

Version No. 054
Electricity Industry (Residual Provisions)
Act 1993

Act No. 130/1993

Version incorporating amendments as at 28 June 2002

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1. Purpose	1
2. Commencement	1
3. Definitions	2
4. Subsidiary	13
4A. Application of Act to certain distribution, transmission and generation companies	13
5. Crown to be bound	14
6. Extra-territorial operation	14
PART 2—THE ELECTRICITY CORPORATIONS	15
Division 1—<i>Repealed</i>	15
7–12B. <i>Repealed</i>	15
Division 2—Directions as to electricity supply system	17
13–18. <i>Repealed</i>	17
19. Regulations may provide for compensation for certain loss	18
Division 3—<i>Repealed</i>	18
20–25. <i>Repealed</i>	18
Division 4—General provisions applying to electricity corporations	19
26. Directions	19
27. <i>Repealed</i>	19
Division 5—Financial	20
28. Borrowing and investment by electricity corporation	20
29. Payments in respect of financial obligations	20

<i>Section</i>	<i>Page</i>
Division 6—General	21
30. Duties of directors	21
31. Minister may bring proceedings	22
32. Electricity corporation not to make loans to directors	23
33. Indemnity	23
34. <i>Repealed</i>	24
35. Corporate plan	24
36. Statement of corporate intent: contents	26
36A. Electricity corporations to act in accordance with corporate plan	27
37. Non-commercial functions	28
38. Dividends	29
39–41. <i>Repealed</i>	30
PART 2A—<i>Repealed</i>	30
41A–41M. <i>Repealed</i>	30
PART 3—PROPERTY AND WORKS	31
42AA. Definition	31
42–42B. <i>Repealed</i>	31
43. Certain rights deemed to be easements appurtenant to lands of electricity corporation	31
44–47. <i>Repealed</i>	33
47A. Application of Mineral Resources Development Act 1990 to generation companies or SEC	34
PARTS 3A, 3AA—<i>Repealed</i>	38
47B–47W. <i>Repealed</i>	38
PART 4—THE ADMINISTRATOR	40
Division 1—The Administrator	40
48. Appointment of Administrator	40
49. Vacancy etc. in office of Administrator	40
49A. Deputy Administrator	41
49B. Resignation and removal	41
49C. Functions and powers	41
50. Staff of Administrator	42
51. Functions and powers	42
52. Delegation	42
53. Directions	43
54. <i>Repealed</i>	43
Division 2—<i>Repealed</i>	44
55–61. <i>Repealed</i>	44

<i>Section</i>	<i>Page</i>
PART 5—TRANSFER OF PROPERTY OF SEC	45
Division 1—Allocation of property	45
62. SEC to prepare allocation statement	45
62A. Further allocation of property rights and liabilities	46
62AA. Minister may direct transfer of property	47
63. Certificate of Administrator	49
Division 1A—Transfer of certain liabilities	50
63A. Allocation statement	50
63B. Certificate of Administrator	50
63C. Liabilities transferred to electricity corporation	51
63D. Meaning of "appointed day" in Division 2	51
Division 2—Transfer of property	51
64. Property transferred to electricity corporation	51
65. Property transferred to SEC company	52
66. Property transferred to State	52
66A. Property transferred to other persons	52
67. Allocation of property etc. subject to encumbrances	53
68. Value of transferred property	53
69. Substitution of party to agreement	53
70. SEC instruments	54
71. Proceedings	54
71A. Criminal proceedings	54
72. Interests in land	55
73. Amendment of Register	56
74. Taxes	56
75. Evidence	57
76. Validity of things done under this Act	57
Division 3—Financial obligations of SEC	58
77. Financial obligations of SEC	58
78. Electricity corporations to make payments to SEC	59
Division 4—<i>Repealed</i>	60
79. <i>Repealed</i>	60
PART 6—STAFF	61
80. Definitions	61
81. List of SEC staff	61
82. Transfer of SEC staff	62
83. Future terms and conditions of transferred employees	63
84. Superannuation	64
PART 6A—<i>Repealed</i>	66

<i>Section</i>	<i>Page</i>
PART 7—GENERAL	67
84A. Public distribution company, public transmission company and public generation company	67
84AAA. Certain assets not to be fixtures	67
84AA. Financial benefits given on arm's length terms	67
84AB. Sale of Land Act 1962	68
84AC. Building Act 1993	68
84B. Persons dealing with electricity corporations or VPX	69
84C. Reports to Treasurer	69
84D. Disclosure of information	69
84D. Disclosure of information	69
84E. <i>Repealed</i>	70
85. Delegation by Minister and Treasurer	70
86. Agreements about certain matters	70
87. Service of documents on electricity corporation	70
88. Evidence of documents	71
89. <i>Repealed</i>	71
90. Treasurer may give guarantee	72
91. Trade Practices Act 1974 of the Commonwealth	72
91AA. <i>Repealed</i>	73
91A. Exemption from Freedom of Information Act	73
91AB. Ombudsman Act 1973 not to apply	73
91AC. Obligations under certain contracts	73
91B. Debt proceedings	74
91C. <i>Repealed</i>	74
92. Regulations	75
PART 8—TRANSITIONAL	76
93. <i>Repealed</i>	76
94. Generation Victoria successor of State Body	76
95–97. <i>Repealed</i>	76
PART 9—TRANSFER OF PROPERTY AND STAFF OF NATIONAL ELECTRICITY	78
Division 1—Definitions	78
98. Definitions	78
Division 2—Allocation of property	80
99. Minister may direct National Electricity to transfer property	80
100. Certificate of chief executive officer	81
Division 3—Transfer of property	82
101. Property transferred to nominee	82
102. Allocation of property etc. subject to encumbrances	82
103. Value of former National Electricity property	83

<i>Section</i>	<i>Page</i>
104. Substitution of party to agreement	83
105. National Electricity instruments	84
106. Proceedings	84
106A. Criminal proceedings	84
107. Interests in land	85
108. Amendment of Register	85
109. Taxes	86
110. Evidence	86
111. Validity of things done under this Part	87
Division 4—<i>Repealed</i>	87
112. <i>Repealed</i>	87
Division 5—Staff	88
113. List of National Electricity staff	88
114. Transfer of National Electricity staff	88
115. Future terms and conditions of transferred employees	89
115A. <i>Repealed</i>	90
PART 10—TRANSFER OF PROPERTY AND STAFF OF ESV TO DISTRIBUTION COMPANIES	91
Division 1—Definitions	91
116. Definitions	91
Division 2—Allocation of property	93
117. ESV to prepare allocation statement	93
118. Certificate of Administrator	94
Division 3—Transfer of property	95
119. Property transferred to distribution company	95
120. Allocation of property etc. subject to encumbrances	95
121. Value of former ESV property	96
122. Substitution of party to agreement	96
123. ESV instruments	97
124. Proceedings	97
124A. Criminal proceedings	97
125. Interests in land	98
126. Amendment of Register	98
127. Taxes	99
128. Evidence	99
129. Validity of things done under this Part	99
Division 4—<i>Repealed</i>	100
130. <i>Repealed</i>	100

<i>Section</i>	<i>Page</i>
Division 5—Staff	100
131. List of ESV staff	100
132. Transfer of ESV staff	101
133. Future terms and conditions of transferred employees	102
134. <i>Repealed</i>	103
PART 11—TRANSFER OF MUNICIPAL ELECTRICAL UNDERTAKINGS TO DISTRIBUTION COMPANIES	104
Division 1—Definitions	104
135. Definitions	104
Division 2—Agreement	106
136. Agreement with respect to transfer of property and staff of MEUs	106
Division 3—Allocation of property	106
137. Allocator to prepare allocation statement	106
138. Certificate of Administrator	107
Division 4—Transfer of property	108
139. Property transferred to distribution company	108
140. Allocation of property etc. subject to encumbrances	108
141. Value of former MEU property	109
142. Substitution of party to agreement	110
143. MEU instruments	110
143A. Proceedings	110
144. Interests in land	110
145. Amendment of Register	111
146. Taxes	111
147. Evidence	111
148. Validity of things done under this Part	112
Division 5—<i>Repealed</i>	113
149. <i>Repealed</i>	113
Division 6—Staff	113
150. List of MEU staff	113
151. Transfer of MEU staff	114
152. Future terms and conditions of transferred MEU staff members	115
153. <i>Repealed</i>	116

<i>Section</i>	<i>Page</i>
PART 11A—TRANSFER OF PROPERTY AND STAFF OF GENERATION VICTORIA	117
Division 1—Definitions	117
153A. Definitions	117
Division 2—Allocation of property	118
153B. GV to prepare allocation statement	118
153C. Certificate of Administrator	120
Division 3—Transfer of property	121
153D. Property transferred to generation company	121
153E. Allocation of property etc. subject to encumbrances	121
153F. Value of former GV property	122
153G. Substitution of party to agreement	122
153H. Criminal proceedings	123
153I. GV instruments	123
153J. Proceedings	123
153K. Interests in land	124
153L. Amendment of Register	124
153M. Taxes	125
153N. Evidence	125
153O. Validity of things done under this Part	125
Division 4—<i>Repealed</i>	126
153P. <i>Repealed</i>	126
Division 5—Staff	126
153Q. List of GV staff	126
153R. Transfer of GV staff	127
153S. Future terms and conditions of transferred employees	128
153T. <i>Repealed</i>	129
PART 11AB—TRANSFER OF CERTAIN PROPERTY AND STAFF OF LOY YANG POWER LTD	130
Division 1—Definitions and application	130
153TA. Definitions and application	130
Division 2—Allocation of property	132
153TB. LYP to prepare allocation statement	132
153TC. Certificate of Administrator	133

<i>Section</i>	<i>Page</i>
Division 3—Transfer of property	134
153TD. Property transferred	134
153TE. Allocation of property etc. subject to encumbrances	134
153TF. Substitution of party to agreement	134
153TG. LYP instruments	135
153TH. Proceedings	135
153TI. Interests in land	135
153TJ. Amendment of Register	136
153TK. Evidence	136
153TL. Validity of things done under this Part	136
Division 4—Staff	137
153TM. List of LYP staff	137
153TN. Transfer of LYP staff	138
153TO. Future terms and conditions of transferred employees	139
153TP. Superannuation	139
PART 11AC—TRANSFER OF CERTAIN PROPERTY AND STAFF OF NOMINATED TRANSFEROR COMPANIES	140
Division 1—Definitions and applications	140
153TQ. Definitions	140
153TR. Nomination of transferor company	142
Division 2—Allocation of property	142
153TS. TCO to prepare allocation statement	142
153TT. Certificate of Administrator	143
Division 3—Transfer of property	144
153TU. Property transferred	144
153TUA. Value to TCO of transferred property	144
153TV. Allocation of property etc. subject to encumbrances	145
153TW. Substitution of party to agreement	145
153TX. TCO instruments	145
153TY. Proceedings	146
153TZ. Interests in land	146
153TZA. Amendment of Register	146
153TZB. Evidence	147
153TZC. Validity of things done under this Part	147
Division 4—Staff	148
153TZD. List of TCO staff	148
153TZE. Transfer of TCO staff	149
153TZF. Future terms and conditions of transferred employees	150
153TZG. Superannuation	150

<i>Section</i>	<i>Page</i>
PART 11B—PROVISIONS RELATING TO PRIVATISATION	151
153U. Treasurer may be party to agreement for sale	151
153UA. Loy Yang B transaction	151
153V. Transfer of shares to SEC	151
153W. Distribution company, transmission company or generation company to pay certain amounts to SEC	152
153X. Freedom of Information Act 1982	153
PART 12—REGULATION OF ELECTRICITY INDUSTRY	154
154. Definitions	154
155. Construction of Part	155
155A. <i>Repealed</i>	155
156. Application of Part	155
157. Objectives of the Commission	155
157A–158B. <i>Repealed</i>	156
158BA. Power to regulate certain changes	157
158C–170C. <i>Repealed</i>	158
PART 13—<i>Repealed</i>	163
171–182. <i>Repealed</i>	163
PART 14—LATROBE VALLEY LAND	164
Division 1—Surrender of land	164
183. Surrender of land to Crown	164
184. Preservation of leases	165
185. Preservation of SEC easement	167
186. PTC land to be surrendered	167
187. Certain residual lands to be surrendered to the Crown	167
Division 2—Revocation of reservations and closure of roads	169
188. Revocation of reservations—Morwell West land	169
189. Revocation of reservations—Hernes Oak land	169
190. Revocation of reservation—La Trobe river	169
191. Revocation of reservation—Morwell river	169
192. Consequences of revoking a reservation	169
193. Rights to cease	170
194. Powers to lease in relation to certain Latrobe River land	170
Division 3—General	171
195. Issue of Crown grant	171
196. Registrar-General and Registrar of Titles to make necessary amendments to records	172
197. Exemption from stamp duty and other taxes	172

<i>Section</i>	<i>Page</i>
PART 15—LOY YANG LAND	173
Division 1—Surrender of land	173
198. Surrender of land to Crown	173
199. Preservation of leases	173
200. Certain interests not affected by surrender and grant of land	175
201. La Trobe Shire Council land to be surrendered	177
Division 2—Revocation of reservation and closure of roads	178
202. Revocation of reservation—mechanics institute	178
203. Rights in roads to cease	178
Division 3—General	179
204. Issue of Crown grant	179
205. Registrar-General and Registrar of Titles to make necessary amendments to records	179
206. Exemption from stamp duty and other taxes	180
PART 16—HAZELWOOD LAND	181
Division 1—Surrender of land	181
207. Surrender of land to Crown	181
208. Preservation of leases	181
209. Preservation of appurtenant SEC easements	184
209A. Preservation of appurtenant National Electricity easements	184
210. Preservation of other easements	184
211. Gippsland Water land to be surrendered	185
212. La Trobe Shire Council land to be surrendered	186
213. Roads Corporation land to be surrendered	186
Division 2—Revocation of reservation and closure of roads	188
214. Revocation of river reservation	188
215. Rights in roads to cease	188
Division 3—General	189
216. Issue of Crown grant	189
217. Registrar-General and Registrar of Titles to make necessary amendments to records	189
218. Exemption from stamp duty and other taxes	190
PART 17—OTHER LAND	191
219. Revocation of river reservation—Goulburn River	191
220. Revocation of river reservation—Mitta Mitta River	191
221. Consequences of revoking reservations	191
222. Rights in roads to cease	192

<i>Section</i>	<i>Page</i>
223. Certain rights deemed to be easements appurtenant to all lands of National Electricity	192
224. Savings and transitional provisions	193
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SCHEDULES	194
SCHEDULE 1—Provisions applying to the electricity corporations	194
SCHEDULE 2— <i>Repealed</i>	199
SCHEDULE 3—Excluded property: agreements, contracts, documents and other property referred to	200
SCHEDULE 3A—Land to be surrendered to the Crown	210
SCHEDULE 3B—Loy Yang land	229
SCHEDULE 3C—Hazelwood land	241
SCHEDULE 4—Savings and transitional provisions	254
<hr/> <hr/>	
ENDNOTES	258
1. General Information	258
2. Table of Amendments	259
3. Explanatory Details	264

Version No. 054
Electricity Industry (Residual Provisions)
Act 1993
Act No. 130/1993

Version incorporating amendments as at 28 June 2002

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose

The purpose of this Act is to restructure the electricity supply industry.

2. Commencement

- (1) Parts 1, 6 and 8, Division 1 of Part 5, and sections 7, 8, 9, 10, 13, 14, 15, 16, 20, 21, 22, 23, 30, 76, 86, 110, 111, 119 and 121 come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 12 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period.

3. Definitions

S. 3
amended by
No. 53/1994
s. 4(1)(a).

(1) In this Act—

"Administrator" means the Administrator for the restructuring of the electricity industry appointed under Part 4;

S. 3(1) def. of
"allocation
day"
inserted by
No. 14/1997
s. 4(1),
amended by
No. 36/1999
s. 11(a).

"allocation day" means the day specified in a statement under section 62A(1) or specified by the Minister for the purposes of section 62AA;

"appointed day" means the day on which Division 2 of Part 5 comes into operation;

S. 3(1) def. of
"chief
electrical
inspector"
repealed by
No. 8/1996
s. 4(2).

* * * * *

S. 3(1) def. of
"chief
executive
officer"
amended by
No. 53/1994
s. 4(1)(b).

"chief executive officer", in relation to an electricity corporation or VPX, means the principal executive officer (by whatever name called) of the corporation or VPX;

S. 3(1) def. of
"Comm-
ission"
inserted by
No. 62/2001
s. 74(a).

"Commission" means the Essential Services Commission established under the **Essential Services Commission Act 2001**;

Electricity Industry (Residual Provisions) Act 1993

s. 3

Act No. 130/1993

"company" means a company within the meaning of the Corporations Act that is taken to be registered in Victoria;

S. 3(1) def. of "company" inserted by No. 53/1994 s. 4(2), substituted by 44/2001 s. 3(Sch. item 35.1(a)).

"corporation" has the same meaning as in the Corporations Act;

S. 3(1) def. of "corporation" inserted by No. 56/1995 s. 4(3), amended by No. 44/2001 s. 3(Sch. item 35.1(b)).

"distribution company" has the same meaning as in the **Electricity Industry Act 2000**;

S. 3(1) def. of "distribution company" inserted by No. 53/1994 s. 4(2), amended by No. 110/1994 s. 4(2)(a), substituted by Nos 56/1995 s. 4(1)(a), 69/2000 s. 4(a).

"electricity corporation" means Generation Victoria;

S. 3(1) def. of "electricity corporation" amended by Nos 53/1994 s. 4(1)(c), 10/1998 s. 5(1)(b).

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S. 3(1) def. of "Electricity Services Victoria" repealed by No. 53/1994 s. 4(1)(d).

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

s. 3

S. 3(1) def. of
"enforcement
officer"
inserted by
No. 36/1999
s. 3,
repealed by
No. 69/2000
s. 4(b).

* * * * *

S. 3(1) def. of
"excluded
property"
amended by
No. 105/1997
s. 26(1).

"excluded property", in relation to SEC,
means—

- (a) the rights and liabilities of SEC
under—
 - (i) an agreement, contract or
document referred to in
Schedule 3;

* * * * *

- (iii) an employment agreement; and
- (b) the property of SEC referred to in
Schedule 3;

"financial accommodation" means a financial
benefit or assistance to obtain a financial
benefit arising from or as a result of—

- (a) a loan;
- (b) issuing, endorsing or otherwise dealing
in promissory notes;
- (c) drawing, accepting, endorsing or
otherwise dealing in bills of exchange;
- (d) issuing, purchasing or otherwise
dealing in securities;
- (e) granting or taking a lease of any real or
personal property for financing but not
for operating purposes;
- (f) in relation to SEC, any other
arrangement that the Governor in
Council on the recommendation of the

Treasurer has approved as financial accommodation in relation to SEC under the **Borrowing and Investment Powers Act 1987**;

"financial arrangement" means an arrangement entered into for the purpose of managing, lessening, hedging or protecting against movements in currency exchange, interest or discount rates or other costs of obtaining financial accommodation;

"financial obligation", in relation to SEC, means the liability of SEC in respect of—

- (a) financial accommodation obtained by SEC; or
- (b) a financial arrangement entered into by SEC—

and includes the liability of SEC in respect of inscribed stock issued by SEC;

"generation company" has the same meaning as in the **Electricity Industry Act 2000**;

S. 3(1) def. of "generation company" inserted by No. 110/1994 s. 4(1), substituted by Nos 56/1995 s. 4(1)(b), 69/2000 s. 4(c).

"Generation Victoria" means the body established under Division 1 of Part 2;

"instrument" includes a document and an oral agreement;

"LaTrobe area" means the municipal district of the Shire of LaTrobe;

S. 3(1) def. of "LaTrobe area" substituted by No. 56/1995 s. 4(2)(a).

	<p>"liabilities" means all liabilities, duties and obligations, whether actual, contingent or prospective but, in relation to SEC, does not include financial obligations;</p>
<p>S. 3(1) def. of "licence" inserted by No. 55/1997 s. 4(1), substituted by No. 69/2000 s. 4(d).</p>	<p>"licence" has the same meaning as in the Electricity Industry Act 2000;</p>
<p>S. 3(1) def. of "licensee" inserted by No. 55/1997 s. 4(1), substituted by No. 69/2000 s. 4(d).</p>	<p>"licensee" has the same meaning as in the Electricity Industry Act 2000;</p>
<p>S. 3(1) def. of "Loy Yang B land" inserted by No. 14/1997 s. 4(1).</p>	<p>"Loy Yang B land" means the land shown hatched on the plan in Schedule 2 to the Loy Yang B Act 1992;</p>
<p>S. 3(1) def. of "LYB Transaction Implementation Agreement" inserted by No. 14/1997 s. 4(1).</p>	<p>"LYB Transaction Implementation Agreement" means the transaction implementation agreement dated 29 March 1997 entered into between SEC, Edison Mission Energy Australia Limited, Loy Yang B Power Station Pty Ltd, Loy Yang Power Ltd, the Treasurer, Leanne Power Pty Ltd and Edison Mission Energy;</p>
<p>S. 3(1) def. of "National Electricity" amended by No. 53/1994 s. 4(1)(e).</p>	<p>"National Electricity" means Power Net Victoria established under Division 2 of Part 2;</p>

Electricity Industry (Residual Provisions) Act 1993

s. 3

Act No. 130/1993

"National Electricity Code" has the same meaning as "Code" has in the National Electricity (Victoria) Law;

S. 3(1) def. of "National Electricity Code" inserted by No. 55/1997 s. 4(2).

"NEMMCO" has the same meaning as in the National Electricity (Victoria) Law;

S. 3(1) def. of "NEMMCO" inserted by No. 55/1997 s. 4(2).

* * * * *

S. 3(1) def. of "Office" inserted by No. 56/1995 s. 4(3), substituted by No. 8/1996 s. 4(3), amended by No. 48/1996 s. 19, substituted by No. 25/1998 s. 165(1), repealed by No. 62/2001 s. 74(b).

* * * * *

S. 3(1) def. of "PoolCo" inserted by No. 53/1994 s. 4(2), repealed by No. 36/1999 s. 16(a).

* * * * *

S. 3(1) def. of "Power Net Victoria" inserted by No. 8/1996 s. 4(1)(a), repealed by No. 10/1998 s. 5(1)(a).

"property" means any legal or equitable estate or interest (whether present or future and

whether vested or contingent) in real or personal property of any description;

S. 3(1) def. of "public distribution company" inserted by No. 56/1995 s. 4(3), amended by No. 8/1996 s. 4(1)(b).

"public distribution company" means a distribution company all the shares in which are held by, or on behalf of, the State or a statutory authority;

S. 3(1) def. of "public generation company" inserted by No. 56/1995 s. 4(3), amended by No. 8/1996 s. 4(1)(c).

"public generation company" means a generation company all the shares in which are held by, or on behalf of, the State or a statutory authority;

S. 3(1) def. of "public transmission company" inserted by No. 35/1997 s. 18(a).

"public transmission company" means a transmission company which is—
(a) a statutory authority; or
(b) a company all the shares in which are held by, or on behalf of, the State or a statutory authority;

"rights" means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

"SEC" means the State Electricity Commission of Victoria;

S. 3(1) def. of "SEC company" amended by No. 110/1994 s. 4(2)(b).

"SEC company" means SECV Superannuation Pty Ltd, Energy Information Technology Company Pty Ltd, Utilities Insurance Company Pty Ltd or SECV International Pty Ltd;

"SEC instrument" means an instrument (including a legislative instrument other than

this Act) subsisting immediately before the appointed day—

- (a) to which SEC was a party; or
- (b) that was given to or in favour of SEC; or
- or
- (c) that refers to SEC; or
- (d) under which—
 - (i) money is, or may become, payable to or by SEC; or
 - (ii) other property is to be, or may become liable to be, transferred to or by SEC;

"security" includes inscribed stock and debenture, bond, debenture stock, notes or any other document creating, evidencing or acknowledging indebtedness in respect of financial accommodation, whether or not constituting a charge on property;

"TCV" means the Treasury Corporation of Victoria;

"transferred property" means property, rights or liabilities of SEC that, under Part 5, have vested in, or become liabilities of, an electricity corporation, SEC company, a person or persons nominated by the Minister under section 62A or 62AA or the State;

S. 3(1) def. of "transferred property" amended by Nos 14/1997 s. 4(2)(a), 36/1999 s. 11(b).

"transferee", in relation to transferred property, means the electricity corporation or SEC company or a person or persons nominated by the Minister under section 62A or 62AA to which the property has been transferred or, if the property has been transferred to the State, the State;

S. 3(1) def. of "transferee" amended by Nos 14/1997 s. 4(2)(b), 36/1999 s. 11(c).

S. 3(1) def. of
"transmission
company"
inserted by
No. 35/1997
s. 18(b),
amended by
No. 10/1998
s. 5(1)(c),
substituted by
No. 69/2000
s. 4(e).

"transmission company" has the same meaning
as in the **Electricity Industry Act 2000**;

S. 3(1) def. of
"undertaking"
amended by
Nos 53/1994
s. 4(1)(f),
110/1994
ss 4(2)(c),
33(1)(a),
35/1997
s. 18(d).

"undertaking" in relation to an electricity
corporation, VPX, a distribution company,
transmission company or a generation
company, means—

- (a) an electrical undertaking approved by
the Governor in Council (whether
before or after the commencement of
this section)—
 - (i) 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, but not by the use of a
nuclear power reactor); or
 - (ii) for the reception, storage,
distribution, transmission, use,
supply and sale of such electricity;
and
- (b) all buildings, works, mines, open-cuts,
quarries, water, land, machinery, plant,
towers, electric lines, cables and
appliances used for or in connection
with the electrical undertaking;

Electricity Industry (Residual Provisions) Act 1993

s. 3

Act No. 130/1993

"undertaker" means—

- (a) SEC or an electricity corporation or VPX, a distribution company, transmission company or a generation company;
- (b) a municipal council, corporation or person who, by an Order in Council under the **Electric Light and Power Act 1958** or a corresponding previous enactment is authorised to supply electricity within any area;
- (c) with respect to electric tramways, a person or body of persons, corporate or unincorporate, having the control and management of the tramways;

S. 3(1) def. of "undertaker" amended by Nos 53/1994 s. 4(1)(g), 110/1994 ss 4(2)(d), 33(1)(a), 35/1997 s. 18(c).

"VENCorp" means Victorian Energy Networks Corporation established under Part 8 of the **Gas Industry Act 2001**;

S. 3(1) def. of "VENCorp" inserted by No. 36/1999 s. 16(b), amended by No. 11/2002 s. 3(Sch. 1 item 20).

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S. 3(1) def. of "Victorian Power Exchange" inserted by No. 110/1994 s. 33(1)(b), repealed by No. 36/1999 s. 16(c).

* * * * *

S. 3(1) def. of "VPX" inserted by No. 110/1994 s. 33(1)(b), repealed by No. 36/1999 s. 16(c).

S. 3(1) def. of
"Victorian
Power
Exchange" or
"VPX"
inserted by
No. 36/1999
s. 16(c).

"Victorian Power Exchange" or "VPX" means
VENCorp;

S. 3(1) def. of
"wholesale
electricity
market"
inserted by
No. 55/1997
s. 4(2).

"wholesale electricity market" means the
market for wholesale trading in electricity
operated by NEMMCO;

S. 3(1) def. of
"Yallourn
works area"
repealed by
No. 56/1995
s. 4(2)(b).

* * * * *

S. 3(2)
inserted by
No. 53/1994
s. 4(3).

(2) In any Act other than this Act and in all
subordinate instruments (within the meaning of
the **Interpretation of Legislation Act 1984**)
made under any such Act and in all other
instruments, unless the contrary intention
appears—

(a) a reference to PoolCo must be construed as a
reference to Victorian Power Exchange; and

S. 3(2)(b)
repealed by
No. 10/1998
s. 5(1)(d).

* * * * *

S. 3(3)
inserted by
No. 8/1996
s. 4(4),
repealed by
No. 25/1998
s. 165(2).

* * * * *

4. *Subsidiary*

S. 4
 amended by
 Nos 53/1994
 s. 4(4)(a)(b),
 110/1994
 s. 33(2),
 79/1995
 s. 4(1)(a)(b).

(1) For the purposes of this Act, the question whether a body corporate is a subsidiary of an electricity corporation, SEC or any other body shall be determined in the same manner as the question would be determined under the Corporations Act if the corporation, SEC or any other body and the body corporate were corporations within the meaning of that Act.

S. 4(1)
 amended by
 Nos 8/1996
 s. 4(5),
 36/1999
 s. 19(a),
 44/2001
 s. 3(Sch.
 item 35.2(a)
 (b)).

(2) If a decision of or approval by SEC is required for the purposes of the Corporations Law¹ to be a decision or approval passed by special resolution, the decision of or approval by SEC is deemed to be such a decision or approval if the Administrator so certifies in writing.

S. 4(2)
 inserted by
 No. 79/1995
 s. 4(2).

4A. *Application of Act to certain distribution, transmission and generation companies*

S. 4A
 inserted by
 No. 56/1995
 s. 5,
 amended by
 No. 35/1997
 s. 19(a)(i)(ii).

(1) The Governor in Council, by Order published in the Government Gazette, may declare that a reference in specified provisions of this Act, except Part 12, to a distribution company, transmission company or generation company does not include a reference to a person in respect of whom an Order under paragraph (b) of the definition of distribution company or paragraph (b) of the definition of transmission company or paragraph (b) of the definition of generation company, as the case requires, is in force.

S. 4A(1)
 amended by
 No. 69/2000
 s. 5.

- (2) A copy of an Order under sub-section (1) must be laid before each House of the Parliament on or before the sixth sitting day after it is made.
- (3) An Order under sub-section (1) is subject to disallowance by a House of the Parliament, and section 23 of the **Subordinate Legislation Act 1994** applies as if the Order were a statutory rule.

5. *Crown to be bound*

This Act binds the Crown, not only in right of Victoria but also, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

6. *Extra-territorial operation*

It is the intention of the Parliament that the operation of this Act should, so far as possible, include operation in relation to the following—

- (a) land situated outside Victoria, whether in or outside Australia;
- (b) things situated outside Victoria, whether in or outside Australia;
- (c) acts, transactions and matters done, entered into or occurring outside Victoria, whether in or outside Australia;
- (d) things, acts, transactions and matters, (wherever situated, done, entered into or occurring) that would, apart from this Act, be governed or otherwise affected by the law of the Commonwealth, another State, a Territory or a foreign country.

PART 2—THE ELECTRICITY CORPORATIONS

*	*	*	*	*	<p>Pt 2 Div. 1 (Heading) substituted by No. 110/1994 s. 5(1)(a) (as amended by No. 56/1995 s. 67(1)), repealed by No. 38/2000 s. 14.</p>
*	*	*	*	*	<p>S. 7 repealed by No. 110/1994 s. 5(1)(b) (as amended by No. 56/1995 s. 67(1)).²</p>
*	*	*	*	*	<p>S. 8 amended by No. 53/1994 s. 4(5), repealed by No. 110/1994 s. 5(1)(b) (as amended by No. 56/1995 s. 67(1)).</p>
*	*	*	*	*	<p>S. 9 amended by Nos 53/1994 s. 5, 55/1997 s. 6, repealed by No. 110/1994 s. 5(1)(b) (as amended by No. 56/1995 s. 67(1)).</p>
*	*	*	*	*	<p>S. 10 repealed by No. 110/1994 s. 5(1)(b) (as amended by No. 56/1995 s. 67(1)).</p>

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

s. 11

S. 11 amended by No. 14/1997 s. 5(1)(a), repealed by No. 110/1994 s. 5(1)(b) (as amended by No. 56/1995 s. 67(1)).	*	*	*	*	*
S. 12 repealed by No. 110/1994 s. 5(1)(b) (as amended by No. 56/1995 s. 67(1)).	*	*	*	*	*
S. 12A inserted by No. 110/1994 s. 6, amended by Nos 56/1995 s. 6, 14/1997 s. 5(1)(b)(c)(2), repealed by No. 10/1998 s. 4.	*	*	*	*	*
S. 12B inserted by No. 110/1994 s. 6, amended by No. 56/1995 s. 7, repealed by No. 10/1998 s. 4.	*	*	*	*	*

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

s. 13

Division 2—Directions as to electricity supply system

*	*	*	*	*	Pt 2 Div. 2 (Heading) amended by No. 53/1994 s. 6(1), substituted by No. 10/1998 s. 5(1)(e).
*	*	*	*	*	S. 13 amended by Nos 53/1994 s. 6(2), 48/1996 s. 4(1), repealed by No. 10/1998 s. 5(1)(f). ³
*	*	*	*	*	S. 14 amended by Nos 53/1994 s. 6(3), 48/1996 s. 4(1), repealed by No. 10/1998 s. 5(1)(f).
*	*	*	*	*	S. 15 amended by Nos 53/1994 ss 6(5)(6), 23(1)(a), 110/1994 s. 33(2), 48/1996 s. 4, repealed by No. 10/1998 s. 5(1)(f).
*	*	*	*	*	S. 16 amended by No. 48/1996 s. 4(1), repealed by No. 10/1998 s. 5(1)(f).

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

s. 19

S. 17
amended by
Nos 53/1994
s. 7(1)–(3),
110/1994
s. 33(2),
8/1996 s. 5,
35/1997
s. 4(1)(a)(b)(2),
repealed by
No. 8/1996
s. 6.

* * * * *

S. 18
repealed by
No. 53/1994
s. 7(4).

* * * * *

19. *Regulations may provide for compensation for certain loss*

- (1) The regulations may provide for the payment of compensation to a person who suffers detriment as a result of complying with a direction under section 17, or as a result of another person complying, or failing to comply, with such a direction.
- (2) Regulations for the purposes of sub-section (1) may provide—
 - (a) the circumstances in which compensation may be payable;
 - (b) the method of calculating compensation;
 - (c) the person or persons liable to pay the compensation.

Pt 2 Div. 3
(Heading and
ss 20–25)
amended by
No. 53/1994
s. 7(5),
repealed by
No. 53/1994
s. 8(1).⁴

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Division 4—General provisions applying to electricity corporations

26. Directions

- (1) The Treasurer and the Minister, acting jointly, may, from time to time, by written notice to the board of an electricity corporation, give such directions to the board as the Treasurer or Minister think fit.
- (2) The board of an electricity corporation must comply with a direction given under this section but an act or decision of the board is not invalid merely because of a failure to comply with such a direction.
- (3) Each electricity corporation must include in its annual report under Part 7 of the **Financial Management Act 1994** a copy of each direction given to it under this section together with a statement of its response to the direction.
- (4) In this section, "**electricity corporation**" includes a public distribution company, a public transmission company and a public generation company.

S. 26 substituted by No. 110/1994 s. 7.

S. 26(4) substituted by No. 56/1995 s. 8(1), amended by Nos 35/1997 s. 19(b), 36/1999 s. 19(b).

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S. 27 amended by Nos 53/1994 s. 10(1)(2), 110/1994 ss 8(a), 33(2), 35/1997 s. 19(c), repealed by No. 69/2000 s. 6.

Division 5—Financial

28. *Borrowing and investment by electricity corporation*

S. 28(1)
amended by
Nos 53/1994
s. 11(1)(a),
110/1994
s. 33(2),
36/1999
s. 19(c).

- (1) An electricity corporation may obtain financial accommodation subject to and in accordance with the **Borrowing and Investment Powers Act 1987**.

S. 28(2)
amended by
Nos 53/1994
s. 11(1)(a)(b),
110/1994
s. 33(2),
36/1999
s. 19(c).

- (2) An electricity corporation may invest money of the corporation in accordance with the powers conferred on it by the **Borrowing and Investment Powers Act 1987**.

29. *Payments in respect of financial obligations*

- (1) If—
- (a) an Order has been made under section 36D(1) or 36E(1) of the **Treasury Corporation of Victoria Act 1992** relating to financial obligations of SEC; and
 - (b) responsibility for those financial obligations has been allocated under an allocation statement under Division 3 of Part 5 to an electricity corporation—

then—

- (c) the electricity corporation must pay to TCV such amounts, and at such times, as SEC would have been liable to pay in respect of those financial obligations if the Order had not been made, except in so far as TCV and the electricity corporation otherwise agree; and
- (d) TCV must pay to the electricity corporation such amounts, and at such times, as SEC would have been entitled to receive in

respect of the financial accommodation or financial arrangements to which the financial obligations relate if the Order had not been made, except in so far as TCV and the electricity corporation otherwise agree.

- (2) An amount payable under sub-section (1) may be recovered in a court of competent jurisdiction as a debt due to TCV or the electricity corporation, as the case requires.
- (3) In this section, "**electricity corporation**" includes, a public distribution company, a public transmission company and a public generation company.

S. 29(3) inserted by No. 53/1994 s. 11(2), amended by No. 110/1994 ss 8(b), 33(2), substituted by No. 56/1995 s. 8(2), amended by Nos 35/1997 s. 19(d), 36/1999 s. 19(d).

Division 6—General

30. *Duties of directors*

- (1) A director of an electricity corporation must at all times act honestly in the performance of the functions of his or her office.
- (2) A director of an electricity corporation must at all times exercise a reasonable degree of care and diligence in the performance of his or her functions.

S. 30(1) amended by Nos 53/1994 s. 11(3)(a), 110/1994 s. 33(2), 36/1999 s. 19(e).

S. 30(2) amended by Nos 53/1994 s. 11(3)(b), 110/1994 s. 33(2), 36/1999 s. 19(e).

S. 30(3)
amended by
Nos 53/1994
s. 11(3)(a)(c),
110/1994
s. 33(2),
36/1999
s. 19(e).

(3) A director, or former director of an electricity corporation, must not make improper use of information acquired by virtue of his or her position as a director to gain directly or indirectly, an advantage for himself or herself or for any other person or to cause detriment to the electricity corporation.

S. 30(4)
amended by
Nos 53/1994
s. 11(3)(a)(d),
110/1994
s. 33(2),
36/1999
s. 19(e).

(4) A director of an electricity corporation must not make improper use of his or her position as a director to gain, directly or indirectly, an advantage for himself or herself or for any other person or to cause detriment to the electricity corporation.

(5) This section has effect in addition to, and not in derogation of, any Act or law relating to the criminal or civil liability of a member of the governing body of a corporation and does not prevent the institution of any criminal or civil proceedings in respect of such a liability.

S. 31
amended by
Nos 53/1994
s. 11(4)(a),
110/1994
s. 33(2),
36/1999
s. 19(e).

31. *Minister may bring proceedings*

If a person contravenes section 30 in relation to an electricity corporation, the Minister, in the name of the corporation, may recover from the person as a debt due to the corporation by action in a court of competent jurisdiction either or both of the following—

- (a) if that person, or any other person, made a profit as a result of the contravention, an amount equal to that profit;
- (b) if the corporation has suffered loss or damage as a result of the contravention, an amount equal to that loss or damage.

S. 31(b)
amended by
Nos 53/1994
s. 11(4)(a),
110/1994
s. 33(2),
36/1999
s. 19(e).

32. *Electricity corporation not to make loans to directors*

(1) The powers of an electricity corporation do not include a power, whether directly or indirectly—

S. 32(1)
 amended by
 Nos 53/1994
 s. 11(4)(b),
 110/1994
 s. 33(2),
 36/1999
 s. 19(e).

(a) to make a loan to a director of the corporation, a spouse of such a director, or a relative (as defined in the Corporations Act) of such a director or spouse; or

S. 32(1)(a)
 amended by
 Nos 53/1994
 s. 11(4)(b),
 110/1994
 s. 33(2),
 36/1999
 s. 19(e),
 44/2001
 s. 3(Sch.
 item 35.3).

(b) to give a guarantee or provide security in connection with a loan made or to be made by another person to a director, spouse or relative referred to in paragraph (a).

(2) Nothing in sub-section (1) prohibits an electricity corporation entering into an agreement or arrangement with a person referred to in sub-section (1) if similar agreements or arrangements are entered into by the corporation with members of the public on the same terms and conditions.

S. 32(2)
 amended by
 Nos 53/1994
 s. 11(4)(b),
 110/1994
 s. 33(2),
 36/1999
 s. 19(e).

33. *Indemnity*

The powers of an electricity corporation do not include a power to exempt, whether directly or indirectly, a director of the corporation from, or to indemnify (whether by paying a premium in respect of a contract of insurance or otherwise) a director of the corporation against, any liability that by law would otherwise attach to the director in respect of a wilful breach of duty or breach of trust of which the director may be guilty in relation to the corporation.

S. 33
 amended by
 Nos 53/1994
 s. 11(4)(c),
 110/1994
 s. 33(2),
 56/1995
 s. 8(3)(a)(b),
 36/1999
 s. 19(e).

S. 34
amended by
Nos 53/1994
s. 11(4)(d)(i)–
(iii), 110/1994
s. 33(2),
repealed by
No. 8/1996
s. 7.

* * * * *

35. Corporate plan

S. 35(2)
amended by
No. 53/1994
s. 11(5).

- (1) The board of an electricity corporation must prepare a corporate plan each year.
- (2) The board must give a copy of the proposed plan to the Minister and the Treasurer on or before 31 May in each year or such later date as is determined by the Treasurer.
- (3) The proposed corporate plan must be in or to the effect of a form approved by the Minister and the Treasurer and must include—
 - (a) a statement of corporate intent in accordance with section 36;
 - (b) a business plan containing such information as the Treasurer or the Minister requires;
 - (c) financial statements containing such information as the Treasurer requires.

S. 35(3)(b)
substituted by
No. 56/1995
s. 8(4).

S. 35(3)(c)
substituted by
No. 56/1995
s. 8(4).

S. 35(3A)
inserted by
No. 110/1994
s. 9.

- (3A) In addition to the matters referred to in subsection (3), the proposed corporate plan of a distribution company must include a statement of the company's bushfire mitigation programs.
- (4) The board must consider any comments on the proposed plan that are made to it by the Treasurer or the Minister within 2 months after the plan was submitted to the Treasurer and Minister.

- (5) The board must consult in good faith with the Treasurer and the Minister following communication to it of the comments, must make such changes to the plan as are agreed between the Treasurer, the Minister and the board and must deliver the completed plan to the Treasurer and Minister within 2 months after the commencement of the financial year.
- (6) The plan, or any part of the plan, must not be published or made available except for the purposes of this Part without the prior approval of the board, the Treasurer and the Minister.
- (7) The plan may be modified at any time by the board with the agreement of the Treasurer and the Minister.
- (8) If the board, by written notice to the Treasurer and Minister, proposes a modification of the plan, the board may, within 14 days, make the modification unless the Treasurer or Minister, by written notice to the board, directs the board not to make it.
- (9) The Treasurer or Minister may, from time to time, by written notice to the board, direct the board to include in, or omit from, a statement of corporate intent, a business plan or a financial statement of a specified kind, any specified matters.
- (10) Before giving the direction under this section, the Treasurer and Minister must consult with the board as to the matters to be referred to in the notice.
- (11) The board must comply with a direction under this section.
- (12) At any particular time, the statement of corporate intent, the business plan or the financial statements for an electricity corporation are the statements and plan last completed, with any

modifications or deletions made in accordance with this Part.

S. 35(13)
inserted by
No. 53/1994
s. 11(6),
amended by
No. 110/1994
ss 10(a), 33(2),
substituted by
No. 56/1995
s. 8(5),
amended by
Nos 35/1997
s. 19(e),
36/1999
s. 19(f).

- (13) In this section, "**electricity corporation**" includes a public distribution company, a public transmission company and a public generation company.

S. 36
amended by
No. 53/1994
s. 11(7).

36. *Statement of corporate intent: contents*

- (1) Each statement of corporate intent must specify for an electricity corporation and its subsidiaries, in respect of the financial year to which it relates and each of the 2 following financial years, the following information—
- (a) the objectives of the corporation and of its subsidiaries;
 - (b) the main undertakings of the corporation and of its subsidiaries;
 - (c) the nature and scope of the activities to be undertaken by the corporation;
 - (d) the accounting policies to be applied in the accounts;
 - (e) the performance targets and other measures by which the performance of the corporation and of its subsidiaries may be judged in relation to their stated objectives;

- (f) the kind of information to be provided to the Treasurer and the Minister by the corporation during the course of those financial years, including the information to be included in each half-yearly report;
 - (g) such other matters as may be agreed on by the Treasurer, the Minister and the board from time to time.
- (2) In this section, "**electricity corporation**" includes a public distribution company, a public transmission company and a public generation company.

S. 36(2)
 inserted by
 No. 53/1994
 s. 11(8),
 amended by
 No. 110/1994
 ss 10(a), 33(2),
 substituted by
 No. 56/1995
 s. 8(6),
 amended by
 Nos 35/1997
 s. 19(e),
 36/1999
 s. 19(f).

36A. *Electricity corporations to act in accordance with corporate plan*

S. 36A
 inserted by
 No. 8/1996
 s. 8.

- (1) Each electricity corporation must act only in accordance with its corporate plan, as existing from time to time, unless it has first obtained the written approval of the Treasurer and the Minister to do otherwise.
- (2) Nothing done by an electricity corporation is void or unenforceable merely because the electricity corporation has failed to comply with section 35, 36 or this section.
- (3) In this section, "**electricity corporation**" includes a public distribution company, a public transmission company and a public generation company.

S. 36A(3)
 amended by
 Nos 35/1997
 s. 19(e),
 36/1999
 s. 19(f).

37. Non-commercial functions

- (1) The Minister, with the approval of the Treasurer, may in writing direct the board of an electricity corporation—
 - (a) to perform certain functions that the Minister considers to be in the public interest but that may cause the corporation to suffer financial detriment; or
 - (b) to cease to perform functions of a kind referred to in paragraph (a); or
 - (c) to cease to perform certain functions that the Minister or Treasurer considers not to be in the public interest.
- (2) The board must comply with a direction given under sub-section (1).
- (3) If an electricity corporation satisfies the Minister that it has suffered financial detriment as a result of complying with a direction given by the Minister under sub-section (1), the corporation, if the Minister so directs, may be reimbursed by the State the amount that the Minister determines, with the approval of the Minister administering Part 2 of the **Financial Management Act 1994** and after consultation with the board of the corporation, to be the amount of the financial detriment.
- (4) The reference in this section to suffering financial detriment includes a reference to incurring net costs that are greater than would have been incurred if the direction were not complied with.
- (5) Each electricity corporation must include in its annual report under Part 7 of the **Financial Management Act 1994** a copy of each direction given to it by the Minister under this section.

S. 37(3)
amended by
No. 18/1994
s. 66(Sch. 2
item 6).

S. 37(5)
inserted by
No. 53/1994
s. 11(9).

- (6) In this section, "**electricity corporation**" includes a public distribution company, a public transmission company and a public generation company.

S. 37(6) inserted by No. 53/1994 s. 11(9), amended by No. 110/1994 ss 10(a), 33(2), substituted by No. 56/1995 s. 8(7), amended by Nos 35/1997 s. 19(e), 36/1999 s. 19(f).

38. Dividends

- (1) Each electricity corporation must pay to the State such amounts, at such times and in such manner, as are determined by the Treasurer after consultation with the board of the corporation and the Minister.

S. 38 amended by Nos 53/1994 s. 11(10)(a)–(c), 110/1994 s. 33(2), 36/1999 s. 19(g)(i)(ii).

- (2) Each public distribution company, public transmission company and public generation company must pay out of profits such amounts, at such times and in such manner, as are determined by the Treasurer after consultation with the board of the company and the Minister.

S. 38(2) inserted by No. 53/1994 s. 11(11), amended by Nos 110/1994 s. 10(b), 56/1995 s. 8(8)(a)(b), 35/1997 s. 19(f).

- (3) A public distribution company, public transmission company or public generation company must pay the amount referred to in subsection (2)—

S. 38(3) inserted by No. 56/1995 s. 8(9), amended by No. 35/1997 s. 19(f).

- (a) to the State; or
(b) if the SEC or another statutory authority holds shares in the company, to the SEC or authority—

in accordance with the direction of the Treasurer.

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

s. 39

Ss 39–41
repealed by
No. 31/1994
s. 4(Sch. 2
item 26).

* * * * *

Pt 2A
(Heading and
ss 41A–41M)
inserted by
No. 53/1994
s. 12,
amended by
Nos 110/1994
ss 10(c), 33(2),
42/1995
s. 224(Sch. 2
items 13.1,
13.2) (as
amended by
No. 79/1995
s. 37), 56/1995
s. 8(10),
35/1997 ss 5,
6, 10/1998
s. 5(1)(g),
46/1998
s. 7(Sch. 1),
substituted as
Pt 2A
(Heading and
s. 41A) by
No. 36/1999
s. 18,
repealed by
No. 69/2000
s. 7.

* * * * *

PART 3—PROPERTY AND WORKS

42AA. Definition

In this Part, "**electricity corporation**" includes VPX, a distribution company, a transmission company and a generation company.

S. 42AA inserted by No. 53/1994 s. 13, amended by Nos 110/1994 ss 10(a), 33(2), 35/1997 s. 19(g), 69/2000 s. 8.

* * * * *

S. 42 amended by Nos 56/1995 s. 9(1)(2), 35/1997 s. 20(1)(2), repealed by No. 69/2000 s. 9.

* * * * *

S. 42A inserted by No. 56/1995 s. 10, amended by No. 35/1997 s. 20(3), repealed by No. 69/2000 s. 9.

* * * * *

S. 42B inserted by No. 56/1995 s. 10, amended by No. 8/1996 s. 9(1)(2), repealed by No. 69/2000 s. 9.

43. *Certain rights deemed to be easements appurtenant to lands of electricity corporation*

(1) If an electricity corporation becomes entitled under this Act to an easement, right or privilege in, over or affecting any land which, immediately before the corporation became so entitled, was vested in SEC by reason of section 103A of the

S. 43(1) amended by No. 53/1994 s. 14(1)(a)(b).

State Electricity Commission Act 1958 or in an electricity corporation under this section, the easement, right or privilege is deemed to be an easement, right or privilege vested in the corporation and appurtenant to all land vested in the corporation from time to time.

S. 43(2)
repealed by
No. 69/2000
s. 10.

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- (3) If after the commencement of this section, an electricity corporation acquires a right or privilege in, over or affecting any land for the purposes of its works and undertakings and that right or privilege is not, or is not in any instrument expressed to be, appurtenant to any land, the right or privilege is deemed to be an easement vested in the electricity corporation and appurtenant to the lands vested in the electricity corporation for the time being and from time to time and to every part of them.
- (4) If an electricity corporation proposes to acquire a right or privilege in, over or affecting any land which would, if acquired by the corporation, be deemed to be an easement by virtue of sub-section (3), the corporation may give notice in the appropriate form of its intention to acquire the right or privilege to the Registrar of Titles.
- (5) Section 57 of the **Transfer of Land Act 1958**, with such modifications as are necessary, applies in relation to a notice of intention to acquire given under sub-section (4) as if—
 - (a) a reference in that section to an acquiring authority included the electricity corporation;
 - (b) a reference in that section to a proposal to acquire any land included a reference to a proposal to acquire the right or privilege to

which the notice given under sub-section (4) relates;

- (c) a reference in that section to a notice of intention to acquire included a notice of intention to acquire given under sub-section (4); and
- (d) sub-section (1) of that section did not form part of that section.

*	*	*	*	*	S. 44 repealed by No. 69/2000 s. 9.
*	*	*	*	*	S. 44A inserted by No. 48/1996 s. 5, amended by Nos 35/1997 s. 21(1), 55/1997 s. 5(a)(b), repealed by No. 69/2000 s. 9.
*	*	*	*	*	S. 45 amended by No. 46/1998 s. 7(Sch. 1), repealed by No. 69/2000 s. 9.
*	*	*	*	*	S. 45A inserted by No. 110/1994 s. 11, amended by No. 35/1997 s. 21(2), repealed by No. 69/2000 s. 9.

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

s. 47A

S. 45B
inserted by
No. 56/1995
s. 11,
repealed by
No. 69/2000
s. 9.

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S. 46
substituted by
No. 56/1995
s. 12,
amended by
Nos 79/1995
s. 5, 8/1996
s. 9(3)(4),
14/1997
s. 6(1)(2),
35/1997
s. 21(3)(a)(b),
repealed by
No. 69/2000
s. 9.

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S. 47
amended by
Nos 53/1994
s. 14(2),
56/1995 s. 13,
79/1995
s. 6(1)(2),
35/1997
s. 22(a),
repealed by
No. 69/2000
s. 9.

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S. 47A
inserted by
No. 56/1995
s. 14.

47A. *Application of Mineral Resources Development Act 1990 to generation companies or SEC*

- (1) This section applies despite anything to the contrary in the **Mineral Resources Development Act 1990** or in any exemption granted under section 7 of that Act and any such exemption is of no effect to the extent that it relates to any land covered by a current mining licence granted in accordance with this section.

- (2) Words and expressions used in this section that are also used in the **Mineral Resources Development Act 1990** have the same meanings as in that Act.
- (3) The Governor in Council may, by Order published in the Government Gazette on the recommendation of the Minister administering the **Mineral Resources Development Act 1990**, grant a mining licence over land within the Latrobe area to a generation company or SEC.
- (4) A licence granted in accordance with this section—
- (a) is current for the time specified in the licence; and
 - (b) applies to the land described in the licence; and
 - (c) is subject to such conditions as are determined by the Governor in Council on the recommendation of the Minister administering the **Mineral Resources Development Act 1990** (including, but not limited to, conditions about payment of royalties and any other matter referred to in section 26(2) of that Act and the condition referred to in section 26(4) of that Act) and specified in the licence; and
 - (d) is deemed for all purposes to be registered during the period from the commencement of the Order granting the licence until the licence is registered under sub-section (19).
- (5) The **Mineral Resources Development Act 1990** and any other Act applies to a licence granted in accordance with this section as if it had been granted by the Minister administering that Act under Part 2 of that Act.

S. 47A(3)
amended by
No. 14/1997
s. 5(3).

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- (6) Without limiting sub-section (5), a licence granted in accordance with this section may be renewed, transferred, varied surrendered or cancelled, or a condition of such a licence may be varied, suspended, revoked or added, under Part 2 of the **Mineral Resources Development Act 1990**.
- (7) An Order in Council under this section must—
- (a) include an authority to commence work and a work plan (including a rehabilitation plan for the land);
 - (b) specify the amount of the rehabilitation bond required to be entered into by the licensee, the form of that bond and the time at which or the event on the happening of which it must be entered into.
- (8) The **Mineral Resources Development Act 1990** and any other Act applies to an authority to commence work and a work plan included in an Order in Council under this section as if the authority to commence work had been granted by the chief administrator under section 42 of that Act and the work plan had been approved by the chief administrator under section 40(4) of that Act.
- (9) An authority to commence work and a work plan included in an Order in Council under this section are deemed for all purposes to be registered during the period from the commencement of the Order until the authority or plan (as the case requires) are registered under sub-section (19).
- (10) Without limiting sub-section (8), a plan having effect as an approved work plan by virtue of this section may be varied under section 41 of the **Mineral Resources Development Act 1990**.

- (11) Despite sub-sections (7) to (10), an authority to commence work included in an Order in Council under this section does not authorise the doing of work on private land unless—
- (a) the licensee has obtained the consent of the owners and occupiers of the land affected; or
 - (b) the licensee has made compensation agreements with those owners and occupiers; or
 - (c) the amount of compensation payable to those owners and occupiers has been determined under Part 8 of the **Mineral Resources Development Act 1990**; or
 - (d) the licensee has purchased the land affected.
- (12) The **Mineral Resources Development Act 1990** and any other Act applies to a rehabilitation bond entered into by a licensee in accordance with an Order in Council under this section as if it had been entered into by the licensee in accordance with section 80 of that Act.
- (13) A rehabilitation bond entered into by a licensee in accordance with an Order in Council under this section is deemed for all purposes to be registered during the period from the date on which it was entered into until it is registered under sub-section (19).
- (14) Without limiting sub-section (12), the Minister administering the **Mineral Resources Development Act 1990** may serve a notice on the licensee under section 80(4) or (5) of that Act.

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S. 47A(15)
 repealed by
 No. 14/1997
 s. 5(1)(d).

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

s. 47A

S. 47A(16)
amended by
No. 79/1995
s. 7,
repealed by
No. 14/1997
s. 5(1)(d).

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S. 47A(17)(18)
repealed by
No. 14/1997
s. 5(1)(d).

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- (19) Without limiting sub-section (4)(d), (9) or (13), the registrar must, in accordance with section 69 of the **Mineral Resources Development Act 1990**, register—
- (a) any licence granted in accordance with this section;
 - (b) any authority to commence work or work plan included in an Order in Council under this section;
 - (c) any rehabilitation bond entered into by a licensee in accordance with an Order in Council under this section.

Pt 3A
(Heading and
ss 47B–47G)
inserted by
No. 25/1998
s. 164,
amended by
No. 36/1999
ss 4–8,
repealed by
No. 69/2000
s. 11.

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s. 47N

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

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Pt 3AA
(Heading and
ss 47N–47W)
inserted by
No. 36/1999
s. 9,
repealed by
No. 69/2000
s. 11.

Pt 4 (Heading)
amended by
No. 25/1998
s. 165(3).

PART 4—THE ADMINISTRATOR

Division 1—The Administrator

48. *Appointment of Administrator*

- (1) There shall be an Administrator for the restructuring of the electricity supply industry.
- (2) The Administrator shall be appointed by the Treasurer after consultation with the Minister.
- (3) The term of office of the Administrator is the term (not exceeding 2 years) specified in the instrument of appointment, and the Administrator is eligible for re-appointment.
- (4) Subject to this section, the terms and conditions of appointment of the Administrator shall be set by the Treasurer after consultation with the Minister.
- (5) The Administrator is not subject to the **Public Sector Management and Employment Act 1998** by reason only of the appointment as Administrator.

S. 48(5)
amended by
No. 46/1998
s. 7(Sch. 1).

49. *Vacancy etc. in office of Administrator*

- (1) The office of the Administrator becomes vacant if the Administrator—
 - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (b) is convicted of an indictable offence or of an offence that, if committed in Victoria, would be an indictable offence.

- (2) The Administrator may resign by writing delivered to the Minister.
- (3) The Treasurer after consultation with the Minister may remove the Administrator from office.

49A. Deputy Administrator

- (1) There shall be a Deputy Administrator appointed by the Treasurer after consultation with the Minister.
- (2) The term of office of the Deputy Administrator is the term, not exceeding 2 years, specified in the instrument of appointment and the Deputy Administrator is eligible for re-appointment.
- (3) Subject to this section, the terms and conditions of appointment of the Deputy Administrator shall be set by the Treasurer after consultation with the Minister.
- (4) The Deputy Administrator is not subject to the **Public Sector Management and Employment Act 1998** by reason only of appointment as Deputy Administrator.

S. 49A
inserted by
No. 79/1995
s. 8.

S. 49A(4)
amended by
No. 46/1998
s. 7(Sch. 1).

49B. Resignation and removal

- (1) The Deputy Administrator may resign by writing delivered to the Minister.
- (2) The Treasurer, after consultation with the Minister, may remove the Deputy Administrator from office.

S. 49B
inserted by
No. 79/1995
s. 8.

49C. Functions and powers

- (1) The Deputy Administrator shall act as Administrator—
 - (a) during a vacancy in the office of Administrator; and

S. 49C
inserted by
No. 79/1995
s. 8.

- (b) during any period when the Administrator is absent or, for any other reason, unable to perform the functions of Administrator—
but must not continue so to act for more than 6 months.
- (2) The Deputy Administrator—
- (a) when acting as Administrator, has and may exercise all the powers of the Administrator under this or any other Act;
 - (b) at any other time, has such powers of the Administrator under this or any other Act as are specified in the instrument of appointment or as are delegated to the Deputy Administrator by the Administrator under section 52.

50. *Staff of Administrator*

The Administrator may engage such officers and employees as are necessary for the performance of the Administrator's functions, on such terms and conditions of appointment or employment as are determined by the Administrator.

51. *Functions and powers*

The Administrator has the functions and powers conferred on the Administrator under this Act, the **State Electricity Commission Act 1958** or any other Act.

52. *Delegation*

The Administrator may, in writing, delegate to a person approved by the Minister any function or power of the Administrator under this Act, the **State Electricity Commission Act 1958** or any other Act, other than this power of delegation.

53. Directions

- (1) The Treasurer and the Minister, acting jointly, may from time to time, by written notice to the Administrator, give such directions to the Administrator as the Treasurer or Minister think fit.
- (2) The Administrator must comply with a direction given under this section but an act or decision of the Administrator is not invalid merely because of a failure to comply with such a direction.
- (3) The Administrator must keep a copy of each direction given under this section available for inspection at the office of the Administrator during business hours, other than any direction, or part of a direction, that the Treasurer and the Minister have declared to be confidential.
- (4) The Administrator must include in the annual report of SEC under Part 7 of the **Financial Management Act 1994** a brief summary, in a form approved by the Treasurer, of each direction given to the Administrator under this section, together with a statement of the Administrator's response to the direction.
- (5) A notice containing a direction given under this section is an exempt document for the purposes of the **Freedom of Information Act 1982**.

S. 53
amended by
Nos 53/1994
s. 15(1),
110/1994
s. 12(a),
substituted by
No. 8/1996
s. 10.

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S. 54
amended by
Nos 53/1994
s. 15(2),
110/1994
ss 12(b), 33(2),
repealed by
No. 79/1995
s. 9.

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

s. 55

Pt 4 Div. 2
(Heading and
ss 55–61)
amended by
Nos 53/1994
s. 15(3),
110/1994
ss 12(c), 33(2),
substituted as
Pt 4 Div. 2
(Heading and
ss 55–61M) by
No. 8/1996
s. 11,
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 25/1998
s. 165(4).

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PART 5—TRANSFER OF PROPERTY OF SEC

Division 1—Allocation of property

62. SEC to prepare allocation statement

- (1) SEC must give to the Treasurer and the Minister, within the period of 3 months after the date on which this Act receives the Royal Assent or such longer period as the Treasurer and the Minister approve, a statement approved by the Minister relating to the property, rights and liabilities of SEC as at a date specified by the Minister, (including money forming part of a fund or account of SEC under Part VII of the **State Electricity Commission Act 1958**), other than—
 - (a) excluded property;
 - (b) financial obligations;
 - (c) rights in respect of financial obligations;
 - (d) property, rights or liabilities declared by the Minister in writing given to SEC to be exempt property, rights and liabilities.
- (2) A statement under this section—
 - (a) must allocate the property, rights and liabilities of SEC shown in the statement between the electricity corporations, SEC companies, the State and SEC;
 - (b) must be signed by the chief executive officer of SEC, or, after the appointed day, by the Administrator.
- (3) If a statement under this section is approved by the Treasurer and the Minister—
 - (a) the Treasurer and the Minister must sign the statement; and

- (b) the statement is an allocation statement for the purposes of this Act.
- (4) The Treasurer and the Minister may at any time direct SEC to amend a statement given to them under this section as specified in the direction.
- (5) An allocation statement under this section may be amended by writing signed by the Treasurer and the Minister.
- (6) In this section, "**statement**" and "**allocation statement**" include a statement or allocation statement amended in accordance with this section.

S. 62A
inserted by
No. 14/1997
s. 7.

62A. Further allocation of property rights and liabilities

- (1) SEC must give to the Treasurer and the Minister, within 3 months after the commencement of section 7 of the **Electricity Industry (Loy Yang B) Act 1997**, a statement approved by the Minister and signed by the Administrator relating to property, rights and liabilities of SEC as at a date specified by the Minister and allocating that property, those rights and those liabilities on a specified day to a person or persons nominated by the Minister.
- (2) A statement under sub-section (1) must not allocate—
 - (a) any excluded property, other than the property, or rights and liabilities under the property, referred to in Part B of Schedule 3;
 - (b) financial obligations;
 - (c) rights in respect of financial obligations;
 - (d) any property, rights or liabilities declared by the Minister in writing given to SEC to be exempt property, rights and liabilities for the purposes of this section.

- (3) If a statement under this section is approved by the Treasurer and the Minister—
 - (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement is an allocation statement for the purposes of this Act.
- (4) The Treasurer and the Minister may at any time direct SEC to amend a statement given to them under this section as specified in the direction.
- (5) An allocation statement under this section may be amended in writing by the Treasurer and the Minister.
- (6) A direction under sub-section (4) or an amendment under sub-section (5) that would affect a person or persons nominated by the Minister under sub-section (1) must not be given or made unless that person or those persons are, or are wholly owned by, the State or a statutory authority.
- (7) In this section, "**statement**" and "**allocation statement**" include a statement or allocation statement amended in accordance with this section.

62AA. Minister may direct transfer of property

- (1) The Minister may give a direction in writing to SEC directing it to transfer property, rights and liabilities of a specified kind to the State or a person or persons nominated in writing by the Minister or to any 2 or more of the State and such a person or persons in accordance with the direction.
- (2) Within 3 months after receiving a direction under sub-section (1), SEC must give to the Minister a statement approved by the Minister relating to the property, rights and liabilities of SEC, as at a date

S. 62AA
inserted by
No. 36/1999
s. 10.

specified by the Minister for the purposes of this section.

- (3) A statement under this section—
 - (a) must allocate the property, rights and liabilities of SEC shown in the statement in accordance with the directions of the Minister; and
 - (b) must be signed by the Administrator.
- (4) If a statement under this section is approved by the Treasurer and the Minister—
 - (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement is an allocation statement for the purposes of this Part.
- (5) The Treasurer and the Minister may at any time direct SEC to amend a statement given to them under this section as specified in the direction.
- (6) An allocation statement under this section may be amended by writing signed by the Treasurer and the Minister.
- (7) If the Treasurer and the Minister, with the agreement of SEC, declare that a statement given under this section by SEC has become irrevocable—
 - (a) the statement; and
 - (b) the date specified for the purposes of this section in relation to the statement—as at the date of the declaration may not be amended.

- (8) In this section, "**statement**" and "**allocation statement**" include a statement or allocation statement amended in accordance with this section.

63. Certificate of Administrator

- (1) A certificate signed by the Administrator certifying that property, rights or liabilities of SEC specified in the certificate has been allocated under the allocation statement to an electricity corporation or SEC company so specified or person or persons is, unless revoked under sub-section (2), conclusive evidence—

S. 63(1)
amended by
No. 14/1997
s. 8(a).

- (a) that the property, rights or liabilities have been so allocated; and
- (b) if the certificate is given on or after the appointed day or allocation day, as the case requires, that the property, rights or liabilities vested in or became the property, rights or liabilities of the corporation or company or person or persons on the appointed day or allocation day, as the case requires.

S. 63(1)(b)
amended by
No. 14/1997
s. 8(b)(c).

- (2) If the Treasurer and the Minister so direct the Administrator in writing, the Administrator must revoke a certificate given under sub-section (1) by issuing another certificate or certificates in place of the first certificate.

- (3) The Administrator—

- (a) must keep a register of certificates issued under this section; and
- (b) must make the register reasonably available for inspection by an electricity corporation, SEC company, person or persons specified in an allocation statement or other interested person.

S. 63(3)(b)
amended by
No. 14/1997
s. 8(d).

Division 1A—Transfer of certain liabilities

Pt 5 Div. 1A
(Heading and
ss 63A–63D)
inserted by
No. 110/1994
s. 13.

S. 63A
inserted by
No. 110/1994
s. 13.

63A. Allocation statement

- (1) The Administrator may prepare a statement approved by the Minister relating to—
 - (a) liabilities of SEC under employment agreements that are part of the excluded property;
 - (b) liabilities of SEC relating to functions of SEC that had been discontinued before 3 January 1994.
- (2) A statement under sub-section (1)—
 - (a) must allocate the liabilities of SEC shown in the statement between the electricity corporations statutory authorities or companies all the shares in which are held by, or on behalf of, the State or a statutory authority nominated in writing by the Minister;
 - (b) must be signed by the Administrator.
- (3) If the statement is approved by the Treasurer and the Minister—
 - (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement is an allocation statement for the purposes of this Act.

S. 63A(2)(a)
amended by
No. 56/1995
s. 15(a).

S. 63B
inserted by
No. 110/1994
s. 13.

63B. Certificate of Administrator

A certificate signed by the Administrator certifying that certain liabilities of SEC—

- (a) under employment agreements; or

(b) relating to functions of SEC that had been discontinued before 3 January 1994—

specified in the certificate have been allocated to an electricity corporation or another person so specified is conclusive evidence—

(c) that the liabilities have been so allocated; and

(d) that the liabilities became the liabilities of the electricity corporation or person on 3 January 1994 or on such later date as is specified in the certificate.

63C. Liabilities transferred to electricity corporation

All liabilities of SEC, wherever located, that are allocated under an allocation statement under this Division to an electricity corporation or another person, are deemed to have become liabilities of that corporation or person on 3 January 1994 or on such later date as is specified in the statement.

S. 63C
inserted by
No. 110/1994
s. 13.

63D. Meaning of "appointed day" in Division 2

Division 2 has effect in relation to an allocation statement under this Division as if a reference to the appointed day were a reference to 3 January 1994 or such later date as is specified in the allocation statement.

S. 63D
inserted by
No. 110/1994
s. 13.

Division 2—Transfer of property

64. Property transferred to electricity corporation

On the appointed day—

(a) all property and rights of SEC, wherever located, that are allocated under an allocation statement to an electricity corporation, vest in that corporation; and

- (b) all liabilities of SEC, wherever located, that are allocated under an allocation statement to an electricity corporation, wherever located, become liabilities of that corporation.

65. *Property transferred to SEC company*

On the appointed day—

- (a) all property and rights of SEC, wherever located, that are allocated under an allocation statement to a SEC company vest in that company; and
- (b) all liabilities of SEC, wherever located, that are allocated under an allocation statement to a SEC company, become liabilities of that company.

66. *Property transferred to State*

On the appointed day—

- (a) all property and rights of SEC, wherever located, that are allocated under an allocation statement to the State vest in the State;
- (b) all liabilities of SEC, wherever located, that are allocated under an allocation statement to the State, become liabilities of the State.

66A. *Property transferred to other persons*

On the allocation day—

- (a) all property and rights of SEC, wherever located, that are allocated under the statement to a person or persons nominated by the Minister under section 62A or 62AA vest in that person or those persons;

S. 66A
inserted by
No. 14/1997
s. 9.

S. 66A(a)
amended by
No. 36/1999
s. 11(d).

- (b) all liabilities of SEC, wherever located, that are allocated under the statement to a person or persons nominated by the Minister under section 62A or 62AA become liabilities of that person or those persons.

S. 66A(b)
amended by
No. 36/1999
s. 11(d).

67. Allocation of property etc. subject to encumbrances

Unless an allocation statement under this Part otherwise provides, where, under this Part—

- (a) property and rights vest in; or
(b) liabilities become liabilities of—

an electricity corporation, SEC company, other person or persons or the State—

- (c) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
(d) the rights to which SEC was entitled in respect of those liabilities immediately before they ceased to be liabilities of SEC vest in the electricity corporation, SEC company, person or persons or the State, as the case requires.

S. 67
amended by
No. 14/1997
s. 10(1)(a).

S. 67(d)
amended by
No. 14/1997
s. 10(1)(b).

68. Value of transferred property

The value to an electricity corporation or SEC company or person or persons nominated by the Minister under section 62A or 62AA of transferred property as at the appointed day or allocation day, as the case requires, is the value shown in the relevant allocation statement.

S. 68
amended by
Nos 14/1997
s. 10(1)(c),
36/1999
s. 11(e).

69. Substitution of party to agreement

If, under an allocation statement, the rights and liabilities of SEC under an agreement are allocated to an electricity corporation or SEC

S. 69
amended by
No. 14/1997
s. 10(1)(d).

company or other person or persons ("**the new party**")—

S. 69(a)
amended by
No. 14/1997
s. 10(1)(e)(i)(ii).

(a) the new party becomes, on the appointed day or allocation day, as the case requires, a party to the agreement in place of SEC; and

S. 69(b)
amended by
No. 14/1997
s. 10(1)(e)(i)(ii).

(b) on and after the appointed day, or allocation day, as the case requires, the agreement has effect as if the new party had always been a party to the agreement.

S. 70
amended by
No. 14/1997
s. 10(1)(f).

70. *SEC instruments*

Each SEC instrument relating to transferred property continues to have effect according to its tenor on and after the appointed day or allocation day, as the case requires as if a reference in the instrument to SEC were a reference to the transferee of the transferred property.

S. 71
amended by
No. 14/1997
s. 10(1)(g).

71. *Proceedings*

If, immediately before the appointed day or allocation day, as the case requires, proceedings relating to transferred property (including arbitration proceedings) to which SEC was a party were pending or existing in any court or tribunal, then, on and after the appointed day or allocation day, as the case requires, the transferee of the transferred property is substituted for SEC as a party to the proceedings and has the same rights in the proceedings as SEC had.

S. 71A
inserted by
No. 110/1994
s. 14 (as
amended by
No. 10/1998
s. 10(2)).

71A. *Criminal proceedings*

S. 71A(1)
amended by
No. 56/1995
s. 15(b).

(1) If SEC is convicted (whether before or after the commencement of section 14 of the **Electricity Industry (Further Amendment) Act 1994**) of an

offence in respect of which a fine is payable, the Administrator may prepare a statement allocating liability to pay the fine to an electricity corporation, statutory authority or company all the shares in which are held by, or on behalf of, the State or a statutory authority.

- (2) If the statement is approved by the Treasurer and the Minister—
- (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement allocates liability to pay the fine to the electricity corporation or other person specified in it; and
 - (c) the electricity corporation or other person is liable to pay the fine as if it had committed and been convicted of the offence.

72. *Interests in land*

Without prejudice to the generality of this Act and despite anything to the contrary in any other Act or law, if, immediately before the appointed day or allocation day, as the case requires, SEC is, in relation to transferred property, the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after the appointed day or allocation day, as the case requires—

- (a) the transferee of the transferred property is to be taken to be the registered proprietor of that interest in land; and
- (b) the transferee has the same rights and remedies in respect of that interest as SEC had.

S. 72
amended by
No. 14/1997
s. 10(1)(h).

73. Amendment of Register

(1) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument and certificate of the Administrator, must make any amendments in the Register that are necessary because of the operation of this Act.

S. 73(1A)
inserted by
No. 10/1998
s. 7(1).

(1A) Despite sub-section (1), it is not necessary to produce a certificate of title in the case of a request for amendment to the Register in relation to transferred property that is an easement registered under the **Transfer of Land Act 1958**.

S. 73(2)
repealed by
No. 85/1998
s. 24(Sch.
item 20.1).

* * * * *

S. 73(3)
amended by
No. 14/1997
s. 10(1)(i),
repealed by
No. 85/1998
s. 24(Sch.
item 20.1).

* * * * *

74. Taxes

No stamp duty or other tax is chargeable under any Act in respect of anything done under this Act or in respect of any act or transaction connected with or necessary to be done by reason of this Act, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with—

S. 74(a)
amended by
Nos 14/1997
s. 10(1)(j),
36/1999
s. 11(f).

(a) the transfer of property, rights or liabilities of SEC to an electricity corporation or SEC company or person or persons nominated by the Minister under section 62A or 62AA; or

- (b) the transfer, within 6 months after the appointed day, of property, rights or liabilities by an electricity corporation to another electricity corporation or SEC company or person or persons nominated by the Minister under section 62A or 62AA.

S. 74(b)
 amended by
 Nos 14/1997
 s. 10(1)(j),
 36/1999
 s. 11(f).

75. Evidence

- (1) Documentary or other evidence that would have been admissible for or against the interests of SEC in relation to transferred property if this Act had not been enacted, is admissible for or against the interests of the transferee of the transferred property.
- (2) Division 3A of Part III of the **Evidence Act 1958** continues to apply with respect to the books of account of SEC and to entries made in those books of account before the appointed day, whether or not they relate to transferred property.
- (3) In sub-section (2), "**books of account**" has the same meaning as in Division 3A of Part III of the **Evidence Act 1958**.

76. Validity of things done under this Act

- (1) Nothing effected by this Act or done or suffered by SEC, the State, a Minister, an electricity corporation or SEC company or person or persons nominated by the Minister under section 62A or 62AA under this Act—
- (a) is to be regarded as placing SEC, the State, a Minister, the corporation or company or person or persons nominated by the Minister under section 62A or 62AA in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong;
 or

S. 76(1)
 amended by
 Nos 14/1997
 s. 10(1)(k)(i),
 36/1999
 s. 11(g).

S. 76(1)(a)
 amended by
 Nos 14/1997
 s. 10(1)(k)(ii),
 36/1999
 s. 11(g).

- (b) is to be regarded as placing any of them in breach of or as constituting a default under any Act or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or
 - (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
 - (d) releases any surety or other obligee wholly or in part from any obligation.
- (2) The validity of any act or transaction of SEC or the Administrator must not be called in question in any proceedings on the ground that any provision of this Act or the **State Electricity Commission Act 1958** had not been complied with.

Division 3—Financial obligations of SEC

77. *Financial obligations of SEC*

- (1) SEC must give to the Treasurer and the Minister, within the period of 3 months after the day on which this Act receives the Royal Assent or such longer period as the Treasurer and Minister approve, a statement, in a form approved by the Treasurer and the Minister, of its financial obligations valued at a fair market value as at a date specified by the Minister.
- (2) The statement under sub-section (1)—
 - (a) must allocate, for the purposes of section 29, responsibility for the financial obligations to

- which that section applies between the electricity corporations; and
- (b) must specify the financial obligations of SEC to which section 29 does not apply and specify the electricity corporation that is to be responsible for making payments to SEC in respect of SEC's liability under particular financial obligations.
- (3) If the statement is approved by the Treasurer and the Minister—
- (a) the Treasurer and the Minister must sign the statement; and
- (b) the statement is the allocation statement of financial obligations for the purposes of this Division.
- (4) An allocation statement of financial obligations may be amended, or further amended, in writing signed by the Treasurer and the Minister.
- (5) In relation to an amendment, or further amendment, of a statement after the commencement of section 7 of the **Electricity Industry (Miscellaneous Amendment) Act 1997**, "**electricity corporation**" in this section includes VPX, a public distribution company, a public transmission company and a public generation company.

S. 77(5)
 inserted by
 No. 53/1994
 s. 16(1),
 amended by
 Nos 110/1994
 ss 15, 33(2),
 56/1995
 s. 16(a),
 substituted by
 No. 35/1997
 s. 7(1).

78. *Electricity corporations to make payments to SEC*

- (1) Each electricity corporation must pay to SEC such amounts, and at such time, as SEC is liable to pay in respect of financial obligations for which the electricity corporation is responsible in accordance with the allocation statement under section 77.

- (2) SEC must pay to each electricity corporation amounts that SEC receives in respect of financial obligations (including amounts received under swap contracts) for which the electricity corporation is responsible in accordance with the allocation statement under section 77.
- (3) In this section "**swap contract**" means an agreement entered into by SEC with another person under which—
 - (a) SEC undertakes to make payments in any currency to, or to the account of, the other party to the agreement; and
 - (b) the other party undertakes to make payments to, or to the account of, SEC in the same or another currency.
- (4) In this section, "**electricity corporation**" includes VPX, a public distribution company, a public transmission company and a public generation company.

S. 78(4)
inserted by
No. 53/1994
s. 16(2),
amended by
Nos 110/1994
ss 15, 33(2),
56/1995
s. 16(b),
35/1997
s. 7(2).

Pt 5 Div. 4
(Heading and
s. 79)
amended by
No. 53/1994
s. 17,
repealed by
No. 10/1998
s. 8(b).

* * * * *

PART 6—STAFF

80. Definitions

In this Part—

"body" means SEC, electricity corporation, SEC company, Energy Brix Corporation Australia (a State Body within the meaning of the **State Owned Enterprises Act 1992**) or the chief electrical inspector;

"Chief Executive Officer" means Chief Executive Officer of SEC;

"new employer", in relation to a transferred employee, means the body by which, by virtue of section 82, the transferred employee is regarded as being employed with effect from the appointed day;

"transferred employee" means a person who, by virtue of section 82, is regarded as being employed by a new employer with effect from the appointed day or a specified later day.

81. List of SEC staff

- (1) Before the appointed day, SEC must prepare and submit to the Minister and Treasurer a document signed by the Chief Executive Officer listing all the officers and employees of SEC and specifying, in respect of each such officer or employee, the body by which he or she is to be regarded as having been employed by virtue of section 82 with effect from the appointed day or such later day as is specified.

- (2) The document may be amended—
- (a) before the appointed day, by instrument signed by the Chief Executive Officer and given to the Minister and Treasurer;
 - (b) on or after the appointed day, by instrument signed by the Administrator and given to the Minister and Treasurer—

and the amendment is to be regarded as having effect, or having had effect, from the appointed day.

- (3) Nothing in this section prevents a person listed in the document as an officer or employee of SEC from resigning or being dismissed at any time before the appointed day or later day specified under sub-section (1) in relation to that person in accordance with the terms and conditions of his or her appointment or employment.

82. *Transfer of SEC staff*

- (1) A person listed as an officer or employee of SEC in a document under section 81 who was such an officer or employee immediately before the appointed day is to be regarded as—
- (a) having been employed by the new employer with effect from the appointed day; and
 - (b) having been so employed on the same terms and conditions as those that applied to the person, immediately before the appointed day, as an officer or employee of SEC; and
 - (c) having accrued an entitlement to benefits, in connection with that employment by the new employer, that is equivalent to the entitlement that the person had accrued, as an officer or employee of SEC, immediately before the appointed day.

- (2) The service of a transferred employee as an employee of the new employer is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the appointed day, as an officer or employee of SEC.
- (3) A transferred employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an officer or employee of SEC because of this Act.
- (4) The secretary of SEC does not, because of the operation of this Act, become the secretary of the new employer but nothing in this sub-section prevents him or her being appointed as such on or after the appointed day.
- (5) A certificate purporting to be signed by the Administrator certifying that a person named in the certificate was with effect from the appointed day employed, by virtue of this section, by a body named in the certificate is admissible in evidence in any proceedings and is conclusive proof of the matters stated in it.

S. 82(3)
amended by
No. 53/1994
s. 23(1)(b).

83. *Future terms and conditions of transferred employees*

- (1) Nothing in section 82 prevents—
 - (a) any of the terms and conditions of employment of a transferred employee from being altered by or under any law, award or agreement with effect from any time after the appointed day; or
 - (b) a transferred employee from transferring to the employment of another electricity corporation at any time on or after the appointed day on terms and conditions agreed to by the employee and that other electricity corporation; or

- (c) a transferred employee from resigning or being dismissed at any time after the appointed day in accordance with the then existing terms and conditions of his or her employment by the new employer.
- (2) The service of a transferred employee as an employee of another electricity corporation to which he or she transfers as mentioned in sub-section (1)(b) is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the appointed day, as an officer or employee of SEC and with his or her service on or after that day as an employee of an electricity corporation.

84. Superannuation

- (1) Subject to this section, the SEC Superannuation Fund as constituted and governed under rules made by SEC under clause 5 under the heading "BUSINESS AND RULES" in the Sixth Schedule to the **State Electricity Commission Act 1958** and in force immediately before the appointed day continues, on and after that day, as the Victorian Electricity Industry Superannuation Fund.
- (2) Subject to the rules referred to in sub-section (1), SECV Superannuation Pty Ltd continues, on and after the appointed day, as trustee of the Fund continued by sub-section (1) on and after that day.
- (3) The rules referred to in sub-section (1) continue in force, on and after the appointed day, as the Victorian Electricity Industry Superannuation Fund Rules despite the repeal by this Act of the provision under which they were made.
- (4) Without limiting sub-section (5), SEC must before the appointed day amend the rules referred to in sub-section (1)—

- (a) to extend their application with effect from the appointed day to electricity corporations, SEC companies and such other bodies as the Minister directs by writing given to SEC and to employees of electricity corporations, SEC companies or such other bodies; and
- (b) to recognise for the purposes of membership of the Fund the continuity of service that must be taken to exist by virtue of section 82(2) or 83(2); and
- (c) generally to give effect to this section.

* * * * *

S. 84(5)
repealed by
No. 4/1996
s. 134(2).

(6) SEC—

- (a) must not make any amendment of the rules referred to in sub-section (1) which would result in the Fund not being or not being deemed to be a complying fund for the purposes of Part IX of the Income Tax Assessment Act 1936 of the Commonwealth as amended and in force from time to time; and
- (b) must at all times use its best endeavours to ensure that the Fund is a complying fund for those purposes.

(7) All rights, benefits, entitlements, liabilities and obligations of the members or former members of the Fund and their beneficiaries existing immediately before the appointed day continue, on and after that day, subject to rules made under this section.

(8) Section 4 of the **Public Sector Superannuation (Administration) Act 1993** applies in relation to any inconsistency between this section and that Act and to any inconsistency between this section and rules referred to in sub-section (1).

Pt 6A
(Heading and
s. 84AA)
inserted by
No. 110/1994
s. 16,
repealed by
No. 56/1995
s. 17.

* * * * *

PART 7—GENERAL

84A. *Public distribution company, public transmission company and public generation company*

A public distribution company, public transmission company or public generation company is a public authority but does not represent the Crown.

S. 84A inserted by No. 53/1994 s. 18, substituted by Nos 110/1994 s. 17, 56/1995 s. 18, amended by No. 35/1997 s. 22(b).

84AAA. *Certain assets not to be fixtures*

- (1) The Minister may, by written notice, declare that specified assets that are affixed to land and that are disposed of by VPX, a public transmission company or a public generation company are taken, for all purposes, to be separate assets being chattels personal and not fixtures.
- (2) The declaration has effect accordingly.

S. 84AAA inserted by No. 55/1997 s. 7.

84AA. *Financial benefits given on arm's length terms*

- (1) A financial benefit given before 1 July 1995 by a distribution company or generation company under a relevant contract to a recipient is deemed for the purposes of Part 3.2A of the Corporations Law of Victoria (despite anything to the contrary in that Law) to have been given on terms and conditions no more favourable to the recipient than those on which it is reasonable to expect that the first-mentioned distribution company or generation company would have given the benefit directly if dealing with the recipient at arm's length in the same circumstances.
- (2) In sub-section (1)—
"recipient" means Power Net Victoria, VPX, SEC, Generation Victoria, a distribution company or a generation company;

New s. 84AA inserted by No. 79/1995 s. 10.

"relevant contract" means use of system agreement, connection agreement, distribution system agreement, tariffs and charges deed or vesting hedging contract.

S. 84AB
inserted by
No. 79/1995
s. 10.

84AB. *Sale of Land Act 1962*

S. 84AB(1)
amended by
No. 35/1997
s. 22(c).

- (1) The Governor in Council, by Order published in the Government Gazette, may declare that a generation company, transmission company or distribution company is not required, in respect of a particular sale or class of sales, to include in the vendor's statement under section 32 of the **Sale of Land Act 1962** such of the particulars referred to in sub-section (2)(e) of that section as are specified in the Order.
- (2) An Order under sub-section (1) may be subject to such conditions as are specified in the Order, including conditions requiring disclosure of information of a particular kind.
- (3) A failure to comply with a condition of an Order under this section is deemed to be a failure to comply with section 32 of the **Sale of Land Act 1962**.

S. 84AC
inserted by
No. 79/1995
s. 10.

84AC. *Building Act 1993*

The Commissioner of the Building Control Commission under the **Building Act 1993**, by notice published in the Government Gazette, may determine that building work, or a building, on land of a generation company is exempt from the provisions of the **Building Act 1993** and regulations under that Act specified in the notice, subject to such conditions (if any) as are so specified.

84B. *Persons dealing with electricity corporations or VPX*

A certificate issued by the chief executive officer of an electricity corporation or VPX to a person having dealings with the corporation or VPX certifying that an act or transaction is an act or transaction that the corporation or VPX is authorised to do or enter into under its licence and the licence conditions under Part 12 is conclusive evidence, as between that person and the corporation or VPX, that the corporation or VPX is so authorised.

S. 84B
inserted by
No. 53/1994
s. 18,
amended by
No. 110/1994
s. 33(2).

84C. *Reports to Treasurer*

The Treasurer may, in writing, require the board of directors of an electricity corporation, VPX, a public distribution company, public transmission company or a public generation company to give to the Treasurer such information as the Treasurer considers necessary.

S. 84C
inserted by
No. 53/1994
s. 18,
amended by
Nos 110/1994
ss 18(a), 33(2),
56/1995
s. 19(a),
35/1997
s. 22(d).

84D. *Disclosure of information*

- (1) Electricity Services Victoria or a distribution company is authorised, for the purposes of the activities authorised by licences under Part 12, to disclose to any distribution company any information relating to a customer or former customer of Electricity Services Victoria or the distribution company contained in a customer information data base of Electricity Services Victoria or the company.
- (2) This section ceases to have effect on 30 June 1995.

S. 84D
inserted by
No. 53/1994
s. 18.

S. 84E
inserted by
No. 53/1994
s. 18,
amended by
No. 110/1994
ss 18(b), 33(2),
repealed by
No. 10/1998
s. 8(a).

* * * * *

85. *Delegation by Minister and Treasurer*

The Minister or the Treasurer may, in writing, delegate to any person any function or power of the Minister or Treasurer under this Act, other than this power of delegation.

86. *Agreements about certain matters*

Despite anything to the contrary in this Act—

S. 86(a)
amended by
Nos 53/1994
s. 19(1)(a),
110/1994
ss 18(c), 33(2),
35/1997
s. 22(e).

(a) a Minister or the State, or, with the consent of the Minister, SEC, an electricity corporation, VPX, a distribution company, a transmission company, a generation company or SEC company may enter into an agreement concerning property, obligations, rights or liabilities that, under section 62(1), may not be included in an allocation statement under that section but may be affected by this Act, or by anything done or suffered under this Act, whether directly or indirectly; and

(b) any such agreement takes effect according to its terms.

87. *Service of documents on electricity corporation*

S. 87
amended by
Nos 53/1994
s. 19(1)(b),
110/1994
s. 33(2).

A document required or authorised to be served on an electricity corporation or VPX may be served—

- | | |
|---|--|
| <p>(a) personally on a person—</p> <p style="padding-left: 40px;">(i) apparently concerned in the management of the corporation or VPX; or</p> <p style="padding-left: 40px;">(ii) apparently authorised to accept service of documents on behalf of the corporation or VPX; or</p> | <p>S. 87(a)(i) amended by Nos 53/1994 s. 19(1)(c), 110/1994 s. 33(2).</p> <p>S. 87(a)(ii) amended by Nos 53/1994 s. 19(1)(c), 110/1994 s. 33(2).</p> |
| <p>(b) by post to the corporation or VPX at its principal office.</p> | <p>S. 87(b) amended by Nos 53/1994 s. 19(1)(c), 110/1994 s. 33(2).</p> |

88. Evidence of documents

- | | |
|---|---|
| <p>(1) A document issued or purporting to have been issued by an electricity corporation or VPX and purporting to have been signed by the chief executive officer of the corporation or VPX is evidence that the document was issued by the corporation or VPX.</p> | <p>S. 88(1) amended by Nos 53/1994 s. 19(1)(b)(c), 110/1994 s. 33(2).</p> |
|---|---|

*	*	*	*	*	<p>S. 88(2) repealed by No. 25/1998 s. 165(5).</p>
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*	*	*	*	*	<p>S. 89 repealed by No. 53/1994 s. 19(1)(d).</p>
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90. Treasurer may give guarantee

S. 90(1)
amended by
Nos 53/1994
s. 19(1)(e)(f),
110/1994
ss 18(d), 33(2),
56/1995
s. 19(b)(c),
35/1997
s. 22(f).

(1) The Treasurer may, on behalf of the Government of Victoria, execute a guarantee on such terms and conditions as the Treasurer determines in favour of any person guaranteeing the due satisfaction of amounts that become payable by an electricity corporation, VPX, a public distribution company, public transmission company or a public generation company under section 29(1) or of amounts that become payable and of other actions required to be performed as a result of or in connection with the provision to an electricity corporation, VPX or a public distribution company, public transmission company or public generation company of financial accommodation including without limiting the generality of the foregoing, the payment of expenses of enforcing or obtaining or endeavouring to obtain such satisfaction.

(2) Any sums required by the Treasurer in fulfilling any liability arising under a guarantee given under this section shall be paid out of the Consolidated Fund, which is to the necessary extent appropriated accordingly.

S. 90(3)
amended by
Nos 53/1994
s. 19(1)(e),
110/1994
ss 18(d), 33(2),
56/1995
s. 19(d),
35/1997
s. 22(f).

(3) Any sums received or recovered by the Treasurer from an electricity corporation, VPX, a public distribution company, public transmission company or a public generation company or otherwise in respect of any sum paid by the Treasurer under a guarantee shall be paid into the Consolidated Fund.

S. 91
amended by
Nos 53/1994
s. 19(2),
8/1996 s. 12.

91. Trade Practices Act 1974 of the Commonwealth

The regulations may provide that any act or thing or kind of act or thing of or relating to a particular electricity corporation or a subsidiary of an electricity corporation, or the holder of a licence under Part 12 is authorised for a particular period

for the purposes of Part IV of the Trade Practices Act 1974 of the Commonwealth and the Competition Code.

* * * * *

S. 91AA inserted by No. 8/1996 s. 13, amended by Nos 35/1997 ss 8(1)(2), 9, 10/1998 s. 5(1)(h), repealed by No. 8/1996 s. 14.

91A. Exemption from Freedom of Information Act

An electricity corporation, VPX, a distribution company, a transmission company or a generation company is not, and is not eligible to be declared to be, an agency or prescribed authority within the meaning of the **Freedom of Information Act 1982**.

S. 91A inserted by No. 53/1994 s. 20, amended by Nos 110/1994 ss 18(d), 33(2), 35/1997 s. 22(g).

91AB. Ombudsman Act 1973 not to apply

An electricity corporation, VPX, a distribution company, a transmission company or a generation company is not a public statutory body to which the **Ombudsman Act 1973** applies.

S. 91AB inserted by No. 110/1994 s. 19, amended by No. 35/1997 s. 22(h).

91AC. Obligations under certain contracts

(1) Despite anything to the contrary in this Act or in a licence issued in accordance with Part 12—

S. 91AC inserted by No. 110/1994 s. 19.

(a) SEC is deemed to be, and at all relevant times to have been, the holder of a licence within the meaning of Part 12 authorising SEC to the extent necessary to enable it to comply with its obligations in relation to excluded property; and

- (b) the purchase by, and sale to, SEC of electricity for the purposes of compliance by SEC with its obligations in relation to excluded property is, and is deemed at all relevant times to have been, authorised; and
- (c) no person, other than SEC, is authorised—
 - (i) to sell electricity; or
 - (ii) except for or on behalf of SEC, to transmit, distribute or supply electricity—

to a person for use in connection with facilities or installations for which SEC is required to supply electricity under an agreement, contract or document referred to in Schedule 3.

- (2) Sub-section (1)(c)(ii) does not prohibit an activity that is otherwise authorised by an Order in Council made under the **Electric Light and Power Act 1958** and in force immediately before the commencement of section 25 of the **Electricity Industry (Amendment) Act 1994**.

S. 91B
inserted by
No. 53/1994
s. 20.

91B. Debt proceedings

In a proceeding in the Magistrates' Court for a debt owing to a distribution company any person authorised by the distribution company in writing for that purpose may file a complaint in that person's own name or in the name of the distribution company and may represent the distribution company in all respects as though that person was the party concerned.

* * * * *

S. 91C
inserted by
No. 36/1999
s. 12,
repealed by
No. 69/2000
s. 12.

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

s. 92

92. Regulations

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations are subject to disallowance by a House of the Parliament.

S. 92
amended by
No. 56/1995
s. 20(1).

S. 92(2)
inserted by
No. 56/1995
s. 20(2).

PART 8—TRANSITIONAL

S. 93
repealed by
No. 10/1998
s. 8(a).

* * * * *

94. *Generation Victoria successor of State Body*

- (1) On the day on which this Act receives the Royal Assent—
 - (a) all property and rights of the body known as Generation Victoria established under the State Owned Enterprises (State Body— Generation Victoria) Order 1993 published in the Government Gazette No. S74 dated 7 October 1993 ("the State Body") vest in Generation Victoria;
 - (b) all liabilities of the State Body become liabilities of Generation Victoria;
 - (c) Generation Victoria becomes the successor in law of the State Body;
 - (d) the State Body is dissolved.
- (2) A person holding office, immediately before the commencement of this section as a director (including chief executive officer, if any) of the state Body referred to in sub-section (1) is deemed to have been appointed, on that commencement, as director or chief executive officer of Generation Victoria for a term equivalent to the remainder of the term for which, and on the same terms and conditions as those in which, he or she was appointed to the State Body.

S. 95
repealed by
No. 10/1998
s. 8(a).

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Electricity Industry (Residual Provisions) Act 1993

s. 96

Act No. 130/1993

* * * * *

S. 96
amended by
Nos 53/1994
s. 21(1)(a)–
(e)(2),
110/1994
ss 20(1)(a)(b)
(2), 33(2),
repealed by
No. 10/1998
s. 8(a).

* * * * *

S. 97
amended by
Nos 53/1994
s. 21(3)(a)–(c),
110/1994
s. 20(3),
repealed by
No. 10/1998
s. 8(a).

Pt 9
(Heading and
ss 98–113)
substituted as
Pt 9
(Headings
and ss 98–
115A) by
No. 53/1994
s. 24.

**PART 9—TRANSFER OF PROPERTY AND STAFF OF
NATIONAL ELECTRICITY**

Division 1—Definitions

S. 98
substituted by
No. 53/1994
s. 24.

98. Definitions

(1) In this Part—

"chief executive officer" means chief executive officer of National Electricity;

"former National Electricity property" means property, rights or liabilities of National Electricity that, under this Part, have vested in, or become liabilities of, another person;

"National Electricity instrument" means an instrument (including a legislative instrument other than this Act) subsisting immediately before the relevant date—

- (a) to which National Electricity was a party; or
- (b) that was given to or in favour of National Electricity; or
- (c) that refers to National Electricity; or
- (d) under which—
 - (i) money is, or may become, payable to or by National Electricity; or
 - (ii) other property is to be, or may become liable to be, transferred to or by National Electricity;

"new employer", in relation to a transferred National Electricity employee, means the body by which, by virtue of section 114, the transferred National Electricity employee is regarded as being employed with effect from the relevant date;

"relevant date"—

- (a) in relation to an allocation statement or property, rights or liabilities allocated under an allocation statement, means the date fixed by the Minister under sub-section (2) for the purposes of that statement;
- (b) in relation to a document referred to in section 113(1), means the date fixed by the Minister under sub-section (2) for the purposes of that document;

"transferred National Electricity employee" means a person who, by virtue of section 114, is regarded as being employed by a new employer with effect from the relevant date;

"transferee", in relation to former National Electricity property, means the person to whom the property has been transferred under this Part.

- (2) The Minister may, by notice published in the Government Gazette—
 - (a) fix the relevant date for the purposes of an allocation statement under section 99;
 - (b) fix the relevant date for the purposes of a document referred to in section 113(1).

Division 2—Allocation of property

S. 99
substituted by
No. 53/1994
s. 24.

99. Minister may direct National Electricity to transfer property

- (1) The Minister may, in writing, direct National Electricity to transfer property, rights and liabilities of a specified kind to a person or persons nominated by the Minister.
- (2) Within 3 months after receiving a direction under sub-section (1), National Electricity must give to the Minister a statement approved by the Minister relating to the property, rights and liabilities of National Electricity to which the direction relates, as at a date specified by the Minister for the purposes of the statement.
- (3) A statement under this section—
 - (a) must allocate the property, rights and liabilities of National Electricity shown in the statement to, or between, the person or persons nominated by the Minister; and
 - (b) must be signed by the chief executive officer.
- (4) If a statement under this section is approved by the Treasurer and the Minister—
 - (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement is an allocation statement for the purposes of this Part.
- (5) The Treasurer and the Minister may at any time direct National Electricity to amend a statement given to them under this section as specified in the direction.
- (6) An allocation statement under this section may be amended by writing signed by the Treasurer and the Minister.

(6A) A direction under sub-section (1) or (5) or an amendment under sub-section (6) that would affect a distribution company, a transmission company or a generation company must not be given or made unless all the shares in the company are held by, or on behalf of, the State or a statutory authority.

S. 99(6A)
inserted by
No. 56/1995
s. 21,
amended by
No. 35/1997
s. 22(i).

(7) In this section, "**statement**" and "**allocation statement**" include a statement or allocation statement amended in accordance with this section.

100. Certificate of chief executive officer

S. 100
substituted by
No. 53/1994
s. 24.

(1) A certificate signed by the chief executive officer certifying that property, rights or liabilities of National Electricity specified in the certificate have been allocated under the allocation statement to a person so specified is, unless revoked under sub-section (2), conclusive evidence—

- (a) that the property, rights or liabilities have been so allocated; and
- (b) that the property, rights or liabilities vested in or became the property, rights or liabilities of the transferee on the relevant date.

(2) If the Treasurer and the Minister so direct the chief executive officer in writing, the chief executive officer must revoke a certificate given under sub-section (1) by issuing another certificate or certificates in place of the first certificate.

(3) The chief executive officer—

- (a) must keep a register of certificates issued under this section; and
- (b) must make the register reasonably available for inspection by a transferee or other interested person.

S. 100(4)
inserted by
No. 10/1998
s. 5(2).

- (4) In this section, "**chief executive officer**" means the Administrator.

Division 3—Transfer of property

S. 101
substituted by
No. 53/1994
s. 24.

101. *Property transferred to nominee*

On the relevant date—

- (a) all property and rights of National Electricity, wherever located, that are allocated under an allocation statement to a person nominated by the Minister in a direction under section 99, vest in that person; and
- (b) all liabilities of National Electricity, wherever located, that are allocated under an allocation statement to that person, become liabilities of that person.

S. 102
substituted by
No. 53/1994
s. 24.

102. *Allocation of property etc. subject to encumbrances*

Unless an allocation statement under this Part otherwise provides, where, under this Part—

- (a) property and rights vest in; or
- (b) liabilities become liabilities of—

a person nominated by the Minister in a direction under section 99—

- (c) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
- (d) the rights to which National Electricity was entitled in respect of those liabilities immediately before they ceased to be liabilities of National Electricity vest in the transferee.

103. Value of former National Electricity property

(1) The value to a person nominated by the Minister in a direction under section 99 of former National Electricity property as at the relevant date is the value shown in, or calculated in accordance with, the relevant allocation statement.

S. 103 substituted by No. 53/1994 s. 24.

(2) If a person nominated by the Minister in a direction under section 99 is a distribution company or transmission company, the consideration payable by the distribution company or transmission company in respect of former National Electricity property vested in it under an allocation statement under this Part is an amount equal to the value shown in, or calculated in accordance with, the statement.

S. 103(2) amended by No. 35/1997 s. 22(j).

(3) On the date notified in writing to the distribution company or transmission company by the Treasurer for the purposes of this sub-section, a distribution company or transmission company becomes liable to pay to the Treasurer, at the time and in the manner specified by the Treasurer, an amount equal to the sum of the considerations referred to in sub-section (2), less the value of the liabilities that, before that date, have become liabilities of the distribution company or transmission company, as the case requires, under an allocation statement under this Part.

S. 103(3) amended by No. 35/1997 s. 22(k)(i)(ii).

104. Substitution of party to agreement

If, under an allocation statement, the rights and liabilities of National Electricity under an agreement are allocated to a person nominated by the Minister in a direction under section 99—

S. 104 substituted by No. 53/1994 s. 24.

(a) the person becomes, on the relevant date, a party to the agreement in place of National Electricity; and

- (b) on and after the relevant date, the agreement has effect as if the person had always been a party to the agreement.

S. 105 substituted by No. 53/1994 s. 24.

105. National Electricity instruments

Each National Electricity instrument relating to former National Electricity property continues to have effect according to its tenor on and after the relevant date as if a reference in the instrument to National Electricity were a reference to the transferee.

S. 106 substituted by No. 53/1994 s. 24.

106. Proceedings

If, immediately before the relevant date, proceedings relating to former National Electricity property (including arbitration proceedings) to which National Electricity was a party were pending or existing in any court or tribunal, then, on and after that date, the transferee is substituted for National Electricity as a party to the proceedings and has the same rights in the proceedings as National Electricity had.

S. 106A inserted by No. 110/1994 s. 21.

106A. Criminal proceedings

S. 106A(1) amended by No. 56/1995 s. 22(a).

- (1) If National Electricity is convicted (whether before or after the commencement of section 21 of the **Electricity Industry (Further Amendment) Act 1994**) of an offence in respect of which a fine is payable, the Administrator may prepare a statement allocating liability to pay the fine to a statutory authority or company all the shares in which are held by, or on behalf of, the State or a statutory authority nominated by the Minister.

- (2) If the statement is approved by the Treasurer and the Minister—
- (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement allocates liability to pay the fine to the person specified in it; and
 - (c) the person is liable to pay the fine as if it had committed and been convicted of the offence.

107. *Interests in land*

Without prejudice to the generality of this Act and despite anything to the contrary in any other Act or law, if, immediately before the relevant date, National Electricity is, in relation to former National Electricity property, the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after that date—

- (a) the transferee is to be taken to be the registered proprietor of that interest in land; and
- (b) the transferee has the same rights and remedies in respect of that interest as National Electricity had.

108. *Amendment of Register*

- (1) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument and certificate of the chief executive officer, must make any amendments in the Register that are necessary because of the operation of this Act.

S. 107
substituted by
No. 53/1994
s. 24.

S. 108
substituted by
No. 53/1994
s. 24.

S. 108(1A)
inserted by
No. 10/1998
s. 7(2).

(1A) Despite sub-section (1), it is not necessary to produce a certificate of title in the case of a request for amendment to the Register in relation to transferred property that is an easement registered under the **Transfer of Land Act 1958**.

S. 108(2)(3)
repealed by
No. 85/1998
s. 24(Sch.
item 20.2).

* * * * *

S. 109
substituted by
No. 53/1994
s. 24.

109. *Taxes*

No stamp duty or other tax is chargeable under any Act in respect of anything done under this Part or in respect of any act or transaction connected with or necessary to be done by reason of this Part, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights or liabilities of National Electricity.

S. 110
substituted by
No. 53/1994
s. 24.

110. *Evidence*

- (1) Documentary or other evidence that would have been admissible for or against the interests of National Electricity in relation to former National Electricity property if this Part had not been enacted, is admissible for or against the interests of the transferee.
- (2) Division 3A of Part III of the **Evidence Act 1958** continues to apply with respect to the books of account of National Electricity and to entries made in those books of account before the relevant date, whether or not they relate to former National Electricity property.
- (3) In sub-section (2), "**books of account**" has the same meaning as in Division 3A of Part III of the **Evidence Act 1958**.

111. Validity of things done under this Part

- (1) Nothing effected by this Part or done or suffered by National Electricity, the State, a Minister or a transferee of former National Electricity property under this Part—
- (a) is to be regarded as placing National Electricity, the State, a Minister or the transferee in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong; or
 - (b) is to be regarded as placing any of them in breach of or as constituting a default under any Act or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or
 - (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
 - (d) releases any surety or other obligee wholly or in part from any obligation.
- (2) The validity of any act or transaction of National Electricity or the chief executive officer must not be called in question in any proceedings on the ground that any provision of this Act had not been complied with.

S. 111 substituted by No. 53/1994 s. 24.

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Pt 9 Div. 4 (Heading and s. 112) amended by No. 53/1994 s. 24, repealed by No. 10/1998 s. 8(b).

Division 5—Staff

S. 113
substituted by
No. 53/1994
s. 24.

113. *List of National Electricity staff*

- (1) Before the relevant date, National Electricity must prepare and submit to the Minister and Treasurer a document signed by the chief executive officer listing officers and employees of National Electricity and specifying in respect of each such officer or employee, the body by which he or she is to be regarded as having been employed by virtue of section 114 with effect from the relevant date.
- (2) The document may be amended, before or after the relevant date, by instrument signed by the chief executive officer and given to the Minister and Treasurer and the amendment is to be regarded as having effect, or having had effect, from the relevant date.
- (3) Nothing in this section prevents a person listed in the document as an officer or employee of National Electricity from resigning or being dismissed at any time before the relevant date in accordance with the terms and conditions of his or her appointment or employment.

S. 114
substituted by
No. 53/1994
s. 24.

114. *Transfer of National Electricity staff*

- (1) A person listed as an officer or employee of National Electricity in a document under section 113 who was such an officer or employee immediately before the relevant date is to be regarded as—
 - (a) having been employed by the new employer with effect from the relevant date; and
 - (b) having been so employed on the same terms and conditions as those that applied to the person, immediately before the relevant date,

- as an officer or employee of National Electricity; and
- (c) having accrued an entitlement to benefits, in connection with that employment by the new employer, that is equivalent to the entitlement that the person had accrued, as an officer or employee of National Electricity, immediately before the relevant date.
- (2) The service of a transferred National Electricity employee as an employee of the new employer is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the relevant date, as an officer or employee of National Electricity.
- (3) A transferred National Electricity employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an officer or employee of National Electricity because of this Act.
- (4) A certificate purporting to be signed by the chief executive officer certifying that a person named in the certificate was with effect from the relevant date employed, by virtue of this section, by a body named in the certificate is admissible in evidence in any proceedings and is conclusive proof of the matters stated in it.

115. *Future terms and conditions of transferred employees*

- (1) Nothing in section 114 prevents—
- (a) any of the terms and conditions of employment of a transferred National Electricity employee from being altered by or under any law, award or agreement with effect from any time after the relevant date; or

S. 115
substituted by
No. 53/1994
s. 24.

S. 115(1)(b)
amended by
No. 110/1994
s. 33(2).

- (b) a transferred National Electricity employee from transferring to the employment of SEC, another electricity corporation, VPX, a distribution company or an SEC company at any time within 6 months after the relevant date on terms and conditions agreed to by the employee and SEC, the other electricity corporation, VPX, the distribution company or the SEC company; or
- (c) a transferred National Electricity employee from resigning or being dismissed at any time after the relevant date in accordance with the then existing terms and conditions of his or her employment by the new employer.

S. 115(2)
amended by
No. 110/1994
s. 33(2).

- (2) The service of a transferred National Electricity employee as an employee of SEC, another electricity corporation, VPX, a distribution company or an SEC company to which he or she transfers as mentioned in sub-section (1)(b) is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the relevant date, as an officer or employee of National Electricity and with his or her service on or after that date as an employee of SEC, another electricity corporation, VPX, a distribution company or an SEC company.

S. 115A
inserted by
No. 53/1994
s. 24,
repealed by
No. 4/1996
s. 134(2).

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**PART 10—TRANSFER OF PROPERTY AND STAFF OF ESV
 TO DISTRIBUTION COMPANIES**

Pt 10
 (Heading and
 ss 114–118)
 substituted as
 Pt 10
 (Headings
 and ss 116–
 134) by No.
 53/1994 s. 24.

Division 1—Definitions

116. Definitions

S. 116
 substituted by
 No. 53/1994
 s. 24.

(1) In this Part—

"chief executive officer" means chief executive officer of ESV;

"company transferee", in relation to former ESV property, means the distribution company or other person to which the property has been transferred under this Part;

"ESV" means Electricity Services Victoria;

"ESV instrument" means an instrument (including a legislative instrument other than this Act) subsisting immediately before the relevant date—

- (a) to which ESV was a party; or
- (b) that was given to or in favour of ESV; or
- or
- (c) that refers to ESV; or
- (d) under which—
 - (i) money is, or may become, payable to or by ESV; or
 - (ii) other property is to be, or may become liable to be, transferred to or by ESV;

"former ESV property" means property, rights or liabilities of ESV that, under this Part, have vested in, or become liabilities of, a distribution company or other person;

"new employer", in relation to a transferred ESV employee, means the distribution company or other person by which, by virtue of section 132, the transferred ESV employee is regarded as being employed with effect from the relevant date;

"relevant date"—

(a) in relation to an allocation statement or property, rights or liabilities allocated under an allocation statement, means the date fixed by the Minister under sub-section (2) for the purposes of that statement;

(b) in relation to a document referred to in section 131(1), means the date fixed by the Minister under sub-section (2) for the purposes of that document;

"transferred ESV employee" means a person who, by virtue of section 132, is regarded as being employed by a new employer with effect from the relevant date.

(2) The Minister may, by notice published in the Government Gazette—

(a) fix the relevant date for the purposes of an allocation statement under section 117;

(b) fix the relevant date for the purposes of a document referred to in section 131(1).

Division 2—Allocation of property

117. *ESV to prepare allocation statement*

S. 117
substituted by
No. 53/1994
s. 24.

- (1) ESV must give to the Treasurer and the Minister, within the period of 3 months after the date on which the **Electricity Industry (Amendment) Act 1994** receives the Royal Assent or such longer period as the Treasurer and the Minister approve, a statement or statements approved by the Minister relating to the property, rights and liabilities of ESV as at a date specified by the Minister for the purposes of the relevant statement.
- (2) A statement under this section—
 - (a) must allocate the property, rights and liabilities of ESV shown in the statement to, or between, the distribution companies and any other person or persons nominated in writing by the Minister;
 - (b) must be signed by the chief executive officer or, after the commencement of section 8 of the **Electricity Industry (Amendment) Act 1994**, by the Administrator.
- (3) If a statement under this section is approved by the Treasurer and the Minister—
 - (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement is an allocation statement for the purposes of this Part.
- (4) The Treasurer and the Minister may at any time direct ESV or, after the commencement of section 8 of the **Electricity Industry (Amendment) Act 1994**, the Administrator to amend a statement given to them under this section as specified in the direction.

S. 117(5A)
inserted by
No. 110/1994
s. 22.

(5) An allocation statement under this section may be amended by writing signed by the Treasurer and the Minister.

(5A) A direction under sub-section (4) or an amendment under sub-section (5) that would affect a distribution company must not be given or made unless all the shares in the distribution company are held by or on behalf of the State or a statutory authority.

(6) In this section, "**statement**" and "**allocation statement**" include a statement or allocation statement amended in accordance with this section.

S. 118
substituted by
No. 53/1994
s. 24.

118. Certificate of Administrator

(1) A certificate signed by the Administrator certifying that property, rights or liabilities of ESV specified in the certificate have been allocated under the allocation statement to a distribution company or any other person so specified is, unless revoked under sub-section (2), conclusive evidence—

(a) that the property, rights or liabilities have been so allocated; and

(b) that the property, rights or liabilities vested in or became the property, rights or liabilities of the distribution company or other person on the relevant date.

(2) If the Treasurer and the Minister so direct the Administrator in writing, the Administrator must revoke a certificate given under sub-section (1) by issuing another certificate or certificates in place of the first certificate.

(3) The Administrator—

(a) must keep a register of certificates issued under this section; and

- (b) must make the register reasonably available for inspection by a distribution company or other interested person.

Division 3—Transfer of property

119. Property transferred to distribution company

S. 119
substituted by
No. 53/1994
s. 24.

On the relevant date—

- (a) all property and rights of ESV, wherever located, that are allocated under an allocation statement to a distribution company or another person, vest in that company or person; and
- (b) all liabilities of ESV, wherever located, that are allocated under an allocation statement to a distribution company or another person, become liabilities of that company or person.

120. Allocation of property etc. subject to encumbrances

S. 120
substituted by
No. 53/1994
s. 24.

Unless an allocation statement under this Part otherwise provides, where, under this Part—

- (a) property and rights vest in; or
- (b) liabilities become liabilities of—
a distribution company or other person—
- (c) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
- (d) the rights to which ESV was entitled in respect of those liabilities immediately before they ceased to be liabilities of ESV vest in the distribution company or other person.

S. 121
substituted by
No. 53/1994
s. 24.

121. *Value of former ESV property*

- (1) The value to a distribution company or another person of former ESV property as at the relevant date is the value shown in, or calculated in accordance with, the relevant allocation statement.
- (2) The consideration payable by a distribution company in respect of the property and rights of ESV vested in it under an allocation statement under this Part is an amount equal to the value shown in, or calculated in accordance with, the statement.
- (3) On the date notified in writing to the distribution company by the Treasurer for the purposes of this sub-section, a distribution company becomes liable to pay to the Treasurer, at the time and in the manner specified by the Treasurer, an amount equal to the sum of the considerations referred to in sub-section (2), less the sum of the value of—
 - (a) the liabilities that, before that date, have become liabilities of the distribution company under an allocation statement under this Part; and
 - (b) the financial obligations for which the distribution company is responsible as at that date in accordance with an allocation statement under section 77.

S. 122
substituted by
No. 53/1994
s. 24.

122. *Substitution of party to agreement*

If, under an allocation statement, the rights and liabilities of ESV under an agreement are allocated to a distribution company or another person—

- (a) the company or person becomes, on the relevant date, a party to the agreement in place of ESV; and

- (b) on and after the relevant date, the agreement has effect as if the company or person had always been a party to the agreement.

123. *ESV instruments*

Each ESV instrument relating to former ESV property continues to have effect according to its tenor on and after the relevant date as if a reference in the instrument to ESV were a reference to the company transferee.

S. 123
inserted by
No. 53/1994
s. 24.

124. *Proceedings*

If, immediately before the relevant date, proceedings relating to former ESV property (including arbitration proceedings) to which ESV was a party were pending or existing in any court or tribunal, then, on and after that date, the company transferee is substituted for ESV as a party to the proceedings and has the same rights in the proceedings as ESV had.

S. 124
inserted by
No. 53/1994
s. 24.

124A. *Criminal proceedings*

- (1) If ESV is convicted (whether before or after the commencement of section 23 of the **Electricity Industry (Further Amendment) Act 1994**) of an offence in respect of which a fine is payable, the Administrator may prepare a statement allocating liability to pay the fine to a distribution company or a statutory authority or company all the shares in which are held by, or on behalf of, the State or a statutory authority.
- (2) If the statement is approved by the Treasurer and the Minister—
- (a) the Treasurer and the Minister must sign the statement; and

S. 124A
inserted by
No. 110/1994
s. 23.

S. 124A(1)
amended by
No. 56/1995
s. 22(b).

- (b) the statement allocates liability to pay the fine to the distribution company or other person specified in it; and
- (c) the distribution company or other person is liable to pay the fine as if it had committed and been convicted of the offence.

S. 125
inserted by
No. 53/1994
s. 24.

125. *Interests in land*

Without prejudice to the generality of this Act and despite anything to the contrary in any other Act or law, if, immediately before the relevant date, ESV is, in relation to former ESV property, the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after that date—

- (a) the company transferee is to be taken to be the registered proprietor of that interest in land; and
- (b) the company transferee has the same rights and remedies in respect of that interest as ESV had.

S. 126
inserted by
No. 53/1994
s. 24.

126. *Amendment of Register*

- (1) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument and certificate of the Administrator, must make any amendments in the Register that are necessary because of the operation of this Part.

S. 126(1A)
inserted by
No. 10/1998
s. 7(3).

- (1A) Despite sub-section (1), it is not necessary to produce a certificate of title in the case of a request for amendment to the Register in relation to transferred property that is an easement registered under the **Transfer of Land Act 1958**.

S. 126(2)(3)
repealed by
No. 85/1998
s. 24(Sch.
item 20.3).

* * * * *

127. Taxes

No stamp duty or other tax is chargeable under any Act in respect of anything done under this Part or in respect of any act or transaction connected with or necessary to be done by reason of this Part, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights or liabilities of ESV to a company transferee.

S. 127
inserted by
No. 53/1994
s. 24.

128. Evidence

- (1) Documentary or other evidence that would have been admissible for or against the interests of ESV in relation to former ESV property if this Part had not been enacted, is admissible for or against the interests of the company transferee.
- (2) Division 3A of Part III of the **Evidence Act 1958** continues to apply with respect to the books of account of ESV and to entries made in those books of account—before the relevant date, whether or not they relate to former ESV property.
- (3) In sub-section (2), "**books of account**" has the same meaning as in Division 3A of Part III of the **Evidence Act 1958**.

S. 128
inserted by
No. 53/1994
s. 24.

129. Validity of things done under this Part

- (1) Nothing effected by this Part or done or suffered by ESV, the State, a Minister, a distribution company or another person under this Part—
 - (a) is to be regarded as placing ESV, the State, a Minister, the company or another person in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong; or

S. 129
inserted by
No. 53/1994
s. 24.

- (b) is to be regarded as placing any of them in breach of or as constituting a default under any Act or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or
 - (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
 - (d) releases any surety or other obligee wholly or in part from any obligation.
- (2) The validity of any act or transaction of ESV or the Administrator must not be called in question in any proceedings on the ground that any provision of this Act or the **State Electricity Commission Act 1958** had not been complied with.

Pt 10 Div. 4
(Heading and
s. 130)
inserted by
No. 53/1994
s. 24,
repealed by
No. 10/1998
s. 8(b).

* * * * *

Division 5—Staff

S. 131
inserted by
No. 53/1994
s. 24.

131. *List of ESV staff*

- (1) Before the relevant date, ESV must prepare and submit to the Minister and Treasurer a document signed by the chief executive officer listing officers and employees of ESV and specifying, in respect of each such officer or employee, the

distribution company or other person by which he or she is to be regarded as having been employed by virtue of section 132 with effect from the relevant date.

- (2) The document may be amended—
- (a) before the commencement of section 8 of the **Electricity Industry (Amendment) Act 1994**, by instrument signed by the chief executive officer and given to the Minister and Treasurer;
 - (b) on or after that commencement, by instrument signed by the Administrator and given to the Minister and Treasurer—
- and the amendment is to be regarded as having effect, or having had effect, from the relevant date.
- (3) Nothing in this section prevents a person listed in the document as an officer or employee of ESV from resigning or being dismissed at any time before the relevant date in accordance with the terms and conditions of his or her appointment or employment.

132. *Transfer of ESV staff*

- (1) A person listed as an officer or employee of ESV in a document under section 131 who was such an officer or employee immediately before the relevant date is to be regarded as—
- (a) having been employed by the new employer with effect from the relevant date; and
 - (b) having been so employed on the same terms and conditions as those that applied to the person, immediately before the relevant date, as an officer or employee of ESV; and

S. 132
inserted by
No. 53/1994
s. 24.

- (c) having accrued an entitlement to benefits, in connection with that employment by the new employer, that is equivalent to the entitlement that the person had accrued, as an officer or employee of ESV, immediately before the relevant date.
- (2) The service of a transferred ESV employee as an employee of the new employer is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the relevant date, as an officer or employee of ESV.
- (3) A transferred ESV employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an officer or employee of ESV because of this Act.
- (4) A certificate purporting to be signed by the Administrator certifying that a person named in the certificate was with effect from the relevant date employed, by virtue of this section, by a distribution company or other person named in the certificate is admissible in evidence in any proceedings and is conclusive proof of the matters stated in it.

S. 133
inserted by
No. 53/1994
s. 24.

133. *Future terms and conditions of transferred employees*

- (1) Nothing in section 132 prevents—
 - (a) any of the terms and conditions of employment of a transferred ESV employee from being altered by or under any law, award or agreement with effect from any time after the relevant date; or
 - (b) a transferred ESV employee from transferring to the employment of another person (whether a distribution company, SEC, an electricity corporation, VPX or an SEC company) at any time within 6 months

S. 133(1)(b)
amended by
No. 110/1994
s. 33(2).

after the relevant date on terms and conditions agreed to by the employee and that other person; or

(c) a transferred ESV employee from resigning or being dismissed at any time after the relevant date in accordance with the then existing terms and conditions of his or her employment by the new employer.

(2) The service of a transferred ESV employee as an employee of another distribution company to which he or she transfers as mentioned in sub-section (1)(b) is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the relevant date, as an officer or employee of ESV and with his or her service on or after that date as an employee of a distribution company or other person mentioned in sub-section (1)(b).

(3) A transferred ESV employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of a distribution company or other person, being a payment or benefit in respect of a period of service as an officer or employee of ESV if he or she has received a payment or other benefit in respect of that period by reason of having ceased to be an employee of another distribution company or another person.

S. 133(3)
inserted by
No. 110/1994
s. 24.

* * * * *

S. 134
inserted by
No. 53/1994
s. 24,
repealed by
No. 4/1996
s. 134(2).

Pt 11
(Heading and
ss 119–122)
amended by
No. 4/1994
s. 4(2),
substituted as
Pt 11
(Headings
and ss 135–
153) by
No. 53/1994
s. 24.

**PART 11—TRANSFER OF MUNICIPAL ELECTRICAL
UNDERTAKINGS TO DISTRIBUTION COMPANIES**

Division 1—Definitions

S. 135
inserted by
No. 53/1994
s. 24.

135. Definitions

(1) In this Part—

"allocator" means the person who is nominated by the Minister for the purposes of Division 3;

"company transferee", in relation to former MEU property, means the distribution company to which the property has been transferred under this Part;

"former MEU property" means MEU property that, under this Part, has vested in, or become a liability of, a distribution company;

"MEU" means an electrical undertaking conducted immediately before the commencement of section 24 of the **Electricity Industry (Amendment) Act 1994** by a municipal council under the authority of an Order in Council made under the **Electric Light and Power Act 1958** or a corresponding previous enactment;

"MEU instrument" means an instrument (including a legislative instrument other than this Act) subsisting immediately before the relevant date—

- (a) to which a municipal council was a party; or
- (b) that was given to or in favour of a municipal council; or
- (c) that refers to a municipal council; or
- (d) under which—
 - (i) money is, or may become, payable to or by a municipal council; or
 - (ii) other property is to be, or may become liable to be, transferred to or by a municipal council;

"MEU property" means the property, rights or liabilities of a municipal council in respect of a MEU to which an agreement under section 136 applies;

"new employer", in relation to a transferred MEU staff member, means the distribution company by which, by virtue of section 151, the transferred MEU staff member is regarded as being employed with effect from the relevant date;

"relevant date" means the date fixed by the Minister under sub-section (2);

"transferred MEU staff member" means a person who, by virtue of section 151, is regarded as being employed by a new employer with effect from the relevant date.

- (2) The Minister may, by notice published in the Government Gazette, fix the relevant date for the purposes of this Part.

Division 2—Agreement

S. 136
inserted by
No. 53/1994
s. 24.

136. *Agreement with respect to transfer of property and staff of MEUs*

- (1) The Treasurer, on behalf of the Government of Victoria, may enter into an agreement in writing with one or more than one municipal council with respect to the transfer in accordance with the provisions of this Part, for the consideration expressed in the agreement, of MEU property to one or more than one distribution company.
- (2) An agreement made under sub-section (1) may be amended or varied at any time before the relevant date in accordance with the terms of that agreement.

Division 3—Allocation of property

S. 137
inserted by
No. 53/1994
s. 24.

137. *Allocator to prepare allocation statement*

- (1) The allocator must give to the Treasurer and the Minister, within the period of 3 months after the date on which an agreement is entered into under section 136 or such longer period as the Treasurer and the Minister approve, a statement approved by the Minister relating to the MEU property as at a date specified by the Minister for the purposes of this section.
- (2) A statement under this section—
 - (a) must allocate the MEU property shown in the statement between the distribution companies;
 - (b) must be signed by the allocator.

- (3) If a statement under this section is approved by the Treasurer and the Minister—
- (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement is an allocation statement for the purposes of this Part.
- (4) The Treasurer and the Minister may at any time direct the allocator to amend a statement given to them under this section as specified in the direction.
- (5) An allocation statement under this section may be amended by writing signed by the Treasurer and the Minister.
- (5A) A direction under sub-section (4) or an amendment under sub-section (5) that would affect a distribution company must not be given or made unless all the shares in the distribution company are held by, or on behalf of, the State or a statutory authority.
- (6) In this section, "**statement**" and "**allocation statement**" include a statement or allocation statement amended in accordance with this section.

S. 137(5A)
inserted by
No. 56/1995
s. 23.

138. *Certificate of Administrator*

- (1) A certificate signed by the Administrator certifying that MEU property specified in the certificate has been allocated under the allocation statement to a distribution company so specified is, unless revoked under sub-section (2), conclusive evidence—
- (a) that the MEU property has been so allocated; and

S. 138
inserted by
No. 53/1994
s. 24.

- (b) that the property, rights or liabilities specified in the certificate vested in or became the property, rights or liabilities of the distribution company on the relevant date so specified.
- (2) If the Treasurer and the Minister so direct the Administrator in writing, the Administrator must revoke a certificate given under sub-section (1) by issuing another certificate or certificates in place of the first certificate.
- (3) The Administrator—
 - (a) must keep a register of certificates issued under this section; and
 - (b) must make the register reasonably available for inspection by a distribution company or other interested person.

Division 4—Transfer of property

139. *Property transferred to distribution company*

On the relevant date—

- (a) all property and rights of a municipal council, wherever located, that are allocated under an allocation statement to a distribution company, vest in that company; and
- (b) all liabilities of a municipal council, wherever located, that are allocated under an allocation statement to a distribution company, become liabilities of that company.

140. *Allocation of property etc. subject to encumbrances*

Unless an allocation statement under this Part otherwise provides, where, under this Part—

- (a) property and rights vest in; or

S. 139
inserted by
No. 53/1994
s. 24.

S. 140
inserted by
No. 53/1994
s. 24.

- (b) liabilities become liabilities of—
a distribution company—
- (c) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
- (d) the rights to which a municipal council was entitled in respect of those liabilities immediately before they ceased to be liabilities of the municipal council vest in the distribution company.

141. *Value of former MEU property*

- (1) The value to a distribution company of former MEU property as at the relevant date is the value shown in, or calculated in accordance with, the relevant allocation statement.
- (2) The consideration payable by a distribution company in respect of former MEU property vested in it under an allocation statement under this Part is an amount equal to the value shown in, or calculated in accordance with, the statement.
- (3) On the date notified in writing to the distribution company by the Treasurer for the purposes of this sub-section, a distribution company becomes liable to pay to the Treasurer, at the time and in the manner specified by the Treasurer, an amount equal to the sum of the considerations referred to in sub-section (2), less the value of the liabilities that, before that date, have become liabilities of the distribution company under an allocation statement under this Part.

S. 141
inserted by
No. 53/1994
s. 24.

S. 142
inserted by
No. 53/1994
s. 24.

142. *Substitution of party to agreement*

If, under an allocation statement, the rights and liabilities of a municipal council under an agreement are allocated to a distribution company—

- (a) the company becomes, on the relevant date, a party to the agreement in place of the municipal council; and
- (b) on and after the relevant date, the agreement has effect as if the company had always been a party to the agreement.

S. 143
inserted by
No. 53/1994
s. 24.

143. *MEU instruments*

Each MEU instrument relating to former MEU property continues to have effect according to its tenor on and after the relevant date as if a reference in the instrument to the municipal council were a reference to the company transferee.

S. 143A
inserted by
No. 56/1995
s. 24.

143A. *Proceedings*

If, immediately before the relevant date, proceedings relating to property transferred to a company transferee under an allocation statement under this Part (including arbitration proceedings) to which a municipal council was a party were pending or existing in any court or tribunal, then, on and after that date, the company transferee is substituted for the municipal council as a party to the proceedings and has the same rights in the proceedings as the municipal council had.

S. 144
inserted by
No. 53/1994
s. 24.

144. *Interests in land*

Without prejudice to the generality of this Act and despite anything to the contrary in any other Act or law, if, immediately before the relevant date, a municipal council is, in relation to former MEU property, the registered proprietor of an interest in

land under the **Transfer of Land Act 1958**, then on and after that date—

- (a) the company transferee is to be taken to be the registered proprietor of that interest in land; and
- (b) the company transferee has the same rights and remedies in respect of that interest as the municipal council had.

145. *Amendment of Register*

- (1) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument and certificate of the Administrator, must make any amendments in the Register that are necessary because of the operation of this Part.

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S. 145 inserted by No. 53/1994 s. 24.

S. 145(2)(3) repealed by No. 85/1998 s. 24(Sch. item 20.4).

146. *Taxes*

No stamp duty or other tax is chargeable under any Act in respect of anything done under this Part or in respect of any act or transaction connected with or necessary to be done by reason of this Part, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights or liabilities of a municipal council to a distribution company.

S. 146 inserted by No. 53/1994 s. 24.

147. *Evidence*

- (1) Documentary or other evidence that would have been admissible for or against the interests of a municipal council in relation to former MEU property if this Part had not been enacted, is

S. 147 inserted by No. 53/1994 s. 24.

admissible for or against the interests of the company transferee.

- (2) Division 3A of Part III of the **Evidence Act 1958** continues to apply with respect to the books of account of a municipal council and to entries made in those books of account before the relevant date, whether or not they relate to former MEU property.
- (3) In sub-section (2), "**books of account**" has the same meaning as in Division 3A of Part III of the **Evidence Act 1958**.

S. 148
inserted by
No. 53/1994
s. 24.

148. *Validity of things done under this Part*

- (1) Nothing effected by this Part or done or suffered by a municipal council, the State, a Minister or a distribution company under this Part—
 - (a) is to be regarded as placing the municipal council, the State, a Minister or the company in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong; or
 - (b) is to be regarded as placing any of them in breach of or as constituting a default under any Act or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or
 - (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
 - (d) releases any surety or other obligee wholly or in part from any obligation.

- (2) The validity of any act or transaction of a municipal council, the allocator or the Administrator must not be called in question in any proceedings on the ground that any provision of this Act, the **Electric Light and Power Act 1958**, the **State Electricity Commission Act 1958** or the **Local Government Act 1989** had not been complied with.

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Pt 11 Div. 5
(Heading and s. 149)
inserted by
No. 53/1994
s. 24,
repealed by
No. 10/1998
s. 8(b).

Division 6—Staff

150. *List of MEU staff*

- (1) Before the relevant date, the allocator must prepare and submit to the Minister and Treasurer a document signed by the allocator listing all the members of Council staff of a municipal council who have accepted an offer of employment made by a distribution company in accordance with an agreement made under section 136(1) and specifying, in respect of each such member of Council staff, the distribution company by which he or she is to be regarded as having been employed by virtue of section 151 with effect from the relevant date or such later date as is specified.
- (2) The document may be amended, before or after the relevant date, by instrument signed by the allocator and given to the Minister and Treasurer and the amendment is to be regarded as having effect, or having had effect, from the relevant date.

S. 150
inserted by
No. 53/1994
s. 24.

- (3) Nothing in this section prevents a person listed in the document as a member of Council staff from resigning or being dismissed at any time before the relevant date in accordance with the terms and conditions of his or her employment.

S. 151
inserted by
No. 53/1994
s. 24.

151. *Transfer of MEU staff*

- (1) A person listed as a member of Council staff in a document under section 150 who was a member of Council staff immediately before the relevant date is to be regarded as—
- (a) having had his or her employment transferred to the new employer with effect from the relevant date by force of this section and having been employed by that employer on and from the relevant date; and
 - (b) having been so employed on the terms and conditions agreed to by him or her and the new employer; and
 - (c) having accrued an entitlement to benefits, in connection with that employment by the new employer, that is equivalent to the entitlement that the person had accrued, as a member of Council staff, immediately before the relevant date.
- (2) The service of a transferred MEU staff member as an employee of the new employer is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the relevant date, as a member of Council staff.
- (3) A transferred MEU staff member is not entitled to receive any payment or other benefit by reason only of having ceased to be a member of Council staff because of this Act.

- (4) A certificate purporting to be signed by the allocator certifying that a person named in the certificate was with effect from the relevant date employed, by virtue of this section, by a distribution company named in the certificate is admissible in evidence in any proceedings and is conclusive proof of the matters stated in it.

152. *Future terms and conditions of transferred MEU staff members*

S. 152
inserted by
No. 53/1994
s. 24.

- (1) Nothing in section 151 prevents—
- (a) any of the terms and conditions of employment of a transferred MEU staff member from being altered by or under any law, award or agreement with effect from any time after the relevant date; or
 - (b) a transferred MEU staff member from transferring to the employment of another distribution company at any time within 6 months after the relevant date on terms and conditions agreed to by the employee and that other distribution company; or
 - (c) a transferred MEU staff member from resigning or being dismissed at any time after the relevant date in accordance with the then existing terms and conditions of his or her employment by the new employer.
- (2) The service of a transferred MEU staff member as an employee of another distribution company to which he or she transfers as mentioned in subsection (1)(b) is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the relevant date, as a member of Council staff and with his or her service on or after that date as an employee of a distribution company.

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

s. 153

S. 153
inserted by
No. 53/1994
s. 24,
repealed by
No. 4/1996
s. 134(2).

* * * * *

**PART 11A—TRANSFER OF PROPERTY AND STAFF OF
GENERATION VICTORIA**

Division 1—Definitions

153A. Definitions

(1) In this Part—

"chief executive officer" means chief executive officer of GV;

"company transferee", in relation to former GV property, means the generation company, SEC or other person to which the property has been transferred under this Part;

"GV" means Generation Victoria;

"GV instrument" means an instrument (including a legislative instrument other than this Act) subsisting immediately before the relevant date—

- (a) to which GV was a party; or
- (b) that was given to or in favour of GV; or
- (c) that refers to GV; or
- (d) under which—
 - (i) money is, or may become, payable to or by GV; or
 - (ii) other property is to be, or may become liable to be, transferred to or by GV;

"former GV property" means property, rights or liabilities of GV that, under this Part, have vested in, or become liabilities of, a generation company, SEC or another person;

Pt 11A
(Headings
and ss 153A–
153T)
inserted by
No. 110/1994
s. 25.

S. 153A
inserted by
No. 110/1994
s. 25.

"new employer", in relation to a transferred GV employee, means the generation company, SEC or other person by which, by virtue of section 153R, the transferred GV employee is regarded as being employed with effect from the relevant date;

"relevant date"—

- (a) in relation to an allocation statement or property, rights or liabilities allocated under an allocation statement, means the date fixed by the Minister under sub-section (2) for the purposes of that statement;
- (b) in relation to a document referred to in section 153Q(1), means a date fixed by the Minister under sub-section (2) for the purposes of that document;

"transferred GV employee" means a person who, by virtue of section 153R, is regarded as being employed by a new employer with effect from the relevant date.

- (2) The Minister may, by notice published in the Government Gazette—
 - (a) fix the relevant date for the purposes of an allocation statement under section 153B;
 - (b) fix the relevant date for the purposes of a document referred to in section 153Q(1).

Division 2—Allocation of property

153B. *GV to prepare allocation statement*

- (1) GV must give to the Treasurer and the Minister, within the period of 3 months after the date on which the **Electricity Industry (Further Amendment) Act 1994** receives the Royal Assent or such longer period as the Treasurer and the

S. 153B
inserted by
No. 110/1994
s. 25.

Minister approve, a statement or statements approved by the Minister relating to the property, rights and liabilities of GV as at a date specified by the Minister for the purposes of the relevant statement.

- (2) A statement under this section—
 - (a) must allocate the property, rights and liabilities of GV shown in the statement to, or between, the generation companies, SEC and any other person or persons nominated in writing by the Minister;
 - (b) must be signed by the chief executive officer or, after the commencement of section 5 of the **Electricity Industry (Further Amendment) Act 1994**, by the Administrator.
- (3) If a statement under this section is approved by the Treasurer and the Minister—
 - (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement is an allocation statement for the purposes of this Part.
- (4) The Treasurer and the Minister may at any time direct GV or, after the commencement of section 5 of the **Electricity Industry (Further Amendment) Act 1994**, the Administrator to amend a statement given to them under this section as specified in the direction.
- (5) An allocation statement under this section may be amended by writing signed by the Treasurer and the Minister.

- (6) A direction under sub-section (4) or an amendment under sub-section (5) that would affect a generation company must not be given or made unless all the shares in the generation company are held by or on behalf of the State or a statutory authority.
- (7) In this section, "**statement**" and "**allocation statement**" include a statement or allocation statement amended in accordance with this section.

S. 153C
inserted by
No. 110/1994
s. 25.

153C. Certificate of Administrator

- (1) A certificate signed by the Administrator certifying that property, rights or liabilities of GV specified in the certificate have been allocated under the allocation statement to a generation company, SEC or any other person so specified is, unless revoked under sub-section (2), conclusive evidence—
 - (a) that the property, rights or liabilities have been so allocated; and
 - (b) that the property, rights or liabilities vested in or became the property, rights or liabilities of the generation company, SEC or other person on the relevant date.
- (2) If the Treasurer and the Minister so direct the Administrator in writing, the Administrator must revoke a certificate given under sub-section (1) by issuing another certificate or certificates in place of the first certificate.
- (3) The Administrator—
 - (a) must keep a register of certificates issued under this section; and
 - (b) must make the register reasonably available for inspection by a generation company or other interested person.

Division 3—Transfer of property

153D. *Property transferred to generation company*

On the relevant date—

- (a) all property and rights of GV, wherever located, that are allocated under an allocation statement to a generation company, SEC or another person, or any 2 or more of the generation companies, SEC or other persons, vest in that company, SEC or person or any 2 or more of them; and
- (b) all liabilities of GV, wherever located, that are allocated under an allocation statement to a generation company, SEC or another person, or to any 2 or more of the generation companies, SEC or other persons, become liabilities of that company, SEC or person or any 2 or more of them.

S. 153D
inserted by
No. 110/1994
s. 25.

153E. *Allocation of property etc. subject to encumbrances*

Unless an allocation statement under this Part otherwise provides, where, under this Part—

- (a) property and rights vest in; or
- (b) liabilities become liabilities of—

a generation company, SEC or other person or any 2 or more of the generation companies, SEC and other persons—

- (c) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
- (d) the rights to which GV was entitled in respect of those liabilities immediately before they ceased to be liabilities of GV vest in the generation company, SEC or other person or any 2 or more of them.

S. 153E
inserted by
No. 110/1994
s. 25.

S. 153F
inserted by
No. 110/1994
s. 25.

153F. *Value of former GV property*

- (1) The value to a generation company, SEC or another person of former GV property as at the relevant date is the value shown in, or calculated in accordance with, the relevant allocation statement.
- (2) The consideration payable by a generation company in respect of the property and rights of GV vested in it under an allocation statement under this Part is an amount equal to the value shown in, or calculated in accordance with, the statement.
- (3) On the date notified in writing to the generation company by the Treasurer for the purposes of this sub-section, a generation company becomes liable to pay to the Treasurer, at the time and in the manner specified by the Treasurer, an amount equal to the sum of the considerations referred to in sub-section (2), less the sum of the value of—
 - (a) the liabilities that, before that date, have become liabilities of the generation company under an allocation statement under this Part; and
 - (b) the financial obligations for which the generation company is responsible as at that date in accordance with an allocation statement under section 77.

S. 153G
inserted by
No. 110/1994
s. 25.

153G. *Substitution of party to agreement*

If, under an allocation statement, the rights and liabilities of GV under an agreement are allocated to a generation company, SEC or another person—

- (a) the company, SEC or person becomes, on the relevant date, a party to the agreement in place of GV; and

- (b) on and after the relevant date, the agreement has effect as if the company, SEC or person had always been a party to the agreement.

153H. Criminal proceedings

S. 153H
inserted by
No. 110/1994
s. 25.

- (1) If GV is convicted (whether before or after the commencement of section 25 of the **Electricity Industry (Further Amendment) Act 1994**) of an offence in respect of which a fine is payable, the Administrator may prepare a statement allocating liability to pay the fine to a public generation company.
- (2) If the statement is approved by the Treasurer and the Minister—
- (a) the Treasurer and the Minister must sign the statement; and
- (b) the statement allocates liability to pay the fine to the public generation company specified in it; and
- (c) the public generation company is liable to pay the fine as if it had committed and been convicted of the offence.

S. 153H(1)
amended by
No. 56/1995
s. 25(a).

S. 153H(2)(b)
amended by
No. 56/1995
s. 25(a).

S. 153H(2)(c)
amended by
No. 56/1995
s. 25(a).

153I. GV instruments

Each GV instrument relating to former GV property continues to have effect according to its tenor on and after the relevant date as if a reference in the instrument to GV were a reference to the company transferee.

S. 153I
inserted by
No. 110/1994
s. 25.

153J. Proceedings

If, immediately before the relevant date, proceedings relating to former GV property (including arbitration proceedings) to which GV was a party were pending or existing in any court

S. 153J
inserted by
No. 110/1994
s. 25.

or tribunal, then, on and after that date, the company transferee is substituted for GV as a party to the proceedings and has the same rights in the proceedings as GV had.

S. 153K
inserted by
No. 110/1994
s. 25.

153K. *Interests in land*

Without prejudice to the generality of this Act and despite anything to the contrary in any other Act or law, if, immediately before the relevant date, GV is, in relation to former GV property, the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after that date—

- (a) the company transferee is to be taken to be the registered proprietor of that interest in land; and
- (b) the company transferee has the same rights and remedies in respect of that interest as GV had.

S. 153L
inserted by
No. 110/1994
s. 25.

153L. *Amendment of Register*

- (1) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument and certificate of the Administrator, must make any amendments in the Register that are necessary because of the operation of this Part.

S. 153L(1A)
inserted by
No. 10/1998
s. 7(4).

- (1A) Despite sub-section (1), it is not necessary to produce a certificate of title in the case of a request for amendment to the Register in relation to transferred property that is an easement registered under the **Transfer of Land Act 1958**.

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S. 153L(2)(3)
repealed by
No. 85/1998
s. 24(Sch.
item 20.5).

153M. Taxes

No stamp duty or other tax is chargeable under any Act in respect of anything done under this Part or in respect of any act or transaction connected with or necessary to be done by reason of this Part, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights or liabilities of GV to a company transferee.

S. 153M
inserted by
No. 110/1994
s. 25.

153N. Evidence

- (1) Documentary or other evidence that would have been admissible for or against the interests of GV in relation to former GV property if this Part had not been enacted, is admissible for or against the interests of the company transferee.
- (2) Division 3A of Part III of the **Evidence Act 1958** continues to apply with respect to the books of account of GV and to entries made in those books of account—before the relevant date, whether or not they relate to former GV property.
- (3) In sub-section (2), "**books of account**" has the same meaning as in Division 3A of Part III of the **Evidence Act 1958**.

S. 153N
inserted by
No. 110/1994
s. 25.

153O. Validity of things done under this Part

- (1) Nothing effected by this Part or done or suffered under this Part—
 - (a) is to be regarded as placing GV, the State, a Minister, a generation company, SEC or another person in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong; or

S. 153O
inserted by
No. 110/1994
s. 25.

- (b) is to be regarded as placing any of them in breach of or as constituting a default under any Act or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or
 - (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
 - (d) releases any surety or other obligee wholly or in part from any obligation.
- (2) The validity of any act or transaction of GV or the Administrator must not be called in question in any proceedings on the ground that any provision of this Act or the **State Electricity Commission Act 1958** had not been complied with.

Pt 11A Div. 4
(Heading and
s. 153P)
inserted by
No. 110/1994
s. 25,
repealed by
No. 10/1998
s. 8(b).

* * * * *

Division 5—Staff

S. 153Q
inserted by
No. 110/1994
s. 25.

153Q. *List of GV staff*

- (1) Before the relevant date, GV must prepare and submit to the Minister and Treasurer a document signed by the chief executive officer listing officers and employees of GV and specifying, in respect of each such officer or employee, the generation company, SEC or other person by

which he or she is to be regarded as having been employed by virtue of section 153R with effect from the relevant date.

- (2) The document may be amended—
- (a) before the commencement of section 5 of the **Electricity Industry (Further Amendment) Act 1994**, by instrument signed by the chief executive officer and given to the Minister and Treasurer;
 - (b) on or after that commencement, by instrument signed by the Administrator and given to the Minister and Treasurer—

and the amendment is to be regarded as having effect, or having had effect, from the relevant date.

- (3) Nothing in this section prevents a person listed in the document as an officer or employee of GV from resigning or being dismissed at any time before the relevant date in accordance with the terms and conditions of his or her appointment or employment.

153R. *Transfer of GV staff*

- (1) A person listed as an officer or employee of GV in a document under section 153Q who was such an officer or employee immediately before the relevant date is to be regarded as—
- (a) having been employed by the new employer with effect from the relevant date; and
 - (b) having been so employed on the same terms and conditions as those that applied to the person, immediately before the relevant date, as an officer or employee of GV; and

S. 153R
inserted by
No. 110/1994
s. 25.

- (c) having accrued an entitlement to benefits, in connection with that employment by the new employer, that is equivalent to the entitlement that the person had accrued, as an officer or employee of GV, immediately before the relevant date.
- (2) The service of a transferred GV employee as an employee of the new employer is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the relevant date, as an officer or employee of GV.
- (3) A transferred GV employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an officer or employee of GV because of this Act.
- (4) A certificate purporting to be signed by the Administrator certifying that a person named in the certificate was with effect from the relevant date employed, by virtue of this section, by a generation company, SEC or other person named in the certificate is admissible in evidence in any proceedings and is conclusive proof of the matters stated in it.

S. 153S
inserted by
No. 110/1994
s. 25.

153S. *Future terms and conditions of transferred employees*

- (1) Nothing in section 153R prevents—
 - (a) any of the terms and conditions of employment of a transferred GV employee from being altered by or under any law, award or agreement with effect from any time after the relevant date; or
 - (b) a transferred GV employee from transferring to the employment of another person (whether a generation company, a distribution company, SEC, an electricity corporation, VPX or an SEC company) at any time within 6 months after the relevant

- date on terms and conditions agreed to by the employee and that other person; or
- (c) a transferred GV employee from resigning or being dismissed at any time after the relevant date in accordance with the then existing terms and conditions of his or her employment by the new employer.
- (2) The service of a transferred GV employee as an employee of another person to which he or she transfers as mentioned in sub-section (1)(b) is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the relevant date, as an officer or employee of GV and with his or her service on or after that date as an employee of the other person mentioned in sub-section (1)(b).
- (3) A transferred GV employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of a generation company or other person, being a payment or benefit in respect of a period of service as an officer or employee of GV, if he or she has received a payment or other benefit in respect of that period by reason of having ceased to be an employee of another generation company or other person.

* * * * *

**S. 153T
inserted by
No. 110/1994
s. 25,
repealed by
No. 4/1996
s. 134(2).**

Pt 11AB
(Headings
and
ss 153TA–
153TP)
inserted by
No. 14/1997
s. 16.

**PART 11AB—TRANSFER OF CERTAIN PROPERTY AND
STAFF OF LOY YANG POWER LTD**

Division 1—Definitions and application

S. 153TA
inserted by
No. 14/1997
s. 16.

153TA. *Definitions and application*

(1) In this Part—

"chief executive officer" means chief executive officer of LYP;

"former LYP property" means property, rights or liabilities of LYP that, under this Part, have vested in, or become liabilities of another person;

"LYP" means Loy Yang Power Limited;

"LYP instrument" means an instrument (including a legislative instrument other than this Act) subsisting immediately before the relevant date—

- (a) to which LYP was a party; or
- (b) that was given to or in favour of LYP; or
- or
- (c) that refers to LYP; or
- (d) under which—
 - (i) money is, or may become, payable to or by LYP; or
 - (ii) other property is to be, or may become liable to be, transferred to or by LYP;

"LYP transferee", in relation to former LYP property, means the person to which the property has been transferred under this Part;

"new employer", in relation to a transferred LYP employee, means the person by which, by virtue of section 153TN, the transferred LYP employee is regarded as being employed with effect from the relevant date;

"relevant date"—

(a) in relation to an allocation statement or property, rights or liabilities allocated under an allocation statement, means the date fixed by the Minister under sub-section (2) for the purposes of that statement;

(b) in relation to a document referred to in section 153TM(1), means a date fixed by the Minister under sub-section (2) for the purposes of that document;

"transferred LYP employee" means a person who, by virtue of section 153TN, is regarded as being employed by a new employer with effect from the relevant date.

- (2) The Minister may, by notice published in the Government Gazette—
- (a) fix the relevant date for the purposes of an allocation statement under section 153TB;
 - (b) fix the relevant date for the purposes of a document referred to in section 153TM(1).
- (3) This Part does not apply unless LYP is a company all the shares in which are held by, or on behalf of, the State or a statutory authority.

Division 2—Allocation of property

S. 153TB
inserted by
No. 14/1997
s. 16.

153TB. LYP to prepare allocation statement

- (1) LYP must give to the Treasurer and the Minister, within the period of 3 months after the date on which the **Electricity Industry (Loy Yang B) Act 1997** receives the Royal Assent or such longer period as the Treasurer and the Minister approve, a statement or statements approved by the Minister relating to the property, rights and liabilities of LYP as at a date specified by the Minister for the purposes of the relevant statement.
- (2) A statement under this section—
 - (a) must allocate the property, rights and liabilities of LYP shown in the statement to, or between, the person or persons nominated in writing by the Minister;
 - (b) must be signed by the chief executive officer.
- (3) If a statement under this section is approved by the Treasurer and the Minister—
 - (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement is an allocation statement for the purposes of this Part.
- (4) The Treasurer and the Minister may at any time direct LYP to amend a statement given to them under this section as specified in the direction.
- (5) An allocation statement under this section may be amended by writing signed by the Treasurer and the Minister.

- (6) A direction under sub-section (4) or an amendment under sub-section (5) that would affect a person or persons nominated by the Minister under sub-section (1) must not be given or made unless that person or those persons are, or are wholly owned by, the State or a statutory authority or have consented in writing to the direction or amendment.
- (7) In this section, "**statement**" and "**allocation statement**" include a statement or allocation statement amended in accordance with this section.

153TC. Certificate of Administrator

- (1) A certificate signed by the Administrator certifying that property, rights or liabilities of LYP specified in the certificate have been allocated under the allocation statement to a person so specified is, unless revoked under sub-section (2), conclusive evidence—
 - (a) that the property, rights or liabilities have been so allocated; and
 - (b) that the property, rights or liabilities vested in or became the property, rights or liabilities of the person on the relevant date.
- (2) If the Treasurer and the Minister so direct the Administrator in writing, the Administrator must revoke a certificate given under sub-section (1) by issuing another certificate or certificates in place of the first certificate.
- (3) The Administrator—
 - (a) must keep a register of certificates issued under this section; and
 - (b) must make the register reasonably available for inspection by an interested person.

S. 153TC
inserted by
No. 14/1997
s. 16.

Division 3—Transfer of property

S. 153TD
inserted by
No. 14/1997
s. 16.

153TD. Property transferred

On the relevant date—

- (a) all property and rights of LYP, wherever located, that are allocated under an allocation statement to a person, or any 2 or more persons, vest in that person or persons; and
- (b) all liabilities of LYP, wherever located, that are allocated under an allocation statement to a person, or to any 2 or more persons, become liabilities of that person or persons.

S. 153TE
inserted by
No. 14/1997
s. 16.

153TE. Allocation of property etc. subject to encumbrances

Unless an allocation statement under this Part otherwise provides, where, under this Part—

- (a) property and rights vest in; or
- (b) liabilities become liabilities of—
a person or 2 or more persons—
- (c) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
- (d) the rights to which LYP was entitled in respect of those liabilities immediately before they ceased to be liabilities of LYP vest in the person or persons.

S. 153TF
inserted by
No. 14/1997
s. 16.

153TF. Substitution of party to agreement

If, under an allocation statement, the rights and liabilities of LYP under an agreement are allocated to a person—

- (a) the person becomes, on the relevant date, a party to the agreement in place of LYP; and

- (b) on and after the relevant date, the agreement has effect as if the person had always been a party to the agreement.

153TG. LYP instruments

Each LYP instrument relating to former LYP property continues to have effect according to its tenor on and after the relevant date as if a reference in the instrument to LYP were a reference to the LYP transferee.

S. 153TG
inserted by
No. 14/1997
s. 16.

153TH. Proceedings

If, immediately before the relevant date, proceedings relating to former LYP property (including arbitration proceedings) to which LYP was a party were pending or existing in any court or tribunal, then, on and after that date, the LYP transferee is substituted for LYP as a party to the proceedings and has the same rights in the proceedings as LYP had.

S. 153TH
inserted by
No. 14/1997
s. 16.

153TI. Interests in land

Without prejudice to the generality of this Part and despite anything to the contrary in any other Act or law, if, immediately before the relevant date, LYP is, in relation to former LYP property, the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after that date—

S. 153TI
inserted by
No. 14/1997
s. 16.

- (a) the LYP transferee is to be taken to be the registered proprietor of that interest in land; and
- (b) the LYP transferee has the same rights and remedies in respect of that interest as LYP has.

S. 153TJ
inserted by
No. 14/1997
s. 16.

153TJ. Amendment of Register

(1) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument and certificate of the Administrator, must make any amendments in the Register that are necessary because of the operation of this Part.

S. 153TJ(1A)
inserted by
No. 10/1998
s. 7(5).

(1A) Despite sub-section (1), it is not necessary to produce a certificate of title in the case of a request for amendment to the Register in relation to transferred property that is an easement registered under the **Transfer of Land Act 1958**.

S. 153TJ(2)(3)
repealed by
No. 85/1998
s. 24(Sch.
item 20.6).

* * * * *

S. 153TK
inserted by
No. 14/1997
s. 16.

153TK. Evidence

- (1) Documentary or other evidence that would have been admissible for or against the interests of LYP in relation to former LYP property if this Part had not been enacted, is admissible for or against the interests of the LYP transferee.
- (2) Division 3A of Part III of the **Evidence Act 1958** continues to apply with respect to the books of account of LYP and to entries made in those books of account before the relevant date, whether or not they relate to former LYP property.
- (3) In sub-section (2), "**books of account**" has the same meaning as in Division 3A of Part III of the **Evidence Act 1958**.

S. 153TL
inserted by
No. 14/1997
s. 16.

153TL. Validity of things done under this Part

(1) Nothing effected by this Part or done or suffered under this Part or the cessation of carrying on business by LYP—

- (a) is to be regarded as placing LYP, the State, a Minister or another person in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong; or
 - (b) is to be regarded as placing any of them in breach of or as constituting a default under any Act or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or
 - (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
 - (d) releases any surety or other obligee wholly or in part from any obligation.
- (2) The validity of any act or transaction of LYP must not be called in question in any proceedings on the ground that any provision of this Act had not been complied with.

Division 4—Staff

153TM. *List of LYP staff*

- (1) Before the relevant date, LYP must prepare and submit to the Minister and Treasurer a document signed by the chief executive officer listing officers and employees of LYP and specifying, in respect of each such officer or employee, the person by which he or she is to be regarded as having been employed by virtue of section 153TN with effect from the relevant date.

S. 153TM
inserted by
No. 14/1997
s. 16.

- (2) The document may be amended by instrument signed by the chief executive officer and given to the Minister and Treasurer and the amendment is to be regarded as having effect, or having had effect, from the relevant date.
- (3) Nothing in this section prevents a person listed in the document as an officer or employee of LYP from resigning or being dismissed at any time before the relevant date in accordance with the terms and conditions of his or her appointment or employment.

S. 153TN
inserted by
No. 14/1997
s. 16.

153TN. *Transfer of LYP staff*

- (1) A person listed as an officer or employee of LYP in a document under section 153TM who was such an officer or employee immediately before the relevant date is to be regarded as—
 - (a) having been employed by the new employer with effect from the relevant date; and
 - (b) having been so employed on the same terms and conditions as those that applied to the person, immediately before the relevant date, as an officer or employee of LYP; and
 - (c) having accrued an entitlement to benefits, in connection with that employment by the new employer, that is equivalent to the entitlement that the person had accrued, as an officer or employee of LYP, immediately before the relevant date.
- (2) The service of a transferred LYP employee as an employee of the new employer is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the relevant date, as an officer or employee of LYP.

- (3) A transferred LYP employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an officer or employee of LYP because of this Act.
- (4) A certificate purporting to be signed by the Administrator certifying that a person named in the certificate was with effect from the relevant date employed, by virtue of this section, by a person named in the certificate is admissible in evidence in any proceedings and is conclusive proof of the matters stated in it.

153TO. *Future terms and conditions of transferred employees*

S. 153TO
inserted by
No. 14/1997
s. 16.

Nothing in section 153TN prevents—

- (a) any of the terms and conditions of employment of a transferred LYP employee from being altered by or under any law, award or agreement with effect from any time after the relevant date; or
- (b) a transferred LYP employee from resigning or being dismissed at any time after the relevant date in accordance with the then existing terms and conditions of his or her employment by the new employer.

153TP. *Superannuation*

S. 153TP
inserted by
No. 14/1997
s. 16.

Without limiting section 84(5), SEC may, at any time before or after the relevant date, amend the rules referred to in section 84(1) to recognise for the purposes of membership of the Victorian Electricity Industry Superannuation Fund the continuity of service that must be taken to exist by virtue of section 153TN(2).

Pt 11AC
(Headings
and
ss 153TQ–
153TZG)
inserted by
No. 35/1997
s. 25.

**PART 11AC—TRANSFER OF CERTAIN PROPERTY AND
STAFF OF NOMINATED TRANSFEROR COMPANIES**

Division 1—Definitions and applications

S. 153TQ
inserted by
No. 35/1997
s. 25.

153TQ. Definitions

(1) In this Part—

"former TCO property" means property, rights or liabilities of a TCO that, under this Part, have vested in, or become liabilities of another person;

"new employer", in relation to a transferred TCO employee, means the person by which, by virtue of section 153TZE, the transferred TCO employee is regarded as being employed with effect from the relevant date;

"relevant date"—

(a) in relation to an allocation statement or property, rights or liabilities allocated under an allocation statement, means the date fixed by the Minister under sub-section (2) for the purposes of that statement;

(b) in relation to a document referred to in section 153TZD(1), means a date fixed by the Minister under sub-section (2) for the purposes of that document;

"TCO" means a transferor company that is nominated by the Minister under section 153TR;

"TCO instrument" means an instrument (including a legislative instrument other than this Act) subsisting immediately before the relevant date in relation to a TCO—

- (a) to which the TCO was a party; or
- (b) that was given to or in favour of the TCO; or
- (c) that refers to the TCO; or
- (d) under which—
 - (i) money is, or may become, payable to or by the TCO; or
 - (ii) other property is to be, or may become liable to be, transferred to or by the TCO;

"TCO transferee", in relation to former TCO property, means the person to which the property has been transferred under this Part;

"transferred TCO employee" means a person who, by virtue of section 153TZE, is regarded as being employed by a new employer with effect from the relevant date;

"transferor company" means Victorian Power Exchange Pty Ltd A.C.N. 080 200 371 or a public transmission company or a public generation company.

S. 153TQ(1)
 def. of
 "transferor
 company"
 amended by
 Nos 55/1997
 s. 9(1),
 36/1999
 s. 13(a).

- (2) The Minister may, by notice published in the Government Gazette—
 - (a) fix a relevant date for the purposes of an allocation statement under section 153TS;
 - (b) fix a relevant date for the purposes of a document referred to in section 153TZD(1).

S. 153TR
inserted by
No. 35/1997
s. 25,
amended by
No. 55/1997
s. 9(2) (ILA
s. 39B(1)).

153TR. *Nomination of transferor company*

- (1) If the Treasurer, on behalf of the State, enters into an agreement for the sale or transfer of property, rights and liabilities of a transferor company, the Treasurer may nominate the transferor company for the purpose of this Part.
- (2) The Treasurer may nominate Victorian Power Exchange Pty Ltd A.C.N. 080 200 371 as a transferor company for the purposes of this Part.

S. 153TR(2)
inserted by
No. 55/1997
s. 9(2),
amended by
No. 36/1999
s. 13(b).

Division 2—Allocation of property

S. 153TS
inserted by
No. 35/1997
s. 25.

153TS. *TCO to prepare allocation statement*

S. 153TS(1)
amended by
No. 10/1998
s. 10(1)(a).

- (1) The TCO must give to the Treasurer and the Minister, within the period of 3 months after the date on which the TCO is nominated under section 153TR or within such longer period as the Treasurer and the Minister approve, a statement or statements approved by the Minister relating to the property, rights and liabilities of the TCO as at a date specified by the Minister for the purposes of the relevant statement.
- (2) A statement under this section—
 - (a) must allocate the property, rights and liabilities of the TCO shown in the statement to, or between, the person or persons nominated in writing by the Minister;
 - (b) must be signed by the chief executive officer of the TCO.
- (3) If a statement under this section is approved by the Treasurer and the Minister—

- (a) the Treasurer and the Minister must sign the statement; and
 - (b) the statement is an allocation statement for the purposes of this Part.
- (4) The Treasurer and the Minister may at any time direct the TCO to amend a statement given to them under this section as specified in the direction.
- (5) An allocation statement under this section may be amended by writing signed by the Treasurer and the Minister.
- (6) A direction under sub-section (4) or an amendment under sub-section (5) that would affect a person or persons nominated by the Minister under sub-section (1) must not be given or made unless that person or those persons are, or are wholly owned by, the State or a statutory authority or have consented in writing to the direction or amendment.
- (7) In this section, "**statement**" and "**allocation statement**" include a statement or allocation statement amended in accordance with this section.

153TT. *Certificate of Administrator*

- (1) A certificate signed by the Administrator certifying that property, rights or liabilities of the TCO specified in the certificate have been allocated under the allocation statement to a person so specified is, unless revoked under sub-section (2), conclusive evidence—
- (a) that the property, rights or liabilities have been so allocated; and
 - (b) that the property, rights or liabilities vested in or became the property, rights or liabilities of the person on the relevant date.

S. 153TT
inserted by
No. 35/1997
s. 25.

- (2) If the Treasurer and the Minister so direct the Administrator in writing, the Administrator must revoke a certificate given under sub-section (1) by issuing another certificate or certificates in place of the first certificate.
- (3) The Administrator—
 - (a) must keep a register of certificates issued under this section; and
 - (b) must make the register reasonably available for inspection by an interested person.

Division 3—Transfer of property

S. 153TU
inserted by
No. 35/1997
s. 25.

153TU. *Property transferred*

On the relevant date—

- (a) all property and rights of the TCO, wherever located, that are allocated under an allocation statement relating to the TCO to a person, or any 2 or more persons, vest in that person or persons; and
- (b) all liabilities of the TCO, wherever located, that are allocated under an allocation statement relating to the TCO to a person, or to any 2 or more persons, become liabilities of that person or persons.

S. 153TUA
inserted by
No. 55/1997
s. 10.

153TUA. *Value to TCO of transferred property*

If, in an agreement for the sale by the TCO of the business or assets of the TCO, a value is ascribed to property, rights or liabilities that are allocated to a TCO transferee under an allocation statement, that value is deemed to be consideration paid to, or received by, the TCO.

153TV. Allocation of property etc. subject to encumbrances

Unless an allocation statement under this Part otherwise provides, where, under this Part—

- (a) property and rights vest in; or
- (b) liabilities become liabilities of—
a person or 2 or more persons—
- (c) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
- (d) the rights to which the TCO was entitled in respect of those liabilities immediately before they ceased to be liabilities of the TCO vest in the person or persons.

S. 153TV
inserted by
No. 35/1997
s. 25.

153TW. Substitution of party to agreement

If, under an allocation statement, the rights and liabilities of the TCO under an agreement are allocated to a person—

- (a) the person becomes, on the relevant date, a party to the agreement in place of the TCO; and
- (b) on and after the relevant date, the agreement has effect as if the person had always been a party to the agreement.

S. 153TW
inserted by
No. 35/1997
s. 25.

153TX. TCO instruments

Each TCO instrument relating to former TCO property continues to have effect according to its tenor on and after the relevant date as if a reference in the instrument to the TCO were a reference to the TCO transferee.

S. 153TX
inserted by
No. 35/1997
s. 25.

S. 153TY
inserted by
No. 35/1997
s. 25.

153TY. Proceedings

If, immediately before the relevant date, proceedings relating to former TCO property (including arbitration proceedings) to which the TCO was a party were pending or existing in any court or tribunal, then, on and after that date, the TCO transferee is substituted for the TCO as a party to the proceedings and has the same rights in the proceedings as the TCO had.

S. 153TZ
inserted by
No. 35/1997
s. 25.

153TZ. Interests in land

Without prejudice to the generality of this Part and despite anything to the contrary in any other Act or law, if, immediately before the relevant date, the TCO is, in relation to former TCO property, the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after that date—

- (a) the TCO transferee is to be taken to be the registered proprietor of that interest in land; and
- (b) the TCO transferee has the same rights and remedies in respect of that interest as the TCO has.

S. 153TZA
inserted by
No. 35/1997
s. 25.

153TZA. Amendment of Register

- (1) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument and certificate of the Administrator, must make any amendments in the Register that are necessary because of the operation of this Part.

S. 153TZA(1A)
inserted by
No. 10/1998
s. 7(6).

- (1A) Despite sub-section (1), it is not necessary to produce a certificate of title in the case of a request for amendment to the Register in relation to transferred property that is an easement registered under the **Transfer of Land Act 1958**.

* * * * *

S. 153TZA
(2)(3)
repealed by
No. 85/1998
s. 24(Sch.
item 20.7).

153TZB.Evidence

S. 153TZB
inserted by
No. 35/1997
s. 25.

- (1) Documentary or other evidence that would have been admissible for or against the interests of the TCO in relation to former TCO property if this Part had not been enacted, is admissible for or against the interests of the TCO transferee.
- (2) Division 3A of Part III of the **Evidence Act 1958** continues to apply with respect to the books of account of the TCO and to entries made in those books of account before the relevant date, whether or not they relate to former TCO property.
- (3) In sub-section (2), "**books of account**" has the same meaning as in Division 3A of Part III of the **Evidence Act 1958**.

153TZC.Validity of things done under this Part

S. 153TZC
inserted by
No. 35/1997
s. 25.

- (1) Nothing effected by this Part or done or suffered under this Part or the cessation of carrying on business by a TCO—
 - (a) is to be regarded as placing the TCO, the State, a Minister or another person in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong; or
 - (b) is to be regarded as placing any of them in breach of or as constituting a default under any Act or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or

- transfer of any property or the disclosure of any information; or
- (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
 - (d) releases any surety or other obligee wholly or in part from any obligation.
- (2) The validity of any act or transaction of a TCO must not be called in question in any proceedings on the ground that any provision of this Act had not been complied with.

Division 4—Staff

S. 153TZD
inserted by
No. 35/1997
s. 25.

153TZD. *List of TCO staff*

- (1) Before the relevant date in relation to a TCO, the TCO must prepare and submit to the Minister and Treasurer a document signed by the chief executive officer listing officers and employees of the TCO and specifying, in respect of each such officer or employee, the person by which he or she is to be regarded as having been employed by virtue of section 153TZE with effect from the relevant date.
- (2) The document may be amended by instrument signed by the chief executive officer and given to the Minister and Treasurer and the amendment is to be regarded as having effect, or having had effect, from the relevant date.
- (3) Nothing in this section prevents a person listed in the document as an officer or employee of the TCO from resigning or being dismissed at any time before the relevant date in accordance with the terms and conditions of his or her appointment or employment.

153TZE. Transfer of TCO staff

S. 153TZE
inserted by
No. 35/1997
s. 25.

- (1) A person listed as an officer or employee of a TCO in a document under section 153TZD who was such an officer or employee immediately before the relevant date in relation to the TCO is to be regarded as—
 - (a) having been employed by the new employer with effect from the relevant date; and
 - (b) having been so employed on the same terms and conditions as those that applied to the person, immediately before the relevant date, as an officer or employee of the TCO; and
 - (c) having accrued an entitlement to benefits, in connection with that employment by the new employer, that is equivalent to the entitlement that the person had accrued, as an officer or employee of the TCO, immediately before the relevant date.
- (2) The service of a transferred TCO employee as an employee of the new employer is to be regarded for all purposes as having been continuous with the service of the employee, immediately before the relevant date, as an officer or employee of the TCO.
- (3) A transferred TCO employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an officer or employee of the TCO because of this Act.
- (4) A certificate purporting to be signed by the Administrator certifying that a person named in the certificate was with effect from the relevant date employed, by virtue of this section, by a person named in the certificate is admissible in evidence in any proceedings and is conclusive proof of the matters stated in it.

S. 153TZF
inserted by
No. 35/1997
s. 25.

153TZF. *Future terms and conditions of transferred employees*

Nothing in section 153TZE prevents—

- (a) any of the terms and conditions of employment of a transferred TCO employee from being altered by or under any law, award or agreement with effect from any time after the relevant date; or
- (b) a transferred TCO employee from resigning or being dismissed at any time after the relevant date in accordance with the then existing terms and conditions of his or her employment by the new employer.

S. 153TZG
inserted by
No. 35/1997
s. 25.

153TZG. *Superannuation*

Without limiting section 84(5), SEC may, at any time before or after the relevant date, amend the rules referred to in section 84(1) to recognise for the purposes of membership of the Victorian Electricity Industry Superannuation Fund the continuity of service that must be taken to exist by virtue of section 153TZE(2).

PART 11B—PROVISIONS RELATING TO PRIVATISATION

Pt 11B
(Heading and
ss 153U–
153X)
inserted by
No. 56/1995
s. 35.

153U. *Treasurer may be party to agreement for sale*

The Treasurer, on behalf of the Government of Victoria, may be a party to an agreement for the sale or disposal of shares in or other property of a public distribution company, public transmission company or a public generation company, being a sale or disposal on such terms and conditions as the Treasurer approves.

S. 153U
inserted by
No. 56/1995
s. 35,
amended by
Nos 14/1997
s. 11, 35/1997
s. 23(1).

153UA. *Loy Yang B transaction*

The Treasurer, on behalf of the Government of Victoria, is deemed to have been authorised to enter into, and may give effect to, the LYB Transaction Implementation Agreement and may enter into and give effect to all transactions referred to or contemplated in the LYB Transaction Implementation Agreement, including the sale of the interest in the Loy Yang B Power Station held by Loy Yang B Power Station Pty Ltd.

S. 153UA
inserted by
No. 14/1997
s. 12.

153V. *Transfer of shares to SEC*

- (1) The Treasurer may, on behalf of the Government of Victoria, direct that the shares in a public distribution company, public transmission company or a public generation company that are held by or on behalf of the State or a statutory authority be transferred to SEC for such consideration (if any) as the Treasurer determines.

S. 153V
inserted by
No. 56/1995
s. 35.

S. 153V(1)
amended by
No. 35/1997
s. 23(1).

- (2) SEC must pay to the Treasurer the consideration determined under sub-section (1) upon the transfer of the relevant shares to SEC.
- (3) No stamp duty or other tax is chargeable under any Act in respect of the transfer of shares to SEC in accordance with this section.

S. 153W
inserted by
No. 56/1995
s. 35.

153W. *Distribution company, transmission company or generation company to pay certain amounts to SEC*

- (1) A distribution company that is liable under section 121(3) to pay certain amounts to the Treasurer must, if so directed by the Treasurer, pay those amounts to SEC and not to the Treasurer.

S. 153W(1A)
inserted by
No. 35/1997
s. 23(2).

- (1A) A transmission company that is liable under section 103(3) to pay certain amounts to the Treasurer must, if so directed by the Treasurer, pay those amounts to SEC and not to the Treasurer.

- (2) A distribution company that is liable under section 141(3) to pay certain amounts to the Treasurer must, if so directed by the Treasurer, pay those amounts to SEC and not to the Treasurer.

- (3) A generation company that is liable under section 153F(3) to pay certain amounts to the Treasurer must, if so directed by the Treasurer, pay those amounts to SEC and not to the Treasurer.

S. 153W(4)
amended by
No. 35/1997
s. 23(3).

- (4) If the Treasurer so determines, SEC must pay to the Treasurer such amount as the Treasurer determines as consideration for the entitlement to receive payments from a distribution company, a transmission company or a generation company under this section.

153X. Freedom of Information Act 1982

The **Freedom of Information Act 1982** does not apply to a document to the extent to which the document discloses information about—

- (a) the identity of any person expressing an interest in purchasing, or making an offer to purchase, any shares in a public distribution company, a public transmission company or a public generation company or any property or rights of such a company; or
- (b) the terms of any expression of interest or offer referred to in paragraph (a); or
- (c) the terms of the LYB Transaction Implementation Agreement or the transactions referred to or contemplated in that Agreement.

S. 153X inserted by No. 56/1995 s. 35.

S. 153X(a) amended by No. 35/1997 s. 23(4).

S. 153X(b) amended by No. 14/1997 s. 13.

S. 153X(c) inserted by No. 14/1997 s. 13.

Pt 12
 (Heading and
 ss 154–169)
 inserted by
 No. 53/1994
 s. 25.

PART 12—REGULATION OF ELECTRICITY INDUSTRY

S. 154
 inserted by
 No. 53/1994
 s. 25.

154. Definitions

In this Part—

S. 154 def. of
 "distributor"
 repealed by
 No. 56/1995
 s. 25(b).

* * * * *

S. 154 def. of
 "franchise
 customer"
 repealed by
 No. 56/1995
 s. 39(a).

* * * * *

S. 154 def. of
 "licence"
 repealed by
 No. 55/1997
 s. 4(3).

* * * * *

S. 154 def. of
 "non-
 franchise
 customer"
 substituted by
 No. 110/1994
 s. 26,
 repealed by
 No. 56/1995
 s. 39(a).

* * * * *

S. 154 def. of
 "Office"
 repealed by
 No. 56/1995
 s. 25(b).

* * * * *

S. 154 def. of
 "pool rules"
 inserted by
 No. 56/1995
 s. 25(c).

"pool rules" means the rules relating to the
 operation of the market for wholesale trading
 in electricity operated and administered by
 VPX;

"retailer" means the holder of a licence to sell electricity otherwise than through the wholesale electricity market.

155. Construction of Part

This Part is relevant legislation for the purposes of the **Office of the Regulator-General Act 1994**.

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S. 155
inserted by
No. 53/1994
s. 25.

S. 155A
inserted by
No. 55/1997
s. 11,
repealed by
No. 69/2000
s. 14.

156. Application of Part

This Part applies to any person, including SEC, an electricity corporation, VPX and any distribution company, transmission company and generation company.

S. 156
inserted by
No. 53/1994
s. 25,
amended by
Nos 110/1994
s. 33(2),
35/1997
s. 24(a).

157. Objectives of the Commission

The objectives of the Commission under this Act are—

- (a) to promote competition in the generation, supply and sale of electricity;
- (b) to ensure the maintenance of an efficient and economic system for the generation, transmission, distribution, supply and sale of electricity;
- (c) to protect the interests of consumers with respect to electricity prices and the safety, reliability and quality of electricity supply;
- (d) to facilitate the maintenance of a financially viable electricity supply industry.

S. 157
inserted by
No. 53/1994
s. 25,
amended by
No. 62/2001
s. 74(c).

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

s. 157A

S. 157A inserted by No. 48/1996 s. 6, repealed by No. 69/2000 s. 14.	*	*	*	*	*
S. 158 inserted by No. 53/1994 s. 25, amended by Nos 56/1995 ss 39(b), 44(3), 55/1997 s. 12(1)(a)(2), 38/2000 s. 3, repealed by No. 69/2000 s. 14.	*	*	*	*	*
S. 158AA inserted by No. 38/2000 s. 4, repealed by No. 69/2000 s. 14.	*	*	*	*	*
S. 158A inserted by No. 110/1994 s. 27, amended by Nos 56/1995 ss 26(1)-(3), 39(c), 35/1997 s. 11, 55/1997 s. 12(1)(b), 38/2000 s. 5, repealed by No. 69/2000 s. 14.	*	*	*	*	*
S. 158B inserted by No. 56/1995 s. 27, repealed by No. 10/1998 s. 8(a).	*	*	*	*	*

158BA. Power to regulate certain changes

S. 158BA
inserted by
No. 14/1997
s. 15.

- (1) The Governor in Council, by Order published in the Government Gazette, may regulate, in such manner as the Governor in Council sees fit, the price payable for electricity purchased from time to time under the pool rules for the purpose of—
 - (a) reducing the price payable by SEC for electricity purchased by SEC to satisfy its obligations under the agreements, contracts and deeds referred to in Part A of Schedule 3; and
 - (b) increasing the price payable by persons other than SEC for electricity purchased under the pool rules during a period so that the total amount payable for the volume of electricity purchased by those persons during that period is increased by an amount that is approximately the same as the amount of the reduction under paragraph (a) as applied to the volume of electricity purchased by SEC during that period.
- (2) An Order under sub-section (1)—
 - (a) may specify different prices, or different methods of determining prices, to be payable or applicable to different persons purchasing electricity under the pool rules; and
 - (b) may provide that the pool rules apply as modified by the Order from the date specified in the Order.

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

s. 158C

<p>S. 158C inserted by No. 56/1995 s. 27, amended by Nos 8/1996 s. 15(1)(2), 14/1997 s. 14(1)(2), 35/1997 s. 13(1)(2), 10/1998 s. 6, 36/1999 s. 14(1), 38/2000 s. 6, 69/2000 s. 13, repealed by No. 69/2000 s. 14.</p>	*	*	*	*	*
<p>Ss 158D, 158E inserted by No. 48/1996 s. 7, repealed by No. 35/1997 s. 12(a).</p>	*	*	*	*	*
<p>S. 159 inserted by No. 53/1994 s. 25, amended by Nos 48/1996 s. 8, 55/1997 s. 8(b)(c), 25/1998 s. 165(6), repealed by No. 69/2000 s. 14.</p>	*	*	*	*	*
<p>S. 160 inserted by No. 53/1994 s. 25, repealed by No. 69/2000 s. 14.</p>	*	*	*	*	*

Electricity Industry (Residual Provisions) Act 1993

s. 161

Act No. 130/1993

* * * * *

S. 161
inserted by
No. 53/1994
s. 25,
amended by
Nos 56/1995
s. 28(1),
79/1995
s. 11(1),
repealed by
No. 69/2000
s. 14.

* * * * *

S. 162
inserted by
No. 53/1994
s. 25,
amended by
Nos 56/1995
ss 28(2)–(5),
39(d),
46(2)(a)(b),
48/1996 s. 9,
35/1997
s. 12(b),
105/1997
s. 26(2),
89/1998
s. 3(1)(2),
38/2000
s. 7(1)(a)(b),
repealed by
No. 69/2000
s. 14.

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S. 163
inserted by
No. 53/1994
s. 25,
amended by
Nos 110/1994
s. 28, 56/1995
s. 29(1)(2),
79/1995
ss 11(2), 12(1),
48/1996
s. 10(1)–(5),
35/1997
s. 12(c)–(e),
38/2000
s. 7(2)–(6),
repealed by
No. 69/2000
s. 14.

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

s. 163AAA

<p>S. 163AAA inserted by No. 35/1997 s. 14, amended by No. 55/1997 s. 13(1)–(3), substituted by No. 38/2000 s. 8, repealed by No. 69/2000 s. 14.</p>	*	*	*	*	*
<p>S. 163AA inserted by No. 79/1995 s. 13, amended by No. 35/1997 s. 24(b)(i)(ii), repealed by No. 69/2000 s. 14.</p>	*	*	*	*	*
<p>S. 163A inserted by No. 110/1994 s. 29, substituted by No. 56/1995 s. 30, repealed by No. 56/1995 s. 39(e).</p>	*	*	*	*	*
<p>S. 164 inserted by No. 53/1994 s. 25, amended by Nos 56/1995 s. 31, 48/1996 s. 10(6), 38/2000 s. 7(7), repealed by No. 69/2000 s. 14.</p>	*	*	*	*	*

Electricity Industry (Residual Provisions) Act 1993

s. 164A

Act No. 130/1993

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S. 164A
inserted by
No. 56/1995
s. 32,
amended by
No. 79/1995
s. 12(2)(a)-(c),
repealed by
No. 69/2000
s. 14.

* * * * *

S. 165
inserted by
No. 53/1994
s. 25,
substituted by
No. 110/1994
s. 30,
repealed by
No. 69/2000
s. 14.

* * * * *

S. 165A
inserted by
No. 48/1996
s. 11,
substituted by
No. 35/1997
s. 15,
repealed by
No. 69/2000
s. 14.

* * * * *

S. 166
inserted by
No. 53/1994
s. 25,
repealed by
No. 69/2000
s. 14.

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

s. 167

S. 167 inserted by No. 53/1994 s. 25, substituted by No. 79/1995 s. 14, amended by Nos 48/1996 s. 12, 35/1997 s. 12(f), 36/1999 s. 15, repealed by No. 69/2000 s. 14.	*	*	*	*	*
S. 168 inserted by No. 53/1994 s. 25, amended by Nos 110/1994 ss 31, 33(2), 35/1997 s. 24(c), repealed by No. 69/2000 s. 14.	*	*	*	*	*
S. 169 inserted by No. 53/1994 s. 25, amended by No. 56/1995 ss 33(1)-(3), 39(f), repealed by No. 69/2000 s. 14.	*	*	*	*	*
Ss 169A- 169D inserted by No. 38/2000 s. 9, repealed by No. 69/2000 s. 14.	*	*	*	*	*
S. 169E inserted by No. 38/2000 s. 10, repealed by No. 69/2000 s. 14.	*	*	*	*	*

Electricity Industry (Residual Provisions) Act 1993

s. 170

Act No. 130/1993

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S. 170
inserted by
No. 110/1994
s. 32,
repealed by
No. 69/2000
s. 14.

* * * * *

Ss 170A–
170C
inserted by
No. 38/2000
s. 12,
repealed by
No. 69/2000
s. 14.

* * * * *

Pt 13
(Heading and
ss 171–182)
inserted by
No. 56/1995
s. 36,
amended by
Nos 79/1995
ss 15–17,
8/1996
s. 16(1)(2),
48/1996
ss 13–18(a)(b),
55/1997
ss 8(d), 14, 15,
89/1998
s. 4(1)–(3),
38/2000 s. 13,
repealed by
No. 69/2000
s. 15.

Pt 14
(Headings
and ss 183–
197) inserted
by No.
56/1995 s. 37
(as amended
by No 79/1995
ss 28, 29).

PART 14—LATROBE VALLEY LAND

Division 1—Surrender of land

S. 183
inserted by
No. 56/1995
s. 37.

183. *Surrender of land to Crown*

By force of this section—

- (a) the whole of the land described in the folios of the Register set out in Table A of Part 1 of Schedule 3A and the whole of the land described in the former certificates of title set out in Table B of Part 1 of Schedule 3A—
 - (i) is divested from Generation Victoria, SEC, Yallourn Energy Limited A.C.N. 065 325 224 and Hazelwood Power Corporation Limited A.C.N. 065 381 204; and
 - (ii) reverts to the Crown; and
 - (iii) subject to section 184, is deemed to be unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) the folios of the Register set out in Table A of Part 1 of Schedule 3A and the folio of the Register describing the land formerly contained in Certificate of Title Volume 9819 folio 592 are revoked.

184. Preservation of leases

- (1) In this section "**lease**" includes an agreement, licence or other interest arising under or in relation to a lease whether or not the lease has expired and an interest in the nature of a lease and "**sub-lease**" has a corresponding meaning.
- (2) Section 183 does not affect the status or continuity of any lease of land specified in Part 2 of Schedule 3A and existing immediately before the commencement of section 37 of the **Electricity Industry (Amendment) Act 1995** and that lease has effect—
 - (a) as a lease between the Minister administering the **Land Act 1958** as lessor and the lessee for the time being under the lease, as if it had been assigned to the Minister; and
 - (b) as if it referred to the Minister instead of to the lessor (however described).
- (3) Section 183 does not affect the status or continuity of any sub-lease existing over the land affected by a lease specified in Part 2 of Schedule 3A at the date of commencement of section 37 of the **Electricity Industry (Amendment) Act 1995**.
- (4) Subject to sub-section (5), the issue of a Crown grant of any land affected by a lease specified in Part 2 of Schedule 3A and existing immediately before the date of issue of the Crown grant does not affect the status or continuity of the lease of that land and that lease has effect on and from the issue of the Crown grant—
 - (a) as a lease between the person to whom the Crown grant is made as lessor and the lessee for the time being under the lease, as if it had been assigned to the person to whom the Crown grant is made; and

S. 184
inserted by
No. 56/1995
s. 37 (as
amended by
No. 79/1995
s. 28).

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- (b) as if the lease referred to the person to whom the Crown grant is made instead of to the lessor (however described).
- (5) If more than one Crown grant is issued of any land affected by a lease specified in Part 2 of Schedule 3A and existing immediately before the date of issue of the Crown grants, the issue of the Crown grants does not affect the status or continuity of the lease of that land and that lease has effect on and from the issue of the Crown grants—
- (a) as a lease between the persons to whom the respective Crown grants are made as joint lessors and the lessee for the time being under the lease, as if it had been assigned jointly to the persons to whom the respective Crown grants are made; and
- (b) as if the lease referred to the persons to whom the respective Crown grants are made instead of to the lessor (however described).
- (6) The issue of a Crown grant in respect of any land affected by a lease specified in Part 2 of Schedule 3A does not affect the status or continuity of any sub-lease existing over that land at the time of the issue of the Crown grant in respect of that land.
- (7) This section has effect despite anything to the contrary in any Act or law or in a Crown grant of the land.
- (8) Nothing effected by this section is to be regarded as placing any person in breach of or as constituting a default under any provision of a lease, including any provision prohibiting, restricting or regulating the assignment of the lease.

185. Preservation of SEC easement

Any easement vested in SEC which is expressed in any instrument to be appurtenant to the land described in Crown Grant Volume 5097 folio 351 is deemed, despite anything to the contrary in that first-mentioned instrument, on and after the commencement of section 37 of the **Electricity Industry (Amendment) Act 1995** to be and always to be an easement vested in SEC and appurtenant to the lands vested in SEC for the time being and from time to time and to every part thereof.

S. 185
inserted by
No. 56/1995
s. 37.

186. PTC land to be surrendered

By force of this section—

- (a) the lands remaining in folios of the Register Volume 8099 folio 786 and Volume 8456 folio 416—
 - (i) are divested from the Public Transport Corporation; and
 - (ii) revert to the Crown; and
 - (iii) are deemed to be unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) folios of the Register Volume 8099 folio 786 and Volume 8456 folio 416 are revoked.

S. 186
inserted by
No. 56/1995
s. 37.

187. Certain residual lands to be surrendered to the Crown

(1) By force of this section—

- (a) the lands remaining in folios of the Register Volume 6650 folio 968, Volume 7241 folio 102 and Volume 7128 folio 520—
 - (i) are deemed to be surrendered to the Crown; and

S. 187
inserted by
No. 56/1995
s. 37.

- (ii) are deemed to be unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
 - (iii) cease to be roads and parts of roads and, in addition to the provisions of sub-paragraph (ii), all rights, easements and privileges existing or claimed in the land either in the public or by any body or person as incident to any express or implied grant, or past dedication or supposed dedication or by user or operation of law or otherwise cease; and
- (b) folios of the Register Volume 6650 folio 968, Volume 7241 folio 102 and Volume 7128 folio 520 are revoked.
- (2) Yallourn Energy Limited A.C.N. 065 325 224 is liable to pay compensation for any loss or damage suffered as a result of the surrender of land to the Crown under sub-section (1) to any person who immediately before the commencement of section 37 of the **Electricity Industry (Amendment) Act 1995** was the registered proprietor of the land.
- (3) The amount of compensation payable to a person under sub-section (2) shall be—
- (a) the amount agreed between Yallourn Energy Limited A.C.N. 065 325 224 and the person; or
 - (b) if agreement is not reached, the amount determined as if the amount of compensation payable were a disputed claim under Part 10 of the **Land Acquisition and Compensation Act 1986**.

Division 2—Revocation of reservations and closure of roads**188. Revocation of reservations—Morwell West land**

- (1) The Order in Council specified in item 1 of Part 3 of Schedule 3A is revoked.
- (2) The Order in Council specified in item 2 of Part 3 of Schedule 3A is revoked.
- (3) The Order in Council specified in item 3 of Part 3 of Schedule 3A is revoked.

S. 188
inserted by
No. 56/1995
s. 37.

189. Revocation of reservations—Hernes Oak land

- (1) The Order in Council specified in item 4 of Part 3 of Schedule 3A is revoked.
- (2) The Order in Council specified in item 5 of Part 3 of Schedule 3A is revoked.

S. 189
inserted by
No. 56/1995
s. 37.

190. Revocation of reservation—La Trobe river

The Order in Council specified in item 6 of Part 3 of Schedule 3A, insofar as it applies to the land delineated and coloured light green on a plan lodged in the Central Plan Office of the Department of Treasury and Finance and numbered LEGL/95–69, is revoked.

S. 190
inserted by
No. 56/1995
s. 37.

191. Revocation of reservation—Morwell river

The Order in Council specified in item 7 of Part 3 of Schedule 3A, insofar as it applies to the land delineated and coloured light green on the plans lodged in the Central Plan Office of the Department of Treasury and Finance and numbered LEGL/95–69 and LEGL/95–71, is revoked.

S. 191
inserted by
No. 56/1995
s. 37.

192. Consequences of revoking a reservation

On the revocation by this Division of an Order in Council reserving land—

S. 192
inserted by
No. 56/1995
s. 37.

- (a) the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests;
- (b) the appointment of any committee of management is revoked to the extent that it applies to the land;
- (c) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to the land.

S. 193
inserted by
No. 56/1995
s. 37.

193. *Rights to cease*

The lands delineated and coloured blue on the plans lodged in the Central Plan Office of Department of Treasury and Finance and numbered LEGL/95-69 and LEGL/95-70 cease to be roads or parts of roads and all rights, easements and privileges existing or claimed in the land either in the public or by any body or person as incident to any express or implied grant, or past dedication or supposed dedication or by user or operation of law or otherwise cease.

S. 194
inserted by
No. 56/1995
s. 37.

194. *Powers to lease in relation to certain Latrobe River land*

- (1) Despite anything to the contrary in section 17D of the **Crown Land (Reserves) Act 1978**, a lease may be granted under that section in respect of any part of the Latrobe River land for a period of up to 50 years for such purposes as the Minister administering that Act determines.
- (2) Nothing in the **Crown Land (Reserves) Act 1978** prevents a lessee of any part of the Latrobe River land from sub-letting that land provided the consent of the Minister administering that Act is first obtained.

- (3) In this section "**Latrobe River land**" means—
- (a) the bed and banks of the Latrobe River from the point 50 metres upstream of the centre of the Yallourn Storage Dam to the confluence of the Latrobe River and Andersons Creek, Yallourn; and
 - (b) any area of reserved Crown land on either side of the banks of that section of the Latrobe River whether reserved before or after the commencement of section 37 of the **Electricity Industry (Amendment) Act 1995**.

Division 3—General

195. *Issue of Crown grant*

- (1) The Governor in Council, on behalf of the Crown, may grant to Yallourn Energy Limited A.C.N. 065 325 224, Hazelwood Power Corporation Limited A.C.N. 065 381 204 or the State Electricity Commission of Victoria for an estate in fee simple—
- (a) any unalienated Crown land that is not reserved under the **Crown Land (Reserves) Act 1978**; or
 - (b) any land that reverts or is surrendered to the Crown under this Part.
- (2) A Crown grant under this section is subject to any terms, conditions, covenants, exceptions, reservations and limitations that the Governor in Council may determine.
- (3) A Crown grant under this section may make any adjustments necessary to correct any defect in boundaries found on survey.

S. 195
 inserted by
 No. 56/1995
 s. 37 (as
 amended by
 No. 79/1995
 s. 29).

- (4) A Crown grant under this section may provide for the land to be granted as to the surface and down to a depth specified in the grant being a depth below the surface of not more than 300 metres.

S. 196
inserted by
No. 56/1995
s. 37.

196. Registrar-General and Registrar of Titles to make necessary amendments to records

S. 196(1)
repealed by
No. 85/1998
s. 24(Sch.
item 20.8).

* * * * *

- (2) The Registrar of Titles, on being requested to do so, must make any amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Part.

S. 197
inserted by
No. 56/1995
s. 37.

197. Exemption from stamp duty and other taxes

No stamp duty or other tax is chargeable under any Act in respect of anything done under this Part or in respect of any act or transaction connected with or necessary to be done by reason of this Part.

PART 15—LOY YANG LAND

Division 1—Surrender of land

Pt 15
(Headings
and ss 198–
206)
inserted by
No. 79/1995
s. 18.

198. *Surrender of land to Crown*

S. 198
inserted by
No. 79/1995
s. 18.

By force of this section—

- (a) the whole of the land described in the folios of the Register set out in Table A of Part 1 of Schedule 3B and the whole of the land described in the former certificates of title set out in Table B of Part 1 of Schedule 3B—
 - (i) is divested from Generation Victoria, SEC and Loy Yang Power Limited A.C.N. 065 381 240; and
 - (ii) reverts to the Crown; and
 - (iii) subject to sections 199 and 200, is deemed to be unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) the folios of the Register set out in Table A of Part 1 of Schedule 3B are revoked.

199. *Preservation of leases*

S. 199
inserted by
No. 79/1995
s. 18.

- (1) In this section "**lease**" includes an agreement, licence or other interest arising under or in relation to a lease whether or not the lease has expired and an interest in the nature of a lease and "**sub-lease**" has a corresponding meaning.
- (2) Section 198 does not affect the status or continuity of any lease of land specified in Part 2 of Schedule 3B and existing immediately before the commencement of section 18 of the **Electricity**

Industry (Further Amendment) Act 1995 and that lease has effect—

- (a) as a lease between the Minister administering the **Land Act 1958** as lessor and the lessee for the time being under the lease, as if it had been assigned to the Minister; and
 - (b) as if it referred to the Minister instead of to the lessor (however described).
- (3) Section 198 does not affect the status or continuity of any sub-lease existing over the land affected by a lease specified in Part 2 of Schedule 3B at the date of commencement of section 18 of the **Electricity Industry (Further Amendment) Act 1995**.
- (4) Subject to sub-section (5), the issue of a Crown grant of any land affected by a lease specified in Part 2 of Schedule 3B and existing immediately before the date of issue of the Crown grant does not affect the status or continuity of the lease of that land and that lease has effect on and from the issue of the Crown grant—
- (a) as a lease between the person to whom the Crown grant is made as lessor and the lessee for the time being under the lease, as if it had been assigned to the person to whom the Crown grant is made; and
 - (b) as if the lease referred to the person to whom the Crown grant is made instead of to the lessor (however described).
- (5) If more than one Crown grant is issued of any land affected by a lease specified in Part 2 of Schedule 3B and existing immediately before the date of issue of the Crown grants, the issue of the Crown grants does not affect the status or continuity of the lease of that land and that lease

has effect on and from the issue of the Crown grants—

- (a) as a lease between the persons to whom the respective Crown grants are made as joint lessors and the lessee for the time being under the lease, as if it had been assigned jointly to the persons to whom the respective Crown grants are made; and
 - (b) as if the lease referred to the persons to whom the respective Crown grants are made instead of to the lessor (however described).
- (6) The issue of a Crown grant in respect of any land affected by a lease specified in Part 2 of Schedule 3B does not affect the status or continuity of any sub-lease existing over that land at the time of the issue of the Crown grant in respect of that land.
- (7) This section has effect despite anything to the contrary in any Act or law or in a Crown grant of the land.
- (8) Nothing effected by this section is to be regarded as placing any person in breach of or as constituting a default under any provision of a lease, including any provision prohibiting, restricting or regulating the assignment of the lease.

200. *Certain interests not affected by surrender and grant of land*

- (1) Section 198 does not affect the status or continuity of any easement or restrictive covenant granted or given under or pursuant to an agreement referred to in Part 3 of Schedule 3B and existing immediately before the commencement of section 18 of the **Electricity Industry (Further Amendment) Act 1995** and for that purpose the easement or restrictive covenant is deemed to

S. 200
inserted by
No. 79/1995
s. 18.

have been granted or given by the Minister administering the **Land Act 1958**.

- (2) The issue of a Crown grant of any land affected by any easement or restrictive covenant granted or given under an agreement referred to in Part 3 of Schedule 3B and existing immediately before the date of issue of the Crown grant does not affect the status or continuity of that easement or restrictive covenant and for that purpose the easement or restrictive covenant is deemed to have been granted or given by the Crown grantee of the land.
- (3) A caveat in the same terms and to the same effect as a caveat referred to in Part 3 of Schedule 3B in respect of land is deemed to have been relodged under the **Transfer of Land Act 1958** immediately after a Crown grant of that land is issued under this Part.
- (4) On being notified of the issue of a Crown grant of land over which a caveat is deemed under subsection (3) to be relodged, the Registrar of Titles must make any recordings in the Register under the **Transfer of Land Act 1958** that are necessary to give particulars of that caveat in respect of that land.
- (5) This section has effect despite anything to the contrary in the **Transfer of Land Act 1958** or any other Act or law or in a Crown grant of the land.
- (6) Nothing in this section makes the Crown a party to any agreement referred to in Part 3 of Schedule 3B or affects the status or operation of that agreement.

- (7) Nothing effected by this section or done under this section—
- (a) is to be regarded as placing the Crown or another person in breach of contract or confidence or as otherwise making either of them guilty of a civil wrong;
 - (b) is to be regarded as placing either of them in breach of or as constituting a default under any Act or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or
 - (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
 - (d) releases any surety or other obligee wholly or in part from any obligation.

201. *La Trobe Shire Council land to be surrendered*

By force of this section—

- (a) the whole of the land described in folio of the Register Volume 5677 folio 326—
 - (i) is divested from La Trobe Shire Council; and
 - (ii) reverts to the Crown; and
 - (iii) is deemed to be unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and

S. 201
inserted by
No. 79/1995
s. 18.

- (b) folio of the Register Volume 5677 folio 326 is revoked.

Division 2—Revocation of reservation and closure of roads

S. 202
inserted by
No. 79/1995
s. 18.

202. *Revocation of reservation—mechanics institute*

- (1) The Order in Council specified in Part 4 of Schedule 3B is revoked.
- (2) Crown grant Volume 3421 folio 119 is revoked.
- (3) On the revocation by this section of an Order in Council reserving land—
 - (a) the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests;
 - (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to the land.

S. 203
inserted by
No. 79/1995
s. 18.

203. *Rights in roads to cease*

The lands delineated and coloured blue on the plan lodged in the Central Plan Office of the Department of Treasury and Finance and numbered LEGL./95–85 cease to be roads or parts of roads and all rights, easements and privileges existing or claimed in the land either in the public or by any body or person as incident to any express or implied grant, or past dedication or supposed dedication or by user or operation of law or otherwise cease.

Division 3—General

204. *Issue of Crown grant*

- (1) The Governor in Council, on behalf of the Crown, may grant to Loy Yang Power Limited A.C.N. 065 381 240 or SEC for an estate in fee simple—
 - (a) any unalienated Crown land that is not reserved under the **Crown Land (Reserves) Act 1978**; or
 - (b) any land that reverts or is surrendered to the Crown under this Part.
- (2) A Crown grant under this section—
 - (a) is subject to any terms, conditions, covenants, exceptions, reservations and limitations that the Governor in Council may determine; and
 - (b) may provide for the land to be granted as to the surface and down to a depth specified in the grant being a depth below the surface of not more than 300 metres.
- (3) A Crown grant under this section may make any adjustments necessary to correct any defect in boundaries found on survey.

S. 204
inserted by
No. 79/1995
s. 18.

205. *Registrar-General and Registrar of Titles to make necessary amendments to records*

* * * * *

S. 205
inserted by
No. 79/1995
s. 18.

S. 205(1)
repealed by
No. 85/1998
s. 24(Sch.
item 20.9).

- (2) The Registrar of Titles, on being requested to do so, must make any amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Part.

S. 206
inserted by
No. 79/1995
s. 18.

206. *Exemption from stamp duty and other taxes*

No stamp duty or other tax is chargeable under any Act in respect of anything done under this Part or in respect of any act or transaction connected with or necessary to be done by reason of this Part.

PART 16—HAZELWOOD LAND

Division 1—Surrender of land

Pt 16
(Headings
and ss 207–
218)
inserted by
No. 79/1995
s. 19.

207. *Surrender of land to Crown*

S. 207
inserted by
No. 79/1995
s. 19.

By force of this section—

- (a) the whole of the land described in the folios of the Register set out in Table A of Part 1 of Schedule 3C and the whole of the land described in the former certificates of title set out in Table B of Part 1 of Schedule 3C—
 - (i) is divested from Generation Victoria, SEC, Hazelwood Power Corporation Limited A.C.N. 065 381 204, Powerworks Pty Ltd A.C.N. 065 325 466 and the Central Gippsland Region Water Authority; and
 - (ii) reverts to the Crown; and
 - (iii) subject to sections 208, 209 and 210, is deemed to be unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) the folios of the Register set out in Table A of Part 1 of Schedule 3C are revoked.

208. *Preservation of leases*

S. 208
inserted by
No. 79/1995
s. 19.

- (1) In this section "**lease**" includes an agreement, licence or other interest arising under or in relation to a lease whether or not the lease has expired and an interest in the nature of a lease and "**sub-lease**" has a corresponding meaning.

-
- (2) Section 207 does not affect the status or continuity of any lease of land specified in Part 2 of Schedule 3C and existing immediately before the commencement of section 19 of the **Electricity Industry (Further Amendment) Act 1995** and that lease has effect—
- (a) as a lease between the Minister administering the **Land Act 1958** as lessor and the lessee for the time being under the lease, as if it had been assigned to the Minister; and
 - (b) as if it referred to the Minister instead of to the lessor (however described).
- (3) Section 207 does not affect the status or continuity of any sub-lease existing over the land affected by a lease specified in Part 2 of Schedule 3C at the date of commencement of section 19 of the **Electricity Industry (Further Amendment) Act 1995**.
- (4) Subject to sub-section (5), the issue of a Crown grant of any land affected by a lease specified in Part 2 of Schedule 3C and existing immediately before the date of issue of the Crown grant does not affect the status or continuity of the lease of that land and that lease has effect on and from the issue of the Crown grant—
- (a) as a lease between the person to whom the Crown grant is made as lessor and the lessee for the time being under the lease, as if it had been assigned to the person to whom the Crown grant is made; and
 - (b) as if the lease referred to the person to whom the Crown grant is made instead of to the lessor (however described).

- (5) If more than one Crown grant is issued of any land affected by a lease specified in Part 2 of Schedule 3C and existing immediately before the date of issue of the Crown grants, the issue of the Crown grants does not affect the status or continuity of the lease of that land and that lease has effect on and from the issue of the Crown grants—
- (a) as a lease between the persons to whom the respective Crown grants are made as joint lessors and the lessee for the time being under the lease, as if it had been assigned jointly to the persons to whom the respective Crown grants are made; and
 - (b) as if the lease referred to the persons to whom the respective Crown grants are made instead of to the lessor (however described).
- (6) The issue of a Crown grant in respect of any land affected by a lease specified in Part 2 of Schedule 3C does not affect the status or continuity of any sub-lease existing over that land at the time of the issue of the Crown grant in respect of that land.
- (7) This section has effect despite anything to the contrary in any Act or law or in a Crown grant of the land.
- (8) Nothing effected by this section is to be regarded as placing any person in breach of or as constituting a default under any provision of a lease, including any provision prohibiting, restricting or regulating the assignment of the lease.

S. 209
inserted by
No. 79/1995
s. 19.

209. Preservation of appurtenant SEC easements

Any easement vested in SEC which is expressed in any instrument to be appurtenant to the land described in folio of the Register Volume 8217 folio 219 is deemed, despite anything to the contrary in that first-mentioned instrument, on and after the commencement of section 19 of the **Electricity Industry (Further Amendment) Act 1995** to be and always to be an easement vested in SEC and appurtenant to the lands vested in SEC for the time being and from time to time and to every part thereof.

S. 209A
inserted by
No. 69/2000
s. 16.

209A. Preservation of appurtenant National Electricity easements

- (1) Any easement vested in National Electricity immediately before 14 December 1995 which is expressed in any instrument to be appurtenant to the land described in folio of the Register Volume 8053 folio 479 is deemed to be an easement vested in National Electricity and appurtenant to the lands vested in National Electricity for the time being and from time to time and to every part thereof.
- (2) Sub-section (1) applies—
 - (a) despite anything to the contrary in any instrument; and
 - (b) despite the surrender to the Crown under section 207 of the land described in former certificate of title Volume 8053 folio 479 and certificate of title Volume 8274 folio 867.

S. 210
inserted by
No. 79/1995
s. 19.

210. Preservation of other easements

- (1) The surrender under section 207 of—
 - (a) the land in folio of the Register Volume 8274 folio 748, does not affect the status or continuity of the drainage and sewerage

easements coloured green on plan of subdivision LP 56904 lodged in the Office of Titles; and

- (b) the land in folio of the Register Volume 8274 folio 867, does not affect the status or continuity of the drainage easement coloured green on plan of subdivision LP 56794 lodged in the Office of Titles—

and those easements have effect as if granted by the Minister administering the **Land Act 1958**.

- (2) A Crown grant of any land affected by an easement referred to in sub-section (1) must be granted subject to the creation of an easement to the same effect as the first-mentioned easement.
- (3) This section has effect despite anything to the contrary in any Act or law or in a Crown grant of the land.

211. Gippsland Water land to be surrendered

By force of this section—

- (a) the whole of the land described in folio of the Register Volume 6493 folio 569—
- (i) is divested from Central Gippsland Region Water Authority; and
 - (ii) reverts to the Crown; and
 - (iii) is deemed to be unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) folio of the Register Volume 6493 folio 569 is revoked.

S. 211
inserted by
No. 79/1995
s. 19.

S. 212
inserted by
No. 79/1995
s. 19.

212. *La Trobe Shire Council land to be surrendered*

By force of this section—

- (a) the whole of the land described in folio of the Register Volume 6101 folio 127—
 - (i) is divested from La Trobe Shire Council; and
 - (ii) reverts to the Crown; and
 - (iii) is deemed to be unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) folio of the Register Volume 6101 folio 127 is revoked.

S. 213
inserted by
No. 79/1995
s. 19.

213. *Roads Corporation land to be surrendered*

(1) By force of this section—

- (a) the whole of the land described in Part 3 of Schedule 3C—
 - (i) is divested from the Roads Corporation; and
 - (ii) reverts to the Crown; and
 - (iii) is deemed to be unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) the folios of the Register set out in Part 3 of Schedule 3C are revoked.

(2) By force of this section the whole of the land described in sub-section (3)—

- (a) is divested from the Roads Corporation; and
- (b) reverts to the Crown; and

- (c) is deemed to be unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.
- (3) Sub-section (2) applies to—
- (a) the land described in the Second Schedule to the resolution of the Country Roads Board made under sections 21 and 58 of the **Country Roads Act 1928** on 24 May 1954 in respect of the Jeeralang West-Road in the Shire of Morwell and confirmed by the Governor in Council on 1 June 1954 and published in the Government Gazette on 9 June 1954, page 3878 as amended by Order in Council dated 21 September 1954 published in the Government Gazette on 29 September 1954 page 6411; and
- (b) the lands shown cross-hatched on plans numbered G.P. 13736, G.P. 13737A, and G.P. 13737B in the Resolution of the Country Roads Board made under sections 21, 58 and 74 of the **Country Roads Act 1958** on 8 December 1975 and published in the Government Gazette on 7 January 1976 pages 17 and 18; and
- (c) the land shown cross-hatched on plan numbered G.P. 13737C in the Resolution of the Country Roads Board made under sections 21, 58 and 110 of the **Country Roads Act 1958** on 8 December 1975 and published in the Government Gazette on 7 January 1976 pages 19 and 20.

Division 2—Revocation of reservation and closure of roads

S. 214
inserted by
No. 79/1995
s. 19.

214. *Revocation of river reservation*

- (1) The Order in Council specified in Part 4 of Schedule 3C, insofar as it applies to the land delineated and coloured light green on the plan lodged in the Central Plan Office of the Department of Treasury and Finance and numbered LEGL./95–84 is revoked.
- (2) On the revocation by this section of an Order in Council reserving land—
 - (a) the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests;
 - (b) the appointment of any committee of management is revoked to the extent that it applies to the land;
 - (c) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to the land.

S. 215
inserted by
No. 79/1995
s. 19.

215. *Rights in roads to cease*

The lands delineated and coloured blue on the plan lodged in the Central Plan Office of the Department of Treasury and Finance and numbered LEGL./95–84 cease to be roads or parts of roads and all rights, easements and privileges existing or claimed in the land either in the public or by any body or person as incident to any express or implied grant, or past dedication or supposed dedication or by user or operation of law or otherwise cease.

Division 3—General

216. Issue of Crown grant

S. 216
inserted by
No. 79/1995
s. 19.

- (1) The Governor in Council, on behalf of the Crown, may grant to Generation Victoria, SEC, Hazelwood Power Corporation Limited A.C.N. 065 381 204, Powerworks Pty Ltd A.C.N. 065 325 466 or the Central Gippsland Region Water Authority for an estate in fee simple—
 - (a) any unalienated Crown land that is not reserved under the **Crown Land (Reserves) Act 1978**; or
 - (b) any land that reverts or is surrendered to the Crown under this Part.
- (2) A Crown grant under this section—
 - (a) is subject to any terms, conditions, covenants, exceptions, reservations and limitations that the Governor in Council may determine; and
 - (b) may provide for the land to be granted as to the surface and down to a depth specified in the grant being a depth below the surface of not more than 300 metres.
- (3) A Crown grant under this section may make any adjustments necessary to correct any defect in boundaries found on survey.

217. Registrar-General and Registrar of Titles to make necessary amendments to records

S. 217
inserted by
No. 79/1995
s. 19.

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S. 217(1)
repealed by
No. 85/1998
s. 24(Sch.
item 20.10).

- (2) The Registrar of Titles, on being requested to do so, must make any amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Part.

S. 218
inserted by
No. 79/1995
s. 19.

218. *Exemption from stamp duty and other taxes*

No stamp duty or other tax is chargeable under any Act in respect of anything done under this Part or in respect of any act or transaction connected with or necessary to be done by reason of this Part.

PART 17—OTHER LAND

Pt 17
(Heading and
ss 219–222)
inserted by
No. 35/1997
s. 16.

219. *Revocation of river reservation—Goulburn River*

The Order in Council specified in item 1 of Part 5 of Schedule 3C is revoked insofar as it applies to the land delineated and coloured light green on the plan lodged in the Central Plan Office of the Office of Surveyor General and numbered LEGL./97–26.

S. 219
inserted by
No. 35/1997
s. 16.

220. *Revocation of river reservation—Mitta Mitta River*

The Order in Council specified in item 2 of Part 5 of Schedule 3C is revoked insofar as it applies to the land delineated and coloured light green on the plan lodged in the Central Plan Office of the Office of Surveyor General and numbered LEGL./97–27.

S. 220
inserted by
No. 35/1997
s. 16.

221. *Consequences of revoking reservations*

On the revocation under this Part of an Order in Council reserving land—

- (a) the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests;
- (b) the appointment of any committee of management is revoked to the extent that it applies to the land;
- (c) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to the land.

S. 221
inserted by
No. 35/1997
s. 16.

S. 222
inserted by
No. 35/1997
s. 16.

222. *Rights in roads to cease*

The land delineated and coloured blue on the plans lodged in the Central Plan Office of the Office of Surveyor General and numbered LEGL./97-26 and LEGL./97-27 cease to be roads and all rights, easements and privileges existing or claimed in the land either in the public or by any body or person as incident to any express or implied grant, or past dedication or supposed dedication or by user or operation of law or otherwise cease.

S. 223
inserted by
No. 69/2000
s. 17.

223. *Certain rights deemed to be easements appurtenant to all lands of National Electricity*

The easements expressed in any instrument to be appurtenant to the land described in folio of the Register Volume 6017 Folio 307 are deemed to be easements vested in National Electricity and appurtenant to the lands vested in National Electricity for the time being and from time to time and to every part thereof despite the transfer of that land by Electricity Services Victoria on 22 March 1994 to—

- (a) Andreas Antonius Agterhuis;
- (b) Carol Joy Agterhuis;
- (c) Stephen Foster Smith;
- (d) Margaret Elizabeth Smith;
- (e) Kerry Mark Cunnington;
- (f) Ronald Jeffrey Francis James;
- (g) Ann James;
- (h) Jointmore Pty Ltd;
- (i) Josamit Holdings Pty Ltd.

Electricity Industry (Residual Provisions) Act 1993

s. 224

Act No. 130/1993

224. *Savings and transitional provisions*

Schedule 4 has effect.

S. 224
inserted by
No. 69/2000
s. 18.

SCHEDULES

SCHEDULE 1

**PROVISIONS APPLYING TO THE ELECTRICITY
CORPORATIONS**

Sch. 1 cl. 1
amended by
No. 53/1994
ss 22(a)(b),
23(2)(a).

1. *Delegation*

An electricity corporation may, by instrument under its official seal, delegate to—

- (a) a director; or
- (b) an officer of the corporation by name or the holder of an office within the corporation; or
- (c) the members of a committee established by the corporation; or
- (d) with the consent of the Minister, any other person—
any power of the corporation, other than—
 - (e) this power of delegation; and
 - (f) any power to make by-laws; and
 - (g) any power to set a tariff or make or levy rates; and
 - (h) any other power that is prescribed for the purposes of this clause.

Sch. 1 cl. 2
amended by
No. 53/1994
s. 22(c)(d).

2. *Board of directors*

- (1) There shall be a board of directors of each electricity corporation consisting of not less than 3, and not more than 9, directors appointed in accordance with this Act.
- (2) A board—
 - (a) is responsible for the management of the affairs of the electricity corporation; and
 - (b) may exercise the powers of the electricity corporation.

3. *Constitution of board*

The board of directors of an electricity corporation shall consist of—

- (a) a chairperson;
- (b) if there is a chief executive officer of the corporation, the chief executive officer;
- (c) subject to clause 2, such number of general directors as the Minister and Treasurer determine.

4. *Appointment of directors*

- (1) The chairperson and other directors of an electricity corporation, other than the chief executive officer, shall be appointed by the Governor in Council, having regard to the expertise necessary for the corporation, other than the chief executive officer, to achieve its objectives.
- (2) The **Public Sector Management and Employment Act 1998** does not apply to a director of an electricity corporation in respect of the office of director.

Sch. 1 cl. 4
amended by
No. 53/1994
s. 22(f)(g).

Sch. 1 cl. 4(2)
amended by
No. 46/1998
s. 7(Sch. 1).

5. *Terms and conditions of appointment*

- (1) A director of an electricity corporation appointed under clause 4 shall be appointed for such term, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for re-appointment.
- (2) A director of an electricity corporation appointed under clause 4 holds office, subject to this Act, on such terms and conditions as are determined by the Minister and Treasurer.

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Sch. 1 cl. 5(3)
repealed by
No. 42/1995
s. 224(Sch. 2
item 13.3).

6. *Chief executive officer*

- (1) The board of an electricity corporation may appoint a person approved by the Minister, after consultation with the Treasurer, as the chief executive officer of the corporation.
- (2) A chief executive officer holds office, subject to this Act, on a full-time basis and on such terms and conditions as are determined by the board and specified in the instrument of appointment.

- (3) The board of an electricity corporation may remove the chief executive officer from office.

7. Vacancies, resignations, removal from office

- (1) The office of a director of an electricity corporation appointed under clause 4 becomes vacant if the director—
- (a) without the board's approval, fails to attend 3 consecutive meetings of the board; or

Sch. 1
cl. 7(1)(b)
repealed by
No. 42/1995
s. 224(Sch. 2
item 13.3).

* * * * *

- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (d) is convicted of an indictable offence or an offence which, if committed in Victoria, would be an indictable offence.
- (2) A director appointed under clause 4 may resign by writing delivered to the Minister and the Treasurer.
- (3) The Governor in Council may remove a director appointed under clause 4, or all directors so appointed, from office.
- (4) If a director appointed under clause 4 of an electricity corporation—
- (a) is convicted of an offence relating to his or her duties as a director; or
- (b) fails, without reasonable excuse, to comply with clause 12—
- the director must be removed from office by the Governor in Council.

8. Validity of decisions

- (1) An act or decision of a board of an electricity corporation is not invalid merely because of—
- (a) a defect or irregularity in, or in connection with, the appointment of a director; or

- (b) a vacancy in the membership of the board, including a vacancy arising from the failure to appoint an original director.
- (2) Anything done by or in relation to a person purporting to act as chairperson or as a director is not invalid merely because—
 - (a) the occasion for the appointment has not arisen; or
 - (b) there was a defect or irregularity in relation to the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion for the person to act had not arisen or had ceased.

9. *Proceedings of a board*

- (1) Subject to sub-clause (2), meetings of a board of an electricity corporation shall be held at such times and places as the board determines.
- (2) The chairperson may at any time convene a meeting but must do so when requested by a director.
- (3) A majority of the directors for the time being constitutes a quorum of a board.
- (4) A question arising at a meeting shall be determined by a majority of votes of directors present and voting on that question and, if voting is equal, the person presiding has a casting, as well as a deliberative, vote.
- (5) A board must ensure that minutes are kept of each of its meetings.
- (6) Subject to this Act, a board may regulate its own proceedings.

Sch. 1 cl. 9(1)
amended by
No. 53/1994
s. 23(2)(b).

10. *Resolutions without meetings*

- (1) If the directors of an electricity corporation for the time being (other than a director who is absent from Australia when the other directors sign) sign a document containing a statement that those directors are in favour of a resolution in terms set out in the document, a resolution in those terms shall be taken to have been passed at a meeting of the board held on the day on which the document is signed or, if the directors do not sign it on the same day, on the day on which the last director to sign signs the document.

Sch. 1 cl. 10
amended by
No. 53/1994
s. 23(2)(c).

- (2) If a resolution is, under sub-clause (1), taken to have been passed at a meeting of the board, each director must be advised as soon as practicable and given a copy of the terms of the resolution.
- (3) For the purposes of sub-clause (1), two or more separate documents containing a statement in identical terms, each of which is signed by one or more directors, shall be taken to constitute one document.

Sch. 1 cl. 11
repealed by
No. 53/1994
s. 22(e).

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Sch. 1 cl. 12
amended by
No. 53/1994
s. 23(2)(d).

12. Disclosure of interests

- (1) If—
 - (a) a director of an electricity corporation has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the board; and
 - (b) the interest could conflict with the proper performance of the director's duties in relation to the consideration of the matter—the director, as soon as practicable after the relevant facts come to the director's knowledge, must disclose the nature of the interest at a meeting of the board.
- (2) A disclosure under sub-clause (1) must be recorded in the minutes of the meeting and, unless the Minister or the board otherwise determines, the director—
 - (a) must not be present during any deliberation of the board in relation to the matter; and
 - (b) must not take part in any decision of the board in relation to the matter.
- (3) For the purpose of the making of a determination by the board under sub-clause (2) in relation to a director who has made a disclosure under sub-clause (1), a director who has a direct or indirect pecuniary interest in the matter to which the disclosure relates—
 - (a) must not be present during any deliberation of the board for the purpose of making the determination; and

(b) must not take part in the making by the board of the determination.

(4) Sub-clause (1) does not apply in relation to a matter relating to the supply of goods or services to the director if the goods or services are, or are to be, available to members of the public on the same terms and conditions.

* * * * *

Sch. 2
amended by
No. 10/1998
s. 10(1)(b),
repealed by
No. 69/2000
s. 19.

SCHEDULE 3

**EXCLUDED PROPERTY: AGREEMENTS, CONTRACTS,
DOCUMENTS AND OTHER PROPERTY REFERRED TO**

PART A—PORTLAND AND POINT HENRY SMELTERS

<i>Date</i>	<i>Agreement, contract or deed</i>
31 July 1984	Portland Electricity Supply Agreement between SEC and Portland Smelter Services Pty Ltd.
31 July 1984	Deed of Release between SEC and Alcoa of Australia Ltd.
31 January 1986	Portland Electricity Supply Agreement Principals Agreement between SEC, CITIC Australia (Portland) Pty Ltd, Alcoa of Australia Ltd, Portland Smelter Services Pty Ltd, Permanent Trustee Company Ltd and Marubeni Aluminium Australia Pty Ltd and Aluvic Services Pty Ltd.
1 December 1986	Portland Flexible Tariff Deed between SEC and State Trust Corporation of Victoria.
30 March 1989	Portland Electricity Supply Agreement Operating Agreement between SEC and Portland Smelter Services Pty Ltd.
24 December 1992	Electricity Payment Agreement between SEC, CITIC Australia (Portland) Pty Ltd and Portland Smelter Services Pty Ltd.
31 July 1984	Point Henry Electricity Supply Agreement between SEC and Alcoa of Australia Ltd.
1 December 1986	Point Henry Flexible Tariff Deed between SEC and State Trust Corporation of Victoria.
23 October 1991	Automatic Reclosing Point Henry–Geelong Terminal Station Line Electricity Extension Works Contract between SEC and Alcoa of Australia Ltd.
31 July 1984	Deed relating to Point Henry aluminium smelter between SEC, Alcoa of Australia Ltd and the Crown.

PART B—LOY YANG B

DIVISION 1—AGREEMENTS, ETC.

All:

- (a) contracts and deeds to which SEC (in this Part of this Schedule called "the Commission") is a party or of which it has the benefit.
- (b) guarantees and indemnities, mortgages, charges and other securities, undertakings, instruments, certificates, approvals, confirmations and notices given by a person in favour of the Commission or of which the Commission has the benefit; and
- (c) guarantees and indemnities, mortgages, charges and other securities, undertakings, instruments, certificates, approvals, confirmations and notices given by the Commission in favour of another person or persons,

in relation to the Loy Yang B Power Station located at Loy Yang near Traralgon in Victoria ("Loy Yang B Power Station") or the Project (as defined in the **Loy Yang B Act 1992**) or any transaction in relation to the Loy Yang B Power Station or the Project, including, without limitation:

Sale of Assets

1. Sale of Assets Agreement dated 31 December 1992 between the Commission, Loy Yang B Power Station Pty Ltd ("LYBCO") and Mission Energy Australia Pty Ltd ("MEA") as managing partner of the Latrobe Power Partnership (as defined in this agreement) ("LPP").
2. Vendor's Statement under Section 32 of the **Sale of Land Act 1962** given by the Commission in favour of LYBCO and MEA as managing partner of LPP.
3. Agreement for Sale of Loy Yang B Power Station (in the course of construction) dated 30 June 1991 between the Commission and LYBCO (then called A.C.N. 052 530 551 Pty Ltd).
4. Letters dated 5 June 1992, 9 July 1992 and 7 August 1992 from the Commission to LYBCO (and signed as "Agreed" on behalf of LYBCO) varying the Agreement for Sale of Loy Yang B Power Station (in the course of construction) dated 30 June 1991 between the Commission and LYBCO (then called A.C.N. 052 530 551 Pty Ltd).
5. Agreement to Further Amend the Agreement for Sale of Loy Yang B Power Station dated 31 December 1992 between the Commission and LYBCO.

6. Delayed Settlement Agreement dated 31 December 1992 between the Commission and MEA as managing partner of LPP.
7. Delayed Settlement Agreement dated 31 December 1992 between the Commission and LYBCO.

Joint Venture

8. LYBCO Shareholder's Deed dated 31 December 1992 between the Commission, LYBCO and MEA as managing partner of LPP.
9. Guarantee and Indemnity dated 31 December 1992 between the Commission and MEA as managing partner of LPP.
10. Mission Energy Company Undertaking dated 31 December 1992 given in favour of the Commission by Mission Energy Company ("MEC").
11. Deed of Acknowledgment and Covenant dated 31 December 1992 between LYBCO, the Commission, Mission Energy Ventures Australia Pty Ltd ("MEVA"), Latrobe Power Pty Ltd ("Latrobe") and Traralgon Power Pty Ltd ("Traralgon").
12. Clear Market Agreement contained in a letter dated 31 December 1992 from MEC and MEA (as managing partner of LPP) to the Commission and LYBCO (and signed as "Accepted and agreed" on behalf of the Commission and LYBCO).

Completion of Construction

13. Completion of Construction Agreement ("CCA") dated 31 December 1992 between the Commission, LYBCO and MEA as managing partner of LPP.
14. LPP CCA Deed Poll dated 31 December 1992 given by MEA, MEVA, Latrobe and Traralgon in favour of the Commission.
15. LYBCO CCA Deed Poll dated 31 December 1992 given by LYBCO in favour of the Commission.
16. Licence Agreement "(Licence Agreement)" dated 31 December 1992 between the Commission, LYBCO, MEA as managing partner of LPP and Mission Energy Management Australia Pty Ltd ("MEMA").
17. Vendor's Statement under Section 32 of the **Sale of Land Act 1962** dated 31 December 1992 given by LYBCO in favour of the Commission.
18. Vendor's Statement under Section 32 of the **Sale of Land Act 1962** dated 31 December 1992 given by MEA as managing partner of LPP in favour of the Commission.

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

19. CCA Security dated 31 December 1992 between the Commission, LYBCO, MEA, MEVA, Latrobe and Traralgon.
20. Mortgage dated 31 December 1992 given by MEA and LYBCO in favour of the Commission.

Power Supply

21. Letter dated 18 December 1992 from the Minister for Energy and Minerals to the Commission in relation to the proposed Power Supply Agreement.
22. Power Supply Agreement dated 31 December 1992 between the Commission, LYBCO and MEA as managing partner of LPP.
23. LPP PSA Deed Poll dated 31 December 1992 given by MEA, MEVA, Latrobe and Traralgon in favour of the Commission.
24. LYBCO PSA Deed Poll dated 31 December 1992 given by LYBCO in favour of the Commission.
25. Delta Risk Charge Covenant, Guarantee and Indemnity dated 31 December 1992 between Loy Yang Holdings Pty Ltd, MEC and the Commission.
26. Appointment—Keeper of the Models dated 30 September 1993 between the Commission, LYBCO, MEA (as managing partner of LPP) and William M. Mercer Pty Ltd.
27. Confidentiality Deed of Undertaking (Models) (SECV) dated 31 December 1992 given by the Commission in favour of MEC.
28. Vendor's Statement under Section 32 of the **Sale of Land Act 1962** dated 31 December 1992 given by LYBCO in favour of the Commission.
29. Vendor's Statement under Section 32 of the **Sale of Land Act 1962** dated 31 December 1992 given by MEA as managing partner of LPP in favour of the Commission.
30. Interest Rate and Currency Exchange Agreement dated 21 September 1992 between Westpac Banking Corporation ("Westpac") and the Commission.
31. Interest Rate and Currency Exchange Agreement dated 21 September 1992 between Chemical Australia Limited ("Chemical") and the Commission.
32. Interest Rate and Currency Exchange Agreement dated 21 September 1992 between County NatWest Australia Limited ("County NatWest") and the Commission.

33. Interest Rate and Currency Exchange Agreement dated 21 September 1992 between Credit Lyonnais Australia Limited ("Credit Lyonnais") and the Commission.
34. Interest Rate and Currency Exchange Agreement dated 21 September 1992 between LTCB Australia Limited ("LTCB") and the Commission.
35. Interest Rate and Currency Exchange Agreement dated 21 September 1992 between UBS Australia Limited ("UBS") and the Commission.
36. ISDA Execution Deed dated 3 December 1992 given by the Commission in favour of Westpac.
37. ISDA Execution Deed dated 3 December 1992 given by the Commission in favour of Chemical.
38. ISDA Execution Deed dated 3 December 1992 given by the Commission in favour of County NatWest.
39. ISDA Execution Deed dated 3 December 1992 given by the Commission in favour of Credit Lyonnais.
40. ISDA Execution Deed dated 3 December 1992 given by the Commission in favour of LTCB.
41. ISDA Execution Deed dated 3 December 1992 given by the Commission in favour of UBS.
42. Swap Novation Deed dated 31 December 1992 between Westpac, the Commission, MEA, MEVA, Latrobe and Traralgon.
43. Swap Novation Deed dated 31 December 1992 between Chemical, the Commission, MEA, MEVA, Latrobe and Traralgon.
44. Swap Novation Deed dated 31 December 1992 between County NatWest, the Commission, NatWest Australia Bank Limited ("NatWest Australia"), MEA, MEVA, Latrobe and Traralgon.
45. Swap Novation Deed dated 31 December 1992 between Credit Lyonnais, the Commission, MEA, MEVA, Latrobe and Traralgon.
46. Swap Novation Deed dated 31 December 1992 between LTCB, the Commission, MEA, MEVA, Latrobe and Traralgon.
47. Swap Novation Deed dated 31 December 1992 between UBS, the Commission, MEA, MEVA, Latrobe and Traralgon.
48. Post Settlement Swap Novation Deed dated 31 December 1992 between Westpac, the Commission, MEA, MEVA, Latrobe and Traralgon.

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

49. Post Settlement Swap Novation Deed dated 31 December 1992 between Chemical, the Commission, MEA, MEVA, Latrobe and Traralgon.
50. Post Settlement Swap Novation Deed dated 31 December 1992 between County NatWest, the Commission, NatWest Australia, MEA, MEVA, Latrobe and Traralgon.
51. Post Settlement Swap Novation Deed dated 31 December 1992 between Credit Lyonnais, the Commission, MEA, MEVA, Latrobe and Traralgon.
52. Post Settlement Swap Novation Deed dated 31 December 1992 between LTCB, the Commission, MEA, MEVA, Latrobe and Traralgon.
53. Post Settlement Swap Novation Deed dated 31 December 1992 between UBS, the Commission, MEA, MEVA, Latrobe and Traralgon.
54. Letter dated 7 December 1992 from the Commission to Westpac, LYBCO and MEA (as managing partner of LPP) in relation to the swap rate influence on charges under the Power Supply Agreement (and signed as "Confirmed" on behalf of LYBCO and MEA, as managing partner of LPP).
55. Letter dated 9 December 1992 from MEC to the Commission and Westpac in relation to the finalisation of Loy Yang B (and signed as "Confirmed" on behalf of the Commission and "Accepted" on behalf of Westpac and the other members of Mission Bank Group and County NatWest).
56. Letter dated 9 December 1992 from MEA (as managing partner of LPP) to the Commission in relation to the entering into of certain swap transactions (and signed as "Confirmed" on behalf of the Commission and "Accepted" on behalf of Westpac and the other members of the Mission Bank Group and County NatWest).
57. PSA Security dated 31 December 1992 between the Commission, LYBCO, MEA, MEVA, Latrobe and Traralgon.
58. Mortgage dated 31 December 1992 given by MEA and LYBCO (as mortgagors) in favour of the Commission (as mortgagee).

Coal Supply

59. Coal Supply Agreement dated 31 December 1992 between the Commission, LYBCO and MEA as managing partner of LPP.
60. CSA Security dated 31 December 1992 between the Commission, LYBCO, MEA, MEVA, Latrobe and Traralgon.

61. Mortgage dated 31 December 1992 given by MEA and LYBCO (as mortgagors) in favour of the Commission (as mortgagee).

Miscellaneous Services Agreement

62. Miscellaneous Services Agreement ("MSA") dated 31 December 1992 between the Commission, LYBCO and MEA as managing partner of LPP.
63. MSA Security dated 31 December 1992 between the Commission, LYBCO, MEA, MEVA, Latrobe and Traralgon.

64. Mortgage dated 31 December 1992 given by MEA and LYBCO (as mortgagors) in favour of the Commission (as mortgagee).
65. Caveat dated 31 December 1992 lodged by the Commission (as caveator) over land owned by LYBCO and MEA (being parts of the land in certificates of title volume 10092 folios 824, 825 and 826).

State Agreement

66. State Agreement dated 2 October 1992 between the State of Victoria (the "State"), the Commission, LYBCO, Victorian Power Station Investments Pty Ltd ("VPSI") and MEA (for and on behalf of LPP).
67. Section 33 Agreement dated 31 December 1992 between the Commission and MEC.
68. Deed of Waiver dated 31 December 1992 between VPSI, LYBCO, MEA, MEVA, Latrobe, Traralgon, the Commission and the State.
69. Deed of Covenant dated 31 December 1992 between VPSI, LYBCO, MEA, MEVA, Latrobe, Traralgon, the Commission and the State.
70. Deed of Assignment dated 31 December 1992 between VPSI, LYBCO, MEA, MEVA, Latrobe, Traralgon, the Commission and the State.

State Support

71. State Support Agreement dated 31 December 1992 between the State, MEA (as managing partner of LPP), LYBCO, each bank or financial institution named in Schedule 1 to that Agreement and Westpac ("State Support Agreement").
72. State Agreement SECV Deed of Covenant dated 31 December 1992 between the Commission and the State.

Intercreditor

73. Intercreditor Agreement dated 31 December 1992 between MEA, MEVA, Latrobe, Traralgon, LYBCO, MEMA, the Commission, each of the financial institutions described in Schedule 1 to that agreement and Westpac ("Intercreditor Agreement").
74. Custodian Deed dated 31 December 1992 between Westpac Custodian Nominees Limited, MEA, MEVA, Latrobe, Traralgon, LYBCO, MEMA, the Commission, each of the financial institutions described in the Schedule to that Deed and Westpac.

LYBCO

75. SA Facility Agreement ("LYBCO Facility Agreement") dated 31 December 1992 between LYBCO and the Commission and all Drawdown Notices given under that agreement.
76. Two letters dated 31 December 1992 from the Commission to LYBCO acknowledging that certain amounts payable by LYBCO to the Commission have been satisfied by the application of drawings under the LYBCO Facility Agreement.
77. Letter dated 31 December 1992 from the Commission to LPP in relation to the amendment of LYBCO's articles of association.
78. Each deed under which a financial institution became a party to the State Support Agreement or the Intercreditor Agreement.

other than any contract or deed under which goods or services are supplied to the Commission for the purposes of the Commission supplying Services (as defined in the MSA) to the Participants (as defined in the MSA) under the MSA.

Division 2—Other Contracts, etc.

- (a) All contracts and deeds to which the Commission is a party relating to the construction of the Loy Yang B Power Station including, without limitation, all "Construction Contracts" as defined in the CCA.
- (b) (i) All documents, reports, contracts and deeds included as the "Dataroom Documents" as defined in the Sale of Assets Agreement dated 31 December 1992 between the Commission, LYBCO and MEA as managing partner of LPP.

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

- (ii) All Computer Software as defined in the Licence Agreement.
- (iii) All Operational Information as defined in clause 30.1(a) of the CCA.
- (c) Those interest rate swap transactions relating to a Loy Yang B contract entered into by the Commission with Credit Suisse Financial Products ("CSFB") pursuant to an Interest Rate and Currency Exchange Agreement dated 30 October 1992 as more particularly described in letters from CSFB to the Commission dated:
 - 1. 9 December 1992;
 - 2. 9 December 1992;
 - 3. 17 December 1992;
 - 4. 30 December 1992;
 - 5. 12 February 1993; and
 - 6. 14 May 1993.
- (d) Those interest rate swap transactions relating to a Loy Yang B contract entered into by the Commission with State Bank of New South Wales Limited ("SBNSW") pursuant to an Interest Rate and Currency Exchange Agreement dated 27 May 1993 as more particularly described in letters from SBNSW to the Commission dated:
 - 1. 21 April 1993; and
 - 2. 6 July 1993.
- (e) That interest rate swap transaction relating to a Loy Yang B contract entered into by the Commission with UBS pursuant to an Interest Rate and Currency Exchange Agreement dated 17 January 1990 as more particularly described in a letter from UBS to the Commission dated 14 July 1993.
- (f) The Commission's shares in Loy Yang B Power Station Pty Ltd (including any shares in that company in which the Commission has a beneficial interest).
- (g) The right, title and interest of the Commission in the Loy Yang Open Cut (as defined in the Coal Supply Agreement referred to in item 59 of Division 1 of this Part of this Schedule).
- (h) The Joint Venture Agreement and the Operating and Maintenance Agreement referred to in the State Agreement within the meaning of the **Loy Yang B Act 1992**.

Sch. 3A
inserted by
No. 56/1995
s. 38 (as
amended by
No. 79/1995
s. 30(1)-(5)).

SCHEDULE 3A

PART 1

LAND TO BE SURRENDERED TO THE CROWN

TABLE A

FOLIOS OF THE REGISTER

Volume	Folio
2018	583
2528	566
2744	749
2744	750
2836	045
3027	347
3031	059
3215	909
4117	216
4127	361
4127	362
5001	200
5097	345
5097	346
5097	347
5097	348
5097	349
5097	350
5097	351
5097	352
5097	353
5115	852
5115	853
5278	443
5399	719
5604	716
5689	748
5931	022
5965	850
6004	746
6042	380
6058	442
6125	898
6128	520

Volume	Folio
6188	483
6196	051
6209	650
6218	577
6218	578
6218	579
6218	580
6218	581
6233	475
6233	476
6258	570
6259	791
6298	493
6298	495
6320	905
6326	150
6349	629
6359	625
6361	181
6365	832
6372	266
6381	038
6389	630
6409	658
6412	247
6412	258
6412	259
6412	260
6412	261
6412	262
6426	169
6428	431
6428	462
6430	878
6430	879
6442	385
6448	592
6450	986
6453	549
6458	441
6467	269
6467	270
6469	693
6475	927
6496	188

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3A

Volume	Folio
6506	136
6520	935
6550	000
6555	925
6557	232
6562	349
6578	426
6579	640
6579	641
6588	424
6596	063
6600	921
6621	142
6637	322
6637	323
6640	938
6656	121
6658	479
6666	060
6671	135
6682	224
6700	878
6710	813
6717	347
6717	348
6718	583
6746	173
6801	118
6814	665
6823	463
6823	483
6827	306
6830	963
6837	323
6837	398
6847	236
6847	343
6867	301
6899	614
6900	873
6902	347
6906	064
6927	395
6927	398
6947	389

Volume	Folio
6955	990
6961	038
7008	425
7015	827
7017	399
7024	698
7030	977
7030	978
7032	293
7032	294
7033	581
7088	460
7098	563
7107	373
7107	386
7107	387
7114	707
7118	517
7134	684
7139	674
7148	536
7180	991
7190	995
7190	996
7192	262
7224	720
7234	716
7275	886
7275	967
7305	962
7305	963
7308	408
7308	563
7359	653
7359	654
7359	655
7371	096
7381	124
7389	619
7391	188
7397	265
7399	631
7399	691
7400	864
7413	558

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3A

Volume	Folio
7417	226
7417	291
7417	292
7427	280
7430	945
7430	948
7435	832
7438	553
7444	779
7451	119
7460	092
7474	031
7483	128
7486	102
7486	166
7498	145
7503	055
7503	056
7509	122
7509	131
7513	180
7520	036
7527	087
7543	041
7548	164
7548	165
7548	166
7572	056
7592	047
7593	031
7596	102
7605	134
7605	138
7617	148
7647	060
7662	005
7666	058
7678	068
7692	031
7709	102
7720	034
7752	192
7752	193
7752	194
7756	175

Volume	Folio
7763	002
7818	190
7832	066
7852	155
7861	194
7869	128
7880	032
7888	075
7888	076
7977	053
7984	100
8000	050
8016	039
8016	040
8016	041
8016	045
8016	047
8016	048
8016	049
8016	050
8016	051
8016	052
8016	054
8016	055
8028	031
8030	113
8040	322
8040	814
8040	815
8040	816
8049	630
8064	947
8066	218
8074	549
8075	221
8078	595
8079	144
8085	829
8091	434
8092	470
8093	483
8093	808
8094	369
8095	148
8102	233

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3A

Volume	Folio
8109	145
8109	611
8118	609
8122	579
8124	401
8125	294
8130	575
8131	250
8150	020
8155	836
8159	241
8168	513
8170	399
8170	400
8175	027
8197	736
8208	214
8211	318
8228	298
8235	049
8238	258
8242	127
8247	275
8257	218
8257	822
8259	296
8277	943
8298	895
8308	782
8322	392
8322	579
8323	962
8343	859
8356	581
8363	315
8376	717
8376	718
8386	544
8388	567
8388	568
8413	632
8419	460
8423	041
8459	571
8470	568

Volume	Folio
8472	709
8479	616
8488	705
8489	332
8521	462
8527	269
8527	471
8529	527
8541	505
8548	277
8548	698
8548	699
8548	700
8552	643
8552	644
8552	645
8552	646
8554	323
8554	324
8554	325
8564	490
8564	724
8571	244
8571	449
8581	405
8581	412
8582	864
8583	790
8587	824
8589	928
8592	789
8607	090
8612	687
8616	589
8621	171
8628	852
8632	411
8632	438
8632	940
8634	053
8638	045
8666	780
8679	752
8706	184
8712	536

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3A

Volume	Folio
8721	238
8735	433
8744	655
8748	117
8748	371
8760	984
8761	167
8772	762
8780	440
8783	812
8792	301
8795	518
8795	662
8800	425
8808	804
8820	834
8821	491
8833	664
8861	375
8879	336
8885	823
8892	122
8901	727
8916	374
8922	298
8926	837
8945	611
8969	134
8969	135
8995	138
9004	637
9010	327
9017	810
9126	572
9126	573
9150	098
9150	729
9205	110
9205	129
9214	284
9271	205
9338	229
9388	121
9388	284
9388	286

Volume	Folio
9429	308
9439	798
9481	159
9481	160
9481	161
9481	163
9481	164
9481	600
9498	670
9503	244
9508	218
9519	341
9531	971
9535	065
9535	745
9535	746
9535	763
9541	086
9543	130
9549	481
9610	207
9648	662
9649	468
9819	591
10233	592

TABLE B**FORMER CERTIFICATES OF TITLE**

Volume	Folio
8581	406
9538	820
9538	821
9538	822
9538	823
9538	824
9300	092
9138	440
9524	665

PART 2

LEASES

TABLE A

The leased lands set out in this Table are shown generally delineated and hatched pink and designated by SEC lease number on plans numbered LEGL. 95/-74 and LEGL./95-118 lodged in the Central Plan Office of the Department of Treasury and Finance. If there is an inconsistency between the leased land described in a lease set out in this Table and that leased land as shown on the plans, the lease prevails.

SEC Lease Number	Lessee	Street Address of Leased Land	Affected Titles	
			Volume	Folio
A499	J & C Read	Purvis Road & Howlett Road	9388	286
A500	Yallourn North Pony Club	Latrobe River Road	9388	286
A572	D McCasker	Tyers Road	7527 8712 9543	087 536 130

SEC Lease Number	Lessee	Street Address of Leased Land	Affected Titles Volume	Folio
A718	JC & EM Bechaz	John Field Drive	9150	098
A720	DJ Handley	John Field Drive & Sullivans Track (cnr)	9150	098
A724	G & M Stewart	Moe-Yallourn Railway & Scout Track	9150	098
A726	N & M Green	Moe-Yallourn Railway	9150	098
A728	G & M Stewart	John Field Drive	9150	098
A730	N & M Green	Pettits Track & John Field Drive	9150	098
A732	G Robinson	Moe-Yallourn Railway	9481	163
A734	T Edwards	Pettits Track & John Field Drive	9481	164
A742	HM Rawson	Howlett Road, Hall Road & North Shore Road	9388	284
A744	BP Slavin	Latrobe River Road	9388	286
A748	HM Rawson	Howlett Road	9388	286
A748A	L Foot	Howlett Road	9388	286
A752	JM Vilcins	Decampo Drive & John Field Drive (cnr)	9481	164
A756	M Baskett	Coach Road	9150	098
A762	B Chewe	Golf Links Road & John Field Drive (cnr)	9150	098
A770	GN & LA Brand	Haunted Hills Road, Bill Schultz Road & Coach Road	9481	164
A771	Moe Waterworks Trust	Coach Road	9481	164
A772	A & M Rosato	Coach Road	9481	164
A776A	LG Beecroft	Haunted Hills Road & Decampo Drive	9481	164
A783C	DC Darrington	Haunted Hills Road (Flat 3)	8554	323

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3A

SEC Lease Number	Lessee	Street Address of Leased Land	Affected Titles	
			Volume	Folio
A784	C & V Hogg	Haunted Hills Road	9481 7486	160 166
A787	C & V Hogg	Hill Street	9649	468
A836A	Latrobe Valley Astro-nomical Society	Coach Road	9481	159
A836B	J Rosato	Decampo Drive (Westbrook Gully Dump)	9481	164
A840	Latrobe Valley Pistol Club	Latrobe River Road	9543	130
A842	Shire of Narracan	Latrobe River Road	9543	130
A865	D McDonald	Maxwells and Morrisons Road	8376	718
A883	KL Baird	Maxwells and Morrisons Road	6656 9535 9531 6718 6588 2744 2528 8376	121 065 971 583 424 750 566 718
A899	M Lochki	Maxwells and Morrisons Road	9508 9549 9338	218 481 229
A900	Mrs N Maselli	Maxwells and Morrisons Road	8150	020
A906	KL Baird	Latrobe Road	2528 2744 6588 9535 9535 9535	566 749 424 065 745 746

Electricity Industry (Residual Provisions) Act 1993

Sch. 3A

Act No. 130/1993

SEC Lease Number	Lessee	Street Address of Leased Land	Affected Titles	
			Volume	Folio
A906A	KL Baird	Maxwells and Morrisons Road	2528566 9535065 6656121 9819591 2744750 9531971 8376718 9541086 9508218 7763002 9549481 9338229 10233592	
A915	Cawcutt Pty Ltd	Latrobe Road and Old Tanjil East Road	2528 6656 9535	566 121 065
A919	Gippsland Car Club Inc	Latrobe Road	8916	374
C049	TP McMahon	Princes Freeway, Haunted Hills Road & Gippsland Railway	9648	662
C052	F Disisto	Princes Freeway and Gippsland Railway	8242	127
C054	WL Reid	Princes Freeway and Gippsland Railway	8242	127
C056	WL Reid	Princes Freeway and Blacks Track	8242 8821 6578	127 491 426
C059	J Di Ciero	McDonalds Track	N/A	
C060	Morwell Field & Game Club	Witts Track & Varys Track	8581 8242	405 127
C062	A Battista	South Service Road & Vary Road	8242	127
C064	APM Forests Pty Ltd	Vary Road	8242 8581	127 412
C068	APM Forests Pty Ltd	Blacks Track & South Service Road (cnr)	8242	127

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3A

SEC Lease Number	Lessee	Street Address of Leased Land	Affected Titles	
			Volume	Folio
C070	R Brammall	Vary Road & Buckleys Track	8242 8581	127 412
C074	APM Forests Pty Ltd	Buckleys Track	8242	127
C076	APM Forests Pty Ltd	Buckleys Track	8242	127
C080	Amess Nominees P/L	Buckleys Track & Blacks Track (cnr)	8242	127
C082	A & M Rosato	Blacks Track & South Service Road (cnr)	8242 8761	127 167
C084	HK & VM Turner	Blacks Track	8242127	
C090	L Villella	Marretts Road & South Service Road (cnr)	8242 8761	127 167
C096	A & M Rosato	Blacks Track & Buckleys Track (cnr)	8242	127
C098	HK & VM Turner	Buckleys Track and Jensens Lane	8242 8761	127 167
C133	A & M Rosato	Varys Track	8242	127
C171	NW & IM Cameron	East Levee Road	7417 7617 6947 6837 6372 6359 6298 6218 2018 5097 5097 6827 6233 7861	291 148 389 323 266 625 493 577 583 346 345 306 475 194
C172	H Godridge	Old Melbourne Road	8016	039

Electricity Industry (Residual Provisions) Act 1993

Sch. 3A

Act No. 130/1993

SEC Lease Number	Lessee	Street Address of Leased Land	Affected Titles	
			Volume	Folio
C176	NW & IM Cameron	Open Cut Perimeter Road & Gippsland Railway	6042	380
			8821	491
			4127	362
			4127	361
			6578	426
			8242	127
			4117	216
			8583	790
			9205	110
			9205	129
C178	F Jewkes	Princes Freeway & Jensons Lane	6578 8821	426 491
C211	Z Spehar	Latrobe Road & Old Melbourne Road (cnr)	9271	205
C217	A Moyes	Maxwells and Morrisons Road & Old Sale Road	7148	536
C218	RJ Hyland	Maxwells and Morrisons Road	8040	322
C219	Morwell Gun Club	Old Melbourne Road	9503	244
F2453	Commonwealth of Australia	Princes Freeway & Jensens Lane	6578 8821	426 491
LV 1827	Scout Association and Girl Guides Association	North Road	8323	962

TABLE B

SEC Lease Number	Lessee	Description of Lease	Affected Titles	
			Volume	Folio
F6663 & F6680	Skilled Engineering Ltd A.C.N. 005 585 811	Central Workshops Yallourn	5115	853
F6661	NS Komatsu Pty Ltd A.C.N. 053 514 739	Transport Workshops Yallourn	5115	853
F6660	Gardner Perrott A.C.N. 000 164 938	Civil Services Depot (part)	5097	352
F6657	Deanmac Land Services Pty Ltd A.C.N. 062 799 731	Civil Services Depot (part)	9481 5115 5097	164 853 352
F6658	Deanmac Emergency Services Pty Ltd A.C.N. 006 953 126	Former Victorian Railways Buildings (Fire Training Centre)	9481 5115 5097	164 853 352
F6667	Vodafone Pty Ltd A.C.N. 056 161 045	Telecommunications Base Station and Mobile Network	9481	159

PART 3

LAND IN RESPECT OF WHICH RESERVATIONS ARE REVOKED

Item	Situation and area of land	Instrument and date of reservation	Description of land by reference to Government Gazette	Purpose of Reservation	Extent of revocation
1.	Parish of Maryvale, County of Buln Buln, 4.985 hectares	Order in Council dated 6 March 1939	Government Gazette dated 8 March 1939, page 827	Site for public recreation	The entire reserve
2.	Parish of Maryvale, County of Buln Buln, 3.440 hectares more or less	Order in Council dated 13 December 1960	Government Gazette dated 21 December 1960, page 4025	Site for public recreation	The entire reserve

Electricity Industry (Residual Provisions) Act 1993

Sch. 3A

Act No. 130/1993

Item	Situation and area of land	Instrument and date of reservation	Description of land by reference to Government Gazette	Purpose of Reservation	Extent of revocation
3.	Parish of Maryvale, County of Buln Buln, 4.047 hectares	Order in Council dated 7 July 1890	Government Gazette dated 11 July 1890, page 2789	Site for supply of gravel	The entire reserve
4.	Parish of Narracan, County of Buln Buln, 3.746 hectares being Crown Allotment 63A, Section A	Order in Council dated 18 October 1977	Government Gazette dated 26 October 1977, page 3301	Site for public recreation	The entire reserve
5.	Parish of Narracan, County of Buln Buln, 2770 square metres, less an excision authorised by Order in Council dated 24 April 1951, being Crown Allotment 53, Section B	Order in Council dated 4 July 1939	Government Gazette dated 5 July 1939, page 2511	Site for a public hall	The remainder of the reserve

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3A

Item	Situation and area of land	Instrument and date of reservation	Description of land by reference to Government Gazette	Purpose of Reservation	Extent of revocation
6.	Bed and 40.23 metres from each bank of the La Trobe river, less authorised excisions	Order in Council dated 23 May 1881	Government Gazette dated 27 May 1881, page 1389	Site for public purposes	That part of the reserve delineated and coloured light green on a plan lodged in the Central Plan Office of the Department of Treasury and Finance and numbered LEGL/95-69
7.	Bed and 20.12 metres from each bank of the Morwell river	Order in Council dated 23 May 1881	Government Gazette dated 27 May 1881, page 1389	Site for public purposes	That part of the reserve delineated and coloured light green on the plans lodged in the Central Plan Office of the Department of Treasury and Finance and numbered LEGL/95-69 and LEGL/95-71.

SCHEDULE 3BSch. 3B
inserted by
No. 79/1995
s. 20.**LOY YANG LAND****PART 1****Land to be Surrendered to the Crown****Table A****Folio of the Register**

Volume	Folio	Volume	Folio
2442	231	6664	729
2694	681	7097	202
2921	102	7271	006
2921	103	7491	104
2921	104	7605	103
3067	204	7851	015
3190	928	8055	357
3190	929	8059	306
3319	733	8076	143
3568	508	8076	144
3599	718	8130	409
3977	273	8177	858
3977	274	8194	231
3989	704	8243	244
4124	781	8254	566
4200	841	8254	567
4315	899	8254	568
4393	583	8357	007
4591	155	8388	148
4719	732	8388	149
4722	270	8396	618
4798	524	8398	365
4808	451	8453	890
4831	115	8480	436
5481	034	8532	768
5552	381	8538	918
5767	290	8539	213
5874	705	8578	024
5875	900	8578	025
6333	585	8578	026
6620	959	8578	027
6664	728	8584	045

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3B

Volume	Folio	Volume	Folio
8664	625	9187	989
8676	976	9187	990
8676	977	9187	991
8676	978	9187	992
8676	979	9187	993
8676	980	9187	994
8749	596	9187	995
8749	597	9203	921
8749	598	9252	481
8749	599	9310	254
8749	600	9371	328
8803	309	9386	018
8966	227	9391	278
8967	787	9428	090
9034	388	9468	119
9047	624	9535	373
9047	625	9535	374
9063	285	9538	202
9080	556	9538	204
9080	962	9538	205
9083	346	9538	206
9083	916	9538	207
9083	917	9548	748
9089	232	9548	749
9114	235	9818	874
9114	236	9861	130
9132	753	9861	131
9132	754	9861	132
9135	703	9956	667
9153	414	10061	285
9184	457	10061	286
9184	458	10061	287
9184	459	10092	270
9184	460	10092	271
9184	461	10092	272
9184	462	10214	069
9187	988		

Table B
Former Certificates of Title

Volume	Folio	Volume	Folio
3314	715	9063	289
6006	142	9063	290
8223	317	9063	291
8936	695	9063	292
9063	279	9063	293
9063	280	9063	294
9063	281	9063	295
9063	282	9063	296
9063	283	9063	298
9063	284	9063	299
9063	287	9535	371
9063	288	9535	372

PART 2

Leases

The leased lands set out in this Part are shown generally delineated and shown cross-hatched pink or hatched pink or hatched purple and designated by SEC lease number on plan number LEGL./95-87 lodged in the Central Plan Office of the Department of Treasury and Finance. If there is an inconsistency between the leased land described in a lease set out in this Part and that leased land as shown on the plan, the lease prevails.

In this Part—

"CA" means Crown Allotment.

SEC Lease Number	Lessee	Location	Affected Titles	
			Volume	Folio
D111	T. A. Phelan	West of Traralgon Creek and east of Traralgon Creek Road, part of CA's 76B, 76C and 76D, Parish of Traralgon.	4200 4798 6664	841 524 729
D114	K. W. Silvester	East of Traralgon Creek & west of Traralgon Creek Road, part of CA 7, Section A, Parish of Loy Yang.	9083	346

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3B

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
D115	C. & G. Pizzi	West of Traralgon Creek Road & east of Traralgon Creek, part of CA's 7A3 and 7, Parish of Loy Yang.	5552 9083	381 346
D118	R. T. & J. E. Dunbar	East of Traralgon Creek Road, part of CA 4F, Section A, Parish of Loy Yang & part of CA's 76E & 76F, Parish of Traralgon.	9391	278
D119	D. Hopman & R. McGregor	Adjacent to Traralgon Creek Road, part of CA 76C, Parish of Traralgon.	6664	729
D121	R. R. Rachiele & C. W. Scholten	East of Traralgon Creek Road & west of Depot Road, CA's 76A, 76A1 & 76B, Parish of Traralgon.	4124 4200 4831 8584 9135	781 841 115 045 703
D123	T. A. Phelan	East of Traralgon Creek Road & west of Depot Road, part of CA's 76B, 76C & 76D, Parish of Traralgon & CA 4H & part CA 4D, Section A, Parish of Loy Yang.	4200 5767 6664 6664	841 290 728 729
D130	M. J. Tucker	East of Depot Road, part of CA 4B, Section A, Parish of Loy Yang.	2921 2921 2921 3190 3190 3319 3568 5874 5875 9080 9083 9083 9114 9114	102 103 104 928 929 733 508 705 900 556 916 917 235 236
D131	A. Tucker	East of Depot Road, Lot 11, LP 4372, Parish of Loy Yang.	3568	508

Electricity Industry (Residual Provisions) Act 1993

Sch. 3B

Act No. 130/1993

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
D142	T. Van Der Veen	South side of Retreat Road, Lots 11, 12 and Part Lot 10 LP1532, Parish of Loy Yang.	9047 9047 9080	624 625 962
D143	C. J. Fleming	Traralgon–Gormandale Road & Melrossa Road, (north-east corner), part of CA's 4C and 4E, Section A, Parish of Loy Yang.	4808 8357 8396 8480 8539	451 007 618 436 213
D154	E. E. Macreadie	Traralgon–Gormandale Road & Melrossa Road, (south-east corner), parts of CA's 8 & 8B, Section A, Parish of Loy Yang.	9132 9132	753 754
D155	A. A. Jones	West of Melrossa Road, part of CA 8, Section A, Parish of Loy Yang.	9203	921
D156	J. Derham	Minniedale Road South, CA 6H, Parish of Loy Yang.	6333	585
D157	E. E. Macreadie	Traralgon–Gormandale Road & Melrossa Road, (north-west corner), CA's 6 & 6A1, Section A, Parish of Loy Yang.	8388 8388	148 149
D158	A. & A. Sheridan	Melrossa Road, Part CA 6B, Section A, Parish of Loy Yang.	7097	202
D160	B. D. & C. L. Hinson	Traralgon–Gormandale Road & Melrossa Road, (south-west corner), part of CA 5, Section A, Parish of Loy Yang.	8130	409
D162	G.V. Crawford	Traralgon–Gormandale Road & Minniedale Road, (north-east corner), CA 6A, Section A, Parish of Loy Yang.	4719	732

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3B

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
D163	F. & S. M. Onley	Hyland Highway & Minniedale Road, (south-east corner), part of CA 5, Section A, Parish of Loy Yang.	9386	018
D164	M. L. & J. L. Woolcock	Melrossa Road & Minniedale Road, (north-east corner), part of CA 9B, Section A, Parish of Loy Yang.	8966	227
D168	R. S. & L. A. Berry (lessees) R. J. & S. C. Smith (sub-lessees)	Bounded by Minniedale Road, Melrossa Road, Grevilles Road & Laurina Road, CA 9B, Section A, Parish of Loy Yang.	9184 9184 9184 9184 9184	457 458 459 460 461 462
D170	A. & S. Bolton	East of Minniedale Road North, part of CA 14K, Parish of Loy Yang.	7491	104
D172	I. R. & M. J. Cumming	North of Shields Road, part of CA 14L, Parish of Loy Yang.	9310	254
D174	A., H. & A. Sheridan	Bounded by Minniedale North Road, Shields Road & Broomfields Road, CA's 13D, 13D1, 13J, 13J1, 13J2, 13J3, 13O, 14H, 14J, 14M, 15, 15A & 15A2, Parish of Loy Yang.	3314 6006 8223	715 142 317
D180	J. B. Derham	North of Traralgon–Gormandale Road, Part of CA 15B & CA 13S, Parish of Loy Yang.	8664	625
D181	G. J. & R. L. McAinch	Minniedale Road & Traralgon–Gormandale Road, (north-west corner), part of CA 15C, Parish of Loy Yang.	9153	414

Electricity Industry (Residual Provisions) Act 1993

Sch. 3B

Act No. 130/1993

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
D182	N. H. & G. H. Paulet	East of Minniedale Road & south of Traralgon–Gormandale Road, part of CA's 15D & 15P, Parish of Loy Yang.	8803	309
D183	J. B. Derham	Traralgon–Gormandale Road & Cummings Lane, (north-east corner), CA 15P1, Parish of Loy Yang.	3977 3977 3989	273 274 704
D184	B. E. Farmer	Traralgon–Gormandale Road & Cummings Lane, (north-west corner), CA 15F, Parish of Loy Yang.	6620	959
D450	L. Bence	Traralgon Creek Road & Mattingley's Hill Road, (north-west corner), part of CA's 7B & 7A3, Section A, Parish of Loy Yang.	5552 8967	381 787
D451	R. J. Van Rossum	West of Traralgon Creek Road, part of CA's 7B, 7D, 7F & 7G, Section A, Parish of Loy Yang.	2442 4722 8254 8967	231 270 566 787
D452	G. A. Gair (lessee) R. J. Van Rossum (sub-lessee)	East of Traralgon Creek & west of Traralgon Creek Road, part of CA 7F, 7F2 & 7G, Section A, Parish of Loy Yang.	4722 8254 8254	270 566 568
D470	Shire of LaTrobe	East of Traralgon Creek Road, part of CA 7K1, Section A, Parish of Loy Yang.	8532	768
D471	APM Forests Pty. Ltd. A.C.N. 004 285 705	South of Loy Yang Overburden Dump, part of CA's 8C & 17B, Parish of Loy Yang.	9956	667
D472	Shire of LaTrobe	Traralgon Creek Road, part of CA 7K1, Section A, Parish of Loy Yang.	8532 9034	768 388

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3B

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
D474	R. W. Herbert	East of Traralgon Creek Road, part of CA's 6K, 6K1, 6K2 & 7K1, Section A, Parish of Loy Yang.	3067 9034 9089 9428	204 388 232 090
D480	B. F. S. Hughes	North of Callignee South Road, part of CA's 6N, 6P, 6L, 6L1, 6L2, 6L3, LP 69787 & LP 83054, Section A, Parish of Loy Yang.	4315 8578 8749 8749 10092	899 024 596 597 270
D498	J. Davis	North of Chester Park Road, part of CA 17A, Section A, Parish of Loy Yang.	8936	695
Part of D498A	M. J. O'Doherty	North of Chester Park Road, part of CA 17A & 8D, Section A, Parish of Loy Yang.	8936	695
D502	Dry Coal Pty Ltd A.C.N. 052 013 555 & Valley Char Pty Ltd A.C.N. 051 766 164	Bartons Lane, Parish of Loy Yang.	10214	069
D515	APM Forests Pty. Ltd. A.C.N. 004 285 705	Whitelaws Track, Lot 2, LP 113445, Parish of Loy Yang.	9861	130
D520	APM Forests Pty. Ltd. A.C.N. 004 285 705	Off Reids Road, part of CA 16D, Parish of Loy Yang.	8076 8076	143 144
D530	M. A. & A. L. Cumming	Minniedale Road, CA's 15R1, 15Q & part of CA's 15E, 15R & 15R2, Parish of Loy Yang.	6620	959
D532	G. N. & H. E. Armstrong	West of Phillips Lane, CA 15K & part of 15K1, Parish of Loy Yang.	6620	959

Electricity Industry (Residual Provisions) Act 1993

Sch. 3B

Act No. 130/1993

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
D550	E. J. Stockdale	West of Scales Road, Lot 1, LP 119772, Parish of Loy Yang.	9187	988
D558	M. G. Armstrong	Bounded by Traralgon–Gormandale Road, Phillips Lane & Scales Road, Lots 2–8, LP 119772, Parish of Loy Yang.	9187 9187 9187 9187 9187 9187	989 990 991 992 993 994 995
F6661	NS Komatsu Pty. Ltd. A.C.N. 053 514 739	Bartons Lane, Part CA 6P, Parish of Loy Yang.	10092	271

PART 3

Encumbrances

In this Part—

"LYBPS" means Loy Yang B Power Station Pty Ltd A.C.N. 052 530 551

"MEA" means Mission Energy Australia Limited A.C.N. 055 563 785

<i>Volume</i>	<i>Folio</i>	<i>Caveat—Instrument No.</i>	<i>Caveator</i>	<i>Agreement</i>
9538	204	S298939J	LYBPS	A miscellaneous services agreement between LYBPS, SEC and MEA to grant an easement and give a restrictive covenant in favour of LYBPS and MEA, as described in the Caveat.
9538	204	S304710T	MEA	An agreement between LYBPS, SEC and MEA to grant an easement, in favour of MEA, its successors and assigns, as described in the Caveat.

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3B

<i>Volume</i>	<i>Folio</i>	<i>Caveat— Instrument No.</i>	<i>Caveator</i>	<i>Agreement</i>
9548	748	S298939J	LYBPS	A miscellaneous services agreement between LYBPS, SEC and MEA to grant an easement and give a restrictive covenant in favour of LYBPS and MEA, as described in the Caveat.
9548	748	S304710T	MEA	An agreement between LYBPS, SEC and MEA to grant an easement in favour of the MEA, its successors and assigns, as described in the Caveat.
9548	749	S298939J	LYBPS	A miscellaneous services agreement between LYBPS, SEC and MEA to grant an easement and give a restrictive covenant in favour of LYBPS and MEA, as described in the Caveat.
9548	749	S304710T	MEA	An agreement between LYBPS, SEC and MEA to grant an easement in favour of the MEA, its successors and assigns, as described in the Caveat.
10092	270	S304711Q	MEA	An agreement between LYBPS, SEC and MEA to grant an easement in respect of a right of carriageway in favour of MEA, its successors and assigns, as described in the Caveat.
10092	270	S755607B	LYBPS	A miscellaneous services agreement between LYBPS, SEC, and MEA to grant an easement and give a restrictive covenant in favour of LYBPS and MEA, as described in the Caveat.
10092	271	S304711Q	MEA	An agreement between MEA, LYBPS and SEC to grant an easement in respect of a right of carriageway in favour of MEA, its successors and assigns, as described in the Caveat.

<i>Volume</i>	<i>Folio</i>	<i>Caveat— Instrument No.</i>	<i>Caveator</i>	<i>Agreement</i>
10092	271	S755607B	LYBPS	A miscellaneous services agreement between LYBPS, SEC and MEA to grant an easement and give a restrictive covenant in favour of the LYBPS and MEA, as described in the Caveat.
10092	272	S304711Q	MEA	An agreement between LYBPS, SEC and MEA to grant an easement in respect of a right of carriageway in favour of MEA, its successors and assigns, as described in the Caveat.
10092	272	S755607B	LYBPS	A miscellaneous services agreement between LYBPS, SEC and MEA to grant an easement and give a restrictive covenant in favour of LYBPS and MEA, as described in the Caveat.
10214	069	S298939J	LYBPS	A miscellaneous services agreement between LYBPS, SEC and MEA to grant an easement and give a restrictive covenant in favour of LYBPS and MEA, as described in the Caveat.
10214	069	S298940J	LYBPS	A miscellaneous services agreement, between LYBPS, SEC and MEA to grant an easement and give a restrictive covenant in favour of LYBPS and MEA, as described in the Caveat.
10214	069	S304710T	MEA	An agreement between LYBPS, SEC and MEA to grant an easement in favour of the MEA, its successors and assigns, as described in the Caveat.
10214	069	S304711Q	MEA	An agreement between LYBPS, SEC and MEA to grant an easement in respect of a right of carriageway in favour of the caveator, its successors and assigns, as described in the Caveat.

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3B

<i>Volume</i>	<i>Folio</i>	<i>Caveat— Instrument No.</i>	<i>Caveator</i>	<i>Agreement</i>
10214	069	S304712M	MEA	An agreement between LYBPS, SEC and MEA to grant easements in favour of MEA its successors and assigns, as described in the Caveat.
10214	069	S755607B	LYBPS	A miscellaneous services agreement between LYBPS, SEC and MEA to grant an easement and give a restrictive covenant in favour of LYBPS and MEA, as described in the Caveat.

PART 4

Land in respect of which reservation is revoked

<i>Situation and area of land</i>	<i>Instrument and date of reservation</i>	<i>Description of land by reference to Government Gazette</i>	<i>Description of Crown Grant issued</i>	<i>Purpose of Reservation</i>	<i>Extent of revocation</i>
Parish of Loy Yang, County of Buln Buln, 1214 square metres being Crown Allotment 6J1 Section A	Order in Council dated 19 August 1895	Government Gazette dated 23 August 1895, page 3058	Volume 3421 Folio 119	Site for Mechanics Institute and Free Library	The entire reserve

SCHEDULE 3C**HAZELWOOD LAND****PART 1****Land to be surrendered to the Crown****Table A****Folios of the Register**

Volume	Folio	Volume	Folio
1448	440	8812	118
1470	890	8821	151
1554	701	8838	614
1657	253	8976	392
1707	218	9125	592
1811	185	9125	740
2089	659	9128	891
2230	864	9150	652
2571	042	9150	653
2575	852	9150	654
4589	615	9150	655
4589	616	9150	656
6197	249	9150	657
6493	568	9150	658
6582	286	9157	341
7437	364	9195	224
7603	183	9195	225
7603	184	9205	424
7603	185	9205	425
7603	186	9217	014
7716	078	9344	123
8184	935	9435	706
8208	402	9435	707
8217	219	9435	708
8221	207	9435	709
8242	655	9435	710
8263	536	9435	711
8274	748	9460	754
8274	867	9657	128
8679	364	9657	129
8769	328	9657	130

Sch. 3C
inserted by
No. 79/1995
s. 21,
amended by
Nos 35/1997
s. 17, 10/1998
s. 10(1)(c).

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3C

Volume	Folio	Volume	Folio
9657	131	9821	475
9673	072	9861	133
9821	473	9861	134
9821	474	10135	584

Table B

Former Certificates of Title

Volume	Folio	Volume	Folio
1060	842	7342	299
2469	656	7342	300
2651	012	7790	157
2915	917	7831	186
2944	777	7973	089
3997	377	7986	117
4029	674	8053	479
4284	798	8083	706
4288	523	8104	521
4297	327	8169	193
4585	951	8201	269
4670	859	8216	797
5721	098	8234	759
5759	747	8243	733
5944	750	8243	734
6049	640	8263	093
6224	664	8263	156
6290	974	8334	025
6365	991	8434	017
6588	578	8453	800
6806	157	8461	264
7262	399	8478	942

PART 2

Leases

The leased lands set out in this Part are shown generally delineated and shown cross-hatched pink or hatched pink or hatched purple and designated by SEC lease number on plan number LEGL./95-86 lodged in the Central Plan Office of the Department of Treasury and Finance. If there is an inconsistency between the leased land described in a lease set out in this Part and that leased land as shown on the plan, the lease prevails.

Electricity Industry (Residual Provisions) Act 1993

Sch. 3C

Act No. 130/1993

TABLE A

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
C082	A. & M. Rosato	Blacks Track & South Service Road (south-east corner), part of CA's 27B & 48B, Section A, Parish of Narracan.	8242 8761	127 167
C090	L. Villella	Marretts Road & South Service Road, (south-west corner), part of CA's 27B & 48B, Section A, Parish of Narracan.	8242 8761	127 167
C098	H. K. & V. M. Turner	Buckley's Track & Jensens Lane, (north-west corner), part of CA's 27B & 48B, Parish of Narracan.	8242 8761	127 167
C164	M. & J. Rosato	Buckley's Track & Marretts Road, (north-east corner), CA 26A & part of CA 27A, Parish of Narracan.	9205 9205	424 425
C166	B. E. Cathie	Bounded by Morwell River, Princes Freeway, Marretts Road & Thorpdale Road, part of CA's 5, 5A, 5B, 27A, 28, 29 & 29B, Parish of Narracan & part of CA's 50 & 50A, Parish of Maryvale.	5692 6101 6578 8184 8208 8812 8838 9150 9150 9150 9157 9205 9217	322 127 426 935 402 118 614 653 654 658 341 425 014
C190	Latrobe Regional Water Authority	West of Morwell–Thorpdale Road & east of Morwell River Diversion Channel, part of CA 28, Parish of Narracan.	6101 8812	127 118

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3C

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
C194	Latrobe Regional Water Authority	Bounded by Morwell–Thorpdale Road & Princes Freeway, part of CA's 51 & 49A, Parish of Maryvale.	6493	568
			7603	183
			7603	184
			7603	185
			7603	186
C490	N. K. Wettenhall	North of Deans Track, CA 22A, Section A, Parish of Narracan.	6197	249
C491	R. G. Whykes	Deans Track & Marretts Lane, (south-east corner), part of CA's 5A, 5B, 5F & CA's 5C, 5D & 5E, Section A, Parish of Narracan.	9150	653
			9150	654
			9150	655
			9150	656
			9150	657
C493	J. D. Mountney	Bounded by Golden Gully Road, Driffield Road & Deans Track, CA 21, Section A, Parish of Narracan.	9460	754
C494	H. T. & P. R. Goldsmith	East of Driffield Road, CA 7A & part of CA's 7, 21 & 21A, Section A, Parish of Narracan.	5692	322
			8976	392
			9435	706
			9435	707
			9435	711
C504	B. I. McIntosh	East of Morwell–Thorpdale Road & west of Morwell River, part of CA's 5 & 28, Lot 1 & part of Lot 2, LP 125212, Parish of Narracan.	7437	364
			8208	402
			9657	128
			9657	129
			9657	131
C506	L. F. & J. M. Woodhead	Bounded by Brodribb Road, Morwell–Thorpdale Road & Varys Road, Part of CA's 4 & 19A, Section A, Parish of Narracan.	8184	935
			8263	536
			9657	130
C507	L. F. Woodhead	West of Open Cut Perimeter Road & east of C504 & C506, part of CA 5, Section A, Parish of Narracan.	7437	364
			8208	402
			8263	536
			9657	129
			9657	130

Electricity Industry (Residual Provisions) Act 1993

Sch. 3C

Act No. 130/1993

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
C508	B. E. Cathie	North of Brodribb Road, part of CA's D, G5, 41 & 42, Parish of Hazelwood & part of CA 19A, Parish of Narracan.	1707 4589 4589 6582 7973 8263	218 615 616 286 089 536
C530	L. F. Woodhead	East of Applegates Road, part of CA's G8 & G6, Parish of Hazelwood.	1470 8334	890 025
C532	T. Birkbeck	East of Applegates Road, part of CA's F6 & G5, Parish of Hazelwood.	7973	089
C536	C. C. McKay	North of Brodribb Road, part of CA's F6, G5 & G8, Parish of Hazelwood.	6806 7973	157 089
C542	J. J. & F. M. Lawless	Bounded by Applegates Road, Brodribb Road & Yinnar Road, part of CA's G5 & G5 ¹ , Parish of Hazelwood.	7973	089
C550	R. Didio	North of Brodribb Road, part of CA's G5 & G7, Parish of Hazelwood.	7973	089
C552	R. Didio	North of Brodribb Road, part of CA G8, Parish of Hazelwood.	6806	157
C570	A. Cook	North of Brodribb Road, part of CA 8A, Section A, Parish of Hazelwood.	8104	521
C572	LaTrobe Regional Commission (lessee) and Harrow Woods Pty. Ltd. A.C.N. 006 695 745 (sub-lessee)	Bounded by Hazelwood Pondage, Nadenbouschs Road & Black Bobs Lane, part of CA 37, Parish of Hazelwood.	8201	269

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3C

SEC Lease Number	Lessee	Location	Affected Titles	
			Volume	Folio
C579	R. Weir	Morwell Open Cut, Eastern Overburden Dump, part of CA 1C, Section A, Parish of Hazelwood.	2651 6290 8104 10135	012 974 521 584
C590	LaTrobe Regional Commission (lessee) and Hydropro Pty. Ltd. A.C.N. 060 447 074 (sub-lessee)	West of Nadenbouschs Road, part of CA 37, Parish of Hazelwood.	8201	269
C612	W. L. Reid & M. J. Dare	West of Monash Way & north of Brodribb Road, part of CA 1A, Section A, Parish of Hazelwood.	2651 2915 8083 8104 8242 8821 10135	012 917 706 521 655 151 584
C840	Shire of LaTrobe	East of Yinnar Road, part of CA 1, Parish of Hazelwood.	6224	664
C859	D. S. Cook	North of Switchback Road, part of CA's 1, F2, F3 & F4, Parish of Hazelwood.	5759 6224 7986	747 664 117
C860	Shire of LaTrobe	(Jeeralang Pony Club) North of Switchback Road, part of CA F10, Parish of Hazelwood.	6049	640
C884	LaTrobe Regional Commission	Bounded by Hazelwood Cooling Pond, Nadenbouschs Road and Black Bobs Lane, Lot 4 L.P. 120260, Parish of Hazelwood.	6049 8434 9861	640 017 134
C885	LaTrobe Regional Commission	Bounded by Hazelwood Cooling Pond, Nadenbouschs Road & Black Bobs Lane, Lots 1, 2 & part of Lot 3, LP 120260, Parish of Hazelwood.	6049 8201 8434 9195 9195 9861	640 269 017 224 225 133

Electricity Industry (Residual Provisions) Act 1993

Sch. 3C

Act No. 130/1993

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
C886	Liberty Images Pty. Ltd. A.C.N. 064 257 183	West of Nadenbouschs Road, part of CA F1, Parish of Hazelwood.	9861	133
F3468	Central Gippsland Region Water Authority	Part of CA 1C, Section A, Parish of Hazelwood.	7973 8053 8274	089 479 867
F3913	Central Gippsland Region Water Authority	Part of CA's 1B, 18 & 19, Parish of Hazelwood.	2651 2915 8083 8104 8242 8821	012 917 706 521 655 151
F6688	Australian Government Publishing Service	Wing 3 Lower, Morwell Administration Centre, Morwell.	8274	867
HFC01	Yallourn Energy Ltd. A.C.N. 065 325 224	Wing 2 Upper, Wing 4 Upper, Wing 5 & part of Registry area in Wing 6, Morwell Administration Centre, Morwell.	8274	867
HFC02	SEC	Wing 1 Lower & Archival storage within Wing 6 Basement, Morwell Administration Centre, Morwell.	8274	867
C140	W. S. & M. A. Wilkinson & C. T. Gray	Bounded by Laws Track, Vary Road & Buckleys Track, part of CA 46A, Section A, Parish of Narracan.	8242 8761	126 167
C142	F. Disisto	South of Buckleys Track, part of CA 46A, Section A, Parish of Narracan.	8761	167
C144	B. A. Lawless	Bounded by Laws Track, Buckleys Track & Blacks Track, part of CA 46A, Section A, Parish of Narracan.	8761	167

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3C

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
C148	APM Forests Pty. Ltd. A.C.N. 004 285 705	East of Vary Road, Part of CA 46A, Section A, Parish of Narracan.	8242 8761	126 167
C150	APM Forests Pty. Ltd. A.C.N. 004 285 705	Vary Road & Deans Track (south-west corner), part of CA 46A, Section A, Parish of Narracan.	8761	167
C154	N. A. & A. M. Morgan	South of Laws Track, part of CA 46A, Section A, Parish of Narracan.	8761	167
C156	APM Forests Pty. Ltd. A.C.N. 004 285 705	North of Deans Track, part of CA 46A, Section A, Parish of Narracan.	8761	167
C158	Golden Gully Farms (J. Jeffrey)	Bounded by Deans Track, Blacks Track & Laws Track, part of CA 46A, Section A, Parish of Narracan.	8761	167
C160	A. & M. Rosato	Blacks Track & Buckleys Track, (north-west corner), part of CA 26A, Section A, Parish of Narracan.	8761	167
C184	Shire of LaTrobe	Part of CA 48A, Parish of Maryvale.	9344	123
C191	D. W. Robinson	North of Princes Freeway, part of CA's 49A & 11F, Parish of Maryvale.	7716 8221 8274	078 207 748
C195	C. G. Horsley	North of Princes Freeway, part of CA 11F, Parish of Maryvale.	8274	748
C197	Shire of LaTrobe	Bounded by Morwell–Yallourn Railway, Driffield Road & Avondale Road, part of CA 49A, Parish of Maryvale.	7716	078
C302	Y. Sturk	Monash Way, south of Gippsland Railway, part of CA 8B, Parish of Maryvale.	8242	655

Electricity Industry (Residual Provisions) Act 1993

Sch. 3C

Act No. 130/1993

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
C303	D. V. & P. J. Evenden	Bounded by Gippsland Railway, Tramway Road & Monash Way, part of CA 8B, Parish of Maryvale.	8242	655
C304	Y. Sturk	Monash Way, south of Gippsland Railway, part of CA 8B, Parish of Maryvale.	8242	655
C305	Shire of LaTrobe	Bounded by Commercial Road, Princes Freeway & Monash Way, part of CA 8A, Parish of Maryvale.	8242	655
C569	LaTrobe Regional Water Authority	South of Brodribb Road, part of CA G7, Parish of Hazelwood.	8104	521
C577	A. J. McFarlane	Bounded by Brodribb Road, Monash Way & Nadenbouschs Road, CA 23A, Section A, Parish of Hazelwood.	8104 8821 9500	521 151 574
C580	APM Forests Pty. Ltd. A.C.N. 004 285 705	East of Monash Way, CA 9J & part of CA's 9 & 9H, Section A, Parish of Hazelwood.	8821 8769	151 328
C581	B. Slade	East of Monash Way, Lot 2, LP72440, Parish of Hazelwood.	8679	364
C584	APM Forests Pty. Ltd. A.C.N. 004 285 705	East of Monash Way, part of CA's 9H, 16, 18A & 19, Section A, Parish of Hazelwood.	2651 7790 7831 8083 8821	012 157 186 706 151
C602	J. A. & R. J. Thomas	Bounded by Commercial Road & Monash Way, part of CA 8A, Parish of Maryvale.	10135	584
C606	K. W. Buckley	Firmins Lane & Tramway Road, (north-east corner), part of CA 8B, Parish of Maryvale.	8242	655

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Sch. 3C

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
C610	Latrobe Regional Commission	Porters Road & Monash Way, (north-west corner), part of CA 1B, Section A, Parish of Hazelwood.	8242	655
C612	W. L. Reid & M. J. Dare	North of Monash Way & west of Porters Road, part of CA 1A, Section A, Parish of Hazelwood.	2651 2915 8083 8104 8242 8821 10135	012 917 706 521 655 151 584
C614	D. V. & P. J. Evenden	East of Monash Way, part of CA 46A, Section A, Parish of Hazelwood.	8242	655
C615	Pinegro Products Pty. Ltd. A.C.N. 005 531 546	West of Monash Way, part of CA 1A & 1B, Parish of Hazelwood.	8242 10135	655 584
F1996	Gas & Fuel Corporation of Victoria	Part of CA 18A, Section A, Parish of Hazelwood.	2651 7831 8242	012 186 655
F3913	Central Gippsland Region Water Authority	Part of CA 19, Parish of Hazelwood.	8242	655
F6658	Deanmac Emergency Services Pty Ltd A.C.N. 006 953 126	Part of CA 11H, Parish of Maryvale.	8217	219
F6662	Brambles Australia Ltd. A.C.N. 000 164 938	Part of CA 11H, Parish of Maryvale.	8217 8274	219 867
F6665	Siemens Ltd. A.C.N. 004 347 880	Julia Street, part of CA 11H, Parish of Maryvale.	8217 8274	219 867

*Electricity Industry (Residual Provisions) Act 1993**Act No. 130/1993*

<i>SEC Lease Number</i>	<i>Lessee</i>	<i>Location</i>	<i>Affected Titles</i>	
			<i>Volume</i>	<i>Folio</i>
F6668	WBM Pty Ltd A.C.N. 010 830 421	East–West Access Road, west of Lower Ridge Road, part of CA 55C, Parish of Maryvale.	8274	867
F6682	Terich Industries Pty Ltd A.C.N. 007 366 887	Julia Street, part of CA 11H, Parish of Maryvale.	8217	219
F6684	Victorian Power Exchange	Lower Ridge Road, Morwell.	8274	867
F6685	Lease Plan Australia Ltd A.C.N. 006 923 011	Part of CA 11H, Parish of Maryvale.	8217	219

PART 3

Roads Corporation land to be surrendered

Folio of the Register

Volume	Folio	Volume	Folio
5692	322	9699	375
9699	372	9699	376
9699	373	9699	378
9699	374	9699	379

PART 4

Land in respect of which reservation is revoked

<i>Situation and area of land</i>	<i>Instrument and date of reservation</i>	<i>Description of land by reference to Government Gazette</i>	<i>Purpose of Reservation</i>	<i>Extent of revocation</i>
Bed and 20.12 metres from each bank of the Morwell River less excision authorised by Act No. 56/1995	Order in Council dated 23 May 1881	Government Gazette dated 27 May 1881, page 1389	Site for public purposes	That part of the reserve delineated and coloured light green on a plan lodged in the Central Plan Office of the Department of Treasury and Finance and numbered LEGL./95-84

PART 5

Land in respect of which reservations are revoked

<i>Item</i>	<i>Situation and area of land</i>	<i>Instrument and date of reservation</i>	<i>Description of land by reference to Government Gazette</i>	<i>Purpose of reservation</i>	<i>Extent of revocation</i>
1.	Bed and 30-18 metres from each bank of the Goulburn River less excisions authorised by Act No. 5909 and Act No. 9922.	Order in Council dated 23 May 1881	Government Gazette dated 27 May 1881, page 1389.	Site for public purposes.	That part of the reserve delineated and coloured light green on the plan lodged in the Central Plan Office of the Office of Surveyor General and numbered LEGL./97-26
2.	Bed and 30-18 metres from each bank of the Mitta Mitta River less excisions authorised by Act No. 6413 and Act No. 37/1989.	Order in Council dated 23 May 1881	Government Gazette dated 27 May 1881, page 1389.	Site for public purposes.	That part of the reserve delineated and coloured light green on the plan lodged in the Central Plan Office of the Office of Surveyor General and numbered LEGL./97-26

Sch. 4
amended by
No. 53/1994
s. 23(3)(a)-(f),
repealed by
No. 56/1995
s. 34,
new Sch. 4
inserted by
No. 36/1999
s. 14(2),
substituted by
No. 69/2000
s. 20.

SCHEDULE 4

SAVINGS AND TRANSITIONAL PROVISIONS

1. *Definitions*

In this Schedule—

"old Act" means the **Electricity Industry Act 1993**.

2. *General transitional provisions*

- (1) This Schedule does not affect or take away from the **Interpretation of Legislation Act 1984**.
- (2) Without limiting sub-clause (1), in declaring that certain provisions of the **Electricity Industry Act 2000** are to be treated as re-enacting with modifications certain provisions of the old Act, this Schedule must not be taken to—
 - (a) limit the operation of any provision of the **Interpretation of Legislation Act 1984** relating to the re-enactment; or
 - (b) be an exhaustive list of the provisions of the old Act re-enacted by the **Electricity Industry Act 2000**.
- (3) This Schedule applies despite anything to the contrary in any other provision of this Act or the **Electricity Industry Act 2000**.

3. *Re-enacted provisions*

A provision of the old Act specified in Column 1 of the Table is deemed to be re-enacted (with modifications) by the provision of the **Electricity Industry Act 2000** appearing opposite in Column 2 of the Table.

TABLE

<i>Old Provision</i>	<i>New Provision</i>
section 27(2) to (4)	section 117
section 42A	section 86
section 42B	section 87
section 44	section 88
section 44A	section 89

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

<i>Old Provision</i>	<i>New Provision</i>
section 45	section 90
section 45A	section 91
section 45B	section 92
section 46	section 94
section 47	section 93
Parts 3A and 3B	Part 6
section 155A	section 11
section 158	section 12
section 158AA	section 13
section 159	section 16
section 160	section 17
section 161	section 18
section 162	section 19
section 163(1), (2), (2A)	section 20
section 163(3)	section 21
section 163(4)	section 22
section 163(5)	section 24
section 163(6) and (7)	section 25
section 163(8), (9), (10), (11)	section 26
section 163AAA	section 27
section 164	section 29
section 164A	section 32
section 165	section 30
section 166	section 34
section 167	section 31
section 169A	section 35
section 169B	section 36
section 169C	section 37
section 169D	section 38

<i>Old Provision</i>	<i>New Provision</i>
section 170A	section 47
section 170B	section 48
section 170C	section 49
Part 13	Part 3
Schedule 2	Schedule

4. Superseded references to old Act

On the commencement of this clause, in any Act (other than this Act or the **Electricity Industry Act 2000**), or in any instrument made under any Act or in any other document of any kind a reference to the old Act—

- (a) to the extent that the reference relates to a provision of the old Act re-enacted in the **Electricity Industry Act 2000**, is deemed to be a reference to the **Electricity Industry Act 2000**; and
- (b) to the extent that the reference relates to any other provision of the old Act, is deemed to be a reference to the **Electricity Industry (Residual Provisions) Act 1993**.

5. Licences

A licence issued under Part 12 of the old Act as in effect immediately before the commencement of this clause is deemed to be a licence issued under Part 2 of the **Electricity Industry Act 2000**.

6. Tariff Order

- (1) Despite the repeal of section 158A of the old Act, the Order made under that section on 20 June 1995 and published in the Government Gazette on 30 June 1995 as in effect immediately before the commencement of this clause continues in effect and may be amended, varied or revoked in accordance with section 14 of the **Electricity Industry Act 2000**.
- (2) Despite the revocation of clause 4.4 of the Order referred to in sub-clause (1) by section 158A(4) of the **Electricity Industry Act 1993**, the revocation does not have effect for the purposes of the Order as a retailing change in taxes, a PowerNet change in taxes, a network change in taxes or a generator change in taxes within the meaning of the Order.

7. Orders under section 158AA

An Order under section 158AA of the old Act as in effect immediately before the commencement of this clause is deemed to be an Order made under section 13 of the **Electricity Industry Act 2000**.

8. Exemptions under section 160

An Order under section 160 of the old Act as in effect immediately before the commencement of this clause is deemed to be an Order made under section 17 of the **Electricity Industry Act 2000**.

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 28 October 1993

Legislative Council: 1 December 1993

The long title for the Bill for this Act was "A Bill relating to the restructuring of the electricity supply industry, to amend the **State Electricity Commission Act 1958**, to make consequential amendments to other Acts and for other purposes."

The **Electricity Industry Act 1993** was assented to on 14 December 1993 and came into operation as follows:

Part 1 (sections 1–6), sections 7–10, 13–16, 20–23, 30, Part 5 Division 1 (sections 62, 63), section 76, Part 6 (sections 80–84), section 86, Part 8 (sections 93–97), sections 110, 111, 119, 121 on 14 December 1993: section 2(1); sections 26, 85, 98, 99 on 14 December 1993: Special Gazette (No. 93) 14 December 1993 page 1; rest of Act on 3 January 1994: Special Gazette (No. 97) 23 December 1993 page 1.

The name of this Act was changed from the **Electricity Industry Act 1993** to the **Electricity Industry (Residual Provisions) Act 1993** by Act No. 69/2000 section 3.

2. Table of Amendments

This Version incorporates amendments made to the **Electricity Industry (Residual Provisions) Act 1993** by Acts and subordinate instruments.

Borrowing and Investment Powers (Further Amendment) Act 1994, No. 4/1994

Assent Date: 27.4.94
Commencement Date: 14.12.93: s. 2
Current State: All of Act in operation

Financial Management Act 1994, No. 18/1994

Assent Date: 10.5.94
Commencement Date: S. 66(Sch. 2 item 6) on 1.7.94: s. 2(2)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: S. 4(Sch. 2 item 26) on 1.1.95: Government Gazette 28.7.94 p. 2055
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Amendment) Act 1994, No. 53/1994 (as amended by No. 8/1996)

Assent Date: 15.6.94
Commencement Date: S. 23 on 14.12.93: s. 2(2); ss 4(2), 14(1), 21(1)(3), 22, 24 on 29.6.94: Special Gazette (No. 39) 29.6.94 p. 1—see **Interpretation of Legislation Act 1984**; s. 12 on 3.10.94: Special Gazette (No. 57) 23.8.94 p. 1; ss 4(1)(a)(b)(e)–(g)(3)–(5), 5–7, 10, 11, 13, 14(2), 15–20, 21(2), 25 on 3.10.94: Special Gazette (No. 64) 27.9.94 p. 1; ss 4(1)(c)(d), 8 on 1.7.97: Government Gazette 5.6.97 p. 1281; s. 9 repealed, uncommenced by No. 8/1996
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Further Amendment) Act 1994, No. 110/1994 (as amended by Nos 56/1995, 10/1998)

Assent Date: 20.12.94
Commencement Date: Ss 6, 7, 8(a)(b), 9–33 on 20.12.94: Special Gazette (No. 100) 20.12.94 p. 1; s. 8(c) never proclaimed, repealed by No. 56/1995; s. 5(1) on 1.7.99: Government Gazette 1.7.99 p. 1521
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Residual Provisions) Act 1993

Act No. 130/1993

Endnotes

Equal Opportunity Act 1995, No. 42/1995 (as amended by No. 79/1995)

Assent Date: 14.6.95
Commencement Date: S. 224 on 5.10.95: Government Gazette 28.9.95 p. 2731; Sch. 2 items 13.1–13.3 on 1.1.96: Government Gazette 21.12.95 p. 3571
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Amendment) Act 1995, No. 56/1995 (as amended by No. 79/1995)

Assent Date: 20.6.95
Commencement Date: S. 67(2) on 20.12.94: s. 2(2); ss 4(1)(3), 5–8, 11, 13–36, 44(3) on 20.6.95; s. 12 on 1.7.95: Special Gazette (No. 52) 20.6.95 p. 1; ss 9, 10, 46(2) on 8.8.95: Special Gazette (No. 78) 8.8.95 p. 1; ss 37, 38 on 28.11.95: Special Gazette (No. 116) 28.11.95 p. 1; s. 4(2) on 20.6.96: s. 2(5); s. 39 on 1.1.01: s. 2(3)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Further Amendment) Act 1995, No. 79/1995

Assent Date: 28.11.95
Commencement Date: Ss 4–6, 8, 10, 13–17 on 28.11.95: Special Gazette (No. 116) 28.11.95 p. 1; ss 7, 9, 11, 12 on 28.11.95: s 2(1); Pt 3 (ss 18–21) on 14.12.95: Government Gazette 14.12.95 p. 3488—see **Interpretation of Legislation Act 1984**
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Superannuation Acts (Amendment) Act 1996, No. 4/1996

Assent Date: 18.6.96
Commencement Date: S. 134(2) on 30.6.96: s. 2(12)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Amendment) Act 1996, No. 8/1996 (as amended by No. 35/1997)

Assent Date: 25.6.96
Commencement Date: S. 20 on 20.12.94: s. 2(6); s. 4(1) on 20.6.95: s. 2(2); ss 4(2)–(5), 5, 7–13, 15, 16 on 25.6.96: s. 2(1); s. 6 on 25.6.99: Government Gazette 24.6.99 p. 1465; s. 14 on 1.1.01: s. 2(5)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

Electricity Industry (Further Amendment) Act 1996, No. 48/1996

Assent Date: 26.11.96
Commencement Date: 26.11.96: s. 2
Current State: All of Act in operation

Electricity Industry (Loy Yang B) Act 1997, No. 14/1997

Assent Date: 6.5.97
Commencement Date: S. 11 on 18.4.97: s. 2(2); Pt 1 (ss 1–3) on 6.5.97: s. 2(1); rest of Act on 8.5.97: Special Gazette (No. 50) 6.5.97 p. 1
Current State: All of Act in operation

Electricity Industry (Miscellaneous Amendment) Act 1997, No. 35/1997

(as amended by Nos 55/1997, 10/1998)

Assent Date: 3.6.97
Commencement Date: Pt 1 (ss 1–3) on 3.6.97: s. 2(1); rest of Act (*except* ss 10–12, 15, 20(1)(2), 21(3)(a)) on 3.6.97: Special Gazette (No. 58) 3.6.97 p. 1; ss 20(1)(2), 21(3)(a) on 27.11.97: Government Gazette 27.11.97 p. 3225; s. 10 never proclaimed, repealed by No. 55/1997; s. 11 on 13.12.98: Special Gazette (No. 148) 11.12.98 p. 1; ss 12, 15 on 25.6.99: Government Gazette 24.6.99 p. 1465
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Further Miscellaneous Amendment) Act 1997, No. 55/1997

Assent Date: 21.10.97
Commencement Date: Ss 3, 4(1)(3), 5, 7, 9–15 on 21.10.97: s. 2(1); ss 4(2), 6, 8(b)–(d) on 13.12.98: Special Gazette (No. 148) 11.12.98 p. 1
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Snowy Hydro Corporatisation Act 1997, No. 105/1997

Assent Date: 16.12.97
Commencement Date: S. 26(2) on 9.8.95: s. 2(2); s. 26(1) on 28.6.02: Special Gazette (No. 110) 25.6.02 p. 1
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Amendment) Act 1998, No. 10/1998

Assent Date: 28.4.98
Commencement Date: S. 10(2) on 24.12.94: s. 2(2); s. 6 on 28.4.98: s. 2(1); ss 4, 7, 8, 10(1) on 1.6.98: s. 2(3); s. 5 on 1.7.98: Special Gazette (No. 65) 30.6.98 p. 3
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

Endnotes

Electricity Safety Act 1998, No. 25/1998

Assent Date: 12.5.98
Commencement Date: Ss 164, 165(1)–(4)(6) on 1.7.98: Special Gazette (No. 65) 30.6.98 p. 2; s. 165(5) on 31.12.99: s. 2(3)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Transfer of Land (Single Register) Act 1998, No. 85/1998

Assent Date: 17.11.98
Commencement Date: S. 24(Sch. item 20) on 1.1.99: s. 2(3)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry Acts (Amendment) Act 1998, No. 89/1998

Assent Date: 24.11.98
Commencement Date: Ss 3, 4 on 24.11.98: s. 2(1)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry Acts (Further Amendment) Act 1999, No. 36/1999

Assent Date: 8.6.99
Commencement Date: Ss 3–7, 9–15 on 8.6.99: s. 2(1); ss 16, 18, 19 on 25.6.99: Government Gazette 24.6.99 p. 1465; s. 8 on 31.12.99: Government Gazette 16.12.99 p. 2639
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry Acts (Amendment) Act 2000, No. 38/2000

Assent Date: 6.6.00
Commencement Date: Ss 5–7, 13, 14 on 29.6.00; ss 3, 4, 9, 10 on 1.9.00: Government Gazette 29.6.00 p. 1455; ss 8, 12 on 31.12.00: s. 2(3)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Electricity Industry (Residual Provisions) Act 1993
Act No. 130/1993

Electricity Industry Legislation (Miscellaneous Amendments) Act 2000, No. 69/2000

Assent Date: 21.11.00
Commencement Date: S. 17 on 22.3.94: s. 2(3); s. 16 on 14.12.95: s. 2(2); s. 13 on 21.11.00: s. 2(1); ss 3–12, 14, 15, 18–20 on 1.1.01: s. 2(4)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 35) on 15.7.01: s. 2
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Essential Services Commission Act 2001, No. 62/2001

Assent Date: 23.10.01
Commencement Date: S. 74 on 1.1.02: s. 2
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

Statute Law (Further Revision) Act 2002, No. 11/2002

Assent Date: 23.4.02
Commencement Date: S. 3(Sch. 1 item 20) on 24.4.02: s. 2(1)
Current State: This information relates only to the provision/s amending the **Electricity Industry (Residual Provisions) Act 1993**

3. Explanatory Details

¹ S. 4(2): See regulation 4 of the Corporations (Ancillary Provisions) Regulations 2001, S.R. No. 63/2001.

² S. 7 (*repealed*): Section 5(2) of the **Electricity Industry (Further Amendment) Act 1994**, No. 110/1994 reads as follows:

5. Abolition of Generation Victoria

- (2) On the commencement of sub-section (1)—
- (a) Generation Victoria is abolished;
 - (b) all directors of Generation Victoria go out of office;
 - (c) the chief executive officer of Generation Victoria goes out of office.

³ S. 13 (*repealed*): Section 5(3) of the **Electricity Industry (Amendment) Act 1998**, No. 10/1998 reads as follows:

5. Power Net Victoria dissolved

- (3) On the commencement of sub-section (1)—
- (a) Power Net Victoria is abolished;
 - (b) all directors of Power Net Victoria go out of office;
 - (c) the chief executive officer of Power Net Victoria goes out of office.

⁴ Pt 2 Div. 3 (*repealed*): Section 8(2) of the **Electricity Industry (Amendment) Act 1994**, No. 53/1994 reads as follows:

8. Abolition of Electricity Services Victoria

- (2) On the commencement of sub-section (1)—
- (a) Electricity Services Victoria is abolished;
 - (b) all directors of Electricity Services Victoria go out of office;
 - (c) the chief executive officer of Electricity Services Victoria goes out of office.