

MUNICIPAL COUNCIL OF SYDNEY ELECTRIC LIGHTING (AMENDMENT) ACT.

Act No. 48, 1928.

George V.
No. 48, 1928.

An Act to regulate the price of electricity supplied by the Municipal Council of Sydney; to amend the Municipal Council of Sydney Electric Lighting Act, and the Electric Light and Gas Emergency Act, 1917, and certain other Acts; to repeal the Municipal Council of Sydney Electric Lighting (Amendment) Act, 1920; and for purposes connected therewith. [Assented to, 29th December, 1928.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. (1) This Act may be cited as the "Municipal Council of Sydney Electric Lighting (Amendment) Act, 1928."

(2) The Municipal Council of Sydney Electric Lighting Act, as amended by subsequent Acts, is in this Act referred to as the Principal Act."

(3) The Principal Act as amended by this Act may be cited as the "Municipal Council of Sydney Electric Lighting Act, 1896-1928."

Repeal of
Act No. 22,
1920.

2. The Municipal Council of Sydney Electric Lighting (Amendment) Act, 1920, is hereby repealed.

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Amendment of
Act No. 23, 1896.

3. The Principal Act is amended—

- (a) by inserting in section one after the words "Lighting Act" the figures "1896-1928"; Sec. 1.
(Short title.)
- (b) by inserting in section three after the word "within" the words "or without"; Sec. 3.
(Power to supply.)
- (c) by omitting from section eleven the words "and of the interest due on debentures issued thereunder"; Sec. 11.
(Sinking fund.)
- (d) by omitting from section twelve the word and figures "of 1879," and by inserting in lieu thereof the figures and words "1902 or any Act amending or replacing such Act." Sec. 12.
(Electric light rate.)

4. The Principal Act is amended by inserting after section twenty-one the following new section:—

Further
amendment of
Act No. 23,
1896.

21A. (1) The Governor may on the recommendation of the Minister or on the application of the council appoint a board to hold inquiries for the purpose of this Act. New s. 21A.
Board of inquiry.

(2) A board shall consist of three members, one to be nominated by the Minister, one to be nominated by the council, and a third member who shall be chairman, and shall be a person agreed upon between the Minister and the council. The members shall receive such remuneration as may be fixed by the Governor.

(3) For the purposes of any inquiry the chairman of a board shall have the powers, rights, and privileges of a chairman of a Royal Commission within the meaning of Division 1 of Part II of the Royal Commissions Act, 1923, and a member of a board shall have the powers, rights, and privileges of a commissioner within the meaning of that division.

(4) The provisions of the Royal Commissions Act, 1923, with the exception of Division 2 of Part II shall apply to and with respect to the inquiry.

(5) Regulations made by the Governor may provide for the procedure at the inquiries of a board, for the conduct of such inquiries and payment of the expenses thereof and of the board by the council, and for all matters necessary or desirable relating to a board or to such inquiries.

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(6) The board shall, after inquiry, certify to the Governor what charges should in its opinion be made by the council for any electricity or supply of electricity, hire of meters, and any fittings thereto and hire of electric motors, and in what manner and subject to what conditions such charges should be made.

In calculating the amount of such charges the board shall provide for the receipt by the council of such an aggregate sum as will enable the council to—

- (a) pay all interest on loans lawfully raised for the purposes of the undertaking;
- (b) make provision for the sinking fund established by law.
- (c) pay all expenses properly chargeable to revenue including a sum for depreciation at such a rate per centum upon the depreciating assets in use by the council for the purposes of the undertaking as the board may determine.
- (d) provide a reasonable reserve for contingencies.

(7) The board shall also inquire and include in its certificate to the Governor a report as to—

- (a) whether, under what circumstances and to what extent the council should be authorised to require guarantees of a specified annual consumption or a specified annual revenue, or to make a special charge as a condition of giving a supply of electricity to any person;
- (b) whether, in what manner, and to what amount the council should be authorised to make a minimum charge or service charge to persons supplied with electricity.

(8) If any owner or occupier of premises requires a supply of electricity differing materially in respect of the nature of the supply or the magnitude of the consumption from the supply taken by the majority of other consumers, the council may certify the same to the Minister.

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The Minister may, if in his opinion the circumstances warrant it, cause an inquiry to be held by a board. The board shall, after inquiry, certify to the Minister the rates, charges, terms and conditions upon which a supply should be given to such owner or occupier, and whether such rates, charges, terms and conditions should thereafter be applicable to all other such owners or occupiers requiring a similar supply.

(9) Upon receipt of any certificate of the board the Governor may, by proclamation published in the Gazette, prescribe such charges and other matters as shall be recommended in such certificate, and such charges shall, after the publication of the proclamation until varied in like manner, be the only charges payable to the council in respect of such electricity or supply of electricity or hire of meters or fittings or hire of motors respectively, and such other matters shall be binding upon the council and its consumers as they may respectively be affected notwithstanding anything contained in any agreement made before or after the commencement of the Municipal Council of Sydney Electric Lighting (Amendment) Act, 1928, between the council and any other council, person or corporation.

5. The Principal Act is further amended—

Further
amendment of
Act No. 23,
1896.

- (a) (i) by omitting from section twenty-two the words "for such remuneration and "; Sec. 22.
(Meters.)
- (ii) by omitting from the same section the words "and such remuneration and " and by inserting in lieu thereof the words "The rent of the meter or fittings and any."
- (b) by omitting section twenty-seven and by inserting in lieu thereof the following section:— Sec. 27.

27. Where any lines for the supply of electricity are laid or erected along any road or street any owner or occupier of premises situated in such road or street and opposite such lines shall, upon application, be entitled to a supply on the same Obligation to
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same terms as the terms upon which any other person is under similar circumstances receiving a corresponding supply :

Provided that where in order to grant such supply the council finds it necessary to increase the capacity of its works, either locally or generally, the council may refuse such application or grant it upon such conditions as the council may see fit :

cf. Elec-
tricity
(Supply) Act,
1922 [Eng.],
s. 23 (1).

Provided also that no such owner or occupier shall be entitled to demand or continue to receive for the purposes of a standby supply only a supply of electricity for any premises having a separate supply of electricity or a supply (in use or ready for use for the purposes for which the standby supply of electricity is required) of gas, steam, or other form of energy unless he has agreed with the council to pay such minimum annual sum as will give the council a reasonable return on the capital expenditure incurred by it in providing such standby supply and will cover other standing charges incurred by it in order to meet the possible maximum demand for those premises :

Provided further that any dispute between the council and an owner or occupier of premises arising out of the foregoing provisions shall be adjusted in accordance with the regulations made under this Act.

Sec. 44.
(Operations
outside city.)

- (c) (i) by omitting from section forty-four the words "or without the limits of any borough adjoining the city of Sydney" and substituting therefor the words "any Local Government area" ;
- (ii) by omitting from the same section the words "such borough" wherever occurring and by inserting in lieu thereof the words "such area" ;
- (iii) by inserting after paragraph (ii) the following new paragraph and subsections :—
- (iv) Where the council proposes to supply electricity within any area not so supplied

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supplied before the thirty-first day of December, one thousand nine hundred and twenty-eight, an inquiry shall be held by a board appointed by the Governor under section 21A.

(2) The board shall after inquiry certify to the Governor what additional rate or charge, if any, is necessary to recoup the council for the additional cost of the supply or distribution of electricity within such area.

(3) The Governor may thereupon by proclamation in the Gazette authorise such additional charge or rate as is set out in the certificate of the board.

- (d) by omitting from section forty-five the word and figures "of 1879" and by inserting in lieu thereof the figures and words "1902 or any Act amending or replacing the same."
- (e) by inserting after section forty-six the following new section :—

47. (1) The Governor may make regulations prescribing all matters which are authorised or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying into effect the provisions of this Act, and may, in such regulations, impose a penalty not exceeding fifty pounds for any contravention thereof. Any regulations or by-laws made under this Act shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of such publication, or from a later date specified in the regulations or by-laws ; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication, if Parliament is then in session, and, if not, within fourteen sitting days after the commencement of the next ensuing session.

If

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations or by-laws have been laid before such House, disallowing any regulation or by-law, or part thereof, such regulation, by-law, or part shall thereupon cease to have effect.

(2) Any penalty under such regulations or by-laws may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in Petty Sessions.

Amendment
of Act No. 2,
1917, s. 8.

Suspension
of certain
provisions.)

6. Section eight of the Electric Lighting and Gas Emergency Act, 1917, is amended—

- (a) by omitting the words “so far as the same is inconsistent with the provisions of this Act”;
- (b) by omitting the words “during such times as this Act is in force,” and by inserting in lieu thereof the words “so far as such sections are inconsistent with the provisions of any notification in force under this Act.”