



**Southern Electricity (Administration) Act.**

9

“Prescribed” means prescribed by this Act or by **No. 3, 1942.**  
the regulations.

“Regulations” means regulations made under this  
Act.

“Works” means the works referred to in section six  
of this Act.

**4.** The Acts mentioned in the First Schedule to this **Repeal.**  
Act are to the extent therein expressed hereby repealed.

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**PART II.**

**ADMINISTRATION.**

**5.** (1) This Act shall be administered for and on **Administra-**  
behalf of the Crown by the Administrator, who shall be **tion.**  
the Minister for Public Works, and who shall have and **cf. Act No.**  
may exercise and perform the powers, authorities, duties **36, 1941,**  
and functions by this Act conferred or imposed on the **s. 3.**  
Administrator.

(2) In case of the absence from whatever cause **Deputy**  
of the Administrator, the Executive Councillor for **Adminis-**  
the time being exercising the powers and performing **trator.**  
the official duties and responsible for the obligations **cf. Act No.**  
appertaining or annexed to the office of Minister for **32, 1902,**  
Public Works shall have and may exercise and perform **s. 36.**  
the powers, authorities, duties and functions of the  
Administrator.

(3) The Administrator may, with the consent of **Delegation**  
the Minister of the Department concerned by writing **of powers,**  
under his hand delegate to the Under-Secretary of the **etc.**  
Department of Public Works or to the person for the  
time being acting in his place or to any other officer of  
the Public Service any of the powers, authorities, duties  
and functions conferred or imposed upon him by this  
Act other than this power of delegation.

(4) The Administrator shall, for the purposes of **Corporation**  
this Act, be a corporation sole with perpetual succession **sole.**  
and a seal of office under the name of the “Administrator  
of the Southern Electricity Supply of New South Wales”  
and in that name may sue and be sued.

(5)

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Devolution  
of property.

(5) Where any property, real or personal, or any interest therein or charge thereon is vested in or is acquired by the corporation sole the same shall, unless otherwise disposed of by the corporation sole, pass to and devolve on and vest in its successors.

Works controlled by  
the Administrator.  
cf. Act No.  
36, 1941,  
s. 4.

**6.** The following works shall be controlled and administered by the Administrator, that is to say—

- (a) the works constructed pursuant to the Hydro-Electric Development (Construction) Act, 1919;
- (b) the works constructed pursuant to the Burrinjuck Hydro-Electric (Administration) Act, 1929;
- (c) the works described in the Schedules to the Public Works (Port Kembla Electricity) Act, 1929-1934;
- (d) the works constructed pursuant to the Burrinjuck and Port Kembla Electrical Construction Act, 1938;
- (e) the works constructed pursuant to the Port Kembla and Sydney Electrical Construction Act, 1941;
- (f) the works described in the First Part of the Second Schedule to this Act;
- (g) any additions, amplifications, improvements, extensions or renewals of any such works, or any part thereof.

This section shall extend to works constructed before or after the commencement of this Act.

**PART III.****SUPPLY OF ELECTRICITY.**Adminis-  
trator may  
generate and  
supply elec-  
tricity and  
enter into  
contracts.cf. Act No.  
17, 1929,  
s. 4.

**7.** (1) The Administrator may generate and supply electricity from the works and may enter into contracts for the supply of electricity to any person or for the purchase of electricity from any person upon such terms and conditions as he may think proper.

(2) Any municipal, shire or county council may contract with the Administrator for the supply of electricity to such council upon such terms and conditions as may be agreed upon.

(3)

(3) The Administrator may from time to time, upon such terms and conditions as he may think proper, purchase any electrical equipment, including appliances, fittings or wiring of any kind and may—

No. 3, 1942.  
Trading in  
electrical  
equipment.

- (a) let on hire or sell by instalments or otherwise, to any person taking a supply of electricity directly from him, any such electrical equipment;
- (b) instal, maintain and repair any such electrical equipment; and
- (c) enter into any contract, provide any materials and work and do or perform any act, matter or thing necessary or convenient in connection therewith.

(4) Subsection one of this section shall extend to authorise the Administrator to enter into contracts with the Commonwealth of Australia or with any person authorised by the Commonwealth in that behalf for the supply of electricity to or within the Australian Capital Territory.

8. Any person who unlawfully cuts or otherwise severs any wire or cable, damages any insulator, or so interferes with any part of the works as to break the electric circuit or to cause short circuit, leakage, or loss of electricity or interruption to the supply or who so interferes with any part of the works as to cause a condition which is or is likely to become a danger to life, health or property, shall be liable—

Persons  
damaging  
work.  
cf. Act No.  
17, 1929,  
s. 5.

- (a) upon summary conviction to a penalty not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such penalty and such imprisonment; and
- (b) upon conviction on indictment to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding five years or to both such penalty and such imprisonment.

9. (1) The works and every part thereof shall, notwithstanding that they have been constructed in any road or place, remain the property of the Minister for Public Works, as constructing authority, and no annual or other charge shall be payable to any municipal, shire or county council in respect of the occupation of any road

Proprietary  
rights in  
regard to  
works and  
materials.  
cf. Act No.  
18, 1929,  
s. 6.

or

No. 3, 1942. or place, or for damage thereto occasioned by the performance of any act authorised by this Act or any of the Acts referred to in section six of this Act, but any such damage shall be made good by the Minister.

(2) Where any electric lines, poles, meters, fittings, apparatus, buildings or any part of the works whatsoever belonging to the Minister are placed in or upon any place or building for the purpose of supplying electricity in pursuance of this Act the same shall not, save in a proceeding at the suit of the Minister or the Administrator, be taken in execution under the process of any court.

(3) Any part of the works constructed by the Administrator in the exercise or performance of any power, authority, duty or function conferred or imposed by this Act shall be deemed to be vested in the Minister for Public Works, as constructing authority, and the provisions of subsections one and two of this section shall apply thereto in all respects as though such part had been constructed by the Minister.

No compensation in respect of failure of supply.  
cf. Act No. 36, 1941, s. 10.

10. The Administrator shall not be liable in damages to any person by reason of any partial or total failure of the supply of electricity from any cause whatsoever and may at any time temporarily discontinue the supply of electricity whenever in his opinion such action is desirable for the purpose of ensuring the efficient operation of the works.

#### PART IV.

##### FINANCIAL.

Commencement of Part IV.

11. This Part shall be deemed to have commenced on the first day of July, one thousand nine hundred and forty-one.

Capital debt.  
cf. *Ibid.* s. 11.

12. (1) The capital debt in respect of the Southern Electricity Supply of New South Wales is hereby declared to be the sum of two million four hundred and fifty-five thousand three hundred and sixty pounds five shillings and eleven pence as at the thirtieth day of June, one thousand nine hundred and forty-one, but may be added to or reduced as in this section provided.

Of

Of such capital debt the sum of two million three hundred and fifty-three thousand four hundred and thirty-eight pounds six shillings and one penny shall bear interest and the balance amounting to one hundred and one thousand nine hundred and twenty-one pounds nineteen shillings and ten pence shall not bear interest. No. 3, 1942.

(2) The Minister shall, as soon as practicable after the first day of July, one thousand nine hundred and forty-two, and after the same day in each succeeding year, determine the amount by which the capital debt should be increased or decreased by reason of expenditure or receipts during the period of twelve months immediately preceding.

The Minister shall notify in the Gazette the amount of such increase or decrease, and shall, in such notification, state that the amount is to be added to or taken from that part of the capital debt which bears interest or that part of the capital debt which does not bear interest, or that the amount is to be apportioned between such parts. Upon publication of such notification the capital debt shall be deemed to be altered accordingly, and such alteration shall take effect from the date specified in the notification.

In this subsection "expenditure" shall include the value of assets acquired for the purposes of the Southern Electricity Supply of New South Wales whether by way of purchase or otherwise, and "receipts" shall include the value of assets disposed of whether by way of sale or otherwise.

(3) A notification shall not be made under subsection two of this section unless its terms shall have been approved by the Colonial Treasurer.

**§13.** (1) An account shall be kept in the Special Deposits Account in the Treasury to be called the "Southern Electricity Supply Working Account," in this Part referred to as the "Working Account." Allocation of moneys. cf. Act No. 36, 1941, s. 12.

(2) (a) There shall be credited to the Working Account—

- (i) the amounts standing at the credit of the Burrinjuck Electricity Supply Working Account and

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and the Port Kembla Electricity Supply Working Account at the thirtieth day of June, one thousand nine hundred and forty-one;

- (ii) all revenue received after that day in pursuance of this Act in respect of the operation of the works, or otherwise; and
- (iii) such amounts as may, from time to time, be appropriated by Parliament for the purpose.

(b) There shall be debited to the Working Account the following charges, in the order set out hereunder:—

Firstly, the cost of administration, operation, repair and minor renewal of the works;

Secondly, interest on the interest-bearing part of the capital debt referred to in section twelve of this Act for any year at a rate or rates to be determined by the Colonial Treasurer but not exceeding the average rate payable during such year by the Government for loan moneys, and exchange at a rate or rates to be determined by the Colonial Treasurer;

Thirdly, contributions to the Depreciation Reserve Account.

(c) Any balance shall be applied in reduction of the capital debt or towards the cost of constructing the works or otherwise for any purpose connected with the administration of this Act as the Minister may direct.

The Minister shall notify in the Gazette the amount of any such reduction of the capital debt, and shall, in such notification, state that such reduction is to be made from that part of the capital debt which bears interest or from that part of the capital debt which does not bear interest, or that such reduction is to be apportioned between such parts. Upon publication of such notification the capital debt shall be deemed to be altered accordingly and such alteration shall take effect as from the date specified in the notification.

**14.** (1) An account shall be kept in the Special Deposits Account in the Treasury to be called the "Southern Electricity Supply Depreciation Reserve Account," in this Part referred to as the "Depreciation Reserve Account."

**No. 3, 1942.**  
Southern  
Electricity  
Supply De-  
preciation  
Reserve  
Account.

(2) There shall be credited to the Depreciation Reserve Account the amounts standing at the credit of the Burrinjuck Electricity Supply Renewal Reserve Account and the Port Kembla Electricity Supply Renewal Reserve Account at the thirtieth day of June, one thousand nine hundred and forty-one. Contributions to the Depreciation Reserve Account shall be credited to that account as soon as practicable after the thirtieth day of June, one thousand nine hundred and forty-one, and after the same day in each succeeding year. Each such contribution shall be calculated as prescribed and shall be so calculated by reference to the amount expended upon the construction of the works prior to the first day of July next preceding, after deducting therefrom the value of assets which have been disposed of.

cf. Act No.  
36, 1941,  
s. 13.

(3) The Working Account shall be credited half-yearly with interest on the daily credit balance of the Depreciation Reserve Account at such rate as the Colonial Treasurer may from time to time direct.

(4) The Minister may invest the whole or part of the balance at the credit of the Depreciation Reserve Account in Commonwealth Government securities or on fixed deposit with the Colonial Treasurer, and interest accruing from such investments or such deposit shall be regularly added to the Working Account.

(5) The Depreciation Reserve Account shall be drawn upon only for purposes of investment or reinvestment or for renewing or replacing capital assets:

Provided that the Minister may authorise the expenditure of any balance at the credit of such account (which shall be deemed to include any amounts invested in pursuance of subsection four of this section) in excess of one hundred and fifty thousand pounds towards extending the works:

Provided further that such sums as the Colonial Treasurer may direct shall be applied out of such account towards the redemption of the capital debt.

(6)



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**No. 3, 1942.** (6) If the Minister considers the amount at the credit of the Working Account insufficient to meet the contribution referred to in subsection two of this section having regard to the charges referred to in section thirteen of this Act, such contribution or portion thereof may be allowed to remain a charge on the Working Account.

Payments by Colonial Treasurer. cf. Act No. 36, 1941, s. 14. **15.** When in any year the revenue received by the Administrator is insufficient to meet the charges referred to in subsection two of section thirteen of this Act, the Colonial Treasurer may, out of moneys provided by Parliament, pay to the Working Account the amount of such deficiency.

Amendment of Act No. 17, 1929. **16.** (1) The Burrinjuck Hydro-Electric (Administration) Act, 1929, is amended by omitting sections six, seven and eight.

Amendment of Act No. 18, 1929. (2) The Public Works (Port Kembla Electricity) Act, 1929-1934, is amended by omitting sections ten, eleven and twelve.

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**PART V.**

**GENERAL.**

Default by council. cf. Act No. 36, 1941, s. 15. **17.** In the event of a council making default for a period of three months in the payment of any amount due to the Crown or to the Administrator under an agreement made or deemed to have been made with such council pursuant to this Act, and such default continuing for a period of three months after written notice requiring the council to remedy the same has been given to the council by the Administrator, then and in any such case such default shall be deemed to be a default within the meaning of section three hundred and seventy-six of the Local Government Act, 1919, as amended by subsequent Acts, and a receiver may be appointed accordingly by the Supreme Court on the application of the Minister, and such receiver shall have the powers and duties of a receiver appointed by virtue of that section.

In this section "council" has the meaning given to that expression in the Local Government Act, 1919, as amended by subsequent Acts.

**18.**

18. Where before the commencement of this Act the Minister for Public Works had entered into a contract or agreement with any person for the supply of electricity from any portion of the works, and such contract or agreement was still in force immediately before such commencement, the following provisions shall, as from such commencement, have effect:—

No. 3, 1942.  
Transfer  
of certain  
contracts.  
cf. Act No.  
36, 1941,  
s. 19.

- (a) all such contracts and agreements shall be deemed to be contracts and agreements entered into by the Administrator pursuant to this Act;
- (b) all suits, actions and proceedings pending immediately before such commencement at the suit of the Minister for Public Works under or in relation to any such contract or agreement shall be suits, actions and proceedings of the Administrator;
- (c) all moneys and liquidated or unliquidated claims which immediately before such commencement were payable to or recoverable by the Minister for Public Works under or in relation to any such contract or agreement shall be moneys and liquidated or unliquidated claims payable to or recoverable by the Administrator;
- (d) any securities given to or by the Minister for Public Works in relation to any such contract or agreement, and in force immediately before such commencement shall be deemed to be securities given to or by the Administrator;
- (e) the Administrator may pursue the like remedies for the recovery of any such moneys and claims and for the prosecution of any such suits, actions and proceedings as the Minister for Public Works might have done but for this Act;
- (f) the Administrator may enforce and realise any such security as if the same were existing in favour of the Administrator;
- (g) all debts due and moneys payable by and all claims liquidated and unliquidated, recoverable against the Minister for Public Works under or in relation to any such contract or agreement, shall be debts due and moneys payable by and claims recoverable against the Administrator.

No. 3, 1942.

Vesting of  
lands in  
Minister  
for Public  
Works.

**19.** The lands described in the Second Part of the Second Schedule to this Act are hereby vested in the Minister for Public Works for an estate in fee simple in possession, and shall for all purposes be deemed to be lands vested in him as constructing authority under the provisions of the Public Works Act, 1912, as amended by subsequent Acts, for the purposes of an authorised work.

Regula-  
tions.

**20.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of subsection one of this section, the Governor may make regulations in respect of the following matters:—

- (a) the division of the works into classifications for the purpose of calculating contributions to the Depreciation Reserve Account;
- (b) the determination of the amount expended upon the works contained in each classification as at the thirtieth day of June, one thousand nine hundred and forty-one, or at any time thereafter;
- (c) the rate at which contributions to the Depreciation Reserve Account shall be calculated for each classification.

(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 then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) 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

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before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect. No. 3, 1942.

### SCHEDULES.

#### FIRST SCHEDULE.

Sec. 4.

No. of Act.	Name of Act.	Extent of Repeal.
No. 17, 1929...	Burrinjuck Hydro-Electric (Administration) Act.	The whole except sections 3 and 10.
No. 18, 1929...	Public Works (Port Kembla Electricity) Act.	Sections 2, 6, 7, 8, 8A, 9 and 13.
No. 45, 1934...	Public Works (Port Kembla Electricity) Amendment Act.	The whole.

#### SECOND SCHEDULE.

##### FIRST PART.

Sec. 6 (f).

##### *Yanco Power Station Works.*

The electric generating station at Yanco, consisting of three 750 kilowatt and one 2,500 kilowatt steam turbo-alternators, together with all boiler plant, circulating water system, coal handling plant, switchgear, auxiliary plant, tools and spares, and all buildings, plant and fixtures within the boundaries of the land described in the Second Part of this Schedule.

##### SECOND PART.

##### *Description of Yanco Power Station Lands.*

Sec. 19.

All that piece or parcel of land situate in the parish of Yarangery, county of Cooper and State of New South Wales, being part of Yanco Irrigation Area No. 1:

Commencing within the said Yanco Irrigation Area No. 1 at a point bearing 322 degrees 19 minutes 40 seconds and distant 1 chain 37 links from the south-western corner of the land declared a public road by notification in Gazette of 13th October, 1939, and shown in plan catalogued R. 21285-1603 at the Department of Lands; and bounded thence on the south-west by a line bearing 286 degrees 37 minutes 12 chains 52.8 links; on the north-west by a line bearing 16 degrees 26 minutes 20 seconds 4 chains 79.8 links; on the north-east by a line bearing 108 degrees 34 minutes 9 chains 24.2 links; again on the north-west by a line bearing 18 degrees 34 minutes 30 seconds 2 chains 56.2 links; again on the north-east by a line bearing 108 degrees 40 minutes 2 chains 35.8 links; and on the south-east by a line bearing 189 degrees 33 minutes 20 seconds 7 chains 1.3 links to the point of commencement; having an area of 6 acres 1 rood 5 perches or thereabouts,—as shown by red colour on plan catalogued 246/52 at the Department of Public Works.

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INCOME