

Version No. 096
State Electricity Commission Act 1958
No. 6377 of 1958

Version incorporating amendments as at 1 September 2010

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Version No. 096
State Electricity Commission Act 1958
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An Act to consolidate and amend the Law relating to the State Electricity Commission of Victoria and the Powers and Duties thereof.

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

1 Short title and commencement

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

S. 1
amended by
Nos 8807
s. 3(1), 10001
s. 5, 10145
s. 10(a),
41/1987
s. 103(Sch. 4
item 61.1).

2 Repeals

- (1) The Acts mentioned in the First Schedule to the extent thereby expressed to be repealed are hereby repealed accordingly.
- (2) Except as in this Act expressly or by necessary implication provided—
 - (a) all persons things and circumstances appointed or created by or under any of the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the same

s. 2

status operation and effect as they respectively would have had if such Acts had not been so repealed;

See No. 6163
s. 3(2).

- (b) in particular and without affecting the generality of the foregoing paragraph, such repeal shall not disturb the continuity of status operation or effect of any proclamation regulation rule by-law validation order contract agreement guarantee stock debenture application determination decision consent nomination recommendation petition direction licence registration permit certificate exemption approval disapproval objection appointment election delegation classification condition notice fee liability remedy or right made effected issued granted given presented passed fixed accrued incurred or acquired or existing or continuing by or under any of such Acts before the commencement of this Act; nor shall such repeal limit or affect the operation or effect of any provision in any of the repealed Acts relating to consumers' deposits, or prohibiting the granting of an Order under the **Electric Light and Power Act 1928** to supply electricity within a specified area, or providing for the transfer of any contract to the Commission, or empowering the Commission to continue manufactures or to enter and lay or place electric lines without compensation, or relating to the issue of debentures in substitution for stock issued before the commencement of the **State Electricity Commission (Borrowing) Act 1957**.

3 Definitions

No. 3776 s. 3.

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

Administrator means the Administrator appointed under Part 4 of the **Electricity Industry (Residual Provisions) Act 1993** and includes the Deputy Administrator so appointed when acting as the Administrator;

S. 3(1) def. of *Administrator* inserted by No. 130/1993 s. 99(a), amended by Nos 79/1995 s. 23(1), 69/2000 s. 39(a).

* * * * *

S. 3(1) def. of *Chairman* repealed by No. 130/1993 s. 99(a).

Commission means the State Electricity Commission of Victoria;

* * * * *

S. 3(1) def. of *Commissioner* substituted by No. 9853 s. 2, repealed by No. 130/1993 s. 99(a).

* * * * *

S. 3(1) def. of *chief electrical inspector* inserted by No. 130/1993 s. 99(a), amended by Nos 48/1996 s. 21(a), 69/2000 s. 39(b), repealed by No. 39/2005 s. 58.

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s. 3

S. 3(1) def. of *council* inserted by No. 12/1989 s. 4(1)(Sch. 2 item 112.1).

council has the same meaning as in the **Local Government Act 1989**;

S. 3(1) def. of *distribution company* inserted by No. 53/1994 s. 26(1)(a), amended by No. 69/2000 s. 39(c).

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

S. 3(1) def. of *electricity corporation* inserted by No. 130/1993 s. 99(b), amended by No. 53/1994 s. 26(1)(b)(i)(ii), substituted by No. 110/1994 s. 39(1), amended by No. 35/1997 s. 26(1), substituted by No. 69/2000 s. 39(d).

electricity corporation means VENCORP, a generation company, a transmission company or a distribution company within the meaning of the **Electricity Industry Act 2000**;

S. 3(1) def. of *Electricity Fund* inserted by No. 31/1995 s. 45.

Electricity Fund means the Fund established under section 83;

S. 3(1) def. of *gas company* inserted by No. 31/1995 s. 45, substituted by No. 91/1997 s. 50, repealed by No. 32/2001 s. 39.

* * * * *

Gas Fund means the Fund established under section 84;

S. 3(1) def. of *Gas Fund* inserted by No. 31/1995 s. 45.

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. 39(1), amended by No. 69/2000 s. 39(e).

government department includes the Public Transport Corporation the Rural Water Corporation the Closer Settlement Board the Roads Corporation and the Director-General of Conservation, Forests and Lands;

S. 3(1) def. of *government department* amended by Nos 7228 s. 7(Sch. 4 Pt 39(a)), 8353 s. 19, 9921 s. 255, 10081 s. 5(1), 41/1987 s. 103(Sch. 4 item 61.2), 44/1989 s. 41(Sch. 2 item 39.1(a)(b)), 50/1992 s. 10(Sch. item 10.1).

land includes land and any easement right or privilege in over or affecting any land;

order means order within the meaning of the **Electric Light and Power Act 1958** or any corresponding previous enactment;

Part means Part of this Act;

Ports Fund means the Fund established under section 84A;

S. 3(1) def. of *Ports Fund* inserted by No. 63/1997 s. 11.

prescribed means prescribed by this Act or any regulations or rules made under this Act;

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S. 3(1) def. of
*public
generation
company*
inserted by
No. 35/1997
s. 26(2),
amended by
No. 69/2000
s. 39(f).

public generation company has the same meaning
as in the **Electricity Industry (Residual
Provisions) Act 1993**;

S. 3(1) def. of
*public
transmission
company*
inserted by
No. 35/1997
s. 26(2),
amended by
No. 69/2000
s. 39(g).

public transmission company has the same
meaning as in the **Electricity Industry
(Residual Provisions) Act 1993**;

regulations means regulations made under this
Act;

rules means rules made under this Act;

S. 3(1) def. of
*Rural Water
Commission*
inserted by
No. 10081
s. 5(1),
repealed by
No. 81/1989
s. 3(Sch.
item 49.1) (as
amended by
No. 25/1991
s. 5(2)(b)).

* * * * *

S. 3(1) def. of
secretary
repealed by
No. 130/1993
s. 99(c).

* * * * *

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

S. 3(1) def. of *transmission company* inserted by No. 35/1997 s. 26(2), amended by No. 69/2000 s. 39(h).

undertaking of the Commission or an electricity corporation means (with respect to an electrical undertaking) an undertaking approved by the Governor in Council for the erection construction and provision of works appliances and conveniences for the generation of electricity (whether by the use of coal water-power or otherwise, but not by the use of a nuclear power reactor) and for the reception storage distribution transmission use supply and sale of such electricity; and includes all buildings works mines open-cuts quarries water land machinery plant towers electric lines cables and appliances used for or in connexion with the undertaking;

S. 3(1) def. of *undertaking* amended by Nos 9923 s. 12(a), 53/1994 s. 26(1)(c).

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

- (2) The works and undertakings of the Commission shall be deemed to include any works and undertakings from time to time constructed erected provided or maintained managed operated or carried on by the Commission or vested in the Commission, and, without affecting the generality of the foregoing, shall be deemed to include any

s. 3A

works or undertakings declared to be vested or merged in or to form part of the works and undertakings of the Commission by any Act repealed by this Act.

S. 3(3)
repealed by
No. 25/1998
s. 163(1)(a).

* * * * *

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

S. 3A
inserted by
No. 130/1993
s. 100.

3A Delegation by Minister

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

**PART I—THE STATE ELECTRICITY COMMISSION OF
VICTORIA**

Division 1—Constitution of the Commission

Nos 3776
ss 4–9, 4220
s. 15(1), 5368
s. 2, 5933
s. 2(5).
Pt 1 Div. 1
(Heading and
ss 4–9)
amended by
Nos 6624
s. 11, 7054
s. 9(a)(b), 7303
s. 2(a)(b)(i)(ii),
7356
s. 9(1)(a)(b),
7581
s. 12(a)(b),
7954
s. 10(a)(b),
8082
s. 3(7)(a)(b),
9427
s. 3(Sch. 2
item 14),
substituted as
Pt 1 Div. 1
(Heading and
ss 4–9E) by
No. 9853 s. 3.

4 Commission

S. 4
substituted by
No. 9853 s. 3.

- (1) There is hereby established a body corporate to be known as the State Electricity Commission of Victoria.
- (2) The Commission shall—
- (a) have perpetual succession and a common seal; and
 - (b) be capable in law of—
 - (i) suing and being sued in that name;

S. 4(1)
amended by
No. 10145
s. 11(1).

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- (ii) for the purposes of this Act, purchasing, taking, holding, selling, leasing, taking on lease, exchanging or disposing of real or personal property; and
- (iii) of doing or suffering all other acts or things which a body corporate may by law do or suffer.

S. 4(3)
substituted by
No. 130/1993
s. 101(1).

(3) The Commission consists of the Administrator.

S. 4(4)
repealed by
No. 130/1993
s. 101(1).

* * * * *

S. 4(5)
inserted by
No. 10145
s. 11(2).

(5) The State Electricity Commission of Victoria shall be deemed to be the same body as the State Electricity Commission established and constituted under this Act as amended by the **State Electricity Commission (Amendment) Act 1982** and no act, matter or thing shall be in any way abated or affected by reason of the alteration in the name thereof.

S. 4(6)
inserted by
No. 10145
s. 11(2).

(6) Any reference in any Act or in any proclamation, Order in Council, rule, regulation, order, agreement, instrument, deed, contract, tender or other document whatsoever to the State Electricity Commission or the State Electricity Commission of Victoria shall be construed as a reference to the State Electricity Commission of Victoria established and constituted under this Act.

Ss 5–9
substituted by
No. 9853 s. 3,
repealed by
No. 130/1993
s. 101(2)(a).

* * * * *

* * * * *

S. 9A
inserted by
No. 9853 s. 3,
substituted by
No. 10145
s. 12,
repealed by
No. 130/1993
s. 101(2)(a).

* * * * *

S. 9B
inserted by
No. 9853 s. 3,
amended by
No. 50/1988
s. 93(2)(Sch. 2
Pt 2 item 51),
repealed by
No. 130/1993
s. 101(2)(a).

9C Functions of the Chief Executive Officer

The Administrator shall have control of the day to day administration of the affairs of the Commission.

S. 9C
inserted by
No. 9853 s. 3,
amended by
Nos 130/1993
s. 101(2)(b),
56/1995
s. 53(1)(a).

* * * * *

S. 9CA
inserted by
No. 10145
s. 13,
amended by
No. 33/1986
s. 5(a)(b),
repealed by
No. 130/1993
s. 101(2)(c).

9D Reports to Minister

The Minister may, in writing, require the Administrator to give the Minister such information as the Minister considers necessary.

S. 9D
inserted by
No. 9853 s. 3,
repealed by
No. 130/1993
s. 101(2)(c),
new s. 9D
inserted by
No. 53/1994
s. 27.

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s. 10

S. 9E
inserted by
No. 9853 s. 3,
repealed by
No. 130/1993
s. 101(2)(c).

* * * * *

Division 2—Officers and employés of the Commission

No. 3776 s. 30.

10 Appointment or employment of officers etc. by the Commission

S. 10(1)
amended by
No. 130/1993
s. 101(2)(d).

- (1) Save as otherwise provided in this Act the Commission may appoint or employ such other officers or persons as are necessary for the purposes of this Act and may remove any such officer or person.
- (2) The services of any officer or employé in the public service or otherwise in the service of the Crown or of the Government of Victoria may in part be used by the Commission, with the approval of the Minister concerned and subject to such arrangements as he thinks fit for paying the salary or wages of such officer or employé.

S. 11
amended by
No. 7303
s. 2(c)(i)–(iii),
repealed by
No. 33/1986
s. 6.

* * * * *

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

* * * * *

S. 12 substituted by No. 9853 s. 4, repealed by No. 130/1993 s. 101(2)(e).

12A General functions and powers

S. 12A inserted by No. 9853 s. 4, amended by Nos 9923 s. 12(b)(i)(ii), 33/1986 s. 7(a), 35/1992 s. 39, 130/1993 s. 101(2)(f)–(h), 53/1994 ss 26(2), 28(1)(a), 110/1994 s. 39(2)(a), substituted by No. 31/1995 s. 46.

(1) The general functions of the Commission are—

(a) to carry out the functions conferred on it by the **Loy Yang B Act 1992**;

S. 12A(1)(b) amended by No. 69/2000 s. 40(a).

(b) to carry out the functions conferred on it by an agreement, contract or document referred to in Schedule 3 of the **Electricity Industry (Residual Provisions) Act 1993**;

S. 12A(1)(c) amended by No. 69/2000 s. 40(b).

(c) to administer and deal with excluded property within the meaning of the **Electricity Industry (Residual Provisions) Act 1993** and property and rights vested in, or liabilities acquired by, the Commission under that Act;

(d) to acquire, dispose of or trade in electricity;

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s. 12A

S. 12A(1)(e)
amended by
No. 63/1997
s. 12.

(e) with the approval of the Treasurer, to acquire or dispose of real or personal property, other than property forming part of the gas property referred to in section 85(2) or the port property referred to in section 85(3), whether or not for purposes connected with other functions referred to in this subsection;

S. 12A(1)(ea)
inserted by
No. 79/1995
s. 23(2),
amended by
No. 69/2000
s. 40(c).

(ea) to carry out directions given to the Administrator under section 53 of the **Electricity Industry (Residual Provisions) Act 1993**, whether or not for purposes connected with other functions under this section;

(f) to carry out such other functions as are conferred on the Commission by this or any other Act.

(2) The Commission may do all things necessary or convenient to be done for, or in connection with, the performance of its functions under subsection (1).

(3) The Commission—

(a) may promote, form or participate in partnerships, trusts, unincorporated joint ventures and other arrangements for the carrying out of its functions and powers under this section; and

(b) may facilitate and assist any person, joint venture, partnership, trust or body to perform any act that is consistent with, or conducive to, the fulfilment of the Commission's functions under subsection (1).

12B Functions and powers in relation to gas

- (1) The functions of the Commission in relation to gas are—
- (a) to carry out the functions conferred on it by the **Gas and Fuel Corporation (Repeal) Act 1995**;
 - (b) to administer and deal with property and rights vested in, or liabilities acquired by, the Commission under the **Gas and Fuel Corporation (Repeal) Act 1995**;
 - (c) to acquire and dispose of real or personal property relating to its functions under this section;
 - (d) to carry out such other functions in relation to gas as are conferred on the Commission by this or any other Act;
 - (e) to carry out such functions as the Minister directs in relation to the restructure or reform of the gas industry.
- (2) The Commission may do all things necessary or convenient to be done for, or in connection with, the performance of its functions under subsection (1).
- (3) The Commission—
- (a) may promote, form or participate in partnerships, trusts, unincorporated joint ventures and other arrangements for the carrying out of its functions and powers under this section; and
 - (b) may facilitate and assist any person, joint venture, partnership, trust or body to perform any act that is consistent with, or conducive to, the fulfilment of the Commission's functions under subsection (1).

S. 12B inserted by No. 35/1992 s. 40, substituted by No. 31/1995 s. 46.

S. 12B(1)(e) inserted by No. 36/1997 s. 18.

s. 12C

S. 12C
inserted by
No. 63/1997
s. 13.

S. 12C(1)(a)
amended by
No. 45/2010
s. 55.

S. 12C(1)(b)
amended by
No. 45/2010
s. 55.

12C Functions and powers in relation to ports

- (1) The functions of the Commission in relation to ports are—
 - (a) to carry out the functions conferred on it by the **Port Management Act 1995**;
 - (b) to administer and deal with property and rights vested in, or liabilities acquired by, the Commission under the **Port Management Act 1995**;
 - (c) to acquire and dispose of real or personal property relating to its functions under this section;
 - (d) to carry out such other functions in relation to ports as are conferred on the Commission by this or any other Act.
- (2) The Commission may do all things necessary or convenient to be done for, or in connection with, the performance of its functions under subsection (1).
- (3) The Commission—
 - (a) may promote, form or participate in partnerships, trusts, unincorporated joint ventures and other arrangements for the carrying out of its functions and powers under this section; and
 - (b) may facilitate and assist any person, joint venture, partnership, trust or body to perform any act that is consistent with, or conducive to, the fulfilment of the Commission's functions under subsection (1).

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s. 13

*	*	*	*	*	<p>S. 13 amended by No. 130/1993 s. 101(2)(i)(i) (ii), repealed by No. 25/1998 s. 163(1)(b).</p>
*	*	*	*	*	<p>S. 14 repealed by No. 130/1993 s. 101(2)(j).</p>
*	*	*	*	*	<p>S. 15 amended by Nos 6549 s. 2, 8182 s. 2, 8329 s. 2, 8894 s. 2, 9011 s. 2, 130/1993 s. 101(2)(k), 48/1996 s. 20, repealed by No. 89/1998 s. 31.</p>
*	*	*	*	*	<p>S. 15A inserted by No. 8328 s. 2, amended by Nos 130/1993 s. 101(2)(l)(i) (ii), 53/1994 s. 28(1)(b)(c), repealed by No. 89/1998 s. 31.</p>
*	*	*	*	*	<p>S. 16 amended by Nos 7207 s. 2(2), 9270 s. 2, 9921 s. 255, repealed by No. 89/1998 s. 31.</p>

s. 18

S. 17
amended by
Nos 8353
s. 19, 9427
s. 6(1)(Sch. 5
item 177),
9921 s. 255,
44/1989
s. 41(Sch. 2
item 39.2),
repealed by
No. 130/1993
s. 101(2)(m).

* * * * *

No. 5864 s. 2.

18 Transfer of railway sidings etc. at Newport "A"

S. 18(1)
amended by
Nos 8353
s. 19, 9921
s. 255, 44/1989
s. 41(Sch. 2
item 39.3).

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

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

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

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s. 18

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

S. 18(2)
amended by
Nos 8353
s. 19, 9921
s. 255, 44/1989
s. 41(Sch. 2
item 39.3).

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

S. 18(3)
amended by
Nos 8353
s. 19, 9921
s. 255, 44/1989
s. 41(Sch. 2
item 39.3).

s. 19

No. 6001 s. 4.

**19 Transfer by agreement of certain land plant etc.
from an Authority to S.E.C.**

S. 19(1)
amended by
Nos 10081
s. 5(1),
50/1992
s. 10(Sch.
item 10.2),
49/1994
s. 9(4)(a)(i)(ii).

(1) The Commission and any Authority within the meaning of the **Water Act 1989** may from time to time with the approval of the Governor in Council enter into an agreement in writing with respect to the transfer from the Authority to the Commission for such consideration (if any) as is expressed in the agreement of—

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

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

S. 19(2)
amended by
Nos 10081
s. 5(1),
50/1992
s. 10(Sch.
item 10.3),
49/1994
s. 9(4)(b).

(2) Where an agreement with respect to any such transfer has been entered into pursuant to the last preceding subsection, the Governor in Council may by Order published in the Government Gazette vest in the Commission any plant equipment buildings houses and land agreed to be transferred which shall upon the publication of the Order for all the purposes of this Act become the property of the Commission and cease to be the property or under the jurisdiction of the Authority,

and the amount of loan liability to which the Order relates shall upon the said publication for all purposes relating to the public accounts be transferred to and borne by the Commission and all necessary entries shall be made in the appropriate accounts kept by the Treasurer of Victoria, the Commission and the Authority.

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

S. 19(3)
amended by
Nos 10081
s. 5(1),
50/1992
s. 10(Sch.
item 10.4),
49/1994
s. 9(4)(b).

20 Powers of the Commission

- (1) The Commission may carry on the business of providing in any place technical and professional advice and services to any institution, person or body.
- (2) The Commission has power to do all things that are necessary or convenient to be done for or in connexion with, or as incidental to, the provision or promotion of insulation or the promotion of energy conservation activities and energy cogeneration.
- (3) Where by or under this or any other Act power is conferred on the Commission to carry on any business, engage in any activity or do any other act or thing in Victoria, the power so conferred extends to authorize the Commission to carry on that business, engage in that activity or do that other act or thing outside Victoria.

S. 20
repealed by
No. 9853 s. 5,
new s. 20
inserted by
No. 10145
s. 14,
amended by
No. 33/1986
s. 7(b).

s. 21

Nos 3776
s. 14, 6001
s. 2.

21 Powers of the Commission as to electrical undertakings

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

(2) The Commission may—

- (a) purchase electricity;

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

S. 21(2)(a)
substituted by
No. 35/1992
s. 41.

S. 21(2)(c)
repealed by
No. 53/1994
s. 28(1)(d).

* * * * *

State Electricity Commission Act 1958
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 Part II—Functions and Principal Undertakings of the Commission

s. 23

(3) The Commission may with the consent of the appropriate authority of any Territory or State of the Commonwealth transmit or supply electricity in that State and do all things necessary in that behalf.

S. 21(3)
 amended by
 No. 9853 s. 6.

* * * * *

S. 22
 amended by
 Nos 7686
 s. 2(a)(b),
 33/1986
 s. 7(c)(i)–(iii),
 130/1993
 s. 101(2)(n),
 repealed by
 No. 53/1994
 s. 28(1)(e).

23 Acquired lands to vest in Commission

Nos 3776
 s. 15, 6122
 s. 2.

* * * * *

S. 23(1)
 amended by
 S.R. No.
 189/1973
 reg. 3,
 substituted by
 No. 98/1986
 s. 4(1)(a),
 repealed by
 No. 130/1993
 s. 101(2)(o).

* * * * *

S. 23(2)
 amended by
 No. 8377
 s. 2(1),
 substituted by
 No. 9270 s. 3,
 repealed by
 No. 121/1986
 s. 112.

* * * * *

S. 23(2A)
 inserted by
 No. 9531 s. 2,
 repealed by
 No. 121/1986
 s. 112.

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s. 23

S. 23(3)
inserted by
No. 8377
s. 2(2),
amended by
Nos 8797 s. 3,
121/1986
s. 112,
repealed by
No. 130/1993
s. 101(2)(o).

* * * * *

S. 23(4)
inserted by
No. 8377
s. 2(2),
amended by
No. 121/1986
s. 112,
repealed by
No. 130/1993
s. 101(2)(o).

* * * * *

S. 23(4A)
inserted by
No. 98/1986
s. 4(1)(b).

(4A) On the commencement of section 4 of the **State Electricity Commission (Further Amendment) Act 1986** all lands which were acquired by the Commission under this section as in force before that commencement or under any corresponding previous enactment and which were unalienated lands of the Crown immediately before that commencement vest in the Commission.

S. 23(4B)
inserted by
No. 98/1986
s. 4(1)(b).

(4B) The lands referred to in subsection (4A) are vested in the Commission subject to any terms, covenants, conditions, reservations, restrictions and exceptions that the Governor in Council thinks fit.

S. 23(4C)
inserted by
No. 98/1986
s. 4(1)(b),
amended by
No. 18/1989
s. 13(Sch. 2
item 86(a)).

(4C) The Registrar of Titles must create a folio of the Register in which the Commission is recorded as the registered proprietor of any land on the production of proof by the Commission that that land vested in the Commission under subsection (4A).

24 Power to vest etc. Crown lands in Commission

(1) For any of the purposes of this Act the Governor in Council—

No. 3776
s. 16(2).
S. 24
substituted by
No. 8797 s. 4.

(a) may (notwithstanding anything in any Act) in the name and on behalf of Her Majesty grant to the Commission or an electricity corporation for an estate in fee simple or any lesser estate or permit the Commission or an electricity corporation to occupy and use but subject in every case to such terms covenants conditions reservations restrictions and exceptions (if any) as the Governor in Council thinks fit and subject to section 8 of the **Crown Land (Reserves) Act 1978**, any unalienated lands of the Crown; and

S. 24(1)(a)
amended by
Nos 9212
s. 2(2),
98/1986
s. 4(2)(a),
130/1993
s. 101(2)(p).

(b) may (notwithstanding anything in any Act) on the recommendation of the Minister for the time being administering the **Conservation, Forests and Lands Act 1987** by Order amend vary or cancel any term covenant condition reservation restriction exception or power to which a Crown grant issued to the Commission or an electricity corporation pursuant to this section or any corresponding previous enactment is subject or may amend, vary or cancel any term, covenant, condition, reservation, restriction, exception or power to which any land, in respect of which a folio of the Register is created, being a folio in which the Commission or an electricity corporation is recorded as registered proprietor, is subject or may insert therein other terms covenants conditions reservations restrictions exceptions or powers in addition to or in substitution for any such terms covenants

S. 24(1)(b)
amended by
Nos 98/1986
s. 4(2)(b),
41/1987
s. 103(Sch. 4
item 61.3),
18/1989
s. 13(Sch. 2
item
86(b)(i)(ii)),
130/1993
s. 101(2)(p).

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Part II—Functions and Principal Undertakings of the Commission

s. 25

conditions reservations restrictions
exceptions or powers as he thinks fit;

S. 24(2)
substituted by
No. 18/1989
s. 13(Sch. 2
item 86(c)).

- (2) The Registrar of Titles must make any recordings in the Register that are necessary by reason of the operation of this section.

No. 3776 s. 17.

25 Leases and licences under Land Act 1958

S. 25(1)
repealed by
No. 81/1989
s. 3(Sch.
item 49.2) (as
amended by
No. 25/1991
s. 5(2)(b)).

* * * * *

S. 25(2)
amended by
No. 130/1993
s. 101(2)(q).

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

S. 26
amended by
Nos 6505 s. 2,
7228
s. 7(Sch. 4
Pt 39(b)),
121/1986
s. 112,
130/1993
s. 101(2)(r),
repealed by
No. 53/1994
s. 28(1)(f).

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State Electricity Commission Act 1958
No. 6377 of 1958

s. 26A

* * * * *

S. 26A
inserted by
No. 130/1993
s. 102,
amended by
No. 56/1995
s. 53(1)(b),
repealed by
No. 89/1998
s. 31.

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**Pt 3 (Heading
and ss 27–40)**
amended by
Nos 6505 s. 2,
6886 s. 3, 8377
s. 3(1)(a)(b),
8390 s. 2, 9121
s. 2, 9296
s. 3(a)(b),
45/1988
s. 7(a)(b),
12/1989
s. 4(1)(Sch. 2
items 112.2–
112.5),
130/1993
s. 103(a)
(i)–(iv)(b)(i)(ii),
repealed by
No. 56/1995
s. 53(2).

* * * * *

**Pt 4
(Heading)**
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 112.6),
repealed by
No. 48/1996
s. 21(b).

* * * * *

Ss 41, 42
repealed by
No. 130/1993
s. 103(c).

State Electricity Commission Act 1958
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s. 43

<p>S. 43 amended by Nos 45/1988 s. 7(c), 12/1989 s. 4(1)(Sch. 2 items 112.7, 112.8), repealed by No. 130/1993 s. 103(c).</p>	*	*	*	*	*
<p>S. 44 amended by Nos 9923 s. 12(c), 130/1993 s. 103(d), repealed by No. 53/1994 s. 28(1)(g).</p>	*	*	*	*	*
<p>S. 45 amended by No. 6505 s. 2, S.R. No. 189/1973 reg. 4, Nos 12/1989 s. 4(1)(Sch. 2 items 112.9– 112.16), 3/1992 s. 7(a)(b), repealed by No. 130/1993 s. 103(e).</p>	*	*	*	*	*
<p>Pt 4A (Heading and ss 45A–45F) inserted by No. 45/1988 s. 4, amended by Nos 130/1993 s. 103(f)–(h), 53/1994 s. 28(1)(h)(i), 56/1995 s. 53(3)(a)(b), repealed by No. 25/1998 s. 163(1)(c).</p>	*	*	*	*	*

State Electricity Commission Act 1958
No. 6377 of 1958

s. 46

* * * * *

Pt 5
(Heading and
ss 46–57)
amended by
Nos 6983 s. 2,
7686
s. 3(a)–(d),
7741 s. 2, 8377
s. 4(1)(2), 8797
s. 5(a)(b), 9121
ss 3–8, 9296
s. 4, 9531 s. 3,
33/1986
ss 4(a)–(c),
8–11, 98/1986
s. 6(a)(b),
45/1988 ss 5,
6, 7(d),
45/1990 s. 117,
3/1992 ss 3–6,
130/1993
ss 103(i)–(q),
104–106,
53/1994
s. 28(1)(j)–(l),
48/1996
s. 21(c),
35/1997
s. 26(4)(5)(a)(i)
(ii), 46/1998
s. 7(Sch. 1),
repealed by
No. 25/1998
s. 163(1)(d).¹

* * * * *

Pt 5A
(Heading and
ss 57A–57I)
inserted by
No. 79/1995
s. 24,
amended by
Nos 48/1996
s. 21(d),
35/1997
s. 26(5)(b),
repealed by
No. 25/1998
s. 163(1)(e).

State Electricity Commission Act 1958
No. 6377 of 1958

s. 58

Pt 6
(Heading and
ss 58–78)
repealed.^{2,3}

* * * * *

Pt 6A
(Heading and
ss 66–79A)
inserted by
No. 10145 s. 4,
amended by
Nos 33/1986
ss 13, 14(1)(2),
15, 121/1986
s. 112, 12/1989
s. 4(1)(Sch. 2
items 112.21
(as
amended by
No. 13/1990
s. 38(2)(w)),
112.22 (as
amended by
No. 13/1990
s. 38(2)(x)),
112.23),
92/1990
s. 128(Sch. 1
item 27.1(a)–
(e)), 35/1992
s. 42(1)(2),
130/1993
s. 109(a)–(n),
16/1995 s. 4(f),
repealed by
No. 56/1995
s. 54(1).⁴

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PART VII—GENERAL FINANCIAL PROVISIONS

*	*	*	*	*	S. 79 repealed by No. 9853 s. 7.
79B Powers under Borrowing and Investment Powers Act 1987					S. 79B inserted by No. 13/1987 s. 25.
In addition to its powers under this Act, the Commission has the powers conferred on it by the Borrowing and Investment Powers Act 1987.					
*	*	*	*	*	S. 80 repealed by No. 31/1994 s. 3(Sch. 1 item 52).
*	*	*	*	*	S. 81 substituted by No. 9853 s. 8, amended by Nos 45/1988 s. 7(e)(i)(ii), 130/1993 s. 109(o)(p), repealed by No. 31/1994 s. 4(Sch. 2 item 79).
*	*	*	*	*	S. 82 substituted by No. 9853 s. 8, amended by Nos 33/1986 s. 16, 45/1988 s. 7(f), repealed by No. 130/1993 s. 109(q).

s. 82A

82A Payment to Consolidated Fund

S. 82A
inserted by
No. 7207
s. 2(1).

S. 82A(1)
amended by
No. 7315
s. 3(Sch. 1
Pt A), S.R. No.
189/1973
reg. 6, Nos
9809 s. 2(a),
9902
s. 2(1)(Sch.
item 223),
10021
s. 4(a)(i)(ii),
130/1993
s. 109(r),
110/1994
s. 39(2)(b),
31/1995
s. 47(a),
69/2000 s. 41.

S. 82A(1A)
inserted by
No. 9809
s. 2(b).

S. 82A(1B)
inserted by
No. 9809
s. 2(b).

S. 82A(1C)
inserted by
No. 10021
s. 4(b).

- (1) There shall be transferred from the Electricity Fund to the Consolidated Fund in each financial year by the Commission an amount equal to the prescribed amount in respect of each gigajoule unit of coal produced from its brown coal workings or from any State coal mine which is established by the Commission pursuant to the provisions of this Act and used or sold by the Commission in the last preceding financial year, other than coal in respect of which an amount is payable under section 12 of the **Electricity Industry (Residual Provisions) Act 1993**.
- (1A) For the purposes of subsection (1) a gigajoule unit of coal is a quantity of coal which when mined has a net wet specific energy content of 1 gigajoule.
- (1B) The net wet specific energy content of coal produced by the Commission from its brown coal workings or from any State coal mine which is established by the Commission pursuant to the provisions of this Act and used or sold by the Commission in a financial year shall be calculated in such manner and in accordance with such method of sampling as is agreed to by the Minister and the Commission or as is, in default of such agreement, determined by the Governor in Council.
- (1C) For the purposes of subsection (1) the prescribed amount shall be—
- (a) in relation to the financial year ending on 30 June 1984, \$0.024; and

(b) in relation to a subsequent financial year,
the amount derived by multiplying \$0.024 by
 $\frac{A}{B}$ where—

A is the consumer price index number in
respect of the relevant quarter; and

B is the consumer price index number in
respect of the quarter ending on 30 June
1983.

(1D) In subsection (1C)—

S. 82A(1D)
inserted by
No. 10021
s. 4(b).

(a) **consumer price index number** means the all
groups consumer price index number for
Melbourne published by the Commonwealth
Statistician in respect of the quarter ending
on 30 June in each year; and

(b) **relevant quarter** means the quarter ending
on 30 June immediately preceding the
financial year in relation to which the
prescribed amount is being calculated.

(2) The transfer of the amount to the Consolidated
Fund pursuant to subsection (1) of this section
shall be made at such times and in such manner as
is agreed to by the Treasurer of Victoria and the
Commission or as is, in default of such agreement,
determined by the Governor in Council.

S. 82A(2)
amended by
No. 9902
s. 2(1)(Sch.
item 223).

(2A) There shall be transferred from the Electricity
Fund to the Consolidated Fund by the
Commission all amounts received from the
disposal of real or personal property under section
12A(1)(e), less such amounts (if any) as the
Minister determines.

S. 82A(2A)
inserted by
No. 53/1994
s. 26(3),
amended by
No. 31/1995
s. 47(b)(c).

s. 83

S. 82A(3)
inserted by
No. 10021
s. 4(c),
amended by
No. 31/1995
s. 47(d).

- (3) Notwithstanding anything in this or any other Act, the financial statements of the Electricity Fund prepared by the Commission in respect of a financial year shall record in such manner as the Treasurer may direct the payment of an amount required to be transferred to the Consolidated Fund by the Commission in that financial year pursuant to this section.

No. 3776 s. 36.
S. 83
amended by
No. 9853
s. 9(a)(b),
repealed by
No. 130/1993
s. 109(s),
new s. 83
inserted by
No. 31/1995
s. 48.

83 Electricity Fund

- (1) The Commission must establish a fund to be called the "Electricity Fund".
- (2) There shall be paid into the Electricity Fund—
- (a) all money of the Commission held by or on behalf of the Commission immediately before the commencement of section 48 of the **Gas and Fuel Corporation (Repeal) Act 1995**;
 - (b) all money received by the Commission in respect of, or in connection with, the carrying out of its functions, other than its functions under section 12B;
 - (c) all income from the investment of money in the Fund and the proceeds of sale of any such investment;
 - (d) all financial accommodation obtained by the Commission in relation to its functions, other than its functions under section 12B;
 - (e) all other money that the Commission receives for payment into the Electricity Fund or in respect of the electricity property within the meaning of section 85(1).
- (3) There shall be paid out of the Electricity Fund—
- (a) all amounts payable by the Commission in respect of its functions, other than its functions under section 12B; and

(b) all costs and expenses incurred by the Commission in relation to its functions, other than its functions under section 12B—

and no other amounts, costs or expenses whatsoever.

* * * * *

S. 83A inserted by No. 9853 s. 10, repealed by No. 130/1993 s. 109(s).

84 Gas Fund

Nos 3776 s. 37, 4726 s. 2.

(1) The Commission must establish a fund to be called the "Gas Fund".

S. 84 repealed by No. 130/1993 s. 109(s), new s. 84 inserted by No. 31/1995 s. 48.

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

(a) all money received by the Commission in respect of, or in connection with, the carrying out of its functions under section 12B;

(b) all income from the investment of money in the Fund and the proceeds of sale of any such investment;

(c) all financial accommodation obtained by the Commission in relation to its functions under section 12B;

(d) all other money that the Commission receives for payment into the Gas Fund or in respect of the gas property within the meaning of section 85(2).

S. 84(2)(e) re-numbered as s. 84(2)(d) by No. 48/1996 s. 21(h).

(3) There shall be paid out of the Gas Fund—

(a) all amounts payable by the Commission in respect of its functions under section 12B; and

(b) all costs and expenses incurred by the Commission in relation to those functions—
and no other amounts, costs or expenses whatsoever.

S. 84A
inserted by
No. 63/1997
s. 14.

84A Ports Fund

- (1) The Commission must establish a fund to be called the "Ports Fund".
- (2) There shall be paid into the Ports Fund—
 - (a) all money received by the Commission in respect of, or in connection with, the carrying out of its functions under section 12C;
 - (b) all income from the investment of money in the Fund and the proceeds of sale of any such investment;
 - (c) all financial accommodation obtained by the Commission in relation to its functions under section 12C;
 - (d) all other money that the Commission receives for payment into the Ports Fund or in respect of the port property within the meaning of section 85(3).
- (3) There shall be paid out of the Ports Fund—
 - (a) all amounts payable by the Commission in respect of its functions under section 12C;
and
 - (b) all costs and expenses incurred by the Commission in relation to those functions;
and
 - (c) all amounts that are to be transferred under subsection (4).

- (4) There shall be transferred from the Ports Fund to the Consolidated Fund by the Commission such amounts, at such times and in such manner, as are determined by the Treasurer after consultation with the Commission.

85 Electricity property and gas property

No. 3776 s. 38.

S. 85
repealed by
No. 130/1993
s. 109(s),
new s. 85
inserted by
No. 31/1995
s. 48.

- (1) The assets and liabilities of the Electricity Fund and the property, rights and liabilities of the Commission relating to its functions, other than its functions under section 12B, are the electricity property of the Commission.
- (2) The assets and liabilities of the Gas Fund and the property, rights and liabilities of the Commission relating to its functions under section 12B are the gas property of the Commission.
- (3) The assets and liabilities of the Ports Fund and the property, rights and liabilities of the Commission relating to its functions under section 12C are the port property of the Commission.

S. 85(3)
inserted by
No. 63/1997
s. 15(1).

85A Separate accounts and statements of electricity and gas property

S. 85A
inserted by
No. 10145
s. 15,
repealed by
No. 130/1993
s. 109(s),
new s. 85A
inserted by
No. 31/1995
s. 48.

- (1) The Commission must ensure that the accounts and records of its transactions and affairs show separately—
- (a) the transactions and affairs relating to its electricity property within the meaning of section 85(1); and
- (b) the transactions and affairs relating to its gas property within the meaning of section 85(2); and
- (c) the transactions and affairs relating to its port property within the meaning of section 85(3).

S. 85A(1)(b)
amended by
No. 63/1997
s. 15(2).

S. 85A(1)(c)
inserted by
No. 63/1997
s. 15(2).

s. 85B

(2) The Commission must, in each annual report under the **Financial Management Act 1994** show separately—

S. 85A(2)(a)
amended by
No. 63/1997
s. 15(3)(a).

(a) its report of operations for the financial year relating to its functions, other than its functions under section 12B or 12C; and

S. 85A(2)(b)
amended by
No. 63/1997
s. 15(3)(b).

(b) its report of operations for the financial year relating to its functions under section 12B; and

S. 85A(2)(c)
inserted by
No. 63/1997
s. 15(3)(b).

(c) its report of operations for the financial year relating to its functions under section 12C.

(3) The Commission must, in its financial statements under the **Financial Management Act 1994**, show separately—

S. 85A(3)(b)
amended by
No. 63/1997
s. 15(4).

(a) the statements in respect of the electricity property within the meaning of section 85(1); and

(b) the statements in respect of the gas property within the meaning of section 85(2); and

S. 85A(3)(c)
inserted by
No. 63/1997
s. 15(4).

(c) the statements in respect of the port property within the meaning of section 85(3).

S. 85B
inserted by
No. 130/1993
s. 110.

85B Guarantees etc.

S. 85B(1)
amended by
Nos 31/1995
s. 49(1),
48/1996
s. 21(i).

(1) The Treasurer may, at the request of the Commission, on behalf of the Government of Victoria, by instrument on such terms and conditions as the Treasurer determines, guarantee, indemnify or otherwise support the performance, satisfaction or discharge of—

- (a) obligations or liabilities of the Commission in relation to its functions, other than its functions under section 12B or 12C; or
- (b) obligations or liabilities of the Commission in relation to its functions under section 12B; or
- (c) obligations or liabilities of the Commission in relation to its functions under section 12C.
- (2) Any sums required by the Treasurer in fulfilling any liability arising under a guarantee, indemnity or other support by or on behalf of the Government of Victoria provided by or given under this section shall be paid out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly.
- (3) Any sums received or recovered by the Treasurer from the Commission or otherwise in respect of sums paid by the Treasurer under a guarantee, indemnity or other support must be paid into the Consolidated Fund.

85C Electricity corporations liable to reimburse the State

If an amount is paid by the Treasurer under section 85B(1)(a), each electricity corporation, other than a distribution company, transmission company or generation company that is not a public distribution company, public transmission company or public generation company must pay to the Treasurer for payment into the Consolidated Fund such part of that amount as the Treasurer determines is payable by that corporation.

S. 85C inserted by No. 130/1993 s. 110, amended by Nos 31/1995 s. 49(2), 56/1995 s. 55, 35/1997 s. 26(3)(a)(b).

State Electricity Commission Act 1958
No. 6377 of 1958
Part VII—General Financial Provisions

s. 85D

S. 85CA
inserted by
No. 31/1995
s. 50,
repealed by
No. 91/1998
s. 37.

S. 85D
inserted by
No. 130/1993
s. 110.

S. 85D(1)
substituted by
No. 110/1994
s. 39(3),
amended by
Nos 31/1995
s. 51(a),
69/2000 s. 42.

* * * * *

85D Contracts in excess of \$50 000

- (1) The Commission must not, without the written approval of the Treasurer, enter into a contract in relation to any of its functions under this Act for the provision of financial accommodation (within the meaning of the **Electricity Industry (Residual Provisions) Act 1993**) or enter into a financial arrangement (within the meaning of that Act) under which its financial obligations exceed or may exceed \$50 000.
 - (2) The Treasurer may approve classes of contracts for the purposes of subsection (1).
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PART VIII—PROVISIONS RELATING TO LOAN MONEYS

Division 1—Preliminary

86 Definitions

Nos 4512 s. 7,
6163 s. 3(1)(a).

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

book or *books* includes any record of information however compiled, recorded or stored, whether in written or printed form or on microfilm or by electronic process or otherwise;

S. 86(1) def. of
book or
books
substituted by
No. 9853
s. 11(a).

inscribed includes recorded and *inscribe* and *inscription* have a corresponding interpretation;

S. 86(1) def. of
inscribed
inserted by
No. 9853
s. 11(b).

officer of the Commission means officer or servant appointed or employed by the Commission;

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

Treasurer means the Treasurer of Victoria.

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

State Electricity Commission Act 1958
No. 6377 of 1958
Part VIII—Provisions Relating to Loan Moneys

s. 88

S. 87
amended by
Nos 6724
s. 2(1), 7087
s. 2(a), 7421
s. 2, 7838 s. 2,
8308 s. 2, 8797
s. 6, 9121 s. 9,
9531 s. 4, 9809
s. 3(a)(b),
10213 s. 4,
repealed by
No. 13/1987
s. 23.

* * * * *

Pt 8 Div. 2
(Heading)
substituted by
No. 13/1987
s. 23.

Division 2—Borrowings

Nos 4512 s. 9,
6163 s. 2(b).

88 Power to borrow

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

S. 88
amended by
Nos 6724
s. 2(2), 7087
s. 2(b), 7421
s. 2, 7838 s. 2,
8303 s. 2, 8797
s. 7(1)(a)–(d),
9121 s. 10,
9531 s. 4, 9809
s. 4(1)(2),
10213 s. 4,
substituted by
No. 13/1987
s. 23.

S. 88(2)
repealed by
No. 78/1988
s. 9(2).

* * * * *

- (3) The Commission may, with the approval of the Treasurer, purchase securities issued by it and may re-sell any such securities.

s. 89

89 Debentures and stock

(1) All debentures and stock issued or created under this Part or the **Borrowing and Investment Powers Act 1987** shall, with interest, be charged and secured on the revenues of the Commission.

No. 4512 s. 10.
S. 89(1) amended by No. 9809 s. 5(a), substituted by No. 13/1987 s. 23.

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S. 89(2) amended by No. 9809 s. 5(b), repealed by No. 13/1987 s. 23.

(3) All debentures and stock issued or created under this Part before the commencement of section 23 of the **Borrowing and Investment Powers Act 1987**—

S. 89(3) amended by No. 13/1987 s. 23.

* * * * *

S. 89(3)(a) repealed by No. 13/1987 s. 23.

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

S. 89(3)(b) substituted by No. 9853 s. 12(a).

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

State Electricity Commission Act 1958
No. 6377 of 1958
Part VIII—Provisions Relating to Loan Moneys

s. 89

S. 89(4)
amended by
No. 13/1987
s. 23.

(4) Interest secured by any debentures or stock issued or created under this Part shall be payable—

S. 89(4)(a)
substituted by
No. 9531
s. 5.

(a) either—

(i) half-yearly on days fixed by the Commission; or

(ii) at such other intervals as the Commission with the consent of the Treasurer and the sanction of the Governor in Council determines, on days fixed by the Commission; and

S. 89(4)(b)
substituted by
No. 9853
s. 12(b).

(b) at such place or places in or outside the Commonwealth as the Commission agrees.

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

S. 89(6)(a)
amended by
No. 98/1986
s. 7(a).

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

S. 89(6)(b)
amended by
No. 9427
s. 2(Sch. 1
item 5).

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

Treasurer shall be paid into the Consolidated Fund.

90 Financial accommodation may be secured

The payment of amounts payable as a result of or in connection with financial accommodation obtained by the Commission (including the payment of expenses of enforcement) obtained in accordance with powers conferred on the Commission by the **Borrowing and Investment Powers Act 1987** (other than debentures or stock) may be secured in such manner as the Treasurer approves.

No. 4512 s. 11.
S. 90
amended by
No. 9809 s. 6,
substituted by
No. 13/1987
s. 23.

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S. 91
amended by
No. 9531 s. 6,
repealed by
No. 9746
s. 3(5).

92 Debentures or stock lawful

* * * * *

No. 4512 s. 13.
S. 92(1)
repealed by
No. 9204 s. 3.

(2) Debentures or stock issued by the Commission under this Act or securities issued or created under the **Borrowing and Investment Powers Act 1987** shall be a lawful investment for any moneys which any company or body corporate incorporated by any Act of the Parliament of Victoria is authorized or directed to invest in addition to any other investments expressly authorized for the investment of such moneys.

S. 92(2)
amended by
Nos 9204 s. 3,
13/1987 s. 23.

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

S. 92(3)
amended by
No. 9204
s. 3.

State Electricity Commission Act 1958
No. 6377 of 1958
Part VIII—Provisions Relating to Loan Moneys

s. 92

S. 92(4)
amended by
Nos 9902
s. 2(1)(Sch.
item 224),
13/1987 s. 23,
29/1988
s. 57(17),
repealed by
No. 94/1990
s. 40(13).

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S. 92(5)
amended by
No. 13/1987
s. 23.

- (5) No notice of any trust express implied or constructive shall be received by the Commission or by any officer of the same in relation to any debenture issued under this Act or security issued or created under the **Borrowing and Investment Powers Act 1987**, and the Commission or any such officer shall not be bound to see to the execution of any such trust to which any such debenture or security may be subject.
- (6) No notice of any trust express implied or constructive shall be received by the registrar or the Commission in relation to any stock or entered in any stock ledger or other book kept by the registrar, and the registrar and the Commission shall not be bound to see to the execution of any trust to which any part of the said stock may be subject.

S. 92(7)
amended by
No. 13/1987
s. 23.

- (7) A person advancing money to the Commission and receiving in consideration of such advance any debenture or stock issued under this Act or security issued or created under the **Borrowing and Investment Powers Act 1987** shall not be bound to inquire into the application of the money advanced or be in any way responsible for the non-application or misapplication thereof.

93 Appointment of receiver

(1) A person entitled to enforce any payment in respect of—

No. 4512 s. 14.
S. 93(1)
substituted by
No. 33/1986
s. 17.

(a) any securities issued under this Act or security issued or created under the **Borrowing and Investment Powers Act 1987** by the Commission; or

S. 93(1)(a)
amended by
No. 13/1987
s. 23.

(b) any advances or financial accommodation obtained by the Commission under section 95 or 95A before the commencement of section 23 of the **Borrowing and Investment Powers Act 1987**; or

S. 93(1)(b)
amended by
No. 13/1987
s. 23.

(c) any financial accommodation obtained under that Act—

S. 93(1)(c)
inserted by
No. 13/1987
s. 23.

may without prejudice to any other mode of recovery apply to the Supreme Court for the appointment of a receiver.

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

S. 93(2)
amended by
Nos 98/1986
s. 8(a),
110/1986
s. 140(2).

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

S. 93(3)
amended by
No. 110/1986
s. 140(2).

State Electricity Commission Act 1958
No. 6377 of 1958
Part VIII—Provisions Relating to Loan Moneys

s. 93

(4) Such receiver—

(a) shall be entitled to collect and receive—

S. 93(4)(a)(i)
amended by
No. 98/1986
s. 8(b).

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

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

S. 93(4)(b)
amended by
No. 110/1986
s. 140(2).

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

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

S. 93(5)
amended by
No. 110/1986
s. 140(2).

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

S. 93(6)
amended by
Nos 98/1986
s. 8(c),
13/1987 s. 23.

(6) Every receiver appointed under this Act shall hold all moneys received by him as such, after payment of costs and expenses of collection and of his remuneration or commission as remuneration, in trust for the purpose of paying to all persons entitled to enforce any payment in respect of securities issued under this Act by the Commission and all persons from whom financial accommodation has been obtained under the **Borrowing and Investment Powers Act 1987** by the Commission any moneys secured thereby and

owing to them according to their respective priorities and subject thereto for the Commission.

(7) Nothing in this section shall be construed—

(a) as rendering applicable to any purpose other than the repayment of securities issued under this Act or financial accommodation obtained under the **Borrowing and Investment Powers Act 1987** by the Commission any part of any sinking fund or any part of any other moneys or property of the Commission; or

S. 93(7)(a)
amended by
Nos 98/1986
s. 8(d)(i),
13/1987 s. 23.

(b) as lessening or prejudicing any other right or remedy of any person entitled to enforce payment in respect of any security issued under this Act or financial accommodation obtained under the **Borrowing and Investment Powers Act 1987** by the Commission.

S. 93(7)(b)
amended by
Nos 98/1986
s. 8(d)(ii),
13/1987 s. 23.

(7A) The fact that a person who is entitled to enforce a payment in respect of an advance or financial accommodation made under section 95 or 95A has applied to the Supreme Court under subsection (1) for the appointment of a receiver does not give that person a greater priority in respect of that payment than the person would otherwise have had.

S. 93(7A)
inserted by
No. 98/1986
s. 8(e).

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S. 93(8)
repealed by
No. 110/1986
s. 140(2).

94 Provisions of Schedule 5 incorporated

No. 4512 s. 15.

(1) The provisions of the Fifth Schedule to this Act shall be deemed and taken to be and shall have the same force and effect in relation to debentures or stock issued before the commencement of section 23 of the **Borrowing and Investment Powers Act 1987** as if contained in this Act.

S. 94(1)
amended by
No. 13/1987
s. 23.

State Electricity Commission Act 1958
No. 6377 of 1958
Part VIII—Provisions Relating to Loan Moneys

s. 95A

- (2) The provisions of Part I of the said Schedule shall apply with respect to debentures issued under this Act.
- (3) The provisions of Part II of the said Schedule shall apply with respect to stock issued in Melbourne under this Act.
- (4) The Commission may demand take and receive for or in respect of the several matters and things with respect to which fees are provided for under Part I or under Part II of the said Schedule the fees so provided or as to any other matters or things thereunder such reasonable fees as are specified in that behalf in the by-laws of the Commission.

S. 94(4)
amended by
No. 53/1994
s. 28(1)(u).

S. 95
amended by
Nos 8971
s. 2(a), 9809
s. 7,
repealed by
No. 13/1987
s. 23.

S. 95A
inserted by
No. 8971
s. 2(b).

95A Financial accommodation

* * * * *

S. 95A(1)
amended by
Nos 9809 s. 8,
9853 s. 13,
repealed by
No. 13/1987
s. 23.

* * * * *

S. 95A(2)
amended by
Nos 98/1986
s. 7(b),
13/1987 s. 23.

- (2) The due repayment or satisfaction of any advances or financial accommodation obtained under section 95 or 95A(1) before the commencement of section 23 of the **Borrowing and Investment Powers Act 1987** and the due payment of any interest or other charges or money payable in relation thereto is hereby guaranteed by the Government of Victoria.

96 Making false entry in books etc.

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

No. 4512 s. 17.

S. 96(1)
amended by
No. 9576
s. 11(1).

(a) makes any false entry in or alters any word or figure in any of the books kept by the Commission, in which books the accounts of the owners of any stock issued under this Act or the **Borrowing and Investment Powers Act 1987** are entered and kept;

S. 96(1)(a)
amended by
No. 13/1987
s. 23.

(b) in any manner falsifies any of the accounts of any of such owners in any of the said books; or

(c) makes any transfer of any share or interest of or in any such stock in the name of any person not being the true and lawful owner of such share or interest—

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

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

S. 96(2)
amended by
No. 9576
s. 11(1).

(3) Any person who forges or alters or offers utters or disposes of or puts off knowing the same to be forged or altered any debenture made out and issued or purporting to be made out and issued under this Act by the Commission shall be guilty of an indictable offence and shall be liable to

S. 96(3)
amended by
No. 9576
s. 11(1).

imprisonment for a term of not more than ten years.

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

No. 4512 s. 18.

97 Power of Commission to make by-laws

- (1) Subject to the approval of the Governor in Council the Commission may make by-laws for or with respect to all matters and things authorized or required to be prescribed or necessary or expedient to be prescribed for carrying out or giving effect to the provisions of this Division and the Fifth Schedule to this Act, and in particular without affecting the generality of the foregoing may make by-laws for or with respect to—
- (a) prescribing any forms for use under this Division and the said Schedule; and any forms so prescribed or forms to the like effect shall be sufficient in law; and
 - (b) prescribing any matters with respect to which fees are to be payable under this Division or the said Schedule and reasonable fees with respect thereto.
- (2) Without prejudice to any other method of revocation, any by-law made under this section may be revoked by the Governor in Council by Order published in the Government Gazette.

State Electricity Commission Act 1958
No. 6377 of 1958
Part VIII—Provisions Relating to Loan Moneys

s. 98

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**Pt 8 Div. 3
(Heading and
ss 98, 99)
amended by
Nos 6724
s. 2(3), 7087
s. 2(c), 7421
s. 2, 7838 s. 2,
8303 s. 2, 8797
s. 7(2), 9121
s. 11, 9531
s. 4, 9809 s. 9,
10213 s. 4,
45/1988
s. 7(g),
repealed by
No. 130/1993
s. 112(a).**

s. 101

PART IX—SUPPLEMENTARY

S. 100
 repealed by
 No. 7715
 s. 3(1).

* * * * *

S. 101
 repealed by
 No. 7715
 s. 3(1),
 new s. 101
 inserted by
 No. 130/1993
 s. 111,
 amended by
 No. 31/1995
 s. 51(b).

101 Commission to comply with directions to dispose of assets

(1) The Commission must, if the Minister and the Treasurer so direct, sell or otherwise dispose of specified assets forming part of the electricity property within the meaning of section 85(1) in accordance with the directions of the Minister and the Treasurer.

S. 101(2)
 amended by
 No. 69/2000
 s. 43.

(2) Subsection (1) does not apply to assets the disposal of which would cause SEC to be in breach of an agreement made before 14 December 1993.

S. 101A
 inserted by
 No. 130/1993
 s. 111,
 repealed by
 No. 25/1998
 s. 163(1)(g).

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No. 3776 s. 43.

102 General powers

S. 102(1)
 repealed by
 No. 35/1992
 s. 43.

* * * * *

S. 102(2)
 amended by
 Nos 9296
 s. 6(a),
 130/1993
 s. 112(b)(i).

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

State Electricity Commission Act 1958
 No. 6377 of 1958
 Part IX—Supplementary

s. 102

*	*	*	*	*	
					S. 102(2A) inserted by No. 9296 s. 6(b), repealed by No. 130/1993 s. 112(b)(ii).
*	*	*	*	*	S. 102(3) repealed by No. 130/1993 s. 112(b)(ii).
*	*	*	*	*	S. 102(3A) inserted by No. 7838 s. 3, repealed by No. 130/1993 s. 112(b)(ii).
*	*	*	*	*	S. 102(3B) inserted by No. 9853 s. 14, repealed by No. 130/1993 s. 112(b)(ii).

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

(5) The Commission is not liable in damages to any consumer or other person for any partial or total failure to supply electricity arising through any cause that is not due to the negligence of the Commission.

S. 102(5)
inserted by
No. 33/1986
s. 18.

No. 3776 s. 44.
S. 103
amended by
Nos 7228
s. 7(Sch. 4
Pt 39(c)), 7686
s. 4(a)(b),
121/1986
s. 112,
repealed by
No. 130/1993
s. 112(c),
new s. 103
inserted by
No. 56/1995
s. 56.

103 Power of Commission to acquire land for certain purposes

- (1) The Commission may acquire by agreement or compulsorily acquire any land that, in the opinion of the Commission and with the approval of the Governor in Council, is required for or in connection with its functions, other than its functions under section 12B.
- (2) The **Land Acquisition and Compensation Act 1986** applies to this Act and for that purpose—
 - (a) this Act is the Special Act; and
 - (b) the Commission is the Authority.

S. 103A
inserted by
No. 8377 s. 5.

103A Certain rights deemed to be easements appurtenant to all the lands of the Commission

- (1) Where immediately prior to the commencement of the **State Electricity Commission (Amendment) Act 1972** the Commission was entitled to any easement right or privilege in over or affecting any land the same shall be deemed to be and always to have been an easement vested in the Commission and appurtenant to the lands vested in the Commission for the time being and from time to time and to every part thereof.
- (2) Any easement appurtenant to Crown Allotment One section 9 City of Geelong Parish of Corio County of Grant (being the whole of the land described in folio of the Register volume 5904 folium 1180643) shall be and shall be deemed always to have been vested in the Commission and appurtenant to the lands vested in the Commission for the time being and from time to time and to every part thereof notwithstanding the transfer of that land by the Commission on the 7th July, 1971 to J. Watson & Co. Proprietary Limited.

S. 103A(2)
amended by
No. 18/1989
s. 13(Sch. 2
item 86(d)).

State Electricity Commission Act 1958
No. 6377 of 1958
Part IX—Supplementary

s. 103A

* * * * *

S. 103A(3)
amended by
No. 18/1989
s. 13(Sch. 2
item 86(e)),
repealed by
No. 69/2000
s. 44.

(4) Where after the commencement of the **State Electricity Commission (Amendment) Act 1972** the Commission acquires any 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 same shall be deemed to be and always to be an easement vested in the Commission and appurtenant to the lands vested in the Commission for the time being and from time to time and to every part thereof.

(4A) Where the Commission proposes to acquire a right or privilege in over or affecting any land which would, if acquired by the Commission, be deemed to be an easement by virtue of the provisions of subsection (4), the Commission may give notice in the appropriate form of its intention to acquire the right or privilege to the Registrar of Titles.

S. 103A(4A)
inserted by
No. 9531 s. 7.

(4B) The provisions of section 57 of the **Transfer of Land Act 1958** shall, with such modifications as are necessary, apply in relation to a notice of intention to acquire given under subsection (4A) as if—

S. 103A(4B)
inserted by
No. 9531 s. 7.

- (a) any reference in that section to an acquiring authority included the Commission;
- (b) any 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 subsection (4A) relates;

s. 103B

- (c) a reference in that section to a notice of intention to acquire included a notice of intention to acquire given under subsection (4A); and
 - (d) subsection (1) of that section did not form part thereof.
- (5) For the purposes of this section a licence granted to the Commission in respect of land described in section 71 of the **Railways Act 1958** is not an easement right or privilege in over or affecting such land.

S. 103A(6)
inserted by
No. 9296 s. 7,
substituted by
No. 9853 s. 15,
repealed by
No. 53/1988
s. 45(Sch. 2
item 75).

* * * * *

S. 103B
inserted by
No. 9853 s. 16,
substituted by
No. 53/1988
s. 45(Sch. 2
item 76) (as
amended by
No. 47/1989
s. 19(zj)),
amended by
No. 48/1991
s. 75(a)(b).

103B Making of easements in subdivisions

- (1) Where any proposal for subdivision or consolidation of land is referred to the Commission under the **Planning and Environment Act 1987** the Commission may require easements for the use of the Commission for any one or more of the purposes set out in the Seventh Schedule.
- (2) The creation of an easement for a purpose specified in Column 1 of the Seventh Schedule gives to the Commission the rights specified in relation to an easement created for that purpose in Column 2 of that Schedule.

S. 103B(2)
inserted by
No. 48/1991
s. 75(c).

* * * * *

S. 104
repealed by
No. 9853 s. 17.
No. 3776 s. 46.

**105 Easements taken by the Commission over lands held
by Crown licensees or lessees**

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

S. 105(1)
amended by
Nos 121/1986
s. 112, 76/1998
s. 28.

(2) Where any such easement is over land held or occupied under licence the description and notification shall be indorsed on the licence by the Department Head of the Department of Natural Resources and Environment; and such indorsement shall be registered in the Department of Natural Resources and Environment.

S. 105(2)
amended by
Nos 121/1986
s. 112, 46/1998
s. 7(Sch. 1),
76/1998 s. 28.

* * * * *

S. 105(3)
repealed by
No. 121/1986
s. 112.

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

s. 105A

105A Rateability of Commission land property

S. 105A
inserted by
No. 7741 s. 3.

S. 105A(1)
amended by
No. 12/1989
s. 4(1)(Sch. 2
items 112.26
(as amended
by No.
13/1990
s. 38(2)(x)),
112.27).

- (1) Land the property of Her Majesty and land vested in fee in the Commission which is unoccupied or used for the purposes of this Act shall not be and shall be deemed never to have been rateable land within the meaning of the **Local Government Act 1989**.

S. 105A(2)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 112.28),
repealed by
No. 130/1993
s. 112(d).

* * * * *

Nos 3776
s. 47, 5272
s. 14.

106 Powers as to works etc.

- (1) For the purposes of this Act the Commission by its officers and employes, subject to the provisions and restrictions in this Act contained, may—
- (a) enter upon any lands and sink bores and make surveys and take levels and set out such parts thereof as it thinks necessary and make or set up any posts stakes trenches or other marks and do any other acts or things whatsoever necessary for such bores or surveys;
- (b) with poles conduits towers motors electric lines or other conductors or devices receive store conduct convey transmit distribute supply or furnish electricity water brown coal or products of brown coal over through under along or across any lands street road bridge viaduct railway waters or waterway and through over or under the lands of any corporation or person, and enter upon any lands upon either side of such lines or

S. 106(1)(b)
amended by
No. 81/1989
s. 3(Sch. item
49.3) (as
amended by
No. 25/1991
s. 5(2)(b)).

conduits and fell or remove any tree or limb thereof or obstruction which in the opinion of the Commission it is necessary to fell or remove;

- (c) purchase lease erect or construct any works buildings plant or machinery and maintain and alter and (with the sanction of the Governor in Council) discontinue the same;

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S. 106(1)(d) substituted by No. 121/1986 s. 112, repealed by No. 130/1993 s. 112(e).

- (e) subject to the **Water Act 1989**, divert water from any waterway, lake, lagoon, swamp or marsh, or alter the bed, course or channel of any waterway;

S. 106(1)(e) substituted by No. 81/1989 s. 3(Sch. item 49.4) (as amended by No. 25/1991 s. 5(2)(b)).

- (f) enter upon any public or private lands streets or roads and construct any works and lay or erect or place on under over along or across the same any poles pipes towers conduits electric lines railways tramways sidings platforms briquette stores reservoirs loading and stacking equipment conveyors haulages and appliances and repair alter cut off or remove any such works poles pipes towers conduits lines railways tramways sidings platforms briquette stores reservoirs loading and stacking equipment conveyors haulages or appliances or any other works under its control or in any way connected with such works; and

s. 107

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

S. 106(2)
amended by
No. 121/1986
s. 112.

- (2) In the exercise of the foregoing powers the Commission shall do as little damage as may be and shall if required within two years from the exercise of such powers make full compensation to the owner of and all parties interested in any such lands for any damage sustained by them in consequence of the exercise of such powers, and such compensation shall be either a gross sum or a yearly rent as may be agreed, and in default of agreement the same shall be determined in manner provided in the **Land Acquisition and Compensation Act 1986**.

No. 3776 s. 48.
S. 107
amended by
Nos 130/1993
s. 112(f),
53/1994
s. 28(2)(v),
25/1998
s. 163(2)(a)–
(c), 69/2000
s. 45.

107 Incorporation of sections 44 and 49–52 of the **Electric Light and Power Act 1958**

For the purposes of this Act the provisions of sections forty-four and forty-nine to fifty-two of the **Electric Light and Power Act 1958** as in force immediately before the commencement of section 167 of the **Electricity Safety Act 1998** shall be read and construed as if they were incorporated herein and as if for any reference to the "undertakers" in the said provisions there were substituted a reference to the Commission and a distribution company, generation company or transmission company within the meaning of the **Electricity Industry Act 2000** and as if the words "under any order" in the said section forty-four were omitted therefrom.

Nos 3776
s. 49, 3845
s. 24.

108 Saving as to Government departments

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

(2) Where the exercise of any rights powers or authorities or the discharge of any duties by the Commission may affect the exercise of any rights powers or authorities or the discharge of any duties by any other Government department or by any council or any local authority within the meaning of the **Public Contracts Act 1958** as in force immediately before the commencement of the **Public Contracts (Repeal) Act 1986** the Commission shall so far as practicable confer and co-operate with such department or such council or authority.

S. 108(2)
amended by
Nos 21/1986
s. 4, 12/1989
s. 4(1)(Sch. 2
item 112.29).

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

S. 108(3)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 112.29).

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S. 108A
inserted by
No. 92/1990
s. 128(Sch. 1
item 27.2),
amended by
No. 35/1992
s. 44,
repealed by
No. 14/1997
s. 18.

109 Schedule 6 incorporated

No. 3776 s. 50.

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

s. 109A

109A Uniform practice manuals

S. 109A
inserted by
No. 9296 s. 8.

S. 109A(1)
amended by
Nos 33/1986
s. 19(1)(a)(c),
130/1993
s. 112(g).

S. 109A(1)(b)
amended by
No. 33/1986
s. 19(1)(b).

S. 109A(1)(c)
inserted by
No. 33/1986
s. 19(1)(c).

S. 109A(2)
amended by
No. 130/1993
s. 112(h).

S. 109A(4)
inserted by
No. 33/1986
s. 19(2).

- (1) The Minister may cause to be compiled and may publish, or with the approval of the Minister, an electricity corporation may cause to be compiled and, may publish uniform practice manuals relating to works, safety or electrical installations which—
 - (a) when relating to works shall set out the practices to be complied with in respect of the construction and maintenance of the works of an undertaker; and
 - (b) when relating to safety shall set out the practices to be complied with in order to secure the safety and welfare of persons engaged in the construction and maintenance of electrical supply systems or electrical installations; or
 - (c) when relating to electrical installations shall set out the requirements to be complied with in respect of the construction and maintenance of electrical installations.
- (2) The Minister or, with the approval of the Governor in Council, an electricity corporation, may amend or revoke any manual published pursuant to this section.
- (3) A manual published pursuant to this section shall with any amendments currently in force be deemed and taken to have the same force and effect as if contained in this Act.
- (4) In this section *electrical installation* has the meaning given to it under section 46.

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No. 6377 of 1958
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110 Regulations as to precautions in use of electricity⁵

The Governor in Council may make regulations
for or with respect to—

Nos 3776
s. 27, 4220
s. 13, 5272
s. 13.
S. 110
amended by
No. 130/1993
s. 112(i).

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S. 110(a)(b)
amended by
No. 53/1994
s. 28(1)(w)(i),
repealed by
No. 25/1998
s. 163(1)(h).

* * * * *

S. 110(ba),
(bb)
inserted by
No. 7741 s. 4,
amended by
No. 45/1988
s. 6(4)(a),
repealed by
No. 25/1998
s. 163(1)(h).

* * * * *

S. 110(bc)
inserted by
No. 7741 s. 4,
amended by
No. 45/1988
s. 6(4)(b),
repealed by
No. 25/1998
s. 163(1)(h).

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S. 110(c)
amended by
Nos 130/1993
s. 112(j),
53/1994
s. 28(1)(w)(ii),
8/1996
s. 19(a)–(c),
repealed by
No. 25/1998
s. 163(1)(h).

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S. 110(d)
repealed by
No. 25/1998
s. 163(1)(h).

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s. 110

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- S. 110(e)
amended by
No. 53/1994
s. 28(1)(w)(iii),
repealed by
No. 25/1998
s. 163(1)(h).
- S. 110(ea)
inserted by
No. 6497
s. 2(1).
- S. 110(eb)
inserted by
No. 6497
s. 2(1).
- S. 110(ec)
inserted by
No. 6497
s. 2(1).
- S. 110(ed)
inserted by
No. 6497
s. 2(1).
- S. 110(ee)
inserted by
No. 6497
s. 2(1).
- S. 110(ef)
inserted by
No. 6497
s. 2(1).
- (ea) declaring any area of land owned or controlled by the Commission to be a tourist area;
 - (eb) the control use care and protection of any such tourist area;
 - (ec) the granting of leases or licences in respect of any part of any such tourist area, and the fixing collection and receipt of reasonable rents or fees in respect of any such lease or licence and of other charges for entering in or upon such tourist area or any specified part or parts thereof by persons animals or vehicles;
 - (ed) the provision for services within any such tourist area by the Commission and the fixing collection and receipt of charges for any such services;
 - (ee) the preservation of good order and decency within any such tourist area; and
 - (ef) the appointment of a committee of management in respect of any such tourist area;
 - (f) prescribing all such matters and things as are necessary or convenient to be prescribed so as to secure the ultimate co-ordination or unification of all electric supply undertakings in Victoria and the adoption of such standards of plant and equipment and of
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system frequency and pressure for the generation distribution and supply of electricity as will admit of the efficient inter-connexion of such undertakings and interchange of electricity throughout the same and, generally, the safe economical and effective supply of electricity throughout Victoria;

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S. 110(g)
repealed by
No. 25/1998
s. 163(1)(h).

111 General powers as to regulations⁶

Nos 3776
s. 28, 3845
s. 23(3).

(1) Regulations under this Act may—

S. 111(1)
amended by
No. 33/1986
s. 20(a).

- (a) prescribe a date or different dates for the coming into operation of any such regulations or of any portion thereof;
- (b) prescribe any area or areas within which any such regulations or any portion thereof shall operate;
- (c) provide that any such regulations or any portion thereof shall apply to electrical undertakings generally or to electrical undertakings of any prescribed class or classes or any particular electrical undertaking;
- (d) require that any matters or things prescribed shall be executed or done in such manner as is directed or approved by the Commission whether generally or for any class of cases or in any particular case;

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S. 111(1)(da)
inserted by
No. 6497
s. 2(2).

(da) confer and impose upon any committee of management of any tourist area and upon any officer or servant of such a committee such powers functions authorities and duties as are necessary or expedient;

S. 111(1)(e)
amended by
Nos 130/1993
s. 112(k),
53/1994
s. 28(1)(x).

(e) provide for appeals by electricity corporations or undertakers to the Minister on the ground that compliance with any such regulation will involve unreasonable expense or unreasonably prejudice the commercial prospects of the undertakings of such electricity corporations or undertakers and for the hearing of such appeals by the Minister and prescribe the powers authorities and duties of the Commission with respect thereto;

S. 111(1)(f)
amended by
Nos 130/1993
s. 112(k)(l),
53/1994
s. 28(1)(x).

(f) provide for the settlement by the Minister or by an arbitrator appointed by the Minister of questions differences or disputes between electricity corporations or undertakers and other parties arising out of the regulations;

(g) make provision as to the costs and expenses of or incidental to any such appeals or proceedings for the settlement of questions differences or disputes; and prescribe reasonable fees to be paid in connexion with such appeals and proceedings;

S. 111(1)(ga)
inserted by
No. 33/1986
s. 20(b),
amended by
No. 130/1993
s. 112(m),
repealed by
No. 25/1998
s. 163(1)(i).

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S. 111(1)(gb)
inserted by
No. 45/1988
s. 6(5).

(gb) apply generally or in a particular case or class of cases;

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- (gc) require a matter affected by the regulations to be—
- (i) in accordance with a specified standard or requirement; or
 - (ii) approved by or to the satisfaction of a specified person or body;
- (gd) leave any matter or thing from time to time to be determined, applied, dispensed with or regulated by a specified person;
- (ge) authorise a specified person to impose and vary conditions in relation to any matter affected by the regulations;
- (gf) confer power on a specified person to grant exemption from the regulations, impose conditions subject to which the exemption is granted and revoke or vary the conditions;
- (gg) confer a discretion in connection with the regulations on a specified person;
- (gh) confer power or impose duties in connection with the regulations on a specified person;
- (h) prescribe reasonable penalties for breaches of the regulations; and
- (i) generally prescribe all such matters and things as are necessary or convenient to be prescribed for carrying into effect the regulations and the purposes of this Act.
- * * * * *
- S. 111(1)(gc) inserted by No. 45/1988 s. 6(5).
- S. 111(1)(gd) inserted by No. 45/1988 s. 6(5).
- S. 111(1)(ge) inserted by No. 45/1988 s. 6(5).
- S. 111(1)(gf) inserted by No. 45/1988 s. 6(5).
- S. 111(1)(gg) inserted by No. 45/1988 s. 6(5).
- S. 111(1)(gh) inserted by No. 45/1988 s. 6(5).
- S. 111(1A) inserted by No. 45/1988 s. 6(6), repealed by No. 130/1993 s. 112(n).

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| <p>S. 111(2)
substituted by
No. 6886 s. 3,
amended by
No. 9296
s. 10(a).</p> | <p>(2) Subject to any express provision in this Act all such regulations shall so far as applicable and with such adaptations as are necessary extend and apply to the electrical undertakings of the Commission.</p> |
| <p>S. 111(3)
inserted by
No. 33/1986
s. 20(c).</p> | <p>(3) Any such regulation may apply, adopt or incorporate (with or without modification)—</p> |
| <p>S. 111(3)(a)
amended by
No. 45/1988
s. 6(7).</p> | <p>(a) the provisions of any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body whether as formulated, issued, prescribed or published at the time the regulation is made, at any time before then or from time to time; or</p> <p>(b) the provisions of any Act of the Commonwealth or of another State or of a Territory or the provisions of any subordinate instrument under any such Act, whether as in force at a particular time or from time to time.</p> |
| <p>S. 111(4)
inserted by
No. 45/1988
s. 6(8).</p> | <p>(4) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 6(2) of the Subordinate Legislation Act 1962.</p> |
| <p>S. 111(5)
inserted by
No. 45/1988
s. 6(8).</p> | <p>(5) Disallowance of a regulation under subsection (4) is deemed to be disallowance by Parliament for the purposes of the Subordinate Legislation Act 1962.</p> |
| <p>S. 111(6)
inserted by
No. 45/1988
s. 6(8).</p> | <p>(6) If, under subsection (4), either House of the Parliament disallows a regulation, no regulation, being the same in substance as the regulation so disallowed shall be made within 6 months after the date of the disallowance unless the resolution to disallow the regulation has been rescinded by</p> |
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the House of the Parliament by which it was passed.

- (7) Any regulation made in contravention of subsection (6) is void.

**S. 111(7)
inserted by
No. 45/1988
s. 6(8).**

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Sch. 1

S. 2.

SCHEDULES

Sch. 1
amended by
No. 6505 s. 2,
repealed by
No. 130/1993
s. 113(1).

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Sch. 2
repealed by
No. 130/1993
s. 113(2).

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Schs 3, 4
repealed by
No. 9296
s. 10(b)(c).

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FIFTH SCHEDULE

PART I—DEBENTURES

Ss 94, 97.
Nos 4512 Sch.
Pt 1, 5272
s. 15(a), 6163
s. 3(1)(b).

Form

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

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

**STATE ELECTRICITY COMMISSION OF VICTORIA
(AUSTRALIA) DEBENTURE**

No.

Transferable by Delivery

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

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

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

(L.S.)

Chairman.

Secretary.

Sch. 5

Seal

Sch 5 Pt 1 cl. 2
amended by
No. 33/1986
s. 21(a).

2. Debentures shall—
- (a) be prepared on watermarked paper and bear the signatures of a Commissioner and the secretary or acting secretary and the common seal of the Commission or a facsimile of such seal;
 - (b) be signed personally by such persons or have the signatures of such persons endorsed thereon by engraving or any other process.

Number

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

Pass by delivery

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

Rights of bearer

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

Payment of interest

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

Register of debentures

Sch. 5 Pt 1
cl. 6(1)
amended by
No. 33/1986
s. 21(b)(i).

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

the register specifying the number date and amount of the debenture.

- (2) The register of debentures—

Inspection

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

Register to be evidence

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

Copies to be supplied

- (3) Any person shall be entitled to obtain from the Commission copies or extracts certified by the officer in whose custody the register is kept to be true copies of or extracts from such register upon payment for each page a fee of Fifty cents (\$0.50); and any copy or extract so certified shall be admissible in evidence.

Provision for lost debentures

7. Upon proof being made to the satisfaction of the Commission by statutory declaration by any person that any debenture of a specified number and sum issued by the Commission under this Act and held by that person has been lost, accidentally burnt or destroyed before that debenture has been paid off, the Commission may after the expiration of six months cause a new debenture with interest coupons attached to be made having the like currency and bearing the same principal sum and rate of interest as the debenture so lost or destroyed and to be delivered to such person upon his giving sufficient security to the Commission to indemnify the Commission against any double payment.

Sch. 5 Pt 1
cl. 6(2)
amended by
No. 33/1986
s. 21(b)(ii).

Sch. 5 Pt 1
cl. 6(3)
amended by
Nos 7315
s. 3(Sch. 1),
33/1986
s. 21(b)(iii).

Sch. 5 Pt 1
cl. 7
amended by
No. 33/1986
s. 21(c).

Sch. 5

Provision for defaced debentures

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

Discharged debentures to be destroyed

Sch. 5 Pt 1
cl. 9
amended by
Nos 7421
s. 3(a)(i)(ii),
9853
s. 18(a)(b).

9. (1) All debentures paid off discharged exchanged or converted into stock shall—
- (a) be cancelled by the secretary, acting secretary or such other officer of the Commission appointed by it for the purpose; and
 - (b) be burnt in the presence of the secretary, acting secretary or such other officer so appointed.

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Nos 4512 Sch.
Pt 2, 5272
s. 15(b).

PART II—STOCK

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

Establishment of registry and appointment of registrar, and deputy registrar

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

Parcels of stock

2. Stock may be sold by the Commission for ready money in parcels or amounts of \$20 or some multiple of \$20.

Stock ledgers

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

Inscription of stock

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

Joint purchasers

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

Evidence

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

Stock how transferable

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

Restrictions on amount of stock which may be transferred

- (2) No person shall be entitled or allowed to transfer any fraction of \$2 or any smaller sum than \$20 unless that smaller sum is the full amount of the balance standing to his credit in the stock ledger.

Sch. 5

Execution of transfer

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

Registration of registrar

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

Application for transmission (other than a transfer) of stock

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

Verification of application for transmission

- (2) Every such application for transmission shall be verified by statutory declaration or in such other manner as is so prescribed, and—
- (a) in the case of such a transmission consequent on death—the probate of the will or the letters of administration, or such other instrument acceptable to the Commission as authorizing a person to administer the estate of a deceased person shall be produced to the registrar or in the case of transmission to a survivor or the survivors of a joint owner a certificate of the death of the owner who has died may if the registrar approves be produced to him in lieu of probate or letters of administration or such other instrument; and

Sch. 5 Pt 2
cl. 5(2)(a)
amended by
No. 7686
s. 5(a)(i)(ii).

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

(c) where a person dies leaving stock of an amount not exceeding \$5000 the Commission or such officer authorized from time to time by the Commission may dispense with the requirement of paragraph (a) and may authorize the transmission of the stock to such person as the Commission or such officer thinks fit;

Sch. 5 Pt 2
cl. 5(2)(c)
inserted by
No. 7686
s. 5(b),
amended by
No. 9296 s. 5.

(d) no person shall have any claim against the Commission or such officer in respect of any transmission in pursuance of this clause, but nothing in this clause shall relieve the person to whom the stock is transmitted from any liability to account for or deal with the stock in accordance with the law.

Sch. 5 Pt 2
cl. 5(2)(d)
inserted by
No. 7686
s. 5(b).

Registration of transmission

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

Powers of attorney

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

Sch. 5 Pt 2
cl. 6
amended by
No. 7421
s. 3(b).

Sch. 5

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

When transfer books to be closed and ledgers balanced

7. (1) No instrument of transfer of stock or of any part thereof shall be registered on any Saturday or holiday or within the period of fourteen days or within such period (not exceeding twenty-one days) as is prescribed next before any of the days on which the interest thereon is payable.
- (2) During the periods last aforesaid respectively the Commission shall cause the amount of the said stock respectively standing to the credit of the several registered owners thereof to be ascertained and the balances to be struck and carried forward in the proper stock ledger.
- (3) No instrument of transfer of stock or of any part thereof shall be registered during the period of twenty-one days immediately preceding the date of maturity of stock.

Power of judge to prohibit transfer in certain cases

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

Sch. 5 Pt 2
cl. 8(1)
amended by
No. 110/1986
s. 140(2).

In the Supreme Court.

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

Dated this _____ day _____ A.D. 19 ____ .

Order to be served upon Commission etc.

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

Commission to give notice thereof

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

State Electricity Commission's Office, Melbourne, _____ 19 ____ .

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

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

C.D.,
Administrator.

Sch. 5 Pt 2
cl. 8(3)
amended by
Nos 57/1989
s. 3(Sch. item
185.1(a)(i)(ii)),
130/1993
s. 113(3).

Sch. 5

Application to rescind order

- (4) (a) Any person registered as the owner of the stock mentioned in any such order may at any time apply by summons to the Supreme Court to rescind such order or to permit a transfer of some specified part of the said stock.
- (b) The Court may make an order with or without costs dismissing such summons or rescinding such first-mentioned order or permitting a transfer of some specified part as aforesaid.
- (c) Such order shall be signed in duplicate and shall be delivered to or served upon the Commission, which shall obey the same and cause it to be filed in the office of the Commission and a memorandum of it to be made in the proper place in the stock ledger.

Sch. 5 Pt 2
cl. 8(4)(b)
amended by
No. 57/1989
s. 3(Sch. item
185.1(b)(i)(ii)).

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

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

Receipt where one of joint holders dies etc.

- (2) If any stock is held in joint names and one or more of the registered owners of the stock dies becomes bankrupt insolvent or otherwise legally incapable, the receipt of any one of the other joint owners or survivors shall be a sufficient discharge to the Commission for any interest payable in respect of such stock,

notwithstanding that a transmission has not been registered as required by this Act.

Registrar to keep forms

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

No other forms to be used

- (2) No forms other than the prescribed forms shall be used except with the consent of the Chairman of the Commission.
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Sch. 6

S. 109.

SIXTH SCHEDULE

BUSINESS AND RULES

Nos 3776
Sch. 3, 5466
s. 2, 6001 s. 3.
Sch. 6
"Business
and Rules"
cls 1-4
amended by
No. 33/1986
s. 22(1)(a)(b),
repealed by
No. 130/1993
s. 113(4)(a).

* * * * *

Rules as to procedure and as to officers and employés

5. (1) The Commission may make rules for or with respect to—
- (a) the regulation of its procedure;
 - (b) the powers and duties and the control supervision and guidance and the regulation and discipline of its officers and employés.

Sch. 6
"Business
and Rules"
cl. 5(2)
amended by
No. 10145
s. 16(a)(b),
repealed by
No. 130/1993
s. 113(4)(a).

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State Electricity Commission Act 1958
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Sch. 6

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Sch. 6
"Tariffs and
Conditions of
Supply"
(Heading and
cls 1-5)
amended by
Nos 9296
s. 9(1),
33/1986
s. 22(2),
repealed by
No. 130/1993
s. 113(4)(b).

* * * * *

Sch. 6
"Contracts"
(Heading and
cls 1-5)
amended by
Nos 7547 s. 3,
7686 s. 6, 8797
s. 8, 9853
s. 19(a),
33/1986
s. 22(3)(a)(b)
(i)(ii),
repealed by
No. 130/1993
s. 113(4)(c).

Legal Proceedings, Evidence

Judicial notice of common seal

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

Service of notices and legal proceedings on owners or occupiers

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

Sch. 6 "Legal
Proceedings,
Evidence"
cl. 2(1)
amended by
Nos 33/1986
s. 22(4)(a),
130/1993
s. 113(4)(d)(i).

Sch. 6

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

Documents how authenticated

Sch. 6 "Legal Proceedings, Evidence"
cl. 3
amended by
Nos 7421 s. 4,
33/1986
s. 22(4)(b),
130/1993
s. 113(4)(d)(ii).

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

Power to direct prosecutions

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

Power of officer to represent Commission in Magistrates' Court

Sch. 6 "Legal Proceedings, Evidence"
cl. 5
amended by
Nos 7876
s. 2(3),
33/1986
s. 22(4)(c),
57/1989
s. 3(Sch. item 185.2(a)(b)),
130/1993
s. 113(4)(d)(iii)-(v),
68/2009
s. 97(Sch. item 114.1).

5. In all proceedings in the Magistrates' Court any person authorised by the Commission in writing for that purpose may file charge-sheets or make complaints in that person's own name or in the name of the Commission and may represent the Commission in all respects as though that person was the party concerned.

Proof of certain matters not required

6. (1) In any prosecution or legal proceedings under the provisions of this Act or the regulations or rules instituted by or under the direction of the Commission no proof shall be required (until evidence is given to the contrary) of—
- (a) the constitution of the Commission;
 - (b) any order of the Commission to prosecute;
 - (c) the particular or general appointment of the secretary or any other officer of the Commission to take proceedings against any person;
 - (d) the powers of the said secretary or other officer to prosecute;
 - (e) the appointment of the chairman or of any commissioner or of the secretary or other officer of the Commission; or
 - (f) the presence of a quorum at any meeting at which any order is made or any act is done by the Commission.

Evidence of regulations etc.

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

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

Sch. 6

Evidentiary provisions

Sch. 6 "Legal Proceedings, Evidence" cl. 6A inserted by No. 9296 s. 9(3), amended by No. 9853 s. 19(b).

- 6A. (1) In proceedings for the recovery of charges for the supply of electricity by the Commission a certificate by the secretary as to the value and quantity of electricity supplied by the Commission to the person and premises specified in the certificate during the period specified in the certificate shall be evidence until the contrary is proved of the matters so certified.
- (2) A consumer shall be deemed to have undertaken to pay for the supply of electricity in accordance with the relevant scale of charges determined by the Commission as applicable from time to time.
- (3) Unless it is otherwise expressly provided a notice, order or demand required to be given by the Commission to a consumer in respect of a supply of electricity shall be addressed to the consumer and shall—
- (a) if the address of the consumer is known to the Commission—be served on the consumer or left with some adult inmate of his abode;
 - (b) if the address of the consumer is not known to the Commission—be served on the occupier (if any) of the premises in respect of which the notice, order or demand is given or left with some adult inmate thereof or if there is no occupier be put upon some conspicuous part of the premises; or
 - (c) be served by pre-paid letter addressed to the consumer at his last known place of business or residence.
- (4) In this Schedule unless the contrary intention appears—
- Supply of electricity*** means the supply of electricity made available by the Commission, and includes—
- (a) the electricity so supplied;
 - (b) the supplying or providing of meters or other equipment used or associated with supplying electricity;

- (c) the depositing of moneys or the payment of charges required in respect of the supplying of electricity;
- (d) the making of inspections, re-inspections or re-connexions in respect of premises and the charges required to be paid therefore; and
- (e) any other matters ancillary to the supplying of electricity.

Evidence of documents issued by the Commission

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

Protection of commissioners officers etc.

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

Sch. 6 "Legal Proceedings, Evidence" cl. 8 amended by Nos 130/1993 s. 113(4)(d)(vi) (vii), 53/1994 s. 28(1)(y).

Powers of the Commission in conducting investigations etc.

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

Sch. 6 "Legal Proceedings, Evidence" cl. 9 amended by Nos 130/1993 s. 113(4)(d)(viii), 69/2009 s. 54(Sch. Pt 2 item 47.1).

Sch. 6

Offences and Penalties

Penalty for obstructing construction

Sch. 6
"Offences and
Penalties"
cl. 1
amended by
Nos 7087
s. 2(d)(i),
33/1986
s. 4(d),
130/1993
s. 113(4)(e)(ii).

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

Sch. 6
"Offences and
Penalties"
cl. 1(b)
amended by
No. 130/1993
s. 113(4)(e)(i).

- (b) without the authority of the Commission or the Administrator thereof—
- (i) pulls up or removes any poles or stakes driven into the ground for the purpose of setting out such works or undertakings;
- (ii) defaces or destroys any marks made for the same purpose; or
- (iii) extinguishes any light provided or takes down alters or interferes with any bars chains fences or hoardings erected or placed for the protection of any such works or undertakings or for guarding against accidents—

shall (without affecting any liability civil or criminal to which he is otherwise subject) be liable to a penalty of not more than 100 penalty units.

Penalty for tampering with works

Sch. 6
"Offences and
Penalties"
cl. 2
substituted by
Nos 7087
s. 2(d)(ii),
33/1986
s. 4(d),
amended by
No. 130/1993
s. 113(4)(e)(iii).

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

(b) wilfully or negligently breaks or injures or opens any works or fittings as aforesaid—

shall (without affecting any liability civil or criminal to which he is otherwise subject) be liable to a penalty of not more than 100 penalty units.

* * * * *

Sch. 6
"Offences and Penalties"
cl. 3
repealed by
No. 9228
s. 4(e).

Sch. 7
inserted by
No. 9853 s. 20.

SEVENTH SCHEDULE

Easements set apart or appropriated for the use of the Commission pursuant to section 103B.

<i>Column 1</i>	<i>Column 2</i>
Power Line	Full and free right and liberty to and for the Commission and its transferees and its and their contractors, servants agents and workmen at all times hereafter to enter in and upon the land to which the easement applies and to take onto or remove from such land any plant machines vehicles equipment or materials and to clear and to keep free such land of any buildings whatsoever and of anything which is or may be an obstruction to the rights hereby described including trees more than 2·7 metres in height or any structure more than 2·7 metres in height for every overhead electric cable or wire and including all trees and structures for every cable or wire laid underground and to construct lay or place one or more poles cables wires, marker posts, service pillars, stays or guy wires and to lay underground and fix and cover in such cables wires pipes ducts outlets galvanised iron pipe conduits poly vinyl chloride conduits and other apparatus appliances and protective coverings as may be required or desired for the transmission of electricity (all of which are hereinafter called "the said appliances") but so always that every overhead electric cable or wire shall be erected at least 4·6 metres above the then surface of such land and every cable or wire laid underground shall be laid at least 0·45 metres below the said then surface except when entering or leaving the ground of such land and also to carry out thereon such digging, cutting and excavating as may be reasonably necessary for the said appliances and keeping the said excavations free of the injurious accumulation of water but so that every excavation will be covered in as soon as possible and also to use such land and the said appliances for all purposes of and incidental to transmitting electricity safely and economically across such land at any time hereinafter and also to inspect maintain in good and efficient working order repair renew and remove the said appliances and also from time to time to go pass and repass for all purposes aforesaid either with or without plant machines vehicles equipment or material through over and along such land.

ENDNOTES

1. General Information

The **State Electricity Commission Act 1958** was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959 page 893.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **State Electricity Commission Act 1958** by Acts and subordinate instruments.

State Electricity Commission (Tourist Area) Act 1959, No. 6497/1959

Assent Date: 5.5.59
Commencement Date: 5.5.59
Current State: All of Act in operation

Statute Law Revision Act 1959, No. 6505/1959

Assent Date: 5.5.59
Commencement Date: 1.4.59: s. 1(2)
Current State: All of Act in operation

State Electricity Commission (Hazelwood Power Station) Act 1959, No. 6549/1959

Assent Date: 20.10.59
Commencement Date: 20.10.59
Current State: All of Act in operation

Public Officers Salaries and Allowances Act 1960, No. 6624/1960

Assent Date: 1.6.60
Commencement Date: 21.2.60: s. 1(2)
Current State: All of Act in operation

State Electricity Commission (Borrowing) Act 1960, No. 6724/1960

Assent Date: 21.12.60
Commencement Date: 21.12.60
Current State: All of Act in operation

Subordinate Legislation Act 1962, No. 6886/1962

Assent Date: 8.5.62
Commencement Date: 1.8.62: Government Gazette 4.7.62 p. 2314
Current State: All of Act in operation

State Electricity Commission (Licensing of Electrical Mechanics) Act 1963, No. 6983/1963

Assent Date: 30.4.63
Commencement Date: 15.10.63: Government Gazette 16.10.63 p. 3193
Current State: All of Act in operation

Public Officers Salaries and Allowances Act 1963, No. 7054/1963

Assent Date: 26.11.63
Commencement Date: 1.7.63
Current State: All of Act in operation

Electrical Undertakings Act 1963, No. 7087/1963

Assent Date: 10.12.63
Commencement Date: 10.12.63
Current State: All of Act in operation

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State Electricity Commission (Contributions) Act 1964, No. 7207/1964

Assent Date: 15.12.64
Commencement Date: 1.7.64: s. 1(3)
Current State: All of Act in operation

Public Lands and Works Act 1964, No. 7228/1964

Assent Date: 15.12.64
Commencement Date: 15.3.65: Government Gazette 11.3.65 p. 557
Current State: All of Act in operation

State Electricity Commission (Chairman) Act 1965, No. 7303/1965

Assent Date: 3.11.65
Commencement Date: 1.4.59: s. 1(3)
Current State: All of Act in operation

Decimal Currency Act 1965, No. 7315/1965

Assent Date: 30.11.65
Commencement Date: 14.2.65: s. 2
Current State: All of Act in operation

Public Officers Salaries and Allowances Act 1965, No. 7356/1965

Assent Date: 14.12.65
Commencement Date: 1.12.65: s. 1(2)
Current State: All of Act in operation

State Electricity Commission (Amendment) Act 1965, No. 7421/1965

Assent Date: 24.5.66
Commencement Date: 24.5.66
Current State: All of Act in operation

Instruments (Corporate Bodies Contracts) Act 1967, No. 7547/1967

Assent Date: 17.3.67
Commencement Date: 1.7.67: Government Gazette 21.6.67 p. 2027
Current State: All of Act in operation

Judges and Public Officers Salaries Act 1967, No. 7581/1967

Assent Date: 21.11.67
Commencement Date: 1.7.67: see s. 1
Current State: All of Act in operation

State Electricity Commission (Amendment) Act 1968, No. 7686/1968

Assent Date: 7.5.68
Commencement Date: 7.5.68
Current State: All of Act in operation

State Coal Mines (Winding Up) Act 1968, No. 7715/1968

Assent Date: 14.11.68
Commencement Date: 14.11.68
Current State: All of Act in operation

State Electricity Commission Act 1968, No. 7741/1968

Assent Date: 10.12.68
Commencement Date: 10.12.68
Current State: All of Act in operation

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State Electricity Commission (Borrowing and Investing Powers) Act 1969, No. 7838/1969

Assent Date: 20.5.69
Commencement Date: 2.6.69: Government Gazette 28.5.69 p. 1580
Current State: All of Act in operation

Justices (Amendment) Act 1969, No. 7876/1969

Assent Date: 25.11.69
Commencement Date: All of Act (*except* ss 3, 5–7(k)(m)–(o)) on 1.4.70; ss 3, 5–7(k)(m)–(o) on 1.7.70: Government Gazette 25.2.70 p. 463
Current State: All of Act in operation

Public Officers Salaries and Allowances Act 1970, No. 7954/1970

Assent Date: 7.4.70
Commencement Date: 1.1.70: s. 2
Current State: All of Act in operation

Statutory Salaries Act 1970, No. 8082/1970

Assent Date: 22.12.70
Commencement Date: 22.12.70
Current State: All of Act in operation

Statute Law Revision Act 1971, No. 8181/1971

Assent Date: 23.11.71
Commencement Date: 23.11.71
Current State: All of Act in operation

State Electricity Commission (Newport Power Station) Act 1971, No. 8182/1971

Assent Date: 23.11.71
Commencement Date: 23.11.71
Current State: All of Act in operation

State Electricity Commission (Borrowing Powers) Act 1972, No. 8303/1972

Assent Date: 19.10.72
Commencement Date: 19.10.72
Current State: All of Act in operation

State Electricity Commission (Dartmouth Hydro-Electric Power Station) Act 1972, No. 8328/1972

Assent Date: 28.11.72
Commencement Date: 27.3.74: Government Gazette 27.3.74 p. 714
Current State: All of Act in operation

State Electricity Commission (Yallourn W Power Station) Act 1972, No. 8329/1972

Assent Date: 28.11.72
Commencement Date: 28.11.72
Current State: All of Act in operation

Railways (Amendment) Act 1972, No. 8353/1972

Assent Date: 13.12.72
Commencement Date: 8.5.73: Government Gazette 2.5.73 p. 946
Current State: All of Act in operation

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State Electricity Commission (Amendment) Act 1972, No. 8377/1972

Assent Date: 19.12.72
Commencement Date: 19.12.72
Current State: All of Act in operation

State Electricity Commission (Yallourn Council) Act 1973, No. 8390/1973

Assent Date: 3.4.73
Commencement Date: 11.4.73: Government Gazette 11.4.73 p. 804
Current State: All of Act in operation

State Electricity Commission (Amendment) Act 1975, No. 8797/1975

Assent Date: 2.12.75
Commencement Date: 2.12.75
Current State: All of Act in operation

State Electricity Commission (Tramways) Act 1975, No. 8807/1975

Assent Date: 2.12.75
Commencement Date: 2.12.75
Current State: All of Act in operation

State Electricity Commission (Loy Yang Power Station) Act 1976, No. 8894/1976

Assent Date: 23.11.76
Commencement Date: 23.11.76
Current State: All of Act in operation

**State Electricity Commission (Financial Accommodation) Act 1977,
No. 8971/1977**

Assent Date: 14.4.77
Commencement Date: 14.4.77
Current State: All of Act in operation

State Electricity Commission (Newport Power Station) Act 1977, No. 9011/1977

Assent Date: 12.5.77
Commencement Date: 12.5.77
Current State: All of Act in operation

State Electricity Commission (Amendment) Act 1978, No. 9121/1978

Assent Date: 16.5.78
Commencement Date: 16.5.78
Current State: All of Act in operation

Trustee (Authorized Investments) Act 1978, No. 9204/1978

Assent Date: 5.12.78
Commencement Date: 5.12.78
Current State: All of Act in operation

Crown Land (Reserves) Act 1978, No. 9212/1978

Assent Date: 19.12.78
Commencement Date: 1.3.79: Government Gazette 21.2.79 p. 441
Current State: All of Act in operation

Crimes (Criminal Damage) Act 1978, No. 9228/1978

Assent Date: 19.12.78
Commencement Date: 1.7.79: Government Gazette 4.4.79 p. 901
Current State: All of Act in operation

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State Electricity Commission (Morwell Land Compensation) Act 1979, No. 9270/1979

Assent Date: 10.7.79
Commencement Date: 12.4.78: s. 1(3)
Current State: All of Act in operation

State Electricity Commission (Amendment) Act 1979, No. 9296/1979

Assent Date: 7.11.79
Commencement Date: 6.2.80: Government Gazette 6.2.80 p. 441
Current State: All of Act in operation

Statute Law Revision Act 1980, No. 9427/1980

Assent Date: 27.5.80
Commencement Date: 27.5.80: s. 6(2)
Current State: All of Act in operation

State Electricity Commission (Amendment) Act 1981, No. 9531/1981

Assent Date: 24.4.81
Commencement Date: 24.4.81
Current State: All of Act in operation

Crimes (Classification of Offences) Act 1981, No. 9576/1981

Assent Date: 26.5.81
Commencement Date: 1.9.81: Government Gazette 26.8.81 p. 2799
Current State: All of Act in operation

Public Authorities (Sinking Funds) Act 1982, No. 9746/1982

Assent Date: 6.7.82
Commencement Date: 6.7.82: Government Gazette 7.7.82 p. 2226
Current State: All of Act in operation

State Electricity Commission (Financial Arrangements) Act 1982, No. 9809/1982

Assent Date: 7.12.82
Commencement Date: S. 2 on 1.7.82: s. 1(4); rest of Act on 23.12.82: Government Gazette 23.12.82 p. 4227
Current State: All of Act in operation

State Electricity Commission (Amendment) Act 1982, No. 9853/1982

Assent Date: 5.1.83
Commencement Date: 2.3.83: Government Gazette 2.3.83 p. 475
Current State: All of Act in operation

Statute Law Revision Act 1983, No. 9902/1983

Assent Date: 15.6.83
Commencement Date: 15.6.83: subject to s 2 (2)
Current State: All of Act in operation

Transport Act 1983, No. 9921/1983

Assent Date: 23.6.83
Commencement Date: S. 255(Sch. 12) on 1.7.83: s. 1(2)(c)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

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Nuclear Activities (Prohibitions) Act 1983, No. 9923/1983

Assent Date: 23.6.83
Commencement Date: 23.6.83
Current State: All of Act in operation

State Electricity Commission (Clearance of Lines) Act 1983, No. 10001/1983

Assent Date: 13.12.83
Commencement Date: 29.1.84: Government Gazette 25.1.84 p. 162
Current State: All of Act in operation

State Electricity Commission (Brown Coal Royalty) Act 1983, No. 10021/1983
(Affected by Government Gazette 27.1.84 p. 171)

Assent Date: 13.12.83
Commencement Date: 1.7.83: s. 2
Current State: All of Act in operation

Water (Central Management Restructuring) Act 1984, No. 10081/1984

Assent Date: 15.5.84
Commencement Date: 1.7.84: Government Gazette 20.6.84 p. 1937
Current State: All of Act in operation

Statute Law Revision Act 1984, No. 10087/1984

Assent Date: 22.5.84
Commencement Date: 22.5.84: s. 3(2)
Current State: All of Act in operation

State Electricity Commission (Coal Corporation of Victoria) Act 1984, No. 10145/1984

Assent Date: 13.11.84
Commencement Date: S. 4 on 1.1.85: s. 2(b); 10–12, 14, 16 on 30.11.84 p. 4209; 13, 15 on 1.1.85: Government Gazette 30.11.84 p. 4209
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

State Electricity Commission (Amendment) Act 1985, No. 10213/1985

Assent Date: 26.11.85
Commencement Date: 26.11.85
Current State: All of Act in operation

Public Contracts (Repeal) Act 1986, No. 21/1986

Assent Date: 22.4.86
Commencement Date: 22.4.86
Current State: All of Act in operation

State Electricity Commission (Amendment) Act 1986, No. 33/1986

Assent Date: 20.5.86
Commencement Date: S. 26 on same day as Act No. 6241—1.4.59: s. 2(2); rest of Act on 20.5.86: s. 2(1)
Current State: All of Act in operation

State Electricity Commission (Further Amendment) Act 1986, No. 98/1986

Assent Date: 16.12.86
Commencement Date: 16.12.86
Current State: All of Act in operation

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Supreme Court Act 1986, No. 110/1986

Assent Date: 16.12.86
Commencement Date: 1.1.87: s. 2
Current State: All of Act in operation

Land Acquisition and Compensation Act 1986, No. 121/1986

Assent Date: 23.12.86
Commencement Date: 29.11.87: Government Gazette 25.11.87 p. 3224
Current State: All of Act in operation

Borrowing and Investment Powers Act 1987, No. 13/1987

Assent Date: 12.5.87
Commencement Date: Pts 1, 3, ss 24, 26(2) on 14.10.87: Government Gazette 14.10.87 p. 2712; rest of Act on 18.11.87: Government Gazette 18.11.87 p. 3138
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987, No. 41/1987

Assent Date: 19.5.87
Commencement Date: S. 103(Sch. 4 items 61.1–61.5) on 1.7.87: Government Gazette 24.6.87 p. 1694
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Planning and Environment Act 1987, No. 45/1987

Assent Date: 27.5.87
Commencement Date: Pt 1, s. 204 on 27.5.87: s. 2(1); rest of Act (*except* Sch. items 118, 119) on 16.2.88: Government Gazette 10.2.88 p. 218; Sch. items 118, 119 were never proclaimed, repealed by No. 86/1989 s. 24 on 6.12.89
Current State: All of Act in operation

State Bank Act 1988, No. 29/1988

Assent Date: 17.5.88
Commencement Date: 9.6.88: Government Gazette 8.6.88 p. 1582
Current State: All of Act in operation

State Electricity Commission (Amendment) Act 1988, No. 45/1988

Assent Date: 24.5.88
Commencement Date: 24.5.88
Current State: All of Act in operation

State Superannuation Act 1988, No. 50/1988

Assent Date: 24.5.88
Commencement Date: S. 93(3) on 1.7.87: s. 2 (1); s. 93(4) on 27.11.87: s. 2(2); Pt 1, Pt 6 Div. 2, s. 91 on 1.1.88: s. 2(3); rest of Act on 1.7.88: Government Gazette 1.6.88 p. 1487
Current State: All of Act in operation

Subdivision Act 1988, No. 53/1988 (as amended by No. 47/1989)

Assent Date: 31.5.88
Commencement Date: 30.10.89: Government Gazette 4.10.89 p. 2532
Current State: All of Act in operation

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Borrowing and Investment Powers (Amendment) Act 1988, No. 78/1988

Assent Date: 20.12.88
Commencement Date: S. 10(1) on 18.11.87: s. 2 (2); rest of Act on 27.4.89: Special Gazette (No. 21) 27.4.89 p. 1
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989⁷

(as amended by No. 13/1990)

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 112.1–112.21, 112.25, 112.28, 112.29) on 1.11.89; Government Gazette 1.11.89 p. 2798; Sch. 2 items 112.22–112.24, 112.26, 112.27 on 1.10.92: Government Gazette 23.9.92 p. 2789
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Transport (Amendment) Act 1989, No. 44/1989

Assent Date: 6.6.89
Commencement Date: Ss 16, 39(3)(Sch. 2 items 42.1, 42.11, 42.12) on 6.6.89: s. 2(2); s. 39(2) on 16.12.86: s. 2(3); s. 42(1) on 1.11.89: s. 2(4); s. 42(2) on 1.11.89: s. 2(5); s. 42(3) on 11.11.89: s. 2(6); rest of Act on 1.7.89: s. 2(1).
Current State: All of Act in operation

Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989

Assent Date: 14.6.89
Commencement Date: S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217
Current State: All of Act in operation

Water (Consequential Amendments) Act 1989, No. 81/1989 (as amended by No. 25/1991)

Assent Date: 5.12.89
Commencement Date: 1.11.90: Government Gazette 15.8.90 p. 2473
Current State: All of Act in operation

Planning and Environment (Amendment) Act 1989, No. 86/1989 (as amended by No. 48/1991)

Assent Date: 5.12.89
Commencement Date: S. 29(10) on 16.2.88: s. 2(3)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Vocational Education and Training Act 1990, No. 45/1990

Assent Date: 19.6.90
Commencement Date: S. 117 on 1.7.91: Government Gazette 19.12.90 p. 3745 and Special Gazette (No. 9) 31.1.91 p. 3
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

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Mineral Resources Development Act 1990, No. 92/1990

Assent Date: 18.12.90
Commencement Date: S. 128(Sch. 1 item 27) on 6.11.91: Government Gazette 30.10.91 p. 2970
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

State Bank (Succession of Commonwealth Bank) Act 1990, No. 94/1990

Assent Date: 18.12.90
Commencement Date: S. 40 (13) on 31.12.90 (completion date: see s. 2(3))
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Subdivision (Miscellaneous Amendments) Act 1991, No. 48/1991

Assent Date: 25.6.91
Commencement Date: S. 75 on 25.6.91: s. 2(4)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

State Electricity Commission (Amendment) Act 1992, No. 3/1992

Assent Date: 28.4.92
Commencement Date: All of Act on 27.5.92: Government Gazette 27.5.92 p. 1234
Current State: All of Act in operation

Loy Yang B Act 1992, No. 35/1992

Assent Date: 16.6.92
Commencement Date: Pts 1 (ss 1–4), 5(ss 38–44) on 16.6.92: s. 2(1); rest of Act on 26.8.92: Government Gazette 26.8.92 p. 2467
Current State: All of Act in operation

Water (Rural Water Corporation) Act 1992, No. 50/1992

Assent Date: 30.6.92
Commencement Date: 1.7.92: Government Gazette 1.7.92 p. 1629
Current State: All of Act in operation

Electricity Industry Act 1993, No. 130/1993

Assent Date: 14.12.93
Commencement Date: Ss 98, 99 on 14.12.93: Special Gazette (No. 93) 14.12.93 p. 1; ss 110, 111 on 14.12.93: s. 2(1); ss 100–109, 112, 113 on 3.1.94: Special Gazette (No. 97) 23.12.93 p. 1
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

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Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: S. 3(Sch. 1 item 52) on 7.7.94: Government Gazette 7.7.94 p. 1878
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Water (Further Amendment) Act 1994, No. 49/1994

Assent Date: 7.6.94
Commencement Date: Ss 1, 2 on 7.6.94: s. 2(1); s. 8 (*except* (a)(c)), on 1.7.92: s. 2(2); rest of Act on 1.7.94: s. 2(4)
Current State: All of Act in operation

Electricity Industry (Amendment) Act 1994, No. 53/1994 (as amended by No. 110/1994)

Assent Date: 15.6.94
Commencement Date: Ss 26(1)(c)(2)(3), 27, 28(1)(a)(h)–(j)(l)(m)(q)(r)(u)(y) on 29.6.94: Special Gazette (No. 39) 29.6.94 p. 1—see **Interpretation of Legislation Act 1984**; ss 26(1)(a)(b), 28(1)(b)–(g)(k)(n)–(p)(s)(t)(v)–(x) on 3.10.94: Special Gazette (No. 64) 27.9.94 p. 1
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Electricity Industry (Further Amendment) Act 1994, No. 110/1994

Assent Date: 20.12.94
Commencement Date: S. 39 on 20.12.94: Special Gazette (No. 100) 20.12.94 p. 1
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Latrobe Regional Commission (Repeal) Act 1995, No. 16/1995

Assent Date: 9.5.95
Commencement Date: All of Act (*except* s. 7) on 9.5.95: s. 2(1); s. 7 on 15.8.95: Government Gazette 27.7.95 p. 1880
Current State: All of Act in operation

Gas and Fuel Corporation (Repeal) Act 1995, No. 31/1995

Assent Date: 6.6.95
Commencement Date: Ss 45–51 on 21.6.95: Special Gazette (No. 49) 14.6.95 p. 1
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

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Electricity Industry (Amendment) Act 1995, No. 56/1995

Assent Date: 20.6.95
Commencement Date: Ss 53(1)(3)(4), 54–56 on 20.6.95: Special Gazette (No. 52) 20.6.95 p. 1; s. 53(2) on 20.6.95: s. 2(5)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Electricity Industry (Further Amendment) Act 1995, No. 79/1995

Assent Date: 28.11.95
Commencement Date: Ss 22–27 on 28.11.95: Special Gazette (No. 116) 28.11.95 p. 1
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Electricity Industry (Amendment) Act 1996, No. 8/1996

Assent Date: 25.6.96
Commencement Date: S. 19(a)–(c) on 25.6.96: s. 2(1)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

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. 18 on 8.5.97: Special Gazette (No. 50) 6.5.97 p. 1
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Electricity Industry (Miscellaneous Amendment) Act 1997, No. 35/1997

Assent Date: 3.6.97
Commencement Date: S. 26 on 3.6.97: Special Gazette (No. 58) 3.6.97 p. 1
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Gas Industry (Amendment) Act 1997, No. 36/1997

Assent Date: 3.6.97
Commencement Date: S. 18 on 3.6.97: Special Gazette (No. 58) 3.6.97 p. 2
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

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Port Services (Amendment) Act 1997, No. 63/1997

Assent Date: 5.11.97
Commencement Date: Ss 11–16 on 10.12.97: Government Gazette 4.12.97 p. 3290
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Gas Industry (Further Amendment) Act 1997, No. 91/1997

Assent Date: 9.12.97
Commencement Date: S. 50 on 11.12.97: Special Gazette (No. 155) 9.12.97 p. 1
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Electricity Safety Act 1998, No. 25/1998

Assent Date: 12.5.98
Commencement Date: S. 163(1)(a)–(c)(2) on 1.7.98: Special Gazette (No. 65) 30.6.98 p. 2; s. 163(1)(d) on 3.5.99: Government Gazette 29.4.99 p. 967; s. 163(1)(e)–(i) on 31.12.99: s. 2(3)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998
(as amended by No. 12/1999)

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 **State Electricity Commission Act 1958**

Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998, No. 76/1998

Assent Date: 10.11.98
Commencement Date: S. 28 on 15.12.98: s. 2(5)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Electricity Industry Acts (Amendment) Act 1998, No. 89/1998

Assent Date: 24.11.98
Commencement Date: S. 31 on 24.11.98: s. 2(1)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

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Gas Industry Acts (Amendment) Act 1998, No. 91/1998

Assent Date: 24.11.98
Commencement Date: S. 37 on 1.12.98: s. 2(6)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Public Sector Reform (Further Amendments) Act 1999, No. 12/1999⁸

Assent Date: 11.5.99
Commencement Date: S. 4(Sch. 2 item 11) on 11.5.99: s. 2(1)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Electricity Industry Legislation (Miscellaneous Amendments) Act 2000, No. 69/2000

Assent Date: 21.11.00
Commencement Date: Ss 39–45 on 1.1.01: s. 2(4)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Gas Industry Legislation (Miscellaneous Amendments) Act 2001, No. 32/2001

Assent Date: 19.6.01
Commencement Date: S. 39 on 1.9.01: s. 2(2)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Energy Safe Victoria Act 2005, No. 39/2005

Assent Date: 27.7.05
Commencement Date: S. 58 on 10.8.05: Special Gazette (No. 147) 9.8.05 p. 1
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009, No. 68/2009

Assent Date: 24.11.09
Commencement Date: S. 97(Sch. item 114) on 1.1.10: Government Gazette 10.12.09 p. 3215
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Statute Law Amendment (Evidence Consequential Provisions) Act 2009, No. 69/2009

Assent Date: 24.11.09
Commencement Date: S. 54(Sch. Pt 2 item 47) on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

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Transport Legislation Amendment (Ports Integration) Act 2010, No. 45/2010

Assent Date: 17.8.10
Commencement Date: S. 55 on 1.9.10: Special Gazette (No. 337) 24.8.10 p. 1
Current State: This information relates only to the provision/s amending the **State Electricity Commission Act 1958**

Metric Conversion (State Electricity Commission Act) Regulations 1973,
S.R. No. 189/1973

Date of Making: 14.8.73
Date of Commencement: 1.9.73

3. Explanatory Details

¹ Pt 5 (*repealed*): Sections 160, 161 of the **Electricity Safety Act 1998**, No. 25/1998 reads as follows:

160 Transitional provisions—electrical contractors and mechanics

- (1) Any person who was registered as an electrical contractor under Part V of the **State Electricity Commission Act 1958** immediately before the commencement of this section is deemed on that commencement to be registered as an electrical contractor under Division 1 of Part 3 of this Act for the remainder of the registration period.
- (2) Any person who was licensed as an electrical mechanic in respect of a grade of electrical wiring work under Part V of the **State Electricity Commission Act 1958** immediately before the commencement of this section is deemed on that commencement to be licensed under Division 2 of Part 3 of this Act as an electrical worker in respect of an equivalent class of electrical work for the remainder of the licence period.

161 Transitional provision—electrical equipment

- (1) Electrical equipment in respect of which an approval was in force under section 51 of the **State Electricity Commission Act 1958** immediately before the commencement of this section is deemed on that commencement to be approved under section 58 of this Act.
- (2) An Order under section 57(1) of the **State Electricity Commission Act 1958** in force immediately before the commencement of this section and declaring any class, description or type of electrical appliance to be a proclaimed electrical appliance has effect as an Order under section 67 of this Act declaring any class,

description or type of appliance to which the Order applies to be proclaimed electrical equipment for the purposes of Part 5 of this Act and may be amended or revoked accordingly.

² Pt 6 (*repealed*):

Pt 6 (Heading and ss 58–78) amended by Nos 6886 s. 3, 8181 s. 2(1)(Sch. item 177), S.R. No. 189/1973 reg 5, repealed by No. 8807 s. 3(2), new Pt 6 (Heading and ss 58–65) inserted by No. 10001 s. 4, amended by Nos 10087 s. 3(1)(Sch. 1 item 236), 33/1986 s. 12(a)(b), 98/1986 s. 5(1)–(4), 41/1987 s. 103(Sch. 4 items 61.4, 61.5), 45/1987 s. 205(Sch. items 127, 128), 53/1988 s. 45(Sch. 3 item 72) (as amended by No. 47/1989 s. 23(2)), 12/1989 s. 4(1)(Sch. 2 items 112.16A–112.20) (as amended by No. 13/1990 s. 38(2)(t)–(v)), 44/1989 s. 41(Sch. 2 items 39.4–39.6), 86/1989 s. 29(10), 130/1993 ss 107(a)–(p), 108(1)(a)–(l), 53/1994 s. 28(1)(m)–(t), 56/1995 s. 53(3)(c)(4), 79/1995 ss 25–27, 48/1996 s. 21(e)–(g), 46/1998 s. 7(Sch. 1) (as amended by No. 12/1999 s. 3(Sch. 1 item 26)), repealed by No. 25/1998 s. 163(1)(f).

³ Pt 6 (*repealed*): Section 162 of the **Electricity Safety Act 1998**, No. 25/1998 reads as follows:

162 Transitional provision—urban area

- (1) A notice under section 58(1A) of the **State Electricity Commission Act 1958** specifying an area of land as an urban area that was in force immediately before the commencement of this section has effect as a notice under section 79 of this Act and may be amended or revoked accordingly.
- (2) A declaration under section 65(3) of the **State Electricity Commission Act 1958** of an area in an urban area for the purposes of section 60(3) of that Act that was in force immediately before the commencement of this section has effect as a declaration under section 81(1) of this Act and may be amended or revoked accordingly.

⁴ Pt 6A: Section 54(2) of the **Electricity Industry (Amendment) Act 1995**, No. 56/1995 reads as follows:

54 Coal Corporation of Victoria

(2) On the commencement of this section—

- (a) all property and rights of the Coal Corporation of Victoria vest in the State Electricity Commission of Victoria and form part of the electricity property of the Commission within the meaning of section 85(1) of the **State Electricity Commission Act 1958**;
- (b) all liabilities of the Coal Corporation of Victoria become liabilities of the State Electricity Commission of Victoria and form part of the electricity property of the Commission within the meaning of section 85(1) of the **State Electricity Commission Act 1958**;
- (c) the Coal Corporation of Victoria is dissolved; and
- (d) the State Electricity Commission of Victoria is its successor in law.

⁵ S. 110: Section 8 of the **State Electricity Commission (Amendment) Act 1988**, No. 45/1988 reads as follows:

8 Saving provision

Sections 50(5), 55(4), 57(3), 110 and 111 of the Principal Act are deemed to have been enacted as amended by section 6, and any regulations made under any of those sections are as valid and effectual as if they had been made under any of those sections as amended by section 6.

⁶ S. 111: See note 5.

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⁷ Table of Amendments (**Local Government (Consequential Provisions) Act 1989**): The amendment proposed by section 4(Schedule 2 item 112.25) of the **Local Government (Consequential Provisions) Act 1989**, No. 12/1989 is not included in this publication due to the earlier substitution of section 103B by section 45(Schedule 2 item 76) (as amended by No. 47/1989 s. 19(zj)) of the **Subdivision Act 1988**, No. 53/1988.

⁸ Table of Amendments (**Public Sector Reform (Further Amendments) Act 1999**): The amendments proposed by section 4 (Sch. 2 item 11) of the **Public Sector Reform (Further Amendments) Act 1999**, No. 12/1999 are not included in this publication due to the earlier repeal of section 56 by section 163(1)(d) of the **Electricity Safety Act 1998**, No. 25/1998.