

Version No. 085
State Electricity Commission Act 1958
Act No. 6377/1958
Version incorporating amendments as at 3 May 1999

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Version No. 085
State Electricity Commission Act 1958
Act No. 6377/1958

Version incorporating amendments as at 3 May 1999

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):

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).

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.

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- (1) The Acts mentioned in the First Schedule to the extent thereby expressed to be repealed are hereby repealed accordingly.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 - (a) all persons things and circumstances appointed or created by or under any of the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the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 status operation and effect as they

respectively would have had if such Acts had not been so repealed;

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commencement of this Act; nor shall such repeal limit or affect the operation or effect of any provision in any of the repealed Acts relating to consumers' deposits, or prohibiting the granting of an Order under the **Electric Light and Power Act 1928** to supply electricity within a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

See No. 6163 s. 3(2).

3. Definitions

No. 3776 s. 3.

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

S. 3(1) def. of "Administrator" inserted by No. 130/1993 s. 99(a), amended by No. 79/1995 s. 23(1).

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

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 No. 48/1996 s. 21(a).

"chief electrical inspector" has the same meaning as "Office" has in Part 4 of the **Electricity Industry Act 1993**;

S. 3(1) def. of "council" inserted by No. 12/1989 s. 4(1)(Sch. 2 item 112.1). S. 3(1) def. of "distribution company" inserted by No. 53/1994 s. 26(1)(a).

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

"distribution company" has the same meaning as in the **Electricity Industry Act 1993**;

"electricity corporation" means Generation Victoria, Power Net Victoria or Victorian Power Exchange, each of which is established under the **Electricity Industry Act 1993**, or a distribution company, transmission company or generation company;

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

"Electricity Fund" means the Fund established under section 83;

"gas company" means a public gas company within the meaning of the **Gas Industry Act 1994**;

S. 3(1) def. of "gas company" inserted by No. 31/1995 s. 45, substituted by No. 91/1997 s. 50.

"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 1993**;

S. 3(1) def. of "generation company" inserted by No. 110/1994 s. 39(1).

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S. 3(1) def. of "government department" amended by Nos 7228 s. 7, 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).

"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;

"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;

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

"Ports Fund" means the Fund established under section 84A;

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

S. 3(1) def of "public generation company" inserted by No. 35/1997 s 26(2).

"public generation company" has the same meaning as in the **Electricity Industry Act 1993**;

S. 3(1) def. of "public transmission company" inserted by No. 35/1997 s. 26(2).

"public transmission company" has the same meaning as in the **Electricity Industry Act 1993**;

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s. 3

"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 1993**;

S. 3(1) def. of "transmission company" inserted by No. 35/1997 s. 26(2).

"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

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

and appliances used for or in connexion with the undertaking;

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

4. *Commission*

- (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;
 - (ii) for the purposes of this Act, purchasing, taking, holding, selling, leasing, taking on lease, exchanging or disposing of real or personal property; and

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

State Electricity Commission Act 1958
Act No. 6377/1958

s. 4

(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).

* * * * *

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Act No. 6377/1958

s. 9C

* * * * *

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),
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.

State Electricity Commission Act 1958

Act No. 6377/1958

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

(1) The general functions of the Commission are—

- (a) to carry out the functions conferred on it by the **Loy Yang B Act 1992**;
- (b) to carry out the functions conferred on it by an agreement, contract or document referred to in Schedule 3 of the **Electricity Industry Act 1993**;
- (c) to administer and deal with excluded property within the meaning of the **Electricity Industry 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;
- (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;
- (ea) to carry out directions given to the Administrator under section 53 of the **Electricity Industry Act 1993**, whether or

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.

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

S. 12A(1)(ea) inserted by No. 79/1995 s. 23(2).

- 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 sub-section (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 sub-section (1).

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

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.

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

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

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 Services Act 1995**;
 - (b) to administer and deal with property and rights vested in, or liabilities acquired by, the Commission under the **Port Services Act 1995**;
 - (c) to acquire and dispose of real or personal property relating to its functions under this section;

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

- (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 sub-section (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 sub-section (1).

S. 13
 amended by
 No. 130/1993
 s. 101(2)(i)(ii),
 repealed by
 No. 25/1998
 s. 163(1)(b).

* * * * *

S. 14
 repealed by
 No. 130/1993
 s. 101(2)(j).

* * * * *

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s. 15

*	*	*	*	*	No. 4505 s. 2. No. 5272 s. 8. 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.
*	*	*	*	*	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.
*	*	*	*	*	No. 5272 ss 2, 4-7. S. 16 amended by Nos 7207 s. 2(2), 9921 s. 255, 9720 s. 2, repealed by No. 89/1998 s. 31.
*	*	*	*	*	No. 5272 s. 10. S. 17 amended by Nos 8353 s. 19, 9427 s. 6(1), 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.

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

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

- (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.

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

- (2) Where an agreement with respect to any such transfer has been entered into pursuant to the last preceding sub-section, the Governor in Council may by Order published in the Government Gazette vest in the Commission the sidings, land, buildings, plant, machinery and equipment agreed to be transferred which shall upon the publication of the Order for all the purposes of this Act or any Act relating to the said 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.

- (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 sub-section, 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).

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

No. 6001 s. 4.

- (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—

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).

- (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 sub-section, the Governor in Council may by Order published in the Government Gazette vest in the Commission any plant equipment buildings houses and land agreed to be transferred which shall upon the publication of the Order for all the purposes of this Act become the property of the Commission and cease to be the property or under the jurisdiction of the 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.

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

- (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 sub-section, with the appropriate modifications and adaptations, shall apply accordingly.

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).

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;

Nos 3776
s. 14, 6001
s. 2.

State Electricity Commission Act 1958

Act No. 6377/1958

s. 23

- (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;

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

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

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

* * * * *

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

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

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Nos 3776 s. 15, 6122 s. 2.

23. *Acquired lands to vest in Commission*

State Electricity Commission Act 1958
Act No. 6377/1958

*	*	*	*	*	<p>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).</p>
*	*	*	*	*	<p>S. 23(2) amended by No. 8377 s. 2(1), substituted by No. 9270 s. 3, repealed by No. 121/1986 s. 112.</p>
*	*	*	*	*	<p>S. 23(2A) inserted by No. 9531 s. 2, repealed by No. 121/1986 s. 112.</p>
*	*	*	*	*	<p>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).</p>
*	*	*	*	*	<p>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).</p>
					<p>S. 23(4A) inserted by No. 98/1986 s. 4(1)(b).</p>
<p>(4A) On the commencement of section 4 of the State Electricity Commission (Further Amendment) Act 1986 all lands which were acquired by the</p>					

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 sub-section (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 sub-section (4A).

No. 3776
s. 16(2).

24. *Power to vest etc. Crown lands in Commission*

S. 24
substituted by
No. 8797 s. 4.

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

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

(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

(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 conditions reservations restrictions exceptions or powers as he thinks fit;

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).

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

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

25. Leases and licences under Land Act 1958

No. 3776 s. 17.

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

(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

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

State Electricity Commission Act 1958
Act No. 6377/1958

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,
121/1986
s. 112,
130/1993
s. 101(2)(r),
repealed by
No. 53/1994
s. 28(1)(f).

* * * * *

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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State Electricity Commission Act 1958
Act No. 6377/1958

s. 27

*	*	*	*	*	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), 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).
*	*	*	*	*	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).

State Electricity Commission Act 1958
Act No. 6377/1958

s. 44

S. 44 amended by Nos 9923 s. 12(c), 130/1993 s. 103(d), repealed by No. 53/1994 s. 28(1)(g).	*	*	*	*	*
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S. 45 amended by S.R. No. 189/1973 reg. 4, Nos 6505 s. 2, 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).	*	*	*	*	*
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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).	*	*	*	*	*
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State Electricity Commission Act 1958
Act No. 6377/1958

s. 46

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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

s. 57A

Pt 5A
(Heading and
ss 57A–57I)
inserted by
No. 79/1995
s. 24.

PART VA—POWERS OF CHIEF ELECTRICAL INSPECTOR

S. 57A
inserted by
No. 79/1995
s. 24.

57A. Definitions

In this Part—

"business day" means a day other than a Saturday, a Sunday or a public holiday appointed under the **Public Holidays Act 1993**;

"electrical equipment", **"electrical installation"**, and **"electrical wiring work"** have the same respective meanings as in Part V;

S. 57A def. of
"inspector"
amended by
No. 48/1996
s. 21(d).

"inspector" means the person appointed as chief electrical inspector under section 60 of the **Electricity Industry Act 1993** or an officer or employee of the chief electrical inspector appointed as an inspector under section 57B.

S. 57B
inserted by
No. 79/1995
s. 24.

57B. Inspectors

- (1) The chief electrical inspector may appoint an officer or employee of the chief electrical inspector to be an inspector for the purpose of this Act.
- (2) The chief electrical inspector must give an identification card to each officer and employee who is appointed an inspector.
- (3) The identification card—
 - (a) must be signed by the chief electrical inspector; and
 - (b) bear a photograph and the signature of the officer or employee.

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- (4) An inspector must, in the course of performing his or her functions under this Act, produce his or her identification card to any person who requests its production.

57C. Powers of entry

S. 57C
inserted by
No. 79/1995
s. 24.

- (1) An inspector may exercise powers under this section only to the extent that it is reasonably necessary to do so for the purpose of determining whether the provisions of Parts V and VI and regulations under those Parts or under section 110 (except paragraphs (ea) to (ef)) are being complied with.
- (2) Subject to this section, an inspector with any assistants the inspector considers necessary may enter, at any time during ordinary working hours on any business day, or, in the case of an emergency, at any time, any premises that the inspector believes on reasonable grounds are premises where there is or may be electrical equipment that does not comply with the requirements of the provisions referred to in subsection (1), or is otherwise an electrical hazard, and may do any one or more of the following—
- (a) search the premises and anything found at the premises;
 - (b) inspect and take photographs (including video recordings), or make sketches, of the premises or anything at the premises;
 - (c) inspect, and make copies of, or take extracts from, any document kept at the premises;
 - (d) seize anything at the premises the inspector believes on reasonable grounds that it is necessary to seize in order to prevent its concealment, loss or destruction;

- (e) examine, test and, if necessary, disconnect, seize or otherwise make safe any electrical equipment, electrical installation or electrical wiring work that the inspector considers to be hazardous.
- (3) Except in an emergency, an inspector must not, under this section, enter a residence unless the occupier of the residence has consented in writing to the entry and carrying out of the search.
- (4) If an inspector is unable to ascertain the identity of the owner or custodian of anything seized, the inspector must leave the receipt with, or post it to, the owner of the premises from which the thing was seized.
- (5) An inspector may not exercise any powers under this section if the inspector fails to produce, on request, his or her identity card for inspection by the occupier of the premises.

S. 57D
inserted by
No. 79/1995
s. 24.

57D. Return of things seized

- (1) If an inspector seizes a thing under section 57C, the inspector must take reasonable steps to return the thing to the person from whom it was seized if the reason for its seizure no longer exists.
- (2) If the thing has not been returned within 3 months after it is seized, the inspector must take reasonable steps to return it unless—
 - (a) proceedings have commenced and those proceedings (including any appeal) have not been completed; or
 - (b) a court makes an order under section 57E extending the period of 3 months.

S. 57E
inserted by
No. 79/1995
s. 24.

57E. Magistrates' Court may extend period

- (1) An inspector may apply to the Magistrates' Court before the expiration of the period referred to in

section 57D(2) or within a period extended by the Court under this section for an extension of that period.

- (2) The Magistrates' Court may order such an extension if satisfied that retention of the thing is necessary—
 - (a) for the purposes of an investigation into whether an offence has been committed; or
 - (b) to enable evidence of an offence to be obtained for the purposes of a prosecution.
- (3) The Court may adjourn an application to enable notice of the application to be given to any person.

57F. Power of inspector to require information or documents

S. 57F
inserted by
No. 79/1995
s. 24.

- (1) An inspector who—
 - (a) exercises a power of entry under this Part; and
 - (b) produces his or her identity card for inspection by a person—

may, to the extent that it is reasonably necessary to determine compliance with the provisions referred to in section 57C(1), require the person to give information to the inspector, to produce documents to the inspector and to give reasonable assistance to the inspector.

- (2) A person must not refuse or fail, without reasonable excuse, to comply with a requirement made under sub-section (1).

Penalty:

- (a) in the case of a corporation, 1000 penalty units;
- (b) in any other case, 100 penalty units.

s. 57G

- (3) A person must not—
- (a) give information that the person knows to be false or misleading in a material particular;
or
 - (b) produce a document that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty:

- (a) in the case of a corporation, 1000 penalty units;
- (b) in any other case, 100 penalty units.

S. 57G
inserted by
No. 79/1995
s. 24.

57G. Copying of documents

If a person produces a document to an inspector in accordance with a requirement under section 57F(1), the inspector may make copies of, or take extracts from, the document.

S. 57H
inserted by
No. 79/1995
s. 24,
amended by
No. 35/1997
26(5)(b).

57H. Protection against self-incrimination

A natural person may refuse or fail to give information, produce a document or do any other thing that the person is required to do by or under this Act if the giving of the information, the production of the document or the doing of that other thing would tend to incriminate the person.

S. 57I
inserted by
No. 79/1995
s. 24.

57I. Chief electrical inspector may give directions

- (1) The chief electrical inspector may, in writing, direct a relevant person to disconnect the supply of electricity to an electrical installation, or part of an electrical installation, if the chief electrical inspector considers that it is necessary to do so for safety reasons.

(2) The chief electrical inspector may, in writing, direct a person—

- (a) to cease to use particular electrical equipment; or
- (b) to cease a particular electrical work practice—

if the chief electrical inspector is satisfied that it is necessary to issue the directions for safety reasons.

(3) In this section, "**relevant person**" means an electricity corporation within the meaning of the **Electricity Industry Act 1993**, the holder of a licence under that Act or any other person supplying electricity.

(4) A person must comply with a direction under this section that applies to the person.

Penalty:

- (a) in the case of a corporation, 1000 penalty units; and
- (b) in any other case, 100 penalty units.

Pt 6 (Heading and ss 58–78) repealed by No. 8807 s. 3(2)12, new Pt 6 (Heading and ss 58–65) inserted by No. 10001 s. 4, amended by No. 79/1995 s. 25(1).

S. 58 inserted by No. 10001 s. 4.

S. 58(1) def. of "Code" amended by No. 79/1995 s. 25(2)(a).

S. 58(1) def. of "Commission assets" amended by Nos 130/1993 s. 107(a), 79/1995 s. 25(2)(c), 48/1996 s. 21(e).

S. 58(1) def. of "committee" amended by No. 79/1995 s. 25(2)(b).

PART VI—PROVISIONS RELATING TO POWERLINE CLEARANCE²

58. *Definitions*

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

"Code" means the prescribed Code of Practice for Powerline Clearance;

"Commission assets" means the whole or part of any pole, cable, conduit, conductor, device, appliance or other thing (other than a private electric line or electric line), used for or in connexion with a private electric line and vested in the Commission or a distribution company;

"committee" means the Powerline Clearance Consultative Committee established under section 63;

"declared area" means an area declared under section 65(3) and (4) by the Governor in Council by Order in Council published in the Government Gazette;

"electric line" means any electric line which is not a private electric line and includes a low voltage electric line;

"erect" in relation to an electric line, includes use, lay, construct, put up and place;

S. 58(1) def. of "erect" inserted by No. 98/1986 s. 5(1)(a)(i).

"fire control authority" in relation to an area of land means—

S. 58(1) def. of "fire control authority" inserted by No. 98/1986 s. 5(1)(a)(i).

- (a) the Metropolitan Fire Brigades Board, if the area is within the metropolitan fire district; or
- (b) the Director-General for Conservation, Forests and Lands, if the area is within a fire protected area within the meaning of the **Forests Act 1958**; or
- (c) the Country Fire Authority, if the area is within the country area of Victoria within the meaning of the **Country Fire Authority Act 1958**;

"land" includes public land;

"low voltage electric line" means an electric line which is ordinarily operated at a voltage of 650 or less;

"maintenance", in relation to a private electric line or electric line, includes the keeping of the whole or any part of a tree clear of the line;

"member" means a member of the Powerline Clearance Consultative Committee and includes a chairman, acting chairman and acting member;

S. 58(1) def. of "member" amended by No. 79/1995 s. 25(2)(d).

"occupier", in relation to land, means a person who is in actual occupation of the land or if no-one is in actual occupation of the land, the owner of the land;

"officer" in relation to a corporation, has the same meaning as in section 5(1) of the **Companies (Victoria) Code**;

"person" includes a body or association (corporate or unincorporate) and a partnership;

S. 58(1) def. of "plantation" substituted by No. 98/1986 s. 5(1)(a)(ii).

"plantation" means any part of a road or a reserve of a road which is planted with one or more trees;

S. 58(1) def. of "point of supply" amended by No. 53/1994 s. 28(1)(m)(i).

"point of supply", in relation to a private electric line above or below the surface of land means—

- (a) in the case of an underground line, the point at which that line crosses the boundary of the land; and
- (b) in the case of an overhead line, the first point of connexion of that line on the land, being either—
 - (i) where the line is carried onto the land by one or more poles, the first pole on the land carrying that line;
 - (ii) where the line is connected directly to premises on the land, that connexion to the premises; or
 - (iii) where it is not possible to determine a point of supply in accordance with sub-paragraph (i) or (ii), the point at which the line crosses the boundary of the land—

unless the line is connected to Commission assets which are situated on an easement vested in the Commission or an electricity

corporation which is on the land in which case the point of supply shall be the point at which the line is connected to Commission assets;

"powerline" means an electric line or a private electric line which is ordinarily operated at a voltage of 66 kV or less;

S. 58(1) def. of "powerline" inserted by No. 79/1995 s. 25(2)(e).

"private electric line" means any overhead or underground low voltage electric line used to take electric energy from the point of supply, whether or not that line is vested in the Commission or an electricity corporation;

S. 58(1) def. of "private electric line" amended by No. 53/1994 s. 28(1)(m)(ii).

"public land" means—

- (a) Crown land;
- (b) land vested in any Minister of the Crown;
- (c) land vested in any public statutory authority or council; or
- (d) land (whether privately or publicly owned) used for public purposes;

S. 58(1) def. of "public land" amended by No. 12/1989 s. 4(1)(Sch. 2 item 112.6A) (as amended by No. 13/1990 s. 38(2)(f)).

"responsible person" means a person responsible under section 60 for the maintenance of a private electric line or for the keeping of the whole or any part of a tree clear of an electric line;

"rural area" means an area which is not an urban area;

State Electricity Commission Act 1958
Act No. 6377/1958

S. 58(1) def. of "urban area" substituted by No. 98/1986 s. 5(1)(a)(iii), amended by Nos 53/1988 s. 45(Sch. 3 item 72) (as amended by No. 47/1989 s. 23(2)), 86/1989 s. 29(10).

"urban area" means—

- (a) an area of land which is predominantly—
 - (i) subdivided into allotments or lots which in the case of land used or to be used for residential purposes are not greater than 0.4 hectares; and
 - (ii) able to be used or developed under a planning scheme for residential, industrial or commercial purposes; and
 - (iii) provided with constructed streets and public utility services; and
 - (iv) provided with street lighting which is installed at not less than three lanterns in every 500 metres; or
- (b) any other area for the time being specified in a notice under sub-section (1A)—

but does not include an area to which a Fire Control Authority has for the time being assigned a fire hazard rating of "high" or "very high" under sub-section (1C).

S. 58(1A) inserted by No. 98/1986 s. 5(1)(b), amended by No. 130/1993 s. 107(b).

- (1A) The Minister may publish a notice in the Government Gazette specifying any area of land as an urban area for the purposes of this Part.

State Electricity Commission Act 1958
Act No. 6377/1958

s. 58

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|---|---|
| <p>(1B) Before publishing a notice under sub-section (1A), the Minister must obtain the agreement of—</p> <ul style="list-style-type: none">(a) the Fire Control Authority; and(b) any person responsible for the management of public land in the area. | <p>S. 58(1B)
inserted by
No. 98/1986
s. 5(1)(b),
amended by
No. 130/1993
s. 107(c).</p> |
| <p>(1C) A Fire Control Authority—</p> <ul style="list-style-type: none">(a) may assign a fire hazard rating of "high" or "very high" to any area of land for the purposes of this section; and(b) must give notice in writing of that rating to the Minister and every person responsible for the management of public land in any part of the area as soon as practicable after the rating is assigned. | <p>S. 58(1C)
inserted by
No. 98/1986
s. 5(1)(b).</p> <p>S. 58(1C)(b)
amended by
No. 130/1993
s. 107(d).</p> |
| <p>(2) This Part binds the Crown, not only in right of the State of Victoria but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.</p> | |
| <p>* * * * *</p> | <p>S. 58(2A)
inserted by
No. 98/1986
s. 5(1)(c),
repealed by
No. 53/1994
s. 28(1)(n).</p> |
| <p>(2B) Notwithstanding anything to the contrary in this Part, a council or public statutory authority is not guilty of an offence if it contravenes or fails to comply with this Part, the regulations under this Part, the Code or a notice under section 62.</p> | <p>S. 58(2B)
inserted by
No. 98/1986
s. 5(1)(c),
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 112.17)
(as amended
by No.
13/1990
s. 38(2)(u)).</p> |
| <p>(2C) a member, officer or employee of a council is not personally liable to any action, liability, claim or demand on account of any thing done or omitted</p> | <p>S. 58(2C)
inserted by
No. 98/1986
s. 5(1)(c).</p> |

to be done under this Part if the act or omission occurred in good faith in the course of his or her functions as a member, officer or employee.

- (3) Subject to sub-section (4), where a corporation is guilty of an offence against this Part or the regulations made under this Part any officer of the corporation who was knowingly a party to the commission of the offence is also guilty of that offence and liable to the penalty for that offence.
- (4) It is a defence to a charge brought pursuant to sub-section (3) against an officer of a corporation to prove that he acted reasonably in the course of his employment as an officer of the corporation.
- (5) Where it is provided by this Part or the regulations made under this Part that a person, being a partnership or an unincorporated association, is guilty of an offence, that reference to the person shall—
- (a) in the case of a partnership—be read as a reference to each member of the partnership; and
 - (b) in the case of an unincorporated association—be read as a reference to each member of the committee of management of the association.
- (6) Where a provision of this Part or of a regulation made under this Part is with respect to a particular subject-matter inconsistent with a provision—
- (a) of this or any other Act or law or of a regulation, rule, by-law or Order made under this or any other Act; or
 - (b) of any agreement—
- the provision of this Part or of the regulation made under this Part (as the case may be) shall prevail

and that other provision is, to the extent of the inconsistency, of no force or effect.

- (7) It is declared that this Part does not impose any other duty of care upon a municipality than the duty of care which that municipality would have had at law if this Part had not been enacted.

S. 58(7)
inserted by
No. 98/1986
s. 5(1)(d).

59. Point of supply where section 58 determination inappropriate

S. 59
inserted by
No. 10001 s. 4.

- (1) Where in relation to a private electric line the Commission or the relevant distribution company is of the opinion that the point of supply as determined in accordance with the interpretation of that term in section 58(1) is not appropriate, the Commission or the relevant distribution company shall determine the point of supply.
- (2) The Commission or relevant distribution company shall notify the responsible person of a determination made under sub-section (1) within 14 days of making it.
- (3) The responsible person may within 21 days of receiving a notification under sub-section (2) object to the determination to the chief electrical inspector on the grounds that the determination is not reasonable.
- (4) The chief electrical inspector shall consider the objection and may vary or revoke the determination under sub-section (1) and the decision of the chief electrical inspector shall be final and without appeal.

S. 59(1)
amended by
Nos 130/1993
s. 107(e)(i)(ii),
53/1994
s. 28(1)(o),
79/1995
s. 25(3)(a).

S. 59(2)
amended by
Nos 130/1993
s. 107(f),
53/1994
s. 28(1)(o),
79/1995
s. 25(3)(b),
48/1996
s. 21(f).

S. 59(3)
amended by
No. 79/1995
s. 25(3)(c).

S. 59(4)
amended by
No. 79/1995
s. 25(3)(d).

State Electricity Commission Act 1958

Act No. 6377/1958

s. 60

S. 59(5)
amended by
Nos 130/1993
s. 107(g),
53/1994
s. 28(1)(o),
79/1995
s. 25(3)(e).

- (5) A determination made under sub-section (1) may be varied or revoked by the Commission or the relevant distribution company and that variation or revocation shall be—
- (a) made in the same manner as a determination is made;
 - (b) subject to the same procedures as for a determination.

S. 59(6)
amended by
Nos 130/1993
s. 107(h),
53/1994
s. 28(1)(o),
79/1995
s. 25(3)(f).

- (6) A determination made under sub-section (1) shall take effect from the date of the determination by the Commission or the relevant distribution company and any variation or revocation of the determination under sub-section (4) or (5) shall take effect from the date of the variation or revocation.

S. 60
inserted by
No. 10001 s. 4.

60. Requirement on persons to maintain line

- (1) Except as provided in sub-section (2), an occupier of land above or below the surface of which there is a private electric line shall be responsible for maintenance of the line.
- (2) Subject to sub-section (4), an occupier of land shall be responsible for the keeping of the whole or any part of a tree situated on the land clear of—
 - (a) a low voltage electric line which solely services the land he occupies; and
 - (b) a private electric line which is on land which is contiguous to the land he occupies and for this purpose he may enter onto the contiguous land and there perform any acts necessary to keep the tree clear of the line.
- (3) A person responsible for the management of public land in a declared area shall be responsible for the keeping of the whole or any part of a tree situated on the land clear of an electric line.

S. 60(3)
amended by
No. 98/1986
s. 5(2)(a).

(3A) Any person (other than a distribution company) who owns or operates an electric line—

- (a) pursuant to an Order under the **Electric Light and Power Act 1958**; or
- (b) with the permission of the Chief Electrical Inspector under section 6(1) of that Act; or

S. 60(3A) inserted by No. 98/1986 s. 5(2)(b), amended by No. 79/1995 s. 25(4)(a)(b). S. 60(3A)(b) amended by No. 130/1993 s. 107(i).

(c) pursuant to an Act of Parliament—

is responsible for the keeping of the whole or any part of a tree clear of the electric line.

(4) The Roads Corporation shall be responsible for the keeping of the whole or any part of a tree which is situated on a plantation on a road declared to be a road by the Minister administering the **Transport Act 1983** under Schedule 5 to the **Transport Act 1983** (other than a main road) clear of an electric line above or below the surface of land in a rural area.

S. 60(4) amended by Nos 98/1986 s. 5(2)(c)(i)(ii), 44/1989 s. 41(Sch. 2 item 39.4).

(5) If there is no other responsible person under subsection (2), (3), (3A) or (4), the relevant distribution company is responsible for the keeping of the whole or any part of a tree clear of an electric line except an electric line erected by a person pursuant to an Act of the Commonwealth.

S. 60(5) substituted by No. 98/1986 s. 5(2)(d), amended by Nos 130/1993 s. 107(j), 53/1994 s. 28(1)(p).

61. Exercise of powers with respect to lines

The Commission or the relevant distribution company may, subject to any code applying in relation to the exercise of powers under this section issued by the Office of the Regulator-General under the **Office of the Regulator-General Act 1994**, exercise the following powers in relation to private electric lines and electric lines—

S. 61 inserted by No. 10001 s. 4, amended by Nos 130/1993 s. 107(k), 56/1995 s. 53(3)(c), 79/1995 s. 25(5)(a).

State Electricity Commission Act 1958

Act No. 6377/1958

s. 62

S. 61(b)
amended by
No. 79/1995
s. 25(5)(b).

- (a) the power to enter onto land at any reasonable time for the purposes of inspecting a private electric line or electric line and to remain on the land for so long as is necessary to inspect the line;
- (b) the power with the agreement of the chief electrical inspector to order that any private electric line or electric line proposed to be constructed or to be substantially reconstructed after the coming into operation of the **State Electricity Commission (Clearance of Lines) Act 1983** be placed underground; and
- (c) the power, upon production of a certificate in a form approved by the chief electrical inspector and issued by the Commission or the relevant distribution company and at any reasonable time, to enter onto and remain on any land, for as long as is necessary for the carrying out of any work which is required to be carried out by the Commission or distribution company to fulfil its responsibilities pursuant to section 60(5).

S. 61(c)
amended by
Nos 130/1993
s. 107(l)(m),
79/1995
s. 25(c)(i)(ii).

S. 62
inserted by
No. 10001 s. 4.

62. Failure to maintain lines

S. 62(1)
amended by
Nos 130/1993
s. 107(n),
53/1994
s. 28(1)(q),
79/1995
s. 25(6).

- (1) The Commission or the relevant distribution company may by notice in writing require a person to perform acts specified in the notice for the purpose of keeping the whole or any part of a tree clear of a private electric line or electric line in respect of which he is the responsible person within a time specified in the notice being subject to sub-section (5) not less than 14 days from the date of the notice.

State Electricity Commission Act 1958
Act No. 6377/1958

s. 62

* * * * *

(3) Where—

S. 62(2)
repealed by
No. 45/1987
s. 205(Sch.
item 127).

S. 62(3)
amended by
Nos 45/1987
s. 205(Sch.
item 127),
130/1993
s. 107(n),
53/1994
s. 28(1)(q),
79/1995
s. 25(6).

- (a) there is a private electric line or electric line (as the case may be) above or below the surface of land in respect of which there is in force a planning scheme; and
- (b) the planning scheme requires a permit to be obtained to trim or remove trees on the land—

S. 62(3)(a)
amended by
No. 45/1987
s. 205(Sch.
item 127).

S. 62(3)(b)
substituted by
No. 45/1987
s. 205(Sch.
item 127).

a person required by the Commission or the relevant distribution company by notice in writing under sub-section (1) to perform any act for the purpose of keeping the whole or any part of a tree clear of the line shall, before taking any action to comply with the notice, obtain any necessary permit pursuant to the **Planning and Environment Act 1987** in respect of the action necessary to comply with the notice unless an officer or employee of the Commission or the relevant distribution company considers the line to be in such a dangerous condition that urgent compliance with the notice is necessary.

(4) Where—

State Electricity Commission Act 1958

Act No. 6377/1958

s. 62

S. 62(4)(a)
amended by
Nos 130/1993
s. 107(n),
53/1994
s. 28(1)(q),
79/1995
s. 25(6).

(a) the Commission or the relevant distribution company has by notice pursuant to sub-section (1) required a person to perform acts for the purpose of keeping the whole or any part of a tree clear of a private electric line or electric line;

(b) the time for compliance with the notice is greater than 14 days; and

(c) the person is required under sub-section (3) to obtain a permit—

the person—

(d) shall apply for the permit within 14 days of the receipt of the notice; and

(e) shall perform all acts specified in the notice within 21 days of obtaining the permit.

S. 62(5)
amended by
Nos 130/1993
s. 107(n),
53/1994
s. 28(1)(q),
79/1995
s. 25(6).

(5) Where an officer or employee of the Commission or the relevant distribution company considers that urgent compliance with the notice under sub-section (1) is necessary, the notice may require the person to comply with it within 14 days of the date of the notice.

S. 62(6)
amended by
Nos 130/1993
s. 107(n),
53/1994
s. 28(1)(q),
79/1995
s. 25(6).

(6) Where the responsible person in relation to a private electric line or an electric line vested in the Commission or the relevant distribution company—

(a) is unable to comply with a notice under this section;

(b) is unable to perform his duties under the Code;

(c) would put his personal safety at risk if he performed his duties under the Code or pursuant to a notice under this section; or

(d) refuses—

-
- (i) to comply with a notice under this section; or
- (ii) to perform his duties under the Code—
the Commission or the relevant distribution company may carry out his duties and perform any work necessary to ensure that the whole or any part of a tree is kept clear of the line and where the Commission or the relevant distribution company does so the responsible person referred to in paragraph (a), (b) or (c) (as the case may be) shall not be guilty of an offence for failing to perform his duties under the Code.
- (7) In order to carry out work under sub-section (6) an officer or employee of the Commission or the relevant distribution company may at any reasonable time and upon production of a certificate issued by the commission or the relevant distribution company enter onto and remain on any land where that work is to be carried out for as long as is necessary for the carrying out of the work.
- (8) The Commission or the relevant distribution company may recover the costs of carrying out any work under sub-section (6) from the responsible person.
- (9) Notwithstanding the provisions of any other Act, where the Commission or the relevant distribution company is the responsible person pursuant to section 60(5), the Commission or the relevant distribution company shall not be required to obtain any permit pursuant to any other Act in respect of any action necessary to keep the whole or any part of a tree clear of an electric line where such action is carried out in accordance with the Code.

S. 62(7)
amended by
Nos 130/1993
s. 107(n)(o),
53/1994
s. 28(r),
79/1995
s. 25(6).

S. 62(8)
amended by
Nos 130/1993
s. 107(p),
79/1995
s. 25(6).

S. 62(9)
amended by
Nos 98/1986
s. 5(3),
130/1993
s. 107(p),
79/1995
s. 25(6).

State Electricity Commission Act 1958
Act No. 6377/1958

S. 62(10)
amended by
Nos 41/1987
s. 103(Sch. 4
item 61.4),
44/1989
s. 41(Sch. 2
item 39.5).

- (10) Notwithstanding the provisions of—
- (a) section 77 of the **Forests Act 1958**;
 - (b) section 56(2)(1) of the **Transport Act 1983**;
- or
- (c) regulations made under or having effect as if made under either of those sections—

it shall not be necessary for a responsible person under section 60(3) or (5) to obtain the authority or permission of the Director-General of Conservation, Forests and Lands or the Roads Corporation in respect of any action necessary to keep the whole or any part of a tree clear of an electric line where such action is required pursuant to section 60(3) or (5) or to a notice under section 62.

S. 62(11)
inserted by
No. 56/1995
s. 53(4),
amended by
No. 79/1995
s. 25(7).

- (11) The Commission or the relevant distribution company, in exercising a power under this section, must comply with any code applying in relation to the exercise of that power issued by the Office of the Regulator-General under the **Office of the Regulator-General Act 1994**.

63. Powerline Clearance Consultative Committee³

- (1) There shall be a Powerline Clearance Consultative Committee.
- (2) The Committee shall be constituted by 11 members to be appointed by the Minister.
- (3) The Minister must appoint one of the members of the Committee to be the chairperson.
- (4) A member shall be appointed for such period not exceeding 3 years as is specified in the instrument of appointment and is eligible for re-appointment.
- (5) The Committee is to be constituted by⁴—
 - (a) an officer or employee of the Roads Corporation, nominated by the Minister administering the **Transport Act 1983**;
 - (b) an officer or employee of the Country Fire Authority, nominated by the Minister administering the **Country Fire Authority Act 1958**;
 - (c) 3 persons selected by the Minister from nominations given to the Minister by the distribution companies;
 - (d) an employee in the Department of Natural Resources and Environment, nominated by the Minister administering the **Forests Act 1958**; and
 - (e) 5 other members to be appointed from interested persons after the advertisement of the positions by the Minister including—
 - (i) a member with skills in land management and nature conservation

S. 63 inserted by No. 10001 s. 4, amended by Nos 33/1986 s. 12(a)(b), 41/1987 s. 103(Sch. 4 item 61.5), 45/1987 s. 205(Sch. item 128), 12/1989 s. 4(1)(Sch. 2 item 112.18), 44/1989 s. 41(Sch. 2 item 39.6), 130/1993 s. 108(1)(a)(b), 53/1994 s. 28(1)(s)(i)(ii)(f), substituted by No. 79/1995 s. 26.

S. 63(5)(d) amended by No. 46/1998 s. 7(Sch. 1).

- nominated by the Minister administering the **Forests Act 1958**;
- (ii) a private land owner or a person representing the interests of private land owners nominated by the Minister administering the **Dairy Industry Act 1992**;
- (iii) a person representing the interests of Local Government; and
- (iv) a person with environmental or planning expertise nominated by the Minister administering the **Planning and Environment Act 1987**.
- (6) The Minister must determine the remuneration (if any) and the travelling and other allowances of members and any other terms and conditions of appointment of members.
- (7) If the chairperson is not present at the time fixed for the commencement of a meeting of the committee, the members present must elect one of their number as acting chairperson to preside at that meeting.

63A. Functions of the Committee

The Powerline Clearance Consultative Committee must—

- (a) provide advice to the chief electrical inspector with regard to the preparation and maintenance of the Code;
- (b) provide advice on any matter relating to the clearance of powerlines when requested so to do by the chief electrical inspector or the Minister;

State Electricity Commission Act 1958

Act No. 6377/1958

- (c) must report before 30 September in each year to the Minister on the performance of its functions.

64. Procedure for Code

- (1) The chief electrical inspector shall, before the Governor in Council makes regulations prescribing the Code of Practice or amending or varying the Code—
- (a) refer to the Committee all matters with respect to the contents of those regulations;
 - (b) make a draft of those regulations available to the public for comment for a period of 90 days; and
 - (c) consider any comments on the draft made to the chief electrical inspector during that period.
- (2) There shall at all times be in force regulations prescribing the Code but no such regulations shall continue in force for more than 5 years after the date of their coming into operation.
- (3) A regulation shall not be invalidated or affected by reason only of a failure to comply with subsection (1) with respect to that regulation.

* * * * *

- (5) The chief electrical inspector shall publish the Code in the Government Gazette.

S. 64
inserted by
No. 10001 s. 4.

S. 64(1)
amended by
Nos 130/1993
s. 108(1)(d),
79/1995
s. 27(a),
48/1996
s. 20(g).

S. 64(1)(c)
substituted by
No. 130/1993
s. 108(1)(e),
amended by
No. 79/1995
s. 27(a).

S. 64(2)
amended by
Nos 130/1993
s. 108(1)(f),
79/1995
s. 27(b).

S. 64(3)
amended by
No. 10087
s. 3(1).

S. 64(4)
repealed by
No. 130/1993
s. 108(1)(g).

S. 64(5)
amended by
No. 79/1995
s. 27(a).

65. Regulations

S. 65
inserted by
No. 10001 s. 4.

S. 65(1)
amended by
No. 130/1993
s. 108(1)(h).

S. 65(1)(c)
amended by
No. 130/1993
s. 108(1)(i).

S. 65(1)(d)
substituted by
No. 79/1995
s. 27(c).

- (1) The Governor in Council may make regulations for or with respect to any matter or thing that is required or permitted to be prescribed for the purposes of this Part or is necessary to be prescribed for carrying this Part into effect and, without limiting the generality of the foregoing, for or with respect to prescribing—
 - (a) forms of notices for the purposes of this Part;
 - (b) standards of construction and maintenance of underground and overhead private electric lines;
 - (c) the manner in which an electricity corporation may exercise its powers under section 61(b) and (c);
 - (d) the Code of Practice for Powerline Clearance setting out—
 - (i) the duties of responsible persons;
 - (ii) the standards and practices to be adopted and observed in tree pruning or clearing in the vicinity of power lines;
 - (iii) management procedures to minimise danger of powerlines causing fire by contact with vegetation;
 - (iv) any other matters for or with respect to the maintenance of power lines.
- (2) Any regulation made under this Part may—
 - (a) be made so as to be limited in respect of time, place or circumstances having regard to the conditions existing in any area in which the regulation is to have effect;

-
- (b) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by any Government department, council or public authority;
- (c) confer powers or impose duties in connexion with the regulations on any Government department or public authority, a member of staff of a council or on any officer or employee of that department, council or authority or on owners or occupiers of premises or on any other person whatsoever;
- (d) incorporate or adopt by reference the provisions of any document (including any code, standard, rule, specification or method) formulated, issued, prescribed or published by any authority or body whether—
- (i) wholly, partially or as amended by the regulation; and
 - (ii) as formulated, issued, prescribed or published at the time the regulation is made or at any time before the regulation is made; and
- (e) impose a penalty of not more than 50 penalty units for any contravention of or failure to comply with the regulation.
- (3) The Governor in Council may by Order in Council declare an area in an urban area for the purposes of section 60(3).
- (4) An Order in Council made under sub-section (3)—
- (a) shall be published in the Government Gazette;
- S. 65(2)(c) amended by Nos 12/1989 s. 4(1)(Sch. 2 items 112.19, 112.20) (as amended by No. 13/1990 s. 38(2)(v)), 46/1998 s. 7(Sch. 1).**
- S. 65(3) amended by No. 98/1986 s. 5(4)(a).**
- S. 65(4) amended by No. 98/1986 s. 5(4)(b)(i).**

State Electricity Commission Act 1958

Act No. 6377/1958

s. 65

S. 65(4)(aa)
inserted by
No. 98/1986
s. 5(4)(b)(ii),
amended by
No. 130/1993
s. 108(1)(j).

(aa) must contain a description sufficient to identify the land concerned which may include a description by reference to a map held by the chief electrical inspector;

(b) may by like Order be amended, varied or revoked; and

(c) shall come into operation upon publication in the Government Gazette.

S. 65(4A)
inserted by
No. 98/1986
s. 5(4)(c),
amended by
No. 130/1993
s. 108(1)(j)(k).

(4A) The chief electrical inspector must make a copy of any map referred to in an Order under sub-section (3) available at his or her office during office hours for any person to inspect free of charge.

S. 65(5)
substituted by
No. 98/1986
s. 5(4)(d).

(5) A person who contravenes or fails to comply with any provision of the Code is guilty of an offence and liable to a penalty of not more than 50 penalty units.

(6) A person who contravenes or fails to comply with any provision of a notice under section 62 shall be guilty of an offence and liable to a penalty of not more than 50 penalty units.

(7) Where a regulation made under this Act incorporates or adopts by reference pursuant to sub-section (2)(d) the provisions of any document the Minister shall cause notice to be published in the Government Gazette of a place at which copies of that document may be obtained.

(8) Where any form is prescribed by a regulation made under this Act, any form in or to the like effect of the prescribed form shall be sufficient in law.

State Electricity Commission Act 1958
Act No. 6377/1958

(9) The chief electrical inspector—

(a) shall cause to be published explanatory pamphlets in connexion with matters and things that may be made the subject of regulations for the purpose of giving advice and guidance to persons responsible for compliance with those regulations and may alter, amend, modify or vary those explanatory pamphlets; and

* * * * *

S. 65(9)
amended by
No. 130/1993
s. 108(1)(i).

S. 65(9)(b)
repealed by
No. 130/1993
s. 108(1)(ii).

State Electricity Commission Act 1958
Act No. 6377/1958

s. 66

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,
112.22 (as
amended by
No. 13/1990
s. 38(2)(w)(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(i),
repealed by
No. 56/1995
s. 54(1).⁵

* * * * *

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).

State Electricity Commission Act 1958

Act No. 6377/1958

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),
10021
s. 4(a)(i)(ii),
130/1993
s. 109(r),
110/1994
s. 39(2)(b),
31/1995
s. 47(a).

- (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 or 12B of the **Electricity Industry Act 1993**.

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

- (1A) For the purposes of sub-section (1) a gigajoule unit of coal is a quantity of coal which when mined has a net wet specific energy content of 1 gigajoule.

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

- (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.

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

- (1C) For the purposes of sub-section (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 sub-section (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 sub-section (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).

(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).

State Electricity Commission Act 1958

Act No. 6377/1958

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(5), 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.

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S. 83A inserted by No. 9853 s. 10, repealed by No. 130/1993 s. 109(5).

Nos 3776 s. 37, 4726 s. 2.

S. 84 repealed by No. 130/1993 s. 109(5), new s. 84 inserted by No. 31/1995 s. 48.

84. Gas Fund

- (1) The Commission must establish a fund to be called the "Gas Fund".
- (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).
- (3) There shall be paid out of the Gas Fund—

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

(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 sub-section (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*

- (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.

No. 3776 s. 38.
S. 85
repealed by
No. 130/1993
s. 109(5),
new s. 85
inserted by
No. 31/1995
s. 48.

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

85A. *Separate accounts and statements of electricity and gas property*

- (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

S. 85A
inserted by
No. 10145
s. 15,
repealed by
No. 130/1993
s. 109(5),
new s. 85A
inserted by
No. 31/1995
s. 48.

State Electricity Commission Act 1958
Act No. 6377/1958

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

(b) the transactions and affairs relating to its gas property within the meaning of section 85(2); and

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

(c) the transactions and affairs relating to its port property within the meaning of section 85(3).

(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—

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

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

(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).

State Electricity Commission Act 1958
Act No. 6377/1958

s. 85B

85B. Guarantees etc.

- (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,

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

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

S. 85B(1)(a)
inserted by
No. 31/1995
s. 49(1),
amended by
No. 63/1997
s. 16(a).

S. 85B(1)(b)
inserted by
No. 31/1995
s. 49(1),
amended by
No. 63/1997
s. 16(b).

S. 85B(1)(c)
inserted by
No. 63/1997
s. 16(b).

s. 85D

indemnity or other support must be paid into the Consolidated Fund.

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).

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

85D. Contracts in excess of \$50 000

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

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

- (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 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 sub-section (1).

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
Act No. 6377/1958

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.

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

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).

* * * * *

Division 2—Borrowings

88. Power to borrow

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

* * * * *

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

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.

* * * * *

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
Act No. 6377/1958

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.

(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.

* * * * *

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
Act No. 6377/1958

s. 93

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

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

No. 4512 s. 14.

93. *Appointment of receiver*

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

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

State Electricity Commission Act 1958

Act No. 6377/1958

s. 93

-
- (a) any securities issued under this Act or security issued or created under the **Borrowing and Investment Powers Act 1987** by the Commission; or
- (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
- (c) any financial accommodation obtained under that Act—

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

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

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.
- (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.
- (4) Such receiver—
- (a) shall be entitled to collect and receive—
- (i) any moneys standing to the credit of any sinking fund for the liquidation of the loan in respect of which the

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

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

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

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 sub-section of this section transferred to such receiver); and

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

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 sub-section 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 sub-section (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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No. 3783. 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

Act No. 6377/1958

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

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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.

No. 4512 s. 17.

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

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;
- (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—

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

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).

State Electricity Commission Act 1958

Act No. 6377/1958

s. 97

S. 96(3)
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 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
Act No. 6377/1958

s. 98

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**Pt 8 Div. 3
(Heading and
ss 98, 99)
amended by
Nos 6724 s. 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).**

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.
- (2) Sub-section (1) does not apply to assets the disposal of which would cause SEC to be in breach of an agreement made before the date on which the **Electricity Industry Act 1993** receives the Royal Assent.

S. 101A
inserted by
No. 130/1993
s. 111.

101A. *Power to bring proceedings*

- (1) Proceedings for an offence against Part V or VI or regulations made under or for the purposes of a provision of Part V or VI or against regulations made under section 111 may be brought by—
 - (a) a member of the police force; or
 - (b) the chief electrical inspector; or
 - (c) a person authorised in writing so to do by the chief electrical inspector.
- (2) If proceedings are brought by a member of the police force or person authorised by the chief electrical inspector, the proceedings may be conducted by any other member of the police force or any other person so authorised.

No. 3776 s. 43.

102. *General powers*

State Electricity Commission Act 1958
Act No. 6377/1958

*	*	*	*	*	S. 102(1) repealed by No. 35/1992 s. 43.
(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.					S. 102(2) amended by Nos 9296 s. 6(a), 130/1993 s. 112(b)(i).
*	*	*	*	*	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					

State Electricity Commission Act 1958

Act No. 6377/1958

s. 103

through accident drought or any unavoidable cause.

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

- (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.

No. 3776 s. 44.
S. 103
amended by
Nos 7228 s. 7,
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

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

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.

- (3) Notwithstanding sub-section (1) where any easement right or privilege referred to in that sub-section is in the instrument which created it expressed to be or granted as an easement appurtenant to any land or is shown in the Register kept under the provisions of the **Transfer of Land Act 1958** as an easement appurtenant to any land then when the Commission disposes of that land or any part thereof unless on conveying or transferring the land or part thereof the Commission certifies on the transfer or conveyance that the right is not required for the accommodation of that land or any part thereof such right shall become and remain appurtenant to the land to which it was expressed to be, or is shown as aforesaid as, appurtenant and not to any other land vested in the Commission.
- (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.

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

State Electricity Commission Act 1958

Act No. 6377/1958

s. 103A

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

(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 sub-section (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(4B)
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 sub-section (4A) as if—

- (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 sub-section (4A) relates;
- (c) a reference in that section to a notice of intention to acquire included a notice of intention to acquire given under sub-section (4A); and
- (d) sub-section (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.

* * * * *

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.

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

- (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.

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

No. 3776 s. 46.

- (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

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

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Act No. 6377/1958

s. 105A

indorsement shall be registered in the Department
of Natural Resources and Environment.

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
inserted by
No. 7741 s. 3.

105A. Rateability of Commission land property

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

- (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**.

* * * * *

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;

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s. 106

(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 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;

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)).

(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;

* * * * *

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

State Electricity Commission Act 1958

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s. 107

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

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

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).

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 1993** and as if the words

"under any order" in the said section forty-four were omitted therefrom.

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.
- (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.

Nos 3776
s. 49, 3845
s. 24.

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

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

* * * * *

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
inserted by
No. 9296 s. 8.

109A. *Uniform practice manuals*

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

(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—

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

(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

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

(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.

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

(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.

State Electricity Commission Act 1958
Act No. 6377/1958

s. 110

- (4) In this section "**electrical installation**" has the meaning given to it under section 46.

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

110. Regulations as to precautions in use of electricity^b

Nos 3776
s. 27, 4220
s. 13, 5272
s. 13.

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

S. 110
amended by
No. 130/1993
s. 112(i).

- (a) requiring and regulating the employment by electricity corporations or undertakers in the use of electric power of insulated or uninsulated metallic returns;

S. 110(a)
amended by
No. 53/1994
s. 28(1)(w)(i).

- (b) prescribing the precautions to be taken by electricity corporations or undertakers for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimizing, so far as is reasonably practicable, injurious interference with the electric wires lines and apparatus of other parties and the currents therein;

S. 110(b)
amended by
No. 53/1994
s. 28(1)(w)(i).

- (ba) the registration of cathodic protection systems for the protection of metallic structures from corrosion;

S. 110(ba)
inserted by
No. 7741 s. 4,
amended by
No. 45/1988
s. 6(4)(a).

- (bb) prescribing standards for and regulating the use of cathodic protection systems for the protection of metallic structures from corrosion;

S. 110(bb)
inserted by
No. 7741 s. 4,
amended by
No. 45/1988
s. 6(4)(a).

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S. 110(bc)
inserted by
No. 7741 s. 4,
amended by
No. 45/1988
s. 6(4)(b).

(bc) the protection of metallic structures from damage by any cathodic protection system protecting any other metallic structure from corrosion;

S. 110(c)
amended by
No. 8/1996
s. 19(a)–(c).

(c) prescribing generally the precautions to be taken to secure the working of any railway or tramway system within the meaning of section 93(1) of the **Transport Act 1983** so as to prevent danger or damage from fusion or electrolytic action and in particular all such matters or things as are necessary or expedient to be prescribed with respect to all or any of the following matters:

(i) Return conductors;

(ii) The structure and method of construction of railway and tramway systems and the method of generation and use of the electrical current;

(iii) The making and recording of electric tests whether by the electricity corporation or the undertaker or the chief electrical inspector;

S. 110(c)(iii)
amended by
Nos 130/1993
s. 112(j),
53/1994
s. 28(1)(w)(ii).

(d) prescribing the quality of materials fittings and apparatus to be used in or for purposes of or for connexion to electrical installations and the methods to be followed in carrying out electrical wiring work and in installing such materials fittings and apparatus;

S. 110(e)
amended by
No. 53/1994
s. 28(1)(w)(iii).

(e) the protection of any operations works stores or electrical lines of the Commission or of any electricity corporation or undertaker and the prevention of any interference therewith and generally providing for the safety of persons and property;

State Electricity Commission Act 1958

Act No. 6377/1958

s. 110

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| (ea) declaring any area of land owned or controlled by the Commission to be a tourist area; | S. 110(ea)
inserted by
No. 6497
s. 2(1). |
| (eb) the control use care and protection of any such tourist area; | S. 110(eb)
inserted by
No. 6497
s. 2(1). |
| (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; | S. 110(ec)
inserted by
No. 6497
s. 2(1). |
| (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; | S. 110(ed)
inserted by
No. 6497
s. 2(1). |
| (ee) the preservation of good order and decency within any such tourist area; and | S. 110(ee)
inserted by
No. 6497
s. 2(1). |
| (ef) the appointment of a committee of management in respect of any such tourist area; | S. 110(ef)
inserted by
No. 6497
s. 2(1). |
| (f) prescribing all such matters and things as are necessary or convenient to be prescribed so as to secure the ultimate co-ordination or unification of all electric supply undertakings in Victoria and the adoption of such standards of plant and equipment and of system frequency and pressure for the generation distribution and supply of electricity as will admit of the efficient inter-connexion of such undertakings and interchange of electricity throughout the | |

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

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

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

111. *General powers as to regulations*⁷

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

- (1) Regulations under this Act may—
- (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;
 - (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)(da)
inserted by
No. 6497
s. 2(2).

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Act No. 6377/1958

s. 111

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| (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)(e) amended by Nos 130/1993 s. 112(k), 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; | S. 111(1)(f) amended by Nos 130/1993 s. 112(k)(l), 53/1994 s. 28(1)(x). |
| (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; | |
| (ga) prescribe fees to be charged by the chief electrical inspector for any services carried out by the chief electrical inspector in pursuance of its powers, including any examining, testing and registering; | S. 111(1)(ga) inserted by No. 33/1986 s. 20(b), amended by No. 130/1993 s. 112(m). |
| (gb) apply generally or in a particular case or class of cases; | S. 111(1)(gb) inserted by No. 45/1988 s. 6(5). |
| (gc) require a matter affected by the regulations to be— | S. 111(1)(gc) inserted by No. 45/1988 s. 6(5). |
| (i) in accordance with a specified standard or requirement; or | |

State Electricity Commission Act 1958

Act No. 6377/1958

s. 111

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- (ii) approved by or to the satisfaction of a specified person or body;
 - S. 111(1)(gd) inserted by No. 45/1988 s. 6(5). (gd) leave any matter or thing from time to time to be determined, applied, dispensed with or regulated by a specified person;
 - S. 111(1)(ge) inserted by No. 45/1988 s. 6(5)9. (ge) authorise a specified person to impose and vary conditions in relation to any matter affected by the regulations;
 - S. 111(1)(gf) inserted by No. 45/1988 s. 6(5). (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;
 - S. 111(1)(gg) inserted by No. 45/1988 s. 6(5). (gg) confer a discretion in connection with the regulations on a specified person;
 - S. 111(1)(gh) inserted by No. 45/1988 s. 6(5). (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(1A) inserted by No. 45/1988 s. 6(6), repealed by No. 130/1993 s. 112(n). * * * * *
 - S. 111(2) substituted by No. 6886 s. 3, amended by No. 9296 s. 10(a). (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

State Electricity Commission Act 1958
Act No. 6377/1958

apply to the electrical undertakings of the Commission.

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| (3) Any such regulation may apply, adopt or incorporate (with or without modification)— | S. 111(3)
inserted by
No. 33/1986
s. 20(c). |
| (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 | S. 111(3)(a)
amended by
No. 45/1988
s. 6(7). |
| (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. | |
| (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 . | S. 111(4)
inserted by
No. 45/1988
s. 6(8). |
| (5) Disallowance of a regulation under sub-section (4) is deemed to be disallowance by Parliament for the purposes of the Subordinate Legislation Act 1962 . | S. 111(5)
inserted by
No. 45/1988
s. 6(8). |
| (6) If, under sub-section (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 the House of the Parliament by which it was passed. | S. 111(6)
inserted by
No. 45/1988
s. 6(8). |

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Act No. 6377/1958

s. 111

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

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

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Sch. 1

SCHEDULES

S. 2.

* * * * *

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

* * * * *

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

* * * * *

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

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

FIFTH SCHEDULE

PART I—DEBENTURES

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.

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Seal

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.

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

Number

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

Pass by delivery

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

Rights of bearer

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

Payment of interest

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

Register of debentures

6. (1) The Commission shall cause to be kept in one or more books a register of debentures 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—

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

Inspection

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

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

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

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

- (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

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

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.

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.

* * * * *

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.

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
 - (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;
 - (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

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

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

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

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whom the stock is transmitted from any liability to account for or deal with the stock in accordance with the law.

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).
- (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.

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

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.

*State Electricity Commission Act 1958**Act No. 6377/1958*

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.

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.

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(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.

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

(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.

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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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).	*	*	*	*	*
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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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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).	*	*	*	*	*
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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(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.

(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.

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

Documents how authenticated

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.

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).

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

5. In all proceedings in the Magistrates' Court any person authorised by the Commission in writing for that purpose may file charges 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.

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).

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

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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.

Evidentiary provisions

- 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;

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

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- (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 Act 1958** upon a Board appointed by the Governor in Council.

Sch. 6 "Legal Proceedings, Evidence" cl. 9 amended by No. 130/1993 s. 113(4)(d)(viii) .

*Offences and Penalties***Penalty for obstructing construction**

- 1. Every person who—

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).

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- (a) wilfully obstructs any person acting under the authority of the Commission in the lawful exercise of its powers in setting out or forming laying down altering repairing improving or renewing any works or undertakings; or
- (b) without the authority of the Commission or the 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—

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

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

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—

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).

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.

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

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Sch. 7

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.

Column 1

Column 2

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.

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Notes

NOTES

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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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

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

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

State Electricity Commission Act 1958

Act No. 6377/1958

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

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

State Electricity Commission Act 1958

Act No. 6377/1958

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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

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

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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

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

State Electricity Commission Act 1958

Act No. 6377/1958

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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 provisions amending the **State Electricity Commission Act 1958**

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 provisions 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 Act 1958

Act No. 6377/1958

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

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

State Electricity Commission Act 1958

Act No. 6377/1958

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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

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. 12/1989 (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

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	30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217
<i>Current State:</i>	All of Act in operation
Water (Consequential Amendments) Act 1989, No. 81/1989 (as amended by No. 25/1991)	
<i>Assent Date:</i>	5.12.89
<i>Commencement Date:</i>	1.11.90: Government Gazette 15.8.90 p. 2473
<i>Current State:</i>	All of Act in operation
Planning and Environment (Amendment) Act 1989, No. 86/1989 (as amended by No. 48/1991)	
<i>Assent Date:</i>	5.12.89
<i>Commencement Date:</i>	S. 29(10) on 16.2.88: s. 2(3)
<i>Current State:</i>	This information relates only to the provision/s amending the State Electricity Commission Act 1958
Vocational Education and Training Act 1990, No. 45/1990	
<i>Assent Date:</i>	19.6.90
<i>Commencement Date:</i>	S. 117 on 1.7.91: Government Gazette 19.12.90 p. 3745 and Special Gazette (No. 9) 31.1.91 p. 3
<i>Current State:</i>	This information relates only to the provision/s amending the State Electricity Commission Act 1958
Mineral Resources Development Act 1990, No. 92/1990	
<i>Assent Date:</i>	18.12.90
<i>Commencement Date:</i>	S. 128(Sch. 1 item 27) on 6.11.91: Government Gazette 30.10.91 p. 2970
<i>Current State:</i>	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	
<i>Assent Date:</i>	18.12.90
<i>Commencement Date:</i>	S. 40 (13) on 31.12.90 (completion date: see s. 2(3))
<i>Current State:</i>	This information relates only to the provision/s amending the State Electricity Commission Act 1958
Subdivision (Miscellaneous Amendments) Act 1991, No. 48/1991	
<i>Assent Date:</i>	25.6.91
<i>Commencement Date:</i>	S. 75 on 25.6.91: s. 2(4)
<i>Current State:</i>	This information relates only to the provision/s amending the State Electricity Commission Act

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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**

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

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Current State: Gazette (No. 64) 27.9.94 p. 1
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**

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

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Act No. 6377/1958

Notes

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**

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

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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
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

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**

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**

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,

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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 (ss 58–78): For ratification of certain payments with respect to abandoned tramways see section 2 of the **State Electricity Commission (Tramways) Act 1975**, No. 8807.

³ S. 63: Section 108(2) of the **Electricity Industry Act 1993**, No. 130/1993 reads as follows:

108. Amendment of sections 63, 64 and 65

- (2) Despite the amendment of section 63 of the Principal Act by this section, the Tree Clearance Consultative Committee continues to be the same body on and after the commencement of this section as it was before that commencement.

⁴ S. 63(5): Section 28(3) of the **Electricity Industry (Amendment) Act 1994**, No. 53/1994 reads as follows:

28. Further amendment of SEC Act

- (3) Despite the amendment of section 63(5) of the **State Electricity Commission Act 1958** by sub-section (1) the Tree Clearance Consultative Committee continues to be the same body on and after the commencement of sub-section (1)(t) as it was before that commencement.

⁵ 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**;

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- (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.

⁶ 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.

⁷ S. 111: See note 6.