

*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 12 November, 1957.*

## New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. , 1957.

An Act to transfer certain works of electricity reticulation to the Sydney County Council and the Prospect County Council; for this and other purposes to amend the Electricity Commission Act, 1950, the Gas and Electricity Act, 1935, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the Queen'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  
5 the same, as follows:—

1. This Act may be cited as the "Electricity Commission (Transfer of Reticulation Works) Act, 1957". Short title.

79649

25—A

2.



*Electricity Commission (Transfer of Reticulation Works).*

2. In this Act unless the context or subject matter Definitions.  
otherwise indicates or requires—

5 “Appointed day” means a day to be appointed by  
the Governor and notified by proclamation  
published in the Gazette.

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

“County Councils” means the Sydney County  
Council and the Prospect County Council.

10 3. (1) This section shall commence upon the Amendment  
appointed day. of Act No.  
42, 1935.

(2) (a) The Gas and Electricity Act, 1935-1956,  
is amended—

15 (i) by omitting subsection one of section forty and Sec. 40.  
by inserting in lieu thereof the following sub- (Sydney  
section:— County  
District.)

20 (1) (a) On the appointed day referred to in  
section two of the Electricity Commission  
(Transfer of Reticulation Works) Act, 1957,  
the Sydney County District shall be reconsti-  
tuted as provided in this subsection.

25 (b) For the purposes of this Part the  
areas and the part of the area specified or  
described in Schedule Six to this Act are con-  
stituted a County District under the name of  
“the Sydney County District”.

(ii) by inserting at the end of section forty-two the Sec. 42.  
following new subsection:— (Constitu-  
encies.  
Schedule  
Three.)

30 (5) The inclusion of any area or part thereof  
in a constituency of the Sydney County District  
pursuant to subsection four of this section  
shall not affect the constitution of the Sydney  
County



*Electricity Commission (Transfer of Reticulation Works).*

5 County Council, and the councillors who immediately before such inclusion held office as representatives of the constituency in which such area or part is included shall, subject to the provisions of this Act, continue to hold office as representatives of that constituency upon such inclusion.

(iii) by omitting Schedule Three and by inserting in lieu thereof the following Schedule:—

Subst.  
Schedule  
Three.

10

## SCHEDULE THREE.

Sec. 42.

Constituencies.		Area.				Number of councillors to be elected.
15	First ...	City of Sydney ...				3
	Second ...	{ Ashfield ... Auburn ... Bankstown ... Burwood ... Canterbury ... Concord ... Drummoyne ... Leichhardt ... Marrickville ... Strathfield ...				2
30	Third ...	{ Botany ... Randwick ... Sutherland ... Waverley ... Woollahra ...				2
	Fourth ...	{ Hunter's Hill ... Ku-ring-gai ... Lane Cove ... Mosman ... North Sydney ... Parramatta ... Ryde ... Willoughby ...				2

(iv)



*Electricity Commission (Transfer of Reticulation Works).*

(iv) by omitting Schedule Six and by inserting in lieu thereof the following Schedule:—

Subst.  
Schedule  
Six.

SCHEDULE SIX.

Sec. 40.

*Areas and part of area which constitute the Sydney County District.*

5

City of Sydney.

Ashfield.

Auburn.

Bankstown.

10

Botany.

Burwood.

Canterbury.

Concord.

Drummoyne.

15

Hunter's Hill.

Ku-ring-gai.

Lane Cove.

Leichhardt.

Marrickville.

20

Mosman.

North Sydney.

Parramatta except those parts which immediately before 1st January, 1949, were included in the areas as then constituted of the City of Parramatta, the Municipality of Granville, and the Municipality of Dundas.

25

Randwick.

Ryde.

Strathfield.

Sutherland.

30

Waverley.

Willoughby.

Woollahra.

(b) The Gas and Electricity Act, 1935, as amended by subsequent Acts and by this Act, may be cited as the Gas and Electricity Act, 1935-1957.

(3) The reconstitution of the Sydney County District effected by the amendments made by subsection two of this section shall not affect the constitution of The Sydney County Council, and the councillors holding office as representatives of the first, second, third and fourth constituencies



---

*Electricity Commission (Transfer of Reticulation Works).*

---

constituencies of the Sydney County District as constituted immediately before the appointed day shall, subject to the provisions of the Gas and Electricity Act, 1935, as amended by subsequent Acts, hold office as from  
5 the appointed day as representatives of the first, second, third and fourth constituencies, respectively, of the Sydney County District as reconstituted upon the appointed day.

4. Upon and after the appointed day the works of  
10 electricity reticulation which immediately before the appointed day were operated by the Commission for the distribution and supply of electricity to persons for use within the Municipality of Ashfield, that part of the City of Sydney which immediately before the first day  
15 of January, one thousand nine hundred and forty-nine, was included in the area as then constituted of the Municipality of Newtown, those parts of the Municipality of Leichhardt which immediately before the first day of January, one thousand nine hundred and forty-nine,  
20 were included in the areas as then constituted of the Municipality of Balmain and the Municipality of Leichhardt and that part of the Municipality of Marrickville which immediately before the first day of January, one thousand nine hundred and forty-nine, was included in  
25 the area as then constituted of the Municipality of Petersham shall be transferred from the Commission to the Sydney County Council under and in accordance with the provisions of this Act.

Transfer of certain reticulation works to the Sydney County Council.

5. Upon and after the appointed day the works of  
30 electricity reticulation which immediately before the appointed day were operated by the Commission for the distribution and supply of electricity to persons for use within those parts of the City of Parramatta which immediately before the first day of January, one  
35 thousand nine hundred and forty-nine, were included in the areas as then constituted of the City of Parramatta, the Municipality of Granville and the Municipality of Dundas, shall be transferred from the Commission to the Prospect County Council under and in accordance with  
40 the provisions of this Act.

Transfer of certain reticulation works to the Prospect County Council.



*Electricity Commission (Transfer of Reticulation Works).*

**6.** On and from the appointed day the following provisions shall have effect:— Transfer of assets, etc.

- 5 (a) All real and personal property (other than money or securities for money) and all right and interest therein and all management and control of any land or thing which immediately before the appointed day is vested in or belongs to the Commission and is held or used by it for or in connection with the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council shall vest in and belong to the Sydney County Council and the Prospect County Council respectively.
- 10
- 15 (b) All contracts, agreements and undertakings entered into or deemed to have been entered into with, and all securities lawfully given or deemed to have been given to or by the Commission for or in connection with the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council and in force immediately before the appointed day shall be deemed to be contracts, agreements and undertakings entered into with, and securities given to or by the Sydney County Council and the Prospect County Council respectively.
- 20
- 25
- 30 (c) All moneys, liquidated and unliquidated claims which immediately before the appointed day are payable to or recoverable by the Commission in relation to the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Sydney County Council and the Prospect County Council respectively.
- 35
- (d) All suits, actions and proceedings pending immediately before the appointed day at the suit of the Commission in respect of any matter or claim which relates to the reticulation works



---

*Electricity Commission (Transfer of Reticulation Works).*

---

- 5 works transferred by this Act to the Sydney  
County Council and the Prospect County  
Council shall be suits, actions and proceedings  
pending at the suit of the Sydney County  
Council and the Prospect County Council  
respectively.
- 10 (e) The Sydney County Council and the Prospect  
County Council may pursue the same remedies  
for the recovery of any such moneys and claims  
and for the prosecution of such suits, actions  
and proceedings as the Commission might have  
done but for this Act.
- 15 (f) The Sydney County Council and the Prospect  
County Council may enforce and realise any  
security or charge existing immediately before  
the appointed day in favour of the Commission  
in respect of the reticulation works trans-  
ferred by this Act to the Sydney County Council  
and the Prospect County Council respectively  
20 as if such security or charge were existing in  
favour of the Sydney County Council and the  
Prospect County Council respectively.
- 25 (g) All debts due and moneys payable by the Com-  
mission immediately before the appointed day  
under any contract, agreement or undertaking  
referred to in this section, and all claims  
liquidated and unliquidated recoverable against  
the Commission immediately before such day  
30 under any such contract, agreement or under-  
taking shall be debts due and moneys payable  
by and claims recoverable against the Sydney  
County Council or the Prospect County Council  
according as to whether the contract, agreement  
or undertaking related to the reticulation works  
35 transferred by section four or section five of  
this Act.
- 40 (h) No attornment by a lessee of any land vested  
in the Sydney County Council or the Prospect  
County Council by this section shall be  
necessary.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

7. (1) The Commission and the Sydney County Council and the Prospect County Council shall as soon as practicable after the day upon which the Assent of Her Majesty to this Act has been signified arrange and  
5 agree upon a division of the assets, debts and liabilities of the Commission in respect of the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council, so that the assets, debts and liabilities to be so transferred shall be defined.

Division of  
assets and  
liabilities.

10 (2) For the purposes referred to in subsection one of this section two joint committees shall be constituted and shall be called respectively the "Technical Joint Committee" and the "Finance Joint Committee".

(3) (a) The Technical Joint Committee shall consist of five members as follows:—  
15

- 20 (i) the chairman, who shall be appointed by the Minister from a panel of names of engineers prepared by the President of the Institution of Engineers, Australia, and who shall convene all meetings of the Technical Joint Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- 25 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- (iv) two members who shall be appointed by the Commission to be representatives of the Commission.  
30

(b) In the case of any difference between the representatives of the County Councils and the representatives of the Commission, such difference shall be determined as the chairman shall direct.

(c)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(c) The functions of the Technical Joint Committee shall be—

- 5 (i) to determine what assets, being land, works, motor vehicles, furniture, fittings and stores of the Commission, are to be transferred by this Act to the County Councils;
- 10 (ii) to determine what books, documents, records and papers held by the Commission, being books, documents, records and papers which relate to the assets referred to in subparagraph (i) of this paragraph, and which are necessary or expedient in order to enable the County Councils to continue the distribution and supply of elec-
- 15 tricity to persons for use from the land and works of the Commission, are to be handed over to the County Councils;
- 20 (iii) to determine whether any land or works of the Commission not transferred by this Act to the County Councils shall be made available by the Commission for use by the County Councils and the terms and conditions of such user;
- 25 (iv) to determine whether any land or works of the Commission not transferred by this Act to the County Councils shall be made available by the Commission for joint use by the Commission and the County Councils and the terms and conditions of such user.

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chairman) such determination shall be binding on the Commission and the County Councils and shall be final and conclusive.

35 (e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister for record purposes.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(4) (a) The Finance Joint Committee shall consist of five members as follows:—

- 5 (i) the Auditor-General (or his nominee) who shall be chairman and who shall convene all meetings of the Finance Joint Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- 10 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- (iv) two members who shall be appointed by the Commission to be representatives of the Com-  
15 mission.

(b) In the case of any difference between the representatives of the County Councils and the representatives of the Commission, such difference shall be determined as the Auditor-General shall direct.

20 (c) The functions of the Finance Joint Committee shall be—

- 25 (i) to determine in accordance with subsection five of this section the purchase price of the reticulation works to be paid by the County Councils to the Commission;
- (ii) to determine the amount to be credited to the County Councils for—

- 30 (a) liabilities to be assumed by the County Councils in respect of allowances upon retirement or death of servants of the Commission transferred by this Act to the service of the County Councils;

(b)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

- 5 (b) liabilities to be assumed by the County Councils in respect of accrued leave due to servants of the Commission transferred by this Act to the service of the County Councils;
- (c) liabilities to be assumed by the County Councils in respect of customers' deposits and accrued interest thereon;
- 10 (iii) to determine what books, documents, records and papers, in addition to those referred to in subparagraph (ii) of paragraph (c) of subsection three of this section are to be handed over to the County Councils;
- 15 (iv) to determine the amount to be debited to the County Councils in respect of electricity, goods and services supplied by the Commission prior to the appointed day to persons for use in the areas referred to in sections four and five of this Act for which payment has not been made
- 20 to the Commission by such persons as at the appointed day;
- (v) to determine the value as at the appointed day of motor vehicles, furniture, fittings and stores transferred to the County Councils.
- 25 (d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the Auditor-General) such determination shall be binding on the
- 30 Commission and the County Councils and shall be final and conclusive.
- (e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister
- 35 for record purposes.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(5) The purchase price to be paid by the County Councils to the Commission for the reticulation works transferred by sections four and five of this Act shall, for the purposes of subparagraph (i) of paragraph (c) 5 of subsection four of this section, and subject to any reduction or increase as provided by subsection six of this section, be determined at a sum comprising—

10 (a) the amount which bears to the total expenditure incurred by the Commission in relation to the acquisition as a going concern of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited the same proportion  
15 that the book value as at the thirty-first day of October, one thousand nine hundred and fifty, of the assets (other than money, securities for money, book debts, motor vehicles, furniture, fittings and stores) held or used by such companies, solely for reticulation purposes on that  
20 date within the area now included in the Sydney County District and the Prospect County District, bears to the book value on that date of all assets (other than money, securities for money, book debts, motor vehicles, furniture, fittings, and stores) held or used by such  
25 companies on that date for the generation, transmission, distribution, supply and use of electricity,

30 (b) the amount being the book value as at the appointed day, of all works of reticulation constructed or carried out by the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited and by the Commission  
35 within the Sydney County District and the Prospect County District subsequent to the thirty-first day of October, one thousand nine hundred and fifty and before the appointed day, and

(c)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(c) the amount being the book value as at the appointed day of motor vehicles, furniture, fittings and stores transferred by this Act to the County Councils.

5 In this subsection the expression "the total expenditure incurred by the Commission in relation to the acquisition as a going concern of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited" means  
10 the sum of two million four hundred thousand pounds together with the value of the shares (as ascertained under subsection three of section four of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956) in the Parramatta and Granville  
15 Electric Supply Company Limited held at the thirty-first day of December, one thousand nine hundred and fifty-six, by shareholders other than the Electric Light and Power Supply Corporation Limited and the amount by which the liabilities assumed by the Commission from  
20 the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited, in pursuance of the provisions of section nine of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956,  
25 exceeded the moneys, securities for money, book debts and stocks on hand of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited at the thirty-first day of October, one thousand nine hundred  
30 and fifty.

(6) The purchase price as determined under subsection five of this section shall be reduced or increased as the case may require by the amounts referred to in subparagraphs (ii) and (iv) of paragraph (c) of subsection  
35 four of this section.

(7) The expenses of the Technical Joint Committee and Finance Joint Committee shall be charged as to one half to the Commission and as to the other half to the County Councils in equal shares.



*Electricity Commission (Transfer of Reticulation Works).*

8. (1) The Sydney County Council and the Prospect County Council shall as soon as practicable after the determinations referred to in section seven of this Act have been made arrange and agree upon an apportionment of the assets, debts and liabilities transferred to them under this Act, so that the respective assets, debts and liabilities to be vested in and assumed by each such Council shall be defined.

Apportionment of transferred assets and liabilities between Councils.

(2) For the purposes referred to in subsection one of this section two joint committees shall be constituted and shall be called respectively "the Joint Council Technical Committee" and "the Joint Council Finance Committee".

(3) (a) The Joint Council Technical Committee shall consist of three members as follows:—

- (i) the chairman, who shall be appointed by the Minister from a panel of names of engineers prepared by the President of the Institution of Engineers, Australia, and who shall convene all meetings of the Joint Council Technical Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(b) In the case of any difference between the representatives of the County Councils, such difference shall be determined as the chairman shall direct.

(c) The functions of the Joint Council Technical Committee shall be to determine the apportionment between the County Councils of the assets, being land, works, motor vehicles, furniture, fittings and stores, and books, documents, records and papers transferred to the County Councils under this Act.

(d)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the  
5 chairman) such determination shall be binding on each such County Council and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the  
10 Minister for record purposes.

(4) (a) The Joint Council Finance Committee shall consist of three members as follows:—

- 15 (i) the Auditor-General (or his nominee) who shall be chairman and who shall convene all meetings of the Joint Council Finance Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- 20 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(b) In the case of any difference between the representatives of the County Councils, such difference  
25 shall be determined as the Auditor-General shall direct.

(c) The functions of the Joint Council Finance Committee shall be to determine the apportionment between the County Councils of the purchase price of the reticulation works transferred to the County Councils  
30 as determined under section seven of this Act.

In making this apportionment the Joint Council Finance Committee shall have regard to the assets, being land, works, motor vehicles, furniture, fittings and stores, and books, documents, records and papers which are  
transferred



*Electricity Commission (Transfer of Reticulation Works).*

transferred to each of the County Councils, to the determinations made under paragraph (c) of subsection four of section seven of this Act and to the depreciation which might reasonably be allowed in respect of any assets so  
5 transferred.

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chair-  
10 man) such determination shall be binding on each County Council and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission, and a copy thereof shall be trans-  
15 mitted to the Minister for record purposes.

(5) The expenses of the Joint Council Technical Committee and the Joint Council Finance Committee shall be charged in equal shares to the County Councils.

9. (1) The purchase price to be paid by the Sydney  
20 County Council and the Prospect County Council as  
aforesaid shall be deemed to be an ordinary loan raised  
by the Sydney County Council and the Prospect County  
Council respectively under the provisions of the Local  
Government Act, 1919, as amended by subsequent Acts,  
25 in respect whereof there shall, as soon as practicable  
after the appointed day, be executed by the Sydney  
County Council and the Prospect County Council  
respectively in favour of the Commission mortgage-  
deeds in the form prescribed under that Act, as so  
30 amended, containing terms and conditions for its repay-  
ment as set forth in subsections four and five of this  
section.

Payment of  
purchase  
price.

(2) The Commission is hereby authorised to accept payment of the purchase price in the manner  
35 referred to in subsection one of this section.

(3)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(3) The provisions of sections one hundred and eighty-two, one hundred and eighty-eight and one hundred and ninety-three to one hundred and ninety-six, both sections inclusive, of the Local Government Act, 5 1919, as amended by subsequent Acts, shall apply to and in respect of such loan.

(4) The purchase price together with interest thereon at the rate of five pounds five shillings per centum per annum from the appointed day shall be 10 paid—

(a) as to so much of the purchase price as is related to the amount referred to in paragraph (a) of subsection five of section seven of this Act by equal and consecutive half-yearly instalments 15 of principal and interest combined not later than the thirty-first day of October, one thousand nine hundred and sixty-five;

(b) as to the balance of such purchase price by equal and consecutive half-yearly instalments of 20 principal and interest combined within such period and in such manner as may be directed by the Governor and notified by proclamation published in the Gazette.

(5) (a) If any such instalment is not paid by the 25 County Council liable therefor on or before the due date for payment thereof there shall be added thereto a sum equal to ten per centum thereof and such instalment together with such additional sum may be recovered by the Commission.

(b) The Commission may on cause shown remit 30 the whole or any part of such additional sum.

10. (1) Upon and after the appointed day the servants of the Commission referred to in subsection three of this section shall become and be servants of the 35 County Councils. The servants who are to become and be servants of the Sydney County Council and the servants who are to become and be servants of the Prospect County Council shall be such servants as the Governor may direct.

Transfer of  
servants.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(2) For the purposes of this section there shall be constituted a Staff Joint Committee which shall consist of five members, as follows:—

- 5 (a) the chairman, who shall be nominated by the Minister and who shall convene all meetings of the joint committee and preside at such meetings;
- (b) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- 10 (c) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- 15 (d) two members who shall be appointed by the Commission to be representatives of the Commission.

(3) The Staff Joint Committee shall determine which servants of the Commission should be transferred to the service of the County Councils.

(4) In the case of any difference between the  
20 representatives of the County Councils and the representatives of the Commission such difference shall be determined as the chairman of the Staff Joint Committee shall direct.

(5) The expenses of the Staff Joint Committee  
25 shall be charged as to one half to the Commission and as to the other half to the County Councils in equal shares.

(6) (a) The Sydney County Council and the Prospect County Council shall confer with one another  
30 and agree upon an arrangement as to the transfer to their service of the servants referred to in subsection three of this section.

(b)



*Electricity Commission (Transfer of Reticulation Works).*

(b) Where the County Councils have not so agreed within a period of fourteen days from the making of the determination referred to in subsection three of this section there shall be constituted a Joint Council Staff Committee which shall consist of three members as follows:—

- (i) the chairman who shall be nominated by the Minister and who shall convene all meetings of the Joint Council Staff Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(c) The Joint Council Staff Committee shall consider and make recommendations to the Governor as to which of the servants referred to in subsection three of this section should be transferred to the service of each County Council.

(d) In the case of any difference between the representatives of the County Councils such difference shall be determined as the chairman of the Joint Council Staff Committee shall direct.

(e) The expenses of the Joint Council Staff Committee shall be charged in equal shares to the County Councils.

**11.** (1) This section shall apply to and in respect of every person referred to in subsection one of section ten of this Act who becomes a servant of the Sydney County Council or the Prospect County Council and shall so apply to him on and after the date upon which he becomes such servant.

Transferred servants.

(2) The servant shall be deemed to have been appointed and employed under the provisions of the Local Government Act, 1919, as amended by subsequent Acts,



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Acts, by the County Council of which he becomes a servant as aforesaid, and shall be paid salary or wages at a rate not less than the rate at which he was employed immediately before such date until such salary or wages  
5 is or are varied or altered by the said County Council: Provided that such salary or wages shall not be reduced for a period of at least two years from such date except to the extent necessary to give effect to any fluctuation in the basic wage for adult males or the basic wage  
10 for adult females as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(3) The servant shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred and extended leave, as if he had continued to  
15 be a servant of the Commission. And for the purposes of this subsection service with the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited or either of those companies and the County Council of  
20 which he becomes a servant as aforesaid shall be deemed to be service with the Commission.

(4) (a) The servant shall be entitled to retain the rights and privileges, if any, in relation to payments on retirement or death to which he would have been  
25 entitled if he had continued to be a servant of the Commission.

(b) Without prejudice to the generality of paragraph (a) of this subsection—

(i) where any servant was immediately before he  
30 became such a servant an officer within the meaning of the Staff Pension Trust Deed referred to in section twelve of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956, the provisions of that  
35 Deed shall continue to apply to such servant in all respects as if the servant had during the period of his service with the Sydney County Council or the Prospect County Council remained an officer of the Commission and the  
Sydney



*Electricity Commission (Transfer of Reticulation Works).*

5 Sydney County Council or the Prospect County Council, as the case may require, shall in respect of such servant make such deductions from the salary of the servant and such payments to the trustees of the said Deed as the Commission would have made had the servant remained an officer of the Commission;

10 (ii) where any servant was immediately before he became such a servant an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, he shall retain any rights which, on the date upon which he became such a servant, have accrued or are accruing to him as such an employee and shall continue to contribute to any fund or account and shall be entitled to receive any payment, pension or gratuity as if he had continued to be an employee within the meaning of the said Act, as so amended, and the County Council of which he became such a servant shall in respect of such servant pay to the State Superannuation Board such contributions and payments as would have been payable by the Commission if such servant had remained a servant of the Commission and had been paid salary or wages at the rate paid to him by the County Council of which he became such a servant.

30 For the purposes of this subparagraph service with the Commission shall be deemed to be service with the County Council of which he became such a servant.

(5) The servant shall not be entitled to claim benefits under this Act as well as under any other Act, ordinance, regulation or resolution in respect of the same period of service: Provided that the provisions of the Local Government (Superannuation) Act, 1927, as amended by subsequent Acts, shall not apply to any servant to whom subparagraph (i) or (ii) of paragraph (b) of subsection four of this section applies.

(6)



*Electricity Commission (Transfer of Reticulation Works).*

(6) Where any condition of employment of the servant was, immediately before he became a servant of the Sydney County Council or the Prospect County Council, regulated by an award or industrial agreement  
5 such condition shall continue to be so regulated until an award regulating such condition and binding the County Council of which he became a servant is made by a competent tribunal or such condition is regulated by an industrial agreement to which the County Council of  
10 which he became a servant is a party.

(7) The period of service of a servant with the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited or either of them and the Commission shall  
15 be counted as service with the County Council of which he became a servant for the purposes of the Local Government Act, 1919, as amended by subsequent Acts, or any other Act or of any ordinance, regulation or by-law or of the terms and conditions of any staff agreement  
20 or of any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

**12.** (1) The Electricity Commission Act, 1950, as amended by subsequent Acts, is amended—

Amendment  
of Act  
No. 22,  
1950.

(a) by inserting in subparagraph (ii) of paragraph  
25 (b) of subsection two of section nine after the words "Sydney County Council" the words "or the County District of the Prospect County Council";

Sec. 9.  
(Powers of  
Commis-  
sion.)

(b) by omitting subparagraph (v) of the same paragraph.  
30

(2) The Electricity Commission Act, 1950, as amended by subsequent Acts and by this Act, may be cited as the Electricity Commission Act, 1950-1957.

(3) This section shall commence upon the  
35 appointed day.











No. , 1957.

---

## A BILL

To transfer certain works of electricity reticulation to the Sydney County Council and the Prospect County Council; for this and other purposes to amend the Electricity Commission Act, 1950, the Gas and Electricity Act, 1935, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. W. MCC. GOLLAN, *on behalf of* MR. RENSHAW;—  
11 September, 1957.]

---

**B**E it enacted by the Queen'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  
5 the same, as follows:—

1. This Act may be cited as the "Electricity Commission (Transfer of Reticulation Works) Act, 1957". Short title.

79649

25—A

2.



*Electricity Commission (Transfer of Reticulation Works).*

2. In this Act unless the context or subject matter Definitions.  
otherwise indicates or requires—

5 “Appointed day” means a day to be appointed by  
the Governor and notified by proclamation  
published in the Gazette.

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

“County Councils” means the Sydney County  
Council and the Prospect County Council.

10 3. (1) This section shall commence upon the Amendment  
appointed day. of Act No.  
42, 1935.

(2) (a) The Gas and Electricity Act, 1935-1956,  
is amended—

15 (i) by omitting subsection one of section forty and Sec. 40.  
by inserting in lieu thereof the following sub- (Sydney  
section:— County  
District.)

20 (1) (a) On the appointed day referred to in  
section two of the Electricity Commission  
(Transfer of Reticulation Works) Act, 1957,  
the Sydney County District shall be reconsti-  
tuted as provided in this subsection.

25 (b) For the purposes of this Part the  
areas and the part of the area specified or  
described in Schedule Six to this Act are con-  
stituted a County District under the name of  
“the Sydney County District”.

(ii) by inserting at the end of section forty-two the Sec. 42.  
following new subsection:— (Constitu-  
encies.  
Schedule  
Three.)

30 (5) The inclusion of any area or part thereof  
in a constituency of the Sydney County District  
pursuant to subsection four of this section  
shall not affect the constitution of the Sydney  
County



*Electricity Commission (Transfer of Reticulation Works).*

5 County Council, and the councillors who immediately before such inclusion held office as representatives of the constituency in which such area or part is included shall, subject to the provisions of this Act, continue to hold office as representatives of that constituency upon such inclusion.

(iii) by omitting Schedule Three and by inserting in lieu thereof the following Schedule:—

Subst.  
Schedule  
Three.

10

## SCHEDULE THREE.

Sec. 42.

Constituencies.	Area.	Number of councillors to be elected.
First ... ..	City of Sydney ... ..	3
15	{ Ashfield ... ..	2
	{ Auburn ... ..	
	{ Bankstown ... ..	
	{ Burwood ... ..	
20	{ Canterbury ... ..	
Second ... ..	{ Concord ... ..	
	{ Drummoyne ... ..	
	{ Leichhardt ... ..	
	{ Marrickville ... ..	
	{ Strathfield ... ..	
25	{ Botany ... ..	2
	{ Randwick ... ..	
Third ... ..	{ Sutherland ... ..	
	{ Waverley ... ..	
	{ Woollahra ... ..	
30	{ Hunter's Hill ... ..	2
	{ Ku-ring-gai ... ..	
	{ Lane Cove ... ..	
	{ Mosman ... ..	
Fourth ... ..	{ North Sydney ... ..	
35	{ Parramatta ... ..	
	{ Ryde ... ..	
	{ Willoughby ... ..	

(iv)



*Electricity Commission (Transfer of Reticulation Works).*

(iv) by omitting Schedule Six and by inserting in lieu thereof the following Schedule:—

Subst.  
Schedule  
Six.

SCHEDULE SIX.

Sec. 40.

5 *Areas and part of area which constitute the Sydney County District.*

- City of Sydney.
- Ashfield.
- Auburn.
- Bankstown.
- 10 Botany.
- Burwood.
- Canterbury.
- Concord.
- Drummoyne.
- 15 Hunter's Hill.
- Ku-ring-gai.
- Lane Cove.
- Leichhardt.
- Marrickville.
- 20 Mosman.
- North Sydney.
- Parramatta except those parts which immediately before 1st January, 1949, were included in the areas as then constituted of the City of Parramatta, the Municipality of Granville, and the Municipality of Dundas.
- 25 Randwick.
- Ryde.
- Strathfield.
- Sutherland.
- 30 Waverley.
- Willoughby.
- Woollahra.

(b) The Gas and Electricity Act, 1935, as amended by subsequent Acts and by this Act, may be  
35 cited as the Gas and Electricity Act, 1935-1957.

(3) The reconstitution of the Sydney County District effected by the amendments made by subsection two of this section shall not affect the constitution of The Sydney County Council, and the councillors holding office  
40 as representatives of the first, second, third and fourth constituencies



*Electricity Commission (Transfer of Reticulation Works).*

constituencies of the Sydney County District as constituted immediately before the appointed day shall, subject to the provisions of the Gas and Electricity Act, 1935, as amended by subsequent Acts, hold office as from  
 5 the appointed day as representatives of the first, second, third and fourth constituencies, respectively, of the Sydney County District as reconstituted upon the appointed day.

4. Upon and after the appointed day the works of  
 10 electricity reticulation which immediately before the appointed day were operated by the Commission for the distribution and supply of electricity to persons for use within the Municipality of Ashfield, that part of the  
 15 City of Sydney which immediately before the first day of January, one thousand nine hundred and forty-nine, was included in the area as then constituted of the Municipality of Newtown, those parts of the Municipality of Leichhardt which immediately before the first day of  
 20 January, one thousand nine hundred and forty-nine, were included in the areas as then constituted of the Municipality of Balmain and the Municipality of Leichhardt and that part of the Municipality of Marrickville which immediately before the first day of January, one  
 25 thousand nine hundred and forty-nine, was included in the area as then constituted of the Municipality of Petersham shall be transferred from the Commission to the Sydney County Council under and in accordance with the provisions of this Act.

Transfer of certain reticulation works to the Sydney County Council.

5. Upon and after the appointed day the works of  
 30 electricity reticulation which immediately before the appointed day were operated by the Commission for the distribution and supply of electricity to persons for use within those parts of the City of Parramatta which  
 35 immediately before the first day of January, one thousand nine hundred and forty-nine, were included in the areas as then constituted of the City of Parramatta, the Municipality of Granville and the Municipality of Dundas, shall be transferred from the Commission to the Prospect County Council under and in accordance with  
 40 the provisions of this Act.

Transfer of certain reticulation works to the Prospect County Council.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

**6.** On and from the appointed day the following provisions shall have effect:—

Transfer of  
assets, etc.

- 5 (a) All real and personal property (other than money or securities for money) and all right and interest therein and all management and control of any land or thing which immediately before the appointed day is vested in or belongs to the Commission and is held or used by it for or in connection with the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council shall vest in and belong to the Sydney County Council and the Prospect County Council respectively.
- 10
- 15 (b) All contracts, agreements and undertakings entered into or deemed to have been entered into with, and all securities lawfully given or deemed to have been given to or by the Commission for or in connection with the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council and in force immediately before the appointed day shall be deemed to be contracts, agreements and undertakings entered into with, and securities given to or by the Sydney County Council and the Prospect County Council respectively.
- 20
- 25
- 30 (c) All moneys, liquidated and unliquidated claims which immediately before the appointed day are payable to or recoverable by the Commission in relation to the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Sydney County Council and the Prospect County Council respectively.
- 35
- (d) All suits, actions and proceedings pending immediately before the appointed day at the suit of the Commission in respect of any matter or claim which relates to the reticulation works



---

*Electricity Commission (Transfer of Reticulation Works).*

---

5 works transferred by this Act to the Sydney  
County Council and the Prospect County  
Council shall be suits, actions and proceedings  
pending at the suit of the Sydney County  
Council and the Prospect County Council  
respectively.

10 (e) The Sydney County Council and the Prospect  
County Council may pursue the same remedies  
for the recovery of any such moneys and claims  
and for the prosecution of such suits, actions  
and proceedings as the Commission might have  
done but for this Act.

15 (f) The Sydney County Council and the Prospect  
County Council may enforce and realise any  
security or charge existing immediately before  
the appointed day in favour of the Commission  
in respect of the reticulation works trans-  
ferred by this Act to the Sydney County Council  
and the Prospect County Council respectively  
20 as if such security or charge were existing in  
favour of the Sydney County Council and the  
Prospect County Council respectively.

25 (g) All debts due and moneys payable by the Com-  
mission immediately before the appointed day  
under any contract, agreement or undertaking  
referred to in this section, and all claims  
liquidated and unliquidated recoverable against  
the Commission immediately before such day  
under any such contract, agreement or under-  
taking shall be debts due and moneys payable  
30 by and claims recoverable against the Sydney  
County Council or the Prospect County Council  
according as to whether the contract, agreement  
or undertaking related to the reticulation works  
transferred by section four or section five of  
35 this Act.

40 (h) No attornment by a lessee of any land vested  
in the Sydney County Council or the Prospect  
County Council by this section shall be  
necessary.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

7. (1) The Commission and the Sydney County Council and the Prospect County Council shall as soon as practicable after the day upon which the Assent of Her Majesty to this Act has been signified arrange and  
5 agree upon a division of the assets, debts and liabilities of the Commission in respect of the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council, so that the assets, debts and liabilities to be so transferred shall be defined.

Division of  
assets and  
liabilities.

10 (2) For the purposes referred to in subsection one of this section two joint committees shall be constituted and shall be called respectively the "Technical Joint Committee" and the "Finance Joint Committee".

(3) (a) The Technical Joint Committee shall consist of five members as follows:—

(i) the chairman, who shall be appointed by the Minister from a panel of names of engineers prepared by the President of the Institution of Engineers, Australia, and who shall convene all  
20 meetings of the Technical Joint Committee and preside at such meetings;

(ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;

25 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council;

(iv) two members who shall be appointed by the Commission to be representatives of the Com-  
30 mission.

(b) In the case of any difference between the representatives of the County Councils and the representatives of the Commission, such difference shall be determined as the chairman shall direct.

(c)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(c) The functions of the Technical Joint Committee shall be—

- 5 (i) to determine what assets, being land, works, motor vehicles, furniture, fittings and stores of the Commission, are to be transferred by this Act to the County Councils;
- 10 (ii) to determine what books, documents, records and papers held by the Commission, being books, documents, records and papers which relate to the assets referred to in subparagraph (i) of this paragraph, and which are necessary or expedient in order to enable the County Councils to continue the distribution and supply of electricity to persons for use from the land and
- 15 works of the Commission, are to be handed over to the County Councils;
- 20 (iii) to determine whether any land or works of the Commission not transferred by this Act to the County Councils shall be made available by the Commission for use by the County Councils and the terms and conditions of such user;
- 25 (iv) to determine whether any land or works of the Commission not transferred by this Act to the County Councils shall be made available by the Commission for joint use by the Commission and the County Councils and the terms and conditions of such user.

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chairman) such determination shall be binding on the Commission and the County Councils and shall be final and conclusive.

35 (e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister for record purposes.

(4)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(4) (a) The Finance Joint Committee shall consist of five members as follows:—

- 5 (i) the Auditor-General (or his nominee) who shall be chairman and who shall convene all meetings of the Finance Joint Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- 10 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- 15 (iv) two members who shall be appointed by the Commission to be representatives of the Commission.

(b) In the case of any difference between the representatives of the County Councils and the representatives of the Commission, such difference shall be determined as the Auditor-General shall direct.

20 (c) The functions of the Finance Joint Committee shall be—

- 25 (i) to determine in accordance with subsection five of this section the purchase price of the reticulation works to be paid by the County Councils to the Commission;
- (ii) to determine the amount to be credited to the County Councils for—
  - 30 (a) liabilities to be assumed by the County Councils in respect of allowances upon retirement or death of servants of the Commission transferred by this Act to the service of the County Councils;
  - (b)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

- 5 (b) liabilities to be assumed by the County Councils in respect of accrued leave due to servants of the Commission transferred by this Act to the service of the County Councils;
- (c) liabilities to be assumed by the County Councils in respect of customers' deposits and accrued interest thereon;
- 10 (iii) to determine what books, documents, records and papers, in addition to those referred to in subparagraph (ii) of paragraph (c) of subsection three of this section are to be handed over to the County Councils;
- 15 (iv) to determine the amount to be debited to the County Councils in respect of electricity, goods and services supplied by the Commission prior to the appointed day to persons for use in the areas referred to in sections four and five of this Act for which payment has not been made
- 20 to the Commission by such persons as at the appointed day;
- (v) to determine the value as at the appointed day of motor vehicles, furniture, fittings and stores transferred to the County Councils.
- 25 (d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the Auditor-General) such determination shall be binding on the
- 30 Commission and the County Councils and shall be final and conclusive.
- (e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister
- 35 for record purposes.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(5) The purchase price to be paid by the County Councils to the Commission for the reticulation works transferred by sections four and five of this Act shall, for the purposes of subparagraph (i) of paragraph (c) of subsection four of this section, and subject to any reduction or increase as provided by subsection six of this section, be determined at a sum comprising—

- 10 (a) the amount which bears to the total expenditure incurred by the Commission in relation to the acquisition as a going concern of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited the same proportion that the book value as at the thirty-first day of October, one thousand nine hundred and fifty, of the assets (other than money, securities for money, book debts, motor vehicles, furniture, fittings and stores) held or used by such companies, solely for reticulation purposes on that date within the area now included in the Sydney County District and the Prospect County District, bears to the book value on that date of all assets (other than money, securities for money, book debts, motor vehicles, furniture, fittings, and stores) held or used by such companies on that date for the generation, transmission, distribution, supply and use of electricity,
- 20
- 25
- 30 (b) the amount being the book value as at the appointed day, of all works of reticulation constructed or carried out by the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited and by the Commission within the Sydney County District and the Prospect County District subsequent to the thirty-first day of October, one thousand nine hundred and fifty and before the appointed day, and
- 35

(c)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(c) the amount being the book value as at the appointed day of motor vehicles, furniture, fittings and stores transferred by this Act to the County Councils.

5 In this subsection the expression "the total expenditure incurred by the Commission in relation to the acquisition as a going concern of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited" means  
10 the sum of two million four hundred thousand pounds together with the value of the shares (as ascertained under subsection three of section four of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956) in the Parramatta and Granville  
15 Electric Supply Company Limited held at the thirty-first day of December, one thousand nine hundred and fifty-six, by shareholders other than the Electric Light and Power Supply Corporation Limited and the amount by which the liabilities assumed by the Commission from  
20 the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited, in pursuance of the provisions of section nine of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956,  
25 exceeded the moneys, securities for money, book debts and stocks on hand of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited at the thirty-first day of October, one thousand nine hundred  
30 and fifty.

(6) The purchase price as determined under subsection five of this section shall be reduced or increased as the case may require by the amounts referred to in subparagraphs (ii) and (iv) of paragraph (c) of subsection  
35 four of this section.

(7) The expenses of the Technical Joint Committee and Finance Joint Committee shall be charged as to one half to the Commission and as to the other half to the County Councils in equal shares.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

8. (1) The Sydney County Council and the Prospect County Council shall as soon as practicable after the determinations referred to in section seven of this Act have been made arrange and agree upon an apportionment of the assets, debts and liabilities transferred to them under this Act, so that the respective assets, debts and liabilities to be vested in and assumed by each such Council shall be defined.
- 10 (2) For the purposes referred to in subsection one of this section two joint committees shall be constituted and shall be called respectively "the Joint Council Technical Committee" and "the Joint Council Finance Committee".
- 15 (3) (a) The Joint Council Technical Committee shall consist of three members as follows:—
- 20 (i) the chairman, who shall be appointed by the Minister from a panel of names of engineers prepared by the President of the Institution of Engineers, Australia, and who shall convene all meetings of the Joint Council Technical Committee and preside at such meetings;
- 25 (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.
- 30 (b) In the case of any difference between the representatives of the County Councils, such difference shall be determined as the chairman shall direct.
- (c) The functions of the Joint Council Technical Committee shall be to determine the apportionment between the County Councils of the assets, being land, works, motor vehicles, furniture, fittings and stores, and books, documents, records and papers transferred to the County Councils under this Act.
- (d)

Apportionment of transferred assets and liabilities between Councils.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the  
5 chairman) such determination shall be binding on each such County Council and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the  
10 Minister for record purposes.

(4) (a) The Joint Council Finance Committee shall consist of three members as follows:—

(i) the Auditor-General (or his nominee) who shall be chairman and who shall convene all meetings of the Joint Council Finance Committee and preside at such meetings;  
15

(ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;

20 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(b) In the case of any difference between the representatives of the County Councils, such difference  
25 shall be determined as the Auditor-General shall direct.

(c) The functions of the Joint Council Finance Committee shall be to determine the apportionment between the County Councils of the purchase price of the reticulation works transferred to the County Councils  
30 as determined under section seven of this Act.

In making this apportionment the Joint Council Finance Committee shall have regard to the assets, being land, works, motor vehicles, furniture, fittings and stores, and books, documents, records and papers which are transferred



*Electricity Commission (Transfer of Reticulation Works).*

transferred to each of the County Councils, to the determinations made under paragraph (c) of subsection four of section seven of this Act and to the depreciation which might reasonably be allowed in respect of any assets so  
5 transferred.

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chair-  
10 man) such determination shall be binding on each County Council and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission, and a copy thereof shall be trans-  
15 mitted to the Minister for record purposes.

(5) The expenses of the Joint Council Technical Committee and the Joint Council Finance Committee shall be charged in equal shares to the County Councils.

9. (1) The purchase price to be paid by the Sydney  
20 County Council and the Prospect County Council as aforesaid shall be deemed to be an ordinary loan raised by the Sydney County Council and the Prospect County Council respectively under the provisions of the Local Government Act, 1919, as amended by subsequent Acts,  
25 in respect whereof there shall, as soon as practicable after the appointed day, be executed by the Sydney County Council and the Prospect County Council respectively in favour of the Commission mortgage-  
deeds in the form prescribed under that Act, as so  
30 amended, containing terms and conditions for its repayment as set forth in subsections four and five of this section.

Payment of  
purchase  
price.

(2) The Commission is hereby authorised to accept payment of the purchase price in the manner  
35 referred to in subsection one of this section.

(3)



*Electricity Commission (Transfer of Reticulation Works).*

(3) The provisions of sections one hundred and eighty-two, one hundred and eighty-eight and one hundred and ninety-three to one hundred and ninety-six, both sections inclusive, of the Local Government Act, 5 1919, as amended by subsequent Acts, shall apply to and in respect of such loan.

(4) The purchase price together with interest thereon at the rate of five pounds five shillings per centum per annum from the appointed day shall be 10 paid—

(a) as to so much of the purchase price as is related to the amount referred to in paragraph (a) of subsection five of section seven of this Act by equal and consecutive half-yearly instalments of principal and interest combined not later than 15 the thirty-first day of October, one thousand nine hundred and sixty-five;

(b) as to the balance of such purchase price by equal and consecutive half-yearly instalments of principal and interest combined within such period and in such manner as may be directed 20 by the Governor and notified by proclamation published in the Gazette.

(5) (a) If any such instalment is not paid by the 25 County Council liable therefor on or before the due date for payment thereof there shall be added thereto a sum equal to ten per centum thereof and such instalment together with such additional sum may be recovered by the Commission.

(b) The Commission may on cause shown remit 30 the whole or any part of such additional sum.

**10.** (1) Upon and after the appointed day the servants of the Commission referred to in subsection three of this section shall become and be servants of the 35 County Councils. The servants who are to become and be servants of the Sydney County Council and the servants who are to become and be servants of the Prospect County Council shall be such servants as the Governor may direct.

25—B

(2)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(2) For the purposes of this section there shall be constituted a Staff Joint Committee which shall consist of five members, as follows:—

- 5 (a) the chairman, who shall be nominated by the Minister and who shall convene all meetings of the joint committee and preside at such meetings;
- 10 (b) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (c) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- 15 (d) two members who shall be appointed by the Commission to be representatives of the Commission.

(3) The Staff Joint Committee shall determine which servants of the Commission should be transferred to the service of the County Councils.

20 (4) In the case of any difference between the representatives of the County Councils and the representatives of the Commission such difference shall be determined as the chairman of the Staff Joint Committee shall direct.

25 (5) The expenses of the Staff Joint Committee shall be charged as to one half to the Commission and as to the other half to the County Councils in equal shares.

30 (6) (a) The Sydney County Council and the Prospect County Council shall confer with one another and agree upon an arrangement as to the transfer to their service of the servants referred to in subsection three of this section.

(b)



*Electricity Commission (Transfer of Reticulation Works).*

(b) Where the County Councils have not so agreed within a period of fourteen days from the making of the determination referred to in subsection three of this section there shall be constituted a Joint Council Staff Committee which shall consist of three members as follows:—

- 10 (i) the chairman who shall be nominated by the Minister and who shall convene all meetings of the Joint Council Staff Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- 15 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(c) The Joint Council Staff Committee shall consider and make recommendations to the Governor as to which of the servants referred to in subsection three of this section should be transferred to the service of each County Council.

(d) In the case of any difference between the representatives of the County Councils such difference shall be determined as the chairman of the Joint Council Staff Committee shall direct.

(e) The expenses of the Joint Council Staff Committee shall be charged in equal shares to the County Councils.

11. (1) This section shall apply to and in respect of every person referred to in subsection one of section ten of this Act who becomes a servant of the Sydney County Council or the Prospect County Council and shall so apply to him on and after the date upon which he becomes such servant.

Transferred servants.

(2) The servant shall be deemed to have been appointed and employed under the provisions of the Local Government Act, 1919, as amended by subsequent Acts,



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Acts, by the County Council of which he becomes a servant as aforesaid, and shall be paid salary or wages at a rate not less than the rate at which he was employed immediately before such date until such salary or wages  
5 is or are varied or altered by the said County Council: Provided that such salary or wages shall not be reduced for a period of at least two years from such date except to the extent necessary to give effect to any fluctuation in the basic wage for adult males or the basic wage  
10 for adult females as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(3) The servant shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred and extended leave, as if he had continued to  
15 be a servant of the Commission. And for the purposes of this subsection service with the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited or either of those companies and the County Council of  
20 which he becomes a servant as aforesaid shall be deemed to be service with the Commission.

(4) (a) The servant shall be entitled to retain the rights and privileges, if any, in relation to payments on retirement or death to which he would have been  
25 entitled if he had continued to be a servant of the Commission.

(b) Without prejudice to the generality of paragraph (a) of this subsection—

(i) where any servant was immediately before he  
30 became such a servant an officer within the meaning of the Staff Pension Trust Deed referred to in section twelve of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956, the provisions of that  
35 Deed shall continue to apply to such servant in all respects as if the servant had during the period of his service with the Sydney County Council or the Prospect County Council remained an officer of the Commission and the  
Sydney



---

*Electricity Commission (Transfer of Reticulation Works).*

---

5 Sydney County Council or the Prospect County Council, as the case may require, shall in respect of such servant make such deductions from the salary of the servant and such payments to the trustees of the said Deed as the Commission would have made had the servant remained an officer of the Commission;

10 (ii) where any servant was immediately before he became such a servant an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, he shall retain any rights which, on the date upon which he became such a servant, have accrued or are accruing to him as such an employee and shall continue to  
15 contribute to any fund or account and shall be entitled to receive any payment, pension or gratuity as if he had continued to be an employee within the meaning of the said Act, as so  
20 amended, and the County Council of which he became such a servant shall in respect of such servant pay to the State Superannuation Board such contributions and payments as would have been payable by the Commission if such servant had remained a servant of the Commission and  
25 had been paid salary or wages at the rate paid to him by the County Council of which he became such a servant.

30 For the purposes of this subparagraph service with the Commission shall be deemed to be service with the County Council of which he became such a servant.

(5) The servant shall not be entitled to claim benefits under this Act as well as under any other Act, ordinance, regulation or resolution in respect of the same  
35 period of service: Provided that the provisions of the Local Government (Superannuation) Act, 1927, as amended by subsequent Acts, shall not apply to any servant to whom subparagraph (i) or (ii) of paragraph (b) of subsection four of this section applies.

(6)



*Electricity Commission (Transfer of Reticulation Works).*

(6) Where any condition of employment of the servant was, immediately before he became a servant of the Sydney County Council or the Prospect County Council, regulated by an award or industrial agreement  
5 such condition shall continue to be so regulated until an award regulating such condition and binding the County Council of which he became a servant is made by a competent tribunal or such condition is regulated by an industrial agreement to which the County Council of  
10 which he became a servant is a party.

(7) The period of service of a servant with the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited or either of them and the Commission shall  
15 be counted as service with the County Council of which he became a servant for the purposes of the Local Government Act, 1919, as amended by subsequent Acts, or any other Act or of any ordinance, regulation or by-law or of the terms and conditions of any staff agreement  
20 or of any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

**12.** (1) The Electricity Commission Act, 1950, as amended by subsequent Acts, is amended—

Amendment  
of Act  
No. 22,  
1950.

(a) by inserting in subparagraph (ii) of paragraph  
25 (b) of subsection two of section nine after the words "Sydney County Council" the words "or the County District of the Prospect County Council";

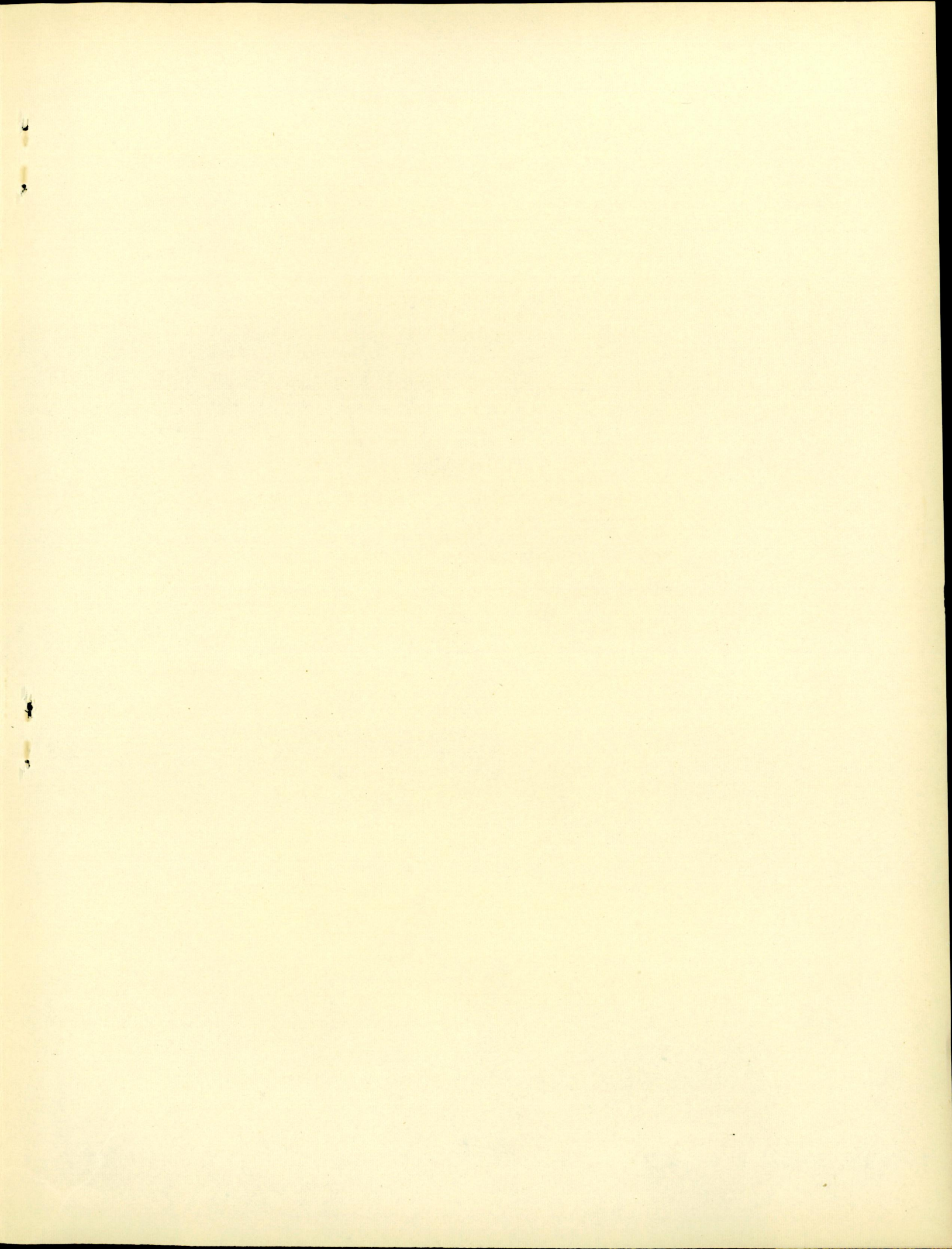
Sec. 9.  
(Powers of  
Commis-  
sion.)

(b) by omitting subparagraph (v) of the same paragraph.  
30

(2) The Electricity Commission Act, 1950, as amended by subsequent Acts and by this Act, may be cited as the Electricity Commission Act, 1950-1957.

(3) This section shall commence upon the  
35 appointed day.











# **ELECTRICITY COMMISSION (TRANSFER OF RETICULATION WORKS) BILL, 1957.**

---

## **EXPLANATORY NOTE.**

THE objects of this Bill are—

- (a) to transfer, as from a day to be appointed,
  - (i) the reticulation works operated by the Electricity Commission for the supply of electricity within the Municipality of Ashfield and the areas which immediately before 1st January, 1949, comprised the Municipalities of Newtown, Balmain, Leichhardt and Petersham, to the Sydney County Council;
  - (ii) the reticulation works operated by the Electricity Commission for the supply of electricity within the areas which immediately before 1st January, 1949, comprised the City of Parramatta and the Municipalities of Granville and Dundas, to the Prospect County Council;
- (b) to determine the purchase price to be paid by the respective County Councils for the reticulation works so transferred;
- (c) to make provisions regulating the division of assets and the transfer of servants and other matters consequent upon and incidental to the transfer of the reticulation works.







No. , 1957.

---

## A BILL

To transfer certain works of electricity reticulation to the Sydney County Council and the Prospect County Council; for this and other purposes to amend the Electricity Commission Act, 1950, the Gas and Electricity Act, 1935, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. W. MCC. GOLLAN, *on behalf of* MR. RENSHAW;—  
11 September, 1957.]

---

**B**E it enacted by the Queen'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  
5 the same, as follows:—

1. This Act may be cited as the "Electricity Commission (Transfer of Reticulation Works) Act, 1957". Short title.



*Electricity Commission (Transfer of Reticulation Works).*

2. In this Act unless the context or subject matter Definitions.  
otherwise indicates or requires—

5 “Appointed day” means a day to be appointed by  
the Governor and notified by proclamation  
published in the Gazette.

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

“County Councils” means the Sydney County  
Council and the Prospect County Council.

10 3. (1) This section shall commence upon the Amendment  
appointed day. of Act No.  
42, 1935.

(2) (a) The Gas and Electricity Act, 1935-1956,  
is amended—

15 (i) by omitting subsection one of section forty and Sec. 40.  
by inserting in lieu thereof the following sub- (Sydney  
section:— County  
District.)

20 (1) (a) On the appointed day referred to in  
section two of the Electricity Commission  
(Transfer of Reticulation Works) Act, 1957,  
the Sydney County District shall be reconsti-  
tuted as provided in this subsection.

25 (b) For the purposes of this Part the  
areas and the part of the area specified or  
described in Schedule Six to this Act are con-  
stituted a County District under the name of  
“the Sydney County District”.

(ii) by inserting at the end of section forty-two the Sec. 42.  
following new subsection:— (Constitu-  
encies.  
Schedule  
Three.)

30 (5) The inclusion of any area or part thereof  
in a constituency of the Sydney County District  
pursuant to subsection four of this section  
shall not affect the constitution of the Sydney  
County



*Electricity Commission (Transfer of Reticulation Works).*

5 County Council, and the councillors who immediately before such inclusion held office as representatives of the constituency in which such area or part is included shall, subject to the provisions of this Act, continue to hold office as representatives of that constituency upon such inclusion.

(iii) by omitting Schedule Three and by inserting in Subst. Schedule Three. lieu thereof the following Schedule:—

10

## SCHEDULE THREE.

Sec. 42.

Constituencies.			Area.			Number of councillors to be elected.
First	...	...	City of Sydney	...	...	3
15			{ Ashfield	...	...	2
			{ Auburn	...	...	
			{ Bankstown	...	...	
			{ Burwood	...	...	
20	Second	...	{ Canterbury	...	...	
			{ Concord	...	...	
			{ Drummoyne	...	...	
			{ Leichhardt	...	...	
			{ Marrickville	...	...	
			{ Strathfield	...	...	
25			{ Botany	...	...	2
			{ Randwick	...	...	
Third	...	...	{ Sutherland	...	...	
			{ Waverley	...	...	
			{ Woollahra	...	...	2
30			{ Hunter's Hill	...	...	
			{ Ku-ring-gai	...	...	
			{ Lane Cove	...	...	
			{ Mosman	...	...	
Fourth	...	...	{ North Sydney	...	...	
35			{ Parramatta	...	...	
			{ Ryde	...	...	
			{ Willoughby	...	...	

(iv)



*Electricity Commission (Transfer of Reticulation Works).*

(iv) by omitting Schedule Six and by inserting in lieu thereof the following Schedule:—

Subst.  
Schedule  
Six.

SCHEDULE SIX.

Sec. 40.

- 5                    *Areas and part of area which constitute the Sydney County District.*
- City of Sydney.
- Ashfield.
- Auburn.
- 10                Bankstown.
- Botany.
- Burwood.
- Canterbury.
- Concord.
- Drummoyne.
- 15                Hunter's Hill.
- Ku-ring-gai.
- Lane Cove.
- Leichhardt.
- Marrickville.
- 20                Mosman.
- North Sydney.
- Parramatta except those parts which immediately before 1st January, 1949, were included in the areas as then constituted of the City of Parramatta, the Municipality of
- 25                Granville, and the Municipality of Dundas.
- Randwick.
- Ryde.
- Strathfield.
- Sutherland.
- 30                Waverley.
- Willoughby.
- Woollahra.

(b) The Gas and Electricity Act, 1935, as amended by subsequent Acts and by this Act, may be

35 cited as the Gas and Electricity Act, 1935-1957.

(3) The reconstitution of the Sydney County District effected by the amendments made by subsection two of this section shall not affect the constitution of The Sydney County Council, and the councillors holding office

40 as representatives of the first, second, third and fourth constituencies



*Electricity Commission (Transfer of Reticulation Works).*

constituencies of the Sydney County District as constituted immediately before the appointed day shall, subject to the provisions of the Gas and Electricity Act, 1935, as amended by subsequent Acts, hold office as from  
5 the appointed day as representatives of the first, second, third and fourth constituencies, respectively, of the Sydney County District as reconstituted upon the appointed day.

4. Upon and after the appointed day the works of  
10 electricity reticulation which immediately before the appointed day were operated by the Commission for the distribution and supply of electricity to persons for use within the Municipality of Ashfield, that part of the  
15 City of Sydney which immediately before the first day of January, one thousand nine hundred and forty-nine, was included in the area as then constituted of the Municipality of Newtown, those parts of the Municipality of Leichhardt which immediately before the first day of  
20 January, one thousand nine hundred and forty-nine, were included in the areas as then constituted of the Municipality of Balmain and the Municipality of Leichhardt and that part of the Municipality of Marrickville which immediately before the first day of January, one  
25 thousand nine hundred and forty-nine, was included in the area as then constituted of the Municipality of Petersham shall be transferred from the Commission to the Sydney County Council under and in accordance with the provisions of this Act.

Transfer of certain reticulation works to the Sydney County Council.

5. Upon and after the appointed day the works of  
30 electricity reticulation which immediately before the appointed day were operated by the Commission for the distribution and supply of electricity to persons for use within those parts of the City of Parramatta which  
35 immediately before the first day of January, one thousand nine hundred and forty-nine, were included in the areas as then constituted of the City of Parramatta, the Municipality of Granville and the Municipality of Dundas, shall be transferred from the Commission to the Prospect County Council under and in accordance with  
40 the provisions of this Act.

Transfer of certain reticulation works to the Prospect County Council.

6.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

**6.** On and from the appointed day the following provisions shall have effect:—

Transfer of  
assets, etc.

- 5 (a) All real and personal property (other than money or securities for money) and all right and interest therein and all management and control of any land or thing which immediately before the appointed day is vested in or belongs to the Commission and is held or used by it for or in connection with the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council shall vest in and belong to the Sydney County Council and the Prospect County Council respectively.
- 10
- 15 (b) All contracts, agreements and undertakings entered into or deemed to have been entered into with, and all securities lawfully given or deemed to have been given to or by the Commission for or in connection with the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council and in force immediately before the appointed day shall be deemed to be contracts, agreements and undertakings entered into with, and securities given to or by the Sydney County Council and the Prospect County Council respectively.
- 20
- 25 (c) All moneys, liquidated and unliquidated claims which immediately before the appointed day are payable to or recoverable by the Commission in relation to the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Sydney County Council and the Prospect County Council respectively.
- 30
- 35 (d) All suits, actions and proceedings pending immediately before the appointed day at the suit of the Commission in respect of any matter or claim which relates to the reticulation works



---

*Electricity Commission (Transfer of Reticulation Works).*

---

- 5 works transferred by this Act to the Sydney  
County Council and the Prospect County  
Council shall be suits, actions and proceedings  
pending at the suit of the Sydney County  
Council and the Prospect County Council  
respectively.
- 10 (e) The Sydney County Council and the Prospect  
County Council may pursue the same remedies  
for the recovery of any such moneys and claims  
and for the prosecution of such suits, actions  
and proceedings as the Commission might have  
done but for this Act.
- 15 (f) The Sydney County Council and the Prospect  
County Council may enforce and realise any  
security or charge existing immediately before  
the appointed day in favour of the Commission  
in respect of the reticulation works trans-  
ferred by this Act to the Sydney County Council  
and the Prospect County Council respectively  
as if such security or charge were existing in  
20 favour of the Sydney County Council and the  
Prospect County Council respectively.
- 25 (g) All debts due and moneys payable by the Com-  
mission immediately before the appointed day  
under any contract, agreement or undertaking  
referred to in this section, and all claims  
liquidated and unliquidated recoverable against  
the Commission immediately before such day  
under any such contract, agreement or under-  
taking shall be debts due and moneys payable  
30 by and claims recoverable against the Sydney  
County Council or the Prospect County Council  
according as to whether the contract, agreement  
or undertaking related to the reticulation works  
transferred by section four or section five of  
35 this Act.
- 40 (h) No attornment by a lessee of any land vested  
in the Sydney County Council or the Prospect  
County Council by this section shall be  
necessary.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

7. (1) The Commission and the Sydney County Council and the Prospect County Council shall as soon as practicable after the day upon which the Assent of Her Majesty to this Act has been signified arrange and  
5 agree upon a division of the assets, debts and liabilities of the Commission in respect of the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council, so that the assets, debts and liabilities to be so transferred shall be defined.

Division of  
assets and  
liabilities.

10 (2) For the purposes referred to in subsection one of this section two joint committees shall be constituted and shall be called respectively the "Technical Joint Committee" and the "Finance Joint Committee".

(3) (a) The Technical Joint Committee shall consist of five members as follows:—  
15

(i) the chairman, who shall be appointed by the Minister from a panel of names of engineers prepared by the President of the Institution of Engineers, Australia, and who shall convene all  
20 meetings of the Technical Joint Committee and preside at such meetings;

(ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;

25 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council;

(iv) two members who shall be appointed by the Commission to be representatives of the Commission.  
30

(b) In the case of any difference between the representatives of the County Councils and the representatives of the Commission, such difference shall be determined as the chairman shall direct.

(c)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(c) The functions of the Technical Joint Committee shall be—

- 5 (i) to determine what assets, being land, works, motor vehicles, furniture, fittings and stores of the Commission, are to be transferred by this Act to the County Councils;
- 10 (ii) to determine what books, documents, records and papers held by the Commission, being books, documents, records and papers which relate to the assets referred to in subparagraph (i) of this paragraph, and which are necessary or expedient in order to enable the County Councils to continue the distribution and supply of electricity to persons for use from the land and works of the Commission, are to be handed over to the County Councils;
- 15 (iii) to determine whether any land or works of the Commission not transferred by this Act to the County Councils shall be made available by the Commission for use by the County Councils and the terms and conditions of such user;
- 20 (iv) to determine whether any land or works of the Commission not transferred by this Act to the County Councils shall be made available by the Commission for joint use by the Commission and the County Councils and the terms and conditions of such user.
- 25

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chairman) such determination shall be binding on the Commission and the County Councils and shall be final and conclusive.

35 (e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister for record purposes.

(4)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(4) (a) The Finance Joint Committee shall consist of five members as follows:—

- 5 (i) the Auditor-General (or his nominee) who shall be chairman and who shall convene all meetings of the Finance Joint Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- 10 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- (iv) two members who shall be appointed by the Commission to be representatives of the Com-  
mission.
- 15

(b) In the case of any difference between the representatives of the County Councils and the representatives of the Commission, such difference shall be determined as the Auditor-General shall direct.

20 (c) The functions of the Finance Joint Committee shall be—

- (i) to determine in accordance with subsection five of this section the purchase price of the reticulation works to be paid by the County Councils to the Commission;
- 25 (ii) to determine the amount to be credited to the County Councils for—

- (a) liabilities to be assumed by the County Councils in respect of allowances upon retirement or death of servants of the Commission transferred by this Act to the service of the County Councils;
- 30

(b)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

- 5 (b) liabilities to be assumed by the County Councils in respect of accrued leave due to servants of the Commission transferred by this Act to the service of the County Councils;
- (c) liabilities to be assumed by the County Councils in respect of customers' deposits and accrued interest thereon;
- 10 (iii) to determine what books, documents, records and papers, in addition to those referred to in subparagraph (ii) of paragraph (c) of subsection three of this section are to be handed over to the County Councils;
- 15 (iv) to determine the amount to be debited to the County Councils in respect of electricity, goods and services supplied by the Commission prior to the appointed day to persons for use in the areas referred to in sections four and five of this Act for which payment has not been made;
- 20 to the Commission by such persons as at the appointed day;
- (v) to determine the value as at the appointed day of motor vehicles, furniture, fittings and stores transferred to the County Councils.
- 25 (d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the Auditor-General) such determination shall be binding on the
- 30 Commission and the County Councils and shall be final and conclusive.
- (e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister
- 35 for record purposes.

(5)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(5) The purchase price to be paid by the County Councils to the Commission for the reticulation works transferred by sections four and five of this Act shall, for the purposes of subparagraph (i) of paragraph (c) of subsection four of this section, and subject to any reduction or increase as provided by subsection six of this section, be determined at a sum comprising—

10 (a) the amount which bears to the total expenditure incurred by the Commission in relation to the acquisition as a going concern of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited the same proportion  
15 that the book value as at the thirty-first day of October, one thousand nine hundred and fifty, of the assets (other than money, securities for money, book debts, motor vehicles, furniture, fittings and stores) held or used by such companies, solely for reticulation purposes on that  
20 date within the area now included in the Sydney County District and the Prospect County District, bears to the book value on that date of all assets (other than money, securities for money, book debts, motor vehicles, furniture, fittings, and stores) held or used by such  
25 companies on that date for the generation, transmission, distribution, supply and use of electricity,

30 (b) the amount being the book value as at the appointed day, of all works of reticulation constructed or carried out by the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited and by the Commission  
35 within the Sydney County District and the Prospect County District subsequent to the thirty-first day of October, one thousand nine hundred and fifty and before the appointed day, and

(c)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(c) the amount being the book value as at the appointed day of motor vehicles, furniture, fittings and stores transferred by this Act to the County Councils.

5 In this subsection the expression "the total expenditure incurred by the Commission in relation to the acquisition as a going concern of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited" means  
 10 the sum of two million four hundred thousand pounds together with the value of the shares (as ascertained under subsection three of section four of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956) in the Parramatta and Granville  
 15 Electric Supply Company Limited held at the thirty-first day of December, one thousand nine hundred and fifty-six, by shareholders other than the Electric Light and Power Supply Corporation Limited and the amount by which the liabilities assumed by the Commission from  
 20 the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited, in pursuance of the provisions of section nine of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956,  
 25 exceeded the moneys, securities for money, book debts and stocks on hand of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited at the thirty-first day of October, one thousand nine hundred  
 30 and fifty.

(6) The purchase price as determined under subsection five of this section shall be reduced or increased as the case may require by the amounts referred to in subparagraphs (ii) and (iv) of paragraph (c) of subsection  
 35 four of this section.

(7) The expenses of the Technical Joint Committee and Finance Joint Committee shall be charged as to one half to the Commission and as to the other half to the County Councils in equal shares.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

8. (1) The Sydney County Council and the Prospect County Council shall as soon as practicable after the determinations referred to in section seven of this Act have been made arrange and agree upon an apportionment of the assets, debts and liabilities transferred to them under this Act, so that the respective assets, debts and liabilities to be vested in and assumed by each such Council shall be defined.

Apportionment of transferred assets and liabilities between Councils.

(2) For the purposes referred to in subsection one of this section two joint committees shall be constituted and shall be called respectively "the Joint Council Technical Committee" and "the Joint Council Finance Committee".

(3) (a) The Joint Council Technical Committee shall consist of three members as follows:—

- (i) the chairman, who shall be appointed by the Minister from a panel of names of engineers prepared by the President of the Institution of Engineers, Australia, and who shall convene all meetings of the Joint Council Technical Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(b) In the case of any difference between the representatives of the County Councils, such difference shall be determined as the chairman shall direct.

(c) The functions of the Joint Council Technical Committee shall be to determine the apportionment between the County Councils of the assets, being land, works, motor vehicles, furniture, fittings and stores, and books, documents, records and papers transferred to the County Councils under this Act.

(d)



*Electricity Commission (Transfer of Reticulation Works).*

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the  
5 chairman) such determination shall be binding on each such County Council and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the  
10 Minister for record purposes.

(4) (a) The Joint Council Finance Committee shall consist of three members as follows:—

- 15 (i) the Auditor-General (or his nominee) who shall be chairman and who shall convene all meetings of the Joint Council Finance Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- 20 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(b) In the case of any difference between the representatives of the County Councils, such difference  
25 shall be determined as the Auditor-General shall direct.

(c) The functions of the Joint Council Finance Committee shall be to determine the apportionment between the County Councils of the purchase price of the reticulation works transferred to the County Councils  
30 as determined under section seven of this Act.

In making this apportionment the Joint Council Finance Committee shall have regard to the assets, being land, works, motor vehicles, furniture, fittings and stores, and books, documents, records and papers which are transferred



*Electricity Commission (Transfer of Reticulation Works).*

transferred to each of the County Councils, to the determinations made under paragraph (c) of subsection four of section seven of this Act and to the depreciation which might reasonably be allowed in respect of any assets so  
5 transferred.

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chair-  
10 man) such determination shall be binding on each County Council and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission, and a copy thereof shall be trans-  
15 mitted to the Minister for record purposes.

(5) The expenses of the Joint Council Technical Committee and the Joint Council Finance Committee shall be charged in equal shares to the County Councils.

9. (1) The purchase price to be paid by the Sydney  
20 County Council and the Prospect County Council as aforesaid shall be deemed to be an ordinary loan raised by the Sydney County Council and the Prospect County Council respectively under the provisions of the Local Government Act, 1919, as amended by subsequent Acts,  
25 in respect whereof there shall, as soon as practicable after the appointed day, be executed by the Sydney County Council and the Prospect County Council respectively in favour of the Commission mortgage-  
deeds in the form prescribed under that Act, as so  
30 amended, containing terms and conditions for its repayment as set forth in subsections four and five of this section.

Payment of  
purchase  
price.

(2) The Commission is hereby authorised to accept payment of the purchase price in the manner  
35 referred to in subsection one of this section.

(3)



*Electricity Commission (Transfer of Reticulation Works).*

(3) The provisions of sections one hundred and eighty-two, one hundred and eighty-eight and one hundred and ninety-three to one hundred and ninety-six, both sections inclusive, of the Local Government Act, 5 1919, as amended by subsequent Acts, shall apply to and in respect of such loan.

(4) The purchase price together with interest thereon at the rate of five pounds five shillings per centum per annum from the appointed day shall be 10 paid—

(a) as to so much of the purchase price as is related to the amount referred to in paragraph (a) of subsection five of section seven of this Act by equal and consecutive half-yearly instalments of principal and interest combined not later than 15 the thirty-first day of October, one thousand nine hundred and sixty-five;

(b) as to the balance of such purchase price by equal and consecutive half-yearly instalments of principal and interest combined within such 20 period and in such manner as may be directed by the Governor and notified by proclamation published in the Gazette.

(5) (a) If any such instalment is not paid by the 25 County Council liable therefor on or before the due date for payment thereof there shall be added thereto a sum equal to ten per centum thereof and such instalment together with such additional sum may be recovered by the Commission.

(b) The Commission may on cause shown remit 30 the whole or any part of such additional sum.

**10.** (1) Upon and after the appointed day the servants of the Commission referred to in subsection three of this section shall become and be servants of the 35 County Councils. The servants who are to become and be servants of the Sydney County Council and the servants who are to become and be servants of the Prospect County Council shall be such servants as the Governor may direct.

Transfer of  
servants.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(2) For the purposes of this section there shall be constituted a Staff Joint Committee which shall consist of five members, as follows:—

- 5 (a) the chairman, who shall be nominated by the Minister and who shall convene all meetings of the joint committee and preside at such meetings;
- 10 (b) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (c) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- 15 (d) two members who shall be appointed by the Commission to be representatives of the Commission.

(3) The Staff Joint Committee shall determine which servants of the Commission should be transferred to the service of the County Councils.

20 (4) In the case of any difference between the representatives of the County Councils and the representatives of the Commission such difference shall be determined as the chairman of the Staff Joint Committee shall direct.

25 (5) The expenses of the Staff Joint Committee shall be charged as to one half to the Commission and as to the other half to the County Councils in equal shares.

30 (6) (a) The Sydney County Council and the Prospect County Council shall confer with one another and agree upon an arrangement as to the transfer to their service of the servants referred to in subsection three of this section.

(b)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(b) Where the County Councils have not so agreed within a period of fourteen days from the making of the determination referred to in subsection three of this section there shall be constituted a Joint Council  
5 Staff Committee which shall consist of three members as follows:—

- 10 (i) the chairman who shall be nominated by the Minister and who shall convene all meetings of the Joint Council Staff Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- 15 (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(c) The Joint Council Staff Committee shall consider and make recommendations to the Governor as to which of the servants referred to in subsection three  
20 of this section should be transferred to the service of each County Council.

(d) In the case of any difference between the representatives of the County Councils such difference shall be determined as the chairman of the Joint Council  
25 Staff Committee shall direct.

(e) The expenses of the Joint Council Staff Committee shall be charged in equal shares to the County Councils.

**11.** (1) This section shall apply to and in respect  
30 of every person referred to in subsection one of section ten of this Act who becomes a servant of the Sydney County Council or the Prospect County Council and shall so apply to him on and after the date upon which he becomes such servant. Transferred servants.

35 (2) The servant shall be deemed to have been appointed and employed under the provisions of the Local Government Act, 1919, as amended by subsequent Acts,



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Acts, by the County Council of which he becomes a servant as aforesaid, and shall be paid salary or wages at a rate not less than the rate at which he was employed immediately before such date until such salary or wages  
5 is or are varied or altered by the said County Council: Provided that such salary or wages shall not be reduced for a period of at least two years from such date except to the extent necessary to give effect to any fluctuation in the basic wage for adult males or the basic wage  
10 for adult females as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(3) The servant shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred and extended leave, as if he had continued to  
15 be a servant of the Commission. And for the purposes of this subsection service with the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited or either of those companies and the County Council of  
20 which he becomes a servant as aforesaid shall be deemed to be service with the Commission.

(4) (a) The servant shall be entitled to retain the rights and privileges, if any, in relation to payments on retirement or death to which he would have been  
25 entitled if he had continued to be a servant of the Commission.

(b) Without prejudice to the generality of paragraph (a) of this subsection—

(i) where any servant was immediately before he  
30 became such a servant an officer within the meaning of the Staff Pension Trust Deed referred to in section twelve of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956, the provisions of that  
35 Deed shall continue to apply to such servant in all respects as if the servant had during the period of his service with the Sydney County Council or the Prospect County Council remained an officer of the Commission and the  
Sydney



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Sydney County Council or the Prospect County Council, as the case may require, shall in respect of such servant make such deductions from the salary of the servant and such payments to the trustees of the said Deed as the Commission would have made had the servant remained a officer of the Commission ;

5

10

15

20

25

- (ii) where any servant was immediately before he became such a servant an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, he shall retain any rights which, on the date upon which he became such a servant, have accrued or are accruing to him as such an employee and shall continue to contribute to any fund or account and shall be entitled to receive any payment, pension or gratuity as if he had continued to be an employee within the meaning of the said Act, as so amended, and the County Council of which he became such a servant shall in respect of such servant pay to the State Superannuation Board such contributions and payments as would have been payable by the Commission if such servant had remained a servant of the Commission and had been paid salary or wages at the rate paid to him by the County Council of which he became such a servant.

30

For the purposes of this subparagraph service with the Commission shall be deemed to be service with the County Council of which he became such a servant.

35

- (5) The servant shall not be entitled to claim benefits under this Act as well as under any other Act, ordinance, regulation or resolution in respect of the same period of service: Provided that the provisions of the Local Government (Superannuation) Act, 1927, as amended by subsequent Acts, shall not apply to any servant to whom subparagraph (i) or (ii) of paragraph (b) of subsection four of this section applies.

(6)



*Electricity Commission (Transfer of Reticulation Works).*

(6) Where any condition of employment of the servant was, immediately before he became a servant of the Sydney County Council or the Prospect County Council, regulated by an award or industrial agreement 5 such condition shall continue to be so regulated until an award regulating such condition and binding the County Council of which he became a servant is made by a competent tribunal or such condition is regulated by an industrial agreement to which the County Council of 10 which he became a servant is a party.

(7) The period of service of a servant with the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited or either of them and the Commission shall 15 be counted as service with the County Council of which he became a servant for the purposes of the Local Government Act, 1919, as amended by subsequent Acts, or any other Act or of any ordinance, regulation or by-law or of the terms and conditions of any staff agreement 20 or of any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

**12.** (1) The Electricity Commission Act, 1950, as amended by subsequent Acts, is amended—

Amendment  
of Act  
No. 22,  
1950.

(a) by inserting in subparagraph (ii) of paragraph 25 (b) of subsection two of section nine after the words "Sydney County Council" the words "or the County District of the Prospect County Council";

Sec. 9.  
(Powers of  
Commis-  
sion.)

(b) by omitting subparagraph (v) of the same para- 30 graph.

(2) The Electricity Commission Act, 1950, as amended by subsequent Acts and by this Act, may be cited as the Electricity Commission Act, 1950-1957.

(3) This section shall commence upon the 35 appointed day.











## New South Wales



ANNO SEXTO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 43, 1957.

An Act to transfer certain works of electricity reticulation to the Sydney County Council and the Prospect County Council; for this and other purposes to amend the Electricity Commission Act, 1950, the Gas and Electricity Act, 1935, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 28th November, 1957.]

**B**E it enacted by the Queen'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:—

**1.** This Act may be cited as the “Electricity Com- Short title.  
mission (Transfer of Reticulation Works) Act, 1957”.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

## Definitions.

**2.** In this Act unless the context or subject matter otherwise indicates or requires—

“Appointed day” means a day to be appointed by the Governor and notified by proclamation published in the Gazette.

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

“County Councils” means the Sydney County Council and the Prospect County Council.

Amendment  
of Act No.  
42, 1935.

**3.** (1) This section shall commence upon the appointed day.

(2) (a) The Gas and Electricity Act, 1935-1956, is amended—

Sec. 40.  
(Sydney  
County  
District.)

(i) by omitting subsection one of section forty and by inserting in lieu thereof the following subsection:—

(1) (a) On the appointed day referred to in section two of the Electricity Commission (Transfer of Reticulation Works) Act, 1957, the Sydney County District shall be reconstituted as provided in this subsection.

(b) For the purposes of this Part the areas and the part of the area specified or described in Schedule Six to this Act are constituted a County District under the name of “the Sydney County District”.

Sec. 42.  
(Constitu-  
encies.  
Schedule  
Three.)

(ii) by inserting at the end of section forty-two the following new subsection:—

(5) The inclusion of any area or part thereof in a constituency of the Sydney County District pursuant to subsection four of this section shall not affect the constitution of the Sydney County



*Electricity Commission (Transfer of Reticulation Works).*

County Council, and the councillors who immediately before such inclusion held office as representatives of the constituency in which such area or part is included shall, subject to the provisions of this Act, continue to hold office as representatives of that constituency upon such inclusion.

- (iii) by omitting Schedule Three and by inserting in lieu thereof the following Schedule:—

Subst.  
Schedule  
Three.

## SCHEDULE THREE.

Sec. 42.

Constituencies.	Area.	Number of councillors to be elected.
First ... ..	City of Sydney ... ..	3
Second ... ..	{ Ashfield ... ..	2
	{ Auburn ... ..	
	{ Bankstown ... ..	
	{ Burwood ... ..	
	{ Canterbury ... ..	
	{ Concord ... ..	
	{ Drummoyne ... ..	
Third ... ..	{ Leichhardt ... ..	2
	{ Marrickville ... ..	
	{ Strathfield ... ..	
	{ Botany ... ..	
	{ Randwick ... ..	
Fourth ... ..	{ Sutherland ... ..	2
	{ Waverley ... ..	
	{ Woollahra ... ..	
	{ Hunter's Hill ... ..	
	{ Ku-ring-gai ... ..	
	{ Lane Cove ... ..	
	{ Mosman ... ..	
	{ North Sydney ... ..	
	{ Parramatta ... ..	
	{ Ryde ... ..	
	{ Willoughby ... ..	



*Electricity Commission (Transfer of Reticulation Works).*

**Subst.  
Schedule  
Six.**

(iv) by omitting Schedule Six and by inserting in lieu thereof the following Schedule:—

**Sec. 40.**

## SCHEDULE SIX.

*Areas and part of area which constitute the Sydney  
County District.*

City of Sydney.

Ashfield.

Auburn.

Bankstown.

Botany.

Burwood.

Canterbury.

Concord.

Drummoyne.

Hunter's Hill.

Ku-ring-gai.

Lane Cove.

Leichhardt.

Marrickville.

Mosman.

North Sydney.

Parramatta except those parts which immediately before 1st January, 1949, were included in the areas as then constituted of the City of Parramatta, the Municipality of Granville, and the Municipality of Dundas.

Randwick.

Ryde.

Strathfield.

Sutherland.

Waverley.

Willoughby.

Woollahra.

(b) The Gas and Electricity Act, 1935, as amended by subsequent Acts and by this Act, may be cited as the Gas and Electricity Act, 1935-1957.

(3) The reconstitution of the Sydney County District effected by the amendments made by subsection two of this section shall not affect the constitution of The Sydney County Council, and the councillors holding office as representatives of the first, second, third and fourth constituencies



*Electricity Commission (Transfer of Reticulation Works).*

constituencies of the Sydney County District as constituted immediately before the appointed day shall, subject to the provisions of the Gas and Electricity Act, 1935, as amended by subsequent Acts, hold office as from the appointed day as representatives of the first, second, third and fourth constituencies, respectively, of the Sydney County District as reconstituted upon the appointed day.

4. Upon and after the appointed day the works of electricity reticulation which immediately before the appointed day were operated by the Commission for the distribution and supply of electricity to persons for use within the Municipality of Ashfield, that part of the City of Sydney which immediately before the first day of January, one thousand nine hundred and forty-nine, was included in the area as then constituted of the Municipality of Newtown, those parts of the Municipality of Leichhardt which immediately before the first day of January, one thousand nine hundred and forty-nine, were included in the areas as then constituted of the Municipality of Balmain and the Municipality of Leichhardt and that part of the Municipality of Marrickville which immediately before the first day of January, one thousand nine hundred and forty-nine, was included in the area as then constituted of the Municipality of Petersham shall be transferred from the Commission to the Sydney County Council under and in accordance with the provisions of this Act.

Transfer of certain reticulation works to the Sydney County Council.

5. Upon and after the appointed day the works of electricity reticulation which immediately before the appointed day were operated by the Commission for the distribution and supply of electricity to persons for use within those parts of the City of Parramatta which immediately before the first day of January, one thousand nine hundred and forty-nine, were included in the areas as then constituted of the City of Parramatta, the Municipality of Granville and the Municipality of Dundas, shall be transferred from the Commission to the Prospect County Council under and in accordance with the provisions of this Act.

Transfer of certain reticulation works to the Prospect County Council.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Transfer of  
assets, etc.

**6.** On and from the appointed day the following provisions shall have effect:—

- (a) All real and personal property (other than money or securities for money) and all right and interest therein and all management and control of any land or thing which immediately before the appointed day is vested in or belongs to the Commission and is held or used by it for or in connection with the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council shall vest in and belong to the Sydney County Council and the Prospect County Council respectively.
- (b) All contracts, agreements and undertakings entered into or deemed to have been entered into with, and all securities lawfully given or deemed to have been given to or by the Commission for or in connection with the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council and in force immediately before the appointed day shall be deemed to be contracts, agreements and undertakings entered into with, and securities given to or by the Sydney County Council and the Prospect County Council respectively.
- (c) All moneys, liquidated and unliquidated claims which immediately before the appointed day are payable to or recoverable by the Commission in relation to the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Sydney County Council and the Prospect County Council respectively.
- (d) All suits, actions and proceedings pending immediately before the appointed day at the suit of the Commission in respect of any matter or claim which relates to the reticulation works



---

*Electricity Commission (Transfer of Reticulation Works).*

---

works transferred by this Act to the Sydney County Council and the Prospect County Council shall be suits, actions and proceedings pending at the suit of the Sydney County Council and the Prospect County Council respectively.

- (e) The Sydney County Council and the Prospect County Council may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the Commission might have done but for this Act.
- (f) The Sydney County Council and the Prospect County Council may enforce and realise any security or charge existing immediately before the appointed day in favour of the Commission in respect of the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council respectively as if such security or charge were existing in favour of the Sydney County Council and the Prospect County Council respectively.
- (g) All debts due and moneys payable by the Commission immediately before the appointed day under any contract, agreement or undertaking referred to in this section, and all claims liquidated and unliquidated recoverable against the Commission immediately before such day under any such contract, agreement or undertaking shall be debts due and moneys payable by and claims recoverable against the Sydney County Council or the Prospect County Council according as to whether the contract, agreement or undertaking related to the reticulation works transferred by section four or section five of this Act.
- (h) No attornment by a lessee of any land vested in the Sydney County Council or the Prospect County Council by this section shall be necessary.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Division of  
assets and  
liabilities.

7. (1) The Commission and the Sydney County Council and the Prospect County Council shall as soon as practicable after the day upon which the Assent of Her Majesty to this Act has been signified arrange and agree upon a division of the assets, debts and liabilities of the Commission in respect of the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council, so that the assets, debts and liabilities to be so transferred shall be defined.

(2) For the purposes referred to in subsection one of this section two joint committees shall be constituted and shall be called respectively the "Technical Joint Committee" and the "Finance Joint Committee".

(3) (a) The Technical Joint Committee shall consist of five members as follows:—

- (i) the chairman, who shall be appointed by the Minister from a panel of names of engineers prepared by the President of the Institution of Engineers, Australia, and who shall convene all meetings of the Technical Joint Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- (iv) two members who shall be appointed by the Commission to be representatives of the Commission.

(b) In the case of any difference between the representatives of the County Councils and the representatives of the Commission, such difference shall be determined as the chairman shall direct.

(c)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(c) The functions of the Technical Joint Committee shall be—

- (i) to determine what assets, being land, works, motor vehicles, furniture, fittings and stores of the Commission, are to be transferred by this Act to the County Councils;
- (ii) to determine what books, documents, records and papers held by the Commission, being books, documents, records and papers which relate to the assets referred to in subparagraph (i) of this paragraph, and which are necessary or expedient in order to enable the County Councils to continue the distribution and supply of electricity to persons for use from the land and works of the Commission, are to be handed over to the County Councils;
- (iii) to determine whether any land or works of the Commission not transferred by this Act to the County Councils shall be made available by the Commission for use by the County Councils and the terms and conditions of such user;
- (iv) to determine whether any land or works of the Commission not transferred by this Act to the County Councils shall be made available by the Commission for joint use by the Commission and the County Councils and the terms and conditions of such user.

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chairman) such determination shall be binding on the Commission and the County Councils and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister for record purposes.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(4) (a) The Finance Joint Committee shall consist of five members as follows:—

- (i) the Auditor-General (or his nominee) who shall be chairman and who shall convene all meetings of the Finance Joint Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- (iv) two members who shall be appointed by the Commission to be representatives of the Commission.

(b) In the case of any difference between the representatives of the County Councils and the representatives of the Commission, such difference shall be determined as the Auditor-General shall direct.

(c) The functions of the Finance Joint Committee shall be—

- (i) to determine in accordance with subsection five of this section the purchase price of the reticulation works to be paid by the County Councils to the Commission;

- (ii) to determine the amount to be credited to the County Councils for—

- (a) liabilities to be assumed by the County Councils in respect of allowances upon retirement or death of servants of the Commission transferred by this Act to the service of the County Councils;

(b)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

- (b) liabilities to be assumed by the County Councils in respect of accrued leave due to servants of the Commission transferred by this Act to the service of the County Councils;
  - (c) liabilities to be assumed by the County Councils in respect of customers' deposits and accrued interest thereon;
  - (iii) to determine what books, documents, records and papers, in addition to those referred to in subparagraph (ii) of paragraph (c) of subsection three of this section are to be handed over to the County Councils;
  - (iv) to determine the amount to be debited to the County Councils in respect of electricity, goods and services supplied by the Commission prior to the appointed day to persons for use in the areas referred to in sections four and five of this Act for which payment has not been made to the Commission by such persons as at the appointed day;
  - (v) to determine the value as at the appointed day of motor vehicles, furniture, fittings and stores transferred to the County Councils.
- (d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the Auditor-General) such determination shall be binding on the Commission and the County Councils and shall be final and conclusive.
- (e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister for record purposes.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(5) The purchase price to be paid by the County Councils to the Commission for the reticulation works transferred by sections four and five of this Act shall, for the purposes of subparagraph (i) of paragraph (c) of subsection four of this section, and subject to any reduction or increase as provided by subsection six of this section, be determined at a sum comprising—

(a) the amount which bears to the total expenditure incurred by the Commission in relation to the acquisition as a going concern of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited the same proportion that the book value as at the thirty-first day of October, one thousand nine hundred and fifty, of the assets (other than money, securities for money, book debts, motor vehicles, furniture, fittings and stores) held or used by such companies, solely for reticulation purposes on that date within the area now included in the Sydney County District and the Prospect County District, bears to the book value on that date of all assets (other than money, securities for money, book debts, motor vehicles, furniture, fittings, and stores) held or used by such companies on that date for the generation, transmission, distribution, supply and use of electricity,

(b) the amount being the book value as at the appointed day, of all works of reticulation constructed or carried out by the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited and by the Commission within the Sydney County District and the Prospect County District subsequent to the thirty-first day of October, one thousand nine hundred and fifty and before the appointed day, and

(c)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

- (c) the amount being the book value as at the appointed day of motor vehicles, furniture, fittings and stores transferred by this Act to the County Councils.

In this subsection the expression "the total expenditure incurred by the Commission in relation to the acquisition as a going concern of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited" means the sum of two million four hundred thousand pounds together with the value of the shares (as ascertained under subsection three of section four of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956) in the Parramatta and Granville Electric Supply Company Limited held at the thirty-first day of December, one thousand nine hundred and fifty-six, by shareholders other than the Electric Light and Power Supply Corporation Limited and the amount by which the liabilities assumed by the Commission from the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited, in pursuance of the provisions of section nine of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956, exceeded the moneys, securities for money, book debts and stocks on hand of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited at the thirty-first day of October, one thousand nine hundred and fifty.

(6) The purchase price as determined under subsection five of this section shall be reduced or increased as the case may require by the amounts referred to in subparagraphs (ii) and (iv) of paragraph (c) of subsection four of this section.

(7) The expenses of the Technical Joint Committee and Finance Joint Committee shall be charged as to one half to the Commission and as to the other half to the County Councils in equal shares.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Apportion-  
ment of  
transferred  
assets and  
liabilities  
between  
Councils.

8. (1) The Sydney County Council and the Prospect County Council shall as soon as practicable after the determinations referred to in section seven of this Act have been made arrange and agree upon an apportionment of the assets, debts and liabilities transferred to them under this Act, so that the respective assets, debts and liabilities to be vested in and assumed by each such Council shall be defined.

(2) For the purposes referred to in subsection one of this section two joint committees shall be constituted and shall be called respectively "the Joint Council Technical Committee" and "the Joint Council Finance Committee".

(3) (a) The Joint Council Technical Committee shall consist of three members as follows:—

- (i) the chairman, who shall be appointed by the Minister from a panel of names of engineers prepared by the President of the Institution of Engineers, Australia, and who shall convene all meetings of the Joint Council Technical Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(b) In the case of any difference between the representatives of the County Councils, such difference shall be determined as the chairman shall direct.

(c) The functions of the Joint Council Technical Committee shall be to determine the apportionment between the County Councils of the assets, being land, works, motor vehicles, furniture, fittings and stores, and books, documents, records and papers transferred to the County Councils under this Act.

(d)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chairman) such determination shall be binding on each such County Council and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister for record purposes.

(4) (a) The Joint Council Finance Committee shall consist of three members as follows:—

- (i) the Auditor-General (or his nominee) who shall be chairman and who shall convene all meetings of the Joint Council Finance Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(b) In the case of any difference between the representatives of the County Councils, such difference shall be determined as the Auditor-General shall direct.

(c) The functions of the Joint Council Finance Committee shall be to determine the apportionment between the County Councils of the purchase price of the reticulation works transferred to the County Councils as determined under section seven of this Act.

In making this apportionment the Joint Council Finance Committee shall have regard to the assets, being land, works, motor vehicles, furniture, fittings and stores, and books, documents, records and papers which are  
transferred



---

*Electricity Commission (Transfer of Reticulation Works).*

---

transferred to each of the County Councils, to the determinations made under paragraph (c) of subsection four of section seven of this Act and to the depreciation which might reasonably be allowed in respect of any assets so transferred.

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chairman) such determination shall be binding on each County Council and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission, and a copy thereof shall be transmitted to the Minister for record purposes.

(5) The expenses of the Joint Council Technical Committee and the Joint Council Finance Committee shall be charged in equal shares to the County Councils.

Payment of  
purchase  
price.

9. (1) The purchase price to be paid by the Sydney County Council and the Prospect County Council as aforesaid shall be deemed to be an ordinary loan raised by the Sydney County Council and the Prospect County Council respectively under the provisions of the Local Government Act, 1919, as amended by subsequent Acts, in respect whereof there shall, as soon as practicable after the appointed day, be executed by the Sydney County Council and the Prospect County Council respectively in favour of the Commission mortgage-deeds in the form prescribed under that Act, as so amended, containing terms and conditions for its repayment as set forth in subsections four and five of this section.

(2) The Commission is hereby authorised to accept payment of the purchase price in the manner referred to in subsection one of this section.

(3)



*Electricity Commission (Transfer of Reticulation Works).*

(3) The provisions of sections one hundred and eighty-two, one hundred and eighty-eight and one hundred and ninety-three to one hundred and ninety-six, both sections inclusive, of the Local Government Act, 1919, as amended by subsequent Acts, shall apply to and in respect of such loan.

(4) The purchase price together with interest thereon at the rate of five pounds five shillings per centum per annum from the appointed day shall be paid—

(a) as to so much of the purchase price as is related to the amount referred to in paragraph (a) of subsection five of section seven of this Act by equal and consecutive half-yearly instalments of principal and interest combined not later than the thirty-first day of October, one thousand nine hundred and sixty-five;

(b) as to the balance of such purchase price by equal and consecutive half-yearly instalments of principal and interest combined within such period and in such manner as may be directed by the Governor and notified by proclamation published in the Gazette.

(5) (a) If any such instalment is not paid by the County Council liable therefor on or before the due date for payment thereof there shall be added thereto a sum equal to ten per centum thereof and such instalment together with such additional sum may be recovered by the Commission.

(b) The Commission may on cause shown remit the whole or any part of such additional sum.

**10.** (1) Upon and after the appointed day the servants of the Commission referred to in subsection three of this section shall become and be servants of the County Councils. The servants who are to become and be servants of the Sydney County Council and the servants who are to become and be servants of the Prospect County Council shall be such servants as the Governor may direct.

Transfer of  
servants.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(2) For the purposes of this section there shall be constituted a Staff Joint Committee which shall consist of five members, as follows:—

- (a) the chairman, who shall be nominated by the Minister and who shall convene all meetings of the joint committee and preside at such meetings;
- (b) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (c) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- (d) two members who shall be appointed by the Commission to be representatives of the Commission.

(3) The Staff Joint Committee shall determine which servants of the Commission should be transferred to the service of the County Councils.

(4) In the case of any difference between the representatives of the County Councils and the representatives of the Commission such difference shall be determined as the chairman of the Staff Joint Committee shall direct.

(5) The expenses of the Staff Joint Committee shall be charged as to one half to the Commission and as to the other half to the County Councils in equal shares.

(6) (a) The Sydney County Council and the Prospect County Council shall confer with one another and agree upon an arrangement as to the transfer to their service of the servants referred to in subsection three of this section.

(b)

(b)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(b) Where the County Councils have not so agreed within a period of fourteen days from the making of the determination referred to in subsection three of this section there shall be constituted a Joint Council Staff Committee which shall consist of three members as follows:—

- (i) the chairman who shall be nominated by the Minister and who shall convene all meetings of the Joint Council Staff Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(c) The Joint Council Staff Committee shall consider and make recommendations to the Governor as to which of the servants referred to in subsection three of this section should be transferred to the service of each County Council.

(d) In the case of any difference between the representatives of the County Councils such difference shall be determined as the chairman of the Joint Council Staff Committee shall direct.

(e) The expenses of the Joint Council Staff Committee shall be charged in equal shares to the County Councils.

11. (1) This section shall apply to and in respect of every person referred to in subsection one of section ten of this Act who becomes a servant of the Sydney County Council or the Prospect County Council and shall so apply to him on and after the date upon which he becomes such servant. Transferred servants.

(2) The servant shall be deemed to have been appointed and employed under the provisions of the Local Government Act, 1919, as amended by subsequent Acts,



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Acts, by the County Council of which he becomes a servant as aforesaid, and shall be paid salary or wages at a rate not less than the rate at which he was employed immediately before such date until such salary or wages is or are varied or altered by the said County Council: Provided that such salary or wages shall not be reduced for a period of at least two years from such date except to the extent necessary to give effect to any fluctuation in the basic wage for adult males or the basic wage for adult females as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(3) The servant shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred and extended leave, as if he had continued to be a servant of the Commission. And for the purposes of this subsection service with the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited or either of those companies and the County Council of which he becomes a servant as aforesaid shall be deemed to be service with the Commission.

(4) (a) The servant shall be entitled to retain the rights and privileges, if any, in relation to payments on retirement or death to which he would have been entitled if he had continued to be a servant of the Commission.

(b) Without prejudice to the generality of paragraph (a) of this subsection—

- (i) where any servant was immediately before he became such a servant an officer within the meaning of the Staff Pension Trust Deed referred to in section twelve of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956, the provisions of that Deed shall continue to apply to such servant in all respects as if the servant had during the period of his service with the Sydney County Council or the Prospect County Council remained an officer of the Commission and the  
Sydney



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Sydney County Council or the Prospect County Council, as the case may require, shall in respect of such servant make such deductions from the salary of the servant and such payments to the trustees of the said Deed as the Commission would have made had the servant remained an officer of the Commission;

- (ii) where any servant was immediately before he became such a servant an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, he shall retain any rights which, on the date upon which he became such a servant, have accrued or are accruing to him as such an employee and shall continue to contribute to any fund or account and shall be entitled to receive any payment, pension or gratuity as if he had continued to be an employee within the meaning of the said Act, as so amended, and the County Council of which he became such a servant shall in respect of such servant pay to the State Superannuation Board such contributions and payments as would have been payable by the Commission if such servant had remained a servant of the Commission and had been paid salary or wages at the rate paid to him by the County Council of which he became such a servant.

For the purposes of this subparagraph service with the Commission shall be deemed to be service with the County Council of which he became such a servant.

(5) The servant shall not be entitled to claim benefits under this Act as well as under any other Act, ordinance, regulation or resolution in respect of the same period of service: Provided that the provisions of the Local Government (Superannuation) Act, 1927, as amended by subsequent Acts, shall not apply to any servant to whom subparagraph (i) or (ii) of paragraph (b) of subsection four of this section applies.

(6)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(6) Where any condition of employment of the servant was, immediately before he became a servant of the Sydney County Council or the Prospect County Council, regulated by an award or industrial agreement such condition shall continue to be so regulated until an award regulating such condition and binding the County Council of which he became a servant is made by a competent tribunal or such condition is regulated by an industrial agreement to which the County Council of which he became a servant is a party.

(7) The period of service of a servant with the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited or either of them and the Commission shall be counted as service with the County Council of which he became a servant for the purposes of the Local Government Act, 1919, as amended by subsequent Acts, or any other Act or of any ordinance, regulation or by-law or of the terms and conditions of any staff agreement or of any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

Amendment  
of Act  
No. 22,  
1950.

**12.** (1) The Electricity Commission Act, 1950, as amended by subsequent Acts, is amended—

Sec. 9.  
(Powers of  
Commis-  
sion.)

(a) by inserting in subparagraph (ii) of paragraph (b) of subsection two of section nine after the words "Sydney County Council" the words "or the County District of the Prospect County Council";

(b) by omitting subparagraph (v) of the same paragraph.

(2) The Electricity Commission Act, 1950, as amended by subsequent Acts and by this Act, may be cited as the Electricity Commission Act, 1950-1957.

(3) This section shall commence upon the appointed day.

---

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1958











*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 20 November, 1957.*

## New South Wales



ANNO SEXTO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 43, 1957.

An Act to transfer certain works of electricity reticulation to the Sydney County Council and the Prospect County Council; for this and other purposes to amend the Electricity Commission Act, 1950, the Gas and Electricity Act, 1935, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 28th November, 1957.]

**B**E it enacted by the Queen'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:—

**1.** This Act may be cited as the "Electricity Commission (Transfer of Reticulation Works) Act, 1957". Short title.

**2.**

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. BOOTH,  
*Chairman of Committees of the Legislative Assembly*



*Electricity Commission (Transfer of Reticulation Works).*

**Definitions.** 2. In this Act unless the context or subject matter otherwise indicates or requires—

“Appointed day” means a day to be appointed by the Governor and notified by proclamation published in the Gazette.

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

“County Councils” means the Sydney County Council and the Prospect County Council.

**Amendment of Act No. 42, 1935.** 3. (1) This section shall commence upon the appointed day.

(2) (a) The Gas and Electricity Act, 1935-1956, is amended—

**Sec. 40.**  
(Sydney  
County  
District.)

(i) by omitting subsection one of section forty and by inserting in lieu thereof the following subsection:—

(1) (a) On the appointed day referred to in section two of the Electricity Commission (Transfer of Reticulation Works) Act, 1957, the Sydney County District shall be reconstituted as provided in this subsection.

(b) For the purposes of this Part the areas and the part of the area specified or described in Schedule Six to this Act are constituted a County District under the name of “the Sydney County District”.

**Sec. 42.**  
(Constitu-  
encies.  
Schedule  
Three.)

(ii) by inserting at the end of section forty-two the following new subsection:—

(5) The inclusion of any area or part thereof in a constituency of the Sydney County District pursuant to subsection four of this section shall not affect the constitution of the Sydney County



*Electricity Commission (Transfer of Reticulation Works).*

County Council, and the councillors who immediately before such inclusion held office as representatives of the constituency in which such area or part is included shall, subject to the provisions of this Act, continue to hold office as representatives of that constituency upon such inclusion.

- (iii) by omitting Schedule Three and by inserting in lieu thereof the following Schedule:—

Subst.  
Schedule  
Three.

## SCHEDULE THREE.

Sec. 42.

Constituencies.	Area.	Number of councillors to be elected.
First ... ..	City of Sydney ... ..	3
Second ... ..	{ Ashfield ... ..	2
	{ Auburn ... ..	
	{ Bankstown ... ..	
	{ Burwood ... ..	
	{ Canterbury ... ..	
	{ Concord ... ..	
	{ Drummoyne ... ..	
	{ Leichhardt ... ..	
Third ... ..	{ Marrickville ... ..	2
	{ Strathfield ... ..	
	{ Botany ... ..	
	{ Randwick ... ..	
	{ Sutherland ... ..	
Fourth ... ..	{ Waverley ... ..	2
	{ Woollahra ... ..	
	{ Hunter's Hill ... ..	
	{ Ku-ring-gai ... ..	
	{ Lane Cove ... ..	
	{ Mosman ... ..	
	{ North Sydney ... ..	
	{ Parramatta ... ..	
	{ Ryde ... ..	
	{ Willoughby ... ..	

(iv)



*Electricity Commission (Transfer of Reticulation Works).*

Subst.  
Schedule  
Six.

(iv) by omitting Schedule Six and by inserting in lieu thereof the following Schedule:—

Sec. 40.

## SCHEDULE SIX.

*Areas and part of area which constitute the Sydney  
County District.*

City of Sydney.

Ashfield.

Auburn.

Bankstown.

Botany.

Burwood.

Canterbury.

Concord.

Drummoyne.

Hunter's Hill.

Ku-ring-gai.

Lane Cove.

Leichhardt.

Marrickville.

Mosman.

North Sydney.

Parramatta except those parts which immediately before 1st January, 1949, were included in the areas as then constituted of the City of Parramatta, the Municipality of Granville, and the Municipality of Dundas.

Randwick.

Ryde.

Strathfield.

Sutherland.

Waverley.

Willoughby.

Woollahra.

(b) The Gas and Electricity Act, 1935, as amended by subsequent Acts and by this Act, may be cited as the Gas and Electricity Act, 1935-1957.

(3) The reconstitution of the Sydney County District effected by the amendments made by subsection two of this section shall not affect the constitution of The Sydney County Council, and the councillors holding office as representatives of the first, second, third and fourth constituencies



*Electricity Commission (Transfer of Reticulation Works).*

constituencies of the Sydney County District as constituted immediately before the appointed day shall, subject to the provisions of the Gas and Electricity Act, 1935, as amended by subsequent Acts, hold office as from the appointed day as representatives of the first, second, third and fourth constituencies, respectively, of the Sydney County District as reconstituted upon the appointed day.

4. Upon and after the appointed day the works of electricity reticulation which immediately before the appointed day were operated by the Commission for the distribution and supply of electricity to persons for use within the Municipality of Ashfield, that part of the City of Sydney which immediately before the first day of January, one thousand nine hundred and forty-nine, was included in the area as then constituted of the Municipality of Newtown, those parts of the Municipality of Leichhardt which immediately before the first day of January, one thousand nine hundred and forty-nine, were included in the areas as then constituted of the Municipality of Balmain and the Municipality of Leichhardt and that part of the Municipality of Marrickville which immediately before the first day of January, one thousand nine hundred and forty-nine, was included in the area as then constituted of the Municipality of Petersham shall be transferred from the Commission to the Sydney County Council under and in accordance with the provisions of this Act.

Transfer of certain reticulation works to the Sydney County Council.

5. Upon and after the appointed day the works of electricity reticulation which immediately before the appointed day were operated by the Commission for the distribution and supply of electricity to persons for use within those parts of the City of Parramatta which immediately before the first day of January, one thousand nine hundred and forty-nine, were included in the areas as then constituted of the City of Parramatta, the Municipality of Granville and the Municipality of Dundas, shall be transferred from the Commission to the Prospect County Council under and in accordance with the provisions of this Act.

Transfer of certain reticulation works to the Prospect County Council.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Transfer of  
assets, etc.

**6.** On and from the appointed day the following provisions shall have effect:—

- (a) All real and personal property (other than money or securities for money) and all right and interest therein and all management and control of any land or thing which immediately before the appointed day is vested in or belongs to the Commission and is held or used by it for or in connection with the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council shall vest in and belong to the Sydney County Council and the Prospect County Council respectively.
- (b) All contracts, agreements and undertakings entered into or deemed to have been entered into with, and all securities lawfully given or deemed to have been given to or by the Commission for or in connection with the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council and in force immediately before the appointed day shall be deemed to be contracts, agreements and undertakings entered into with, and securities given to or by the Sydney County Council and the Prospect County Council respectively.
- (c) All moneys, liquidated and unliquidated claims which immediately before the appointed day are payable to or recoverable by the Commission in relation to the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Sydney County Council and the Prospect County Council respectively.
- (d) All suits, actions and proceedings pending immediately before the appointed day at the suit of the Commission in respect of any matter or claim which relates to the reticulation  
works



---

*Electricity Commission (Transfer of Reticulation Works).*

---

works transferred by this Act to the Sydney County Council and the Prospect County Council shall be suits, actions and proceedings pending at the suit of the Sydney County Council and the Prospect County Council respectively.

- (e) The Sydney County Council and the Prospect County Council may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the Commission might have done but for this Act.
- (f) The Sydney County Council and the Prospect County Council may enforce and realise any security or charge existing immediately before the appointed day in favour of the Commission in respect of the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council respectively as if such security or charge were existing in favour of the Sydney County Council and the Prospect County Council respectively.
- (g) All debts due and moneys payable by the Commission immediately before the appointed day under any contract, agreement or undertaking referred to in this section, and all claims liquidated and unliquidated recoverable against the Commission immediately before such day under any such contract, agreement or undertaking shall be debts due and moneys payable by and claims recoverable against the Sydney County Council or the Prospect County Council according as to whether the contract, agreement or undertaking related to the reticulation works transferred by section four or section five of this Act.
- (h) No attornment by a lessee of any land vested in the Sydney County Council or the Prospect County Council by this section shall be necessary.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Division of  
assets and  
liabilities.

7. (1) The Commission and the Sydney County Council and the Prospect County Council shall as soon as practicable after the day upon which the Assent of Her Majesty to this Act has been signified arrange and agree upon a division of the assets, debts and liabilities of the Commission in respect of the reticulation works transferred by this Act to the Sydney County Council and the Prospect County Council, so that the assets, debts and liabilities to be so transferred shall be defined.

(2) For the purposes referred to in subsection one of this section two joint committees shall be constituted and shall be called respectively the "Technical Joint Committee" and the "Finance Joint Committee".

(3) (a) The Technical Joint Committee shall consist of five members as follows:—

- (i) the chairman, who shall be appointed by the Minister from a panel of names of engineers prepared by the President of the Institution of Engineers, Australia, and who shall convene all meetings of the Technical Joint Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- (iv) two members who shall be appointed by the Commission to be representatives of the Commission.

(b) In the case of any difference between the representatives of the County Councils and the representatives of the Commission, such difference shall be determined as the chairman shall direct.

(c)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(c) The functions of the Technical Joint Committee shall be—

- (i) to determine what assets, being land, works, motor vehicles, furniture, fittings and stores of the Commission, are to be transferred by this Act to the County Councils;
- (ii) to determine what books, documents, records and papers held by the Commission, being books, documents, records and papers which relate to the assets referred to in subparagraph (i) of this paragraph, and which are necessary or expedient in order to enable the County Councils to continue the distribution and supply of electricity to persons for use from the land and works of the Commission, are to be handed over to the County Councils;
- (iii) to determine whether any land or works of the Commission not transferred by this Act to the County Councils shall be made available by the Commission for use by the County Councils and the terms and conditions of such user;
- (iv) to determine whether any land or works of the Commission not transferred by this Act to the County Councils shall be made available by the Commission for joint use by the Commission and the County Councils and the terms and conditions of such user.

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chairman) such determination shall be binding on the Commission and the County Councils and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister for record purposes.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(4) (a) The Finance Joint Committee shall consist of five members as follows:—

- (i) the Auditor-General (or his nominee) who shall be chairman and who shall convene all meetings of the Finance Joint Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- (iv) two members who shall be appointed by the Commission to be representatives of the Commission.

(b) In the case of any difference between the representatives of the County Councils and the representatives of the Commission, such difference shall be determined as the Auditor-General shall direct.

(c) The functions of the Finance Joint Committee shall be—

- (i) to determine in accordance with subsection five of this section the purchase price of the reticulation works to be paid by the County Councils to the Commission;
- (ii) to determine the amount to be credited to the County Councils for—
  - (a) liabilities to be assumed by the County Councils in respect of allowances upon retirement or death of servants of the Commission transferred by this Act to the service of the County Councils;

(b)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

- (b) liabilities to be assumed by the County Councils in respect of accrued leave due to servants of the Commission transferred by this Act to the service of the County Councils;
  - (c) liabilities to be assumed by the County Councils in respect of customers' deposits and accrued interest thereon;
  - (iii) to determine what books, documents, records and papers, in addition to those referred to in subparagraph (ii) of paragraph (c) of subsection three of this section are to be handed over to the County Councils;
  - (iv) to determine the amount to be debited to the County Councils in respect of electricity, goods and services supplied by the Commission prior to the appointed day to persons for use in the areas referred to in sections four and five of this Act for which payment has not been made to the Commission by such persons as at the appointed day;
  - (v) to determine the value as at the appointed day of motor vehicles, furniture, fittings and stores transferred to the County Councils.
- (d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the Auditor-General) such determination shall be binding on the Commission and the County Councils and shall be final and conclusive.
- (e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister for record purposes.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(5) The purchase price to be paid by the County Councils to the Commission for the reticulation works transferred by sections four and five of this Act shall, for the purposes of subparagraph (i) of paragraph (c) of subsection four of this section, and subject to any reduction or increase as provided by subsection six of this section, be determined at a sum comprising—

- (a) the amount which bears to the total expenditure incurred by the Commission in relation to the acquisition as a going concern of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited the same proportion that the book value as at the thirty-first day of October, one thousand nine hundred and fifty, of the assets (other than money, securities for money, book debts, motor vehicles, furniture, fittings and stores) held or used by such companies, solely for reticulation purposes on that date within the area now included in the Sydney County District and the Prospect County District, bears to the book value on that date of all assets (other than money, securities for money, book debts, motor vehicles, furniture, fittings, and stores) held or used by such companies on that date for the generation, transmission, distribution, supply and use of electricity,
- (b) the amount being the book value as at the appointed day, of all works of reticulation constructed or carried out by the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited and by the Commission within the Sydney County District and the Prospect County District subsequent to the thirty-first day of October, one thousand nine hundred and fifty and before the appointed day, and

(c)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

- (c) the amount being the book value as at the appointed day of motor vehicles, furniture, fittings and stores transferred by this Act to the County Councils.

In this subsection the expression "the total expenditure incurred by the Commission in relation to the acquisition as a going concern of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited" means the sum of two million four hundred thousand pounds together with the value of the shares (as ascertained under subsection three of section four of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956) in the Parramatta and Granville Electric Supply Company Limited held at the thirty-first day of December, one thousand nine hundred and fifty-six, by shareholders other than the Electric Light and Power Supply Corporation Limited and the amount by which the liabilities assumed by the Commission from the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited, in pursuance of the provisions of section nine of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956, exceeded the moneys, securities for money, book debts and stocks on hand of the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited at the thirty-first day of October, one thousand nine hundred and fifty.

(6) The purchase price as determined under subsection five of this section shall be reduced or increased as the case may require by the amounts referred to in subparagraphs (ii) and (iv) of paragraph (c) of subsection four of this section.

(7) The expenses of the Technical Joint Committee and Finance Joint Committee shall be charged as to one half to the Commission and as to the other half to the County Councils in equal shares.



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Apportion-  
ment of  
transferred  
assets and  
liabilities  
between  
Councils.

8. (1) The Sydney County Council and the Prospect County Council shall as soon as practicable after the determinations referred to in section seven of this Act have been made arrange and agree upon an apportionment of the assets, debts and liabilities transferred to them under this Act, so that the respective assets, debts and liabilities to be vested in and assumed by each such Council shall be defined.

(2) For the purposes referred to in subsection one of this section two joint committees shall be constituted and shall be called respectively "the Joint Council Technical Committee" and "the Joint Council Finance Committee".

(3) (a) The Joint Council Technical Committee shall consist of three members as follows:—

- (i) the chairman, who shall be appointed by the Minister from a panel of names of engineers prepared by the President of the Institution of Engineers, Australia, and who shall convene all meetings of the Joint Council Technical Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(b) In the case of any difference between the representatives of the County Councils, such difference shall be determined as the chairman shall direct.

(c) The functions of the Joint Council Technical Committee shall be to determine the apportionment between the County Councils of the assets, being land, works, motor vehicles, furniture, fittings and stores, and books, documents, records and papers transferred to the County Councils under this Act.

(d)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chairman) such determination shall be binding on each such County Council and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission and a copy transmitted to the Minister for record purposes.

(4) (a) The Joint Council Finance Committee shall consist of three members as follows:—

- (i) the Auditor-General (or his nominee) who shall be chairman and who shall convene all meetings of the Joint Council Finance Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(b) In the case of any difference between the representatives of the County Councils, such difference shall be determined as the Auditor-General shall direct.

(c) The functions of the Joint Council Finance Committee shall be to determine the apportionment between the County Councils of the purchase price of the reticulation works transferred to the County Councils as determined under section seven of this Act.

In making this apportionment the Joint Council Finance Committee shall have regard to the assets, being land, works, motor vehicles, furniture, fittings and stores, and books, documents, records and papers which are transferred



*Electricity Commission (Transfer of Reticulation Works).*

transferred to each of the County Councils, to the determinations made under paragraph (c) of subsection four of section seven of this Act and to the depreciation which might reasonably be allowed in respect of any assets so transferred.

(d) Where a determination has been made under this subsection on the matters referred to in paragraph (c) of this subsection (whether by agreement, or in the case of any difference, as directed by the chairman) such determination shall be binding on each County Council and shall be final and conclusive.

(e) A sufficient record of any such determination shall be filed in the offices of the County Councils and the Commission, and a copy thereof shall be transmitted to the Minister for record purposes.

(5) The expenses of the Joint Council Technical Committee and the Joint Council Finance Committee shall be charged in equal shares to the County Councils.

Payment of  
purchase  
price.

9. (1) The purchase price to be paid by the Sydney County Council and the Prospect County Council as aforesaid shall be deemed to be an ordinary loan raised by the Sydney County Council and the Prospect County Council respectively under the provisions of the Local Government Act, 1919, as amended by subsequent Acts, in respect whereof there shall, as soon as practicable after the appointed day, be executed by the Sydney County Council and the Prospect County Council respectively in favour of the Commission mortgage-deeds in the form prescribed under that Act, as so amended, containing terms and conditions for its repayment as set forth in subsections four and five of this section.

(2) The Commission is hereby authorised to accept payment of the purchase price in the manner referred to in subsection one of this section.

(3)



*Electricity Commission (Transfer of Reticulation Works).*

(3) The provisions of sections one hundred and eighty-two, one hundred and eighty-eight and one hundred and ninety-three to one hundred and ninety-six, both sections inclusive, of the Local Government Act, 1919, as amended by subsequent Acts, shall apply to and in respect of such loan.

(4) The purchase price together with interest thereon at the rate of five pounds five shillings per centum per annum from the appointed day shall be paid—

(a) as to so much of the purchase price as is related to the amount referred to in paragraph (a) of subsection five of section seven of this Act by equal and consecutive half-yearly instalments of principal and interest combined not later than the thirty-first day of October, one thousand nine hundred and sixty-five;

(b) as to the balance of such purchase price by equal and consecutive half-yearly instalments of principal and interest combined within such period and in such manner as may be directed by the Governor and notified by proclamation published in the Gazette.

(5) (a) If any such instalment is not paid by the County Council liable therefor on or before the due date for payment thereof there shall be added thereto a sum equal to ten per centum thereof and such instalment together with such additional sum may be recovered by the Commission.

(b) The Commission may on cause shown remit the whole or any part of such additional sum.

**10.** (1) Upon and after the appointed day the servants of the Commission referred to in subsection three of this section shall become and be servants of the County Councils. The servants who are to become and be servants of the Sydney County Council and the servants who are to become and be servants of the Prospect County Council shall be such servants as the Governor may direct.

Transfer of servants.

(2)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(2) For the purposes of this section there shall be constituted a Staff Joint Committee which shall consist of five members, as follows:—

- (a) the chairman, who shall be nominated by the Minister and who shall convene all meetings of the joint committee and preside at such meetings;
- (b) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (c) one member who shall be appointed by the Prospect County Council to be the representative of that Council;
- (d) two members who shall be appointed by the Commission to be representatives of the Commission.

(3) The Staff Joint Committee shall determine which servants of the Commission should be transferred to the service of the County Councils.

(4) In the case of any difference between the representatives of the County Councils and the representatives of the Commission such difference shall be determined as the chairman of the Staff Joint Committee shall direct.

(5) The expenses of the Staff Joint Committee shall be charged as to one half to the Commission and as to the other half to the County Councils in equal shares.

(6) (a) The Sydney County Council and the Prospect County Council shall confer with one another and agree upon an arrangement as to the transfer to their service of the servants referred to in subsection three of this section.

(b)



---

*Electricity Commission (Transfer of Reticulation Works).*

---

(b) Where the County Councils have not so agreed within a period of fourteen days from the making of the determination referred to in subsection three of this section there shall be constituted a Joint Council Staff Committee which shall consist of three members as follows:—

- (i) the chairman who shall be nominated by the Minister and who shall convene all meetings of the Joint Council Staff Committee and preside at such meetings;
- (ii) one member who shall be appointed by the Sydney County Council to be the representative of that Council;
- (iii) one member who shall be appointed by the Prospect County Council to be the representative of that Council.

(c) The Joint Council Staff Committee shall consider and make recommendations to the Governor as to which of the servants referred to in subsection three of this section should be transferred to the service of each County Council.

(d) In the case of any difference between the representatives of the County Councils such difference shall be determined as the chairman of the Joint Council Staff Committee shall direct.

(e) The expenses of the Joint Council Staff Committee shall be charged in equal shares to the County Councils.

**11.** (1) This section shall apply to and in respect of every person referred to in subsection one of section ten of this Act who becomes a servant of the Sydney County Council or the Prospect County Council and shall so apply to him on and after the date upon which he becomes such servant. Transferred servants.

(2) The servant shall be deemed to have been appointed and employed under the provisions of the Local Government Act, 1919, as amended by subsequent Acts,



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Acts, by the County Council of which he becomes a servant as aforesaid, and shall be paid salary or wages at a rate not less than the rate at which he was employed immediately before such date until such salary or wages is or are varied or altered by the said County Council: Provided that such salary or wages shall not be reduced for a period of at least two years from such date except to the extent necessary to give effect to any fluctuation in the basic wage for adult males or the basic wage for adult females as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(3) The servant shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred and extended leave, as if he had continued to be a servant of the Commission. And for the purposes of this subsection service with the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited or either of those companies and the County Council of which he becomes a servant as aforesaid shall be deemed to be service with the Commission.

(4) (a) The servant shall be entitled to retain the rights and privileges, if any, in relation to payments on retirement or death to which he would have been entitled if he had continued to be a servant of the Commission.

(b) Without prejudice to the generality of paragraph (a) of this subsection—

- (i) where any servant was immediately before he became such a servant an officer within the meaning of the Staff Pension Trust Deed referred to in section twelve of the Electricity Commission (Balmain Electric Light Company Purchase) Act, 1950-1956, the provisions of that Deed shall continue to apply to such servant in all respects as if the servant had during the period of his service with the Sydney County Council or the Prospect County Council remained an officer of the Commission and the  
**Sydney**



---

*Electricity Commission (Transfer of Reticulation Works).*

---

Sydney County Council or the Prospect County Council, as the case may require, shall in respect of such servant make such deductions from the salary of the servant and such payments to the trustees of the said Deed as the Commission would have made had the servant remained an officer of the Commission;

- (ii) where any servant was immediately before he became such a servant an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, he shall retain any rights which, on the date upon which he became such a servant, have accrued or are accruing to him as such an employee and shall continue to contribute to any fund or account and shall be entitled to receive any payment, pension or gratuity as if he had continued to be an employee within the meaning of the said Act, as so amended, and the County Council of which he became such a servant shall in respect of such servant pay to the State Superannuation Board such contributions and payments as would have been payable by the Commission if such servant had remained a servant of the Commission and had been paid salary or wages at the rate paid to him by the County Council of which he became such a servant.

For the purposes of this subparagraph service with the Commission shall be deemed to be service with the County Council of which he became such a servant.

- (5) The servant shall not be entitled to claim benefits under this Act as well as under any other Act, ordinance, regulation or resolution in respect of the same period of service: Provided that the provisions of the Local Government (Superannuation) Act, 1927, as amended by subsequent Acts, shall not apply to any servant to whom subparagraph (i) or (ii) of paragraph (b) of subsection four of this section applies.

(6)



*Electricity Commission (Transfer of Reticulation Works).*

(6) Where any condition of employment of the servant was, immediately before he became a servant of the Sydney County Council or the Prospect County Council, regulated by an award or industrial agreement such condition shall continue to be so regulated until an award regulating such condition and binding the County Council of which he became a servant is made by a competent tribunal or such condition is regulated by an industrial agreement to which the County Council of which he became a servant is a party.

(7) The period of service of a servant with the Electric Light and Power Supply Corporation Limited and the Parramatta and Granville Electric Supply Company Limited or either of them and the Commission shall be counted as service with the County Council of which he became a servant for the purposes of the Local Government Act, 1919, as amended by subsequent Acts, or any other Act or of any ordinance, regulation or by-law or of the terms and conditions of any staff agreement or of any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

Amendment  
of Act  
No. 22,  
1950.

Sec. 9.  
(Powers of  
Commis-  
sion.)

**12.** (1) The Electricity Commission Act, 1950, as amended by subsequent Acts, is amended—

- (a) by inserting in subparagraph (ii) of paragraph (b) of subsection two of section nine after the words "Sydney County Council" the words "or the County District of the Prospect County Council";
- (b) by omitting subparagraph (v) of the same paragraph.

(2) The Electricity Commission Act, 1950, as amended by subsequent Acts and by this Act, may be cited as the Electricity Commission Act, 1950-1957.

(3) This section shall commence upon the appointed day.

*In the name and on behalf of Her Majesty I assent to this Act.*

E. W. WOODWARD,  
Governor.

Government House  
Sydney, 28th November, 1957.







