

GAS AND ELECTRICITY ACT.

Act No. 42, 1935.

An Act to make better provision for and with respect to the supply and use of gas and electricity, the regulation of dividends, funds, accounts and shares of gas companies and the charges made for electricity by the Electric Light and Power Supply Corporation Limited; to alter the law relating to the licensing of electrical contractors and electricians; to make certain provisions in relation to electricity generating stations, additional main generating units, and main transmission lines; to constitute a Sydney County

George V. .
No. 42, 1935.
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County Council and to transfer the Electricity Department of the Municipal Council of Sydney to such County Council; to repeal the Gas and Electricity Act, 1932, the Electrical Contractors Licensing Act, 1924, and certain other Acts; to amend the Local Government Act, 1919, the Sydney Corporation Act, 1932-1934, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 11th April, 1935.]

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:—

PART I.

PRELIMINARY.

DIVISION 1.—*Short title and interpretation.*

Short title, commencement, and division into Parts.

1. (1) This Act may be cited as the "Gas and Electricity Act, 1935."

(2) This Act, with the exception of this Division and Part VI and Part X, shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette, which day is in this Act referred to as the commencement of this Act.

This Division and Part VI and Part X of this Act shall commence on the day upon which the assent of His Majesty to this Act is signified.

(3) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY—ss. 1-4.

DIVISION 1.—*Short title and interpretation*—ss. 1-3.

DIVISION 2.—*Repeal and savings*—s. 4.

PART II.—BOARDS OF INQUIRY—s. 5.

PART

PART III.—REGULATION OF GAS COMPANIES—ss. 6-22A.

DIVISION 1.—*Special provisions applicable to companies mentioned in Schedule One—ss. 6-12.*

DIVISION 2.—*General provisions applicable to gas companies—ss. 13-22A.*

PART IV.—GAS—ss. 23-34.

DIVISION 1.—*Standards of heating power, purity and pressure of gas—ss. 23, 24.*

DIVISION 2.—*Gas examiners—s. 25.*

DIVISION 3.—*General and supplemental—ss. 26-34.*

PART V.—ELECTRICITY SUPPLY—ss. 35-37.

DIVISION 1.—*Regulation of supply and use of electricity—s. 35.*

DIVISION 2.—*Agreements between councils as to gas and electricity—s. 36.*

DIVISION 3.—*Main transmission lines, generating stations, etc.—s. 37.*

PART VI.—SUPPLY OF ELECTRICITY IN THE CITY OF SYDNEY AND CERTAIN OTHER AREAS—ss. 38-80.

DIVISION 1.—*Preliminary—ss. 38, 39.*

DIVISION 2.—*Constitution of Sydney County District—s. 40.*

DIVISION 3.—*Constitution of Sydney County Council—ss. 41-46.*

DIVISION 4.—*Transfer of powers, etc., of The Municipal Council of Sydney and of certain other councils relating to electricity supply, etc.—ss. 47-55.*

DIVISION 5.—*Exercise of powers, etc., of Council.—ss. 56-72.*

DIVISION 6.—*Accounts and audit—ss. 73-79.*

DIVISION 7.—*Revision of charges made for electricity by the Electric Light and Power Supply Corporation Limited—s. 80.*

PART VII.—EMERGENCY PROVISIONS—s. 81.

PART VIII.—GENERAL—ss. 82-85.

PART

No. 42, 1935.

PART IX.—ELECTRICAL CONTRACTORS AND ELECTRICIANS LICENSING—ss. 86–88.

PART X.—AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1934—s. 89.

SCHEDULES.

Application
of Act.

2. (1) Where the provisions of this Act are inconsistent with the provisions of any other Act with regard to any matter to which this Act applies the provisions of this Act shall prevail.

(2) A gas company, whether operating under the provisions of a special Act or otherwise, shall be deemed to be authorised to do any act or thing necessary for manufacturing or supplying gas in accordance with the requirements of this Act.

(3) The Governor may, by proclamation published in the Gazette, exempt from the operation of such provisions of this Act as are mentioned in the proclamation, and for the period mentioned therein, any gas company which is a local authority or any person operating under a franchise granted under the Local Government Act, 1919, as amended by subsequent Acts.

Schedule
One.

(4) Division One of Part III of this Act shall apply only to a gas company for the time being included in Schedule One.

Definitions.

3. In this Act, unless the context or subject-matter otherwise requires—

“Board” means a board constituted under this Act;

“British thermal unit” means the quantity of heat required to raise one pound of water one degree Fahrenheit;

“Gas company” means any company, corporation, firm or person supplying or distributing gas for lighting, heating, motive power, or other purpose, and disposing of the same with a view to profit, and includes a local authority, but does not include any person or corporation acting on behalf of the Crown;

“Gas

Gas and Electricity Act.

377

No. 42, 1935.

- “Gas unit” means three thousand four hundred and twelve British thermal units gross;
- “Local authority” means council of a city, municipality or shire, or an urban committee, or a county council;
- “Part” means Part of this Act;
- “Prescribed” means prescribed by this Act or by regulations made thereunder;
- “Schedule” means Schedule to this Act;
- “Standard price” means, in relation to gas supplied by a company mentioned in Schedule One, the appropriate price for the time being set opposite the name of that company in that Schedule.

DIVISION 2.—*Repeal and savings.*

4. (1) The Gas and Electricity Act, 1932, is hereby repealed. Repeal and savings.

(2) All regulations made under the Gas Act, 1912, which are in force at the commencement of this Act shall, so far as they are not inconsistent with this Act, continue in force until repealed or replaced by regulations made under this Act.

In the construction of such regulations, a reference to a board shall be construed as a reference to a board constituted under this Act.

(3) A person appointed to the office of gas examiner under the provisions of the Gas Act, 1912, or the Gas and Electricity Act, 1932, and holding such office at the commencement of this Act, shall continue in office in the same manner as if he had been appointed under this Act.

(4) The rights, powers and obligations of a gas company as existing at the date of the commencement of this Act in respect of any matter or thing which under this Act may be dealt with by a board, shall continue in full force and effect until varied under the provisions of this Act.

(5)

No. 42, 1935.

(5) The person who, immediately before the commencement of this Act, holds office as Commissioner for Gas and Electricity under the Gas and Electricity Act, 1932, shall, on such commencement, cease to hold such office, but shall be eligible, on the recommendation of the Public Service Board, to be appointed to some office in the Public Service corresponding in classification and salary to that which he held at the date of his appointment as Commissioner, and if he is not so recommended and appointed within three months after the commencement of this Act, and if within such period of three months he shall not have been appointed by the Government to an office with a salary not less than the said salary, he shall receive such compensation as he would have been entitled to had his services been dispensed with at the commencement of this Act otherwise than according to law.

The provisions of the Public Service Act, 1902, as amended by subsequent Acts, and of any regulation made thereunder, conferring rights and privileges in respect of leave of absence on an officer of the Public Service shall be deemed to have applied to and in respect of the Commissioner to the same extent as if he had continued to hold the office in the Public Service held by him immediately before his appointment as Commissioner, and any leave by way of ordinary leave accrued to him and not taken at the commencement of this Act shall be added to the leave to which he is entitled under section thirteen of the Public Service (Amendment) Act, 1919, as amended by subsequent Acts.

In the event of his not being appointed to the Public Service, then, for the purposes of sections 13A and fourteen of the Public Service (Amendment) Act, 1919, as amended by subsequent Acts—

- (a) the termination of his office as Commissioner by the operation of this Act shall be deemed to be a retirement from the Public Service under the provisions of section sixty-seven of the Public Service Act, 1902;

(b)

- (b) the money value of leave not taken by him shall be computed at the rate of salary received by him as Commissioner immediately before the commencement of this Act.

PART II.

BOARDS OF INQUIRY.

5. (1) The Governor may from time to time appoint a board for the purposes of this Act.

Appoint-
ment of
board to
hold inquiry.

(2) A board shall consist of three members, one to be nominated by the Minister, one to be nominated by the gas company or gas companies concerned in the subject-matter of the inquiry to be held by that board, and a third member who shall be chairman, and shall be a person agreed upon between the Minister and such company or companies.

In the event of the Minister and the company or companies failing to agree as to the third member, such third member shall be a person nominated by the Chief Justice of New South Wales.

(3) If no person, or no person able or willing to act as a member of the board, is within the time prescribed nominated by the company or companies concerned, the Minister may appoint any person to represent the company or companies as a member of such board.

(4) For the purposes of any inquiry by a board, the chairman shall have the powers, rights, privileges, protection and immunities of a chairman of a Royal Commission within the meaning of Division One of Part II of the Royal Commissions Act, 1923-1934, and a member of a board shall have the powers, rights, privileges, protection and immunities of a commissioner within the meaning of that Division.

(5) The provisions of the Royal Commissions Act, 1923-1934, with the exception of section thirteen and Division Two of Part II, shall apply to and with respect to any inquiry by the board.

(6)

No. 42, 1935.

(6) Any two members of a board shall be a quorum and shall have the powers and authorities by this Act conferred upon a board, provided that if at any meeting of a board the chairman is not present and the members present differ in opinion upon any matter the determination of such matter shall be postponed until such time as the chairman shall be present.

(7) No act, determination or proceeding of a board shall be invalid merely because at the time of the act, determination or proceeding there is a vacancy in the office of a member of the board.

(8) The chairman shall have a deliberative vote, and in the case of an equal division of votes a casting vote.

(9) In the case of illness or absence of a member, the authority which nominated such member may nominate a deputy to act for such member during his illness or absence, and such deputy whilst so acting shall be deemed to be a member of the board.

(10) The costs of and incidental to an inquiry, including the fees of the members, shall be paid by the parties to the inquiry in such proportions as the board may direct.

(11) No action or suit shall be brought or maintained against any person who is, or at any time has been, a member of a board, for anything done or omitted by him pursuant to the duties imposed upon him by this Act.

PART III.

No. 42, 1935.

REGULATION OF GAS COMPANIES.

DIVISION 1.—*Special provisions applicable to companies mentioned in Schedule One.*

6. (1) The profits of a gas company available for distribution among the holders of its share capital in any year shall not exceed the following rates (in this Act referred to as the standard rates of dividend), that is to say—

Standard rates of dividend.

on the ordinary share capital of the company—the rate of six pounds in respect of every one hundred pounds actually paid up or issued as paid up of such capital; and

on the preference capital of the company—the rate of five pounds ten shillings in respect of every one hundred pounds actually paid up or issued as paid up of such capital.

(2) Should a gas company other than the four companies firstly mentioned in Schedule One be unable to obtain share capital at par, the standard rates of dividend on such capital may, with the approval of the Minister and upon recommendation by a board, be increased and such increased rates shall be the standard rates of dividend on such capital.

Schedule One.

7. (1) The directors of a gas company may, if they think fit, in any year, transfer out of the revenue of the company as part of the expenditure on revenue account, any sum not exceeding an amount equal to one-half of one per centum of the aggregate of the share capital (inclusive of premiums) and the loan capital as defined by regulation to an account to be called “the special purposes account.”

Special purposes account.

(2) The special purposes account shall be applicable only to meet—

(a) expenses incurred by reason of accidents, industrial disputes and other circumstances which due care and management could not have prevented;

(b) expenses incurred in the removal of plant or works.

(3)

No. 42, 1925.

(3) The maximum amount standing to the credit of the special purposes account shall not, at any time, exceed an amount equal to one-twentieth part of the aggregate of the share and loan capital of the company as prescribed in subsection one of this section.

(4) So long as there is any balance remaining in the special purposes account, any expenses of the nature referred to in subsection two of this section shall be charged against such account.

Deprecia-
tion.

8. The directors of a gas company may, if they think fit, in any year, charge against the revenue of the company as part of the expenditure on revenue account, any sum not exceeding an amount equal to three per centum of the book values (after deducting depreciation or allowing for any amount in the depreciation reserve as the case may require) of the manufacturing and distributing plant, buildings, and equipment of the company calculated on the average monthly balances of such book values throughout the year, and any sum so charged shall be applied in writing down such book values or be carried to a depreciation reserve.

Allocation
of existing
special
purposes and
depreciation
fund.

9. The amount standing to the credit of the special purposes and depreciation fund of a gas company at the commencement of this Act may be allocated between the special purposes account and the writing down of the book values of the company's assets or the transfer to a depreciation reserve in such proportions as the directors may decide, but not less than one-seventh part of such amount shall be allocated to the special purposes account.

General
reserve.

10. (1) Where the average price per gas unit charged by a gas company for all gas sold by it during any year shall have been six one-thousandths of a penny or more below the average standard price per gas unit applicable to that company the directors of the company may, out of the profits, set apart such amount as they think fit by way of a general reserve.

The amount so set apart shall not exceed the sum ascertained by multiplying the total number of gas units sold

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by the company during the year by the difference between the average standard price per gas unit and the average price per gas unit. No. 42, 1935.

In this subsection—

“The average price per gas unit” means the sum ascertained by dividing the total sum charged by the company for all gas sold by it during the year, by the total number of gas units so sold;

“The average standard price per gas unit” means the sum ascertained by dividing the total sum which the company would have charged for all gas sold by it during the year if it had charged the standard price therefor, by the total number of gas units so sold.

(2) All amounts so set apart may be invested in Government or other securities not connected with the business of the company and the dividends and interest arising from such securities may be invested in the same or like securities in order that the amounts may accumulate at compound interest.

(3) The general reserve so formed may be applied to the payment of dividends in any year in which the profits of the company are insufficient to enable it to pay the standard rates of dividend.

11. (1) Save as authorised in this Part no sum shall in any year be transferred from revenue by a gas company to any reserve, fund, or account. Transfers
from
revenue.

(2) Subject to this section the profits of a gas company shall not be utilised otherwise than to pay dividends, and to provide a general reserve and a suspense or reserve account to inaugurate a superannuation fund in accordance with this Act.

(3) If the clear profits of a company in any year, after providing for all expenses properly chargeable to revenue, interest payable on loans, and any transfers to any reserve, fund, or account authorised by this Part, amount to a larger sum than is sufficient to pay the standard rates of dividend, the excess may be carried forward in the profit and loss account; but the balance remaining

No. 42, 1935.

remaining in the profit and loss account after allowing for payment of accrued dividends shall not at any time exceed the amount required to pay one year's dividend at the standard rates.

(4) A gas company which contravenes any provision of this section shall be liable on summary conviction to a penalty not exceeding one hundred pounds, and a further penalty not exceeding fifty pounds for every day on which, after such conviction, the contravention continues.

Standard price.

12. (1) A gas company shall not charge for gas supplied by meter a price exceeding the appropriate standard price applicable to that company.

(2) (a) The Minister shall, at the request in writing of a gas company, and may at any time of his own motion, constitute a board to inquire what price or prices of gas would, if charged by a company, and, having regard to all its other revenue, enable that company to pay the standard rates of dividend after making provision for—

- (i) interest payable on loans;
- (ii) expenses under the prescribed headings properly chargeable to revenue, including—
 - (a) the maximum amount which may be transferred to the special purposes account in accordance with section seven of this Act;
 - (b) the maximum amount which may be charged for depreciation in accordance with section eight of this Act; and
- (iii) a reasonable sum for contingencies which shall not exceed the amount necessary to pay one half-year's dividend at the standard rates.

Amendment of Schedule One.

(b) The board shall determine and certify such price or prices to the Minister, and where such price or prices differ from the price or prices set opposite the name of the company in Schedule One, the Governor may by proclamation published in the Gazette amend Schedule One by substituting for the price or prices then set opposite the name of the company the price or prices so certified by the board.

(3)

(3) Upon any reprint of this Act Schedule One shall be reprinted as amended pursuant to this or any other section of this Act.

No. 42, 1935.
Schedule
One.

DIVISION 2.—*General provisions applicable to gas companies.*

13. (1) Notwithstanding the provisions of any Act or of any memorandum or articles of association the issue after the commencement of this Act of any shares in The Australian Gas Light Company, the North Shore Gas Company Limited, The City of Newcastle Gas and Coke Company (Limited) or the Manly Gas Company Limited, shall be subject to the following provisions:—

Issue of
additional
shares.

- (a) all shares so to be issued shall be offered for sale by public auction or tender, and may be sold at, above or below par;
- (b) notice of the intended sale shall be given to the Minister at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and shall be advertised once in each of two consecutive weeks in one or more daily newspapers published in Sydney, and in one or more newspapers published and circulating in the locality in which the company supplies gas;
- (c) a reserve price shall be fixed and notice thereof shall be sent by the company in a sealed letter to be received by the Minister not less than twenty-four hours before, but not to be opened until after the day of the auction or after the last day for the reception of tenders as the case may be;
- (d) no lot offered for sale shall comprise shares of greater nominal value than one hundred pounds;
- (e) in the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum;
- (f) it shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid

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to the company on a day to be fixed by the company being within three months after the date of the auction or of the acceptance of the tender as the case may be;

- (g) any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the company and to the employees of the company and to the consumers of gas supplied by the company in such proportions as the directors of the company may think fit, or to one or more of these classes of persons only:

Provided that in the case of an offer to holders of shares or stock, if the aggregate amount of shares or stock applied for exceeds the aggregate amount so offered as aforesaid, the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively;

- (h) any shares or stock which may have been offered for sale in accordance with the foregoing provisions of this section, and are not sold, shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors of the company may determine for the purpose of realising the best price obtainable;
- (i) as soon as possible after the conclusion of the sale or sales the company shall send a report thereof to the Minister, stating the total amount of the respective shares or stock sold, the total amount obtained as premium (if any), and the highest and lowest prices obtained for the respective shares or stock;
- (j) the amount of premium shall in all cases be treated as non-dividend bearing.

(2) In this section "shares" includes ordinary and preference shares.

14. (1) Subject to the provisions of this Act, the Minister shall, at the request in writing of a gas company (other than a local authority) not included in Schedule One, and may at any time of his own motion, constitute a board—

No. 42, 1935.
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Inquiry as
to standard
price or
prices.

- (a) to inquire what price or prices of gas would, if charged by the company, and having regard to all its other revenue, and after allowing for the charges mentioned in subparagraphs (i), (ii) and (iii) of paragraph (a) of subsection two of section twelve of this Act, enable the company to pay dividends at rates equivalent to the standard rates of dividend referred to in section six of this Act; or
- (b) to inquire into and report as to whether the price or prices of gas supplied by a specified company should be fixed; or
- (c) to inquire into and report as to the circumstances of any such company and whether or not it should be included in Schedule One or whether or not it should be restricted in respect of the price or prices of gas to be charged by it, or whether or not it should be authorised to pay dividends in excess of the standard rates of dividends; or
- (d) to inquire into and report upon any matter referred to in this section or any question arising therefrom.

(2) The board shall make such inquiry and shall furnish to the Minister a report setting out its findings.

In the case of an inquiry under paragraph (a) of subsection one of this section, the board shall certify the price or prices as determined by it to the Minister. In the case of an inquiry under paragraph (c) of that subsection, the board may recommend that the company be included in Schedule One, and the Governor may upon such recommendation by proclamation published in the Gazette amend that Schedule by the addition of the name of the company concerned with the price or prices recommended by the board set opposite the name of the company.

(3)

No. 42, 1935.

(3) A board shall not be constituted by the Minister of his own motion under this section unless an inspection has been made and a report furnished to him on the accounts of the company concerned pursuant to section eighteen of this Act.

(4) Where a board recommended that the company be included in Schedule One, it shall also report as to what consequential action should be taken by the company, and without limiting the generality of this obligation, shall recommend what transfers should be made from any existing reserve fund or account of the company so as to bring it into conformity with this Act or the regulations made thereunder.

Upon approval by the Governor of the report the company, on being required so to do, shall take such action as may be necessary for the purpose of giving effect thereto.

(5) Notwithstanding anything contained in this Act, a board constituted under this section may determine and certify what price or prices should be fixed as the price or prices for gas supplied by the company and may recommend that the name of the company be not included in Schedule One. Upon proclamation by the Governor published in the Gazette the price or prices so certified shall be the maximum price or prices which may be charged by the company for gas supplied.

(6) Where a board reports that, having regard to the special circumstances of the company, including in such circumstances, its obligations incurred in respect of shares already issued, the company should be included in Schedule One but should nevertheless be authorised to pay for a specified period or periods or generally dividends at a rate or rates in excess of the standard rates referred to in section six of this Act, the Governor may, by the proclamation amending Schedule One by including the company therein, authorise it for the period or periods specified, or generally, to pay dividends at the rate or rates specified in the proclamation, and, in the application of Division One of this Part to the company, the rate or rates so authorised for the time being shall be deemed to be the standard rates of dividend which may be paid by that company.

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Any such authority may be cancelled, varied or revoked in like manner upon a like report.

No. 42, 1935.

Local
authorities.

15. (1) Subject to the provisions of this Act the Minister shall, at the request in writing of a local authority conducting a trading undertaking for the supply of gas, constitute a board to inquire what price or prices of gas would, if charged by the local authority, having regard to any other revenue of the undertaking, enable the local authority to—

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

(2) The board shall determine and certify such price or prices to the Minister.

Upon publication of a proclamation of such price or prices by the Governor in the Gazette, such price or prices shall be the maximum price or prices which may be charged by the local authority for gas supplied.

16. The Minister shall, at the request of a gas company, constitute a board to inquire whether the company should be permitted to—

Power to
require
guarantees,
etc.

- (a) require guarantees of a specified annual sum or a specified annual revenue as a condition of supplying gas to any district, area or person; or
- (b) make minimum or service charges for gas supplied by the company; or
- (c) make differential rates for gas supplied by such company.

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No. 42, 1935.

The board shall report to the Minister and if the case so requires, certify the rates and/or charges which in its opinion are proper.

The Minister may by writing authorise the company to require guarantees or to make minimum or service charges or differential rates as recommended by the board.

Annual
statement
of accounts.

17. (1) A gas company (other than a local authority) shall forward to the Minister on or before the thirty-first day of March in each year, an annual statement of accounts duly audited, and if and when required by the Minister a list of shareholders of the company at the thirty-first day of December then next preceding.

The statement and list shall be in the form and contain the particulars prescribed or as near thereto as circumstances will permit.

In every such annual statement of accounts the auditor shall certify whether in his opinion the company has correctly apportioned its expenditure between capital and revenue.

(2) The company shall keep copies of such annual statement at its office and sell the same to any applicant at a price not exceeding one shilling for each copy.

(3) Any gas company which makes default in complying with the provisions of this section shall be liable to a penalty not exceeding two pounds for each day during which such default continues.

Audit of
accounts.

18. (1) The Auditor-General shall, at the request of the Minister, either personally or by a person appointed by him, audit or inspect the accounts of a gas company and report to the Minister thereupon.

The Minister may appoint a person who is a public accountant, an inspector of local government accounts or the holder of an auditor's certificate prescribed by or under the Local Government Act, 1919, as amended by subsequent Acts, to audit or inspect the accounts of a gas company and report to him thereupon.

(2)

(2) For the purpose of any such audit, inspection or report the Auditor-General or the person appointed by him or by the Minister, shall have access to all books, accounts, documents, writing, papers or instruments in the possession or under the control of the company, which relate to the accounts of the company.

(3) Any person who obstructs the Auditor-General or the person appointed by him or by the Minister in the performance of his duties under this section, or who without lawful excuse refuses to produce any such book, account, document, writing, paper or instrument, or to answer any question asked by the Auditor-General or such a person in the performance of such duties, shall be liable upon summary conviction to a penalty not exceeding twenty pounds, and where such a person, after conviction for such an offence, still refuses to produce any such book, account, document, writing, paper or instrument, or to answer such a question, he shall be liable upon summary conviction to a further penalty not exceeding twenty pounds for each day during which such refusal continues.

19. Where a person is required by a gas company to give security for a supply of gas or for the payment of the rental of a meter or any apparatus whatsoever, and such security is in the form of a deposit of cash or the equivalent of cash, such company shall, in accordance with the regulations, pay interest thereon to such person at the rate payable for the time being by the Commonwealth Savings Bank of Australia upon a savings bank deposit of a like amount.

Company to pay interest on deposits.

20. (1) Notwithstanding the provisions of any Act, a gas company may—

- (a) raise such additional capital as may be necessary by the creation and issue of ordinary shares or stock, or preference shares or stock, or wholly or partially by one or more of those modes respectively;

Power to raise additional capital, loan money and consolidate and divide share capital.

(b)

No. 42, 1935.

- (b) raise or borrow money and secure the payment or repayment of such money in such manner and upon such terms and conditions in all respects as the said company in general meeting or the directors may determine; any security given in respect of any such money shall unless otherwise provided by the articles of association (if any) of such company be under the hands of any two of the directors and the secretary for the time being of the company, and shall be in such form, and shall contain such provisions, as the directors may decide; and
- (c) consolidate and divide all or any of the share capital of the company into shares of larger amount (but not exceeding one hundred pounds a share) than the existing shares of the company, or subdivide the existing shares of the company, or any of them, into shares of smaller amount, but so that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived.

(2) This section shall not apply to a local authority.

Extension
of area of
operation of
a company.
Schedule
One.

21. (1) Where a gas company included in Schedule One desires to supply or distribute gas beyond the area within which it is for the time being authorised so to do, it shall first apply in writing for the consent of the council of the shire or municipality within the boundaries of which it is desired so to supply or distribute gas.

(2) Upon request by the company, the Minister shall constitute a board for the purpose of inquiring into the matter.

The board shall afford the council an opportunity of being heard, and shall thereafter recommend to the Minister the additional area, if any, within which the company should be permitted to supply or distribute gas as aforesaid.

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The board may also recommend what special price, if any, may be charged by the company, having regard to the cost of supplying and distributing gas within such additional area, and what conditions, if any, should attach to the right to supply and distribute gas within that area.

(3) Upon publication in the Gazette of a proclamation by the Governor in that behalf the company shall be deemed to be authorised—

- (a) to supply and distribute gas within the area and subject to the conditions, if any, mentioned in the proclamation notwithstanding the provisions of any Act, deed of settlement or memorandum or articles of association; and
- (b) to charge the special price, if any, specified in the proclamation for gas supplied within such additional area.

22. (1) The Governor may, after a board constituted for the purpose by the Minister has inquired and reported that such action would be desirable, by proclamation published in the Gazette, authorise—

Inquiry as to purchase of gas.

- (a) agreements for the purchase of the assets and undertaking of a gas company by another such company and/or for the joint working and/or for the amalgamation of any gas companies upon such conditions as the board may recommend, including necessary provisions with regard to the capital of the combined company, the vesting of the property and rights of the purchased or amalgamated companies, and other necessary incidents and consequences of purchase, amalgamation, or joint working;
- (b) any scheme for the superannuation of the employees of a gas company, including the provision to set aside sufficient funds from suspense accounts or reserves to inaugurate such a

scheme,

scheme, and the provision of funds for the support of the same as an expense properly chargeable to revenue;

- (c) the amendment of any superannuation scheme in operation at the commencement of this Act or authorised under this section after such commencement and of any deed executed to give effect to any such scheme;
- (d) the transfer by The Australian Gas Light Company of such amount of the fidelity fund held by the company to a superannuation fund as the directors of the company deem unnecessary for the purposes of such fidelity fund.

(2) A board shall be constituted by the Minister for the purposes of paragraph (b) or paragraph (c) of subsection one of this section at the request of the company concerned or of the Federated Gas Employees' Industrial Union, New South Wales Branch, and if the Governor in accordance with this section authorises any of the matters referred to in either of the said paragraphs the company concerned shall take such steps as may be necessary on its part for the purpose of giving effect thereto.

(3) This section shall not apply to a local authority.

22A. Notwithstanding the provisions of any Act, deed of settlement, memorandum or articles of association, a gas company may as an expenditure properly chargeable to revenue—

- (1) join or become a member of and subscribe or give donations to any association, corporation or society, formed or to be formed, the objects or part objects of which are:
 - (a) to promote and develop the gas industry, in its various branches;
 - (b) to stimulate invention and research in respect to the gas industry in its various branches:

(2)

- (2) give donations or contributions to universities, technical colleges, schools or similar institutions for the purpose of carrying out research or other activities for the advancement of knowledge relating to the gas industry in its various branches, and support associations or other bodies engaged in work which will be of benefit to the gas industry.

PART IV.

GAS.

DIVISION 1—*Standards of heating power, purity and pressure of gas.*

23. (1) (a) The standard of heating power of the gas supplied by a gas company shall be not less than five hundred and fifty British thermal units gross: Provided that if the Minister is satisfied that it would be to the advantage of persons supplied with gas by a gas company he may, by notification published in the Gazette, vary the standard of heating power of the gas to be supplied by such company.

(b) A company supplying or distributing gas of a standard of heating power which at the commencement of this Act has been determined under the law for the time being in force may maintain that standard until varied by the Minister, as provided in paragraph (a) of this subsection.

(2) The gas supplied by a gas company shall contain no sulphuretted hydrogen.

(3) A gas company shall supply gas at such a pressure as will balance a column of water not less than two inches in height between the hours of five a.m. and nine p.m., and a column of water not less than one and one-half inches in height between the hours of nine p.m. and five a.m. at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(4)

No. 42, 1935.

Testing.
Schedule
Two.

(4) Any test of the heating power, purity and pressure of gas shall be made in accordance with the provisions of Schedule Two.

Testing
apparatus.

(5) A gas company shall provide the prescribed apparatus for testing gas at such places (not exceeding three in number) on its premises or elsewhere as the Minister may approve, and shall at all times keep such apparatus in proper order and repair.

Penalties.
Defect in
heating
power.

24. (1) Where at any time the gas tested at any testing place is of less heating power than that prescribed, the company supplying such gas shall be liable upon summary conviction to a penalty not exceeding ten pounds if the deficiency exceed two per centum but be not more than five per centum, and not less than twenty-five pounds nor more than one hundred pounds if the deficiency exceed five per centum.

The average of the testings made at a testing place on any two consecutive days shall be deemed to represent the heating power of the gas tested on the first of such days at such testing place. One penalty only shall be incurred by a gas company in respect of defect of heating power on any one day.

Defect in
purity.

(2) Where at any time the gas tested at any testing place is of less purity than that prescribed, the company supplying such gas shall be liable upon summary conviction to a penalty not exceeding ten pounds. One penalty only shall be incurred by a gas company in respect of defect of purity on any one day.

Defect in
pressure.

(3) Where at any time the pressure of gas tested is less than that prescribed, the company supplying such gas shall be liable upon summary conviction to a penalty not exceeding ten pounds. One penalty only shall be incurred by a gas company in respect of defect of pressure on any one day.

Saving as
to penalty.

(4) A penalty shall not be incurred by a gas company under this section if it can be shown that the defect was due to circumstances beyond the control of the company, or in the case of defect of pressure that such defect was due to the necessary and temporary opening or disturbing of the company's mains.

DIVISION

DIVISION 2.—*Gas examiners.*

No. 42, 1935.

25. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint gas examiners for the purposes of this Act. Appointment of gas examiners.

(2) A gas examiner may, at any reasonable hour, test in accordance with the provisions of this Act the heating power, purity and pressure of the gas supplied by a gas company. Reasonable notice of a proposed testing shall be given to the company concerned and a person appointed by it may be present at the testing.

(3) A gas examiner shall, on the day succeeding that on which the testing shall have been conducted or as soon thereafter as practicable, make and deliver to the Minister a report as to the results of his testing. He shall also forward a copy of the report to the company. Report of testing.

(4) A gas company and its officers and servants shall give to a gas examiner and his assistants access to the testing places approved in accordance with this Act, and shall afford all facilities for the proper execution of his duties. A gas company or its officer or servant failing so to do shall be liable upon summary conviction to a penalty not exceeding ten pounds. Facilities to be afforded gas examiners.

DIVISION 3.—*General and supplemental.*

26. Notwithstanding anything contained in any Act or memorandum or articles of association, a gas company shall charge for gas supplied by it on the basis of the number of gas units so supplied. Gas to be charged for on unit basis.

27. (1) A gas company shall not give, nor shall a person take, a supply of gas otherwise than through a meter supplied by the company giving the supply. Gas to be supplied through meters.

The Minister may grant exemption from the provisions of this subsection in special circumstances, for such period and subject to such terms as to charges and to such conditions as he may think fit.

(2) A meter shall not be supplied by a gas company for the purpose of registering a supply of gas unless it has been tested and stamped in the manner prescribed. Testing and stamping of meters.

(3)

No. 42, 1935.

Penalty.

(3) A gas company or a person offending against the provisions of this section shall, upon summary conviction, be liable to a penalty not exceeding five pounds.

(4) The registration of a meter supplied in accordance with this Act shall be prima facie evidence of the quantity of gas which has passed through the meter.

Application
for supply.

28. (1) A person desiring a supply of gas to premises a boundary of which is situated within twenty-five yards of any pipe of a gas company authorised to supply gas within the locality shall serve on the company a notice specifying the premises in respect of which the supply is required and the day, not being earlier than forty-five days from the date of service, upon which the supply is desired to commence.

He shall, if required by the company so to do, give a written undertaking to the company to take and pay for a supply of gas for a period of at least twelve months, and shall if so required give to the company security for the payment of all moneys which may become due by him in respect of the supply of gas and in respect of such proportion of the cost of any pipe laid for the purpose of giving the supply as he may be required to bear by subsection three of this section.

(2) The company shall give to such person a supply not later than the date mentioned in the said notice as being the date upon which the supply is required to commence, and shall, subject to this Act, continue such supply:

Provided that the company shall not be bound to give or to continue a supply to a person who is indebted to it for gas supplied or upon premises where the pipes, fittings, appliances or other apparatus used in connection with the supply or use of gas are, in the opinion of the company, unsafe.

A gas company which refuses or wilfully neglects to give or continue a supply which it is required to give or continue under this Act, shall, upon summary conviction, be liable to a penalty not exceeding forty shillings in respect of each day during which such refusal or neglect continues.

(3).

No. 42, 1935.

(3) The cost of so much of any pipes as may be laid upon any premises for the purpose of giving a supply thereto and of so much of any pipes as may be laid for that purpose for a greater distance than thirty feet from any pipe of the company, although not on such premises, shall be borne by the person making the request.

29. (1) An officer or servant of a gas company duly authorised in that behalf may, at any reasonable hour, enter any premises to which gas is or has been supplied, or on which any pipe, meter, fitting, appliance or other apparatus has been installed for the supply or use of gas, and may inspect and test any such pipe, meter, fitting, appliance or other apparatus, affix a seal to any such meter or pipe and remove any such pipe, meter, fitting, appliance or other apparatus belonging to the company.

Power to enter premises and inspect, etc.

(2) A person who obstructs such officer or servant in the exercise of any authority under this section shall be liable upon summary conviction to a penalty not exceeding five pounds.

30. (1) A person who wilfully, fraudulently or by culpable negligence injures, or suffers to be injured any pipe, meter, fitting, appliance or other apparatus belonging to a gas company, or alters the index of any meter, or prevents any meter from duly registering the quantity of gas supplied or interferes with any meter or with any seal affixed to any meter or pipe; or fraudulently abstracts, causes to be wasted or diverted, consumes or uses gas supplied by a gas company shall be guilty of an offence and shall on summary conviction be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding twelve months, and shall (without prejudice to any other right or remedy for the protection of the gas company or the punishment of the offender), for every such offence, forfeit and pay to the gas company a sum not exceeding twenty-five pounds, and the company may, in addition thereto, recover the amount of any damage by it sustained.

Penalty for injuring meter fraudulently obtaining a supply, etc. 34 and 35 Vic., c. 41, s. 38.

(2) The existence of artificial means for causing such alteration or prevention, or for abstracting, wasting, diverting, consuming, or using gas supplied by a gas company when the meter, pipe, fitting, appliance or other apparatus

Evidence.

No. 42, 1935.

apparatus is under the custody or control of the consumer, shall be prima facie evidence that such alteration, prevention, abstraction, waste, diversion, consumption or use (as the case may be) has been fraudulently, knowingly, and wilfully caused by the consumer.

Discontinu-
ance of
supply for
offence.
34 and 35
Vic., c. 41,
s. 38.

31. Where a person has committed an offence against section twenty-nine or section thirty of this Act, the gas company may, until the matter complained of has been remedied but no longer, discontinue the supply of gas to the person so offending.

32. If a person neglects to pay any sum due by him to a gas company for gas supplied, the company may, after giving reasonable notice of its intention so to do, discontinue his supply of gas until such sum, together with any expenses of the company in discontinuing and reconnecting such supply, are fully paid, but no longer.

Charge for
hiring of
meter.

33. A gas company may hire to any person a prepayment meter and fittings to be used therewith at such rate not exceeding seven one-hundredths of one penny for each gas unit supplied as may, from time to time, be fixed by the Minister.

The rate shall include the supply, fixing, repair, maintenance, inspection and collection of the said meter and fittings and all costs whatsoever incurred by the company in connection therewith.

Amendment
of Act 8
Wm. IV.

34. (1) Notwithstanding the provisions of the Act passed in the eighth year of the reign of His late Majesty King William the Fourth, intituled "An Act for Lighting with Gas the Town of Sydney in the Colony of New South Wales, and to enable certain persons associated under the name, style and firm of 'The Australian Gas Light Company' to sue and be sued in the name of the Secretary for the time being of the said Company, and for other purposes therein mentioned," as amended by subsequent Acts, it shall be lawful for the proprietors of The Australian Gas Light Company by resolution passed at any general meeting of the company and confirmed as hereinafter in this subsection provided to—

(a) (i) alter the number of directors of the company, but so that the number of directors shall not exceed seven;

(ii)

- (ii) provide for the election, retirement, qualification and disqualification of directors;
- (iii) provide for the remuneration of directors;
- (b) do or authorise to be done such things as relate to the internal working and regulation of the company and its business and are not part of the objects of the company and could be authorised or covered by the articles of association of a company registered under the Companies Acts for the time being in force in the State of New South Wales:

Provided that no such resolution shall become operative unless confirmed by such proprietors entitled to vote as are present in person or by proxy at a subsequent general meeting of which notice has been duly given and held after an interval of not less than fourteen days nor more than one month from the date of the first meeting. The two meetings may be convened by one and the same notice, and it shall be no objection to such notice that it only convenes the second meeting contingently on the resolution being passed at the first meeting.

(2) Notwithstanding the provisions of the said Act, the said company may, after a resolution in that behalf has been passed at any general meeting of the company and confirmed at a subsequent general meeting as provided in subsection one of this section—

- (a) carry on any process for or in connection with the use or disposal of residual products or the products arising from the working up or conversion of residual products and do all things incidental thereto or connected therewith;
- (b) manufacture and repair meters, and manufacture, sell, repair or deal in furnaces and any other appliances, parts or materials used in connection with the manufacture or use of gas or residual products;
- (c) build, purchase, charter, rent and otherwise acquire ships and vessels for the carriage of coal or other material of or required by the company, or any shares or interest in any such ships or vessels, or maintain, repair, improve, alter, sell, exchange or let out on hire or charter or otherwise deal with and dispose of any such ships, vessels or shares;
- (d)

No. 42, 1935.

- (d) purchase or acquire and hold or dispose of any shares, stock, debentures or debenture-stock of any company or body carrying on or about to carry on any undertaking or business which the company is entitled to carry on;
- (e) purchase or otherwise acquire any interest in any patents, brevets d'invention, licenses, concessions and the like conferring an exclusive or non-exclusive or limited right to use or any secret or other information as to any invention in relation to the production, distribution and use of gas or of any by-products or residuals thereof or therefrom, and any other invention which may seem to the company capable of being profitably dealt with, and use, exercise, develop and grant licenses in respect of or otherwise turn to account any such patents, brevets d'invention, licenses, concessions and the like, and information aforesaid.

For the purposes of this subsection the expression "residual products" means products arising directly or indirectly from the manufacture of gas.

(3) Where a board in fixing the standard price of gas, is satisfied that an operation of the company authorised by subsection two of this section, carried out by the company itself or by a subsidiary company, has been detrimental to the interests of persons supplied with gas by the company, it may disallow such portion of the expenses charged against the revenue account in relation to such operation as it considers reasonable.

For the purpose of this subsection a subsidiary company is one in which the company holds, either by itself or through nominees or trusts, a preponderance of the voting power.

(4) (a) A proprietor of The Australian Gas Light Company at a general or special meeting of the company shall have the right of voting either personally or by proxy in manner following, that is to say:—

For every five shares or portion thereof held by him up to one hundred shares, one vote.

For every ten shares or portion thereof beyond the first one hundred shares up to two hundred shares, one vote.

For

For every twenty-five shares or portion thereof beyond the first two hundred shares up to one-fourth of the total shares issued by the said company, one vote.

(b) A proprietor of the company may hold and vote as a proxy for any other proprietor, and may give the same number of votes in respect thereof as such proprietor could have given if personally present.

(c) A corporation being a proprietor may appoint as its proxy one of its officers, though not a proprietor of the company.

(5) The Act referred to in subsection one of this section as amended by subsequent Acts including this Act may be cited as the Australian Gas Light Company Acts, 1837-1935.

No. 42, 1935.

PART V.

ELECTRICITY SUPPLY.

DIVISION 1.—*Regulation of supply and use of electricity.*

35. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment of Act No. 41, 1919.

(a) by inserting in Part XXIII next after Division 2 the following new Divisions:—

Part XXIII:
New Divs. 2A, 2B.

DIVISION 2A.—*Regulation of electricity supply and of electric wires, cables, appliances, meters, fittings, insulators, apparatus, and materials.*

512A. (1) The Governor may by proclamation published in the Gazette prescribe any class, description, or type of wire, cable, appliance, fitting, meter, insulator, apparatus or material, intended, suggested or designed for use in or for purposes of or for connection to any electrical installation, which shall not after a date specified in such proclamation be sold, hired or exposed for sale or hire or advertised for sale or hire in any area unless such type, description, or class of wire, cable, appliance, fitting, meter, insulator, apparatus or material has been approved of by the prescribed authority.

Power to prescribe classes, descriptions or types of electrical appliances, etc., which shall not be sold unless approved under the ordinances. cf. Act No. 4220 (Vic.), s. 7.

(2)

(2) Any person who in any area, after the date so specified, sells, hires or exposes for sale or hire or advertises for sale or hire or causes to be sold or hired or exposed or advertised for sale or hire any wire, cable appliance, fitting, meter, insulator, apparatus or material of the class, description or type prescribed in such proclamation shall, unless such type, description or class of wire, cable, appliance, fitting, meter, insulator, apparatus or material has been approved of by the prescribed authority, be guilty of an offence against this Act.

(3) For the purposes of this section the ordinances made in that behalf may provide for approval of a type, description or class of electric wire or cable or electrical appliance, fitting, meter, insulator, apparatus or material being signified by approval of a sample thereof or by any other means whatsoever.

(4) In this section the word "area" includes the city of Sydney and the Western Division.

Injuring
works with
intent to cut
off supply.
cf. Act 60
Vic., No. 23,
s. 29.

512B. Any person who unlawfully and maliciously cuts or injures any electric line or work erected in pursuance of any authority conferred by or under this Act, with intent to cut off any supply of electricity, shall be guilty of felony, and be liable to be kept in penal servitude for any term not exceeding three years, or to be imprisoned, with or without hard labour, for any term not exceeding one year, but nothing in this section shall exempt a person in respect of any offence which is punishable under any other provision of this Act, or under any other Act, or at common law, so that no person be punished twice for the same offence.

Penalty for
removing
electric line,
etc.

512c. Any person who wilfully and unlawfully removes, destroys, or damages any electric line or any pillar, post, lamp, meter, fitting, insulator, apparatus or works connected with or relating to the supply of electricity by the council or any other person or who wilfully and unlawfully extinguishes

extinguishes any of the public lamps or lights maintained by the council or any other person shall be guilty of an offence, and shall on summary conviction be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding twelve months, and shall (without prejudice to any other right or remedy for the protection of the council or such other person or the punishment of the offender) for each such offence forfeit and pay to the council or such other person, as the case may be, a sum not exceeding twenty-five pounds, and the council or such person may in addition thereto recover the amount of any damage sustained.

No. 42, 1935.
—

512D. Any person who carelessly or accidentally breaks, throws down, or damages any electric line, or any pillar, post, lamp, meter, fittings, insulator, apparatus or works belonging to the council or any person supplying electricity shall forfeit and pay such sum of money to the council or such person for the damage done not exceeding fifty pounds as a stipendiary or police magistrate shall think reasonable:

Penalty for
breaking
electric line,
etc.

Provided that this section shall not affect any other remedy the council or such person supplying electricity might otherwise have.

512E. (1) Any person who wilfully or fraudulently, or by culpable negligence, suffers to be injured, any electric line, or any pillar, post, lamp, meter, fittings, insulator, apparatus, or works belonging to the council, or any person supplying electricity, or alters the index of any meter, or prevents any meter from duly registering the quantity of electricity supplied, or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses electricity supplied by the council, or any other person, shall be guilty of an offence and shall on summary conviction be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding twelve months, and shall (without prejudice to any other right or remedy for the protection of the council, or such other person,

Penalty for
tampering
with meter,
etc.

or

No. 42, 1935.

Evidence
that meter
has been
tampered
with.

Discontinu-
ance of
supply for
offence or
indebted-
ness.

Council's
fittings not
to be
taken in
execution.

or the punishment of the offender) for every such offence, forfeit and pay to the council, or such other person, as the case may be, a sum not exceeding twenty-five pounds, and the council or such person may in addition thereto recover the amount of any damage sustained.

(2) The existence of artificial means for causing such alteration or prevention, or for abstracting, wasting, diverting, consuming, or using electricity supplied by the council or any other person when the meter is under the custody or control of the consumer, shall be prima facie evidence that such alteration, prevention, abstraction, waste, diversion, consumption, or use (as the case may be) has been fraudulently, knowingly and wilfully caused by the consumer.

512f. (1) Where a person has committed an offence against section 512e of this Act the council or person supplying the electricity (as the case may be) may, until the matter complained of has been remedied, but no longer, discontinue the supply of electricity.

(2) If a person neglects to pay any sum due by him to the council or person supplying electricity, for electricity supplied, the council or person (as the case may be) may, after giving reasonable notice of its intention so to do, discontinue his supply of electricity until such sum, together with any expenses incurred by the company or such person in discontinuing such supply, are fully paid, but no longer.

512g. Where any electric line, meter, fitting, insulator, apparatus, or work belonging to the council or any other person is placed in or upon any place or building (not being in the possession of the council or such person) for the purpose of supplying electricity, such electric line, meter, fitting, insulator, apparatus or work shall not be taken in execution under any process of a court of law or equity.

Nothing in this section shall affect any execution lawfully issued against the council or such person.

DIVISION

DIVISION 2B.—*The Electricity Advisory
Committee.*No. 42, 1935,
—

512H. (1) There shall be a committee which shall be called the Electricity Advisory Committee.

Electricity
Advisory
Committee.

(2) The Committee shall consist of the following members:—

- (a) the person for the time being holding the office of Under-Secretary for Local Government, who shall be Chairman of the Committee;
- (b) the person for the time being holding the office of general manager of the Sydney County Council;
- (c) the person for the time being holding the office of Chief Electrical Engineer of the Public Works Department;
- (d) the person for the time being holding the office of Chief Electrical Engineer, Department of Railways;
- (e) an alderman or councillor, who shall be appointed by the Governor, and shall be selected from a panel of four persons nominated jointly by the executive committee of the Shires Association of New South Wales and the executive committee of the Local Government Association of New South Wales;
- (f) two persons each of whom is the holder of a certificate as an electrical engineer under this Act, and is in charge of the electricity undertaking of a county shire or municipal council. Such persons shall be appointed by the Governor and shall be selected from a panel of four persons nominated jointly by the executive committee of the Shires Association of New South Wales and the executive committee of the Local Government Association of New South Wales;

(g).

No. 42, 1935.

- (g) two persons who shall be appointed by the Governor and shall be selected from a panel of four persons nominated by the Sydney Chamber of Commerce;
- (h) two persons who shall be appointed by the Governor and shall be selected from a panel of four persons nominated by the Chamber of Manufactures of New South Wales;
- (i) two persons who shall be appointed by the Governor, one selected from a panel of three nominated by the Electrical Trades Union of Australia, New South Wales Branch.

(3) The provisions of the Public Service Act, 1902, or any Act amending that Act shall not apply to the appointment of any member of the committee; and a member of the committee shall not in his capacity as a member be subject to the provisions of any such Act.

(4) The members of the committee appointed by the Governor shall, subject to this Act, hold office for a term of three years from the date of their appointment and be eligible for re-appointment from time to time for a like term.

Every panel constituted under subsection two of this section shall be constituted in the manner and within the time prescribed by ordinance, and shall be accompanied by the written consent of each person whose name is included on the panel to serve on the committee if appointed.

If within the time prescribed a valid panel has not been constituted by the authority entitled to constitute such panel, the Governor may appoint a person or persons as the case may require to be the representative or representatives on the committee of such authority.

On the occurrence of a vacancy in the office of any member appointed by the Governor a member possessing the necessary qualifications shall

shall be appointed by the Governor for the remainder of the unexpired term of the vacant office. No. 42, 1935.

(5) A member of the committee appointed by the Governor shall be deemed to have vacated his office if he resigns from the committee by writing under his hand addressed to the Governor, or is removed by the Governor from his office, or is absent from three consecutive ordinary meetings of the committee except with leave granted by the committee.

(6) The chairman shall preside at all meetings of the committee. In the absence of the chairman from any meeting the members present shall elect an acting chairman to preside at that meeting.

If the voting on any question at a meeting is equal the chairman, or in his absence the acting chairman, shall have a casting vote in addition to his deliberative vote as a member of the committee.

(7) The procedure for the calling of meetings of the committee and for the conduct of such meetings shall, subject to any ordinances made in that behalf, be as determined by the committee.

(8) Seven members of the committee shall form a quorum, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the committee.

(9) The committee shall keep proper minutes of its proceedings, the custody of which shall be in the hands of the chairman.

512r. (1) It shall be the duty of the committee—

Functions of committee.

(a) to consider such matters relating to the generation, transmission, supply, and use of electricity as may be referred to it by the Minister, and to furnish reports to and advise the Minister thereon;

(b)

No. 42, 1935.

- (b) to furnish such information concerning finance, statistics, standards and testing in relation to electricity as the Minister may require or as may be prescribed;
- (c) to devise schemes for the co-ordination having regard to efficiency and economy of the supply of electricity throughout the State and in particular parts of the State, and to furnish the Minister with details of such schemes;
- (d) to consider the advisability of amending the law relating to the generation, transmission, supply and use of electricity, and to report thereon to the Minister. Any such report shall be accompanied by a draft of the legislation (including regulations, ordinances, by-laws, and the like) necessary to give effect to the committee's report;
- (e) to carry out such functions of an advisory character as may be prescribed.

(2) Where by this or any other Act or by any ordinance, regulation or by-law made under any Act, the approval of the Governor is required to be given to any proposal relating to electricity or to the generation, transmission, supply or distribution thereof, such approval shall not be given unless and until the proposal has been referred to the committee for consideration.

Sec. 513.
(Ordinances.)

- (b) (i) by omitting paragraph (h) of section five hundred and thirteen and by inserting in lieu thereof the following new paragraphs:—
- (h) the examination, testing, approval and stamping or labelling and the withholding and withdrawal of approval of any type, description

description or class of wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested or designed for use for purposes of or for connection to any electrical installation;

(h1) prescribing standards for electric wires and cables and for the materials used in the manufacture of electrical appliances, meters, fittings, insulators, and/or apparatus;

(h2) the fees to be charged for the examination, testing, and/or approval of any type, description or class of wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested, or designed for use for purposes of or for connection to any electrical installation;

(h2a) prescribing the form and basis of charging for electricity and the methods to be adopted in fixing such charges and prescribing times for revising such charges;

cf. Gas and Electricity Act, 1932, s. 62 (1) (g).

(h3) prohibiting interference by unauthorised persons with any electric wire, cable, and/or meter and/or any prescribed electrical appliance, fitting, insulator and/or apparatus;

(h4) conferring upon any council or upon any person supplying electricity in any area the power to refuse or discontinue the supply of electricity where the conditions of such supply may be dangerous to life, health, or property, and regulating the exercise of such power;

cf. Gas and Electricity Act, 1932, s. 62 (1) (c).

(h5) requiring the periodical inspection by the authority supplying electricity of electrical wires, cables, appliances, meters, fittings, insulators and apparatus installed

No. 42, 1935.

installed in, on, over or under public or private premises, and in, on, under or over public places or public reserves;

(h6) the safety of persons employed in or about electric generating stations or in the installation of electric wires, cables, appliances, meters, fittings, insulators, or apparatus in, on, under or over public or private premises, or in, on, under or over public places or public reserves;

(h7) prescribing standards for the voltages to be maintained at the terminals of consumers of electric current and prescribing standards and rules for the installation of electric wires, cables, appliances, meters, fittings, insulators, or apparatus in, on, under or over public or private premises, or in, on, under or over public places or public reserves, and the alteration, repair or renewal thereof;

(ii) by inserting at the end of the same section the following new subsections:—

(2) An ordinance made under the authority of paragraph (h1), paragraph (h5), paragraph (h6), or paragraph (h7) of subsection one of this section shall bind the Crown if expressed so to do.

(3) An ordinance made in relation to any of the matters referred to in paragraphs (h) to (h7) (both inclusive) of subsection one of this section may adopt wholly or partially or by reference any of the standard rules recommended or adopted by the Standards Association of Australia relating to the matter with which the ordinance deals.

Sec. 591.

(c) by inserting at the end of section five hundred and ninety-one the following paragraph:—

“(d) by any person whomsoever.”

DIVISION

DIVISION 2—*Agreements between councils as to gas and electricity.* No. 42, 1935.

36. The Local Government Act, 1919, as amended by subsequent Acts, is further amended— Further amendment of Act No. 41, 1919.

(a) by inserting at the end of subsection four of section four hundred and eighteen the following words: “Before entering into an agreement with the council of another area for the extension into such area of a trading undertaking referred to in paragraph (a) or paragraph (b) of subsection one of this section, the council proposing so to extend the trading undertaking shall submit the proposal with such details as may be prescribed to the Governor, and shall not proceed with the proposal until the Governor’s approval of the agreement is signified in writing thereon”;

(b) by inserting at the end of subsection two of section five hundred and six the following words: “In the case of a supply of gas or electricity this section shall not be acted upon unless with the approval of the Governor as provided in subsection four of section four hundred and eighteen of this Act”;

(c) by inserting at the end of section four hundred and eighteen the following new subsection:— Sec. 418.

(7) The council shall not enter into an agreement to supply gas or electricity in bulk to another council or to take a supply of gas or electricity in bulk from another council or from any person or authority unless the proposal to give or take such supply is submitted to the Governor, and the Governor has approved of the proposal, and any agreement for such supply entered into after the commencement of the Gas and Electricity Act, 1935, shall not be binding on either party nor shall it have any force or effect in law or equity unless and until the approval of the Governor is signified in writing thereon.

DIVISION

No. 42, 1935.

DIVISION 3—*Main transmission lines, generating stations, etc.*

Further amendment of Act No. 41, 1919. New s. 422A.

37. The Local Government Act, 1919, as amended by subsequent Acts, is further amended by inserting after section four hundred and twenty-two the following new section:—

Restrictions in relation to certain works.

422A. (1) Notwithstanding anything contained in this or any other Act, no person or Council shall, in any area, construct or establish an electricity generating station or instal an additional main generating unit or construct or extend a main transmission line, except with the consent of the Governor and in accordance with any conditions or stipulations which may be specified in such consent.

(2) Any person who or Council which contravenes any provision of this section shall be liable to a penalty not exceeding five hundred pounds.

(3) Any person who or Council which uses for or in connection with the generating or supply of electricity any electricity generating station or additional main generating unit or main transmission line constructed, established, installed or extended in contravention of this section shall be liable to a penalty not exceeding fifty pounds for each day during which the same is so used.

(4) This section shall not apply to or in respect of any electricity generating station or transmission line not operated for or in connection with a supply of electricity to the public; nor shall it apply to or in respect of any transmission line which is constructed or extended within the boundaries of any area by a person or council lawfully supplying electricity to the public in such area, and is so constructed or extended solely for or in connection with such supply.

PART VI.

No. 42, 1935.

SUPPLY OF ELECTRICITY IN THE CITY OF SYDNEY AND CERTAIN OTHER AREAS.

DIVISION 1—*Preliminary.*

38. (1) This Part shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts. Construction.

(2) The Local Government Act, 1919, as so amended is in this Part referred to as the Principal Act.

39. (1) The Sydney County District and the Sydney County Council, constituted under this Part, shall respectively be deemed to be a county district and a county council constituted under Part XXIX of the Principal Act, and the provisions of Part XXIX of the Principal Act, and of any ordinances made thereunder, shall to the extent to which they are not inconsistent with this Part apply to and in respect of the Sydney County District and the Sydney County Council in like manner as they would apply to and in respect of a county district and county council constituted and provided in accordance with the said Part XXIX. Application of Part XXIX of Act No. 41, 1919.

(2) For the purposes of this Part the Principal Act shall be deemed to apply to the City of Sydney and the City of Sydney shall be deemed to be an area within the meaning of that Act. City of Sydney.

DIVISION 2—*Constitution of Sydney County District.*

40. (1) For the purposes of this Part the City of Sydney and the areas of the Municipalities of Alexandria, Annandale, Auburn, Botany, Burwood, Canterbury, Concord, Darlington, Drummoyn, Enfield, Erskineville, The Glebe, Homebush, Hunter's Hill, Ku-ring-gai, Lane Cove, Lidcombe, Marrickville, Mascot, Mosman, North Sydney, Paddington, Randwick, Redfern, Ryde, St. Peters, Strathfield, Vacluse, Waterloo, Waverley, Willoughby, and Woollahra, are constituted a County District under the name of "The Sydney County District." Constitution of the Sydney County District.

(2) The Governor may from time to time by proclamation published in the Gazette include any other area or portion of an area in the Sydney County District.

No

No. 42, 1935.

No area or part of an area shall be so included unless the Sydney County Council has recommended such inclusion and the council of the area has consented thereto; and no area or part of an area which is, for the time being, served by an electricity supplier other than the Sydney County Council shall be so included during the current period of any agreement between the council of the area and such supplier, except with the consent of such supplier.

(3) (a) Where an area or part of an area is included in the Sydney County District under the provisions of subsection two of this section upon the termination of any electricity franchise existing in such area or part of an area, the Sydney County Council may purchase from the holder of such franchise the reticulation and equipment used in connection with the supply theretofore carried on in such area or part of an area, upon such terms and conditions as may be agreed upon.

(b) The provisions of paragraph (a) of this subsection shall not be construed to limit in any way any power or authority in relation to the purchase of reticulation or equipment which the Sydney County Council could have exercised if paragraph (a) of this subsection had not been enacted.

(4) Where the council of any area is carrying on an electricity undertaking or where in any area an electricity undertaking is being carried on under a franchise and such area is included in the Sydney County Council District under the provisions of subsection two of this section—

- (a) the provisions of subsections two and three of section forty-seven of this Act, and
 - (b) the provisions of section forty-eight of this Act, and
 - (c) the provisions of section forty-nine of this Act with regard to a joint committee,
- shall mutatis mutandis apply.

DIVISION 3—Constitution of Sydney County Council.

Constitution
of Sydney
County
Council.

41. Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette there shall be constituted a County Council under the name of "The Sydney County Council" which shall have and exercise

exercise the powers, authorities, duties, and functions conferred and imposed upon it by or under this Part of this Act.

No. 42, 1935.

42. (1) The Sydney County Council shall consist of five councillors, who shall be elected as in this Part provided.

Councillors to be elected.

(2) Each councillor shall be elected to represent a constituency.

(3) Each constituency shall comprise the areas grouped therein respectively as set out in Schedule Three to this Act, and each constituency shall return the number of councillors indicated in that Schedule.

Constituencies. Schedule Three.

(4) The Governor where the Sydney County District is altered by the inclusion therein of an additional area or part thereof shall by proclamation published in the Gazette include the area or part included in the Sydney County District in one of the constituencies.

43. (1) Councillors shall be elected by the aldermen and/or councillors of the areas comprised in each constituency.

Elections.

(2) Any person shall be eligible for election as a councillor if at the time of the holding of the election he is eligible to be elected as an alderman or councillor of any of the areas for the time being comprised in any constituency under this Part and would not be disqualified to hold office if elected as a councillor of the Sydney County Council.

44. The office of a councillor shall—

Tenure of office.

- (a) commence on the day of his election as councillor; and
- (b) become vacant on the day appointed for the next ordinary election of councillors or upon the occurrence of an extraordinary vacancy, whichever happens first.

The election of councillors shall be carried out and conducted and the result thereof notified to the Governor in the manner prescribed by ordinances made under the Principal Act in that behalf.

Method of election.

45. (1) The first ordinary election of councillors shall be held on the date of the constitution of the Sydney County Council.

No. 42, 1955.

(2) Each ordinary election after the first shall be held upon a day fixed and advertised by the returning officer being within two months after the date appointed by the Sydney Corporation Act, 1932-1934, for the general election of aldermen of the City of Sydney.

(3) An election to fill an extraordinary vacancy shall be held upon a day fixed and advertised by the returning officer being within two months after the occurrence of the vacancy.

(4) If a vacancy in the office of a councillor continues after the time prescribed for election thereto, the Governor may appoint any qualified person to the vacant office: Provided that where he deems it expedient the Minister may authorise the holding of an election to fill the vacant office.

Returning officer for first ordinary election.

46. (1) For the purposes of the first ordinary election of councillors, the Governor may appoint a returning officer and such deputy returning officers, poll clerks, and assistants as he may deem necessary.

(2) The expenses incurred in the conduct of such election shall when certified under the hand of the returning officer be paid out of the Consolidated Revenue Fund. The amount of such expenses shall be repaid by the Sydney County Council within six months after the account therefor is rendered to the council by the Colonial Treasurer.

DIVISION 4—Transfer of powers, etc., of the Municipal Council of Sydney and of certain other councils relating to electricity supply, etc.

Transfer.

47. (1) Upon and after a day to be appointed by the Governor and notified by proclamation published in the Gazette (in this Division referred to as "the appointed day") the powers, authorities, duties, and functions of the Municipal Council of Sydney in relation to or in connection with the electricity undertaking of that Council shall be exercised and performed by the Sydney County Council which Council shall be on and after the said appointed day the authority to carry out the Municipal Council of Sydney Electric Lighting Act, 1896-1928, and shall have the power conferred on the said Municipal Council of Sydney by section two hundred and ninety-three of the Sydney Corporation Act, 1932-1934.

The

The appointed day shall be not later than six months after the day appointed in pursuance of section forty-one of this Act for the constitution of the Sydney County Council.

(2) Upon and from the appointed day such officers and servants of the Municipal Council of Sydney as the Governor, upon the recommendation of the joint committee pursuant to section forty-nine of this Act may direct and such officers and servants of the Municipal Council of Sydney as are transferred or appointed to the service of the Sydney County Council between the commencement of this Part and the appointed day shall become and be the servants of the Sydney County Council.

Any officer or servant so transferred or appointed shall retain and shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred, and extended leave, as if he had continued an officer or servant of the Municipal Council of Sydney during the period of his service with the Sydney County Council.

Any officer or servant so transferred or appointed who, upon such transfer does not become a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, shall retain the same rights and privileges in relation to payments on retirement or death as if he had continued to be an officer or servant of the Municipal Council of Sydney during the period of his service with the Sydney County Council.

Any officer or servant so transferred or appointed who upon such transfer or at any time thereafter becomes a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, and who within three months after such transfer or after the date upon which he becomes a permanent servant as aforesaid (as the case may require), by notice in writing addressed to the Sydney County Council, so elects, shall be entitled to retain the rights and privileges in relation to payments on retirement or death to which he would have been entitled if he had continued to be an officer or servant of the Municipal Council of Sydney during the period of

his

No. 42, 1935.

his service with the Sydney County Council. The provisions of the Local Government (Superannuation) Act, 1927, shall not apply to or in respect of any officer or servant who makes such election as aforesaid.

No officer or servant so transferred or appointed under this section shall be entitled to claim benefits under this Act, as well as under any other Act, by-law, or resolution in respect of the same period of service.

Where any condition of employment of any officer or servant so transferred or appointed to the Sydney County Council is at the date of his transfer or appointment regulated by an award or industrial agreement, such condition shall continue to be so regulated until an award by which the Sydney County Council is bound is made by a competent tribunal or such condition is regulated by an industrial agreement to which the said Council is a party.

(3) Where an officer or servant of the Municipal Council of Sydney who is employed in or in connection with the Electricity Department of that Council is not included among the officers and servants of the Municipal Council of Sydney who are transferred to the service of the Sydney County Council, he shall, if he is not provided with a position in the service of the Municipal Council of Sydney, be deemed to have been retired from his position by the Municipal Council of Sydney, and shall be entitled to compensation with regard to accumulated annual and extended leave of absence as if he had been retired from his former position for any cause other than an offence and to a retirement allowance the equivalent of one month's pay at his then nominal rate of pay for each year of service.

This subsection shall not apply if within a period of one month the Municipal Council of Sydney or the County Council offers him and he accepts a position in its service.

The joint committee referred to in section forty-nine of this Act shall determine how the expense involved in paying compensation in such a case shall be met.

(4) After the appointed day all regulations of the Governor and by-laws of the Municipal Council of Sydney made under the Municipal Council of Sydney Electric Lighting Act, 1896-1928, and in force on the appointed day

day, so far as they are not inconsistent with this Division, shall continue and remain in force until repealed by ordinances made under the Principal Act, and any reference in such regulations or by-laws to the Municipal Council of Sydney or the Council shall be deemed to be a reference to the Sydney County Council.

48. On and from the said appointed day the following provisions shall, subject to this Act, have effect:—

Rights,
liabilities,
and
property.

- (a) All real and personal property and all right and interest therein and all management and control of any land or thing which, immediately before the appointed day, is vested in or belongs to the Municipal Council of Sydney and held by it in connection with the electricity undertaking transferred by this Act to the Sydney County Council shall vest in and belong to the Sydney County Council.
- (b) All moneys, liquidated and unliquidated claims which, immediately before the appointed day, are payable to or recoverable by the Municipal Council of Sydney in relation to its electricity undertaking shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Sydney County Council.
- (c) All suits, actions, and proceedings pending immediately before the appointed day at the suit of the Municipal Council of Sydney in relation to any matter or claim in relation to the said electricity undertaking so transferred shall respectively be suits, actions, and proceedings pending at the suit of the Sydney County Council.
- (d) All contracts, agreements, and undertakings entered into with and all securities lawfully given to or by the Municipal Council of Sydney in respect of the electricity undertaking so transferred and in force immediately before the appointed day shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by the Sydney County Council.

(e)

Gas and Electricity Act.

No. 42, 1935.

- (c) The Sydney County Council may pursue the same remedies for the recovery of any such moneys and claims, and for the prosecution of such suits, actions, and proceedings as the Municipal Council of Sydney might have done but for this Act.
- (f) The Sydney County Council may enforce and realise any security or charge existing immediately before the appointed day in favour of the Municipal Council of Sydney in respect of any such moneys and claims as if such security or charge were existing in favour of the Sydney County Council.
- (g) All debts due and moneys payable by the Municipal Council of Sydney solely relating to the electricity undertaking so transferred, including any amount due by the electric light account to the City Fund, and all claims liquidated or unliquidated recoverable against the Municipal Council of Sydney solely relating to the electricity undertaking so transferred shall be debts due and moneys payable by and claims recoverable against the Sydney County Council.
- (h) No attornment by a lessee of any land vested in the Sydney County Council by this section shall be necessary.

Preliminary
powers and
functions of
the Sydney
County
Council.

49. (1) During the period commencing on the date of the constitution of the Sydney County Council and ending on the appointed day, the powers and functions of the Council shall be limited to the matters and things following, that is to say—

- (a) election of a chairman;
- (b) the provision of an office for the Council;
- (c) the appointment of servants of the Council and the organisation of the staff of servants;
- (d) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Council are necessary or expedient in order to enable the Council to exercise

exercise all or any of the powers, authorities, duties, and functions vested in the Council by or under this Act;

- (e) the making of arrangements and agreements in accordance with this section.

But nothing contained in this subsection shall be construed so as to limit the exercise by the Council of its powers, authorities, duties, and functions in respect of any of the aforesaid matters and things after the appointed day.

(2) For the purposes of carrying out the powers and functions referred to in subsection one of this section, the Sydney County Council may, with the approval of the Governor, make use of the services of any of the officers or servants of the Municipal Council of Sydney; and the Municipal Council of Sydney shall take all necessary steps to give effect to such approval.

(3) (a) The Municipal Council of Sydney and the Sydney County Council shall as soon as practicable after the constitution of the Sydney County Council arrange and agree upon a division of the assets, debts, and liabilities of the Municipal Council of Sydney so that the assets, debts, and liabilities to be transferred by this Act shall be defined.

Division of assets and liabilities, and use of staff of City Council.

(b) Each of such Councils may for the purposes referred to in paragraph (a) of this subsection appoint two of its members to a joint committee to be convened by the Governor, and to which the Governor may appoint a representative, who shall be chairman.

In the case of any difference between the said councils such difference shall be determined as the Governor shall direct.

(c) The joint committee shall also determine what books, documents, records, and papers shall be handed over by the Municipal Council of Sydney to the Sydney County Council and consider and make recommendations to the Governor as to which officers and servants of the Municipal Council of Sydney should be transferred to the service of the Sydney County Council, and how the expense of meeting the payments on account of

No. 42, 1935.

of leave or upon retirement or death of an officer or servant so transferred should be apportioned between the Municipal Council of Sydney and the Sydney County Council.

(d) Where an agreement has been arrived at or a determination made on the matters with which such committee is charged a sufficient record thereof shall be filed in the offices of both of the said Councils and a copy transmitted to the Minister for record purposes.

(e) Any expenses of the joint committee shall be charged to the Sydney County Council.

Interim
expenditure.

(4) (a) The Sydney County Council is hereby authorised to expend such moneys as may be necessary for the purpose of exercising and performing the powers and for that purpose may, with the approval of the Governor, make arrangements with any bank or other financial institution for a temporary loan of the required amount.

(b) The Colonial Treasurer is hereby authorised to guarantee to such bank or institution the repayment of the amount of such temporary loan, with interest at the rate agreed upon between the Council and such bank or institution.

Indemnity.

50. (1) The Sydney County Council shall as from the appointed day indemnify and keep harmless the Municipal Council of Sydney against all claims against that Council in respect of moneys borrowed in connection with the said electricity undertaking and against all claims for any other liabilities incurred in respect thereof.

(2) The Sydney County Council shall pay all interest accruing due in respect of any moneys borrowed on account of the said electricity undertaking and make the contributions required by law or by any agreement to the sinking funds established in connection with any loan on account of such undertaking.

(3) (a) Nothing contained in this Part shall prejudice or affect the security rights, powers, authorities, and remedies of any holder of a bond, debenture, mortgage deed or other security given by the Municipal Council of Sydney before the commencement of this Part but such holder shall have and continue to have during
the

the currency of his bond, debenture, mortgage deed or other security the same security rights, powers, authorities, and remedies in respect of the electricity undertaking and other assets hereby vested in the Sydney County Council and the revenue therefrom as if the said bond, debenture, mortgage deed or other security had been given by the Sydney County Council instead of by the Municipal Council of Sydney.

(b) Nothing contained in this Part shall prejudice or affect the rights and remedies, against the Municipal Council of Sydney its revenues and assets, of the holder of any bond, debenture, mortgage deed or other security given by that Council before the commencement of this Part.

(4) The liability imposed upon the Sydney County Council by this section shall for the purpose of securing the discharge thereof rank in priority over any loan raised by the Sydney County Council.

51. (1) The Sydney County Council may within the Sydney County District exercise all or any of the powers conferred on the Municipal Council of Sydney by the Municipal Council of Sydney Electric Lighting Act, 1896-1928, as amended by this Act, and shall be subject to the like obligations and duties throughout the Sydney County District as are imposed upon the Municipal Council of Sydney with regard to the City of Sydney by that Act.

Powers and
authorities
of Sydney
County
Council.

(2) Where the Sydney County Council proposes to exercise such powers in the City of Sydney or in any local government area, such notice (if any) as is prescribed by the ordinances shall be given to the Municipal Council of Sydney or the council of the area, and any representations received in response to such notice shall be given consideration by the Sydney County Council.

52. (1) As from the appointed day, the Sydney Corporation Act, 1932-1934, is amended—

Amendment
of Act No.
58, 1932.

- (i) by omitting from section one hundred and fifty-one the word "shall" where first occurring and by inserting in lieu thereof the word "may";

(ii)

Gas and Electricity Act.**No. 42, 1935.****Sec. 246.**

(Power to purchase or resume.)

(ii) by omitting from section two hundred and forty-six the words "or the Municipal Council of Sydney Electric Lighting Act, 1896-1928";

(iii) by omitting from the same section the words—

"The power to purchase or resume lands conferred upon the council by this section for any of the purposes of the Municipal Council of Sydney Electric Lighting Act, 1896-1928, shall be deemed to extend and always to have extended to the purchase or resumption of lands outside the boundaries of the city as well as of lands within such boundaries";

Sec. 255.

(Borrowing powers.)

(iv) by omitting from subsection one of section two hundred and fifty-five the words "the Municipal Council of Sydney Electric Lighting Act or of."

Sec. 151.

(Rental for wires, cables, etc.)

(2) As from the first day of January next after the said appointed day the Sydney Corporation Act, 1932-1934, is amended by inserting at the end of section one hundred and fifty-one the following new subsection:—

(2) This section shall extend to the pipes, wires, cables, and rails of the Sydney County Council.

Amendment of Act No. 41, 1919, s. 171.

(Annual charges on rails, pipes, etc.)

(3) As from the first day of January next after the said appointed day the Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting at the end of section one hundred and seventy-one the following new subsection:—

(2) This section shall extend to the rails, pipes, wires, poles, cables, tunnels, and structures of the Sydney County Council.

Ordinances.

53. Ordinances may be made to carry this Division into effect, and with respect to any matter which by the Municipal Council of Sydney Electric Lighting Act, 1896-1928, is permitted to be prescribed by regulations or by-laws.

Amendment of Act 60 Vic. No. 33. Schedule Four.

54. (1) As from the said appointed day the Municipal Council of Sydney Electric Lighting Act, 1896-1928, is amended in the manner set out in Schedule Four to this Act.

(2)

(2) After the said appointed day the Municipal Council of Sydney Electric Lighting Act, 1896-1928, as amended by this Act, may be cited as the Municipal Council of Sydney Electric Lighting Act, 1896-1935. No. 42, 1935.

55. (1) The transfer to the Sydney County Council of the powers, authorities, duties and functions of the Municipal Council of Sydney under the Municipal Council of Sydney Electric Lighting Act, 1896-1928, shall be deemed to be a delegation within the meaning of section five hundred and sixty-four of the Principal Act to the Sydney County Council of power to supply electricity and to supply electrical fittings and appliances. Delegation.

(2) In addition to such powers the following powers, authorities, duties and functions of a council shall be deemed to have been delegated to and imposed on the Sydney County Council:—

- (a) all the powers, authorities, duties and functions under section three hundred and eighty-two of the Principal Act to construct, extend, protect, maintain, control and manage works for the supply of electricity, and those under sections four hundred and sixteen to four hundred and nineteen both inclusive of the Principal Act relating to the supply of electricity and the supply of electrical fittings and appliances;
- (b) the power to raise special loans and overdrafts for the purpose of exercising the power of supplying electricity and of supplying electrical fittings and appliances;
- (c) the power to make and levy a loan rate in connection with any loan so raised.

(3) For the purpose of more effectually enabling the Sydney County Council to exercise the powers and perform the duties conferred and imposed upon it by this Part, the provisions of the Principal Act indicated in Schedule Five shall mutatis mutandis apply to and in respect of the Sydney County Council and the powers and duties conferred and imposed upon the Council or the President or Mayor or Shire or Town Clerk or other servant of a Shire and/or Municipality by such provisions or by any ordinance made under or in pursuance of Schedule Five.

Gas and Electricity Act.

No. 42, 1935.

of such provisions are hereby conferred and imposed upon the Sydney County Council or the Chairman or General Manager or other servant of the County Council, as the case may require.

Delegation
to councils.

(4) (a) The Sydney County Council may arrange with the council of any area in the Sydney County District, including the Municipal Council of Sydney, to execute within such municipality any service relating to any power, authority, duty, or function transferred or delegated to the Sydney County Council by this or any other Act, with such restrictions and reservations as to the Sydney County Council may seem meet.

Such arrangement shall be embodied in an agreement between the council concerned and the Sydney County Council, which shall contain such provisions as may be determined by such council and the Sydney County Council or as may be prescribed by ordinance.

(b) The delegation of any power, authority, duty, or function made by the Sydney County Council to the council of any area under this section shall not be revoked by the Sydney County Council except with the consent of the council of the area concerned.

(c) Any council may enter into and execute any agreement made in pursuance of this section.

Amendment
of Act No.
41, 1919.
Sec. 654.

(5) The Principal Act is amended—

(a) by omitting paragraph (m) of subsection five of section six hundred and fifty-four;

(b) by inserting at the end of the same section the following new subsection:—

(6) In this section—

(a) a reference to an area shall be deemed to include a reference to the City of Sydney; and

(b) a reference to a council shall be deemed to include a reference to the Municipal Council of Sydney.

DIVISION

DIVISION 5—*Exercise of powers, etc., of Council.*

No. 42, 1935.

56. (1) Subject to this Part the Sydney County Council shall directly exercise and perform all and every of the powers, authorities, duties and functions of that Council in relation to the following matters, that is to say:—

- (a) the making of any rate, the fixing of charges or fees, or the borrowing of any moneys;
- (b) the voting of moneys for expenditure on the works, services and operations of the Council;
- (c) the acquisition, leasing, sale and exchange of any land or other property and the granting of any lease of land;
- (d) subject to the provisions of this Division, the acceptance of tenders;
- (e) any proposal for the making of an ordinance;
- (f) the election of the chairman of the Council;
- (g) meetings of the Council;
- (h) travelling expenses of members of the Council;
- (i) public inquiries ordered by the Governor or the Minister;
- (j) any application or notice to the Governor or the Minister;
- (k) awards or industrial agreements under the Industrial Arbitration Act, 1912, or any amendment thereof, and any question as to the payment to any servant of any salary or wages at a rate in excess of the rate fixed by any such award or industrial agreement;
- (l) subject to the provisions of this Division, the appointment, suspension and termination of employment of the General Manager, the Chief Engineer, and the Secretary, and the granting of any gratuity to any servant upon the termination of his employment;
- (m) any agreement respecting the supply of electricity in bulk by the Council to another authority supplying electricity;

Reserved functions.
cf. Irish Free State L.G. (Dublin) Act, 1930 No. 27,551, Cork City Management Act, 1929, No. 1, s. 8.

(n)

No. 42, 1925.

- (n) the extension of the Council's operations into other areas;
- (o) the continuance of the sale or hire of electrical fittings and appliances;
- (p) the authorising of the establishment of new generating stations to be operated by the Council or the construction of additional main generating units or main transmission lines;
- (q) the conditions respecting any sinking fund or investment;
- (r) the division of assets, debts and liabilities between the Municipal Council of Sydney and the Council, and the transfer of officers and servants from the Municipal Council of Sydney to the Council as referred to in section forty-nine of this Act;
- (s) matters relating to the indemnity which the Council is required to give under this Part;
- (t) the inclusion of any new area or part in the Sydney County District;
- (u) the delegation of reserved functions to the General Manager, and the revocation of such delegation;
- (v) the appointment of representatives of the Council to attend any conference or meeting and the payment of the expenses of such representatives.

(2) In this Part the powers, authorities, duties and functions enumerated in subsection one of this section are referred to as the "reserved functions."

Power to
delegate to
General
Manager.

57. The Sydney County Council may by resolution with the approval of the Governor delegate to the General Manager either wholly or in part, and either permanently or for a limited period, and subject to such limitations as may be contained in the resolution or as may be prescribed, any of its reserved functions except the power to borrow or to make a rate, and may by subsequent resolution withdraw any such delegation, either wholly or in part.

No

No act of the General Manager done within the scope of any such delegation during the period such delegation was in force, shall be invalidated by reason of a withdrawal of the delegation.

No. 42, 1935.

58. (1) The Sydney County Council shall appoint a person chosen solely on the basis of his executive and administrative experience and qualifications to be the General Manager.

General.
Manager.
Ibid. s. 39.
Ibid. s. 9.

(2) The General Manager shall exercise and perform for and on behalf of the Sydney County Council:—

- (a) the powers, authorities, duties and functions of the Council other than the reserved functions;
- (b) such of the reserved functions as may be delegated to him by the Council and in respect of which the delegation shall not have been withdrawn by the Council;
- (c) the appointment, suspension and termination of employment of servants of the Council (not including the Chief Engineer or the Secretary).

(3) For the purposes of every enactment (including enactments passed or made after the passing of this Act) relating to County Clerks, the General Manager shall be the County Clerk of the Sydney County Council and have, exercise and perform all the powers, authorities, duties, functions and rights for the time being held, conferred or imposed by any such enactment or otherwise by law on the County Clerk.

(4) Any fees or emoluments which are payable by or under any statute (whether passed before or after this Act) to County Clerks, and are received by the General Manager by virtue of his being the County Clerk of the Sydney County Council, shall be paid by the General Manager into the appropriate fund of the Council and be accounted for accordingly.

(5) The General Manager shall be a servant of the Council.

(6) The General Manager shall be paid such salary as the Council may determine.

(7)

No. 42, 1935.]

(7) The General Manager may do all such matters and things, including the making of contracts for and on behalf of the Sydney County Council, and the affixing of the official seal of the Sydney County Council to documents, as may be necessary for or incidental to the exercise or performance of any of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act.

(8) The General Manager shall not affix the official seal of the Sydney County Council to any documents save in the presence of the chairman.

(9) The General Manager may, subject to the provisions of any ordinance made in relation thereto, call for and accept tenders for contracts where the contract involves the estimated expenditure of an amount not exceeding one thousand pounds, and such amount is within the limit of expenditure authorized by the Sydney County Council.

First
General
Manager.

59. (1) Hugh Rose Forbes Mackay, Esquire, the General Manager of the Electricity Department of the Municipal Council of Sydney, shall be and is hereby appointed to be the first General Manager for the Sydney County Council as from the appointed day referred to in section forty-seven of this Act.

(2) The said Hugh Rose Forbes Mackay, Esquire, shall be deemed to have been appointed as General Manager by the Council, and shall hold office until he reaches the age of sixty-eight years, unless he sooner dies or resigns his office, or his employment is terminated by the Council.

(3) The appointment of the said Hugh Rose Forbes Mackay under this section shall be deemed to be a transfer within the meaning of subsection two of section forty-seven of this Act, and he shall retain, have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred and extended leave and payment on retirement or death as if he had continued an officer of the Municipal Council of Sydney, and for this purpose his service with the Municipal Council of Sydney shall count as continuous service with the Sydney County Council, provided that he shall not be entitled to
claim

claim benefits under this Act as well as under any other Act or any by-law or resolution with respect to the same period of service. No. 42, 1935.

60. (1) The General Manager shall, whenever requested by the Chairman of the Sydney County Council, or by that Council so to do, afford to the chairman or the Council (as the case may require) all such information as may be in the possession or procurement of the General Manager in relation to any act, matter or thing appertaining to or concerning any business or transaction of the Council which is mentioned in such request. General
Manager to
furnish
information
and advice.
Ibid. s. 54.
Ibid. s. 11.

(2) It shall be the duty of the General Manager to advise and assist the Sydney County Council generally in relation to the exercise or performance by it of the reserved functions and in particular in relation to any matter or thing concerning the exercise or performance by that Council of the reserved functions on or in respect of which the Council requests the advice or assistance of the General Manager. *Ibid.* s. 55.
Ibid. s. 12.

(3) It shall be the duty of the General Manager to carry into effect all lawful orders of the Council in relation to the exercise and performance of the reserved functions.

(4) The Sydney County Council may at any time by resolution require the General Manager to prepare and submit to the Council plans and specifications for the execution of any particular work specified in such resolution which can lawfully be executed by the Council, together with an estimate of the probable cost of the execution of such work. *Ibid.* s. 56.

Where the Council passes any such resolution the General Manager shall, as soon as conveniently may be, prepare and submit to the Council plans and specifications and an estimate in accordance with such resolution.

61. (1) The General Manager shall have the right to attend meetings of the Sydney County Council and to take part in discussion at such meetings as if he were a councillor, but he shall not be entitled to vote on any question which is to be decided by a vote of the councillors. Attendance
at meetings.
Ibid. s. 13.

The

Gas and Electricity Act.

No. 42, 1935.

The General Manager shall not be entitled to be present at any such meeting during any discussion which concerns his appointment or dismissal or his salary or the conditions of his employment.

(2) The General Manager shall attend any meeting of the Sydney County Council at which he is required by the Council to attend, and shall at such meeting give to the Council such advice and assistance as shall reasonably be required of him by the Council, and for that purpose the General Manager shall arrange for the attendance at such meeting of such of the servants of the Council as may be necessary, having regard to the business to be transacted at such meeting.

Special
meetings.
Ibid. s. 58.

62. (1) The Sydney County Council, at a meeting specially summoned for the purpose in accordance with any ordinance made in that behalf, may by resolution require any particular act, matter, or thing specifically mentioned in such resolution to be done in relation to any of the powers, authorities, duties and functions of the Council which are not reserved functions.

(2) Where a resolution has been proposed at the meeting of the Council summoned for the purpose under this section, the Council and the General Manager shall consider such resolution and if after such consideration the Council pass such resolution and the number of members voting for such resolution is three or more, the General Manager shall, if and when and so far as money for the purpose is or has been provided, do in accordance with such resolution the act, matter, or thing which is required by such resolution to be done.

(3) A resolution passed under this section shall not be so expressed as to apply or extend—

(a) to the exercise or performance of any power, authority, duty, or function of the Council generally or to every case or occasion of the exercise or performance of any such power, authority, duty or function or to a number or class of such cases or occasions so extended as to be substantially or in effect every case or occasion on which such power, authority, duty or function is exercised or performed; nor

(b)

- (b) to the exercise or performance of any power or duty conferred or imposed on the General Manager by or under this Part in relation to the servants of the Council or the control, supervision, service, remuneration, privileges, or superannuation of such servants or any of them.

No. 42, 1935.

Any resolution purporting to be passed by the Council under this section which contravenes this subsection shall be void and of no effect.

(4) In the event of any dispute arising between the Council and the General Manager as to whether or not any resolution passed by the Council under this section contravenes the provisions of subsection three hereof, the matter shall be referred for decision to the Minister.

The decision of the Minister upon any such reference shall be final, and shall be binding upon the Council and the General Manager.

63. (1) The servants of the Sydney County Council shall perform their duties as such servants in accordance with such directions as the General Manager may from time to time give, either generally or in relation to the performance of any particular duty or any particular class or classes of duties or in relation to the performance of any such duty by any particular servant of the Council, and the General Manager shall have and exercise control and full supervision of and over such servants and any and every act or thing done or to be done by them in their capacity as servants of the Council.

Duties of
servants.
Ibid. s. 59.
Ibid. s. 14.

(2) Subject to this Part and to the provisions of any Act and of any ordinance or regulation made thereunder and for the time being in force in relation to the service, remuneration, privileges or superannuation (as the case may be) of the servants of the Council, the General Manager shall consider and decide all such questions as may from time to time arise in relation to the service, remuneration, privileges and superannuation of the servants of the Council.

Gas and Electricity Act.**No. 42, 1935.**General
Manager
to act by
signed
order.*Ibid.* s. 60.*Ibid.* s. 15.

64. (1) Every act or thing done or decision taken by the General Manager which, if done or taken by the council of a county district, or municipality or shire, would be required by law to be done or taken by resolution of such council, shall be done or taken by the General Manager by an order in writing signed by him and containing a statement of the time at which it was so signed.

(2) Where by or under any Act, including this Act, public notice of any matter is required to be given by the council, such notice shall be given by the General Manager.

(3) Every order made by the General Manager under this section shall for all purposes be deemed to be made at the time at which it is signed by the General Manager, and every such order shall, until the contrary is proved, be deemed to have been so signed at the time stated in that behalf in such order.

(4) The General Manager shall keep a register in which shall be entered a copy of every order made by him under this section, and the General Manager shall, at every meeting of the Sydney County Council, produce for the inspection of the members of the Council so much of such register as contains any such orders made since the next previous meeting of the Council.

(5) Every document purporting to be an order made and signed by the General Manager shall, without proof of the signature of the person purporting to sign such document or that such person was the General Manager, be received in evidence in all courts, and shall, until the contrary is proved, be deemed to be an order duly made and signed by the General Manager under this section and to have been so signed at the time stated in that behalf therein.

(6) Every document purporting to be certified in writing by the General Manager to be a true copy of an order made by the General Manager under this section shall, without proof of the signature of the person purporting so to certify or that such person was the General Manager, be received in evidence and shall, until the contrary is proved, be deemed to be evidence of the contents of the order of which it purports to be a copy and
of

of the fact that such order was duly made and signed by the General Manager under this section at the time stated in that behalf therein.

No. 42, 1935.

65. (1) The General Manager may by order signed by him and countersigned by the secretary of the Sydney County Council authorise the making of any payment out of the funds of that Council in respect of any expense or on account of any liability incurred by the Council or the General Manager on behalf of the Council in the exercise or the performance by the Council or the General Manager (as the case may be) of any of the powers, authorities, duties or functions of the Council which are exercisable or performable by it or him respectively under this Part.

Authorisation of payments.
Ibid. s. 61.
Ibid. s. 16.

(2) The Council may at any time by resolution direct that every order made under subsection one of this section shall, during such period as is specified in such resolution, be submitted to the chairman or to some other councillor nominated from time to time for the purpose by the Council for his signature.

(3) The Council may at any time by resolution revoke a direction given under subsection two of this section.

(4) Where the Council gives any such direction as is hereinbefore mentioned, then, while such direction remains in force, the signature of the chairman or of the councillor nominated for the purpose (as the case may require) shall be necessary on every such order as is mentioned in subsection one of this section in addition to the signature and counter-signature mentioned in that subsection, but the chairman or such councillor (as the case may be) shall not by reason of the fact of his signature being on any such order incur any liability to which he would not have been liable if such direction as aforesaid had not been given.

66. (1) The General Manager shall cause to be prepared in each year at the prescribed time and in the prescribed form an estimate of income and expenditure (in this section referred to as the estimates) showing the amounts which in his opinion will be necessary to meet

Estimate of expenses and rates.
Ibid. s. 17.
Ibid. s. 77.

the

No. 42, 1935.

the expenses and provide for the requirements of the Sydney County Council during the year then next ensuing.

(2) The estimates prepared in each year under this section shall be considered by the Council at a meeting thereof (in this section referred to as the budget meeting), at which the General Manager shall be present and which shall be held at the time prescribed either generally or in regard to any particular year and of which not less than twenty-one days' notice in the prescribed form shall have been given by the General Manager to every councillor.

(3) Not less than twenty-one days before the day on which a budget meeting is to be held, the General Manager shall send to every councillor and shall deposit in the offices of the Council a copy of the estimates required by this section to be considered by the Council at such meeting, and the General Manager shall at the same time give notice in the prescribed manner and form of the fact that such estimates have been prepared and that a copy thereof has been so deposited.

(4) The copy of the estimates deposited under this section in the offices of the Council may be inspected free of charge by any member of the public at any time at which such offices are open for the transaction of official business, and the General Manager shall supply to every person making application to him therefor a copy of such estimates at the price of one shilling per copy.

(5) At a budget meeting or any adjournment thereof under this section the Council may (subject to the provisions of this section) amend whether by addition, omission, or variation the estimates required by this section to be considered by it at such meeting, and the Council shall by resolution passed at such meeting or any adjournment thereof adopt such estimates either with or without amendment and shall by the same or any subsequent resolution passed by it at such meeting or such adjournment thereof determine in accordance with such estimates as so adopted the rates (if any) to be made and levied or the charges and fees to be imposed for the purposes specified in such estimates.

(6)

(6) Where at a budget meeting an amendment of the estimates considered at such meeting is proposed and the General Manager is of opinion that such amendment, if made, would seriously prejudice the efficient or economic performance of the duties of the Council, the General Manager shall at such meeting state his objection to such amendment and his reasons therefor, and thereupon the Council shall consider such objection and shall either decide at such meeting not to make such amendment or shall adjourn the further consideration of such amendment.

No. 42, 1935.

(7) Where the further consideration of an amendment of the estimates is adjourned under subsection six of this section, the budget meeting shall, after all business which can lawfully and conveniently be transacted thereat without adjournment is disposed of, be adjourned for not less than fourteen days and at such adjourned meeting the amendment or amendments which occasioned the adjournment (with or without any modification thereof) but no other amendment of the said estimates shall be considered and decided upon and the business of the budget meeting shall be completed.

67. In every action or other legal proceeding, whether civil or criminal, instituted in any court of law or equity by or against the Sydney County Council the General Manager shall act for and on behalf of the Council and may do all such acts, matters or things as he may consider necessary for the preparation and prosecution or defence of such action or other proceeding in the same manner in all respects as if (as the case may require) he were the plaintiff or prosecutor or the defendant therein, and where any such action or other proceeding relates to the exercise or the performance by the Council of any of the reserved functions the General Manager shall in the doing of any such act, matter or thing as aforesaid act with the express authority of the Council, which authority shall be deemed to have been given unless and until the contrary is shown.

Legal
proceedings.
Ibid. s. 80.
Ibid. s. 20.

This section shall not apply where the amount involved in any such action or legal proceedings as aforesaid exceeds five hundred pounds.

No. 42, 1935.

Deputy
General
Manager.
Ibid. s. 79.
Ibid. s. 19.

68. (1) Where the General Manager is on leave or is through illness, absence from the Sydney County District, or suspension from the performance of his duties, temporarily incapable of exercising and performing the powers, authorities, duties and functions conferred and imposed on him by this Part, a deputy General Manager shall be appointed under this section for the duration of such leave or incapacity but may be removed at any time during such leave or incapacity.

(2) Where the General Manager is on leave and also where the General Manager is so incapable as aforesaid and such incapacity is due to absence from the Sydney County District the power of appointing the deputy General Manager under this section may be exercised by the General Manager, after consultation with the chairman, before and in contemplation of such leave or such incapacity (as the case may be), but in every other case, that is to say, where the General Manager is so incapable as aforesaid owing to illness or suspension and also where the General Manager is on leave or is so incapable as aforesaid owing to absence from the Sydney County District and a deputy General Manager is not appointed under this section before such leave or incapacity or having been so appointed is removed under this section during such leave or incapacity, the power of appointing the deputy General Manager under this section shall be exercisable at any time during such leave or incapacity by the chairman.

(3) In every case the power of removing the deputy General Manager under this section shall be exercisable by the Council only.

(4) The deputy General Manager shall, during the continuance of the leave or incapacity on account of which he is appointed or until he is removed under this section, have all the powers and authorities and shall exercise and perform all the duties and functions of the General Manager and for that purpose all references in this Part to the General Manager (other than the references to the General Manager in this section and the references in this Part to the appointment and remuneration of the General Manager) shall be construed as including the deputy General Manager.

(5)

(5) There shall be paid by the Council to the deputy General Manager such remuneration (if any) as the Council may determine.

No. 42, 1935.

69. The General Manager shall appoint and employ such servants of the Council as he may deem necessary for the purposes of this Part. Servants.

70. (1) The Sydney County Council shall appoint a person to be the Chief Engineer of the electricity undertaking of the Council. Chief Engineer.

(2) The Chief Engineer shall, under and subject to the direction, control, and full supervision of the General Manager, have the principal oversight of all works in or connected with the Council's electricity undertaking.

(3) The Chief Engineer shall by virtue of such appointment be a servant of the Council.

(4) The Chief Engineer shall be paid such salary as the Council may determine.

71. (1) The Sydney County Council shall appoint and employ a person as Secretary of the Council. Secretary.

(2) The Secretary shall by virtue of such appointment be a servant of the Council.

(3) The Secretary shall be paid such salary as the Council may determine.

(4) The Secretary shall perform such duties as may be prescribed.

72. (1) The provisions of section ninety-nine of the Principal Act relating to inquiry before dismissal shall apply with respect to the dismissal by the Council of the General Manager, the Chief Engineer and the Secretary. Application of s. 99 of Act No. 41, 1919.

(2) If either of the persons appointed as Chief Engineer or Secretary respectively was an officer or servant of the Sydney Municipal Council who has been transferred to the Sydney County Council under subsection two of section forty-seven of this Act, he shall retain and enjoy the rights and privileges conferred upon transferred officers and servants by that subsection and the provisions of that subsection shall apply to him as if he had before his transfer held the office of Chief Engineer

or

No. 42, 1935.

or Secretary of the Electricity Department of the Municipal Council of Sydney, as the case may be, and had been transferred to the Sydney County Council as the holder of that office.

DIVISION 6—*Accounts and audit.*

Books of
account.
cf. Act No.
58, 1932,
s. 240.

73. (1) The Sydney County Council shall cause to be kept proper books of account, and shall, on or before the thirtieth day of June in each year, prepare and submit to the Auditor-General statements of account setting forth the financial position and the transactions of the Council for the whole of the year ending on the thirty-first day of December of the preceding year, together with an annual balance-sheet made up as at the said thirty-first day of December.

Such statements of account and balance-sheet shall be in a form approved by the Auditor-General.

The Auditor-General shall audit the books of account and the said statements of account and balance-sheet, and shall certify on such balance-sheet whether or not all his requirements as auditor have been complied with and whether in his opinion the balance-sheet is a full and fair statement properly drawn up so as to exhibit a full and true view of the Council's affairs, and whether it is in accordance with the books of the Council and the provisions of this Act and the ordinances.

He shall also certify the amount which the Council may borrow by way of limited overdraft in pursuance of section one hundred and seventy-four of the Principal Act.

After such audit the Council shall forthwith transmit the said statements of account and balance-sheet to the Minister for presentation to Parliament.

(2) Such statements of account and balance-sheet shall be laid before both Houses of Parliament within fourteen sitting days after the receipt thereof by the Minister if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

74. (1) Subject to the provisions of this Part—

No. 42, 1935.

(a) the Auditor-General shall, in respect of such audit, have all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and

Audit of accounts.
cf. Act No. 53, 1932, s. 241.

(b) the Audit Act, 1902, and Acts amending the same shall apply to and in respect of the Council and its officers and servants in the same manner as it applies to accounting officers of public departments.

(2) The books of account of the Sydney County Council shall at all reasonable times and without fee or reward be open for inspection by the chairman or any councillor or the Auditor-General or any person thereunto authorised in writing by the council of any area which is included in whole or in part within the Sydney County District; and any person so entitled to inspect the books of account may also take copies of or make extracts therefrom during office hours without any payment.

(3) Any servant of the council having charge of the said books of account refusing to permit any such person to inspect or take copies or make extracts from such books in accordance with subsection two of this section shall be liable to a penalty not exceeding five pounds for every such offence.

(4) The council of any area which is included wholly or in part in the Sydney County District may make objection before the Auditor-General to any of the accounts of the Sydney County Council.

75. (1) Without limiting the generality of the powers conferred by subsection one of section seventy-four, the Auditor-General may disallow any expenditure, transfer or entry in the books of account of the Council which has been incurred or made in contravention of any Act or any ordinance, regulation, or by-law.

Disallowance and surcharge.
Ibid.
s. 241A.

(2) The Auditor-General may, subject to the provisions of section five hundred and eighty-three of the Principal Act, surcharge the amount of any such disallowance upon the chairman or councillors or servants of the Council by whom the expenditure, transfer, or entry was incurred or made or ordered to be incurred or made.

(3)

No. 42, 1935.

(3) The Auditor-General may surcharge on the chairman or a councillor or servant of the Council the amount of any deficiency or loss incurred by the culpable negligence or misconduct of such chairman or councillor or servant, or of any sum which ought to have been but is not brought into account by such chairman, councillor or servant.

(4) Before surcharging the amount of any such disallowance on any person the Auditor-General shall, if practicable, extend to the person upon whom he proposes to make the surcharge an opportunity to advance any reasons why such surcharge should not be made.

(5) The Auditor-General may certify on the face of every account examined by him any money, books, deeds, papers, goods, or chattels found by him to be due from any person.

(6) Immediately upon surcharging any sum on any person the Auditor-General shall give notice to the person concerned.

(7) The Auditor-General may at any time withdraw and revoke any surcharge or disallowance made by him under this section.

(8) Any person upon whom a surcharge is made by the Auditor-General may, within one month after notice thereof, in accordance with subsection six of this section, appeal if the amount of the surcharge does not exceed five hundred pounds either to the Governor or to the Court of Petty Sessions holden at the Central Police Office or the District Court for the Metropolitan District, or if the amount of the surcharge exceeds five hundred pounds, to the Supreme Court. The decision of the Governor or the court, as the case may be, to confirm, reduce, or annul the surcharge shall be final and shall be carried into effect.

(9) If the person concerned do not within the period prescribed in subsection eight of this section appeal, or if on appeal the decision of the Governor or the court be against such person, the Council, the Minister, or any creditor of the Council, or the council of any area included in the Sydney County District may recover in a court of competent jurisdiction the amount of the surcharge (or any deficiency which may remain after the appropriation

appropriation of any moneys in the possession of the Council the property of such person); and the money so recovered shall be paid to the Council.

No. 42, 1935.

(10) If there are any moneys in the possession of the Council the property of such person, the Council may appropriate so much of them as may be necessary to satisfy the amount surcharged.

(11) If any surcharge on any person be not within six months after it is made, satisfied by payment or annulled on appeal as hereinbefore provided, such person shall, during such further time as the amount of the surcharge remains unpaid, be thereby disqualified to hold office as chairman or councillor of the Sydney County Council.

(12) For the purpose of this section a "sur-charge" shall be an entry in an account of the Council made or caused to be made by the Auditor-General, and purporting to show the amount surcharged as an amount due by the person surcharged.

Definition.

(13) Nothing in this or any other Act shall preclude any disallowance or surcharge being made, or the amount thereof being recovered or deducted before or after the expiration of six months from the time when the matter of the disallowance or surcharge arose.

76. (1) The Auditor-General shall, as soon as practicable after the completion of his audit in each year make and sign and forward to the Council and the Minister a report on and in relation to his audit of the books of account of the Council for the preceding year.

Report of Auditor-General. cf. Act No. 58, 1932, s. 241B.

(2) Such report shall include a statement as to—

- (a) whether or not in his opinion, due provision has been made for the repayment of loans; and
- (b) his decision upon any objection to the accounts made before him; and
- (c) any breach of law revealed by his audit; and
- (d) any other matters which in his judgment call for notice.

77. (1) For the purpose of any audit of accounts, the Auditor-General may take evidence upon oath or affirmation (which oath or affirmation he is hereby empowered to administer), and may, by summons under his hand, require such persons as he thinks fit to appear personally

Powers of Auditor-General. cf. *Ibid.* s. 241C.

No. 42, 1935.

personally before him, at a time and place to be fixed in and by such summons, and to produce to him such books and papers as appear necessary for such audit, and may examine such witnesses as he thinks fit.

Enforce-
ment of
summons.

(2) Any person so required who, without just excuse—

- (a) neglects or refuses to comply with such summons; or
- (b) refuses to be examined on oath or affirmation, or to take an oath or affirmation; or
- (c) refuses to answer such lawful questions as are put to him,

shall be liable to a term of imprisonment not exceeding twelve months, or a penalty not exceeding twenty pounds.

Reference
to the
Auditor-
General.
cf. Act No.
58, 1932.
s. 241D.

78. A reference in this Division of this Part to the Auditor-General shall be deemed to include a reference to a person acting as deputy of the Auditor-General, and to any officer of the Public Service appointed by the Auditor-General or such deputy to exercise and discharge on his behalf the powers, authorities, duties and functions conferred and imposed on the Auditor-General by this Division of this Part of this Act.

Cost of
audit.
Ibid.
s. 241F.

79. Towards defraying the cost and expenses of the audit by the Auditor-General the Council shall pay to the Consolidated Revenue Fund the amount involved as certified to by the Auditor-General at such periods as the Minister may decide.

DIVISION 7—Revision of charges made for electricity by the Electric Light and Power Supply Corporation, Limited.

Certain
charges not
to be
increased
and revision
of charges.

80. (1) Notwithstanding anything contained in the Borough of Balmain Electric Lighting Act or in any agreement made by virtue of the said Act between the Electric Light and Power Supply Corporation Limited and any of the Councils of the Municipalities of Balmain, Newtown, Leichhardt, Petersham and Ashfield, the charges for electricity supplied by the said corporation in any such municipality or for any meter or appliance used for or in connection with such supply shall not be altered except in accordance with an agreement entered into under subsection three of this section.

(2)

(2) There shall be a joint committee consisting of five persons who shall be appointed respectively by each of the five Councils referred to in subsection one of this section.

A person shall not be qualified to be so appointed by any such council unless he is an alderman of that council.

The joint committee shall appoint a servant of one of such councils to be the executive officer of the joint committee.

The joint committee shall notify the said Corporation of the name and address of the executive officer.

(3) (a) At any time during the period of three months next following the issue of the annual accounts of the said Corporation for any year, written notice may be given by the said Corporation to the joint committee or by the joint committee to the Corporation, requesting the joint committee or the Corporation as the case may be, to enter into an agreement as provided in this subsection for the alteration of any charge for the time being made by the Corporation for the supply of electricity in any of the five municipalities mentioned in subsection one of this section, or for any meter or appliance used in connection with such supply.

(b) Where a notice under this subsection has been given within the prescribed period, it shall be lawful for the Corporation and the joint committee to enter into an agreement for the alteration of any such charge in the manner and to the extent mentioned in the agreement.

The agreement shall specify the new charge and the date on and from which such charge is to take effect.

(c) Such new charge shall, on and from the date specified in the agreement, be substituted for the charge as existing on the date upon which the notice referred to in paragraph (a) of this subsection was given, and shall remain in force until altered by a further agreement entered into between the Corporation and the joint committee under this subsection.

(d) Where the provisions of this subsection are inconsistent with the provisions of the Borough of Balmain Electric Lighting Act or with any agreement made by virtue of that Act between the said Corporation and

No. 42, 1935.

and any of the five councils referred to in subsection one of this section the provisions of this subsection shall to the extent of such inconsistency prevail.

(e) For the purposes of this subsection the decision of a majority of the members of the joint committee shall be deemed to be the decision of the joint committee and shall be given effect to accordingly.

(f) If an agreement under this subsection is not entered into within a period of two months immediately following the date upon which the notice referred to in paragraph (a) of this subsection is given, the question whether the charge referred to in the notice should be altered, and, if so, in what manner and to what extent and from what date shall, unless the authority which gave the notice has, by writing, withdrawn such notice, be referred to arbitration under and in pursuance of the provisions of the Arbitration Act, 1902, or of any Act amending or replacing that Act.

(g) The decision given upon any such reference shall, for the purposes of this Act, have the same force and effect as, and be deemed to be, an agreement incorporating the terms of such decision entered into between the joint committee and the said Corporation.

(h) An agreement under this subsection, providing for the increase at any time during the period of three years immediately following the commencement of this Part of any charge as existing at such commencement, shall not be entered into unless the cost of production and supply of electricity by the said Corporation has been increased during such period by reason of increases of taxation (other than income tax) or of wages awards, or by reason of any strike, lockout or other circumstance over which the Corporation has no control.

(i) No increase of any charge shall be made under this subsection if the undertaking of the said Corporation is not being conducted economically and efficiently.

(j) Ordinances may be made under the Principal Act prescribing the form and basis of charges for the supply of electricity and for meters and appliances used in connection with such supply, prescribing
the

the method to be adopted in fixing or determining such charges, and prescribing all matters and things necessary or convenient to be prescribed for carrying this section into effect.

No. 42, 1935.

PART VII.

EMERGENCY PROVISIONS.

81. (1) Whenever it appears to the Governor that from any cause the available supply of gas or electricity is or is likely to become less than is sufficient for the reasonable requirements of the community, the Governor may from time to time exercise all or any of the powers conferred on him by or under this section and do and perform all such acts, matters and things as are necessary or expedient for carrying into effect the purposes of this section.

Power in emergencies to regulate or prohibit the supply or use of gas or electricity.
cf. Act No. 4142 (Vict.), s. 33

(2) The Governor may from time to time by proclamation declare that on and after the date of the publication of the proclamation or a later date specified therein the provisions of this section shall have effect.

Proclamation declaring when section to have effect.

(3) So long as any such proclamation remains unrevoked the Governor may make such regulations as he thinks fit for or with respect to—

Regulations.

- (a) regulating or prohibiting the sale, supply, use or consumption of gas or electricity, whether generally or for any purpose or purposes specified in such regulations;
- (b) providing for the appointment of any person or body of persons to exercise such functions as are prescribed for the purposes of this section and such regulations;
- (c) conferring or imposing upon such person or body of persons so appointed such powers and duties as appear necessary or expedient to carry into effect the purposes of this section or such regulations; and
- (d) generally, prescribing all such matters or things as are necessary or expedient to be prescribed for carrying into effect the purposes of this section and such regulations.

P

(4)

No. 42, 1935.

Application
of
regulations.

(4) Any such regulations—

- (a) may be made so as to apply to or have operation throughout the whole or any part of New South Wales or throughout the whole or any part of any area within the meaning of the Local Government Act, 1919, or the City of Sydney;
- (b) may be made so as to operate for any period or periods or for any time or times or for any occasion or occasions specified therein;
- (c) may be of general operation or of specially limited operation according to any specified times, places, circumstances, conditions or restrictions;

Penalties.

- (d) may impose a penalty of not more than five hundred pounds for any offence against such regulations, and in the case of a continuing offence, a further penalty of not more than ten pounds for each day on which any offence is continued after conviction or order of any court.

(5) The provisions of subsection three of section eighty-five of this Act shall extend to regulations made under this Part.

Liability
of body
corporate.

(6) A body corporate shall be liable for any offence against any regulation under this section as if it were a private person, and shall be subject to the same penalties as if it were a private person; and if any chairman, member of the governing body, director, manager, secretary or officer of such body corporate knowingly authorises or permits the commission of any such offence he shall also be liable therefor.

Continuance
of operation
of
regulations.

(7) Every regulation made under this section shall (unless it sooner expires or is revoked) continue in operation until the proclamation under the authority of which it was made is revoked; but the expiration or revocation of any such regulation shall not affect any penalty, forfeiture or punishment incurred in respect of any offence committed against such regulation or affect any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such regulation had not expired or had not been revoked.

(8)

(8) Every proclamation under this section— No. 42, 1935.
Proclama-
tions.
 (a) may be amended, varied or revoked by a later proclamation; and
 (b) shall be judicially noticed.

(9) This section shall have effect notwithstanding anything, whether expressed or implied, in any other sections of this Act or in any other Act or in any law, proclamation or regulation or in any judgment or order or in any contract or agreement, whether oral or written, or in any deed, document, security or writing whatsoever. Effect of
section.

(10) All powers given by or under this section or any proclamation or regulation thereunder shall be in aid of and not in derogation from any other powers exercisable apart from this section. Powers to
be in aid
of other
powers.

(11) No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against His Majesty or any responsible Minister of the Crown or any officer or person acting in the execution of this section or any proclamation or regulation thereunder for or in respect of any damage, loss or injury sustained or alleged to be sustained by reason of the passing of this section or of its operation, or of anything done or purporting to be done under this section or any proclamation or regulation thereunder. Exemption
from
liability
of Crown,
etc.

(12) This Part of this Act shall bind the Crown. Crown
bound.

PART VIII.

GENERAL.

82. After the commencement of this Act a person shall not be appointed by a gas company to superintend its gas works unless he holds the prescribed certificate as to his technical qualifications. Person
superin-
tending
gas works
to be
qualified.

83. (1) A person who contravenes a provision of this Act or of a regulation made under this Act shall, if no penalty is specifically provided for such contravention, be liable upon summary conviction to a penalty not exceeding ten pounds. Penalties.

(2)

No. 42, 1935.

(2) A prescribed penalty may be imposed by and recovered before a stipendiary or police magistrate or any two justices in petty sessions.

Amendment
of
Schedule
Two.

84. (1) Schedule Two to this Act may be amended, revoked or replaced by regulation made under this Act.

(2) The Minister shall, before recommending to the Governor the making of a regulation amending, revoking, or replacing Schedule Two, give notice of the proposed amendment to each gas company affected.

If within fourteen days after the giving of such notice a gas company informs the Minister in writing that it disapproves the proposal the Minister shall constitute a board for the purpose of investigating the matter.

The board shall report to the Minister, and the Minister shall, if he considers that the proposal, with or without amendment, should be proceeded with, convey the substance of the report to the Governor with his recommendation.

Regulations.

85. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular and without limiting the generality of the foregoing power the Governor may make regulations:—

- (a) for the control and licensing of gas fitters;
- (b) for the control of the installation, alteration, connection and disconnection of gas meters, pipes, fittings and apparatus;
- (c) prohibiting interference with gas meters, fittings, pipes and apparatus by unauthorised persons;
- (d) for the testing, stamping and examination of gas meters, and the fees to be charged for such purposes;
- (e) conferring upon a gas company power to refuse or discontinue a supply of gas where the conditions of such supply or use are dangerous to life, health or property, and regulating the exercise of such power;

(f)

- (f) prescribing the procedure at inquiries of a board, the payment of expenses (including witnesses' expenses) of such inquiries and the fees payable to members;
 - (g) for the examination of candidates for the superintendence of gas works, the issue of certificates to successful candidates, and the fees to be charged for such examination and certificates; and
 - (h) prescribing the qualifications of gas examiners.
- (2) The regulations may provide a penalty not exceeding ten pounds for any breach thereof.
- (3) The regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
 - (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

No. 42, 1935.

PART IX.

ELECTRICAL CONTRACTORS AND ELECTRICIANS LICENSING.

Construction.

86. This Part shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts.

Repeal of Act No. 47, 1924; Act No. 5, 1927; Act No. 45, 1928.

87. (1) The Electrical Contractors Licensing Act, 1924, the Electrical Contractors Licensing (Electricians) Amendment Act, 1927, and the Electrical Contractors and Electricians Licensing (Further Amendment) Act, 1928, are repealed.

Dissolution of Board.

(2) The Electrical Contractors and Electricians Licensing Board constituted under the Acts so repealed is dissolved.

The members of such board holding office immediately before the commencement of this Act shall upon such commencement cease to hold such office and shall not be entitled to receive any further fees or remuneration in respect of such office.

Saving as to licenses.

(3) All licenses issued under any Act repealed by this section and in force at the commencement of this Act shall, subject to the provisions of the Local Government Act, 1919, as amended by subsequent Acts, including this Act, and of any ordinances made thereunder, continue in force until their expiration by effluxion of time.

Further amendment of Act No. 41, 1919. New Div. 2c.

88. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

- (a) by inserting next after section 512r, as inserted by section thirty-five of this Act, the following new Division:—

DIVISION 2c—*Electrical contractors and electricians.*

Restriction of work by unlicensed persons.

512j. (1) A person shall not undertake or carry out any electrical wiring work unless he is licensed as prescribed, or unless he is in the employment of and carries out such work under the personal supervision of a person so licensed.

(2)

(2) An electrical contractor undertaking any electrical wiring work, if he does not himself carry out the work, with or without assistance, shall constantly employ on the work until it is completed at least one person licensed as prescribed.

Where the work is carried out under the personal supervision of a person licensed as prescribed, and consists of fixing, connecting, and maintaining overhead electrical conductors not in conduits, or of other work usually carried out by a linesman, this subsection shall not extend to such work.

(3) The holder of an electrician's license shall not undertake or carry out any electrical wiring work save as the employee of an electrical contractor; but this provision shall not apply where a licensed electrician undertakes or carries out electrical wiring work on his own premises.

(4) Nothing in this section shall prevent the employment of or the carrying out of electrical wiring work by an apprentice or a trainee apprentice working under the supervision of his master under regulations made under the Industrial Arbitration Act, 1912, as amended by subsequent Acts, or any other Act governing the electrical industry in the State.

(5) A penalty for the breach of any provision of this section may be sued and proceeded for by any person whomsoever.

512K. Nothing contained in this Division shall preclude any unlicensed person from undertaking electrical wiring work as part of a contract for building or construction work if the installation is carried out by or under the personal supervision of a person holding a license as an electrical contractor or a licensed electrician. General contractors excluded.

512L. Notwithstanding anything contained in this Division any person, firm, company, partnership, society, association or body of persons, corporate or unincorporate, not trading as an electrical Circumstances in which a license is not required.

No. 42, 1985.

electrical contractor, and who or which is employing a licensed electrician for the purpose of making or maintaining the installations necessary for the conduct of the business of such person, firm, company, partnership, society, association or body of persons, need not be licensed under or in pursuance of this Act, and any licensed electrician so employed may carry out the duties of such employment.

Power of entry.

512M. Any person authorised in writing by the council or by the Minister shall have power to enter any premises at any reasonable time for the examination of any electrical installation on such premises.

Application of Division.

512N. This Division, and any ordinances made in pursuance of paragraph (h8) of subsection one of section five hundred and thirteen, shall extend to and apply within the City of Sydney and the Western Division.

Interpretation.

512o. In this Division—

“Electrical contractor” includes a firm, company, partnership, society, association or body of persons, corporate or unincorporate, trading as an electrical contractor, and any person licensed under or in pursuance of this Act as an electrical contractor.

“Electrical installation” means any appliances, wires, fittings or other apparatus placed in, on, under, or over any premises (including premises held under lease from the Crown for private purposes and premises occupied for private purposes which are supplied with electricity by the Crown) and used for or for purposes incidental to the conveyance, control or use of electricity supplied or intended to be supplied by an electricity supply authority, and whether such appliances, wires, fittings or apparatus are or are not supplied by the person contracting or undertaking

undertaking to instal the same and includes additions, alterations and repairs to an electrical installation; but does not include—

- (a) any electricity supply main or service line of an electricity supply authority;
- (b) any appliances, wires, fittings or apparatus connected to and beyond any electrical outlet socket which is installed for the purpose of connecting portable electrical appliances, fittings or apparatus and at which fixed wiring terminates; or
- (c) any appliances, wires, fittings or apparatus which are placed in on or over any premises owned or occupied by the electricity supply authority and which are not used for the consumption of electricity on such premises or which are not used solely for purposes incidental to the conveyance or control of electricity so consumed; or
- (d) any electrical installation in or about a mine.

“Electrical wiring work” and “work” mean the actual physical work of installing an electrical installation.

“Electrician” means any person engaged in electrical wiring work who is not an electrical contractor.

“Electricity supply authority” means any county, city, municipal or shire council, the Commissioner for Railways, and any public body or any company or person engaged in the supply of electricity to the public whether by virtue of any statute or any franchise agreement under this Act or otherwise.

(b)

Gas and Electricity Act.

No. 42, 1935.

Sec. 513.
(Ordinances.)

(b) by inserting next after paragraph (h7) of subsection one of section five hundred and thirteen (as inserted by section thirty-five of this Act) the following new paragraph:—

(h8) the licensing of electrical contractors and electricians, and the cancellation and suspension of such licenses.

PART X.*Amendment of Sydney Corporation Act, 1932-1934.*Amendment
of Act No.
58, 1932.
New sec.
61A.Inquiry
before
dismissal
of certain
officers.

89. The Sydney Corporation Act, 1932-1934, is amended by inserting next after section sixty-one the following new section:—

61A. (1) Where the council proposes to terminate the employment of the town clerk, the city treasurer, the health officer, the city engineer, the city surveyor, or the city building surveyor, it shall either order an inquiry hereunder or suspend him.

(2) Where any such officer is suspended the council shall state the reasons for the suspension.

(3) Within one week after suspension the officer may (if an inquiry under this section has not already been held) apply to the council for an inquiry. Thereupon the council shall order an inquiry. If the officer does not apply for an inquiry the council may proceed to determine the matter.

(4) The inquiry shall be held by some person appointed by the Governor.

(5) The person holding the inquiry shall report to the council; and his report shall be read in open council.

(6)

(6) Where an inquiry is ordered the decision of the council shall not be given until after the reading of the report as aforesaid.

(7) The person holding the inquiry shall have the powers conferred by the Royal Commissions Act, 1923-1934, on a commissioner appointed under Division 1 of Part II of that Act and the said Act, section thirteen and Division 2 of Part II excepted, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

(8) The council shall pay to the Minister the expenses of the person holding the inquiry (including the salary of any public servant engaged thereon) on such portion thereof as the Minister may decide.

(9) The person holding the inquiry may award costs and expenses (including the expenses of the person holding the inquiry) to an amount assessed by him against either the council or the officer. Any costs or expenses so awarded may be recovered as a debt.

(10) The person holding the inquiry shall also determine whether the officer shall or shall not be paid his salary or any part thereof for the period of his suspension.

SCHEDULES.

Sec. 3.

SCHEDULE ONE.

	Standard prices of gas per gas unit.
The Australian Gas Light Company	0.423d.
North Shore Gas Company Limited	0.449d.
The City of Newcastle Gas and Coke Company (Limited)	0.447d.
Manly Gas Company Limited	0.642d.
Camden Gas Company Limited	1.095d.
Cowra Gas Company Limited	0.806d.
Broken Hill and Suburban Gas Company Limited	0.893d.
Grenfell Gas Company Limited	0.999d.
The Dubbo Lighting Company Limited	0.827J.

Sec. 23 (4).

SCHEDULE TWO.

Method of Testing for Heating Power.

The heating power of gas means, for the purpose of this Act, the number of British thermal units gross produced by the combustion of one cubic foot of the gas measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and saturated with water vapour.

When the calorimeter prescribed is so designed as to most conveniently register the heating power in calories, the result shall be converted to British thermal units by multiplying the number of calories by 3.968.

A calorie shall be understood to be the amount of heat required to raise one kilogramme of water one degree of the centigrade thermometer.

In order to test the gas for heating power when a flow calorimeter is used, the gas shall first pass through an efficient meter and governor.

Where a flow calorimeter is used the gas is to be lighted and the water to be flowing through the calorimeter for at least thirty minutes

minutes before the beginning of the testing. Not less than three readings are to be made of the thermometers on the inlet and outlet water supply of the calorimeter, and the average of these readings is to be taken as the inlet and outlet temperature for that testing.

Where a Boys flow calorimeter is used each testing shall include fifteen readings of the temperature of the outlet water made at intervals of one quarter of one minute, and four readings of the temperature of inlet water made at intervals of one minute. The average of each set of fifteen and four readings, respectively, is to be taken as the outlet and inlet temperature for that testing.

Where a recording calorimeter is used it shall be standardised by a gas examiner upon its installation against a flow or portable calorimeter of a type approved by the Minister, and at any time thereafter at the discretion of the gas examiner or at the request of a company.

In the event of the heating power being at any time ascertained to be below five hundred and fifty British Thermal units gross, or the standard prescribed by proclamation in the Gazette in lieu of five hundred and fifty British Thermal units gross in respect of any particular company, a second test shall be made at an interval of not less than one hour from the time of making the first test at that testing-place, and the average of the two tests shall be deemed to be the heating power of the gas at such testing place on that day.

The apparatus used for the purpose of testing the heating power of gas shall be such as may, from time to time, be approved by the Minister.

The Minister may, subject to such conditions as he may from time to time impose, authorise any other method of testing approved by a board appointed for the purpose.

Method of Testing for Purity.

The gas shall be passed through the glass vessel containing a strip of bibulous paper moistened with the solution of acetate of lead containing sixty grains of crystallised acetate of lead dissolved in one fluid ounce of distilled water.

Method of Testing Pressure.

A self-registering pressure gauge shall at a point within two feet of the building line of any premises be connected to the inlet service pipe by a flexible or other suitable pipe, which shall be gas-tight.

No. 42, 1935.

SCHEDULE THREE.

Sec. 42.

Constituencies.	Area.	Number Councillors to be elected.
First	Sydney	2
Second	Alexandria Annandale Auburn Botany Burwood Canterbury Concord Darlington Drummoyne Enfield Erskineville Glebe Homebush	Lidcombe Marrickville Mascot Paddington Randwick Redfern St. Peters Strathfield Vaucluse Waterloo Waverley Woollahra
Third	Hunter's Hill Ku-ring-gai Lane Cove Mosman	North Sydney Ryde Willoughby

Sec. 54.

SCHEDULE FOUR.

*Amendment of Municipal Council of Sydney Electric Lighting Act, 1896-1928.*Amendment of
Act 60 Vic.,
No. 23.

The Municipal Council of Sydney Electric Lighting Act, 1896-1928, is amended as follows:—

Sec. 2.
(Interpre-
tation.)

(a) (i) by inserting in section two at the end of the definition of "Council" the words "but after the day appointed under section forty-seven of the Gas and Electricity Act, 1935, shall be deemed to refer to the Sydney County Council constituted by that Act";

(ii) by omitting from the same section the definition of "Public purposes" and by inserting in lieu thereof the following new definition:—

"Public purposes" includes the lighting of or use of electricity for any purpose in connection with any building or land belonging to or subject to the control of the Sydney County Council, but does

Gas and Electricity Act.

463

does not include the lighting of or use of electricity in connection with any public park or reserve or any public street, bridge, jetty, wharf, road, ferry, or other place which the public are entitled to use, or any building belonging to the Municipal Council of Sydney or any other municipal or shire council.

No. 42, 1935.

- (b) (i) by inserting in section three after the word "Council" the words "to purchase and/or"; Sec. 3.
(Council may supply electricity.)
- (ii) by inserting in the same section after the words "generate and" the word "to";
- (iii) by omitting from the same section the words "city of Sydney" and by inserting in lieu thereof the words "Sydney County District";
- (c) by omitting section six and by inserting in lieu thereof the following new section:— Sec. 6.
6. The costs and expenses of the execution and administration of this Act shall be borne by the Council out of the Trading Fund of the Council. Costs of execution and administration of Act.
- (d) by omitting section seven; Sec. 7.
(Special loans for works.)
- (e) by omitting section eight; Sec. 8.
(Council may redeem debentures before due date.)
- (f) by omitting section nine; Sec. 9.
(Payment of debentures and interest.)
- (g) by omitting section ten; Sec. 10.
(Provisions on default of payment by Council.)
- (h) by omitting section eleven; Sec. 11.
(Sinking fund to be established to pay off loan.)
- (i) by omitting section twelve; Sec. 12.
(Electric light rate.)
- (j) by omitting section thirteen; Sec. 13.
(Separate account to be kept.)

(k)

Gas and Electricity Act.

No. 42, 1935.

Sec. 18.
(Notice of works with plan to be served on the Postmaster-General.)

Sec. 20.
(Governor may make regulations for securing safety of public.)

Sec. 21A.
(Board of Inquiry.)

Sec. 39.
(Revision.)

Sec. 40.
(Procedure for recovery of penalties, etc.)
(Revision.)

Sec. 41.
(Electricity Special Fund.)

Sec. 42.
(Appeals.)
(Revision.)

Sec. 43.
(By-laws.)

Sec. 44.
(Council may extend operations into other municipalities with consent.)

- (k) by omitting from section eighteen the words "the Metropolitan Board of Water Supply and Sewerage" and by inserting in lieu thereof the words "the Metropolitan Water, Sewerage and Drainage Board, the Municipal Council of Sydney or the council of the area in which the work is to be executed";
- (l) (i) by omitting from section twenty the word "regulations" and by inserting in lieu thereof the words "ordinances under the Local Government Act, 1919, as amended by subsequent Acts";
- (ii) by omitting from the same section all words after the word "otherwise";
- (m) by omitting section 21A;
- (n) by omitting from section thirty-nine the word and figures "of 1892" and by inserting in lieu thereof the figures "1902";
- (o) by omitting from section forty the words "by distress and sale of the goods and chattels of the person ordered to pay the same and in default of sufficient distress such person shall be liable in the event of the conviction being for an offence under this Act, to be imprisoned with or without hard labour for any term not exceeding three months unless such money costs or expenses be sooner paid" and by inserting in lieu thereof the words "in the manner prescribed in section eighty-two of the Justices Act, 1902, as amended by subsequent Acts";
- (p) by omitting from section forty-one the words "electric light account" and by inserting in lieu thereof the words "Trading Fund of the Sydney County Council";
- (q) by omitting from section forty-two the words and figures "the Criminal Law Amendment Act of 1883 in respect of appeals from summary convictions thereunder" and by inserting in lieu thereof the words and figures "Part V of the Justices Act, 1902, relating to appeals to a court of quarter sessions under that Act";
- (r) by omitting section forty-three;
- (s) (i) by omitting from subsection one of section forty-four the words "City of Sydney" and by inserting in lieu thereof the words "Sydney County District";
- (ii) by omitting from the same subsection the words "(other than the power to raise a lighting rate) within any Local Government Area" and by inserting in lieu thereof the words "within the area of any council outside the Sydney County District";
- (iii) by omitting paragraph (iv) of the same subsection;
- (iv)

Gas and Electricity Act.

465

- (iv) by omitting subsections two and three of the same section; **No. 42, 1935.**
- (t) by omitting from section forty-five all words after the word "aforesaid"; **Sec. 45.**
(Saving clause.)
- (u) by omitting section forty-seven; **Sec. 47.**
(Regulations.)
- (v) by omitting the Schedule; **(Schedule.)**
- (w) by omitting from the title the words "and for the above purposes to raise by debentures the sum of two hundred and fifty thousand pounds."
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SCHEDULE FIVE.

Sec. 55.

Sections eighty-four, eighty-five, and eighty-seven.
Sections one hundred to one hundred and five both inclusive.
Sections one hundred and eight and one hundred and ten and one hundred and eleven.
Section one hundred and twenty and sections one hundred and thirty-two to one hundred and sixty-five both inclusive.
Sections one hundred and seventy-three to two hundred both inclusive.
Sections three hundred and eighty-three and three hundred and eighty-four.
Section five hundred and six.
Sections five hundred and sixteen, five hundred and seventeen, 517A, five hundred and eighteen, five hundred and nineteen, five hundred and twenty and five hundred and twenty-one.
Section five hundred and twenty-four.
Section five hundred and twenty-eight.
Section five hundred and twenty-nine.
Section five hundred and thirty.
Sections five hundred and thirty-one to five hundred and thirty-six both inclusive.

SUPPLY