be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the offices of members.

Validity of acts and proceedings.

7. (1) The Governor may, under and subject to the
20 provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary to enable the Authority to exercise and discharge the powers, authorities, duties and functions conferred and imposed on
25 the Authority by or under this or any other Act.

Officers and employees. cf. Act No. 65, 1941, s. 6.

(2) The officers and employees so appointed shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, during their tenure of office.

(3) The Authority may appoint, employ and dismiss such casual employees as it deems necessary and may fix wages and conditions of employment of such casual employees where such wages and conditions are not fixed in accordance with the provisions of any other
30 Act.
35 Act.

The appointment of casual employees under this subsection shall not be subject to the provisions of the Public Service Act, 1902, or any Act amending that Act, and a casual

Electricity Development.

casual employee so appointed shall not be subject to the provisions of any such Acts during the period of his employment.

(4) (a) For the purposes of exercising and dis-
5 charging the powers, authorities, duties and functions conferred and imposed on the Authority by or under this or any other Act, the Authority may, with the approval of the Minister of the Department concerned, on such terms as may be arranged, make use of the services
10 of any of the officers or employees of any Government Department.

(b) The Authority may for the like purpose with the approval of any statutory body or council, on such terms as may be arranged, make use of the services
15 of any of the officers, servants or employees of such statutory body or council.

(c) In this subsection "statutory body" means any public body which the Governor may by proclamation published in the Gazette declare to be a
20 statutory body.

(5) Nothing in this section shall be construed to preclude the Authority from engaging for any particular purpose specified in a resolution of the Authority the services of any engineer, architect, surveyor, builder,
25 contractor or other person whomsoever.

PART III.

POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE
AUTHORITY.

8. In the exercise and discharge of its powers, autho-
30 rities, duties and functions the Authority shall be sub-
ject in all respects to the control and direction of the
Minister.

Authority
subject to
control of
Minister.

Electricity Development.

9. (1) Subject to this Act the Authority shall have Powers of
Authority.
power—

- 5 (a) to promote, regulate and supervise the co-ordination, development, expansion, extension and improvement of electricity supply throughout the State, and without limiting the generality of the foregoing power, to promote, regulate and supervise—
- 10 (i) the interconnection of power stations;
- (ii) the interchange of electricity between power stations;
- (iii) the erection, extension or alteration of power stations;
- 15 (iv) the installation and renewal of generating units and steam raising plant in power stations;
- (v) the erection and extension of main transmission lines;
- 20 (vi) the extension and improvement of electricity supply to and within rural districts;
- (vii) the adoption of standards of plant, equipment, frequency and voltage for the generation, transmission, distribution and supply of electricity;
- 25 (b) to promote and encourage the development and use of the natural resources of the State in connection with the generation of electricity;
- 30 (c) to promote and encourage the use of electricity and especially the use thereof for industrial and manufacturing purposes and for the purpose of primary production;
- 35 (d) to advise any person engaged in the generation, transmission, distribution or supply of electricity upon all matters of and concerning such generation, transmission, distribution and supply;
- (e)

Electricity Development.

- (e) to consider the advisability of amending the law relating to the generation, transmission, distribution, supply and use of electricity, and to report thereon to the Minister. Any such report shall be accompanied by a draft of the legislation (including regulations and the like) necessary to give effect to such report; and
- (f) to do such supplemental, incidental and consequential acts as may be necessary or expedient for the purposes aforesaid.

(2) Where by any other Act or by any ordinance, regulation or by-law made under any other Act the approval of the Governor is required to be given to any proposal relating to electricity or to the generation, transmission, distribution or supply thereof, such approval shall not be given unless and until the proposal has been referred to the Authority for consideration and report.

(3) Sections 512H and 512I of the Local Government Act, 1919, as amended by subsequent Acts, are hereby repealed.

Repeal of Act No. 41, 1919, ss. 512H and 512I.
(Electricity Advisory Committee.)
(Consequential.)
Inquiries and investigations. cf. Act No. 65, 1941, s. 17.

10. (1) The Authority may, and whenever required by the Minister shall, conduct inquiries or investigations for any purpose of or connected with the carrying out of the provisions of this Act.

(2) The Authority shall furnish the Minister with a report setting out the results of any inquiry or investigation made under this section.

(3) For the purposes of any inquiry or investigation under this section the Authority shall have the powers and immunities of a commissioner, and the chairman of the Authority shall have the powers of a chairman within the meaning of Division 1 of Part II of the Royal Commissions Acts, 1923-1934, and the provisions of that Act, with the exception of section thirteen and of Division 2 of Part II shall, mutatis mutandis, apply to any witness or person summoned by or appearing before the Authority.

Electricity Development.

11. (1) For the purposes of carrying out the provisions of this Act the Authority may from time to time formulate proposals for and in respect of any one or more of the following matters:—

Authority to formulate proposals relating to electricity.

- 5 (a) requiring any council—
- (i) to carry out such additions, alterations, modifications and renewals of and to plant and equipment installed in any power station owned or operated by such council as may be specified in any such proposal;
- 10
- (ii) to provide from any power station owned or operated by such council, a bulk supply of electricity to any electricity supply authority specified in any such proposal, at such times, in such quantity and upon and subject to such terms and conditions as may be specified in such proposal;
- 15
- (iii) to take a bulk supply of electricity from any electricity supply authority specified in any such proposal at such times, in such quantity and upon and subject to such terms and conditions as may be specified in such proposal;
- 20
- (iv) to undertake the supply of electricity to the public within its area or within any specified part thereof;
- 25
- (v) to undertake the supply of electricity to the public within the area or any specified part of the area of any other council specified in any such proposal;
- 30
- (b) requiring any electricity supply authority (including an electricity supply authority being a council)—
- 35
- (i) to carry out the interconnection of any power station owned or operated by such electricity supply authority with any other power station;
- (ii)

Electricity Development.

5 (ii) to effect the interchange of electricity between interconnected power stations at such times, in such quantity and upon and subject to such terms and conditions as may be specified in any such proposal;

10 (iii) to carry out such alterations and modifications to any plant and equipment installed in any power station owned or operated by such electricity supply authority as may be necessary in order to enable such interconnection or interchange to be carried out and effected.

15 (2) A proposal under subparagraph (v) of paragraph (a) of subsection one of this section shall not be formulated unless the council of the area within which the supply of electricity is to be so undertaken—

(a) consents;

20 (b) has failed to comply with the terms of a proclamation embodying a proposal under subparagraph (iv) of paragraph (a) of subsection one of this section; or

25 (c) is not engaged in the supply of electricity to the public within its area or within the part of its area specified in any proposal under subparagraph (v) of paragraph (a) of subsection one of this section.

30 (3) Any such proposal may fix a period within which the requirements thereof are to be carried into effect and may provide that the Authority may from time to time grant extensions of such period.

(4) The Authority shall submit any such proposal to the Minister and shall serve a copy thereof on any electricity supply authority or council affected thereby.

Proposal
to be
submitted
to Minister.

35 (5) Any electricity supply authority or council affected by any such proposal may, within the prescribed time, lodge with the Minister an objection in writing to such proposal and shall state the grounds for such objection.

Electricity Development.

(6) At the expiration of the time prescribed pursuant to subsection five of this section the Minister shall consider such proposal together with any objections that may have been lodged in accordance with that subsection
5 and may approve of the proposal with such amendments or modifications (if any) as may be necessary to give effect to any objection allowed by the Minister.

(7) The Authority shall forthwith cause notice of the proposal as so approved by the Minister to be com-
10 municated to the electricity supply authority or council affected thereby.

(8) Any such proposal may be supplemented, amended, or rescinded by a subsequent proposal.

(9) Any such proposal as so approved by the
15 Minister shall be laid before both Houses of Parliament.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after any such proposal has been laid before such House disallowing such proposal or any part there-
20 of, such proposal or part, as the case may be, shall lapse and shall not be given effect to.

(10) Any such proposal, to the extent to which it has not been disallowed pursuant to subsection nine of this section, may be embodied in a proclamation made by
25 the Governor.

Such proclamation shall—

(a) be published in the Gazette; and

(b) take effect from the date of such publication or from a later date specified therein.

30 (11) The Authority shall cause a copy of any proclamation published in pursuance of this section to be served by registered post on all electricity supply authorities or councils affected thereby.

(12) All proclamations published in pursuance of
35 this section shall have the force of law and notwithstanding any law to the contrary all electricity supply authorities or councils affected by any such proclamation shall do, perform and carry out all such acts, matters
and

Electricity Development.

and things as are necessary in order to comply with any such proclamation in accordance in all respects with the terms thereof.

(13) For the purpose of so complying with any
5 proclamation published in pursuance of this section any council affected thereby may borrow by way of ordinary loan under and subject to the provisions of the Local Government Act, 1919, as amended by subsequent Acts.

The provisions of the Local Government Act, 1919, as
10 so amended applicable to ordinary loans, shall mutatis mutandis apply to and in respect of any borrowing by a council under this subsection:

Provided that the Governor may, notwithstanding any restrictions imposed by the Local Government Act, 1919,
15 as so amended, or any other Act, on the granting of approval to loans for works for the supply of electricity, approve of a loan for any of the purposes of this subsection.

(14) Any electricity supply authority or council
20 which refuses or fails to comply with any terms, conditions or requirements of any proclamation published in pursuance of this section and applicable to such electricity supply authority or council shall be liable to a penalty not exceeding five hundred pounds and to a
25 further daily penalty not exceeding fifty pounds for each and every day during which such refusal or failure continues.

12. (1) For the purpose of carrying out the provisions of this Act the Authority may from time to time
30 submit to the Governor through the Minister for the time being administering the Local Government Act, 1919, as amended by subsequent Acts, recommendations—

Constitution
of county
districts.
cf. Act No.
41, 1919,
s. 561.

(a) for the constitution of county districts comprising the whole or parts of two or more areas
35 within the meaning of the Local Government Act, 1919, as amended by subsequent Acts, and for the delegation to the county council of any such district of such powers and duties (including the power to borrow and to levy rates) of
40 the councils whose areas are wholly or partly included

Electricity Development.

included in such county district in relation to the supply of electricity and works for the supply of electricity as may be specified in any such recommendation; and

- 5 (b) for the alteration of the boundaries of county districts whether constituted upon a recommendation under this section or otherwise.

(2) Thereupon the Governor may under and subject to the provisions of the Local Government Act, 10 1919, as amended by subsequent Acts, constitute county districts or alter the boundaries of county districts, as the case may be, in accordance with any such recommendation or with such modifications or variations thereof as he may deem fit and may, notwithstanding 15 that a request for such delegation has not been made by the councils whose areas are wholly or partly included in any such county district, delegate to the county council of any such county district such powers and duties as are specified in the recommendation for the constitution 20 of such county district or as may be determined by the Governor.

Delegation
of powers.
cf. Act No.
41, 1919,
s. 564.

13. (1) The Authority may, with the approval of the Minister, out of moneys in the Electricity Development Account, grant subsidies or loans—

Authority
may grant
subsidies.

- 25 (a) to any council for or towards meeting the cost of the erection, construction or carrying out by or on behalf of such council of any works for the supply of electricity which the council may lawfully erect, construct or carry out or for or 30 towards meeting any periodical liability incurred by such council in connection with the erection, construction or carrying out of any such works;
- (b) to any electricity supply authority (including any electricity supply authority being a council) 35 for or towards meeting the cost of carrying out extensions of the distribution lines of such electricity supply authority or for or towards meeting any periodical liability incurred by any electricity supply authority in connection with 40 any such extension.

(2).

Electricity Development.

(2) Before granting any subsidy or loan as aforesaid the Authority may require an electricity supply authority or council, as the case may be, to enter into an agreement with the Authority to secure the carrying
5 out of the purposes for which and the terms and conditions upon and subject to which such subsidy or loan is granted and in the case of a loan the repayment of principal and the payment of interest in respect of such loan.

10 (3) Notwithstanding anything contained in this or any other Act the approval of the Governor shall not be necessary in the case of a loan to a council in pursuance of this section and a council is hereby empowered to borrow and enter into any agreement for the
15 purpose of this section.

(4) Any subsidy or loan under this section may be granted for or towards meeting any cost or liability incurred for the purpose referred to in subsection one of this section at any time after the first day of July,
20 one thousand nine hundred and forty-four.

14. (1) Notwithstanding anything contained in any other Act, the Authority, with the approval of the Minister, may from time to time by notification published in the Gazette fix and declare forms and bases of charging
25 and maximum prices for electricity supplied in bulk and for electricity supplied by way of interchange by electricity supply authorities and specify a date on and from which any such forms and bases of charging or maximum prices (as the case may be) shall apply.

Authority
may fix
maximum
prices.

30 (2) Any such notification may fix and declare—

(a) forms and bases of charging and maximum prices applicable to all electricity supply authorities or to such electricity supply authorities as may be specified in the notification;
35

(b) different forms and bases of charging and different maximum prices applicable to different electricity supply authorities; and

(c)

Electricity Development.

(c) different forms and bases of charging and different maximum prices according to the times during which and the circumstances and conditions under which the supply is given but so that such forms and bases of charging and maximum prices shall be uniform for electricity supplied in bulk or for electricity supplied by way of interchange by any one electricity supply authority during the same times and under the same circumstances and conditions of supply.

(3) No electricity supply authority shall charge or impose or offer or agree to charge or impose for electricity supplied in bulk or for electricity supplied by way of interchange a different form or basis of charging or a higher price than that fixed and declared by any notification under this section applicable to such electricity supply authority.

(4) Any electricity supply authority which contravenes the provisions of subsection three of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding one hundred pounds; and in addition the court may order the defendant to refund to any consumer any moneys paid by such consumer in excess of the lawful charge and the like proceedings may be taken upon any such order as if the same were a judgment of the court in favour of the consumer.

Electricity Development.

PART IV.

FINANCE.

15. (1) The Authority shall in or before the month of May in each year make an estimate of the amount to be expended by the Authority during the next following year commencing on the first day of July in defraying the expenses incurred in the administration of this Act and in carrying out the powers, authorities, duties and functions conferred and imposed upon the Authority by or under this Act and shall, in such estimate and subject to the approval of the Minister, determine what part of such amount is to be contributed by electricity supply authorities in respect of the year for which such estimate is made.
- 15 (2) Each electricity supply authority shall make such contributions towards the amount determined under subsection one of this section upon such basis or in such amounts and in such manner and at such times as may be prescribed.
- 20 The regulations may provide for the exemption of any electricity supply authorities from payment of contributions under this section and for the payment of different amounts by different electricity supply authorities.
- 25 The contribution first payable after the commencement of this Part by any electricity supply authority pursuant to this section shall not be due or payable until the expiration of six months after notice of the amount of such contribution has been given to such electricity supply authority.
- 30 authority.
- (3) (a) In the event of an electricity supply authority making default in the payment of any moneys payable to the Authority under this section within the time prescribed such moneys shall constitute a debt due and payable to the Authority and shall be recoverable in any court of competent jurisdiction.

Contributions
by electricity
supply
authorities
towards
expenses of
administration.

(b)

Electricity Development.

(b) In the case of an electricity supply authority, being a council, making default as aforesaid and such default continuing for a period of three months after written notice has been given to such council by
 5 or on behalf of the Authority then and in any such case such default shall be deemed to be a default within the meaning of section three hundred and seventy-six of the Local Government Act, 1919, as amended by subsequent Acts, and a receiver may be appointed accordingly by the
 10 Supreme Court on the application of the Minister, and such receiver shall have the powers and duties of a receiver appointed by virtue of that section.

16. (1) There shall be constituted an account in the Special Deposits Account in the Treasury to be called the
 15 "Electricity Development Account."

Electricity
Development
Account.

(2) The form and manner of keeping the Electricity Development Account shall be as prescribed by regulations made under the Audit Act, 1902.

17. (1) The Electricity Development Account shall
 20 consist of—

Assets of
Account.

- (a) all moneys appropriated by Parliament for the purposes of this Act; and
- (b) all moneys received by the Authority from any other source.

25 (2) The Electricity Development Account may be applied to any of the following purposes—

Applica-
tion of
Account.

- (a) payment of remuneration to members and all expenses incurred in the administration of this Act;
- 30** (b) any purpose which the Authority is directed or authorised to undertake or carry out by or under this or any other Act;
- (c) the repayment of advances made by the Colonial Treasurer pursuant to section eighteen of this
35 Act.

(3) The Electricity Development Account shall be operated on in the manner prescribed.

Electricity Development.

18. The Colonial Treasurer may for the temporary accommodation of the Authority advance such moneys to the Authority as the Governor may approve upon such terms and conditions as to repayment and interest as
5 may be agreed upon.

Advances
by Colonial
Treasurer.

19. (1) The Authority shall cause to be kept proper books of account in relation to the Electricity Development Account and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit
10 to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

Accounts
to be
rendered.

(2) The accounts of the Authority shall be
15 audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the
20 chairman and members of the Authority and its officers in the same manner as it applies to accounting officers of public departments.

Audit.

(3) The Auditor-General shall report to the Authority and the Minister—

25 (a) whether or not in his opinion—

(i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;

30 (ii) the expenditure incurred has been duly authorised, vouched, and supervised; and

35 (iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(4)

Electricity Development.

(4) Towards defraying the cost and expenses of such audit the Authority shall pay to the Consolidated Revenue Fund such sums, at such periods, as the Colonial Treasurer may decide.

5

PART V.

ELECTRICAL APPARATUS AND APPLIANCES; AND ELECTRICAL CONTRACTORS AND ELECTRICIANS.

20. (1) Sections 422A, 512A, 512J, 512K, 512L, 512M, 512N, and 512O, and paragraphs (h) to (h8) both
10 inclusive, of subsection one and subsections two and three of section five hundred and thirteen of the Local Government Act, 1919, as amended by subsequent Acts, are hereby repealed.

Amendment
of Act No.
41, 1919.

(2) All ordinances and proclamations made or
15 published under the authority of the enactments repealed by subsection one of this section and in force at the commencement of this Part shall be deemed to be regulations and proclamations respectively made or published under this Act and shall continue in force until
20 amended or repealed in pursuance of this Act.

(3) All licenses issued pursuant to the enactments repealed by subsection one of this section and the ordinances made thereunder and in force at the commencement of this Part shall be deemed to have been
25 issued pursuant to this Act and the regulations made thereunder and shall remain in force until the expiration of the period for which the same respectively were granted unless sooner suspended or cancelled pursuant to this Act.

(4) All consents, approvals and permissions given pursuant to the enactments repealed by subsection one of this section and the ordinances made thereunder and subsisting at the commencement of this Part shall continue in force unless revoked or withdrawn pursuant
30 to this Act.

(5)

Electricity Development.

(5) A reference in any ordinance, proclamation, or other instrument to the Electricity Advisory Committee or the prescribed authority shall be construed as a reference to the Authority.

5 **21.** (1) The Governor may by proclamation published in the Gazette prescribe any class, description, or type of wire, cable, appliance, fitting, meter, insulator, apparatus or material, intended, suggested or designed for use in or for purposes of or for connection to any electrical installation, which shall not after a date specified in such proclamation be sold, hired or exposed for sale or hire or advertised for sale or hire unless such type, description, or class of wire, cable, appliance, fitting, meter, insulator, apparatus or material has been approved of by the Authority and is stamped or labelled as prescribed.

Power to prescribe classes, descriptions, or types of electrical appliances, &c., which shall not be sold unless approved under the regulations.

(2) Any person who, after the date so specified, sells, hires or exposes for sale or hire or advertises for sale or hire or causes to be sold or hired or exposed or advertised for sale or hire any wire, cable, appliance, fitting, meter, insulator, apparatus or material of the class, description or type prescribed in such proclamation shall, unless such type, description or class of wire, cable, appliance, fitting, meter, insulator, apparatus or material has been approved of by the Authority, and is stamped or labelled as prescribed, be guilty of an offence against this Act.

(3) For the purposes of this section the regulations made in that behalf may provide for approval of a type, description or class of electric wire or cable or electrical appliance, fitting, meter, insulator, apparatus or material being signified by approval of a sample thereof or by any other means whatsoever.

35 **22.** (1) A person shall not undertake or carry out any electrical wiring work unless he is licensed as prescribed, or unless he is in the employment of and carries out such work under the personal supervision of a person so licensed.

Restriction of work by unlicensed persons.

(2)

Electricity Development.

(2) An electrical contractor undertaking any electrical wiring work, if he does not himself carry out the work, with or without assistance, shall constantly employ on the work until it is completed at least one
5 person licensed as prescribed.

Where the work is carried out under the personal supervision of a person licensed as prescribed, and consists of fixing, connecting and maintaining overhead electrical conductors not in conduits, or of other work
10 usually carried out by a linesman, this subsection shall not extend to such work.

(3) The holder of an electrician's license shall not undertake or carry out any electrical wiring work save as the employee of an electrical contractor; but this
15 provision shall not apply where a licensed electrician undertakes or carries out electrical wiring work on his own premises.

(4) Nothing in this section shall prevent the employment of or the carrying out of electrical wiring
20 work by an apprentice or a trainee apprentice working under the supervision of his master under regulations made under the Industrial Arbitration Act, 1940-1943, as amended by subsequent Acts, or any other Act governing the electrical industry in the State.

(5) The particulars of the licenses of electrical
25 contractors and electricians shall be recorded at the office of the Authority. A certificate purporting to be under the hand of the chairman of the Authority or of any prescribed officer certifying that any person is or is not
30 the holder of an electrical contractor's license or an electrician's license or that certain particulars do or do not appear on such records shall in all courts and upon all occasions whatsoever be received as evidence.

Such certificate shall be prima facie evidence of the
35 particulars contained therein.

The production of such records or any license, requisition, notice or other document upon which such certificate may be founded and proof of the signature of the chairman or officer so certifying shall not be
40 necessary unless the court so orders.

Electricity Development.

23. Nothing contained in this Part shall preclude any unlicensed person from undertaking electrical wiring work as part of a contract for building or construction work if the installation is carried out by or under the
5 personal supervision of a person holding a license as an electrical contractor or a licensed electrician.

General
contractors
excluded.

24. Notwithstanding anything contained in this Part, any person, firm, company, partnership, society, association or body of persons corporate or unincorporate, not
10 trading as an electrical contractor and who or which is employing a licensed electrician for the purpose of making or maintaining the installations necessary for the conduct of the business of such person, firm, company, partnership, society, association or body of persons, need
15 not be licensed under or in pursuance of this Act and any licensed electrician so employed may carry out the duties of such employment.

Circum-
stances in
which a
license
is not
required.

25. Any person authorised in writing by the Minister or by the chairman of the Authority or by any council
20 shall have power to enter any premises at any reasonable time for the examination of any electrical installation on such premises.

Power of
entry.

26. (1) The Authority may from time to time cause any machinery, apparatus, appliances, material or equip-
25 ment of what kind soever used or intended to be used by any electricity supply authority for or in connection with the generation, transmission or distribution of electricity, to be examined and tested for the purpose of determining whether such machinery, apparatus, appliances, material
30 or equipment can be used without danger to life or limb.

Safety.

(2) Any person authorised in writing by the Minister or the chairman of the Authority may at all reasonable times enter into and upon any place or premises whatsoever for the purpose of examining or
35 testing any such machinery, apparatus, appliances, material or equipment.

Any person who interferes with or obstructs any person authorised as aforesaid in the execution of his duty under this subsection shall be liable to a penalty not
40 exceeding twenty pounds.

(3)

Electricity Development.

(3) The Minister, on the recommendation of the Authority and on being satisfied that any such machinery, apparatus, appliance, material or equipment cannot be used without danger to life or limb, may, by order, 5 prohibit any such machinery, apparatus, appliance, material or equipment from being used or if it is capable of repair or alteration from being used until it is duly repaired or altered to the Minister's satisfaction. Any person who fails to comply with any such order shall 10 for each offence be liable to a penalty not exceeding ten pounds for every day during which such failure continues.

Any order under this subsection shall be served on the electricity supply authority using or intending to use the machinery, apparatus, appliance, material or 15 equipment referred to in such order or on any responsible servant of such electricity supply authority.

cf. Act No.
39, 1912,
s. 35.

PART VI.

CONSTRUCTION OF WORKS FOR AND RESTRICTIONS UPON
ELECTRICITY SUPPLY.

20 **27.** (1) For the purpose of promoting the co-ordination, development, expansion, extension or improvement of electricity supply, the Authority may request the Minister for Public Works to provide and construct power stations and main transmission lines.

Minister
for Public
Works may
carry out
works.

25 (2) Thereupon the Governor, on the recommendation of the Minister for Public Works and notwithstanding that the estimated cost of such work of construction exceeds the sum of twenty thousand pounds, may direct that the work shall be carried out under the 30 provisions of the Public Works Act, 1912, as amended by subsequent Acts, in which case all the powers and provisions of the said Act relating to authorised works shall be applicable to such work and the same shall for all purposes of the said Act be deemed to be an author- 35 ised work and the Minister for Public Works shall for the like purposes be deemed to be the Constructing Authority.

(3)

Electricity Development.

(3) The Governor may by proclamation published in the Gazette amend section six of the Southern Electricity (Administration) Act, 1942, as amended by subsequent Acts, by adding to the works referred to in
 5 that section any power station or main transmission line constructed by the Minister for Public Works pursuant to this section and such power station or main transmission line shall thereupon be works controlled and administered by the Administrator of the Southern
 10 Electricity Supply of New South Wales under and subject to the provisions of the Southern Electricity (Administration) Act, 1942, as so amended.

28. (1) No person shall establish, erect or extend any power station or main transmission line except with the
 15 approval of the Authority and upon such conditions and stipulations as may be specified in such approval and in accordance in all respects with plans and specifications previously submitted to and approved by the Authority.

Restrictions
in relation
to certain
works.

cf. Act. No.
41, 1919,
s. 422A.

(2) No council shall establish or acquire a trading
 20 undertaking for the supply of electricity or extend any such trading undertaking into the area of any other council or enter into an agreement to supply or take a supply of electricity in bulk to or from any person except with the approval of the Authority, and upon such conditions
 25 and stipulations as may be specified in such approval.

(3) No council shall grant or renew permission to any person to supply electricity to the public within its area except with the approval of the Authority and upon such conditions and stipulations as may be specified
 30 in such approval.

(4) The approval of the Authority under this section shall not be required—

- 35 (a) for the completion of any work which had been substantially carried out before the commencement of this Part; or
- (b) as to any work for the carrying out of which a binding contract had been entered into before the commencement of this Part; or

(c)

Electricity Development.

(c) as to any matter in respect of which the Governor's approval had pursuant to any Act been obtained before the commencement of this Part.

5 (5) Any approval given pursuant to this section may specify a time within which such approval shall be acted upon and, in the case of an approval given pursuant to subsection three of this section, may also specify a time within which the council's permission shall be acted upon, and any such approval or permission shall lapse
10 if it is not substantially acted upon within the specified time or within such extended time as the Authority may from time to time approve in writing.

(6) Any person who contravenes this section shall be liable to a penalty not exceeding five hundred pounds.

15 (7) Any person who—

(a) uses or operates any power station or main transmission line established erected or extended in contravention of this section; or

20 (b) supplies electricity except with the permission of the council and approval of the Authority and in accordance with the conditions and stipulations specified in such approval under subsection three of this section; or

25 (c) being a council conducts a trading undertaking for the supply of electricity established acquired or extended in contravention of subsection two of this section or supplies or takes a supply of electricity in bulk except in pursuance of an agreement approved of by the Authority and in
30 accordance with the conditions and stipulations specified in such approval;

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds for each day during which such offence continues.

35 (8) In this section "extend" in relation to a power station means instal, replace or renew generating units or steam-raising plant therein.

Electricity Development.

PART VII.

GENERAL.

29. (1) The Minister may from time to time by notification published in the Gazette declare that such of the 5 provisions of sections eleven, fifteen, twenty-six and twenty-eight of this Act as are specified in any such notification shall not apply—

Certain provisions not to apply.

10 (a) to any specified electricity supply authority which is engaged in the generation of electricity for use primarily on its own premises and not primarily for supply directly or indirectly to the public; or

15 (b) to any specified power station or main transmission line for the generation or transmission of electricity for use primarily on the premises of the person by whom such power station or main transmission line is owned or operated and not primarily for supply directly or indirectly to the public.

20 (2) The Minister may from time to time in the like manner revoke any such notification.

30. All courts and persons having by law or consent of parties authority to hear, receive and examine evidence—

Judicial notice of seal of authority.

25 (a) shall take judicial notice of the seal of the Authority affixed to any document; and

(b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

30 31. Any notice, summons, writ, or other proceeding required to be served upon the Authority may be served by being left at the office of the Authority.

Service of notice and legal proceedings.

35 32. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the chairman of the Authority.

Documents, how authenticated.

Electricity Development.

33. Every person guilty of an offence against this Act shall for every such offence be liable to the penalty expressly provided therefor and if no penalty is so provided to a penalty not exceeding fifty pounds and to
5 a further daily penalty not exceeding ten pounds.

Penalty.
cf. Act No.
41, 1919,
s. 633.

34. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in
petty sessions.

Recovery
of penalty.
Ibid. s. 639.

10 (2) Where the penalty is a daily penalty, it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

35. In any legal proceedings by or against the
15 Authority, no proof shall be required (until evidence is given to the contrary) of—

Proof of
certain
matters not
required.
Act No. 65,
1941, s. 31.

- (a) the constitution of the Authority;
(b) any resolution of the Authority;
20 (c) the appointment of any member, or of any officer or employee of the Authority;
(d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Authority.

36. (1) The Authority may, from time to time by
25 resolution, delegate such of the powers, authorities, duties or functions of the Authority (other than the power of delegation) as may be prescribed and as are specified in the resolution—

Delegation.
Ibid. s. 34.

- (a) to any member of the Authority;
30 (b) to any officer of the Authority;
(c) to any officer or employee of whose services the Authority makes use pursuant to this or any other Act.

(2) Any such delegation may be made either
35 generally or for any particular case or class of cases.

(3) Any person, when acting within the scope of any such delegation to him, shall be deemed to be the Authority.

(4)

Electricity Development.

(4) Any instrument necessary to be executed and any notice, order, summons or other like document requiring authentication for the purpose of the exercise or discharge of any power, authority, duty or function delegated to any person under this section, shall be sufficiently executed or authenticated, as the case may be, if signed by such person in such a way as to show that he does so under and in pursuance of the delegation.

(5) The Authority may by resolution revoke any delegation made under this section.

37. (1) As soon as practicable after the thirtieth day of June in each year, the Authority shall prepare and furnish to the Minister a report upon the operations and activities of the Authority during the year ending on the date aforesaid.

Annual
report.

(2) The Minister shall lay such report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

38. (1) The Governor may make regulations not consistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.

(2) Without prejudice to the generality of the power conferred by subsection one of this section regulations may be made for or with respect to:—

(a) the keeping by electricity supply authorities of such books, accounts and records as may be prescribed, the particulars to be entered therein and the manner of keeping the same;

(b) the examination, testing, approval and stamping or labelling and the withholding and withdrawal of approval of any type, description or class of wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested or designed for use for purposes of or for connection to any electrical installation;

(c)

Electricity Development.

- (c) prescribing standards for electric wires and cables and for the materials used in the manufacture of electrical appliances, meters, fittings, insulators and/or apparatus;
- 5 (d) the fees to be charged for the examination, testing, and/or approval of any type, description or class of wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested or designed for use for purposes of
- 10 or for connection to any electrical installation;
- (e) prescribing the form and basis of charging for electricity (otherwise than for electricity sold or supplied in bulk) and the methods to be adopted in fixing such charges and prescribing
- 15 times for revising such charges;
- (f) prohibiting interference by unauthorised persons with any electric wire, cable and/or meter and/or any prescribed electrical appliance, fitting, insulator and/or apparatus;
- 20 (g) conferring upon any electricity supply authority the power to refuse or discontinue the supply of electricity where the conditions of such supply may be dangerous to life, health or property, and regulating the exercise of such power;
- 25 (h) requiring the periodical inspection by electricity supply authorities of electrical wires, cables, appliances, meters, fittings, insulators and apparatus installed in, on, over or under any place or premises whatsoever;
- 30 (i) prescribing standards for the voltages to be maintained at the terminals of consumers of electricity;
- (j) prescribing standards and rules for the installation of electric wires, cables, appliances, meters, fittings, insulators, or apparatus in, on, over or
- 35 under any place or premises whatsoever and the alteration, repair or renewal thereof;

(k)

Electricity Development.

- (k) the licensing of electrical contractors and electricians and the cancellation and suspension of such licenses;
- 5 (l) the safety of persons employed by electricity supply authorities in connection with the generation, transmission, distribution or supply of electricity or of persons engaged in the installation of electric wires, cables, appliances, meters, fittings, insulators or apparatus in, on, under or
10 over any place or premises whatsoever;
- (m) prescribing the furnishing of information, particulars, returns and statistics by electricity supply authorities and the time and mode of furnishing and the manner of verification of the
15 same.
- (3) A regulation made under this section may impose a penalty not exceeding fifty pounds for any breach thereof and also a daily penalty not exceeding ten pounds for any continuing breach thereof.
- 20 (4) A regulation made under the authority of this section shall bind the Crown if expressed so to do.
- (5) A regulation made in relation to any of the matters referred to in subsection two of this section may adopt wholly or partially or by reference any of the
25 standard rules recommended or adopted by the Standards Association of Australia relating to the matter with which the regulation deals.
- (6) The regulations shall—
- (a) be published in the Gazette;
- 30 (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within
35 fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

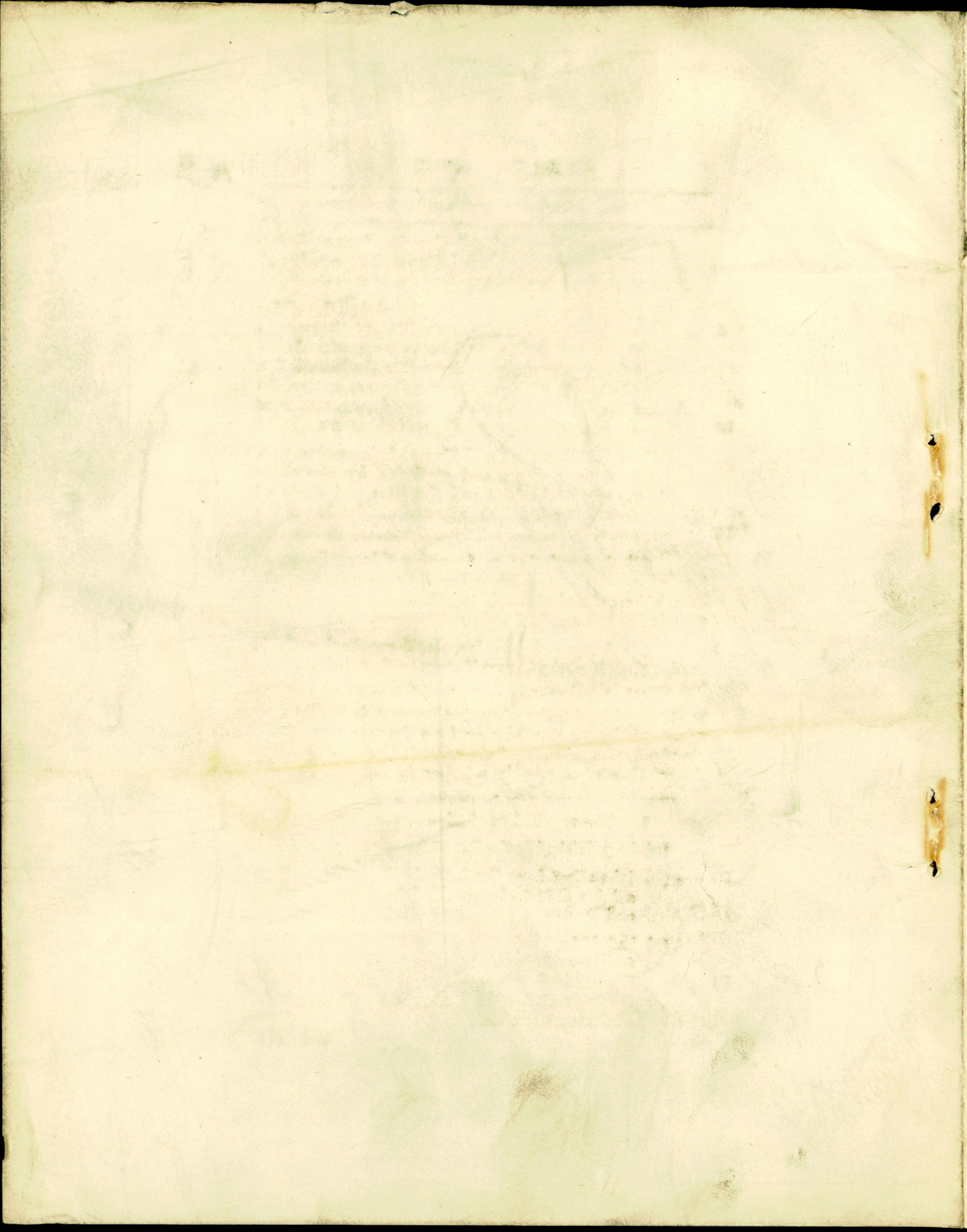
(7)

Electricity Development.

(7) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

[2s. 6d.]

Sydney: Thomas Henry Tennant, Government Printer--1945.



Electricity Development Bill, 1945.

EXPLANATORY NOTE.

THE object of this Bill is to provide for the development of electricity supply within the State of New South Wales.

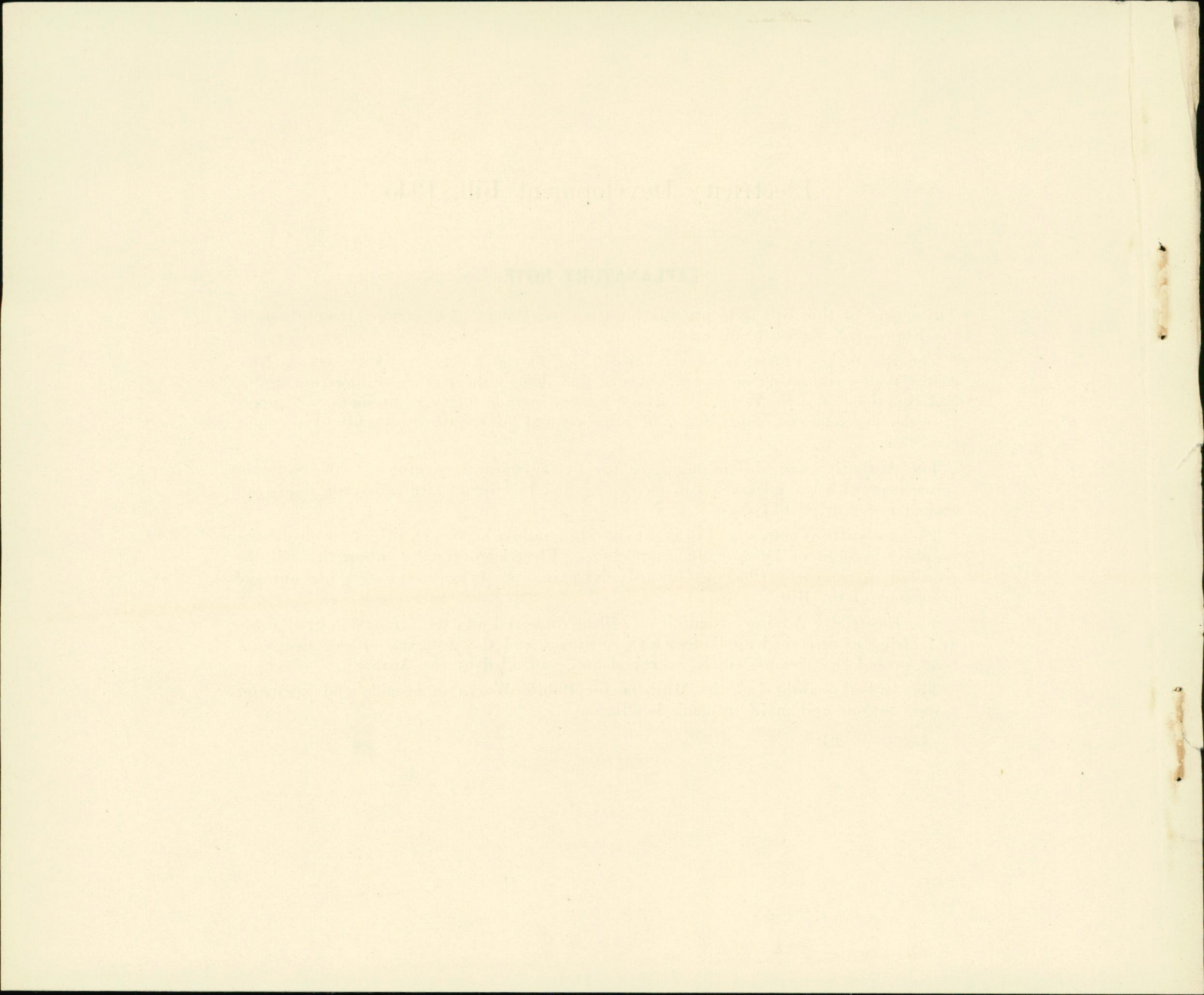
The Bill makes provision for the constitution of the Electricity Authority of New South Wales, consisting of seven members, and defines the powers, authorities, duties and functions of such Authority. These powers include power to promote and supervise the development, expansion and improvement of electricity supply throughout the State.

The Authority will also promote the use of the natural resources of the State in connection with the generation of electricity and the use of electricity for industrial and manufacturing purposes.

The Authority is empowered to grant subsidies and fix maximum prices for electricity supplied in bulk or by way of interchange. Electricity supply authorities will be required to make contributions towards defraying the expenses of carrying out the provisions of the Bill.

The Electricity Advisory Committee will be dissolved and the regulation of the sale and hiring of electrical appliances and apparatus and the licensing of electrical contractors and electricians will be exercised and controlled by the Authority.

The Bill also authorises the Minister for Public Works to provide and construct power stations and main transmission lines.



PROOF.

No. , 1945.

A BILL

To provide for the development of electricity supply; to provide for the constitution of the Electricity Authority of New South Wales and to define its powers, authorities, duties and functions; to provide for the regulation of the sale and hiring of electrical apparatus and the licensing of electrical contractors and electricians; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. CAHILL;—23 October, 1945.]

Electricity Development.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Electricity Development Act, 1945." Short title and commencement.

10 (2) Parts I, II and VII of this Act shall commence on the day upon which the assent of His Majesty to this Act is signified.

15 (3) Parts III, IV, V and VI of this Act shall commence upon such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Different days may be so appointed and notified in respect of such Parts.

20 **2.** This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of **25** such provision to other persons or circumstances shall not be affected. Construction.

3. This Act is divided into Parts as follows:— Division into Parts.

PART I.—PRELIMINARY—ss. 1-4.

30 PART II.—CONSTITUTION OF THE ELECTRICITY AUTHORITY OF NEW SOUTH WALES—ss. 5-7.

PART III.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE AUTHORITY—ss. 8-14.

PART IV.—FINANCE—ss. 15-19.

35 PART V.—ELECTRICAL APPARATUS AND APPLIANCES; AND ELECTRICAL CONTRACTORS AND ELECTRICIANS—ss. 20-26.

PART

Electricity Development.

PART VI.—CONSTRUCTION OF WORKS FOR AND
RESTRICTIONS UPON ELECTRICITY SUPPLY—SS.
27, 28.

PART VII.—GENERAL—SS. 29-38.

5 4. In this Act, unless the context or subject matter otherwise indicates or requires— Interpreta-
tion.

“Authority” means The Electricity Authority of
New South Wales.

10 “Council” has the meaning ascribed thereto in the
Local Government Act, 1919, as amended by
subsequent Acts, and includes a county council
constituted under that Act, as so amended, and
15 a county council for a county district con-
stituted pursuant to section twelve of this Act,
and the Sydney County Council.

“Electrical contractor” includes a firm, company,
partnership, society, association or body of
persons, corporate or unincorporate, trading as
20 an electrical contractor, and any person licensed
under or in pursuance of this Act as an
electrical contractor.

25 “Electrical installation” means any appliances,
wires, fittings or other apparatus placed in, on,
under, or over any premises (including premises
held under lease from the Crown for private
purposes and premises occupied for private
purposes which are supplied with electricity by
the Crown) and used for or for purposes
30 incidental to the conveyance, control or use of
electricity supplied or intended to be supplied by
an electricity supply authority, and whether
such appliances, wires, fittings or apparatus are
or are not supplied by the person contracting
or undertaking to instal the same, and includes
35 additions, alterations and repairs to an electrical
installation; but does not include—

- (a) any electricity supply main or service
line of an electricity supply authority;
- or
- (b)

Electricity Development.

- 5 (b) any appliances, wires, fittings or apparatus connected to and beyond any electrical outlet socket which is installed for the purpose of connecting portable electrical appliances, fittings or apparatus and at which fixed wiring terminates; or
- 10 (c) any appliances, wires, fittings or apparatus which are placed in, on or over any premises owned or occupied by an electricity supply authority and which are not used for the consumption of electricity on such premises or which are not used solely for purposes
- 15 incidental to the conveyance or control of electricity so consumed; or
- (d) any electrical installation in or about a mine.

20 "Electrical wiring work" and "work" mean the actual physical work of installing an electrical installation.

"Electrician" means any person engaged in electrical wiring work who is not an electrical contractor.

25 "Electricity supply authority" means any person engaged in the supply of electricity to the public or in the generation of electricity for supply, directly or indirectly, to the public, whether by virtue of any statute or any franchise agreement under any Act or otherwise and (except

30 in sections thirteen and fourteen of this Act) includes the Administrator of the Southern Electricity Supply of New South Wales, The Commissioner for Railways and the Water Conservation and Irrigation Commission.

35

"Main transmission line" means any cable or overhead line which connects or transmits or is designed or intended to connect or transmit electricity between two or more power stations

or

Electricity Development.

5 or which is operated for or in connection with the supply of electricity directly or indirectly to the public at a voltage in excess of eleven thousand five hundred volts, and all towers, poles and equipment and all step-up and step-down transformers and switchgear necessary to and used for the control and operation of any such cable or overhead line.

“Member” means member of the Authority.

10 “Power station” means any station for generating or which is designed or intended for generating electricity for supply directly or indirectly to the public.

15 “Prescribed” means prescribed by this Act or by the regulations.

“Person” includes a council.

“Regulations” means regulations made or deemed to be made under this Act.

PART II.

20 CONSTITUTION OF THE ELECTRICITY AUTHORITY OF
NEW SOUTH WALES.

5. (1) (a) There shall be constituted an Electricity ^{Constitution} Authority of New South Wales which shall have and may ^{of} exercise and discharge the powers, authorities, duties and ^{Authority.} functions conferred and imposed upon the Authority by or under this Act.

(b) The Authority shall consist of seven members appointed by the Governor.

30 (c) One of such members shall in and by the instru- ^{Chairman:} ment by which he is appointed be the chairman of the Authority and another of such members shall in and by the instrument by which he is appointed be the deputy chairman of the Authority.

(d)

Electricity Development.

(d) (i) One of the members shall be an engineer having special knowledge of the generation, transmission and supply of electricity;

(ii) two of the members shall be members of a
5 council;

(iii) one of the members shall be the manager, general manager, electrical engineer or person in charge of the electricity undertaking of a council; and

(iv) one of the members shall be a person ap-
10 pointed to represent the interests of employees engaged in the electrical industry.

(2) (a) Subject to this Act—

Term of
office.

(i) the chairman shall hold office for a term of seven
years;

15 (ii) each member other than the chairman shall hold office for such term, not exceeding seven years, as may be specified in the instrument by which he is appointed;

20 (iii) a member shall, if otherwise qualified, be eligible from time to time for re-appointment upon the expiration of his term of office.

(b) A person who is of or above the age of sixty-five years shall not be appointed a member.

(3) (a) The chairman shall devote the whole of his
25 time to the duties of his office and shall receive such annual salary as the Governor may determine.

Duties of
chairman.

(b) Each member, other than the chairman,
shall be entitled to receive such remuneration for his
services as may from time to time be fixed by the
30 Governor.

A member who is an officer of the Public Service shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration under this paragraph in addition to any
35 remuneration to which he is entitled as an officer of the Public Service.

(c)

Electricity Development.

(c) Each member shall be entitled to receive travelling expenses at such rate as the Governor may from time to time determine.

Travelling expenses.

(d) The office of a member other than the chairman shall not for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1932, or any Act amending such Acts, be deemed to be an office or place of profit under the Crown.

(4) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any member, and a member shall not, in his capacity as a member, be subject to the provisions of any such Act during his term of office.

(5) (a) Each member before entering upon the duties of his office shall take an oath of allegiance under and in accordance with the Oaths Act, 1900-1936, and shall make and subscribe the following declaration of office:—

Oath of allegiance and declaration of office.

cf. Act No. 20, 1940, s. 27.

I.....
20 having been appointed a member of The Electricity Authority of New South Wales, do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

25 (b) If a person, after having been afforded an opportunity of taking the oath of allegiance and making and subscribing such declaration, neglects to do so for a period of one month or during such extended period as the Governor may appoint pursuant to paragraph (c) of
30 this subsection after the date upon which he is appointed, he shall upon the expiration of such period of one month or extended period, as the case may be, be deemed to have declined to accept office.

35 (c) Where the Governor is satisfied that the delay in taking such oath and making and subscribing such declaration is unavoidable he may extend the time for taking such oath and making and subscribing such declaration for any period not exceeding six months.

(d)

Electricity Development.

(d) Any person who is deemed to have declined to accept office shall not be eligible to be re-appointed to fill the vacancy created.

(6) (a) A member shall be deemed to have vacated ^{Vacation} his office— _{of office.}

- (i) if, being the chairman, he engages in New South Wales during his term of office in any paid employment outside the duties of his office;
- 10 (ii) if, being one of the members referred to in sub-paragraph (ii) or sub-paragraph (iii) of paragraph (d) of subsection one of this section, he ceases to hold the qualification by virtue of which he was appointed;
- 15 (iii) if he becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (iv) if, being the chairman, he absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Minister (which 20 leave the Minister is hereby authorised to grant);
- (v) if he is absent from four consecutive ordinary meetings of the Authority without leave granted by the Authority;
- 25 (vi) if he becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1944;
- 30 (vii) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- 35 (viii) if he resigns his office by writing under his hand addressed to the Governor;
- (ix) if he is removed from office by the Governor; or
- (x) if he declines office or is deemed to have declined office.

(b).

Electricity Development.

(b) A member shall be deemed to have vacated his office on the day upon which he attains the age of sixty-five years.

(7) The Governor may, for any cause which appears to him sufficient, remove a member from office.

(8) Any member who is in any wise personally concerned or interested in any bargain or contract made by or on behalf of the Authority for any purpose connected with or relating to the powers, authorities, duties or functions of the Authority or in any wise participates or claims to be entitled to participate in the profit of any such bargain or contract or in any benefit or emolument arising therefrom shall thereby vacate his office as a member and shall also be liable upon summary conviction to a penalty not exceeding fifty pounds:

cf. Act No. 65, 1941, s. 5 (8); Act No. 19, 1943, s. 5 (4) (b).

Provided that a member shall not vacate his office or be liable to any penalty as aforesaid by reason only of—

- (a) receiving or being entitled to receive any payment, benefit or emolument in consequence of his appointment as member;
- (b) being beneficially interested in any newspaper in which the Authority inserts advertisements; or
- (c) being a shareholder or member (but not a director or manager) of any incorporated company of more than twenty persons with which the Authority has entered into any bargain or contract for any purpose connected with or relating to the powers, authorities, duties or functions of the Authority.

(9) On the occurrence of a vacancy in the office of a member, a person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

Vacancy in office of member.

(10) A person who at the date of his appointment as chairman is an officer of the Public Service, and who ceases to be chairman from any cause whatsoever, otherwise than in pursuance of subsections six, seven and eight of this section (subparagraph (viii) of paragraph (a) of subsection six excepted), shall if he is under the age of sixty years be appointed to some office in the

Officer of Public Service appointed chairman.

Public

Electricity Development.

Public Service not lower in classification and salary than that which he held immediately before his appointment as chairman.

(11) (a) Nothing contained in this Act shall affect
5 the rights accrued and accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916-1944, or any Act amending such Acts, to any person appointed chairman who is at the time of his appointment or has
10 been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916-1944, or any amendment thereof.

(b) Any officer of the Public Service or any person who is an employee within the meaning of the Superannuation Act, 1916-1944, or any amendment
15 thereof, appointed chairman shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave, and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or
20 the Superannuation Act, 1916-1944, as the case may be, or any Act amending such Acts, and for such purpose his service as chairman shall be deemed to be service for the purpose of such Acts.

6. (1) The Authority shall be a body corporate with
25 perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising and disposing of or otherwise dealing with real and personal
30 property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) The corporate name of the Authority shall be
"The Electricity Authority of New South Wales."
Corporate name.

(3) The common seal shall be kept in the custody
35 of the chairman and shall not be affixed to any instrument except in pursuance of a resolution of the Authority.
Common seal.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of any two
40 members.

Electricity Development.

(4) (a) In the case of the absence from duty of the chairman, the deputy chairman shall act in his place, and whilst so acting shall have the immunities and may exercise all the powers and authorities of the chairman.

5 (b) The deputy chairman while so acting may, if the Governor thinks fit, be paid such additional remuneration for his services as the Governor may determine.

10 (c) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the deputy chairman to act in the place of the chairman; and all acts or things done or omitted by the deputy chairman while so acting shall be as valid and effectual and shall have the same consequences as if the
15 same had been done or omitted by the chairman.

(5) (a) The procedure for the calling of meetings Procedure.
of the Authority and for the conduct of business at such meetings shall, subject to this Act and any regulations in relation thereto, be as determined by the Authority.

20 (b) The chairman or in his absence the deputy Chairman
chairman shall preside at all meetings of the Authority to preside
at which he is present, and in addition to a deliberative at meetings.
vote shall, if the voting be equal, have a second or casting
vote.

25 (c) Four members, one of whom shall be the Quorum.
chairman or, in his absence, the deputy chairman, shall form a quorum and any duly convened meeting at which a quorum is present shall be competent to transact any
30 business of the Authority, and shall have and may exercise and discharge all the powers, authorities, duties, and functions of the Authority.

A decision of the majority of the members present at a meeting of the Authority shall be the decision of the Authority.

35 (d) The Authority shall cause minutes of its decisions to be kept upon the official papers and cause minutes to be kept of its proceedings at formal meetings.

Electricity Development.

(6) (a) No matter or thing done, and no contract entered into by the Authority, and no matter or thing done by any member or by any other person whomsoever acting under the direction of the Authority shall, if
 5 the matter or thing was done or the contract was entered into bona fide for the purposes of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(b) Nothing in this subsection shall exempt
 10 any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Authority, and which such member authorised or joined in authorising.

(7) No act or proceeding of the Authority shall
 15 be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the offices of members.

Validity of
 acts and
 proceedings.

7. (1) The Governor may, under and subject to the
 20 provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary to enable the
 Authority to exercise and discharge the powers, authorities, duties and functions conferred and imposed on
 25 the Authority by or under this or any other Act.

Officers and
 employees.
 cf. Act No.
 65, 1941,
 s. 6.

(2) The officers and employees so appointed shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, during their tenure of office.

(3) The Authority may appoint, employ and dismiss such casual employees as it deems necessary and may fix wages and conditions of employment of such casual employees where such wages and conditions are not fixed in accordance with the provisions of any other
 35 Act.

The appointment of casual employees under this subsection shall not be subject to the provisions of the Public Service Act, 1902, or any Act amending that Act, and a
 casual

Electricity Development.

casual employee so appointed shall not be subject to the provisions of any such Acts during the period of his employment.

(4) (a) For the purposes of exercising and dis-
5 charging the powers, authorities, duties and functions conferred and imposed on the Authority by or under this or any other Act, the Authority may, with the approval of the Minister of the Department concerned, on such terms as may be arranged, make use of the services
10 of any of the officers or employees of any Government Department.

(b) The Authority may for the like purpose with the approval of any statutory body or council, on such terms as may be arranged, make use of the services
15 of any of the officers, servants or employees of such statutory body or council.

(c) In this subsection "statutory body" means any public body which the Governor may by proclamation published in the Gazette declare to be a
20 statutory body.

(5) Nothing in this section shall be construed to preclude the Authority from engaging for any particular purpose specified in a resolution of the Authority the services of any engineer, architect, surveyor, builder,
25 contractor or other person whomsoever.

PART III.

POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE
AUTHORITY.

8. In the exercise and discharge of its powers, autho-
30 rities, duties and functions the Authority shall be sub-
ject in all respects to the control and direction of the
Minister.

Authority
subject to
control of
Minister.

Electricity Development.

9. (1) Subject to this Act the Authority shall have power— Powers of Authority.

- 5 (a) to promote, regulate and supervise the co-ordination, development, expansion, extension and improvement of electricity supply throughout the State, and without limiting the generality of the foregoing power, to promote, regulate and supervise—
- 10 (i) the interconnection of power stations;
- (ii) the interchange of electricity between power stations;
- (iii) the erection, extension or alteration of power stations;
- 15 (iv) the installation and renewal of generating units and steam raising plant in power stations;
- (v) the erection and extension of main transmission lines;
- 20 (vi) the extension and improvement of electricity supply to and within rural districts;
- (vii) the adoption of standards of plant, equipment, frequency and voltage for the generation, transmission, distribution and supply of electricity;
- 25 (b) to promote and encourage the development and use of the natural resources of the State in connection with the generation of electricity;
- 30 (c) to promote and encourage the use of electricity and especially the use thereof for industrial and manufacturing purposes and for the purpose of primary production;
- 35 (d) to advise any person engaged in the generation, transmission, distribution or supply of electricity upon all matters of and concerning such generation, transmission, distribution and supply;
- (e)

Electricity Development.

- (e) to consider the advisability of amending the law relating to the generation, transmission, distribution, supply and use of electricity, and to report thereon to the Minister. Any such report shall be accompanied by a draft of the legislation (including regulations and the like) necessary to give effect to such report; and
- (f) to do such supplemental, incidental and consequential acts as may be necessary or expedient for the purposes aforesaid.

(2) Where by any other Act or by any ordinance, regulation or by-law made under any other Act the approval of the Governor is required to be given to any proposal relating to electricity or to the generation, transmission, distribution or supply thereof, such approval shall not be given unless and until the proposal has been referred to the Authority for consideration and report.

(3) Sections 512H and 512I of the Local Government Act, 1919, as amended by subsequent Acts, are hereby repealed.

Repeal of Act No. 41, 1919, ss. 512H and 512I.

(Electricity Advisory Committee.)

(Consequential.)

Inquiries and investigations.

cf. Act No. 65, 1941, s. 17.

10. (1) The Authority may, and whenever required by the Minister shall, conduct inquiries or investigations for any purpose of or connected with the carrying out of the provisions of this Act.

(2) The Authority shall furnish the Minister with a report setting out the results of any inquiry or investigation made under this section.

(3) For the purposes of any inquiry or investigation under this section the Authority shall have the powers and immunities of a commissioner, and the chairman of the Authority shall have the powers of a chairman within the meaning of Division 1 of Part II of the Royal Commissions Acts, 1923-1934, and the provisions of that Act, with the exception of section thirteen and of Division 2 of Part II shall, mutatis mutandis, apply to any witness or person summoned by or appearing before the Authority.

Electricity Development.

11. (1) For the purposes of carrying out the provisions of this Act the Authority may from time to time formulate proposals for and in respect of any one or more of the following matters:—

Authority to
formulate
proposals
relating to
electricity.

5 (a) requiring any council—

(i) to carry out such additions, alterations, modifications and renewals of and to plant and equipment installed in any power station owned or operated by such council as may be specified in any such proposal;

10 (ii) to provide from any power station owned or operated by such council, a bulk supply of electricity to any electricity supply authority specified in any such proposal, at such times, in such quantity and upon and subject to such terms and conditions as may be specified in such proposal;

15 (iii) to take a bulk supply of electricity from any electricity supply authority specified in any such proposal at such times, in such quantity and upon and subject to such terms and conditions as may be specified in such proposal;

20 (iv) to undertake the supply of electricity to the public within its area or within any specified part thereof;

25 (v) to undertake the supply of electricity to the public within the area or any specified part of the area of any other council specified in any such proposal;

30 (b) requiring any electricity supply authority (including an electricity supply authority being a council)—

35 (i) to carry out the interconnection of any power station owned or operated by such electricity supply authority with any other power station;

(ii).

Electricity Development.

5 (ii) to effect the interchange of electricity between interconnected power stations at such times, in such quantity and upon and subject to such terms and conditions as may be specified in any such proposal;

10 (iii) to carry out such alterations and modifications to any plant and equipment installed in any power station owned or operated by such electricity supply authority as may be necessary in order to enable such interconnection or interchange to be carried out and effected.

15 (2) A proposal under subparagraph (v) of paragraph (a) of subsection one of this section shall not be formulated unless the council of the area within which the supply of electricity is to be so undertaken—

20 (a) consents;
(b) has failed to comply with the terms of a proclamation embodying a proposal under subparagraph (iv) of paragraph (a) of subsection one of this section; or

25 (c) is not engaged in the supply of electricity to the public within its area or within the part of its area specified in any proposal under subparagraph (v) of paragraph (a) of subsection one of this section.

30 (3) Any such proposal may fix a period within which the requirements thereof are to be carried into effect and may provide that the Authority may from time to time grant extensions of such period.

(4) The Authority shall submit any such proposal to the Minister and shall serve a copy thereof on any electricity supply authority or council affected thereby. Proposal to be submitted to Minister.

35 (5) Any electricity supply authority or council affected by any such proposal may, within the prescribed time, lodge with the Minister an objection in writing to such proposal and shall state the grounds for such objection.

Electricity Development.

(6) At the expiration of the time prescribed pursuant to subsection five of this section the Minister shall consider such proposal together with any objections that may have been lodged in accordance with that subsection
5 and may approve of the proposal with such amendments or modifications (if any) as may be necessary to give effect to any objection allowed by the Minister.

(7) The Authority shall forthwith cause notice of the proposal as so approved by the Minister to be com-
10 municated to the electricity supply authority or council affected thereby.

(8) Any such proposal may be supplemented, amended, or rescinded by a subsequent proposal.

(9) Any such proposal as so approved by the
15 Minister shall be laid before both Houses of Parliament.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after any such proposal has been laid before such House disallowing such proposal or any part there-
20 of, such proposal or part, as the case may be, shall lapse and shall not be given effect to.

(10) Any such proposal, to the extent to which it has not been disallowed pursuant to subsection nine of this section, may be embodied in a proclamation made by
25 the Governor.

Such proclamation shall—

(a) be published in the Gazette; and

(b) take effect from the date of such publication or from a later date specified therein.

30 (11) The Authority shall cause a copy of any proclamation published in pursuance of this section to be served by registered post on all electricity supply authorities or councils affected thereby.

(12) All proclamations published in pursuance of
35 this section shall have the force of law and notwithstanding any law to the contrary all electricity supply authorities or councils affected by any such proclamation shall do, perform and carry out all such acts, matters and

Electricity Development.

and things as are necessary in order to comply with any such proclamation in accordance in all respects with the terms thereof.

(13) For the purpose of so complying with any
5 proclamation published in pursuance of this section any council affected thereby may borrow by way of ordinary loan under and subject to the provisions of the Local Government Act, 1919, as amended by subsequent Acts.

The provisions of the Local Government Act, 1919, as
10 so amended applicable to ordinary loans, shall mutatis mutandis apply to and in respect of any borrowing by a council under this subsection:

Provided that the Governor may, notwithstanding any restrictions imposed by the Local Government Act, 1919,
15 as so amended, or any other Act, on the granting of approval to loans for works for the supply of electricity, approve of a loan for any of the purposes of this subsection.

(14) Any electricity supply authority or council
20 which refuses or fails to comply with any terms, conditions or requirements of any proclamation published in pursuance of this section and applicable to such electricity supply authority or council shall be liable to a penalty not exceeding five hundred pounds and to a
25 further daily penalty not exceeding fifty pounds for each and every day during which such refusal or failure continues.

12. (1) For the purpose of carrying out the provisions of this Act the Authority may from time to time
30 submit to the Governor through the Minister for the time being administering the Local Government Act, 1919, as amended by subsequent Acts, recommendations—

Constitution
of county
districts.
cf. Act No.
41, 1919,
s. 561.

(a) for the constitution of county districts comprising the whole or parts of two or more areas
35 within the meaning of the Local Government Act, 1919, as amended by subsequent Acts, and for the delegation to the county council of any such district of such powers and duties (including the power to borrow and to levy rates) of
40 the councils whose areas are wholly or partly included

Electricity Development.

included in such county district in relation to the supply of electricity and works for the supply of electricity as may be specified in any such recommendation; and

- 5 (b) for the alteration of the boundaries of county districts whether constituted upon a recommendation under this section or otherwise.

(2) Thereupon the Governor may under and subject to the provisions of the Local Government Act, 10 1919, as amended by subsequent Acts, constitute county districts or alter the boundaries of county districts, as the case may be, in accordance with any such recommendation or with such modifications or variations thereof as he may deem fit and may, notwithstanding 15 that a request for such delegation has not been made by the councils whose areas are wholly or partly included in any such county district, delegate to the county council of any such county district such powers and duties as are specified in the recommendation for the constitution 20 of such county district or as may be determined by the Governor.

Delegation
of powers.
cf. Act No.
41, 1919,
s. 564.

13. (1) The Authority may, with the approval of the Minister, out of moneys in the Electricity Development Account, grant subsidies or loans—

Authority
may grant
subsidies.

- 25 (a) to any council for or towards meeting the cost of the erection, construction or carrying out by or on behalf of such council of any works for the supply of electricity which the council may lawfully erect, construct or carry out or for or 30 towards meeting any periodical liability incurred by such council in connection with the erection, construction or carrying out of any such works;
- (b) to any electricity supply authority (including any electricity supply authority being a council) 35 for or towards meeting the cost of carrying out extensions of the distribution lines of such electricity supply authority or for or towards meeting any periodical liability incurred by any electricity supply authority in connection with 40 any such extension.

(2).

Electricity Development.

(2) Before granting any subsidy or loan as aforesaid the Authority may require an electricity supply authority or council, as the case may be, to enter into an agreement with the Authority to secure the carrying
5 out of the purposes for which and the terms and conditions upon and subject to which such subsidy or loan is granted and in the case of a loan the repayment of principal and the payment of interest in respect of such loan.

10 (3) Notwithstanding anything contained in this or any other Act the approval of the Governor shall not be necessary in the case of a loan to a council in pursuance of this section and a council is hereby empowered to borrow and enter into any agreement for the
15 purpose of this section.

(4) Any subsidy or loan under this section may be granted for or towards meeting any cost or liability incurred for the purpose referred to in subsection one of this section at any time after the first day of July,
20 one thousand nine hundred and forty-four.

14. (1) Notwithstanding anything contained in any other Act, the Authority, with the approval of the Minister, may from time to time by notification published in the Gazette fix and declare forms and bases of charging
25 and maximum prices for electricity supplied in bulk and for electricity supplied by way of interchange by electricity supply authorities and specify a date on and from which any such forms and bases of charging or maximum prices (as the case may be) shall apply.

Authority
may fix
maximum
prices.

30 (2) Any such notification may fix and declare—

(a) forms and bases of charging and maximum prices applicable to all electricity supply authorities or to such electricity supply authorities as may be specified in the notification;
35

(b) different forms and bases of charging and different maximum prices applicable to different electricity supply authorities; and

(c)

Electricity Development.

5 (c) different forms and bases of charging and different maximum prices according to the times during which and the circumstances and conditions under which the supply is given but so that such forms and bases of charging and maximum prices shall be uniform for electricity supplied in bulk or for electricity supplied by way of interchange by any one electricity supply authority during the same times and under the same circumstances and conditions of supply.

10

(3) No electricity supply authority shall charge or impose or offer or agree to charge or impose for electricity supplied in bulk or for electricity supplied by way of interchange a different form or basis of charging or a higher price than that fixed and declared by any notification under this section applicable to such electricity supply authority.

15

(4) Any electricity supply authority which contravenes the provisions of subsection three of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding one hundred pounds; and in addition the court may order the defendant to refund to any consumer any moneys paid by such consumer in excess of the lawful charge and the like proceedings may be taken upon any such order as if the same were a judgment of the court in favour of the consumer.

20

25

Electricity Development.

PART IV.

FINANCE.

- 15.** (1) The Authority shall in or before the month of May in each year make an estimate of the amount to be expended by the Authority during the next following year commencing on the first day of July in defraying the expenses incurred in the administration of this Act and in carrying out the powers, authorities, duties and functions conferred and imposed upon the Authority by or under this Act and shall, in such estimate and subject to the approval of the Minister, determine what part of such amount is to be contributed by electricity supply authorities in respect of the year for which such estimate is made.
- (2) Each electricity supply authority shall make such contributions towards the amount determined under subsection one of this section upon such basis or in such amounts and in such manner and at such times as may be prescribed.
- The regulations may provide for the exemption of any electricity supply authorities from payment of contributions under this section and for the payment of different amounts by different electricity supply authorities.
- The contribution first payable after the commencement of this Part by any electricity supply authority pursuant to this section shall not be due or payable until the expiration of six months after notice of the amount of such contribution has been given to such electricity supply authority.
- (3) (a) In the event of an electricity supply authority making default in the payment of any moneys payable to the Authority under this section within the time prescribed such moneys shall constitute a debt due and payable to the Authority and shall be recoverable in any court of competent jurisdiction.

Contributions
by electricity
supply
authorities
towards
expenses of
administration.

(b)

Electricity Development.

(b) In the case of an electricity supply authority, being a council, making default as aforesaid and such default continuing for a period of three months after written notice has been given to such council by
 5 or on behalf of the Authority then and in any such case such default shall be deemed to be a default within the meaning of section three hundred and seventy-six of the Local Government Act, 1919, as amended by subsequent
 10 Acts, and a receiver may be appointed accordingly by the Supreme Court on the application of the Minister, and such receiver shall have the powers and duties of a receiver appointed by virtue of that section.

16. (1) There shall be constituted an account in the Special Deposits Account in the Treasury to be called the
 15 "Electricity Development Account."

Electricity
Development
Account.

(2) The form and manner of keeping the Electricity Development Account shall be as prescribed by regulations made under the Audit Act, 1902.

17. (1) The Electricity Development Account shall
 20 consist of—

Assets of
Account.

- (a) all moneys appropriated by Parliament for the purposes of this Act; and
- (b) all moneys received by the Authority from any other source.

25 (2) The Electricity Development Account may be applied to any of the following purposes—

Applica-
tion of
Account.

- (a) payment of remuneration to members and all expenses incurred in the administration of this Act;
- 30 (b) any purpose which the Authority is directed or authorised to undertake or carry out by or under this or any other Act;
- (c) the repayment of advances made by the Colonial Treasurer pursuant to section eighteen of this
 35 Act.

(3) The Electricity Development Account shall be operated on in the manner prescribed.

18.

Electricity Development.

18. The Colonial Treasurer may for the temporary accommodation of the Authority advance such moneys to the Authority as the Governor may approve upon such terms and conditions as to repayment and interest as
5 may be agreed upon.

Advances
by Colonial
Treasurer.

19. (1) The Authority shall cause to be kept proper books of account in relation to the Electricity Development Account and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit
10 to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

Accounts
to be
rendered.

(2) The accounts of the Authority shall be
15 audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the
20 chairman and members of the Authority and its officers in the same manner as it applies to accounting officers of public departments.

Audit.

(3) The Auditor-General shall report to the Authority and the Minister—

25 (a) whether or not in his opinion—

- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;
- 30 (ii) the expenditure incurred has been duly authorised, vouched, and supervised; and
- (iii) any of the moneys or other property of the Authority have been misappropriated or improperly or irregularly
35 dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(4)

Electricity Development.

(4) Towards defraying the cost and expenses of such audit the Authority shall pay to the Consolidated Revenue Fund such sums, at such periods, as the Colonial Treasurer may decide.

5

PART V.

ELECTRICAL APPARATUS AND APPLIANCES; AND ELECTRICAL CONTRACTORS AND ELECTRICIANS.

20. (1) Sections 422A, 512A, 512J, 512K, 512L, 512M, 512N, and 512O, and paragraphs (h) to (h8) both inclusive, of subsection one and subsections two and three of section five hundred and thirteen of the Local Government Act, 1919, as amended by subsequent Acts, are hereby repealed.

Amendment
of Act No.
41, 1919.

(2) All ordinances and proclamations made or published under the authority of the enactments repealed by subsection one of this section and in force at the commencement of this Part shall be deemed to be regulations and proclamations respectively made or published under this Act and shall continue in force until amended or repealed in pursuance of this Act.

(3) All licenses issued pursuant to the enactments repealed by subsection one of this section and the ordinances made thereunder and in force at the commencement of this Part shall be deemed to have been issued pursuant to this Act and the regulations made thereunder and shall remain in force until the expiration of the period for which the same respectively were granted unless sooner suspended or cancelled pursuant to this Act.

(4) All consents, approvals and permissions given pursuant to the enactments repealed by subsection one of this section and the ordinances made thereunder and subsisting at the commencement of this Part shall continue in force unless revoked or withdrawn pursuant to this Act.

(5)

Electricity Development.

(5) A reference in any ordinance, proclamation, or other instrument to the Electricity Advisory Committee or the prescribed authority shall be construed as a reference to the Authority.

5 **21.** (1) The Governor may by proclamation published in the Gazette prescribe any class, description, or type of wire, cable, appliance, fitting, meter, insulator, apparatus or material, intended, suggested or designed for use in or for purposes of or for connection to any electrical installation, which shall not after a date specified in such proclamation be sold, hired or exposed for sale or hire or advertised for sale or hire unless such type, description, or class of wire, cable, appliance, fitting, meter, insulator, apparatus or material has been approved of by the Authority and is stamped or labelled as prescribed.

10

15

Power to prescribe classes, descriptions, or types of electrical appliances, &c., which shall not be sold unless approved under the regulations.

(2) Any person who, after the date so specified, sells, hires or exposes for sale or hire or advertises for sale or hire or causes to be sold or hired or exposed or advertised for sale or hire any wire, cable, appliance, fitting, meter, insulator, apparatus or material of the class, description or type prescribed in such proclamation shall, unless such type, description or class of wire, cable, appliance, fitting, meter, insulator, apparatus or material has been approved of by the Authority, and is stamped or labelled as prescribed, be guilty of an offence against this Act.

20

25

(3) For the purposes of this section the regulations made in that behalf may provide for approval of a type, description or class of electric wire or cable or electrical appliance, fitting, meter, insulator, apparatus or material being signified by approval of a sample thereof or by any other means whatsoever.

30

35 **22.** (1) A person shall not undertake or carry out any electrical wiring work unless he is licensed as prescribed, or unless he is in the employment of and carries out such work under the personal supervision of a person so licensed.

Restriction of work by unlicensed persons.

Electricity Development.

(2) An electrical contractor undertaking any electrical wiring work, if he does not himself carry out the work, with or without assistance, shall constantly employ on the work until it is completed at least one
5 person licensed as prescribed.

Where the work is carried out under the personal supervision of a person licensed as prescribed, and consists of fixing, connecting and maintaining overhead electrical conductors not in conduits, or of other work
10 usually carried out by a linesman, this subsection shall not extend to such work.

(3) The holder of an electrician's license shall not undertake or carry out any electrical wiring work save as the employee of an electrical contractor; but this
15 provision shall not apply where a licensed electrician undertakes or carries out electrical wiring work on his own premises.

(4) Nothing in this section shall prevent the employment of or the carrying out of electrical wiring
20 work by an apprentice or a trainee apprentice working under the supervision of his master under regulations made under the Industrial Arbitration Act, 1940-1943, as amended by subsequent Acts, or any other Act governing the electrical industry in the State.

(5) The particulars of the licenses of electrical
25 contractors and electricians shall be recorded at the office of the Authority. A certificate purporting to be under the hand of the chairman of the Authority or of any prescribed officer certifying that any person is or is not
30 the holder of an electrical contractor's license or an electrician's license or that certain particulars do or do not appear on such records shall in all courts and upon all occasions whatsoever be received as evidence.

Such certificate shall be prima facie evidence of the
35 particulars contained therein.

The production of such records or any license, requisition, notice or other document upon which such certificate may be founded and proof of the signature of the chairman or officer so certifying shall not be
40 necessary unless the court so orders.

Electricity Development.

23. Nothing contained in this Part shall preclude any unlicensed person from undertaking electrical wiring work as part of a contract for building or construction work if the installation is carried out by or under the
5 personal supervision of a person holding a license as an electrical contractor or a licensed electrician.

General
contractors
excluded.

24. Notwithstanding anything contained in this Part, any person, firm, company, partnership, society, association or body of persons corporate or unincorporate, not
10 trading as an electrical contractor and who or which is employing a licensed electrician for the purpose of making or maintaining the installations necessary for the conduct of the business of such person, firm, company, partnership, society, association or body of persons, need
15 not be licensed under or in pursuance of this Act and any licensed electrician so employed may carry out the duties of such employment.

Circum-
stances in
which a
license
is not
required.

25. Any person authorised in writing by the Minister or by the chairman of the Authority or by any council
20 shall have power to enter any premises at any reasonable time for the examination of any electrical installation on such premises.

Power of
entry.

26. (1) The Authority may from time to time cause any machinery, apparatus, appliances, material or equip-
25 ment of what kind soever used or intended to be used by any electricity supply authority for or in connection with the generation, transmission or distribution of electricity, to be examined and tested for the purpose of determining whether such machinery, apparatus, appliances, material
30 or equipment can be used without danger to life or limb.

Safety.

(2) Any person authorised in writing by the Minister or the chairman of the Authority may at all reasonable times enter into and upon any place or premises whatsoever for the purpose of examining or
35 testing any such machinery, apparatus, appliances, material or equipment.

Any person who interferes with or obstructs any person authorised as aforesaid in the execution of his duty under this subsection shall be liable to a penalty not
40 exceeding twenty pounds.

(3)

Electricity Development.

(3) The Minister, on the recommendation of the Authority and on being satisfied that any such machinery, apparatus, appliance, material or equipment cannot be used without danger to life or limb, may, by order, 5 prohibit any such machinery, apparatus, appliance, material or equipment from being used or if it is capable of repair or alteration from being used until it is duly repaired or altered to the Minister's satisfaction. Any person who fails to comply with any such order shall 10 for each offence be liable to a penalty not exceeding ten pounds for every day during which such failure continues.

Any order under this subsection shall be served on the electricity supply authority using or intending to use the machinery, apparatus, appliance, material or 15 equipment referred to in such order or on any responsible servant of such electricity supply authority.

cf. Act No.
39, 1912,
s. 35.

PART VI.

CONSTRUCTION OF WORKS FOR AND RESTRICTIONS UPON
ELECTRICITY SUPPLY.

20 **27.** (1) For the purpose of promoting the co-ordination, development, expansion, extension or improvement of electricity supply, the Authority may request the Minister for Public Works to provide and construct power stations and main transmission lines.

Minister
for Public
Works may
carry out
works.

25 (2) Thereupon the Governor, on the recommendation of the Minister for Public Works and notwithstanding that the estimated cost of such work of construction exceeds the sum of twenty thousand pounds, may direct that the work shall be carried out under the 30 provisions of the Public Works Act, 1912, as amended by subsequent Acts, in which case all the powers and provisions of the said Act relating to authorised works shall be applicable to such work and the same shall for all purposes of the said Act be deemed to be an author- 35 ised work and the Minister for Public Works shall for the like purposes be deemed to be the Constructing Authority.

(3)

Electricity Development.

(3) The Governor may by proclamation published in the Gazette amend section six of the Southern Electricity (Administration) Act, 1942, as amended by subsequent Acts, by adding to the works referred to in 5 that section any power station or main transmission line constructed by the Minister for Public Works pursuant to this section and such power station or main transmission line shall thereupon be works controlled and administered by the Administrator of the Southern 10 Electricity Supply of New South Wales under and subject to the provisions of the Southern Electricity (Administration) Act, 1942, as so amended.

28. (1) No person shall establish, erect or extend any power station or main transmission line except with the 15 approval of the Authority and upon such conditions and stipulations as may be specified in such approval and in accordance in all respects with plans and specifications previously submitted to and approved by the Authority.

Restrictions
in relation
to certain
works.
cf. Act. No.
41, 1919,
s. 422A.

(2) No council shall establish or acquire a trading 20 undertaking for the supply of electricity or extend any such trading undertaking into the area of any other council or enter into an agreement to supply or take a supply of electricity in bulk to or from any person except with the approval of the Authority, and upon such conditions 25 and stipulations as may be specified in such approval.

(3) No council shall grant or renew permission to any person to supply electricity to the public within its area except with the approval of the Authority and upon such conditions and stipulations as may be specified 30 in such approval.

(4) The approval of the Authority under this section shall not be required—

(a) for the completion of any work which had been substantially carried out before the commencement of this Part; or 35

(b) as to any work for the carrying out of which a binding contract had been entered into before the commencement of this Part; or

(c)

Electricity Development.

(c) as to any matter in respect of which the Governor's approval had pursuant to any Act been obtained before the commencement of this Part.

5 (5) Any approval given pursuant to this section may specify a time within which such approval shall be acted upon and, in the case of an approval given pursuant to subsection three of this section, may also specify a time within which the council's permission shall be acted upon, and any such approval or permission shall lapse
10 if it is not substantially acted upon within the specified time or within such extended time as the Authority may from time to time approve in writing.

(6) Any person who contravenes this section shall be liable to a penalty not exceeding five hundred pounds.

15 (7) Any person who—

(a) uses or operates any power station or main transmission line established erected or extended in contravention of this section; or

20 (b) supplies electricity except with the permission of the council and approval of the Authority and in accordance with the conditions and stipulations specified in such approval under subsection three of this section; or

25 (c) being a council conducts a trading undertaking for the supply of electricity established acquired or extended in contravention of subsection two of this section or supplies or takes a supply of electricity in bulk except in pursuance of an agreement approved of by the Authority and in
30 accordance with the conditions and stipulations specified in such approval;

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds for each day during which such offence continues.

35 (8) In this section "extend" in relation to a power station means instal, replace or renew generating units or steam-raising plant therein.

Electricity Development.

PART VII.

GENERAL.

29. (1) The Minister may from time to time by notification published in the Gazette declare that such of the 5 provisions of sections eleven, fifteen, twenty-six and twenty-eight of this Act as are specified in any such notification shall not apply—
- (a) to any specified electricity supply authority which is engaged in the generation of electricity for use primarily on its own premises and not primarily for supply directly or indirectly to the public; or
- (b) to any specified power station or main transmission line for the generation or transmission of electricity for use primarily on the premises of the person by whom such power station or main transmission line is owned or operated and not primarily for supply directly or indirectly to the public.
- 20 (2) The Minister may from time to time in the like manner revoke any such notification.
30. All courts and persons having by law or consent of parties authority to hear, receive and examine evidence—
- 25 (a) shall take judicial notice of the seal of the Authority affixed to any document; and
- (b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.
31. Any notice, summons, writ, or other proceeding 30 required to be served upon the Authority may be served by being left at the office of the Authority.
32. Every summons, process, demand, order, notice, statement, direction or document requiring authentication 35 by the Authority may be sufficiently authenticated without the seal of the Authority if signed by the chairman of the Authority.

Certain provisions not to apply.

Judicial notice of seal of authority.

Service of notice and legal proceedings.

Documents, how authenticated.

Electricity Development.

33. Every person guilty of an offence against this Act shall for every such offence be liable to the penalty expressly provided therefor and if no penalty is so provided to a penalty not exceeding fifty pounds and to a further daily penalty not exceeding ten pounds.

Penalty.
cf. Act No.
41, 1919,
s. 633.

34. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in petty sessions.

Recovery
of penalty.
Ibid. s. 639.

(2) Where the penalty is a daily penalty, it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

35. In any legal proceedings by or against the Authority, no proof shall be required (until evidence is given to the contrary) of—

Proof of
certain
matters not
required.

(a) the constitution of the Authority;

Act No. 65,
1941, s. 31.

(b) any resolution of the Authority;

(c) the appointment of any member, or of any officer or employee of the Authority;

(d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Authority.

36. (1) The Authority may, from time to time by resolution, delegate such of the powers, authorities, duties or functions of the Authority (other than the power of delegation) as may be prescribed and as are specified in the resolution—

Delegation.
Ibid. s. 34.

(a) to any member of the Authority;

(b) to any officer of the Authority;

(c) to any officer or employee of whose services the Authority makes use pursuant to this or any other Act.

(2) Any such delegation may be made either generally or for any particular case or class of cases.

(3) Any person, when acting within the scope of any such delegation to him, shall be deemed to be the Authority.

Electricity Development.

(4) Any instrument necessary to be executed and any notice, order, summons or other like document requiring authentication for the purpose of the exercise or discharge of any power, authority, duty or function delegated to any person under this section, shall be sufficiently executed or authenticated, as the case may be, if signed by such person in such a way as to show that he does so under and in pursuance of the delegation.

(5) The Authority may by resolution revoke any delegation made under this section.

37. (1) As soon as practicable after the thirtieth day of June in each year, the Authority shall prepare and furnish to the Minister a report upon the operations and activities of the Authority during the year ending on the date aforesaid.

Annual report.

(2) The Minister shall lay such report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

38. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.

(2) Without prejudice to the generality of the power conferred by subsection one of this section regulations may be made for or with respect to:—

(a) the keeping by electricity supply authorities of such books, accounts and records as may be prescribed, the particulars to be entered therein and the manner of keeping the same;

(b) the examination, testing, approval and stamping or labelling and the withholding and withdrawal of approval of any type, description or class of wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested or designed for use for purposes of or for connection to any electrical installation;

(c)

Electricity Development.

- (c) prescribing standards for electric wires and cables and for the materials used in the manufacture of electrical appliances, meters, fittings, insulators and/or apparatus;
- 5 (d) the fees to be charged for the examination, testing, and/or approval of any type, description or class of wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested or designed for use for purposes of
10 or for connection to any electrical installation;
- (e) prescribing the form and basis of charging for electricity (otherwise than for electricity sold or supplied in bulk) and the methods to be adopted in fixing such charges and prescribing
15 times for revising such charges;
- (f) prohibiting interference by unauthorised persons with any electric wire, cable and/or meter and/or any prescribed electrical appliance, fitting, insulator and/or apparatus;
- 20 (g) conferring upon any electricity supply authority the power to refuse or discontinue the supply of electricity where the conditions of such supply may be dangerous to life, health or property, and regulating the exercise of such power;
- 25 (h) requiring the periodical inspection by electricity supply authorities of electrical wires, cables, appliances, meters, fittings, insulators and apparatus installed in, on, over or under any place or premises whatsoever;
- 30 (i) prescribing standards for the voltages to be maintained at the terminals of consumers of electricity;
- 35 (j) prescribing standards and rules for the installation of electric wires, cables, appliances, meters, fittings, insulators, or apparatus in, on, over or under any place or premises whatsoever and the alteration, repair or renewal thereof;

(k)

Electricity Development.

- (k) the licensing of electrical contractors and electricians and the cancellation and suspension of such licenses;
- 5 (l) the safety of persons employed by electricity supply authorities in connection with the generation, transmission, distribution or supply of electricity or of persons engaged in the installation of electric wires, cables, appliances, meters, fittings, insulators or apparatus in, on, under or
10 over any place or premises whatsoever;
- (m) prescribing the furnishing of information, particulars, returns and statistics by electricity supply authorities and the time and mode of furnishing and the manner of verification of the
15 same.
- (3) A regulation made under this section may impose a penalty not exceeding fifty pounds for any breach thereof and also a daily penalty not exceeding ten pounds for any continuing breach thereof.
- 20 (4) A regulation made under the authority of this section shall bind the Crown if expressed so to do.
- (5) A regulation made in relation to any of the matters referred to in subsection two of this section may adopt wholly or partially or by reference any of the
25 standard rules recommended or adopted by the Standards Association of Australia relating to the matter with which the regulation deals.
- (6) The regulations shall—
- (a) be published in the Gazette;
- 30 (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within
35 fourteen sitting days after the commencement of the next session.

(7).

Electricity Development.

(7) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

