

7 ELIZ. II. No. 50, 1958. *Barron River Hydro-Electric, Etc., Act.*

ELECTRICITY.

- (1) *Barron River Hydro-Electric Extension Project Act of 1958* 7 *Eliz. II. No. 50*
 (2) *Electric Light and Power Acts and Other Acts Amendment Act of 1958* 7 *Eliz. II. No. 59*

An Act to Authorise and Provide for the Construction, Maintenance, and Utilisation of a Hydro-Electric Project in the Vicinity of the Barron Falls for the Purpose of Securing increased Supplies of Electricity for the Further Development of Northern Queensland, and for purposes incidental thereto or connected therewith.

7 ELIZ. II.
NO. 50.
THE BARRON
RIVER
HYDRO-
ELECTRIC
EXTENSION
PROJECT ACT
OF 1958.

[ASSENTED TO 11TH DECEMBER, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Barron River Hydro-Electric Extension Project Act of 1958.*" Short title
and
construction.

2. The "*Barron River Hydro-Electric Extension Project*" shall comprise and include all such access roads and bridges, dams, weirs, tunnels, penstocks, pipe lines, canals, flumes, power station buildings (whether above ground or excavated, and complete with plant, machinery, and equipment), sub-stations, electric transmission lines, accommodation and amenities necessary for the construction, operation and maintenance stages, alterations to existing weirs and other structures, and all such other works, plant, appliances, machinery, fittings, equipment, matters and things whatsoever as the Governor in Council at any time and from time to time determines to be necessary or proper for the purposes of, or connected with or appurtenant to,— The Barron
River
Hydro-
Electric
Extension
Project
defined.

- (a) Subject to paragraph (b) of this section the development of the potentialities of the fall in the Barron River above, at, and below the Barron Falls for the generation of electricity by means of hydro-electric works ;

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- (b) The storage of the waters of that part of the Barron River catchment downstream of the junction of the Clohesy River with the Barron River, and the regulation of the flow thereof for the continuous generation, by means of the works referred to in paragraph (a) of this section, of hydro-electric power as required ; and
- (c) The transmission of the electricity generated.

Construction
of the
Barron River
Hydro-
Electric
Extension
Project.

3. Subject to this Act, the Co-ordinator-General of Public Works shall construct the Barron River Hydro-Electric Extension Project and for that purpose—

- (a) The said project shall be and be deemed to be works which, under and pursuant to the provisions of **“The State Development and Public Works Organisation Acts, 1938 to 1958,”* the Governor in Council always was and shall be empowered to authorise the said Co-ordinator-General to construct and which the said Co-ordinator-General, subject to authority as aforesaid, always was and shall be authorised to construct ;
- (b) **“The State Development and Public Works Organisation Acts, 1938 to 1958,”* shall apply and extend, and it is hereby declared always have applied and extended, accordingly ; and
- (c) In the application and extension as aforesaid of **“The State Development and Public Works Organisation Acts, 1938 to 1958,”* those Acts shall, subject to all such adaptations and modifications thereof as are necessary to give operation and effect to this Act, be read with this Act.

The Barron
River
Hydro-
Electric
Extension
Project
may be
constructed
in stages.

4. (1.) The Barron River Hydro-Electric Extension Project may be constructed in stages—that is to say, by the commencement and completion or partial completion of any of the works, matters, or things comprised or included in the said project before the commencement of all or any such other works, matters, or things.

* 2 G. 6 No. 3 and amending Acts.

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(2.) The Governor in Council may, and it is hereby declared always was empowered to, determine in what stages the said project shall be constructed, the works, matters, or things to be comprised or included in any particular stage, and the time when the Co-ordinator-General of Public Works is to be authorised to undertake the construction of the works, matters, or things comprised or included in any particular stage.

(3.) The Governor in Council is hereby authorised to take all such steps and to do all such matters and things as he deems necessary or desirable for any purpose of or connected with the exercise by him of his powers and authorities under this section, and the Governor in Council may for any purpose of or connected with the exercise by him of those powers and authorities make all such Orders in Council under **“The State Development and Public Works Organisation Acts, 1938 to 1958,”* and this Act, or under either such Act, and other instruments, including any Order in Council as aforesaid or other instrument revoking, amending, or otherwise varying or in substitution for an earlier such Order in Council or instrument as in his opinion it is necessary or desirable to make having regard to the objects of this Act.

Every provision of an Order in Council or instrument purporting to be an Order in Council made prior to the date of the passing of this Act which would be valid and lawful if that Order in Council or purported Order in Council were made subsequent to that date shall be, and be deemed to have always been, as valid and lawful as if that provision were a provision of an Order in Council made after the passing of this Act, and every such Order in Council or purported Order in Council shall, subject to any variation or amendment thereof made by the Governor in Council, continue in force accordingly until it is revoked or a fresh Order in Council is substituted therefor by the Governor in Council.

5. Where, for the purposes of or in relation to the ^{Delegations,} construction of any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project, the Governor in Council has, pursuant to the provisions of subsection five of section

* 2 G. 6 No. 3 and amending Acts.

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20A of **"The State Development and Public Works Organisation Acts, 1938 to 1958,"* approved of the delegation by the Co-ordinator-General of Public Works to any Crown corporation, instrumentality representing the Crown, or local body within the meaning of those Acts of all or any of the powers, authorities, functions, and jurisdiction conferred upon the said Co-ordinator-General by the said section 20A, then, subject to the terms, provisions, and conditions of the instrument of delegation, that delegate shall, for the purpose of and in relation to the construction of those works, matters, or things, have and may exercise all such powers, functions, and authorities as it has in law in respect of the construction of works, matters, or things of that kind, class, or description in addition to the powers, authorities, functions, and jurisdiction so delegated to it.

Power to enter land and take levels.

6. The Co-ordinator-General of Public Works, any delegate, officer, or employee of the said Co-ordinator-General, or any other person authorised by, or by any delegate of, the said Co-ordinator-General, may for the purposes of or in relation to the construction of any works, matter, or thing comprised or included in the Barron River Hydro-Electric Extension Project, without any previous notice—

- (a) Enter with such assistants as are required upon land for the purposes of inspecting the land ;
- (b) Make surveys, take levels, sink bores, dig pits, and examine the soil ;
- (c) Do anything necessary for ascertaining the suitability of the land for the purposes of the works, matter, or thing in question.

Power to enter and occupy land.

7. The Co-ordinator-General of Public Works, or any delegate, officer, or employee of the said Co-ordinator-General, or any other person authorised by, or by any delegate of, the said Co-ordinator-General, may, for the purposes of this Act—

- (a) After giving not less than seven days' notice in writing to the occupier of land, enter upon and occupy that land ;

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- (b) On and from land so occupied—
- (i.) Construct, build, or place any plant, machinery, equipment, or goods ;
 - (ii.) Take sand, clay, stone, earth, gravel, timber, wood, or other materials or things ;
 - (iii.) Make cuttings or excavations ;
 - (iv.) Deposit sand, clay, stone, earth, gravel, timber, wood, or other materials or things ;
 - (v.) Erect workshops, sheds, and other buildings ;
 - (vi.) Make roads ;
 - (vii.) Manufacture and work materials of any kind ; and
- (c) Demolish, destroy, or remove, on and from land so occupied, any plant, machinery, equipment, goods, workshop, shed, building, or road.

8. The Co-ordinator-General of Public Works or, with the authority of the said Co-ordinator-General, any delegate may raise or lower the level of any river, creek, stream or watercourse, lake, lagoon, swamp, or marsh and take, impound, divert, and use either permanently or temporarily the waters of a river, creek, stream or watercourse, lake, lagoon, swamp, or marsh within that part of the Barron River catchment downstream of the junction of the Clohesy River with the Barron River to the extent to which the said Co-ordinator-General deems it necessary to do so for the purposes of or in relation to the construction of the Barron River Hydro-Electric Extension Project or of any of the works, matters, or things comprised or included in that project.

Powers in respect of waters.

9. At any time and from time to time after the completion of the main storage dam on Flaggy Creek when the natural flow of the Barron River at the Barron Falls would, save for the Tinaroo Dam and any other major dam within the Barron River catchment, fall below two hundred and twelve cubic feet of water per second, water shall be released from the Tinaroo Dam in whichever is the lesser of—

Limitation on use of water for generating electricity.

- (a) The quantity sufficient to maintain a flow of two hundred and twelve cubic feet per second at the Barron Falls ; or

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- (b) The equivalent of what would be the natural flow of the Barron River past Tinaroo Dam at the time in question if that dam and any other major dam then within the part of the Barron River catchment upstream thereof had not been constructed.

The Governor in Council may, from time to time, by Order in Council vary as he deems fit the quantity of water which shall be released from Tinaroo Dam at any time when the foregoing provisions of this section apply.

Co-ordinator-General to do as little damage as possible.

10. (1.) The Co-ordinator-General of Public Works and any delegate of the said Co-ordinator-General shall, in and with respect to the construction of any works, matter, or thing comprised or included in the Barron River Hydro-Electric Extension Project, cause as little detriment and inconvenience and do as little damage as reasonably possible.

(2.) Subject to this Act, when an owner of land is injuriously affected by the exercise, in relation to that land, of any of the powers conferred by this Act, compensation shall be paid by the said Co-ordinator-General.

(3.) Where land is entered or occupied in pursuance of this Act, the said Co-ordinator-General shall be liable to pay compensation to the owner or occupier of the land, or to both, as the case requires, and the compensation so payable shall include compensation in respect of—

- (a) Damage of a temporary character as well as of a permanent character ; and
- (b) The taking of sand, clay, earth, gravel, timber, wood, materials, or things under the authority of this Act.

(4.) All persons having any interest in land referred to in subsection three of this section may recover compensation in respect of all damage suffered as a result of the use or occupation thereof by the said Co-ordinator-General or any of his delegates for the

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purposes of this Act under **“The Public Works Land Resumption Acts, 1906 to 1955,”* as modified by †*“The State Development and Public Works Organisation Acts, 1938 to 1958,”* but not exceeding the compensation which would have been payable had the land been taken by the said Co-ordinator-General.

11. No action, claim, or other proceeding for compensation for damage occasioned by the construction of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project, or any of them whatsoever, shall be maintainable unless—

Notice to be given in action for compensation.

- (a) Notice in writing stating the nature and extent of the damage complained of has been furnished to the Co-ordinator-General of Public Works within six months after the damage in respect of which the notice is given has been occasioned ; and
- (b) After giving the notice the person claiming compensation proceeds without unreasonable delay to obtain such compensation.

12. In determining whether any and what compensation for such damage is to be made, any court having jurisdiction in the matter shall in each case have regard to and is hereby empowered and directed to apply the following principles :—

Rules to be applied in determining compensation.

No compensation shall be awarded save in respect of some item set forth in the notice in writing stating the nature and extent of the injury complained of furnished to the Co-ordinator-General of Public Works as hereinbefore provided ;

No compensation shall be awarded for any diminution or deterioration of the supply of water to which any person may be entitled, unless such diminution or deterioration is such as to deprive the claimant of a supply of water previously legally enjoyed by him, and unless such diminution or deterioration is the direct and will be the permanent result of the completed works ;

* 6 E. 7 No. 14 and amending Acts.

† 2 G. 6 No. 3 and amending Acts.

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No compensation shall be made for the taking or diverting of any water which the Co-ordinator-General of Public Works or a delegate of the said Co-ordinator-General is empowered by or under this Act to take or divert either permanently or temporarily from any river, creek, stream or watercourse, lake, lagoon, swamp, or marsh ;

The scenic or other potentialities of the Barron Falls for purposes of the tourist industry shall not be taken into consideration as a ground for compensation and compensation shall not be awarded for any loss, injury, or damage, immediate or proximate, resulting directly or indirectly from the diminution or deterioration of the scenic or any other potentiality for purposes of the tourist industry of the Barron Falls ;

There shall be considered in reduction of all claims for compensation for injury any, and if so what, enhancement in value of any property of the claimant, wherever situate, has been directly or indirectly caused, and whether any, and if so what, immediate or proximate benefit has been gained by or become available to such claimant by reason of the construction, maintenance, operation, protection, management, control or use of the Barron River Hydro-Electric Extension Project or any of the works, matters, or things comprised or included therein ; and a deduction shall be made accordingly from the amount which, but for this provision, would have been paid or payable as compensation ;

The measure of damages shall in all cases be the direct pecuniary injury to the claimant by the loss of something of substantial benefit accrued or accruing, and shall not include remote, indirect, or speculative damages ;

Where the injury complained of appears to be of a permanent or continuing character, or likely to be repeated, a sum may be awarded which the court may declare to be a

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compensation for all injury, loss, or damage sustained in respect of the matter complained of to the date of the bringing of the action, and also for all future injury, loss, or damage, in respect of the same matter; and after such award no further compensation shall be made in respect of any such future injury, loss, or damage.

13. If compensation is sought to be recovered for any such injury alleged to be the result of the construction of any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project, which at the time of the alleged injury and of the claim to compensation in respect thereof are incomplete, it shall be lawful for any judge of the Supreme Court, upon an application by the Co-ordinator-General of Public Works made without action, and either by summons or by motion upon notice to the claimant for compensation, to make an order directing that the proceedings upon the claim for compensation shall be stayed until the completion of such works, matters, or things, or for such period to be stated in the order as the judge may consider sufficient for the completion of such works, matters, or things, and the proceedings to recover such compensation shall be stayed accordingly; but at the expiration of the stay limited in such order the claimant shall be at liberty to resume his proceedings for the recovery of such compensation without commencing any fresh proceedings.

Stay of proceedings until completion of works.

14. Where such compensation is sought to be recovered in respect of any acts causing or likely to cause the same kind of injury to the same property, and such acts may injure interests in reversion as well as in possession of such property, the person claiming compensation shall, before any sum is awarded as compensation, satisfy the court as to the nature and extent of the respective estates or interests in such property of such claimant and all other persons (if any) said to be injured, and that he has given sufficient notice to all such other persons of his proceedings to obtain compensation under this Act. All such other persons, whether they have received such notice or not, who may

Compensation for injury to interests in reversion.

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appear before the court shall be entitled to be heard on behalf of their respective interests in the compensation to be awarded.

In awarding any sum by way of compensation for such injury the court shall award and apportion as between such claimant and such other persons in such manner in all respects as to such court may seem fit the amounts to be received by any or some or all of them respectively out of such sum as compensation for all injury of the same kind caused or likely to result to the respective interests of such claimant or other persons in such property.

Such amounts shall be received by such claimant or other persons, and shall be in full discharge and satisfaction of the claims of such persons to compensation in respect of the matter complained of, and of all future injury, loss, or damage in respect of the same matter.

Any person to whom any such sum has been awarded or apportioned as aforesaid shall have all such remedies and means of recovering the said sum from the Co-ordinator-General of Public Works as though such person had originally been a plaintiff in the action in which such award or apportionment has been so made.

Works not to be injuriously affected.

15. Except as prescribed, a person shall not carry out any works, matter, or thing or make any use of the water in a river or stream within the catchment of Flaggy Creek (a tributary of the Barron River) whereby any works, matters, or things, or proposed works, matters, or things, comprised or included in the Barron River Hydro-Electric Extension Project, or the use or proposed use of water for the purposes of or in relation to that project, is or may be injuriously affected or interfered with.

Irrigation Acts, &c., to be read subject to this Act.

16. Nothing in **"The Water Power Act of 1922,"* †*"The Irrigation Acts, 1922 to 1957,"* ‡*"The Irrigation Areas (Land Settlement) Acts, 1933 to 1954,"* or §*"The Water Acts, 1926 to 1957,"* shall affect the exercise of any powers conferred by this Act and such Acts shall be read subject to this Act.

* 13 G. 5 No. 20.
† 13 G. 5 No. 29 and amending Acts.
‡ 24 G. 5 No. 21 and amending Acts.
§ 17 G. 5 No. 12 and amending Acts.

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17. Nothing in **“The State Forests and National Parks Acts, 1906 to 1948,”* shall affect the exercise of any powers conferred by this Act and those Acts shall be read subject to this Act : State forests and national parks.

Provided that the Co-ordinator-General of Public Works and any delegate of the said Co-ordinator-General shall in and with respect to the construction in, upon, or over a State forest or national park of any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project or in or with respect to the performance or carrying out in, on, or over any land comprised in a State forest or national park of any other power conferred by this Act in respect of land (it being hereby declared that every such power extends to and with respect to land comprised in a State forest or national park) cause as little detriment and inconvenience and do as little damage as reasonably possible.

18. Every person who unlawfully and maliciously destroys or damages, or attempts to destroy or damage, any of the works, matters, or things or portion of any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project shall be guilty of a crime and liable on conviction on indictment to imprisonment with hard labour for any term not exceeding fourteen years, and he may be prosecuted either under this section or any regulation creating a similar offence. Penalty for injuring works.

19. (1.) There shall be established in the Treasury Fund. an account called “The Barron River Hydro-Electric Extension Project Fund,” herein referred to as “the Fund.”

(2.) There shall be paid into the Fund—

(a) Subject to appropriation by Parliament—

(i.) All expenditure upon the construction of the said project which is payable from the Loan Fund Account of Consolidated Revenue ;

(ii.) All moneys, if any, from any other source, granted to aid in carrying out the said project ; and

(b) The amount of any moneys borrowed under this Act.

* 6 E. 7 No. 20 and amending Acts.

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(3.) There shall be paid out of the Fund all expenditure incurred for a purpose of or connected with the construction of the said project, including any of the works, matters, or things comprised or included therein, all amounts payable pursuant to this Act as compensation or damages or in redemption of moneys appropriated by Parliament to the Fund from the Loan Fund Account of Consolidated Revenue or of loans borrowed under this Act, and all interest specified in subsection four of this section.

(4.) Where any expenditure for a purpose of or connected with the construction of any of the works, matters, or things comprised or included in the said project is defrayed from moneys in the Fund—

(a) Appropriated by Parliament from the Loan Fund Account of Consolidated Revenue ; or

(b) Borrowed under this Act,

then all interest incurred in respect of that expenditure from that loan up to the date when that expenditure is determined by the Governor in Council to be payable by the Cairns Regional Electricity Board as the capital cost or part of the capital cost of those works, matters, or things shall be debited to the Fund and be deemed to be expenditure incurred for a purpose of those works, matters, or things and part of the capital cost thereof accordingly.

Debenture
loans.

20. (1.) The Governor in Council may by Order in Council authorise the Co-ordinator-General of Public Works to borrow money for any purpose of or connected with the construction of the Barron River Hydro-Electric Extension Project, including any of the works, matters, or things comprised or included in that project.

(2.) The Order in Council shall declare the amount that may be so borrowed, the purpose for which it shall be borrowed, the currency of the loan, the rate of interest payable thereon, the terms and conditions for the redemption of the loan, whether by yearly, half-yearly, or other periodical payments or payments into a sinking fund, and such other conditions as the Governor in Council thinks proper to impose.

(3.) Before entering into negotiations to borrow money under and in pursuance of this section the said Co-ordinator-General shall first obtain the sanction of

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the Treasurer authorising him to enter upon those negotiations, and for that purpose shall submit to the Treasurer such information as the Treasurer shall require.

(4.) The said Co-ordinator-General shall, for the purposes of this section—

- (a) Have the powers of borrowing money had by regional electricity boards under **“ The Regional Electric Authorities Acts, 1945 to 1954,”* the provisions of Part VI. whereof shall, subject to any necessary adaptations, apply and extend accordingly; and
- (b) Be and be deemed to be a “ local body ” under and within the meaning of †*“ The Local Bodies’ Loans Guarantee Acts, 1923 to 1957,”* the provisions whereof shall, subject to such modifications thereof as the Governor in Council may by Order in Council prescribe, apply and extend accordingly.

21. (1.) Subject to this Act, all debentures shall be issued in such series, at such time, and in such a manner as the Co-ordinator-General of Public Works thinks fit. Debentures.

Such debentures shall bear interest at the rate and shall be repayable on the date respectively prescribed in the Order in Council.

(2.) Every debenture shall specify the time when and the place where the principal and interest are payable, and shall have annexed thereto for every payment (whether of principal or interest, or principal and interest) to grow due thereon a coupon, and every such debenture and coupon, unless otherwise authorised by the Governor in Council, shall be transferable by delivery.

(3.) Every such debenture shall be under the seal of the Co-ordinator-General of Public Works, and shall be signed by him and when so sealed and signed shall be deemed to have been duly issued, and the holder thereof shall not be bound to inquire whether such issue was in fact duly authorised.

* 9 G. 6 No. 16 and amending Acts.

† 14 G. 5 No. 8 and amending Acts.

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(4.) The Co-ordinator-General of Public Works may authorise the sale or disposal of any such debentures in Queensland or in places beyond Queensland, and may appoint an agent or agents to negotiate such sale.

(5.) The holder of any such debenture shall be entitled to receive payment from the said Co-ordinator-General of the principal sum named therein upon presentation of such debenture, on or after the due date thereof, at the place where the same is expressed to be made payable. And the holder of any coupon originally annexed to a debenture, and whether separated therefrom or not, shall be entitled to receive payment in like manner of the sum mentioned in such coupon upon presentation of the same at the place where, and on or after the date when, such sum is payable.

Brokerage.

22. Subject as is hereinafter provided in this section, the Co-ordinator-General of Public Works may pay moneys by way of brokerage for or in respect of the making, procuring, negotiating, or obtaining the loan of any money which the Governor in Council has by Order in Council permitted the said Co-ordinator-General to borrow :

Provided that no moneys shall be paid by the Co-ordinator-General by way of brokerage for or in respect of the loan of any moneys borrowed by him unless the Treasurer has approved of the payment of brokerage, which approval may be given by the Treasurer subject to such terms and conditions as to him shall seem fit :

Provided further that section fourteen of **"The Money Lenders Acts, 1916 to 1946,"* shall not apply or extend to brokerage which the Co-ordinator-General is authorised to pay under and in accordance with this subsection, and which brokerage has been approved by the Treasurer and is agreed to be paid by the said Co-ordinator-General subject to the terms and conditions, if any, imposed by the Treasurer.

Inclusion
of works,
&c., in
undertaking
of the
Cairns
Regional
Electricity
Board.

23. (1.) When the Governor in Council is of opinion that any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project are available for use for any purpose of or connected with the supplying of electricity within the

* 7 G. 5 No. 13 and amending Acts.

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Cairns Region of Electricity Supply or for carrying into effect the objects of the Cairns Regional Electricity Board under **"The Electric Light and Power Acts, 1896 to 1957,"* and †*"The Regional Electric Authorities Acts, 1945 to 1954,"* the Governor in Council may by Order in Council—

- (a) Fix a date on and after which those works, matters, or things shall be included in and form part of the undertaking within the meaning of **"The Electric Light and Power Acts, 1896 to 1957,"* of the Cairns Regional Electricity Board ; and
- (b) Determine the capital cost as at the date so fixed of those works, matters, or things.

(2.) The Governor in Council may make an Order in Council under subsection one of this section in respect of any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project before the completion of the construction thereof provided that the Governor in Council is satisfied that so much of the construction of those works, matters, or things has been completed as to render them available for use as specified in subsection one of this section and that, regard being had to the demand for the supply of electricity by consumers and prospective consumers within the Cairns Region of Electricity Supply, or for the purpose of supplying electricity to any other Regional Electricity Board under **"The Electric Light and Power Acts, 1896 to 1957,"* and †*"The Regional Electric Authorities Acts, 1945 to 1954,"* it is desirable that those works, matters, or things should be made available for that use.

(3.) For the purposes of this section, the capital cost of any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project shall include all interest which under this Act has been funded and added to the capital cost of those works, matters, or things.

* 60 V. No. 24 and amending Acts.

† 9 G. 6 No. 16 and amending Acts.

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(4.) Where any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project are, by Order in Council made under this section, included in the undertaking of the Cairns Regional Electricity Board before the completion thereof, the Governor in Council may determine the capital cost of those works, matters, or things as at the date of that inclusion to be a sum less than the total expenditure (including interest upon that expenditure capitalised and added thereto) upon the construction of those works, matters, or things to the date of their inclusion in the undertaking of the Cairns Regional Electricity Board.

In that event the Governor in Council may, at such later date as he shall fix, by Order in Council add the excess over that lesser sum of the aforementioned total expenditure (including interest upon that excess capitalised and added thereto under the provisions of this Act up to that later date) to the capital cost of those works, matters, or things.

Such excess may be so added in one sum or by instalments of such amounts and at such times as the Governor in Council shall determine.

(5.) The Governor in Council may at any time after the date of the inclusion in the undertaking of the Cairns Regional Electricity Board of any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project which are incomplete when included in that undertaking add to the capital cost of those works, matters, or things as determined by him all additional expenditure (including interest thereon capitalised and added thereto) incurred after the date when those works, matters, or things have been included in the undertaking of the said Board for the purpose of completing the construction thereof.

Such additional expenditure (including interest as aforesaid) may be so added in one sum or by instalments of such amounts and at such times as the Governor in Council shall determine.

(6.) The Cairns Regional Electricity Board shall be liable to pay and, subject to this Act, shall pay the capital cost as determined by the Governor in Council of all of the works, matters, and things comprised or

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included in the Barron River Hydro-Electric Extension Project which under this Act are included by the Governor in Council in the undertaking of that Board.

In the case of any of those works, matters, or things which are incomplete when included in the said undertaking, the capital cost includes all sums added by the Governor in Council after the date of that inclusion in pursuance of subsections four and five of this section.

(7.) For the purpose of securing to the Cairns Regional Electricity Board the use and occupation of lands and the benefit of easements over land required for any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project which are included in and form part of the undertaking of that Board the Governor in Council is hereby empowered—

- (a) In the name of Her Majesty, to grant in fee-simple or demise, under such of the leasehold tenures provided for in **“The Land Acts, 1910 to 1958,”* as he deems appropriate, lands to the said Board ; and
- (b) By Order in Council, to make such provision as he deems necessary to secure to the said Board the benefit of all such easements.

24. (1.) For the purpose of providing for and securing the payment by the Cairns Regional Electricity Board of the capital cost as determined by the Governor in Council of all or any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project which are included in and form part of the undertaking of that Board, any and every amount of capital cost as so determined shall be deemed to be a loan made by the Treasurer to that Board with the authority of the Governor in Council.

Payment by Cairns Regional Electricity Board for works, &c., included in its undertaking.

The Governor in Council may by Order in Council determine the currency of any and every such loan, the rate of interest thereon, the terms and conditions of its redemption, and such other conditions as he thinks proper to impose.

* 1 G. 5 No. 15 and amending Acts.

Barron River Hydro-Electric, Etc., Act. 7 ELIZ. II. No. 50,

(2.) Section fifty-nine of **“ The Regional Electric Authorities Acts, 1945 to 1954,”* shall apply to and with respect to any and every such loan as if it were a loan duly made by the Treasurer to the aforementioned Board under those Acts.

(3.) This section shall apply so as not to prevent the Cairns Regional Electricity Board from borrowing money under, subject to, and in accordance with the provisions of **“ The Regional Electric Authorities Acts, 1945 to 1954,”* for the purpose of enabling it to pay the whole or part of any amount of capital cost hereinbefore referred to in this section.

Powers of the Cairns Regional Electricity Board with respect to works, &c., included in its undertaking.

25. (1.) On and from the date when any of the works, matters, or things comprised or included in the Barron River Hydro-Electric Extension Project are included in and form part of its undertaking, the Cairns Regional Electricity Board shall maintain, operate, protect, manage, and control those works, matters, or things.

(2.) Where any of those works, matters, or things are incomplete when included in the undertaking of the said Board, it shall so maintain, operate, protect, manage, and control them as not to interfere with, hinder, or obstruct their completion by the Co-ordinator-General of Public Works or any delegate appointed by him to construct them.

(3.) Subject to this Act all of the provisions of **“ The Regional Electric Authorities Acts, 1945 to 1954,”* and †*“ The Electric Light and Power Acts, 1896 to 1957,”* conferring or imposing upon a regional board or an electric authority powers, authorities, functions, and duties with respect to the maintenance, operation, protection, management, and control of an undertaking under and within the meaning of †*“ The Electric Light and Power Acts, 1896 to 1957,”* or of any works comprised or included in such an undertaking shall to the extent to which those provisions are applicable apply and extend to and with respect to the maintenance, operation, protection, management, and control by the said Board of any of the works, matters, and things comprised or

* 9 G. 6 No. 16 and amending Acts.

† 60 V. No. 24 and amending Acts.

1958. *Barron River Hydro-Electric, Etc., Act.*

included in the Barron River Hydro-Electric Extension Project which are included in and form part of the undertaking of the said Board.

26. All proceedings and penalties for offences ^{Offences.} against or breaches of any regulations made under this Act not being indictable offences shall be heard and determined and be recovered in a summary way by complaint under **"The Justices Acts, 1886 to 1956."*

27. (1.) The Governor in Council may, at any time ^{Regulations.} and from time to time, make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, without limiting the generality of the foregoing provisions of this subsection, in particular, for prescribing penalties not exceeding a fine of fifty pounds or imprisonment for a period not exceeding three months, or both, for obstructing the Co-ordinator-General of Public Works, a delegate of the said Co-ordinator-General, or any other person acting under the authority of this Act or for other offences against the regulations.

(2.) Every regulation made under this section shall—

- (a) Be published in the *Gazette* ;
- (b) Upon its publication in the *Gazette* be judicially noticed and such publication shall be conclusive evidence of the matters contained therein ;
- (c) Take effect from the date of such publication or such later date as is specified therein ; and
- (d) Be laid before the Legislative Assembly within fourteen sitting days after such publication if the Legislative Assembly is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(3.) If the Legislative Assembly passes a resolution disallowing any such regulation or part thereof, of which resolution notice has been given at any time within fourteen sitting days after that regulation has

* 50 V. No. 17 and amending Acts.

Electric Light and Power Acts, Etc., Act. 7 ELIZ. II. No. 59,

been laid before it, that regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of any further regulations.

For the purposes of this subsection the term "sitting days" shall mean days on which the Legislative Assembly actually sits for the despatch of business.

7 ELIZ. II.
NO. 59.
THE
ELECTRIC
LIGHT AND
POWER ACTS
AND OTHER
ACTS
AMENDMENT
ACT OF 1958.

An Act to Amend "The Electric Light and Power Acts, 1896 to 1957," "The State Electricity Commission Acts, 1937 to 1957," "The Regional Electric Authorities Acts, 1945 to 1954," and "The Southern Electric Authority of Queensland Acts, 1952 to 1954," each in certain particulars.

[ASSENTED TO 12TH DECEMBER, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—
PRELIMINARY.
Short title.

PART I.—PRELIMINARY.

1. This Act may be cited as "*The Electric Light and Power Acts and Other Acts Amendment Act of 1958.*"

Parts of
Act.

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

PART I.—PRELIMINARY;

PART II.—AMENDMENTS OF *"THE ELECTRIC LIGHT AND POWER ACTS, 1896 TO 1957";

PART III.—AMENDMENTS OF †"THE STATE ELECTRICITY COMMISSION ACTS, 1937 TO 1957";

PART IV.—AMENDMENTS OF ‡"THE REGIONAL ELECTRIC AUTHORITIES ACTS, 1945 TO 1954";

PART V.—AMENDMENTS OF §"THE SOUTHERN ELECTRIC AUTHORITY OF QUEENSLAND ACTS, 1952 TO 1954."

PART VI.—GENERAL.

* 60 V. No. 24 and amending Acts.

† 1 G. 6 No. 26 and amending Acts.

‡ 9 G. 6 No. 16 and amending Acts.

§ 1 Eliz. II. No. 50 and amending Act.