

MURRUMBIDGEE ELECTRICITY UNDERTAKING TRANSFER ACT.

Act No. 24, 1955.

An Act to make certain provisions consequent upon and supplemental to the transfer to the Murrumbidgee County Council of the electricity undertaking formerly conducted in the Murrumbidgee County District by the Water Conservation and Irrigation Commission; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 26th April, 1955.]

Elizabeth II,
No. 24, 1955.

BE it enacted by the Queen'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:—

1. This Act may be cited as the "Murrumbidgee Electricity Undertaking Transfer Act, 1955."

Short title.

2. In this Act unless the context or subject matter otherwise indicates or requires—

Interpreta-
tion.

"Commission" means the Water Conservation and Irrigation Commission.

"Council" means the Murrumbidgee County Council.

"Purchase price" means the amount certified by the Auditor-General under the provisions of section four of this Act reduced by any sum paid

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paid or agreed to be paid by the Commission on behalf of the Council to the Colonial Treasurer pursuant to the Agreement made on the twenty-second day of December, one thousand nine hundred and fifty-four, between the Commission and the Council in respect of a proportion of the value of the annual leave or long service or extended leave accrued or accruing to any servant of the Commission at the date of his transfer to the service of the Council under the provisions of this Act.

“Transfer day” means the first day of January, one thousand nine hundred and fifty-five.

“Undertaking” means the electricity undertaking conducted by the Commission within the Murrumbidgee County District immediately before the transfer day.

Vesting of
certain
lands in
the Council.

3. (1) The lands described in the Schedule to this Act shall be deemed to have vested on the transfer day in the Council for an estate in fee simple.

(2) The Governor may in respect of such lands issue to the Council a Crown Grant or Crown Grants in such form as the Governor may approve.

Auditor-
General to
ascertain
book value
of the
under-
taking.

4. The Auditor-General shall as soon as practicable after the commencement of this Act ascertain from the books and records of the Commission and shall certify to the Commission, the Council and the Colonial Treasurer the book value as at the close of the day immediately before the transfer day of all buildings erections structures fixtures fittings electricity substations transformers transmission lines equipment plant vehicles stores and materials chattels and things (other than money or securities for money and book debts) held or used by the Commission immediately before the transfer day solely for or in connection with the undertaking and transferred to the Council upon such day together with the cost, as certified by the Commission, of all surveys necessarily carried out for the purpose of defining any of the lands vested in the Council by this Act.

5.

5. (1) The purchase price shall be deemed to have been an ordinary loan raised by the Council under the provisions of the Local Government Act, 1919, as amended by subsequent Acts, in respect whereof there shall be deemed to have been executed on the transfer day by the Council in favour of the Colonial Treasurer a mortgage deed, in the form prescribed under that Act, as so amended, containing terms and conditions for the repayment of such loan as set forth in subsections three and four of this section.

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Payment of
purchase
price.

(2) The provisions of sections one hundred and eighty-two, one hundred and eighty-eight and one hundred and ninety-three to one hundred and ninety-six, both sections inclusive, of the said Act, as so amended, shall be deemed to have applied and shall apply to and in respect of such loan:

Provided that the right under the provisions of the said section one hundred and ninety-three of the holder of a mortgage deed to apply to the Supreme Court in its equitable jurisdiction for the appointment of a receiver of the rates and other income of the Council, may be exercised by the Colonial Treasurer if the Council makes default for three months in the due payment of any instalment of the purchase price or of any other sum due and payable to him under this Act.

(3) The purchase price, together with interest thereon at the rate of three pounds ten shillings per centum per annum from the transfer day, shall be paid by the Council to the Colonial Treasurer in the following manner, that is to say, by seventy equal and consecutive half-yearly instalments of principal and interest combined, the first of which instalments shall be due and payable on the first day of July, one thousand nine hundred and fifty-five:

Provided that if the first such instalment is paid on or before the first day of January, one thousand nine hundred and fifty-six, it shall be deemed to have been paid on the day on which it became due and payable.

(4)

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(4) (a) If the first such instalment is not paid by the Council on or before the first day of January, one thousand nine hundred and fifty-six and if any subsequent such instalment is not paid by the Council on or before the due date for payment thereof there shall be added thereto a sum equal to ten per centum thereof and such instalment together with such additional sum may be recovered by the Colonial Treasurer.

(b) The Colonial Treasurer may on cause shown remit the whole or any part of such additional sum.

Assignment
of certain
contracts.

6. (1) All contracts, agreements and undertakings entered into with the Commission for the supply to the Commission of any equipment, plant, vehicles, stores and materials or any other things for use solely for or in connection with the undertaking and in force immediately before the transfer day shall be deemed to have been and become on that day contracts, agreements and undertakings with the Council.

(2) All contracts and agreements entered into with the Commission for the supply by the Commission to any person of electricity supplied from the undertaking or for the hire by the Commission to any person of any motors or other equipment or plant hired in connection with the conduct of the undertaking and in force immediately before the transfer day shall be deemed to have been and become on that day contracts and agreements with the Council.

(3) All moneys, liquidated and unliquidated claims which immediately before the transfer day were payable to or recoverable by the Commission under any contract, agreement or undertaking referred to in this section shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Council:

Provided that nothing in this subsection shall apply to any moneys or liquidated or unliquidated claims which immediately before the transfer day were payable to or recoverable by the Commission and which have been paid to or recovered by the Commission before the commencement of this Act.

(4)

(4) The Council may pursue the same remedies ^{No. 24, 1955.} for the recovery of any such moneys and claims as the Commission might have done but for this section.

(5) All debts due and moneys payable by the Commission immediately before the transfer day under any contract, agreement or undertaking referred to in this section, and all claims liquidated and unliquidated recoverable against the Commission immediately before such day under any such contract, agreement or undertaking shall be debts due and moneys payable by and claims recoverable against the Council:

Provided that nothing in this subsection shall apply to any debts or moneys discharged or paid by the Commission nor to any claims recovered against the Commission before the commencement of this Act.

(6) Nothing in this section shall entitle the Council to recover, or preclude the Commission from recovering, any amount which was actually due and payable to the Commission before the transfer day under any contract or agreement referred to in subsection two of this section.

7. (1) Every person who immediately before the transfer day was a servant of the Commission and who was wholly employed on or in connection with the undertaking shall, if he has been continuously employed by the Council from such day until the commencement of this Act, be deemed on the transfer day—

- (a) to have been transferred to the service of the Council; and
- (b) to have become a servant of the Council; and
- (c) to have been appointed and employed by the Council under the provisions of the Local Government Act, 1919, as amended by subsequent Acts.

(2)

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(2) The period of service with the Commission of any person so transferred shall be deemed to be service with the Council for the purposes of the terms and conditions, relating to annual leave, sick leave or long service leave, of any staff agreement or of any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(3) Any person so transferred shall not be entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

(4) Nothing in this section shall apply to any person who immediately before the transfer day was a servant of the Commission and who was classified by the Commission as an electrical inspector or as a clerical officer or in respect of whom the Commission notified the Council, before such day, that it proposed to retain such person as a servant of the Commission or who, after the transfer day and before the date of commencement of this Act, has by agreement between the Council and the Commission been retained as a servant of the Commission.

Transfer of
electrical
inspectors
and certain
clerical
officers to
the Council.

8. (1) Every person who immediately before the transfer day was a servant of the Commission and was classified by the Commission as an electrical inspector, and who was wholly employed on or in connection with the undertaking, shall upon the commencement of this Act, if he is then a servant of the Commission and classified by the Commission as an electrical inspector,—

- (a) be transferred to the service of the Council; and
- (b) become a servant of the Council; and
- (c) be deemed to have been appointed and employed by the Council under the provisions of the Local Government Act, 1919, as amended by subsequent Acts.

(2) If the Commission and the Council and any person who immediately before the transfer day was a servant of the Commission and was classified by the Commission as a clerical officer, and who was wholly employed

employed on or in connection with the undertaking, agree ^{No. 24, 1955.} upon a day not later than the thirtieth day of June, one thousand nine hundred and fifty-five, that such person shall become a servant of the Council, then such person shall, upon the date of such agreement—

- (a) be transferred to the service of the Council; and
- (b) become a servant of the Council; and
- (c) be deemed to have been appointed and employed by the Council under the provisions of the Local Government Act, 1919, as amended by subsequent Acts.

(3) (a) Any person transferred to the service of the Council under this section shall retain any rights which, on the day upon which he becomes a servant of the Council, have accrued or are accruing to him as a servant of the Commission or as an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, and shall continue to contribute to any fund or account and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension or gratuity as if he had continued to be a servant of the Commission or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, as the case may be.

(b) For the purposes of this subsection service with the Council shall be deemed to be service with the Commission.

(4) In respect of any servant transferred to the service of the Council under this section, the Council shall pay to the State Superannuation Board such contributions as would have been payable by the Commission if such person had remained a servant of the Commission and had been paid salary or wages at the rate paid to him by the Council.

(5) The provisions of the Local Government and Other Authorities (Superannuation) Act, 1927, as amended by subsequent Acts, shall not apply to any person transferred to the service of the Council under this section.

(6)

No. 24, 1955.

(6) Any person transferred to the service of the Council under this section shall not be entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

Salaries or
wages pay-
able to
transferred
servants.

9. Any person transferred to the service of the Council under this Act shall, from the date of his transfer, be paid salary or wages at a rate not less than the rate which was payable to him by the Commission immediately before such date, subject to any adjustment necessary to give effect to any fluctuation in the needs basic wage as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts, until such salary or wages is or are varied or altered by the Council:

Provided that except as may be necessary to give effect to any fluctuation in the needs basic wage as aforesaid the Council shall not make any reduction in the salary or wages payable to any person so transferred until the expiration of a period of two years from the date of transfer of such person.

SCHEDULE.

ALL that piece or parcel of land situated in the parish of Yarangery county of Cooper and State of New South Wales being portion 735 containing an area of 5 acres 2 roods 5 perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the parish of Yarangery county of Cooper and State of New South Wales being portion 736 containing an area of 2 roods 38 perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the town of Leeton parish of Yarangery county of Cooper and State of New South Wales being allotment 19 section 55 said town of Leeton containing an area of 19 perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the parish of Yarangery county of Cooper and State of New South Wales being the land to the north of portion 633 commencing at a point on the northern side of a road 200 links wide bearing 29 degrees 38 minutes 230.28 links from the intersection of the prolongation of the northern and south eastern boundary of said portion and bounded thence on the south by part of the said northern side of said road bearing 269 degrees 55 minutes 553.9 links thence on the north west by a line bearing 20 degrees 4 minutes 30 seconds 248.2 links and thence on the north east by lines bearing 115 degrees 49 minutes 20 seconds 366.6 links and 116 degrees 49 minutes 30 seconds 160.9 links respectively to the point of commencement containing an area of 2 roods 24 $\frac{3}{4}$ perches or thereabouts.

ALSO

ALSO ALL that piece or parcel of land situated in the town of **No. 24, 1955.**
Leeton parish of Willimbong county of Cooper and State of New
South Wales being allotments 6, 7, 8, 9 and 42 section 41 said town
of Leeton containing an area of 1 acre 1 rood 14 perches or
thereabouts.

ALSO ALL that piece or parcel of land situated in the parish of
Willimbong county of Cooper and State of New South Wales
being portion 509 containing an area of 20 $\frac{1}{4}$ perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the town of
Griffith parish of Jondaryan county of Cooper and State of New
South Wales being allotments 1, 2, 3 and 4 section 46 said town of
Griffith containing an area of 1 acre 23 $\frac{1}{4}$ perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the parish of
Jondaryan county of Cooper and State of New South Wales being
portion 1040 containing an area of 5 acres 1 rood 18 perches or
thereabouts.

ALSO ALL that piece or parcel of land situated in the parish of
Jondaryan county of Cooper and State of New South Wales being
portion 437 containing an area of 2 roods 29 perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the parish of
Jondaryan County of Cooper and State of New South Wales being
portion 1245 containing an area of 2 acres or thereabouts.

ALSO ALL that piece or parcel of land situated in the town of
Griffith parish of Jondaryan county of Cooper and State of New
South Wales being allotment 1 section 66 said town of Griffith
containing an area of 2 roods 13 $\frac{1}{2}$ perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the town of
Griffith parish of Jondaryan county of Cooper and State of New
South Wales being allotment 17 section 70 said town of Griffith
containing an area of 37 $\frac{1}{4}$ perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the town of
Griffith parish of Jondaryan county of Cooper and State of New
South Wales being allotment 18 section 89 said town of Griffith
containing an area of 1 rood 0 $\frac{1}{4}$ perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the town of
Griffith parish of Jondaryan county of Cooper and State of New
South Wales being section 111 said town of Griffith containing an
area of 1 rood 11 $\frac{1}{4}$ perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the town of
Griffith parish of Jondaryan county of Cooper and State of New
South Wales being the land between allotments 11 and 12 section
64 said town of Griffith commencing at the north western corner
of said allotment 11 and bounded thence on the west by a line
bearing 360 degrees 22 links thence on the north by the southern
boundary

No. 24, 1955. boundary of said allotment 12 bearing 90 degrees 300 links thence on the east by a line bearing 180 degrees 22 links and thence on the south by the northern boundary of aforesaid allotment 11 bearing 270 degrees 300 links to the point of commencement containing an area of $10\frac{1}{2}$ perches or thereabouts.

ALSO ALL that piece or parcel of land situated in the parish of Stanbridge county of Cooper and State of New South Wales being portion 922 containing an area of $15\frac{1}{4}$ perches or thereabouts.

AND ALSO ALL that piece or parcel of land situated in the parish of Wyangan county of Cooper and State of New South Wales being part of portion 19 commencing at the south western corner of that portion and bounded thence on the north west by part of the north western boundary of that portion bearing 18 degrees 8 minutes 49.4 links thence on the north east by a line bearing 108 degrees 8 minutes 172.3 links to the south eastern boundary of said portion thence on the south east by part of that boundary bearing 207 degrees 18 minutes 50 links and thence on the south west by the south western boundary of said portion bearing 288 degrees 8 minutes 164.3 links to the point of commencement containing an area of $13\frac{1}{4}$ perches or thereabouts.
