

An Act to provide for the Establishment Constitution and Functions of an Advisory Council in relation to an Area at Yallourn under the Jurisdiction of the State Electricity Commission of Victoria, and for other purposes.

[1st July, 1947.]

BE it enacted by the King'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) :—

Short title
construction
and citation.

Nos. 3776, 3845,
3922, 4087,
4220, 4419,
4480, 4505,
4512, 4770.

1. (1) This Act may be cited as the *State Electricity Commission (Yallourn Area) Act 1947* and shall be read and construed as one with the *State Electricity Commission Act 1928* (hereinafter called the Principal Act) and any Act amending the same all of which Acts and this Act may be cited together as the State Electricity Commission Acts.

Commencement.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

2. In

2. In this Act unless inconsistent with the context Interpretation.
or subject-matter---

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

"Commission" means the State Electricity Commission "Commission."
of Victoria.

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

3. (1) For the purposes of this Act there shall be an Establishment
advisory council to be known as the Yallourn Town and
Advisory Council constituted as hereinafter provided. constitution of
Yallourn Town
Advisory
Council.

(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.

(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*.

4. (1) Subject to this Act each member of the advisory Term of
council— office of
members of
Yallourn
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):

Provided

Provided that in the case of the first election of members to the advisory council—

(i) if there is a poll, the member first declared elected shall hold office for three years, the member next declared elected shall hold office for two years, and the other member declared elected shall hold office for one year, from the date of his election;

(ii) if there is no poll, it shall be decided by lot, as prescribed, which member shall hold office for three years, which member for two years, and which member for one year, from the date of his election; and

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

(2) The first meeting of the advisory council shall be held on such day and at such time and place as the Governor in Council by Order published in the *Government Gazette* appoints and on that day the advisory council shall be deemed to be duly constituted.

Vacancies.

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

(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.

Extraordinary vacancies.

6. (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.

(2) Any

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

7. (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.

(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.

8. (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.

(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.

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

Casting vote
of chairman.

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

Proceedings.

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

Commission
to provide
meeting place
office
accommodation
and
secretarial
assistance for
advisory
council.

(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.

10. (1) The

Chairman's
salary.

10. (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.

11. 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.

12. (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.

As to by-laws.

(2) The following provisions shall apply to and in relation to such 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 1946* 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 :

No. 5203.

(c) The

- (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—

- (a) 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

(b) would

(b) would require the exercise by the Commission of any power not conferred upon the Commission by the State Electricity Commission Acts.

13. For section twenty of the Principal Act there shall be substituted the following section:—

New section substituted for No. 3776 s. 20.

Yallourn works area and powers of the Commission.

“20. (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 upon such publication cease to form portion of any municipal district.

No s. 3749, &c.

(2) For the purposes of the Police Offences Acts and any other Act or enactment specified 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).

Nos. 3776 &c.

(3) Subject to the State Electricity Commission Acts 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 1946* or any other Act) of a municipal council of a borough as if that area were its municipal district.

No. 5203.

(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

(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."

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

(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. Publication.