

THE ACTS
OF
THE PARLIAMENT
OF
TASMANIA
1951.

HYDRO-ELECTRIC COMMISSION.

No. 1 of 1951.

AN ACT to amend the *Hydro-Electric Commission Act 1944*. [23 February, 1951.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Hydro-Electric Commission Act 1951*. Short title and citation.

(2) The *Hydro-Electric Commission Act 1944**, as subsequently amended, is in this Act referred to as the Principal Act.

* 8 & 9 Geo. VI. No. 22, as amended by 8 & 9 Geo. VI. No. 61, 10 Geo. VI. Nos. 2 and 33, 11 & 12 Geo. VI. No. 82, and No. 9 of 1948. See also 10 Geo. VI. No. 46.

2 After section seventy-two A of the Principal Act the following Part is inserted:—

“ PART XIVB.

“ EMERGENCY PROVISIONS.

“ 72B.—(1) Whenever it appears to the Commission that, from any cause, the available supply of electrical energy is, or is likely to become, less than is sufficient for the reasonable requirements of the public, the Commission shall report to the Governor accordingly.

(2) Upon receipt of a report under subsection (1) of this section the Governor may, by proclamation, declare that, on and after the publication of the proclamation or such later date as may be specified therein, the provisions of this section shall have effect.

(3) So long as a proclamation under this section remains unrevoked, the Commission may exercise all or any of the powers conferred on it by this section, and may do all such acts, matters, and things as appear to it to be necessary or desirable for the purpose of making the most effective use, and for preventing and remedying the waste, misuse, or undue consumption, of available supplies of electrical energy, and for giving effect to the purposes of this section; and, in particular, but without limiting the generality of the foregoing provisions of this subsection, the Commission may—

- (a) regulate, control, direct, restrict, and prohibit the sale, supply, use, and consumption of electrical energy;
- (b) whenever it appears to the Commission to be necessary or desirable, reduce, cut off, or discontinue, either indefinitely or for or during such period or periods as it may think desirable, the supply of electrical energy to such persons, localities, areas, premises; or places as it may think fit; and
- (c) make such orders, issue and give such notices and directions, enter into such contracts, take such measures, and do all such other acts and things, as appear to it to be necessary or desirable for the execution of the powers conferred on the Commission by this section.

(4) Any order, notice, or direction made, issued, or given by the Commission under this section may—

- (a) be made, issued, or given so as to—
 - (i) apply to any person or persons specified in the order, notice, or direction, or to the persons included in any class of persons, or to persons generally;
 - (ii) apply to any premises specified in the order, notice, or direction, or to all or any premises included in any class of premises, or to premises generally;

Emergency powers to control, &c., supply and use of electricity. Cf. No. 22, 1950 (N.S.W.), s. 74.

- (iii) apply or have operation throughout the State or in particular localities or areas only; or
 - (iv) operate for or during any period or periods or any time or times, or upon any occasion or occasions, specified therein;
- (b) be of general operation or of specially limited operation according to any specified times, places, circumstances, conditions, or restrictions;
- (c) make different provision with respect to different persons or premises or classes of persons or premises, or with respect to different localities or areas, or with respect to different purposes for which electrical energy is used or intended to be used, or with respect to different methods, appliances, and apparatus employed or intended to be, or capable of being, employed in the utilisation of electrical energy;
- (d) exempt, either unconditionally or subject to specified conditions—
- (i) any person, or all or any persons included in any class of persons;
 - (ii) any premises, or all or any premises included in any class of premises;
 - (iii) any locality or area; or
 - (iv) any specified purposes, methods, appliances, or apparatus,
- from the operation of all or any of the provisions of the order, notice, or direction;
- (e) contain such incidental or supplementary provisions as, in the opinion of the Commission, are necessary or desirable for the purposes thereof.

(5) Any order, notice, or direction made, issued, or given by the Commission may be published in the *Gazette* or advertised in a newspaper, or may be made, issued, or given in writing to any person and served on him personally or by post.

(6) Any order, notice, or direction made, issued, or given by the Commission under this section shall be sufficiently authenticated if signed on behalf of the Commission by the Commissioner, or, in the event of the illness or absence of the Commissioner, by the Secretary to the Commission, and any order, notice, or direction purporting to have been so signed shall, in the absence of proof to the contrary, be deemed to have been made, issued, or given in pursuance of a resolution of the Commission.

(7) Any person who contravenes or fails or refuses to comply with any order, notice, or direction made, issued, or given by the Commission under the authority of this section and which is applicable to him shall be guilty of an offence against this section.

(8) Any person who is guilty of an offence against this section shall be liable to a penalty of five hundred pounds, together, in the case of a continuing offence, with a daily penalty of fifty pounds.

(9) The powers conferred on the Commission by this section shall be in addition to, and not in derogation of, any other powers exercisable by the Commission apart from this section.

(10) Any costs or expenses incurred by the Commission in the exercise of the powers conferred on it by this section may be defrayed out of the revenues of the Commission.

(11) This section shall bind the Crown, and the powers conferred on the Commission by this section shall be exercisable accordingly.

Effect of this Part.

“72C. The provisions of section seventy-two B shall have effect, and the powers conferred on the Commission by that section may be exercised, notwithstanding any rule of law or anything expressed or implied in any other provision of this Act or in any other enactment, or in any contract (whether oral or written) to which the Commission is or is deemed to be a party, or in any deed, document, security, or writing whatsoever.

Indemnity.

“72D. No action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against His Majesty, any Minister, the Commission, a Commissioner, or any officer of the Commission or other person acting in the execution of section seventy-two B or of any order, notice, or direction thereunder, for or in respect of any damage, injury, or loss sustained or alleged to have been sustained by reason of the passing or operation of that section, or anything done or purporting to be done under that section or under or in pursuance of any order, notice, or direction thereunder.”

Expiry of Act.

3 This Act shall expire on the thirtieth day of June, 1952.

RAILWAY MANAGEMENT.

No. 2 of 1951.

AN ACT to amend the *Railway Management Act* 1935. [13 April, 1951.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

1—(1) This Act may be cited as the *Railway Management Act* 1951.