

No. 6377.

STATE ELECTRICITY COMMISSION ACT 1958.

An Act to consolidate and amend the Law relating to
the State Electricity Commission of Victoria and
the Powers and Duties thereof.

[30th September, 1958.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *State Electricity Commission Act 1958*, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette* and is divided into Parts and Divisions as follows:—

Short title
commence-
ment and
division.

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| Part I.—The State Electricity Commission of Victoria ss. 4-11. | { | Division 1.—Constitution &c. of the Commission ss. 4-9.

Division 2.—Officers and Employés of the Commission ss. 10-11. |
| Part II.—Functions and Principal Undertakings of the Commission ss. 12-26. | | |
| Part III.—Provisions relating to Yallourn ss. 27-40. | | |
| Part IV.—Provisions relating to Councils and other Undertakers and Extra-Metropolitan Municipalities ss. 41-45. | | |

Part V.—Electrical Installations Appliances and Wiring
ss. 46-57.

Part VI.—Tramways and Omnibuses ss. 58-78.

Part VII.—General Financial Provisions ss. 79-85.

Part VIII.—Provisions relating to Loan Moneys ss. 86-99.	}	Division 1.—Preliminary ss. 86-87. Division 2. — Raising of Moneys and Issue of Debentures and Inscribed Stock by the Commission ss. 88-97. Division 3.—Loan Moneys provided by the State ss. 98-99.
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Part IX.—Supplementary ss. 100-112.

Repeal.
First Schedule.

2. (1) The Acts mentioned in the First Schedule to the extent thereby expressed to be repealed are hereby repealed accordingly.

(2) Except as in this Act expressly or by necessary implication provided—

- (a) all persons things and circumstances appointed or created by or under any of the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such Acts had not been so repealed;
- (b) in particular and without affecting the generality of the foregoing paragraph, such repeal shall not disturb the continuity of status operation or effect of any proclamation regulation rule by-law validation order contract agreement guarantee stock debenture application determination decision consent nomination recommendation petition direction licence registration permit certificate exemption approval disapproval objection appointment election delegation classification condition notice fee liability remedy or right made effected issued granted given presented passed fixed accrued incurred or acquired or existing or continuing by or under any of such Acts before the commencement of this Act; nor shall such repeal limit or affect the operation or effect of any provision in any of the repealed Acts relating to consumers' deposits, or prohibiting the granting

of an Order under the *Electric Light and Power Act 1928* to supply electricity within a specified area, or providing for the transfer of any contract to the Commission, or empowering the Commission to continue manufactures or to enter and lay or place electric lines without compensation, or relating to the issue of debentures in substitution for stock issued before the commencement of the *State Electricity Commission (Borrowing) Act 1957*.

See No. 6163
s. 3 (2).

3. (1) In this Act unless inconsistent with the context or subject-matter—

Interpreta-
tion.

No. 3776 s. 3.

“Chairman” means chairman of the Commission.

“Chairman.”

“Commission” means the State Electricity Commission of Victoria.

“Commis-
sion.”

“Commissioner” means member of the Commission and includes the chairman.

“Commis-
sioner.”

“Government Department” includes the Board of Land and Works the Victorian Railways Commissioners the State Rivers and Water Supply Commission the Closer Settlement Board the Country Roads Board and the Forests Commission.

“Government
Department.”

“Land” includes land and any easement right or privilege in over or affecting any land.

“Land.”

“Order” means order within the meaning of the *Electric Light and Power Act 1958* or any corresponding previous enactment.

“Order.”

“Part” means Part of this Act.

“Part.”

“Prescribed” means prescribed by this Act or any regulations or rules made under this Act.

“Prescribed.”

“Regulations” means regulations made under this Act.

“Regu-
lations.”

“Rules” means rules made under this Act.

“Rules.”

“Secretary” means secretary to the Commission.

“Secretary.”

“Undertaking” of the Commission means (with respect to an electrical undertaking) an undertaking approved by the Governor in Council for the erection construction and provision of works appliances and conveniences for the generation of electricity (whether by the use of coal water-power or otherwise) and for the reception storage distribution transmission use supply and sale of such electricity; and includes all buildings works mines open-cuts quarries water land machinery plant towers electric lines cables and appliances used for or in connexion with the undertaking.

“Under-
taking.”

“ Undertaker.”

“ Undertaker ” means an undertaker within the meaning of the *Electric Light and Power Act 1958* and, with respect to electric tramways, includes any person or body of persons corporate or unincorporate having the control and management of such tramways.

Works and undertakings of the Commission.

(2) The works and undertakings of the Commission shall be deemed to include any works and undertakings from time to time constructed erected provided or maintained managed operated or carried on by the Commission or vested in the Commission, and, without affecting the generality of the foregoing, shall be deemed to include any works or undertakings declared to be vested or merged in or to form part of the works and undertakings of the Commission by any Act repealed by this Act.

Expressions in this Act and in *Electric Light and Power Act*.

(3) Save as aforesaid, expressions in this Act which are defined in the *Electric Light and Power Act 1958* shall unless inconsistent with the context or subject-matter have the same meanings respectively as in the *Electric Light and Power Act 1958*.

References to Electricity Commissioners.

(4) Any reference in any Act Order in Council regulation by-law deed contract instrument or document to the Electricity Commissioners or any like expression shall unless the context otherwise requires be deemed and taken to mean the Commission.

PART I.—THE STATE ELECTRICITY COMMISSION OF VICTORIA.

DIVISION 1.—CONSTITUTION ETC. OF THE COMMISSION.

Body of commissioners to be constituted.
No. 3776 s. 4.

4. (1) For the purpose of carrying this Act into execution there shall be a Commission constituted as hereinafter provided to be called the State Electricity Commission of Victoria.

(2) The Commission shall consist of four commissioners (including the chairman).

Power to appoint commissioners and chairman and to fill vacancies.

(3) The Governor in Council may—

(a) appoint four persons to be commissioners;

(b) appoint one of the commissioners to be the chairman; and

(c) when any vacancy occurs in the office of chairman or commissioner appoint some other person to fill the vacancy.

Commissioners to be a body corporate.

(4) The Commission shall be a body corporate by the name of the “ State Electricity Commission of Victoria ” with perpetual succession and a common seal; and shall by that name be capable in law of suing and being sued and subject to and for the purposes of this Act of purchasing taking holding selling leasing taking on lease exchanging or disposing of real or personal property and of doing or suffering all such other acts and things as bodies corporate may by law do and suffer.

Continuance of former corporation.

(5) The Commission shall be deemed to be the same body corporate as that formerly known as the Electricity Commissioners.

(6) It is hereby declared that under the provisions of the *State Electricity Commission Act 1920* the first person to be appointed chairman of the Commission was Lieutenant-General Sir John Monash, G.C.M.G., K.C.B.

First
chairman.

5. (1) Subject to this Act every commissioner shall hold office during good behaviour for the term for which he is appointed.

Tenure of
commissioners.
No. 3776 s. 5.

(2) No person shall be appointed a commissioner for a term exceeding seven years.

(3) Any commissioner may from time to time be re-appointed for any further term not exceeding seven years.

Commissioners eligible for re-appointment.

(4) A commissioner shall not in respect of his office as such be subject to the provisions of the *Public Service Act 1958*.

Commissioners as such not to be subject to *Public Service Act*.

(5) (a) In the case of the illness suspension or absence of the chairman or of any other commissioner, the Governor in Council may appoint some person to act as his deputy during such illness suspension or absence, and every such person shall while so acting have the powers and perform the duties of such chairman or other commissioner.

Appointment of deputy commissioner.

(b) If the person appointed to act as the deputy of the chairman is a commissioner the Governor in Council may appoint some other person to act as the deputy of such commissioner while he is acting as the deputy of the chairman.

6. (1) The Governor in Council may at any time accept the resignation of any commissioner and may remove any commissioner from his office if he is absent from Victoria for a period of six consecutive months or is absent without the consent of the Commission from all the ordinary meetings of the Commission for a period of eight weeks.

Resignation of commissioners and removal for absence.
No. 3776 s. 6.

(2) The Governor in Council may remove any commissioner from his office on an address praying for such removal being presented to the Governor by the Legislative Council and the Legislative Assembly.

Removal on address.

(3) At any time when Parliament is not sitting the Governor in Council may suspend any commissioner from his office for incapacity inability inefficiency mismanagement or misbehaviour or refusal or neglect or failure to carry out any of the provisions of this Act or his duties as a commissioner; and a full statement of the cause of such suspension shall be laid before both Houses of Parliament within seven days after the commencement of the next session thereof; and if an address at any time during that session is presented to the Governor by the Legislative Council or the Legislative Assembly praying for the restoration of such commissioner to his office, he shall be restored accordingly; but if

Suspension of commissioner.

no such address is so presented, the Governor in Council may confirm such suspension and declare the office of such commissioner to be and the same shall thereupon become and be vacant.

Persons insolvent not to be or continue to be commissioners.
No. 3776 s. 7.

7. No person being an undischarged or uncertificated bankrupt or insolvent shall be capable of being appointed a commissioner and any commissioner who becomes bankrupt or insolvent or applies to take the benefit of any Act for the relief of bankrupt or insolvent debtors or who by any deed or other writing compounds with his creditors or makes an assignment of his salary for their benefit shall be deemed to have vacated his office as a commissioner.

Chairman.
No. 3776 s. 8;
No. 4220
s. 15 (1),
No. 5368 s. 2,
No. 5933 s. 2
(5).

8. (1) The chairman—

- (a) may by writing under his hand delivered to the Minister resign his office as chairman;
- (b) subject to this Act shall unless removed be entitled to hold the office of chairman for the term for which he was appointed and be eligible for re-appointment as chairman;
- (c) during his continuance in such office shall devote his whole time to the service of the Commission, and shall not engage in any employment other than in connexion with the duties of his office; and
- (d) shall be paid a salary at such rate per annum not exceeding Six thousand pounds as the Governor in Council determines prior to his appointment or re-appointment.

Remuneration to commissioners.

(2) Every commissioner (other than the chairman) shall be paid remuneration at such rate per annum not exceeding Seven hundred and fifty pounds as the Governor in Council determines prior to his appointment or re-appointment.

(3) The salary of the chairman and the remuneration of the other commissioners shall be a charge upon and payable out of the general fund established by the Commission.

Incapacity on the ground of interest.
No. 3776 s. 9.

9. No person holding any office or place of profit under or in the gift of the Commission or concerned or participating in any manner whether directly or indirectly in any contract with the Commission or in any work to be done under the authority of the Commission or in the profit of such contract or work shall be capable of being or continuing a commissioner:

Exemptions.

Provided that no person shall be disqualified from being or continuing a commissioner by reason only of—

- (a) receiving or being entitled to receive any salary or remuneration pursuant to this Act as chairman or as a commissioner of the Commission;

- (b) being beneficially interested in any newspaper in which the Commission inserts advertisements;
- (c) being a shareholder or member of any incorporated company consisting of more than twenty persons which has entered or enters into any contract with or which has done or does any work under the authority of the Commission; or
- (d) being supplied with and paying for electricity coal pulverized coal briquettes or other by-products of the works and undertakings of the Commission in the same manner as any member of the public not being a member of the Commission.

DIVISION 2.—OFFICERS AND EMPLOYÉS OF THE COMMISSION.

10. (1) Save as otherwise provided in this Act the Commission shall appoint a secretary and may appoint or employ such other officers or persons as are necessary for the purposes of this Act and may remove any such officer or person.

Appointment
or employment
of certain
officers &c.
by the
Commission.
No. 3776 s. 30.

(2) The services of any officer or employé in the public service or otherwise in the service of the Crown or of the Government of Victoria may in part be used by the Commission, with the approval of the Minister concerned and subject to such arrangements as he thinks fit for paying the salary or wages of such officer or employé.

11. (1) For the purposes of any undertaking of the Commission (other than State coal mines) there shall be appointed in such manner and on such terms as the Governor in Council thinks fit a general manager of such undertaking who subject to the Commission shall have the management and control of the undertaking and may under the authority of the Commission appoint managers undermanagers engineers surveyors (geological or otherwise) and agents and shall on his own responsibility engage or discharge workmen and servants.

Managers
officers
employés of
undertakings
of the
Commission
(other than
State coal
mines).
No. 3776 s. 31.

(2) Such general manager during his continuance in office shall not engage in any employment other than in connexion with the duties of his office.

PART II.—FUNCTIONS AND PRINCIPAL UNDERTAKINGS OF THE COMMISSION.

12. Subject to the Minister the Commission shall administer this Act and shall have and may exercise the rights powers and authorities and discharge the duties conferred or imposed on it by this or any other Act.

Administra-
tion of Act.
No. 3776 s. 10.

Commission to administer the *Electric Light and Power Act*.
No. 3776 s. 11.

13. (1) Subject to this Act the Commission shall administer the *Electric Light and Power Act* 1958 and references to "the Minister" in any Orders made under the *Electric Light and Power Act* 1915 or any corresponding previous enactment shall unless the contrary intention appears be read as if there were substituted therefor a reference to the Commission.

Commission not affected by *Electric Light and Power Act*.
No. 3776 s. 29.

(2) The *Electric Light and Power Act* 1958 shall not be deemed or taken to hinder prevent restrict or affect the execution by the Commission of any powers duties or authorities conferred or imposed on it by or under this or any other Act, and (save as otherwise expressly provided in this Act) no electrical undertaking of the Commission shall be subject to the provisions of the *Electric Light and Power Act* 1958.

Undertaking at Morwell declared to have been approved by Governor in Council.
No. 3776 s. 12.

14. The scheme and undertaking (referred to in section ten of the *Electricity Commissioners Act* 1918) for an undertaking in the neighbourhood of Morwell and the distribution of electricity therefrom is hereby declared to have been approved by the Governor in Council.

Scheme for establishment of hydro-electric scheme at Kiewa and extension of Newport "B" generating system declared to have been approved by Governor in Council.
No. 4505 s. 2.

15. (1) The scheme for the extension of the State electricity generating system by the establishment of a hydro-electric scheme at Kiewa and the extension of the generating station of the Commission known as Newport "B" (which is more particularly described in the report of the Commission dated the twelfth day of June One thousand nine hundred and thirty-seven on the Extension of State Electricity Generating System for Requirements of System Load after 1940, furnished to the Minister and laid on the table of each House of Parliament) is hereby declared to have been approved by the Governor in Council.

Approval of scheme for extension of hydro-electric project at Kiewa.
No. 5272 s. 8.

(2) The scheme for the extension of the hydro-electric project established at Kiewa (which is more particularly described in the report of the Commission dated the twenty-first day of November One thousand nine hundred and forty-seven on the Extension of Kiewa Hydro-Electric Project from 117 Megawatts to 289 Megawatts and Matters related to the System Generating Capacity, furnished to the Minister and laid on the table of each House of Parliament) is hereby declared to have been approved, but such approval shall not be deemed to prevent the Commission from making such departures from details of the scheme as appear from time to time to be necessary or expedient.

Further development of brown coal briquette industry.
No. 5272 ss. 2, 4-7.
Approval of scheme.

16. (1) The carrying into effect by the Commission under the provisions of section twenty-one of this Act of the scheme for the further development of the brown coal briquette industry (which is more particularly described in the report of the Commission dated the thirteenth day of December One thousand nine hundred and forty-six on the Further Development of the Briquette Industry

based on the Brown Coal Resources in the Latrobe Valley furnished to the Premier of Victoria and laid on the table of each House of Parliament) is hereby declared to have been approved, but such approval shall not be deemed to prevent the Commission from making such departures from details of the scheme as appear from time to time to be necessary or expedient.

(2) If after completion by the Commission of the first stage of the project near Morwell referred to in the scheme so approved an Act of Parliament is passed whereby a public statutory corporation other than the Commission is constituted and authorized to undertake the production and distribution of fuel in Victoria, nothing in this section shall be deemed or taken to prejudice or affect the exercise of any powers or authorities conferred by Parliament on that corporation in relation to the production and distribution of fuel.

Saving as to powers and authorities of any future public statutory corporation undertaking production and distribution of fuel.

(3) Any railway necessary to be constructed as part of or in connexion with the scheme so approved shall not be deemed to be an authorized line within the meaning of the *Railway Lands Acquisition Act 1958*.

As to line of railway part of approved scheme.

(4) Notwithstanding anything in this Act or the *Lands Compensation Act 1958* the amount of purchase money or compensation payable for or in respect of the value of any land acquired or taken for the purpose of the scheme so approved shall be such amount as a *bona fide* purchaser proposing to use the land for the same purpose as that for which it was being used on the first day of January One thousand nine hundred and forty-eight would reasonably be expected to offer but there shall not be included in or added to that amount any allowance for or in respect of any actual or prospective increase in value arising from or by reason of the scheme so approved or any undertakings or works of the Commission or the exercise of any powers by the Housing Commission.^(a)

Value of land acquired for the purpose of the scheme.

(5) (a) If, in the opinion of the Commission, it becomes necessary, as the result of competition from other forms of fuel, to sell below cost price coal briquettes manufactured at Morwell, and at the end of any financial year the Auditor-General certifies that on this account a loss has been incurred by the Commission in that year in connexion with the production and sale of such coal briquettes, the Treasurer of Victoria shall as soon as may be pay to the Commission the amount of the loss so certified out of the Consolidated Revenue (which is hereby to the necessary extent appropriated accordingly):

Subsidy from Consolidated Revenue for briquetting losses and reimbursement out of profits.

Provided that if the Auditor-General certifies that in any financial year the Commission has made a profit from the production and sale of such coal briquettes the amount of profit so

(a) See also section 23 (2).

certified (or so much thereof as the case requires) shall be paid by the Commission to the Treasurer of Victoria in reimbursement or reduction of any amounts theretofore paid by the Treasurer of Victoria to the Commission as aforesaid.

Application of
ss. 111-112.
Regulations.

(b) The provisions of sections one hundred and ten and one hundred and eleven of this Act shall with such adaptations as are necessary extend and apply to the making of regulations for or with respect to encouraging and promoting the use of coal briquettes and requiring their use by statutory corporations and to such regulations when made.

Provision for
vesting of
Newport
"A" Power
Station in the
Commission.
No. 5272 s. 10.
And see No.
5554 s. 2.

17. The ownership of the generating station known as the Newport "A" Power Station of The Victorian Railways Commissioners situated at Newport together with all buildings plant equipment apparatus and circulating water channels appertaining to any process (from and including the receiving of fuel to the availability of electricity at the terminals of outgoing cables to substations of the said Commissioners) in the generation of electricity at Newport by the said Commissioners and the land on which the said station plant equipment apparatus and channels are erected or situated (with the exception of railway lines and sidings and of cables used to convey electricity from switch terminals at Newport to substations of the said Commissioners) is hereby declared to have vested in the Commission on the twenty-first day of January One thousand nine hundred and fifty-one with all necessary easements of way support and drainage for the reasonable use thereof; and the said Commissioners shall obtain from the Commission all electricity required by the said Commissioners.

Power to
Victorian
Railways
Commis-
sioners and
Commission
to agree as to
transfer to
Commission
of railway
sidings, &c.,
at Newport
"A" Power
Station.
No. 5864 s. 2.

18. (1) The Victorian Railways Commissioners and the Commission may from time to time with the approval of the Governor in Council enter into an agreement in writing with respect to the transfer, for such consideration (if any) as is expressed in the agreement, of—

- (a) all or any of the railway sidings at or connected with the Newport "A" Power Station, including all or any of the land on which each such siding is constructed or which is used in connexion therewith; and
- (b) all or any of the buildings, plant, machinery and equipment in or upon or used in connexion with the said sidings—

and with respect to the corresponding transfer to the Commission of an expressed amount of capital loan liability relating to the sidings, land, buildings, plant, machinery and equipment so transferred, and the said Commissioners and the Commission may at any time in like manner and with the like approval amend or vary any agreement so made.

(2) Where an agreement with respect to any such transfer has been entered into pursuant to the last preceding sub-section, the Governor in Council may by Order published in the *Government Gazette* vest in the Commission the sidings, land, buildings, plant, machinery and equipment agreed to be transferred which shall upon the publication of the Order for all the purposes of this Act or any Act relating to the said Commissioners become the property of the Commission and cease to be the property or under the jurisdiction of the said Commissioners, and the amount of loan liability to which the Order relates shall upon the said publication for all purposes relating to the public accounts be transferred to and borne by the Commission and all necessary entries shall be made in the appropriate accounts kept by the Treasury, the said Commissioners and the Commission.

Order in Council to give effect to agreement for transfer.

(3) Where any agreement entered into is amended or varied as hereinbefore provided, the Governor in Council may, in accordance with the amended agreement, re-vest any siding, land, building, plant, machinery or equipment in the said Commissioners and adjust the loan liability accordingly, and for the purposes of any such re-vesting and adjustment the provisions of the last preceding sub-section, with the appropriate modifications and adaptations, shall apply accordingly.

Order in Council to give effect to modification or amendment of transfer agreement.

19. (1) The Commission and the State Rivers and Water Supply Commission may from time to time with the approval of the Governor in Council enter into an agreement in writing with respect to the transfer from the State Rivers and Water Supply Commission to the Commission for such consideration (if any) as is expressed in the agreement of—

Transfer by agreement of certain land plant &c. from State Rivers and Water Supply Commission to S.E.C.
No. 6001 s. 4.

- (a) plant for and incidental to the generation of electricity at Red Cliffs and any land in connexion therewith;
- (b) houses at the Eildon township and any land in connexion therewith;
- (c) other plant equipment and buildings used in connexion with the construction of the Big Eildon Dam and any land in connexion therewith—

and with respect to the corresponding transfer from the State Rivers and Water Supply Commission to the Commission of an expressed amount of capital loan liability relating to the plant equipment buildings houses and land so transferred and the Commission and the State Rivers and Water Supply Commission may at any time and in like manner and with the like approval amend or vary any agreement so made.

Order in Council to give effect to agreement for transfer.

(2) Where an agreement with respect to any such transfer has been entered into pursuant to the last preceding sub-section, the Governor in Council may by Order published in the *Government Gazette* vest in the Commission any plant equipment buildings houses and land agreed to be transferred which shall upon the publication of the Order for all the purposes of this Act become the property of the Commission and cease to be the property or under the jurisdiction of the State Rivers and Water Supply Commission, and the amount of loan liability to which the Order relates shall upon the said publication for all purposes relating to the public accounts be transferred to and borne by the Commission and all necessary entries shall be made in the appropriate accounts kept by the Treasurer of Victoria, the Commission and the State Rivers and Water Supply Commission.

Order in Council to give effect to modification or amendment of agreement.

(3) Where any agreement so entered into is amended or varied as hereinbefore provided, the Governor in Council may, in accordance with the amended agreement, re-vest any plant equipment buildings houses and land in the State Rivers and Water Supply Commission and adjust the loan liability accordingly, and for the purposes of any such re-vesting and adjustment the provisions of the last preceding sub-section, with the appropriate modifications and adaptations, shall apply accordingly.

General powers and duties of Commission.
No. 3776 s. 13.

20. Subject to this Act the powers and duties of the Commission shall include the following:—

(a) To inquire into and report to the Minister as soon as practicable and from time to time as to—

- (i) the steps which in its opinion should be taken to secure the ultimate co-ordination or unification of all State or other electrical undertakings in Victoria, and to secure the adoption of such standards of plant and equipment and of system frequency and pressure for the generation distribution and supply of electricity as will admit of the efficient inter-connexion of such undertakings and interchange of electricity throughout the same and, generally, the safe economical and effective supply of electricity throughout Victoria, and to secure the amalgamation or concentration of such undertakings;
- (ii) the prospects of establishing in Victoria new industries requiring large quantities of cheap electrical energy; and
- (iii) any matters referred to the Commission by the Minister for report;

- (b) To encourage and promote the use of electricity and especially the use thereof for industrial and manufacturing purposes;
- (c) To carry out investigations surveys explorations and borings to ascertain the existence nature and extent of coal deposits or of water-power suitable for use in connexion with the generation of electricity, and to ascertain suitable sites for generating stations;
- (d) To carry out investigations as to the safest, most economical and effective means for promoting establishing extending and improving works for the generation distribution supply and use of electricity throughout Victoria, and particularly for industrial and manufacturing purposes;
- (e) To make recommendations for regulations to be made under this Act by the Governor in Council on the recommendation of the Commission;
- (f) To recommend to the Minister such amendments of existing legislation and such proposals for future legislation as it thinks desirable for carrying into effect any of the objects or purposes of or referred to in this Act.

21. (1) Subject to this Act the Commission may on behalf of Her Majesty—

- (a) construct maintain and work any electrical undertaking as defined in this Act;
- (b) supply electricity to any Commonwealth or State Government Department and to any public body or institution;
- (c) supply electricity in bulk to any undertaker or to any statutory corporation;
- (d) supply electricity to any person or body of persons corporate or unincorporate outside any area for which there was an order in force immediately prior to the seventh day of January One thousand nine hundred and nineteen;
- (e) in connexion with any such undertaking carry on any business usually associated with such an undertaking; and
- (f) open establish supervise operate and maintain open-cut workings for the production of raw brown coal briquetting works and by-product recovery works.

Powers of the Commission as to electrical undertakings.
No. 3776 s. 14;
No. 6001 s. 2.

(2) The Commission may—

- (a) purchase electricity in order to supply the same for any purpose for which it is authorized to supply electricity;

Powers of purchase and sale.

Further powers to supply electricity.

Second Schedule.

Power to transmit or supply electricity in N.S.W. and S.A.

Power to Commission and undertakers to trade in electrical apparatus.
No. 4770 ss. 3-6.

Power to Commission and undertakers to install wiring, fittings &c.

Power to Commission and undertakers to finance purchase of apparatus, installation of wiring &c.

(b) sell and dispose of coal pulverized coal briquettes or any by-products of its works and undertakings; and

(c) upon such terms and conditions as are agreed upon supply electricity in bulk to any undertakers corporations and persons or bodies of persons within the areas referred to in the Second Schedule to this Act.

(3) The Commission may with the consent of the appropriate authority of the State of New South Wales or of the State of South Australia transmit or supply electricity in that State and do all things necessary in that behalf.

22. (1) The Commission or any undertaker may carry on the business of trading in electrical apparatus and for that purpose may on such terms and conditions as it thinks fit—

(a) purchase take on hire sell or let for hire any electrical apparatus;

(b) install maintain repair and recondition any electrical apparatus; and

(c) enter into any agreement and provide any materials and work and do or perform any act matter or thing necessary or convenient in connexion therewith.

(2) The Commission or any undertaker may on such terms and conditions as it thinks fit—

(a) supply erect maintain repair and recondition service lines for the supply of electricity to any premises;

(b) install maintain repair and recondition electrical wiring or electrical fittings in any premises; and

(c) enter into any agreement and provide any materials and work and do or perform any act matter or thing necessary or convenient in connexion therewith.

(3) The Commission or any undertaker may on such terms and conditions as it thinks fit advance to any person money for or towards—

(a) the purchase or hiring by such person of any electrical apparatus;

(b) the installation maintenance repair or reconditioning of any electrical apparatus in the premises of such person;

- (c) the supply erection maintenance repair or reconditioning of any service line for the supply of electricity to the premises of such person; or
- (d) the installation maintenance repair or reconditioning of electrical wiring or electrical fittings in the premises of such person—

and may enter into any agreement necessary or convenient in connexion therewith.

(4) In this section—

Interpretation.

“Electrical apparatus” means any appliances fittings lamps or other apparatus designed for operation by electricity, and includes any articles or fittings of any kind for use in connexion with any such apparatus.

“Electrical apparatus.”

23. (1) For the purposes of this Act the Commission may acquire and take for the Crown by agreement or compulsorily such lands in the township of Morwell or within a radius of twenty miles therefrom as the Governor in Council from time to time by Order directs; and all lands so acquired and taken shall thereupon become and be deemed to be unalienated lands of the Crown.

Acquisition of lands at Morwell.

No. 3776 s. 15; No. 6122 s. 2.

(2) Notwithstanding anything in the *Lands Compensation Act 1958* or this Act the amount of purchase money or compensation payable for or in respect of the value of any land (other than any land referred to in sub-section (4) of section sixteen of this Act) acquired or taken pursuant to sub-section (1) of this section shall be such amount as a *bona fide* purchaser proposing to use the land for the same purpose as that for which it was being used on the first day of January One thousand nine hundred and fifty-four would reasonably be expected to offer; but there shall not be included in or added to that amount any allowance for or in respect of any actual or prospective increase in value arising from or by reason of any undertakings or works of the Commission or the exercise of any powers by the Housing Commission.

24. For any of the purposes of this Act the Governor in Council may (notwithstanding anything in any Act) in the name and on behalf of Her Majesty grant to the Commission for an estate in fee simple or any less estate or permit the Commission to occupy and use but subject in every case to such terms covenants conditions reservations restrictions and exceptions (if any) as the Governor in Council thinks fit all or any of the lands acquired and taken for the Crown pursuant to the last preceding section of this Act or any corresponding previous enactment or (subject to sections eighteen and nineteen of the *Land Act 1958*) any other unalienated lands of the Crown.

Power to vest &c. Crown lands in Commission.

No. 3776 s. 16 (2).

Leases and licences for hydro-electric undertakings.
No. 3776 s. 17.

25. (1) (a) The provisions of Division two of Part IV. of the *Water Act 1958* shall for the purposes of any undertaking for the generation of electricity by water-power extend and apply so as to authorize the granting to any undertaker, for a term not exceeding fifty years, of all or any of the leases or licences referred to in the said Division and the provisions of the said Division shall so far as applicable and with such adaptations as are necessary extend and apply with respect to every lease or licence so granted and be read and construed and take effect accordingly.

(b) Every such lease or licence may be granted in manner provided for in and subject to the requirements of the said Division and may contain such further covenants terms conditions and restrictions as the Governor in Council on the recommendation of the Commission thinks fit; and every such lease or licence and the lessee or licensee and the executors administrators or assigns of every such lessee or licensee shall also be subject to any regulations under this Act so far as the same are applicable.

Leases and licences of Crown lands for electric lines.

(2) Every lease or licence granted under Part VIII. of the *Land Act 1958* may contain such further covenants terms conditions and restrictions as the Governor in Council on the recommendation of the Commission thinks fit; and every such lease or licence and the lessee or licensee and the executors administrators and assigns of every such lessee or licensee shall be subject to any regulations made under this Act so far as the same are applicable.

Power to authorize compulsory purchase of land by undertakers in certain cases.
No. 3776 s. 18.

26. (1) Wherever it is made to appear to the Commission, after hearing the parties or having given them an opportunity to be heard, that it is necessary or desirable that any land (including any easement right or privilege in over or affecting any land) should be compulsorily purchased taken or used by any undertaker for the purposes of the undertaking of such undertaker, it may under its seal certify the same to the Governor in Council, specifying the land proposed to be so purchased taken or used and the purposes for which the same is required.

(2) When any such certificate has been approved by the Governor in Council it shall be lawful for the undertaker the agents and workmen thereof and all other persons authorized by the undertaker to enter into and upon such land and to take possession and appropriate the same for the purposes mentioned in such certificate in manner provided for the resumption of land by the Board of Land and Works under the *Lands Compensation Act 1958*, and subject to all the conditions imposed by the said Act, and full satisfaction shall be made by the undertaker in manner provided by the said Act to all persons interested in the said land.

(3) In the construction of the said Act, for the purposes of this section the expressions "the Board" or "the Board of Land and Works" shall mean the undertaker and the expression "Special Act" shall mean this section.

PART III.—PROVISIONS RELATING TO YALLOURN.

27. In this Part unless inconsistent with the context or subject-matter—

Interpretation.
No. 5219 s. 2.

"Advisory council" means the Yallourn Town Advisory Council constituted under this Part.

"Advisory council."

"Prescribed" means prescribed by this Part or regulations made under this Part.

"Prescribed."

Yallourn Works Area.

28. (1) The Yallourn works area (being the area occupied by the works of the Commission at Yallourn as defined by proclamation of the Governor in Council published in the *Government Gazette*) shall not form portion of any municipal district.

Yallourn works area and powers of the Commission.
No. 3776 s. 20;
No. 5219 s. 13.

(2) For the purposes of the *Police Offences Act* 1958 and any other Act or enactment specified from time to time as occasion requires for the purposes of this sub-section by proclamation of the Governor in Council published in the *Government Gazette*, the Yallourn works area shall be deemed to be a borough, and in respect of such area the Commission shall be deemed to be a municipal council or a local authority (as the case requires).

(3) Subject to this Act the Commission—

(a) shall be the sole authority in respect of and in relation to all works of every description (other than roads under the control of the Country Roads Board) in the Yallourn works area; and

(b) may if it thinks proper exercise in that area all or any of the powers (whether under the *Local Government Act* 1958 or any other Act) of a municipal council of a borough as if that area were its municipal district.

(4) In addition to or in lieu of any powers under the last preceding sub-section the Commission may establish, provide, construct, erect, maintain, repair, control, alter, close, divert and remove as it thinks proper works, buildings, houses, erections, roads (not being roads under the control of the Country Roads Board), streets, bridges, culverts, electricity gas and water supplies, sewerage and drainage works, works and organizations for protection against and prevention of fire and flood, and other

like works and services in the Yallourn works area, and beautify any part of that area and make any part suitable for recreation and other public purposes.

(5) The Yallourn works area may be re-defined from time to time by proclamation of the Governor in Council published in the *Government Gazette* and upon such publication the foregoing provisions of this section shall apply to the area as so re-defined.

Power to
Commission
to let houses
&c.
No. 3776 s. 21.

29. Until Parliament otherwise provides the Commission may subject to such terms covenants and conditions as it thinks fit let any house or building erected by it under the last preceding section or any corresponding previous enactment.

Yallourn Town Advisory Council.

Constitution
of Yallourn
Town
Advisory
Council.
No. 5219 s. 3.

30. (1) For the purposes of this Part there shall be an advisory council to be known as the Yallourn Town Advisory Council constituted as hereinafter provided.

(2) The advisory council shall consist of seven members of whom four (hereinafter referred to as the "appointed members") shall be appointed by the Governor in Council, and three (hereinafter referred to as the "elected members") shall be elected as hereinafter provided.

(3) Of the members so appointed—

(a) one shall be an independent person who shall be chairman;

(b) three shall be persons nominated by the Commission.

(4) An officer of the public service may be appointed to be the chairman.

(5) The elected members shall—

(a) be elected as prescribed by persons whose names appear on a roll prepared as prescribed of adult persons who are resident in the Yallourn town area; and

(b) be persons whose names appear on that roll.

Yallourn
town area.

(6) The Yallourn town area shall be such portion of the Yallourn works area as is from time to time defined as such by the Governor in Council by proclamation published in the *Government Gazette*.

Term of
office of
members of
Yallourn
Advisory
Council.
No. 5219 s. 4.

31. Subject to this Part each member of the advisory council—

(a) shall hold office for a term of three years from the date of his appointment or election (as the case may be); and

(b) shall be eligible for re-appointment or re-election.

32. The office of any member of the advisory council shall become vacant—

Vacancies.
No. 5219 s. 5.

- (a) at the expiration of his term of office;
- (b) if he dies;
- (c) if he is incapable of continuing a member;
- (d) if he resigns in writing under his hand addressed to the Governor in Council;
- (e) if without leave granted by the advisory council he fails to attend three successive meetings of the advisory council.

33. (1) If the office of chairman or of any other appointed member of the advisory council or of any elected member of the advisory council becomes vacant otherwise than by the retirement of such member at the expiration of his term of office a person shall be appointed or elected (as the case requires) to fill such extraordinary vacancy.

Extraordinary
vacancies.
No. 5219 s. 6

(2) Any person appointed or elected to fill any such extraordinary vacancy shall subject to this Part be entitled to hold office for the remainder of the term of office of the person in whose place he is appointed or elected.

34. (1) The Governor in Council may appoint for a period of not more than six months a qualified person to act in the place of the chairman if the chairman is absent from Victoria or, through illness or other incapacity or any other reason, is incapable of or unavailable for discharging his duties as chairman.

Acting
chairman.
No. 5219 s. 7.

(2) An acting chairman shall have the powers and discharge the duties of the chairman until the chairman's return to Victoria or the removal of the chairman's incapacity or unavailability or the expiry of the appointment of the acting chairman, whichever first happens.

35. (1) The chairman of the advisory council shall preside at all meetings of the council at which he is present and in his absence the appointed member who is senior in appointment shall preside.

Chairman to
preside.
No. 5219 s. 8.

(2) Four members of the advisory council shall form a quorum.

Quorum.

(3) At any meeting of the advisory council at which a quorum is present the decision of the majority of the members of the council shall be the decision of the council.

Decisions of
council.

(4) During any vacancy in the office of member of the advisory council the continuing members may subject to there being a quorum act as if no vacancy had occurred.

Effect of
vacancy in
office of
member.

Casting vote of chairman.

(5) The chairman of the advisory council shall have a deliberative vote and in the event of equality of votes a casting vote.

Proceedings.

(6) Subject to this Part and the regulations the advisory council may regulate its own proceedings.

Commission to provide meeting place office accommodation and secretarial assistance for advisory council.
No. 5219 s. 9.

36. (1) The Commission shall provide a suitable place for meetings of the advisory council sufficient office accommodation and such secretarial assistance as is necessary.

(2) The Commission shall select a fit and proper officer of the Commission who is acceptable to the advisory council to be secretary to the advisory council.

(3) The secretary shall perform such duties and keep such records of all meetings of the advisory council and such other records as the council directs.

Chairman's salary.
No. 5219 s. 10.

37. (1) The chairman of the advisory council shall be paid from the Consolidated Revenue (which is hereby to the necessary extent appropriated accordingly) such allowance as is fixed by the Governor in Council before his appointment and such reasonable travelling expenses as are prescribed.

Other expenses.

(2) All other costs and expenses of the advisory council shall be paid from the general fund of the Commission.

Commission to furnish annual statement relating to works estimates and policy in Yallourn town area.
No. 5219 s. 11.

38. The Commission shall before the end of every financial year ending on the thirtieth day of June furnish to the advisory council a statement in respect of the financial year next ensuing setting out—

- (a) developmental maintenance and capital work proposed to be carried out in the Yallourn town area;
- (b) an estimate of expenditure on such proposed work;
- (c) any proposed variation of policy affecting the life health welfare or amenities of residents in the Yallourn town area.

Functions of advisory council to make by-laws and to make recommendations.
No. 5219 s. 12.

39. (1) The functions of the advisory council shall be—

- (a) to make by-laws having operation within the Yallourn town area upon such subject-matters as are prescribed; and
- (b) to make recommendations to or advise the Commission (either on its own motion or on reference to it by the Commission) in relation to any matters to be or not to be carried out in the Yallourn town area affecting the life health welfare or amenities of residents in that area.

(2) The following provisions shall apply to and in relation to such by-laws:— As to by-laws.

- (a) The prescribed subject-matters with which by-laws are to deal shall be limited to such matters (whether under the *Local Government Act 1958* or any other Act) upon which a municipal council could make by-laws if the Yallourn town area were its municipal district;
- (b) Every by-law shall be deemed to be made by the advisory council as a delegate of the Commission and when approved by the Governor in Council it shall be the responsibility of the Commission to carry such by-law into effect;
- (c) The power of the council to make by-laws shall not extend to the making of any by-law which would hinder or impair the establishment construction or operation of any undertaking works or workings of the Commission;
- (d) No by-law shall have any force or effect until it is approved by the Governor in Council;
- (e) By-laws may make provision for penalties for breaches thereof;
- (f) By-laws when approved as aforesaid shall have the force of law.

(3) The following provisions shall apply to and in relation to recommendations made by the advisory council:— As to recommendations.

- (a) Every recommendation shall in the first instance be transmitted in writing to the General Superintendent at Yallourn;
- (b) Where the Commission considers it unreasonable or impracticable or unduly expensive to give effect to any recommendation it shall as soon as may be notify the advisory council in writing accordingly;
- (c) Where there is any difference of opinion between the Commission and the advisory council as to what effect (if any) should be given to any recommendation, the Minister may, if the advisory council so requests, refer the matter to the Governor in Council for determination, and the determination of the Governor in Council shall be final:

Provided that no matter shall be referred to the Governor in Council for determination in any case where the giving effect to the recommendation—

- (i) would in the opinion of the Minister hinder or impair the establishment construction or operation of any undertakings works or workings of the Commission; or

(ii) would require the exercise by the Commission of any power not conferred upon the Commission by this Act.

Regulations.
No. 5219 s. 14.

40. (1) The Governor in Council may make regulations for or with respect to any matters or things which are by this Part required or permitted to be prescribed or which are necessary or expedient to be prescribed for carrying out or giving effect to this Part.

Publication.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament; and a copy of all such regulations shall be posted to each member of Parliament.

PART IV.—PROVISIONS RELATING TO COUNCILS AND OTHER UNDERTAKERS AND EXTRA-METROPOLITAN MUNICIPALITIES.

Power of
Commission
to contract
with municipal
councils for
supply of
electricity &c.
No. 3776 s. 22

41. (1) Any council being an undertaker may apply to the Commission for the transmission and supply to the council of electricity for the use of the council for all or any of the purposes for which the council is authorized to supply electricity within any area by order under the *Electric Light and Power Act 1958* or any corresponding previous enactment.

(2) The Commission may thereupon furnish to the council a statement of the terms and conditions upon which electricity will be supplied to the council by the Commission at the point or points of delivery to the council and may furnish to the council plans and specifications of the works plant machinery and appliances necessary for the distribution of such electricity by the council and an estimate of the cost thereof and such other information as the Commission deems advisable.

(3) The council shall pay to the Commission such fees as the Commission demands for furnishing to the council the plans specifications and estimates aforesaid.

(4) The Commission and the council may enter into any agreement for the construction of the works and the erection of the plant machinery and appliances necessary for the distribution of electricity by the council and for the supply to the council of electricity under this section.

(5) Neither the Commission nor any commissioner shall incur any liability by reason of any error or omission in any plans specifications or estimates prepared or furnished as aforesaid.

(6) The rates chargeable by any undertaker (whether a council or not) receiving and distributing electricity supplied by the Commission shall at all times be subject to the approval and control of the Commission.

Rates chargeable to be approved by Commission.

42. (1) Notwithstanding anything in sections forty-five and forty-six of the *Electric Light and Power Act 1958* the Commission with the approval of the Governor in Council and after such inquiries have been made as the Minister thinks fit may at any time enter into negotiations with any undertakers referred to in those sections with a view to the sale by the undertakers to the Commission of the whole of their undertaking, and in the event of the undertakers agreeing to sell the undertaking to the Commission the Commission (to the exclusion of any council or councils) shall be entitled to purchase the same upon the same terms as any council or councils would have to pay and at any time at which any such council or councils would be entitled to require the undertakers to sell the same under those sections.

Power to Commission to acquire undertakings by agreement in certain cases.

No. 3776 s. 23.

(2) Subject to and for the purposes of this section the provisions of sub-sections (1) (2) (3) (4) and (6) of the said section forty-five and the said section forty-six shall take effect as if for any reference therein to any council either alone or in conjunction with any other council there were substituted a reference to "the Commission."

43. (1) In addition to the powers conferred by the last preceding section and notwithstanding anything in sections forty-five and forty-six of the *Electric Light and Power Act 1958* or in the *Tramways Act 1958* or any corresponding previous enactments or any Order in Council under either of the said Acts or under any such enactment—

Further power of purchase of undertakings by the Commission.

No. 3776 s. 24.

- (a) the Commission (to the exclusion of any municipal council or councils) may at any time enter into an agreement with any undertaker referred to in the said sections forty-five and forty-six for the purchase by the Commission and any such undertaker may enter into an agreement with the Commission for the sale to the Commission of the whole or any part of any undertaking of such undertaker under the *Electric Light and Power Act 1958* and any tramway undertaking under the *Tramways Act 1958* operated in conjunction therewith; and
- (b) the Commission and any such undertaker and any municipality or municipalities may enter into an agreement for the transfer to and operation by such municipality or municipalities of any such tramway undertaking.

(2) No agreement shall be entered into under this section without the approval of the Governor in Council nor until such inquiries have been made as the Minister thinks fit; and every such agreement shall be subject to ratification by Parliament in such form as Parliament thinks fit.

(3) Subject to such ratification and unless and until Parliament otherwise provides—

- (a) the Commission may carry on and operate any such undertaking or part thereof (other than any tramway undertaking or part thereof) so purchased; and
- (b) for the purposes of this sub-section the provisions of section twenty-one of this Act shall extend and apply so as to authorize the Commission to carry on and operate any undertaking or part thereof to which this sub-section applies and for that purpose to supply electricity to any persons or bodies of persons corporate or unincorporate whether there was or was not an Order in force immediately prior to the seventh day of January One thousand nine hundred and nineteen for the supply of electricity by the said or any other undertaker within any area supplied by such undertaking or part thereof.

Consent of Commission for certain new works or extensions of works by undertakers.
No. 3776 s. 25.

44. Notwithstanding anything in any Act or in any Order in force at the commencement of the *State Electricity Commission Act 1920* it shall not be lawful for any undertaker to establish any new or to extend any existing generation station or main transmission line without the consent of the Commission.

Provisions as to supply of electricity by the Commission to extra-metropolitan areas.
No. 3776 s. 26.
Applications by councils.

45. (1) The municipalities with respect to which the provisions of this section apply are municipalities no part of the several municipal districts of which is within twenty-five miles from the nearest point of the boundary of the city of Melbourne.

(2) The council of any such municipality or the councils of two or more such municipalities acting in conjunction may apply to the Commission for the supply of electricity pursuant to this section within any area specified in the application (being the whole or any part or parts of the municipal district or districts of such municipality or municipalities) in either or both of the following ways:—

- (a) The supply of electricity by the Commission in bulk to undertakers or public statutory corporations; or
- (b) The supply of electricity by the Commission (whether in bulk or otherwise) to persons or bodies of persons corporate or unincorporate other than undertakers or public statutory corporations.

(3) Upon receipt of any such application the Commission—

(a) shall inquire into the subject-matter thereof and particularly into—

- (i) the probable demand for electricity within the area;
- (ii) the probable expansion of such demand; and
- (iii) the cost of supplying electricity in accordance with the application including all costs and charges of or incidental to the supply;

(b) shall determine a scale of charges to be made for electricity so supplied which will in its opinion encourage the use of electricity within the area and particularly for industrial and manufacturing purposes; and

(c) shall report to the Minister the result of every such inquiry and determination.

(4) If on any such inquiry the Commission is satisfied that the probable demand will be such that the annual revenue obtainable from the supply of electricity according to the scale of charges so determined will be sufficient to pay the total annual cost to the Commission of or incidental to the supply it may recommend that the necessary works be provided and constructed by the Commission; and if such recommendation is approved by the Governor in Council—

(a) the authorization of such works shall become absolute; and

(b) the Commission shall thereupon carry out such works and for the execution thereof may enter into all such contracts and take all such steps as it thinks necessary or proper.

(5) If on any such inquiry the Commission is not satisfied as aforesaid but is satisfied that there is a reasonable prospect of such an expansion of the demand as will according to the scale of charges so determined produce within ten years an annual revenue sufficient to pay the total annual cost to the Commission of supplying electricity as aforesaid the Commission may report to the Minister the estimated annual loss during the said period of ten years arising from such supply.

(6) If the Minister the Commission and the municipality or municipalities concerned agree that the amount of any loss arising in each of the said ten years shall be made good as hereinafter provided—

(a) the Commission may recommend to the Minister that the necessary works be provided and constructed by the Commission but the Commission shall not make such a recommendation in any case where

Commission to inquire, determine scale of charges, and report to Minister.

Power to proceed with works where revenue estimated as sufficient to pay annual cost.

Commission to report to Minister if estimated revenue not sufficient.

Power to the Minister, the Commission and the municipalities to enter into agreement.

the estimated annual loss during the said period of ten years arising from such supply will together with the annual loss arising from the supply of electricity in accordance with any other agreement or agreements (if any) under this section exceed Thirty thousand pounds;

(b) upon any such recommendation being made a responsible Minister of the Crown having a seat in the Legislative Assembly may introduce a Bill into the Legislative Assembly to sanction the carrying out of such works;

(c) any such Bill may provide for the carrying out of any works included in any one or more recommendations as aforesaid;

(d) upon the passing by Parliament of any such Bill in such form as Parliament thinks fit —

(i) the authorization of such works shall become absolute; and

(ii) the Commission shall thereupon carry out such works and for the execution thereof may enter into all such contracts and take all such steps as it thinks necessary or proper;

(e) the amount of any loss in each of the said ten years arising from such supply shall be finally and conclusively determined by the Commission, and shall be made good as follows:—

(i) One-third of such amount shall be borne by the Commission;

(ii) One-third shall be paid to the Commission by the municipality or municipalities concerned; and the sum to be paid by each such municipality (if more than one) shall in default of agreement between such municipalities be determined by the Commission and every such determination shall be final and conclusive; and

(iii) One-third shall be paid to the Commission out of moneys provided by Parliament for the purpose:

Provided that the total amount payable out of moneys so provided by Parliament shall not in any one year exceed Ten thousand pounds in respect of all such agreements as aforesaid as are for the time being in force.

Bill to sanction works.

How amount of annual loss is to be provided.

Limit of total annual amount payable out of moneys provided by Parliament.

(7) Electricity supplied by the Commission pursuant to this section may be supplied by transmission from any power house or terminal station or sub-station of the Commission.

Supply of electricity by the Commission.

(8) Where pursuant to this section electricity is supplied by the Commission all works and electric lines for the supply of the same at a pressure exceeding four hundred and fifty volts shall be constructed and operated exclusively by the Commission.

Commission to construct and operate all lines &c. where pressure exceeds 450 volts.

(9) For the purposes of this section the provisions of section twenty-one of this Act shall extend and apply so as to authorize the supply of electricity by the Commission pursuant to this section within any area aforesaid whether there was or was not an Order in force immediately prior to the seventh day of January One thousand nine hundred and nineteen for the supply of electricity within such area:

Extension of authority to supply electricity for purposes of this section and within areas for which Orders in force.

Provided that in any case where an undertaker is authorized to supply electricity within such area such supply of electricity by the Commission shall be subject to the prior consent of such undertaker.

(10) Where any works are authorized pursuant to this section the costs and expenses of any inquiry relating thereto by the Commission under this section shall be borne and paid by the Commission; but if after any inquiry under this section the works to which the inquiry relates are not authorized the costs and expenses of the inquiry shall be repaid to the Commission by the municipality or municipalities concerned, and the sum to be paid by each such municipality (if more than one) shall in default of agreement between such municipalities be determined by the Commission and every such determination shall be final and conclusive.

Costs and expenses of inquiries under this section.

(11) All moneys payable by any municipality under this section shall be paid out of the municipal fund; and the council, for the purpose of repaying into the municipal fund any moneys so paid out of that fund, may increase the general rates in respect of the rateable properties within so much of its municipal district as forms or is included within the area specified in the application aforesaid notwithstanding any statutory limit for such rates.

Payments out of municipal fund; with power to increase rates.

PART V.—ELECTRICAL INSTALLATION APPLIANCES AND WIRING.

46. In this Part unless inconsistent with the context or subject-matter—

Interpretation.
No. 4220 s. 2.

“Electrical contracting” means contracting or undertaking to carry out the installing of any electrical installation.

“Electrical contracting.”

“Electrical installation” means any appliances wires fittings or other apparatus placed in on or over any premises and used for or for purposes incidental to the

“Electrical installation.”

conveyance control or use of electricity supplied or intended to be supplied by the Commission or any undertaker, and whether such appliances wires fittings or apparatus are or are not supplied by the person contracting or undertaking to install the same and includes additions alterations and repairs to an electrical installation; but does not include—

- (a) any electricity supply main or service line of the Commission or any undertaker;
- (b) any appliances wires fittings or apparatus connected to and beyond any electrical outlet socket which is installed for the purpose of connecting portable electrical appliances fittings or apparatus and at which fixed wiring terminates; or
- (c) any appliances wires fittings or apparatus which are placed in on or over any premises owned or occupied by the Commission or any undertaker and which are not used for the consumption of electricity on such premises or solely for purposes incidental to the conveyance or control of electricity so consumed.

“ Electrical wiring work.”

“ Electrical wiring work ” means the actual physical work of installing an electrical installation and the supervision of such work.

No person to undertake electrical contracting &c. unless registered.
No. 4220 s. 3.

47. (1) Subject to this Part no person (either by himself or as a member of a partnership) unless he is registered as an electrical contractor pursuant to this Part—

- (a) shall exercise or carry on or advertise notify or state that he exercises or carries on or is willing to exercise or carry on the business of electrical contracting;
- (b) shall contract or undertake to carry out or in any way hold himself out to the public as willing to carry out the installing of any electrical installation; or
- (c) shall employ any person as a servant in the carrying out of any electrical wiring work except that an employer, who regularly and continuously in the normal course of his business employs an electrical mechanic licensed under this Part, may employ him to carry out in premises owned or occupied by such employer any electrical wiring work in connexion with additions alterations or repairs to an existing electrical installation which such mechanic's licence authorizes him to perform.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence against this Part.

48. Nothing in the last preceding section shall be construed as prohibiting—

Saving in certain cases.
No. 4220 s. 4.

(a) an electrical mechanic licensed under this Part who holds a licence of the appropriate grade from—

(i) carrying out electrical wiring work in premises of which he is the owner or *bona fide* occupier; or

(ii) repairing replacing or renewing fuses flexible cords lampholders plug-sockets switches and cutouts forming part of an electrical installation if such electrical mechanic is authorized in writing in that behalf by the Commission for the reason that in its opinion such service to consumers of electricity is necessary or that the services of an electrical contractor are not readily procurable or for such other reason as the Commission deems desirable; or

(b) any person engaged as a builder from undertaking electrical contracting as part of a contract for building work if the contract for the electrical wiring work is sub-let to an electrical contractor registered pursuant to this Part.

49. It shall be an implied condition of every contract made with the owner or occupier of the premises (whether such contract relates wholly or partly to any electrical installation to be carried out on such premises) that the quality of the materials fittings and apparatus to be used in connexion with such electrical installation and the methods to be followed in installing such electrical installation shall be in accordance with regulations made under this Act.

Implied condition of contracts relating to electrical installations.
No. 4220 s. 5.

50. (1) There shall be a registrar of electrical contractors appointed by the Commission who shall keep a register in the prescribed manner and form of the several classes of electrical contractors registered pursuant to this Part and of renewals suspensions and cancellations of registrations of electrical contractors.

Register of electrical contractors.
No. 4220 s. 6.

(2) The registration or renewal of registration of every electrical contractor registered pursuant to this Part shall unless suspended or cancelled continue in force until the thirtieth day of June next following the date of such registration or renewal and no longer.

Duration of registration.

Before refusal
suspension or
cancellation
of registration
full inquiry
and
opportunity
for appearing
before
Commission
afforded.

(3) Before the registration of any person as an electrical contractor pursuant to this Part is refused suspended or cancelled the Commission shall cause full inquiry to be made into the matter and shall afford such person an opportunity of appearing before the Commission.

Corporations.

(4) No person being a corporation shall be or continue to be registered as an electrical contractor pursuant to this Part unless a director or an employé approved by the Commission of the said corporation is a holder of an electrical mechanic's licence under this Part of the grade requisite for the class of registration of the corporation.

Regulations.

(5) The Governor in Council on the recommendation of the Commission may make regulations for or with respect to—

- (a) the registration of electrical contractors of different classes including the conditions under which such registration will be granted;
- (b) reasonable fees to be paid—
 - (i) for the registration of electrical contractors of different classes;
 - (ii) for the annual renewal of such registrations;
- (c) the suspension or cancellation of the registration of any electrical contractor and the restoration of the registration of any electrical contractor whose registration has been suspended or cancelled.

Power of
Governor in
Council to
prescribe
classes or
types of
electrical
apparatus &c.
which shall
not be sold
&c. unless
approved
by the
Commission
and stamped
or labelled.
No. 4220 s. 7;
No. 4480 s. 2.
No. 5635 s. 2.

51. (1) The Governor in Council may on the recommendation of the Commission by Order published in the *Government Gazette* prescribe any class or type of appliance fitting wire or other apparatus or material intended suggested or designed for use in or for purposes of or for connexion to any electrical installation, which shall not after a date specified in such Order be sold hired or exposed for sale or hire or advertised for sale or hire unless such appliance fitting wire or other apparatus or material of that class or type has been approved by the Commission and is stamped or labelled as prescribed.

Contravention
an offence.

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

(3) For the purposes of this section the approval of the Commission may be signified by approval of samples or specifications of such appliances wires fittings or other apparatus or material or by any other means which the Commission thinks proper.

Approval by
Commission.

(4) Subject to this section the Commission may withdraw any approval given under this section.

Withdrawal
of approval.

(5) Before any approval of any appliance fitting wire or other apparatus or material intended suggested or designed for use in or for the purposes of or for connexion to any electrical installation is granted or withheld or withdrawn by the Commission the Commission shall refer the matter to an Electrical Approvals Board constituted as hereinafter provided:

Reference to
Electrical
Approvals
Board.

Provided that where any appliance fitting wire or other apparatus or material has been approved by a duly constituted authority in another State of the Commonwealth for sale the Commission may approve the appliance fitting wire or other apparatus or material without referring the matter to the said Board, and such approval may if the Commission thinks proper take the form of an adoption of the approval of such duly constituted authority.

(6) The said Board shall consider the matter and after examination or test of such appliance fitting wire or other apparatus or material shall in writing report upon the matter and recommend to the Commission whether or not such approval should be granted or withheld or withdrawn (as the case may be).

Report of
said Board.

(7) The Commission shall be bound by the recommendations of the said Board except in cases where the Commission is of opinion that if approval is granted or is not withheld or is not withdrawn (as the case may be) the use of the appliance fitting wire or other apparatus or material concerned will injuriously affect the operation of the distribution system of any undertaker or the supply of electricity in or in connexion with any electrical installation:

As to
Commission
being bound
by recom-
mendations of
said Board.

Provided that in any case where the Commission is bound by any such recommendation any person aggrieved by the granting withholding or withdrawal of any approval under this section may appeal to the Commission within such time and upon such conditions as are prescribed and the Commission shall afford such person an opportunity of appearing before it; and after hearing such appeal the Commission may without being bound as aforesaid and notwithstanding the foregoing provisions of this sub-section grant or withhold or withdraw (as the case may be) such approval.

Constitution
of said Board.

(8) For the purposes of this section there shall be a Board to be called the "Electrical Approvals Board" consisting of seven members appointed by the Commission, of whom—

- (a) one, nominated by the Commission, shall be appointed as chairman;
- (b) one shall be appointed as representing the interests of undertakers;
- (c) one shall be appointed as representing the interests of the wholesale electrical traders of Victoria;
- (d) one shall be appointed as representing the interests of the manufacturers in Victoria of electrical goods;
- (e) one shall be appointed as representing the interests of the electrical contractors;
- (f) one shall be appointed as representing the interests of fire underwriters; and
- (g) one shall be appointed as representing the workers in the electrical trade:

Provided that each of the several members appointed under paragraphs (b) (c) (d) (e) (f) and (g) shall be selected from a panel furnished to the Commission and consisting of three persons nominated as follows:—

Under paragraph (b), jointly by undertakers;

Under paragraph (c), by the body known as The Electrical and Radio Federation (Victoria);

Under paragraph (d), by the body known as the Victorian Chamber of Manufactures;

Under paragraph (e), by the body known as The Electrical and Radio Federation (Victoria);

Under paragraph (f), by the body known as the Fire Underwriters Association of Victoria;

Under paragraph (g), by the body known as the Electrical Trades Union of Australia (Victorian Branch):

Provided further that in default of the furnishing of any such panel within fourteen days after a request in that behalf by the Commission to the bodies respectively concerned such member may be appointed by the Commission without such panel being furnished:

Provided further that if the Minister is satisfied that any of the bodies, on which a power of nomination (whether jointly or in severalty) is conferred as aforesaid or by reason of the operation of this proviso, is dissolved or ceases to exist or ceases

to be representative of the interests or persons respectively hereinbefore referred to, that power of nomination theretofore enjoyed by that body shall be transferred to such body (whether of the same name or otherwise) as appears to the Minister to be most properly or nearly representative of the interests or persons respectively hereinbefore referred to.

(9) The Governor in Council on the recommendation of the Commission may make regulations for or with respect to— Regulations.

- (a) the examination testing and approval and the withholding and withdrawal of approval and the marking or labelling of such appliances fittings wires apparatus or materials;
- (b) reasonable fees to be charged for such examination and testing and for reports in respect of such appliances fittings wires apparatus or materials;
- (c) the appointment and tenure of members of the Electrical Approvals Board and the proceedings of the said Board;
- (d) prescribing penalties (not exceeding Ten pounds in any case) for breaches of the regulations; and
- (e) prescribing any matters or things required to be prescribed for the purposes of this section or necessary or expedient to be prescribed for carrying the purposes of this section into effect.

52. (1) If in the opinion of the Electrical Approvals Board any appliance fitting wire or other apparatus intended suggested or designed for use in or for the purposes of or for connexion to any electrical installation would be or would become unsafe or dangerous in use the Commission notwithstanding anything in the last preceding section may in cases of emergency upon the recommendation of the said Board and with the approval of the Governor in Council prohibit the sale hire or use of any appliances fittings wires or other apparatus of that description by notices as hereinafter provided.

Power to Commission in cases of emergency to prohibit the sale &c. or use of unsafe or dangerous electrical apparatus &c.
No. 4220 s. 8;
No. 5635 s. 3.

(2) Every notice shall—

- (a) be in writing;
- (b) contain a description of the appliance fitting wire or other apparatus; and
- (c) contain a direction prohibiting the person to whom it is addressed from selling hiring exposing for sale or hire or advertising for sale or hire or (as the case may be) from using appliances fittings wires or other apparatus of the description specified in the notice.

Notice of prohibition.

Contravention
an offence.

(3) Every person who after receiving such a notice sells hires exposes for sale or hire or advertises for sale or hire causes to be sold or hired or exposed for sale or hire or advertised for sale or hire or (as the case may be) uses any appliance fitting wire or other apparatus of the description specified in the notice shall be guilty of an offence against this Part.

Offences by
corporations.
No. 4220 s. 9.

53. Where a person convicted of an offence against this Part or the regulations made under this Part is a corporation the chairman and every director or member of the governing body and every officer concerned in the management of the said corporation shall be guilty of a like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

Penalties.
No. 4220 s. 10.

54. Any person who is guilty of an offence against this Part for which no penalty is specially provided shall be liable—

- (a) for a first offence to a penalty of not less than Two pounds and not more than Twenty-five pounds;
- (b) for a second offence to a penalty of not less than Five pounds and not more than Fifty pounds; and
- (c) for a third or any subsequent offence to a penalty of not less than Ten pounds and not more than One hundred pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment.

Licensing of
electrical
mechanics to
carry out &c.
electrical
wiring work.
No. 3776
s. 19;
No. 4220 s. 11
(1).

55. (1) The Commission may subject to regulations made under this section grant licences and renewals of licences to electrical mechanics to carry out or engage in electrical wiring work.

Duration of
licence.

(2) Every such licence or renewal shall unless suspended or cancelled continue in force until the thirty-first day of December next following the issue or renewal thereof and no longer.

Penalty.

(3) Any person who carries out or engages in electrical wiring work shall unless he is licensed as an electrical mechanic pursuant to this section be liable to a penalty of not more than Twenty-five pounds.

Regulations.

(4) The Commission may with the approval of the Governor in Council make regulations for or with respect to—

- (a) the examination and licensing of electrical mechanics and the annual renewal of such licences;
- (b) prescribing forms of licences;

(c) fees to be paid—

- (i) for any theoretical examination in electrical wiring work—not being more in any case than Two shillings and sixpence;
- (ii) for any practical examination in electrical wiring work—not being more in any case than Five shillings;
- (iii) for annual renewal of any licence—not being more in any case than Two shillings and sixpence; and

(d) prescribing penalties of not more than Ten pounds for any breach of such regulations.

56. (1) The Governor in Council on the recommendation of the Commission may make regulations for or with respect to—

- (a) inspections of electrical installations; and
- (b) inspections of electric lines and works within the meaning of the *Electric Light and Power Act 1958* of any undertaker.

Regulations as to inspections of electrical installations and of electric lines and works.

No. 4220 s. 12.

(2) (a) The Commission or any undertaker or any officer of the Commission or of any undertaker shall not except as provided in regulations made under the last preceding sub-section incur any liability personally or otherwise—

As to liability of Commission &c. for faulty installation &c.

- (i) in the event of any electrical installation (to which supply has been connected or continued subsequent to inspection by or on behalf of the Commission under the authority of regulations made under paragraph (a) of the last preceding sub-section) afterwards proving faulty or defective; or
- (ii) by reason of any failure to carry out or comply with such regulations.

(b) The Commission or any officer of the Commission shall not except as provided in regulations made under the last preceding sub-section incur any liability personally or otherwise—

- (i) in the event of any electric lines or works (which have been inspected by or on behalf of the Commission under the authority of regulations made under paragraph (b) of the last preceding sub-section) afterwards proving faulty or defective; or
- (ii) by reason of any failure to carry out or comply with such regulations.

Power of Commission to install without charge earth leakage switches.
No. 4419 s. 2.

57. (1) Notwithstanding anything in this Act the Commission may without charge install earth leakage switches (including any wires and accessory apparatus necessary for the operation of such switches) on premises to which at the commencement of the *State Electricity Commission Act 1936* electricity was supplied by the Commission.^(a)

Commission not to be liable for damage or injury unless installation negligently carried out.
Saving.

(2) Where the Commission so installs any earth leakage switch without charge it shall not be liable for any damage or injury arising out of such installation unless it is proved that the installation was negligently carried out.

(3) Nothing in this section shall limit or affect the provisions of the last preceding section.

PART VI.—TRAMWAYS AND OMNIBUSES.

Interpretation.
No. 3845 s. 2.

58. In this Part unless inconsistent with the context or subject-matter—

“Municipal district.”

“Municipal district” means the district under the local government of a municipality.

“Tramway.”

“Tramway” means tramway vested in the Commission.

Power to Commission to construct and operate tramways within certain areas.
No. 3845 s. 3.

59. Notwithstanding anything to the contrary in section forty-three of this Act or in the *Tramways Act 1958* but subject to this Part the Commission may—

(a) construct tramways along such routes and extensions of routes as the Governor in Council approves; and

(b) manage operate maintain and renew tramways vested in or constructed by it—

within the areas mentioned in the Third Schedule to this Act.

Third Schedule.

No further tramway orders under *Tramways Act* in certain areas without consent of Commission.
No. 3845 s. 4.
Third Schedule.

60. Except with the consent of the Commission no order shall be granted under the *Tramways Act 1958* authorizing the construction of any tramway by any municipality within any of the areas mentioned in the Third Schedule to this Act.

Tramways constructed by the Commission
No. 3845 s. 5.

61. When any tramway is constructed by the Commission under the authority of this Part—

(a) the tramway shall be constructed on a gauge of four feet eight and a half inches;

(b) the power for the operation of the tramways shall be electric power except where the Governor in Council otherwise approves;

^(a) As to installation and purchase of earth leakage switches by municipal councils, see *Electric Light and Power Act 1958*, ss. 21, 22.

- (c) the tramway shall be laid and maintained in such manner that the uppermost surface of the rails is on a level with the surface of the road except where the tramway is constructed in any portion of a road forming a tree reserve or used exclusively for tramway purposes or in any private right of way; and
- (d) the tramway shall be vested in the Commission.

62. Where the Commission constructs any tramway the Commission may expend or join with any municipality in the expenditure of moneys for the construction improvement widening or alteration of any bridge or road upon which the tramway is being or is intended to be constructed or renewed.

Expenditure of money by Commission for construction &c. of bridges and roads.
No. 3845 s. 6.

63. Subject to this Part the Commission may use on its tramways and shall have the exclusive use of its tramways for carriages with flange wheels or other wheels suitable to run on the rails.

Exclusive use of tramways.
No. 3845 s. 7.

64. Nothing in this Part shall limit the powers of any municipality or the police to regulate the passage of traffic along or across any road, and such regulation may be exercised as well on as off any tramway and with respect as well to the traffic of the Commission as to the traffic of other persons.

Power of municipalities and police as to traffic.
No. 3845 s. 8.

65. Nothing in this Part shall take away or abridge the right of the public to pass along or across every and any part of any road along or across which a tramway is laid and whether on or off any tramway with carriages not having flange wheels or wheels suitable only to run on the rails of the tramway.

Right of public to use roads.
No. 3845 s. 9.

66. Any person who without the permission of the Commission uses a tramway of the Commission or any part thereof with carriages having flange wheels or wheels suitable only to run on the rails of the tramway shall be liable to penalty of not more than Twenty pounds.

Penalty.
No. 3845 s. 10.

67. Notwithstanding anything in any Part—

- (a) in addition to the powers conferred on the Commission by or under this Part the Commission as part of any of its tramway undertakings may subject to this Part and with the consent of the Governor in Council operate motor omnibuses electric railless trolley omnibuses or other omnibuses within any of the areas mentioned in the Third Schedule to this Act on such routes and subject to such conditions as the Governor in Council approves. Nothing in this paragraph shall prevent the

Authority to Commission to operate motor omnibuses and railless trolley omnibuses as part of its tramway undertakings.
No. 3845 s. 11;
No. 3559 s. 14 (5) (a) (b).
Third Schedule.

Commission from using motor omnibuses electric railless trolley omnibuses or other omnibuses for the purpose of carrying passengers during the alteration repair renewal or construction of any tramway or portion thereof;

No motor omnibus licences to be granted under *Transport Regulation Act* without consent of Commission.

No fees payable under *Motor Car Act* for motor omnibuses.

- (b) except with the consent of the Commission the Transport Regulation Board shall not grant a licence under the *Transport Regulation Act* 1958 authorizing any motor omnibus to operate in any area served by any tramway of the Commission;
- (c) the Commission shall not be required to pay any fee under the *Motor Car Act* 1958 in respect of any of its motor omnibuses.

Omnibus services to form part of tramway undertakings. No. 3845 s. 12.

Tramway undertakings to merge in works and undertakings of Commission.

68. (1) All omnibus services carried on by the Commission under this Part shall be deemed to form part of the tramway undertakings of the Commission.

(2) All tramway undertakings of the Commission shall be merged in and form part of the works and undertakings of the Commission under this Act and the construction management operation maintenance and renewal thereof shall be included in the purposes of this Act.

Further powers of the Commission as to tramways. No. 3845 s. 14.

69. In connexion with its tramway undertakings subject to and for the purposes of this Part the Commission may in addition to any of its powers under this Act—

- (a) provide all proper works and conveniences;
- (b) place erect lay down work and maintain in over or under any road and with the consent of the owner and occupier of any building attach thereto any apparatus or thing which in the opinion of the Commission is necessary or expedient in connexion with the transmission of electricity and may repair renew remove and replace the same;
- (c) make openings ways and subways in on or under any road with openings and ways into the same;
- (d) maintain alter remove replace or relay in any position or situation the rails of any tramway or any part thereof;
- (e) make maintain renew repair remove replace or alter as to position or otherwise any crossing junction siding station turntable or turnout;
- (f) erect purchase repair renew remove alter pull down or make additions to any power house storage station tramshed or building with all proper offices conveniences stables or appurtenances;

- (g) purchase any patent rights and purchase or construct any plant machinery rolling-stock or equipment to be used in connexion with its tramways;
- (h) make provision for the carrying of passengers during the alteration repair renewal or reconstruction of any tramway or portion thereof;
- (i) erect and maintain shelter or waiting rooms for the accommodation of passengers;
- (j) contract with any person or body of persons for the hire from the Commission of special tramcars for such charges as are prescribed or as are agreed upon;
- (k) contract with any person or body of persons for the right to advertise in or upon its tramcars hoardings and tickets; and
- (l) in connexion with any tramway undertaking of the Commission, carry on any business usually associated with such an undertaking.

70. (1) The Commission may demand and take for the conveyance of passengers on its tramways or any part thereof or on any omnibus of the Commission such tolls fares and charges as are prescribed (including tolls for the use of the tramways cars and omnibuses and for motive power and every other expense incidental to such conveyance).

Tolls fares and charges.
No. 3845 s. 15.

(2) Without limiting the generality of the next preceding sub-section, such tolls fares and charges (if so prescribed) may be of different amounts for different sections or parts thereof of any tramway or omnibus route or for two or more continuous sections or for return journey or for passengers of different classes or ages.

(3) The Commission may permit passengers to transfer from one route to another or other routes subject to such conditions as are prescribed.

Transfers and circular tickets.

(4) The Commission shall for the conveyance of workmen run upon its lines of tramway so many and such cars at such times at such tolls fares or charges and subject to such conditions as are prescribed.

Workmen's trams, &c.

(5) The Commission shall run for the conveyance of workmen such omnibuses (if any) as it is authorized to use upon such routes at such times for such tolls fares or charges and subject to such conditions as are prescribed.

(6) The Commission in the case of any tramway undertaking transferred to vested in or acquired by it may continue to demand and take the tolls fares or charges authorized to be demanded and taken immediately before the operation by the Commission of such undertaking until it prescribes other tolls fares or charges in lieu thereof.

Tolls fares and charges on tramways transferred to Commission.

By-laws.
No. 3845 s. 16.

71. (1) The Commission may make by-laws for or with respect to—

- (a) prescribing the several tolls fares or charges aforesaid and conditions upon which transfers may be permitted;
- (b) the conditions under which special cars or omnibuses may be hired and the charges for the hire thereof;
- (c) the running of cars or omnibuses for the conveyance of workmen;
- (d) regulating the number of passengers that may be carried on any car or omnibus (distinguishing if the Commission thinks fit the platforms top and inside of such car or omnibus) and preventing such number being exceeded and generally regulating passenger traffic;
- (e) fixing stopping places and making time-tables showing the times of starting and arrival of cars or omnibuses;
- (f) preventing the committing of any nuisance in or upon any car or omnibus or in or upon any part of the property of the Commission;
- (g) preventing smoking or spitting in or upon any car or omnibus or part of a car or omnibus of the Commission;
- (h) the carriage of dangerous goods and of passengers' luggage on any car or omnibus; and
- (i) generally carrying out the purposes of this Part relating to its tramway undertakings.

By-laws to be approved by Governor in Council.

(2) Any by-law of the Commission—

- (a) shall not be of any force or effect unless and until it is approved by the Governor in Council;
- (b) may apply to the whole or any part of the areas mentioned in the Third Schedule to this Act;
- (c) may impose penalties of not more than Twenty pounds for breaches thereof; and
- (d) may (without prejudice to any other power of revocation variation or amendment) be revoked varied or amended by the Governor in Council.

Application of by-laws.
Third Schedule.
Penalties.

Power of Governor in Council to revoke &c.

Fares &c. not to be demanded of members of either House of Parliament.
No. 3845 s. 17.

72. Notwithstanding anything in this Part no tolls fares or charges aforesaid shall be demanded or taken of or from any member of either House of the Parliament of Victoria.

73. (1) The Commission shall take every reasonable precaution to secure the safety of passengers upon its tramways and of persons passing along or across the streets upon the route of any such tramway.

Precautions as to safety of passengers and public.
No. 3845 s. 18.

(2) The Commission shall be answerable for all accidents damages or injuries happening through its act or default or through the act or default of any person in its employment by reason or in consequence of any of its tramway undertakings.

Commission to be responsible for all damages.

74. (1) Notwithstanding anything in section one hundred and six of this Act the Commission shall not save as provided in this section abandon any tramway or any part thereof.^(a)

Abandonment of tramways and procedure therefor.
No. 3845 s. 19.

(2) If the Commission proposes to abandon any tramway or part thereof it shall give to the Minister notice in writing thereof, together with a statement in writing specifying the tramway or part proposed to be abandoned, and giving the reasons for and detailed particulars in respect to the proposal, and such further information as the Minister requires.

(3) The Minister shall as soon as practicable lay a copy of such notice and statement before both Houses of Parliament.

(4) Unless, after a copy of such notice and statement has been so laid before both Houses of Parliament and before the expiration of the period covered by the twenty-four days next following on which the Legislative Assembly sits (whether in the same or any subsequent session), either House of Parliament resolves that the proposed abandonment be not made the Commission may abandon the tramway or part thereof to which the notice relates.

(5) All works for the purposes of or occasioned by or incidental to any such abandonment (including the taking up or dismantling of any line or the equipment thereof) shall be subject to the general provisions of this Part as to the carrying out of works by the Commission.

75. Subject to this Part the Commission and the several municipalities the municipal districts of which are in whole or in part within any of the areas mentioned in the Third Schedule to this Act are hereby authorized and empowered and shall be deemed to have been authorized and empowered—

Authority to Commission and municipalities to enter into agreements relating to tramway undertakings of the Commission.
Third Schedule.
No. 3845 s. 20.

(a) to enter into agreements relating to—

(i) extensions by the Commission of any of its tramway undertakings within such areas (including re-imbusement to the

(a) Tramways operated by the Commission in Geelong were, pursuant to section 19 of the *State Electricity Commission Act 1929*, abandoned in 1956.

Commission by any of such municipalities for any losses incurred by the Commission and occasioned by any such extension);

- (ii) the maintenance improvement extension and nature of rolling-stock plant buildings equipment and apparatus forming part of any tramway undertaking of the Commission;
- (iii) the respective responsibilities of the Commission and of any of such municipalities with regard to the making re-making maintenance drainage grading and levels of roads in or upon which any tramways of the Commission are constructed, and the apportionment of the costs relating thereto;
- (iv) the construction maintenance and repair of any municipal works in proximity to any tramways of the Commission;
- (v) payments to be made by the Commission in lieu of municipal rates;
- (vi) generally, the operation of tramways by the Commission and any matters arising thereunder; and

(b) to carry the same into effect.

Power of municipal councils to apply charges &c. out of municipal fund.

No. 3845 s. 21.

76. The council of any municipality may apply out of the town fund or municipal fund thereof all charges costs and expenses necessarily and properly incurred by such council under this Part or under any agreement authorized by this Part (whether within or without the municipal district of such municipality) and all payments required to be made by the municipality by or under this Part and for any of such purposes may (notwithstanding anything in the *Local Government Act 1958*) increase the amount in the pound of any town or general rate.

Provisions of Fourth Schedule incorporated.

No. 3845 s. 22.

77. The provisions of the Fourth Schedule shall be deemed and taken to be and shall have the same force and effect as if contained in this Act.

Power of Governor in Council to make regulations.

No. 3845 s. 23.

78. (1) The Governor in Council may make regulations for or with respect to—

- (a) the construction and operation of tramways of the Commission on under or over any bridge, or crossing any line of railway, and the passing of cars on along under or over any such bridge or railway crossing;

- (b) the placing construction guarding and maintaining of electric lines in connexion with any tramways of the Commission which lines cross over any line of railway or are placed on under or over any bridge;
- (c) the maximum speed for the progression of cars on any tramway of the Commission;
- (d) the provision and use of proper brakes appliances and furnishings in cars to insure the safety of passengers and of employés of the Commission and of the public; and the inspection of such brakes appliances and furnishings; and
- (e) generally any matters or things necessary or convenient to be prescribed in connexion with the construction and operation of tramways of the Commission.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament. Publication.

PART VII.—GENERAL FINANCIAL PROVISIONS.

79. The provisions of any Act for the audit of the public accounts shall apply to the audit of the accounts of the Commission. Audit.
No. 3776 s. 32.

80. Save as otherwise expressly provided all moneys expended or payable under this Act shall be payable out of moneys to be appropriated by Parliament. Moneys
expended
by the
Commission.
No. 3776 s. 23.

81. (1) The Commission shall in respect to its electrical undertakings cause— Accounts.
No. 3776 s. 34.

- (a) full and faithful accounts to be kept of all moneys received and expended under this Act and of all assets and liabilities profits and losses; and
- (b) a balance-sheet for each financial year to be prepared together with a statement of accounts (including a capital account and a profit and loss account).

(2) Such balance-sheet and statement shall be so prepared as to show fully and faithfully the financial position of each undertaking and the financial results of the Commission's operations for the year.

(3) The balance-sheet and statement of accounts duly audited shall be included in the annual report of the Commission.

Preparation of estimates and annual report.
No. 3776 s. 35.

82. The Commission shall—

- (a) prepare estimates in such form as the Governor in Council directs of receipts and expenditure for each period of twelve months ending on the thirtieth day of June in each year; and
- (b) prepare an annual report of its proceedings during the preceding year, which report shall be laid by the Minister before Parliament on or before the thirtieth day of November in each year.

General fund to be established.
No. 3776 s. 36.

83. (1) The Commission shall establish a fund to be called the "general fund."

(2) All moneys whatever received by the Commission (including loan moneys) shall be carried to the general fund.

(3) The general fund shall be applied by the Commission to the doing and performing of all acts matters and things which the Commission is by this or any other Act empowered or required to do or perform.

Loan account.
No. 3776 s. 37;
No. 4726 s. 2.

84. The Commission shall cause to be kept in its books of account a separate account to be called the "loan account" and proper entries to be made therein of all loan moneys and of the several purposes to which such moneys are applied.

Reserve funds.
No. 3776 s. 38.

85. The Commission may in respect of its works and undertakings establish such reserve funds for renewals or depreciation as it thinks fit and shall in every year carry to each of such reserve funds such sum as it thinks fit.

PART VIII.—PROVISIONS RELATING TO LOAN MONEYS.

DIVISION 1.—PRELIMINARY.

Interpretation.
No. 4512 s. 7;
No. 6163 s. 3
(1) (a).

86. (1) In this Part unless inconsistent with the context or subject-matter—

"Book."

"Book" or "books" includes bound volumes looseleaf registers and card systems.

"Officer."

"Officer" of the Commission means officer or servant appointed or employed by the Commission.

"Revenues."

"Revenues" of the Commission means all tolls charges fees rents interest and profits given to vested in or authorized to be demanded or received by the Commission.

"Treasurer."

"Treasurer" means the Treasurer of Victoria.

References to debentures and stock issued by the Commission.

(2) Any reference in this Part to debentures or stock issued by the Commission under this Act shall be deemed to include a reference to debentures or stock issued by the Commission under any corresponding previous enactment.

87. Save as expressly provided in this Part the total amount which may be raised by loan under this Act shall not exceed the sum of Two hundred and sixty-five million five hundred thousand pounds.

Limitation of amount to be raised by loan under this Act. No. 4512 s. 8; No. 6163 s. 2 (a).

DIVISION 2.—RAISING OF MONEYS AND ISSUE OF DEBENTURES AND INSCRIBED STOCK BY THE COMMISSION.

88. (1) Subject to the provisions of the next succeeding sub-section—

Power to Commission to borrow. No. 4512 s. 9; No. 6163 s. 2 (b).

(a) for the purposes of this Act the Commission may subject to this Act from time to time with the consent of the Governor in Council borrow and re-borrow at interest such sums of money as it thinks requisite for the said purposes but such sums shall not exceed in all the sum of Two hundred and sixty-five million five hundred thousand pounds;

(b) the Commission may borrow and re-borrow such sums on the security of the revenues of the Commission;

(c) in the event of the whole or any part of such sums being repaid by the Commission the Commission may re-borrow the same, and so *toties quoties*, but there shall not be owing at any one time more than the said sum of Two hundred and sixty-five million five hundred thousand pounds; and

Re-borrowing.

(d) for the purpose of making provision to pay off any loan or part of a loan raised by the Commission under this Act or any corresponding previous enactment the Commission with the consent of the Governor in Council may re-borrow on the credit of the revenues of the Commission the necessary money before the loan or part becomes payable notwithstanding that by such re-borrowing the said sum of Two hundred and sixty-five million five hundred thousand pounds is temporarily exceeded.

Borrowing to pay off loan.

(2) Except as provided in paragraph (d) of the last preceding sub-section the Commission may not borrow or re-borrow as aforesaid so that there is at any one time owing by the Commission under this Act any sum which together with any sums issued and applied out of the Loan Fund under Division three of this Part exceeds the sum of Two hundred and sixty-five million five hundred thousand pounds.

Limitation of borrowing power of Commission by reference to operation of Division three of this Part.

89. (1) Any sums which the Commission is under this Act authorized to borrow may be raised as one loan or as several loans.

Power to borrow as one loan or as several loans. No. 4512 s. 10.

Money borrowed on debentures or stock.

(2) Every loan raised by the Commission under this Act shall be raised—

- (a) by the issue of debentures payable to bearer with interest coupons attached;
- (b) by the creation and issue of inscribed stock to be called "State Electricity Commission of Victoria (Australia) Inscribed Stock" (in this Act referred to as "stock"); or
- (c) partly in one way and partly in the other.

Debentures and stock how secured.

(3) All such debentures and stock respectively—

- (a) shall with interest thereon be charged and secured upon the revenues of the Commission;
- (b) shall bear interest at such rate and be redeemable at such date or dates and at such place or places in or outside the Commonwealth as the Commission with the consent of the Treasurer and the sanction of the Governor in Council determines; and

Interest on and dates of redemption of debentures and stock.

- (c) may with the consent of the holder or the registered owner thereof respectively be paid off at any time previous to the due date thereof at not more than the par face value thereof or (with the consent of the Treasurer and the sanction of the Governor in Council) at a premium, with interest thereon to date of payment only.

Provision for paying off in certain cases.

(4) Interest secured by any such debentures or stock shall be payable—

- (a) half-yearly on days fixed by the Commission; and
- (b) at such place or places in or outside the Commonwealth as the Commission with the consent of the Treasurer and the sanction of the Governor in Council determines.

Time and place of payment of interest.

(5) The Commission at the request of the holder of any debenture or of the registered owner of any stock issued under this Act may in lieu thereof issue to him stock or debentures (as the case may be) in respect of the same loan and of the same amount bearing the same interest and of the same currency.

Issue of stock to debenture-holders and vice versa.

(6) (a) The due repayment of the principal sums and the payment of all interest secured by any debentures or stock issued by the Commission under this Act is hereby guaranteed by the Government of Victoria.

Guarantee of debentures and stock by Government of Victoria.

(b) Any sums required by the Treasurer of Victoria for fulfilling any guarantee given by this Act shall be paid out of the Consolidated Revenue (which is hereby to the necessary extent appropriated accordingly) and any sums received or recovered by the said Treasurer from the Commission or otherwise in respect of any sum so paid by the said Treasurer shall be paid into the Consolidated Revenue.

Appropriation of Consolidated Revenue for fulfilling guarantees.

90. In any case where under this Act the Commission borrows or re-borrows any sums of money by way of loan to be raised at any place outside the Commonwealth of Australia, the following provisions shall have effect:—

Raising loans
in places
outside the
Common-
wealth.

No. 4512 s. 11.

- (a) The Commission may enter into arrangements for the raising of any such loan at any place outside the Commonwealth or for any matter in connexion therewith;
- (b) Without affecting the generality of the foregoing provisions of this section, any such arrangement may provide for all or any of the following matters:—
 - (i) The creation inscription and issue at any place outside the Commonwealth of State Electricity Commission of Victoria (Australia) Inscribed Stock;
 - (ii) Regulating transfers and transmissions of such inscribed stock;
 - (iii) Paying interest on such inscribed stock;
 - (iv) Issuing stock certificates and as often as occasion requires re-inscribing stock and re-issuing such certificates;
 - (v) The opening and keeping at any place outside the Commonwealth of stock ledgers and transfer books for the purposes of this section;
 - (vi) Providing for the payment of brokerage and other expenses; and
 - (vii) Generally conducting all business connected with such inscribed stock or the raising of the sums of money aforesaid;
- (c) The Commission may from time to time under its common seal appoint any officers of a bank or banks carrying on business in any place or places outside the Commonwealth or both in the Commonwealth and at any place or places outside the Commonwealth to be registrar and deputy-registrar respectively for the issuing and recording of the issue of such inscribed stock and transfers and transmissions thereof and for doing such other acts matters or things as may be necessary to give effect to any arrangement under this section;
- (d) The provisions of this section shall be read as in aid of and not in derogation from the other provisions of this Act with respect to the borrowing powers of the Commission.

Appointment
of registrar
&c.

Provisions of
this section
to be in aid
of and not in
derogation
from other
powers.

Sinking fund.
No. 4512 s. 12.

91. (1) In the case of every loan raised by it under this Act, the Commission shall provide a sinking fund at such rate and for such period as the Governor in Council on the recommendation of the Treasurer approves.

Power to sell securities in funds &c.

(2) Whenever it is necessary to have resort to any fund mentioned in this section for the purpose of paying off any loan in respect of which the fund is provided or portion of such loan, the Commission may sell any securities in which the fund is invested or obtain an advance thereon from any bank or banks in Victoria or elsewhere.

Power of Governor in Council to dispense with sinking fund in certain cases.

(3) Notwithstanding anything in the foregoing provisions of this section the Governor in Council may by Order published in the *Government Gazette* direct that in the case of any loan raised by the Commission under this Act it shall not be necessary for the Commission to provide a sinking fund if he is satisfied that debentures or stock or both representing a sufficient proportion of the principal sum borrowed including interest will fall due and be repaid in each year during the currency of the loan.

Power to invest in Commission's securities.
No. 4512 s. 13.

92. (1) Any trustee unless expressly forbidden by the instrument (if any) creating the trust may invest any trust funds in his hands in any debentures or stock issued by the Commission under the authority conferred by this Act.

To be lawful investment for companies &c.

(2) Such debentures and stock shall be a lawful investment for any moneys which any company or body corporate incorporated by any Act of the Parliament of Victoria is authorized or directed to invest in addition to any other investments expressly authorized for the investment of such moneys.

As to conversion of debentures into stock.

(3) Any trustee or company or body corporate as aforesaid may pursuant to this Act convert any such debentures in his or its hands into such stock.

As to investment by Commissioners of State Savings Bank of Victoria.

(4) Notwithstanding anything in any Act, such debentures and stock shall be a lawful investment for any moneys which The Commissioners of the State Savings Bank of Victoria are authorized or directed to invest pursuant to the State Savings Bank Acts as if they were municipal debentures.

Notice of trust in relation to debenture or stock not receivable.

(5) No notice of any trust express implied or constructive shall be received by the Commission or by any officer of the same in relation to any debenture issued under this Act, and the Commission or any such officer shall not be bound to see to the execution of any such trust to which any such debenture may be subject.

Notice of trust in relation to stock not receivable.

(6) No notice of any trust express implied or constructive shall be received by the registrar or the Commission in relation to any stock or entered in any stock ledger or other book kept by the registrar, and the registrar and the Commission shall not be bound to see to the execution of any trust to which any part of the said stock may be subject.

(7) A person advancing money to the Commission and receiving in consideration of such advance any debenture or stock issued under this Act shall not be bound to inquire into the application of the money advanced or be in any way responsible for the non-application or misapplication thereof.

Owners of securities not responsible for application of moneys.

93. (1) If at the expiration of three months from the time when any principal money or interest has become due on any debenture or on any stock issued under this Act by the Commission and after demand in writing the same is not paid the holder of such debenture or the registered owner of such stock (as the case may be) may without prejudice to any other mode of recovery apply to the Supreme Court or any judge thereof for the appointment of a receiver.

Appointment of receiver in certain cases.
No. 4512 s. 14.

(2) The said court or any judge thereof may after hearing the parties appoint as receiver some person or persons to collect and receive the whole or a competent part of the revenues of the Commission upon which the principal money or interest of such debentures or stock is charged until such principal or interest or both (as the case may be) together with the costs of the application and of collection are fully paid.

(3) Every such receiver shall be deemed an officer of and shall act under the direction of the Supreme Court; and the Supreme Court or any judge thereof may from time to time remove any such receiver, and on the death or removal of any such receiver, may appoint some other person in his place.

Receiver an officer of court.

(4) Such receiver—

Powers of receiver.

(a) shall be entitled to collect and receive—

(i) any moneys standing to the credit of any sinking fund for the liquidation of the loan in respect of which such debenture or such stock was issued (and for that purpose to sell or mortgage any securities forming the whole or any part of any such sinking fund which are under the next succeeding sub-section of this section transferred to such receiver); and

(ii) the whole or such competent part of the revenues of the Commission as aforesaid; and

(b) shall be paid such remuneration or such commission as remuneration for his services as the Supreme Court or a judge thereof appoints; and

(c) for the purposes of this sub-section shall have and may exercise all or any of the powers of the Commission.

Transfer of securities in sinking fund to receiver.

(5) The Supreme Court or a judge thereof may order all securities forming the whole or any part of any such sinking fund to be transferred to such receiver.

Application of assets by receiver.

(6) Every receiver appointed under this Act shall hold all moneys received by him as such, after payment of costs and expenses of collection and of his remuneration or commission as remuneration, in trust for the purpose of paying to all holders of debentures and all registered owners of stock issued under this Act by the Commission any moneys secured thereby and owing to them according to their respective priorities and subject thereto for the Commission.

Savings.

(7) Nothing in this section shall be construed—

(a) as rendering applicable to any purpose other than the repayment of debentures or stock issued under this Act by the Commission any part of any sinking fund or any part of any other moneys or property of the Commission; or

(b) as lessening or prejudicing any other right or remedy of any holder of any debenture or registered owner of any stock issued under this Act by the Commission.

Rules of Court.
No. 3783.

(8) Subject to the *Supreme Court Act 1958* the judges of the Supreme Court may make rules for regulating—

(a) the procedure and practice of the court in all applications to the court for the appointment of receivers under this Act; and

(b) the conduct of such receivers in the discharge of their duties as such receivers.

Provisions of Fifth Schedule Incorporated.
No. 4512 s. 15.

94. (1) The provisions of the Fifth Schedule to this Act shall be deemed and taken to be and shall have the same force and effect as if contained in this Act.

Application of provisions of Fifth Schedule to debentures.

(2) The provisions of Part I. of the said Schedule shall apply with respect to debentures issued under this Act.

To stock issued in Melbourne.

(3) The provisions of Part II. of the said Schedule shall apply with respect to stock issued in Melbourne under this Act.

Fees.

(4) The Commission may demand take and receive for or in respect of the several matters and things with respect to which fees are provided for under Part I. or under Part II. of the said Schedule the fees so provided or as to any other matters or things thereunder such reasonable fees as are specified in that behalf in the by-laws of the Commission; and all such fees shall be carried to and form part of the general fund within the meaning of this Act.

95. For the temporary accommodation of the Commission the Commission may obtain advances by overdraft of current account in any bank or banks in Victoria or elsewhere on the credit of the revenues of the Commission but so that the principal moneys owing on overdraft obtained pursuant to this section do not at any time exceed Seven million pounds.

Bank overdraft.
No. 4512 s. 16;
No. 5272 s. 12,
No. 5639
s. 3 (1).

96. (1) Any person who wilfully and with intent to defraud—

- (a) makes any false entry in or alters any word or figure in any of the books kept by the Commission, in which books the accounts of the owners of any stock issued under this Act are entered and kept;
- (b) in any manner falsifies any of the accounts of any of such owners in any of the said books; or
- (c) makes any transfer of any share or interest of or in any such stock in the name of any person not being the true and lawful owner of such share or interest—

Making false entry in books &c.
No. 4512 s. 17.

shall be guilty of felony and be liable to imprisonment for a term of not more than fifteen years.

(2) Any officer or servant of or person employed or intrusted by the Commission who knowingly and with intent to defraud makes out or delivers any interest cheque or warrant for payment of any interest or money payable in respect of any stock aforesaid for a greater or less amount than the person on whose behalf such warrant is made out is entitled to shall be guilty of felony and be liable to imprisonment for a term of not more than seven years.

Making out false interest warrants &c.

(3) Any person who forges or alters or offers utters or disposes of or puts off knowing the same to be forged or altered any debenture made out and issued or purporting to be made out and issued under this Act by the Commission shall be guilty of felony and shall be liable to imprisonment for a term of not more than ten years.

Forging &c. debentures.

(4) The provisions of this section shall be read and construed as in aid of and not in derogation from the provisions of the *Crimes Act 1958* or of any other Act or any other law with respect to offences relating to stock or debentures.

Construction of section as in aid of and not in derogation from other laws relating to offences concerning stock or debentures.

97. (1) Subject to the approval of the Governor in Council the Commission may make by-laws for or with respect to all matters and things authorized or required to be prescribed or necessary or expedient to be prescribed for carrying out or

Power of Commission to make by-laws.
No. 4512 s. 18.

Fifth
Schedule.

giving effect to the provisions of this Division and the Fifth Schedule to this Act, and in particular without affecting the generality of the foregoing may make by-laws for or with respect to—

(a) prescribing any forms for use under this Division and the said Schedule; and any forms so prescribed or forms to the like effect shall be sufficient in law; and

(b) prescribing any matters with respect to which fees are to be payable under this Division or the said Schedule and reasonable fees with respect thereto.

Power to
Governor in
Council to
revoke by-laws
hereunder.

(2) Without prejudice to any other method of revocation, any by-law made under this section may be revoked by the Governor in Council by Order published in the *Government Gazette*.

DIVISION 3.—LOAN MONEYS PROVIDED BY THE STATE.

Treasurer of
Victoria
authorized
to issue
£265,500,000
out of the
Loan Fund.
See No. 5578
ss. 5, 6.

98. (1) The Treasurer of Victoria may under the authority of this Act issue and apply out of the Loan Fund amounts not exceeding in all Two hundred and sixty-five million five hundred thousand pounds.

(2) The amounts so issued and applied shall be applied only for and towards the purposes of this Act, and the said amounts may be expended by the Commission for the said purposes:

Provided that so much of any such amount as the said Treasurer determines to be properly attributable to any discounts and expenses incurred by the State in providing such amount shall be deemed to have been applied for the said purposes.

Previous loan
raisings
included in
sum
authorized to
be issued out
of Loan Fund.

(3) For the purposes of sub-section (1) of this section such amounts as have been raised by loan under Division three of Part II. of the *State Electricity Commission (Financial) Act 1937* before the commencement of this Act shall be deemed to be included in the sum authorized to be issued and applied out of the Loan Fund.

(4) This section shall not apply with respect to any loan moneys provided by the State for the purposes of the Commission under any Act other than this Act or any Act repealed by this Act.

Commission
to provide
interest and
sinking fund
contributions
on loan
moneys.
No. 4512 s. 25;
No. 6163
s. 2 (e).

99. (1) The Commission shall pay to the Treasurer of Victoria as they become due such sums as the Treasurer may require in order to provide for the payment of interest and contributions to the National Debt Sinking Fund in respect of loan moneys provided under this Division of this Part or for the purposes of the Commission under any other Act.

(2) Any sums to be paid by the Commission under this section may to the extent to which the revenues of the Commission are insufficient to meet the payment be paid out of any moneys appropriated by Parliament for the purpose.

No. 3776 s. 40
(2).

PART IX.—SUPPLEMENTARY.

100. (1) Subject to this section the Commission may open establish supervise operate and maintain State coal mines.

Power to
establish and
operate State
coal mines.

(2) The provisions of Part II. of the *Coal Mines Act 1958* (except the provisions of section eighty-nine, paragraph (d) of sub-section (1) of section ninety-one, and section ninety-two) shall extend and apply so as to carry into effect the purposes of this section, and for those purposes shall so far as applicable be read and construed as if for any reference therein to the Minister or to the Victorian Railways Commissioners there were substituted a reference to the Commission.

No. 3776 s. 41.

101. Every such State coal mine including all land acquired resumed or reserved for the purposes thereof and the inheritance thereof in fee-simple shall vest in the Commission.

State coal
mines to vest
in
Commission.
No. 3776 s. 42.

102. (1) The Commission may enter into all such contracts and do all such acts matters and things as are necessary or incidental to the execution and discharge of its powers duties and authorities under this or any other Act.

General
powers.
No. 3776 s. 43.

(2) Subject to the approval of the Governor in Council the Commission may contract with any other body corporate or public body for or with respect to the doing and the control and management by either or both of the contracting parties of any matter or thing which such contracting parties are or either of them is by law empowered to do control and manage, and to carry out every such contract according to the tenor thereof.

General
power for
Commission to
contract with
corporate and
public bodies.

(3) For the purposes of this Act the Commission may acquire such rights in or licences for the use of any patented or protected processes inventions machinery apparatus methods materials or other things as it thinks fit.

Power to
acquire
licences for
patents &c.

(4) Notwithstanding anything in this Act or in any contract it shall not be compulsory for the Commission to supply electricity; and the Commission shall not be liable to any penalty or damages for not supplying electricity under any contract if the failure to supply the same arises through accident drought or any unavoidable cause.

Supply of
electricity not
compulsory.
No claim in
case of
failure of
supply
through
accident &c.

103. The Commission may purchase by agreement or take compulsorily any land which it is authorized to acquire and take under this Act or which is required for the purposes of this Act.

Power of
Commission
to acquire
land.
No. 3776 s. 44.

Incorporation
of Lands
Compensation
Act.

(2) The *Lands Compensation Act* 1958 is hereby incorporated with and shall be read and construed as one with this Act,^(a) and in the construction of that Act for the purposes of this Act unless inconsistent with the context or subject-matter—

“Board of Land and Works” or “Board” means the Commission;

“Special Act” means this Act; and

“The works” or “the undertaking” means the works or undertaking of whatever nature which by this Act are or is authorized to be executed by the Commission.

Power to
demise land.
No. 3776 s. 45.

104. Subject in every case to the approval of the Governor in Council and for such purposes as are so approved the Commission may demise any land vested in the Commission but not immediately required for the purposes of the Commission.

Easements
taken by the
Commission
over lands
held by
Crown
licensees or
lessees.
No. 3776 s. 46.

105. (1) Where (whether before or after the commencement of this Act) any easement taken by the Commission for any of the purposes of this Act or any corresponding previous enactment is an easement over land held or occupied by any licensee or lessee of the Crown a description of the easement and a notification that the same has been so taken shall be forwarded forthwith by the Commission to the Secretary for Lands.

(2) Where any such easement is over land held or occupied under licence the description and notification shall be indorsed on the licence by the Secretary for Lands; and such indorsement shall be registered in the Department of Crown Lands and Survey and thereupon the rights under the easement shall become vested in the Commission for the purposes aforesaid.

(3) Where any such easement is over land held or occupied under lease the Secretary for Lands shall forthwith forward to the Registrar of Titles the description and notification aforesaid; and the Registrar of Titles shall forthwith on the receipt thereof make an indorsement indicating the fact that the easement has been so taken upon the original Crown lease or certificate of title (as the case may be) affected and also, when produced to him for the purpose, upon the duplicate of the Crown lease or certificate of title; and upon the first-mentioned indorsement being made the rights under the easement shall become vested in the Commission for the purposes aforesaid.

(4) Whenever a Crown grant is issued to any person of the land over which any such easement has been taken the grant shall be made subject to the easement.

(a) See sections 16 (4) and 23 (2).

106. (1) For the purposes of this Act the Commission by its officers and employes, subject to the provisions and restrictions in this Act contained, may—

Powers as to
works &c.
No. 3776 s. 47;
No. 5272 s. 14.

- (a) enter upon any lands and sink bores and make surveys and take levels and set out such parts thereof as it thinks necessary and make or set up any posts stakes trenches or other marks and do any other acts or things whatsoever necessary for such bores or surveys;
- (b) with poles conduits towers motors electric lines or other conductors or devices receive store conduct convey transmit distribute supply or furnish electricity water brown coal or products of brown coal over through under along or across any lands street road bridge viaduct railway waters or water-course and through over or under the lands of any corporation or person, and enter upon any lands upon either side of such lines or conduits and fell or remove any tree or limb thereof or obstruction which in the opinion of the Commission it is necessary to fell or remove;
- (c) purchase lease erect or construct any works buildings plant or machinery and maintain and alter and (with the sanction of the Governor in Council) discontinue the same;
- (d) enter upon take possession of and appropriate such land as is necessary for the construction or improvement of any undertaking of the Commission; and if any such land taken and appropriated is Crown land the Commission shall as soon as possible after such taking and appropriation give notice thereof to the Secretary for Lands;
- (e) divert water from any river creek stream or water-course lake lagoon swamp or marsh or alter the bed course or channel of any river creek stream or water-course;
- (f) enter upon any public or private lands streets or roads and construct any works and lay or erect or place on under over along or across the same any poles pipes towers conduits electric lines railways tramways sidings platforms briquette stores reservoirs loading and stacking equipment conveyors haulages and appliances and repair alter cut off or remove any such works poles pipes towers

conduits lines railways tramways sidings platforms
briquette stores reservoirs loading and stacking
equipment conveyors haulages or appliances or any
other works under its control or in any way
connected with such works; and

(g) do all other things necessary or convenient for
constructing maintaining altering repairing or using
any works and undertakings of the Commission.

(2) In the exercise of the foregoing powers the Commission shall do as little damage as may be and shall if required within two years from the exercise of such powers make full compensation^(a) to the owner of and all parties interested in any such lands for any damage sustained by them in consequence of the exercise of such powers, and such compensation shall be either a gross sum or a yearly rent as may be agreed, and in default of agreement the same shall be determined in manner provided in the *Lands Compensation Act 1958*.

Incorporation
of ss. 42-44,
49-52 of the
*Electric Light
and Power
Act*.
No. 3776 s. 48.

107. For the purposes of this Act the provisions of sections forty-two to forty-four and forty-nine to fifty-two of the *Electric Light and Power Act 1958* shall be read and construed as if they were incorporated herein and as if for any reference to the "undertakers" in the said provisions there were substituted a reference to the Commission and as if the words "under any order" in the said section forty-four were omitted therefrom.

Saving as to
Government
departments.
No. 3845 s. 24.
No. 3776 s. 49;

108. (1) Save as otherwise expressly provided nothing in this Act shall affect any rights powers authorities or duties of any Government department other than the Commission.

Commission
to confer and
co-operate
with other
departments.

(2) Where the exercise of any rights powers or authorities or the discharge of any duties by the Commission may affect the exercise of any rights powers or authorities or the discharge of any duties by any other Government department or by any municipality or any local authority within the meaning of the *Public Contracts Act 1958* the Commission shall so far as practicable confer and co-operate with such department or such municipality or authority.

(3) Any question difference or dispute arising or about to arise between the Commission and any other Government department or any municipality or any such local authority with respect to the exercise of any rights powers or authorities or the discharge of any duties by either or both of them may be finally and conclusively determined by the Governor in Council.

Sixth
Schedule
incorporated.
Business,
contracts,
legal
proceedings
&c.
No. 3776 s. 50.

109. The provisions of the Sixth Schedule to this Act shall be deemed and taken to have the same force and effect as if contained herein.

(a) See sections 16 (4) and 23 (2).

110. The Governor in Council on the recommendation of the Commission may make regulations for or with respect to—

Regulations as to precautions in use of electricity.

- (a) requiring and regulating the employment by undertakers in the use of electric power of insulated or uninsulated metallic returns;
- (b) prescribing the precautions to be taken by undertakers for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimizing, so far as is reasonably practicable, injurious interference with the electric wires lines and apparatus of other parties and the currents therein;
- (c) prescribing generally the precautions to be taken to secure the working of electric tramways so as to prevent danger from fusion or electrolytic action and in particular all such matters or things as are necessary or expedient to be prescribed with respect to all or any of the following matters:—
 - (i) Return conductors;
 - (ii) The structure and method of construction of tramways and the method of generation and use of the electrical current;
 - (iii) The making and recording of electric tests whether by the undertaker or the Commission;
- (d) prescribing the quality of materials fittings and apparatus to be used in or for purposes of or for connexion to electrical installations and the methods to be followed in carrying out electrical wiring work and in installing such materials fittings and apparatus;
- (e) the protection of any operations works stores or electrical lines of the Commission or of any undertaker and the prevention of any interference therewith and generally providing for the safety of persons and property;
- (f) prescribing all such matters and things as are necessary or convenient to be prescribed so as to secure the ultimate co-ordination or unification of all electric supply undertakings in Victoria and the adoption of such standards of plant and equipment and of system frequency and pressure for the generation distribution and supply of electricity as will admit of the efficient inter-connexion of

No. 3776 s. 27;
No. 4220 s. 13;
No. 5272 s. 13.

Regulations as to co-ordination of electric undertakings &c.

such undertakings and interchange of electricity throughout the same and, generally, the safe economical and effective supply of electricity throughout Victoria;

- (g) prescribing covenants terms conditions and restrictions which may be included in Orders thereafter made under the *Electric Light and Power Act 1958*.

111. (1) Regulations of the Governor in Council under this Act may—

General powers as to regulations.
No. 3776 s. 28;
No. 3845 s. 23
(3).

- (a) prescribe a date or different dates for the coming into operation of any such regulations or of any portion thereof;
- (b) prescribe any area or areas within which any such regulations or any portion thereof shall operate;
- (c) provide that any such regulations or any portion thereof shall apply to electrical undertakings generally or to electrical undertakings of any prescribed class or classes or any particular electrical undertaking;
- (d) require that any matters or things prescribed shall be executed or done in such manner as is directed or approved by the Commission whether generally or for any class of cases or in any particular case;
- (e) provide for appeals by undertakers to the Commission on the ground that compliance with any such regulation will involve unreasonable expense or unreasonably prejudice the commercial prospects of the undertakings of such undertakers and for the hearing of such appeals by the Commission and prescribe the powers authorities and duties of the Commission with respect thereto;
- (f) provide for the settlement by the Commission or by an arbitrator appointed by it of questions differences or disputes between undertakers and other parties arising out of the regulations;
- (g) make provision as to the costs and expenses of or incidental to any such appeals or proceedings for the settlement of questions differences or disputes; and prescribe reasonable fees to be paid in connexion with such appeals and proceedings;
- (h) prescribe reasonable penalties for breaches of the regulations; and

(i) generally prescribe all such matters and things as are necessary or convenient to be prescribed for carrying into effect the regulations and the purposes of this Act.

(2) Subject to any express provisions in this Act^(a) all such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament; and shall have the like force and effect as if they were enacted in this Act; and shall so far as applicable and with such adaptations as are necessary extend and apply to the electrical and tramway undertakings of the Commission.

Publication
and effect of
regulations.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
3247 ..	<i>North Melbourne Electric Tramways and Lighting Company Act 1922</i>	So much as is not already repealed.
3377 ..	<i>Melbourne Electric Supply Company Act 1924</i>	The whole.
3509 ..	<i>State Electricity Commission (Shepparton Purchase) Act 1927</i>	The whole.
3776 ..	<i>State Electricity Commission Act 1928</i>	The whole.
3826 ..	<i>State Electricity Commission (Ballarat and Bendigo Purchase) Act 1929</i>	The whole.
3845 ..	<i>State Electricity Commission Act 1929 ..</i>	So much as is not already repealed.
3922 ..	<i>State Electricity Commission (Funds and Accounts) Act 1930</i>	The whole.
3935 ..	<i>Melbourne Electric Supply Company Act 1930</i>	The whole.
4087 ..	<i>State Electricity Commission (Borrowing) Act 1932</i>	The whole.

(a) See sections 40 (2) and 78 (2).

FIRST SCHEDULE—continued.

Number of Act.	Title of Act.	Extent of Repeal.
4191 ..	<i>Statute Law Revision Act 1933</i> ..	Item in Schedule referring to <i>State Electricity Commission Act 1928</i> .
4220 ..	<i>State Electricity Commission Act 1934</i>	So much as is not otherwise repealed.
4407 ..	<i>State Electricity Commission (Chelsea Purchase) Act 1936</i>	The whole.
4419 ..	<i>State Electricity Commission Act 1936</i>	The whole.
4480 ..	<i>State Electricity Commission (Electrical Approvals Board) Act 1937</i>	The whole.
4505 ..	<i>State Electricity Commission (Extension of Undertaking) Act 1937</i>	The whole.
4512 ..	<i>State Electricity Commission (Financial) Act 1937</i>	The whole.
4726 ..	<i>Statute Law Revision Act 1940</i> ..	Item in Schedule referring to <i>State Electricity Commission Act 1928</i> .
4770 ..	<i>State Electricity Commission (Trading) Act 1940</i>	The whole.
5219 ..	<i>State Electricity Commission (Yallourn Area) Act 1947</i>	The whole.
5248 ..	<i>State Electricity Commission (Financial) Act 1947</i>	The whole.
5272 ..	<i>State Electricity Commission Act 1948</i>	The whole.
5331 ..	<i>Statute Law Revision Act 1948</i> ..	Item in Schedule referring to <i>State Electricity Commission Act 1948</i> .
5368 ..	<i>State Electricity Commission (Chairman) Act 1949</i>	The whole.
5466 ..	<i>State Electricity Commission (Contracts) Act 1950</i>	The whole.
5514 ..	<i>State Electricity Commission Act 1950</i> ..	The whole.
5554 ..	<i>Newport "A" Power Station Act 1951</i>	The whole.
5559 ..	<i>Transport Act 1951</i> ..	Section 14 (5).
5635 ..	<i>State Electricity Commission (Appliances) Act 1952</i>	The whole.
5639 ..	<i>State Electricity Commission (Borrowing) Act 1952</i>	The whole.
5827 ..	<i>State Electricity Commission (Financial) Act 1954</i>	The whole.
5864 ..	<i>Newport "A" Power Station Act 1955</i>	The whole.
5933 ..	<i>Public Officers Salaries Act 1955</i> ..	Section 2 (5).
6001 ..	<i>State Electricity Commission Act 1956</i> ..	The whole.
6122 ..	<i>State Electricity Commission (Land Compensation) Act 1957</i>	The whole.
6163 ..	<i>State Electricity Commission (Borrowing) Act 1957</i>	The whole.

SECOND SCHEDULE.

Section 21 (2).

That portion of the municipal district of Port Melbourne which lies between the Flinders Street to Port Melbourne Railway Line and the River Yarra, the municipal districts of Footscray, Williamstown, Werribee, and Braybrook.

THIRD SCHEDULE.

Sections 59,
60, 67, 71, 75.

PART A.

The municipal districts of the City of Bendigo, and the Borough of Eaglehawk.

PART B.

The municipal districts of the City of Ballarat and the Borough of Sebastopol.

FOURTH SCHEDULE.

Section 77.

OFFENCES AND PENALTIES IN RELATION TO TRAMWAYS AND OMNIBUSES.

No. 3845
Second
Schedule.

1. Any person who unlawfully—

- (a) interferes with removes or alters any part of a tramway of the Commission or of the works connected therewith;
- (b) places or throws any stones dirt wood refuse or other material on any part of a tramway of the Commission; or
- (c) does or causes to be done anything in such manner as to obstruct any vehicle or car of the Commission using a tramway of the Commission or any omnibus of the Commission or to endanger the lives of persons therein or thereon—

Interference
with
tramway.

shall (without affecting any liability whether civil or criminal to which he is otherwise subject) be liable to a penalty of not more than Five pounds.

2. Any person who—

- (a) travelling or having travelled in any car or omnibus of the Commission avoids or attempts to avoid payment of his fare;
- (b) having paid his fare for a certain distance knowingly proceeds in any such car or omnibus beyond such distance and does not pay the additional fare for the additional distance or attempts to avoid payment thereof;
- (c) knowingly refuses or neglects on arriving at the point to which he has paid his fare to quit such car or omnibus;
- (d) defaces any notice placed by the Commission on any part of a tramway or car or omnibus of the Commission;
- (e) obstructs any person employed on a tramway or car or omnibus of the Commission in the performance of his duty;
- (f) behaves in a violent or offensive manner to the annoyance of others on any car or omnibus of the Commission;
- (g) refuses to leave any tramway or premises of the Commission when required to do so by any officer servant or agent of the Commission or the platform or steps of any car or omnibus of the Commission when required to do so by the conductor; or
- (h) knowingly aids or assists in doing any such thing—

Offences by
passengers.

shall be liable to a penalty of not more than Five pounds.

3. Any officer or servant of the Commission and all persons called by him to his assistance may seize any person discovered either in or after committing or attempting to commit any offence mentioned in the last two preceding clauses and whose name or residence is unknown to such officer or servant, and may detain him until he can conveniently be taken before a justice or until he is lawfully discharged.

Summary
power to
arrest
offenders.

Sections 94,
97.

FIFTH SCHEDULE.

PART I.—DEBENTURES.

No. 4512
Schedule
Part I; No.
5272 s. 15 (a),
No. 6163
s. 3 (1) (b).
Form.

The following provisions shall apply to debentures issued by the Commission under this Act:—

1. Every debenture shall be in the form prescribed by the by-laws made under this Act or to the like effect: Provided that if no by-law prescribing the form of debentures is made before the issue of debentures for the purposes of any loan under this Act every debenture for the purposes of that loan shall be in the form or to the effect following:—

STATE ELECTRICITY COMMISSION OF VICTORIA (AUSTRALIA) DEBENTURE.

No.

Transferable by Delivery.

Under the authority of and subject to the *State Electricity Commission Act 1958.*

This debenture entitles the bearer to the sum of _____ pounds on the _____ day of _____ with interest thereon in the meantime at the rate of _____ per centum per annum payable half-yearly on the _____ day of _____ and the _____ day of _____ in every year as per coupons annexed, which principal sum and interest are hereby charged and secured upon the revenues (within the meaning of the said Act) of the State Electricity Commission of Victoria: And such principal sum and interest are payable at the bankers for the time being of the said Commission in the city of Melbourne [or (as the case may be) in the city of London or in (state the name of the place where payable)].

Given under the common seal of the State Electricity Commission of Victoria at the city of Melbourne in the State of Victoria this _____ day of _____ in the year 19 _____.

(L.S.)

Chairman.
Secretary.

2. Debentures shall—

Seal.

(a) be prepared on watermarked paper approved by the Treasurer and bear the signatures of a Commissioner and the secretary or acting secretary and the common seal of the Commission or a facsimile of such seal;

(b) be signed personally by such persons or have the signatures of such persons endorsed thereon by engraving or any other process approved by the Treasurer;

Number.

(c) be numbered consecutively in each denomination beginning with the number one and proceeding in arithmetical progression whereof the common difference is one.

Pass by delivery.

3. Every debenture with the interest coupons annexed thereto and every interest coupon after being detached therefrom shall pass by delivery and without any assignment or indorsement.

Rights of bearer.

4. The bearer of every debenture or detached interest coupon shall have the same rights as if he were expressly named as payee therein.

Payment of interest.

5. No interest shall be payable in respect of any debenture except to the holder of the coupon representing the interest claimed and upon delivery of the same.

Register of debentures.

6. (1) The Commission shall cause to be kept in one or more books a register of debentures, and within a reasonable time after the date of any debenture shall cause to be made an entry in the register specifying the number date and amount of the debenture.

(2) The register of debentures—

Inspection.

(a) may be inspected at all reasonable times by any person on payment of One shilling for each inspection; and

Register to be evidence.

(b) shall be evidence of any matters required or authorized by or under this Act to be inserted therein.

FIFTH SCHEDULE—*continued.*

(3) Any person shall be entitled to obtain from the Commission copies or extracts certified by the officer in whose custody the register is kept to be true copies of or extracts from such register upon payment for each copy or extract of a fee of Two shillings and sixpence and Twopence for every folio of seventy-two words; and any copy or extract so certified shall be admissible in evidence.

Copies to be supplied.

7. Upon proof being made before a judge of the Supreme Court in chambers by affidavit of any credible person that any debenture issued by the Commission under this Act and held by such person the number and sum whereof is specified by him has been lost or accidentally burnt or otherwise destroyed before the same has been paid off, and after the insertion of such advertisements as such judge directs and upon such judge certifying that he is satisfied with such proof, the Commission may after the expiration of six months cause a new debenture with interest coupons attached to be made having the like currency and bearing the same principal sum and rate of interest as the debenture so lost or destroyed and to be delivered to such person upon his giving sufficient security to the Commission to indemnify the Commission against any double payment.

Provision for lost debentures.

8. If any debenture is defaced by accident—

Provision for defaced debentures.

- (a) the Commission may cancel the same and cause a new debenture to be made in lieu thereof; and
- (b) the new debenture shall have the like currency and be in all respects subject to the same provisions and bear the same principal sum and rate of interest as the cancelled debenture.

9. (1) All debentures paid off discharged exchanged or converted into stock shall—

Discharged debentures to be destroyed.

- (a) be cancelled by the secretary or acting secretary; and
- (b) be burnt in the presence of the secretary or acting secretary and the Auditor-General or one of his officers thereto authorized by him in writing.

(2) The Auditor-General or such officer (as the case may be) before the debentures are burnt shall audit the same and allow the accounts thereof and furnish the Commission with a certificate particularizing the debentures so burnt; and the secretary shall file that certificate in the office of the Commission.

PART II.—STOCK.

The following provisions shall apply to State Electricity Commission of Victoria (Australia) Inscribed Stock issued in Melbourne (hereinafter referred to as "stock"):

No. 4512
Schedule
Part II.;
No. 5272
s. 15 (b).

1. The Commission may establish at the office of the Commission a registry for the inscription of stock created and issued under the authority of this Act and appoint officers of the Commission to be respectively registrar of stock and deputy-registrar of stock and such deputy registrar shall in the absence of the registrar have all the powers authorities and duties of the registrar.

Establishment of registry and appointment of registrar and deputy registrar.

2. Stock may be sold by the Commission for ready money in parcels or amounts of Ten pounds or some multiple of Ten pounds.

Parcels of stock.

3. (1) The Commission shall cause to be provided and kept at the office of the Commission books to be called "stock ledgers."

Stock ledgers.

(2) All stock issued shall be inscribed in the stock ledgers by entering the names of the purchasers of stock and the amount of stock purchased by them respectively.

Inscription of stock.

(3) In the case of joint purchasers of stock the names of not more than four of them shall be inscribed as the joint purchasers.

Joint purchasers.

(4) The stock ledgers shall be evidence of any matters appearing therein and required or authorized by or under this Act to be inserted therein.

Evidence.

4. (1) Stock or any share therein shall be transferable in the manner prescribed by by-laws of the Commission from one person to another by instrument in the form so prescribed and not otherwise.

Stock how transferable.

(2) No person shall be entitled or allowed to transfer any fraction of One pound or any smaller sum than Ten pounds unless that smaller sum is the full amount of the balance standing to his credit in the stock ledger.

Restrictions on amount of stock which may be transferred.

(3) Every instrument of transfer of the said stock or any share therein shall be executed by all parties and the signatures to the instrument shall be attested in the manner prescribed by the by-laws.

Execution of transfer.

FIFTH SCHEDULE—continued.

Registration of transfer.

(4) Every instrument of transfer when executed shall be delivered to the registrar who shall register the same by entering a memorial of it in the stock ledger and shall inscribe the name of the transferee in the stock ledger as the owner of the said stock.

Application for transmission (other than a transfer) of stock.

5. (1) Any person to whom any stock is transmitted in consequence of the death or bankruptcy or insolvency of the registered owner of any stock or by any other lawful means than by a transfer in accordance with this Act may apply in the form prescribed by the by-laws to the registrar at the registry to be inscribed as the owner of such stock.

Verification of application for transmission.

(2) Every such application for transmission shall be verified by statutory declaration or in such other manner as is so prescribed, and—

(a) in the case of such a transmission consequent on death—the probate of the will or the letters of administration shall be produced to the registrar or in the case of transmission to a survivor or the survivors of a joint owner a certificate of the death of the owner who has died may if the registrar approves be produced to him in lieu of probate or letters of administration; and

(b) in the case of such a transmission consequent on bankruptcy or insolvency—an office copy of the adjudication or order of sequestration shall be delivered to the registrar.

Registration of transmission.

(3) The registrar shall if he is satisfied that the provisions of this Act have been complied with register any such transmission by entering a memorial of it in the stock ledger and inscribe the name of the person to whom the stock has been transmitted in the stock ledger as the registered owner of the stock.

Powers of attorney.

6. (1) Any person may by power of attorney under his hand and seal and attested by two or more credible witnesses appoint some person to be his attorney for any purpose in relation to stock (including an application for conversion or to receive interest or redemption money).

(2) A power of attorney shall be valid and effectual for all purposes therein mentioned until notices of its revocation or of the bankruptcy insolvency lunacy unsoundness of mind or death of the principal has been received by the registrar at the registry.

When transfer books to be closed and ledgers balanced.

7. (1) No instrument of transfer of stock or of any part thereof shall be registered on any Saturday or holiday or within the period of fourteen days or within such period (not exceeding twenty-one days) as is prescribed next before any of the days on which the interest thereon is payable.

(2) During the periods last aforesaid respectively the Commission shall cause the amount of the said stock respectively standing to the credit of the several registered owners thereof to be ascertained and the balances to be struck and carried forward in the proper stock ledger.

(3) No instrument of transfer of stock or of any part thereof shall be registered during the period of twenty-one days immediately preceding the date of maturity of stock.

Power of judge to prohibit transfer in certain cases.

8. (1) If any person by the affidavit of himself or of another or others makes appear to the satisfaction of a judge of the Supreme Court that any part of the stock standing in the name or names of any other person or persons is held by him or them upon any trust in the execution or performance of which such first-mentioned person is beneficially interested such judge may make an order in the form or to the effect following:—

In the Supreme Court.

Upon reading the affidavits of A.B. and C.D. and upon hearing [the attorney or agent or Mr. H. of counsel] for the said A.B., I do order that pounds of State Electricity Commission of Victoria (Australia) Inscribed Stock created under the *State Electricity Commission Act 1958* now standing in the name of G.M. [or the names of G.M. and E.F.] shall not be transferred without the further order of a judge of this court, unless the said A.B. shall by writing under his hand upon the said transfer express his assent thereto.

Dated this

day

A.D. 19

Order to be served upon Commission, &c.

(2) The said order shall be signed in duplicate and with office copies of the affidavit or affidavits mentioned therein shall be delivered to or served upon the Commission which shall obey the said order and cause the same and the said attested copies to be filed in the office of the Commission and a memorandum of the said order to be made in the proper place in the stock ledger.

FIFTH SCHEDULE—*continued.*

(3) Upon receipt of any such order and office copies as aforesaid the Commission shall cause to be sent by the post to every person registered as owner of the stock mentioned in such order a notice in the following form or to the like effect:—

State Electricity Commission's Office, Melbourne, 19 .

A judge's order prohibiting the transfer of _____ pounds of State Electricity Commission of Victoria (Australia) Inscribed Stock created under the *State Electricity Commission Act 1958* standing in your name or in the names of yourself and _____ has been obtained by A.B. and served upon the State Electricity Commission of Victoria.

If you object to the said order you must apply to a judge of the Supreme Court to rescind it, as while it remains in force no transfer can be made without the consent of the person who obtained it.

C.D.,
Secretary.

(4) (a) Any person registered as the owner of the stock mentioned in any such order may at any time apply by summons to any judge of the Supreme Court to rescind such order or to permit a transfer of some specified part of the said stock.

(b) Such judge may make an order with or without costs dismissing such summons or rescinding such first-mentioned order or permitting a transfer of some specified part as aforesaid.

(c) Such order shall be signed in duplicate and shall be delivered to or served upon the Commission, which shall obey the same and cause it to be filed in the office of the Commission and a memorandum of it to be made in the proper place in the stock ledger.

9. (1) The receipt of the person in whose name any stock stands in the stock ledger, or if it stands in the names of more persons than one the receipt of one of the persons named in the stock ledger shall be a sufficient discharge to the Commission for any interest payable in respect of such stock, notwithstanding any trusts to which such stock may then be subject and whether or not the Commission has had notice of such trusts, and the Commission shall not be bound to see to the application of the money paid upon such receipt.

(2) If any stock is held in joint names and one or more of the registered owners of the stock dies becomes bankrupt insolvent or otherwise legally incapable, the receipt of any one of the other joint owners or survivors shall be a sufficient discharge to the Commission for any interest payable in respect of such stock, notwithstanding that a transmission has not been registered as required by this Act.

10. (1) The registrar shall keep the several forms prescribed under this Act and required in connexion with stock.

(2) No forms other than the prescribed forms shall be used except with the consent of the Chairman of the Commission.

SIXTH SCHEDULE

Business and Rules.

1. (1) Any three commissioners shall form a quorum and shall have and may exercise and perform the powers authorities and duties which by any Act or means whatsoever are vested in or imposed upon the Commission.

(2) No proceeding or act of the Commission shall (if there is a quorum) be invalidated or illegal in consequence only of there being any vacancy in the number of commissioners at the time of such proceeding or act.

2. (1) At any meeting of the Commission the chairman if present shall preside.

(2) When only three commissioners, none of them being the chairman, are present at any meeting the commissioner who is the senior in respect to date of appointment shall preside at such meeting.

Commission to give notice thereof.

Application to rescind order.

Receipt of registered stock-holders to discharge without regard to trust.

Receipt where one of joint holders dies &c.

Registrar to keep forms.

No other forms to be used.

Section 109

No. 3776 Third Schedule; No. 5466 s. 2, No. 6001 s. 3.

Quorum. Validity of proceedings and acts.

Chairman to preside at meetings.

Senior commissioner in absence of chairman.

SIXTH SCHEDULE—*continued.*

Casting vote.	(3) The commissioner presiding at a meeting shall, in the event of an equal division of votes thereat, have a second or casting vote.
Minutes.	3. The Commission shall keep minutes of all its proceedings in such manner and form as the Governor in Council directs; and shall at the beginning of each week submit to the Minister a copy of all minutes kept during the preceding week pursuant to this section.
Minister to have reports &c. and assistance of officers and employes under the Commission.	4. (1) The Commission shall furnish the Minister with— (a) all such reports documents papers and minutes as are required by Parliament pursuant to any Act or pursuant to any order of either House of Parliament; and (b) full information on all business of the Commission to enable answers to be made to all questions asked in Parliament concerning the Commission or to enable the Minister to furnish any returns required by Parliament or which he himself requires. (2) For the proper conduct of his public business the Minister shall be entitled at all times to put himself into direct communication with all officers and employes of the Commission and also to see all documents papers and minutes which he requires either for Parliament or himself and to be supplied with copies thereof, and also to avail himself of the services and assistance of any officer or employe.
Rules as to procedure and as to officers and employes.	5. (1) The Commission may make rules for or with respect to— (a) the regulation of its procedure; (b) the powers and duties and the control supervision and guidance and the regulation and discipline of its officers and employes. (2) Any such rules for or with respect to a provident fund for officers of the Commission may be extended to apply to the chairman of the Commission.
Rules as to provident fund.	
Mode of determining disputes &c.	<i>Contracts.</i>
Form of Contracts.	1. Every contract made by the Commission may if the Commission so thinks fit specify the person to whose satisfaction the same is to be completed and the mode of determining any dispute which arises concerning or in consequence of such contract. 2. The powers granted to the Commission to make contracts may be exercised as follows:— (a) Any contract which if made between private persons would be by law required to be in writing under seal may be made on behalf of the Commission in writing under the common seal of the Commission and may in the same manner be varied or discharged. (b) Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith may be made on behalf of the Commission in writing signed by any person acting under its authority express or implied and may in the same manner be varied or discharged. (c) Any contract which if made between private persons would by law be valid although made by parol only and not reduced into writing may be made by parol on behalf of the Commission by any person acting under its authority express or implied and may in the same manner be varied or discharged.
Effect of contracts so made &c.	3. All contracts so made and duly executed by the parties thereto respectively shall be effectual in law and binding on the Commission and all other parties thereto their successors heirs executors or administrators (as the case may be). In the case of default in the execution of any such contract either by the Commission or by any other party thereto, such actions or suits may be instituted either by or against the Commission in its corporate name or by or against the other parties failing in the execution thereof and such damages and costs recovered as might be instituted and recovered had the like contract been made between private persons.
Sanction of Governor in Council for certain contracts.	4. No contract made by the Commission the consideration of which exceeds Five thousand pounds or the performance of which may extend over a period exceeding three years shall have any force or effect unless sanctioned by the Governor in Council.

SIXTH SCHEDULE—continued.

5. The Commission at a meeting specially called for that purpose may compound and agree with any person who has entered into any contract with it or against whom any action or suit is brought for any penalty contained in any such contract or in any bond or other security for the performance thereof or for or on account of any breach or non-performance of any such contract bond or security for such sum of money or other recompense as the Commission thinks proper.

Power to compound for breach of contracts.

Legal Proceedings, Evidence.

1. All courts judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to any deed and shall presume that such seal was properly affixed thereto.

Judicial notice of common seal.

2. (1) Any notice summons writ or other proceeding required to be served upon the Commission may be served by being given personally to the chairman or the secretary.

Service of notices and legal proceedings on owners or occupiers.

(2) Save as otherwise expressly provided any notice or demand required by or under this Act to be given or served on the owner or occupier of any land or tenement may (in addition to or instead of any other mode or service) be served by post by prepaid letter addressed to the owner or occupier, and in proving the service it shall be sufficient to prove that the notice or demand was properly addressed to the owner or occupier and was put into the post.

3. Every notice order summons or other document requiring authentication by the Commission may be sufficiently authenticated without the seal of the Commission if signed by the secretary.

Documents how authenticated.

4. The Commission may order either generally or in any particular case that proceedings be taken for the recovery of any penalties incurred under or for the punishment of any persons offending against this Act or under or against any regulations or rules.

Power to direct prosecutions.

5. In all proceedings before justices or in any court of petty sessions any officer of the Commission appointed by the chairman in writing under his hand for that purpose may represent the Commission in all respects as though such officer was the party concerned.

Power of officer to represent Commission in petty sessions.

6. (1) In any prosecution or legal proceedings under the provisions of this Act or the regulations or rules instituted by or under the direction of the Commission no proof shall be required (until evidence is given to the contrary) of—

Proof of certain matters not required.

- (a) the constitution of the Commission;
- (b) any order of the Commission to prosecute;
- (c) the particular or general appointment of the secretary or any other officer of the Commission to take proceedings against any person;
- (d) the powers of the said secretary or other officer to prosecute;
- (e) the appointment of the chairman or of any commissioner or of the secretary or other officer of the Commission; or
- (f) the presence of a quorum at any meeting at which any order is made or any act is done by the Commission.

(2) The production of—

- a copy of the *Government Gazette* containing any regulation rule order or notice purporting to have been made or given under any of the provisions of this Act; or
- a copy purporting to be a true copy of any such regulation rule order or notice certified as such under the hand of the secretary of the Commission—

Evidence of regulations &c.

shall be evidence until the contrary is proved of the due making existence confirmation approval and giving of such regulation rule order or notice and of all preliminary steps necessary to give full force and effect to the same.

7. All documents whatever purporting to be issued or written by or under the direction of the Commission and purporting to be signed by the secretary shall be received as evidence in all courts and before all persons acting judicially within Victoria and shall without proof be deemed to have been issued or written by or under the direction of the Commission until the contrary is shown.

Evidence of documents issued by the Commission.

SIXTH SCHEDULE—*continued.*

Protection of
commissioners
officers &c.

8. No matter or thing done by any commissioner or by any officer or other person appointed or employed by the Commission if done *bona fide* in the exercise of his powers or in the performance of his duties under this or any other Act shall subject such commissioner officer or other person to any personal liability in respect thereof.

Powers of the
Commission
in conducting
investigations
&c.

9. The Commission for the purposes of any appeal or proceedings for the settlement of questions differences or disputes under this Act or of conducting any investigation or inquiry authorized to be made by or under this Act shall have all the powers conferred by sections fourteen to sixteen of the *Evidence Act 1958* upon a Board appointed by the Governor in Council.

Offences and Penalties.

1. Every person who—

Penalty for
obstructing
construction.

(a) wilfully obstructs any person acting under the authority of the Commission in the lawful exercise of its powers in setting out or forming laying down altering repairing improving or renewing any works or undertakings; or

(b) without the authority of the Commission or the proper officer thereof—

(i) pulls up or removes any poles or stakes driven into the ground for the purpose of setting out such works or undertakings;

(ii) defaces or destroys any marks made for the same purpose; or

(iii) extinguishes any light provided or takes down alters or interferes with any bars chains fences or hoardings erected or placed for the protection of any such works or undertakings or for guarding against accidents—

shall (without affecting any liability civil or criminal to which he is otherwise subject) be liable to a penalty of not more than Five pounds.

2. Every person who—

Penalty for
tampering
with works.

(a) without authority or without having given to the Commission the notice (if any) required by or under this Act of his intention so to do opens any ground so as to uncover or expose any works or fittings of or under the control and management of the Commission; or

(b) wilfully or negligently breaks or injures or opens any works or fittings as aforesaid shall (without affecting any liability civil or criminal to which he is otherwise subject) be liable to a penalty of not more than Five pounds.

Penalty for
destruction
of works.

3. Every person who unlawfully and maliciously destroys or damages or attempts to destroy or damage any work undertaking or property of or under the control and management of the Commission shall be guilty of a misdemeanour and be liable at the discretion of the court before which he is convicted to be imprisoned for a term of not more than ten years.