



## HYDRO-ELECTRIC COMMISSION AMENDMENT ACT 1983

No. 92 of 1983

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**AN ACT to amend the Hydro-Electric Commission Act 1944.**

[Royal Assent 11 January 1984]

**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**—This Act may be cited as the *Hydro-Electric Commission* Short title. *Amendment Act 1983.*

Commence-  
ment.

**2**—This Act shall commence on the day on which it receives the royal assent.

Principal Act.

**3**—In this Act, the *Hydro-Electric Commission Act 1944\** is referred to as the Principal Act.

Amendment of  
section 3 of  
Principal Act  
(The Hydro-  
Electric  
Commission).

**4**—Section 3 (1) of the Principal Act is amended as follows:—

(a) by omitting “ 4 ” and substituting “ 5 ”;

(b) by omitting “ 3 ” and substituting “ 4 ”.

Amendment of  
section 9 of  
Principal Act  
(Suspension  
and removal  
of Commis-  
sioners).

**5**—Section 9 of the Principal Act is amended by inserting the following subsection after subsection (1):—

(1A) The Governor may suspend any one or more of the Commissioners from office if the Governor is satisfied that—

(a) the Commission has failed—

(i) to exercise a power, perform a function or duty, or conduct its affairs in a manner that is consistent with the objectives specified in a statement given to the Commission under section 15A (1);

(ii) to consult the Minister with respect to matters specified in a statement given to the Commission under section 15A (8) (a); or

(iii) to comply with a direction given to the Commission under section 15A (8) (b); or

(b) it is necessary or desirable to do so in order that the Government of Tasmania may achieve its policy objectives with respect to a matter mentioned in section 15A (1).

\* 8 & 9 Geo. VI No. 22. For this Act, as amended up to and including 1st March 1980, see the continuing Reprint of Statutes. Subsequently amended by No. 19 of 1980.

6—Section 15A of the Principal Act is repealed and the following section is substituted:—

Substitution of section 15A of Principal Act.

15A—(1) Subject to subsection (2), the Governor may, from time to time, give to the Commission a statement in writing specifying the policy objectives of the Government of Tasmania with respect to any matter relating to the powers, functions, duties, or affairs of the Commission under this Act or any other Act and, on being given such a statement, it is the duty of the Commission to exercise its powers, to perform its functions and duties, and to conduct its affairs in a manner that is consistent with the objectives specified in the statement.

Power of Governor to give statements of policy objectives, &c., and directions to the Commission.

(2) Before the Governor gives to the Commission a statement under subsection (1), the Minister shall consult the Commission with regard to the proposed statement.

(3) Without limiting the generality of subsection (1), a statement of policy objectives may include objectives with respect to the development of electrical energy and energy sources, the charges for electrical energy sold and supplied by the Commission to bulk, domestic, or other consumers, and the conduct of research into matters within the responsibility of the Commission.

(4) Subject to subsection (6), where the Commission receives a statement under subsection (1), the Commission may, if it is of the opinion that compliance with the statement would have a detrimental or prejudicial effect on the proper exercise or performance by the Commission of any of its powers, functions, or duties under this Act or any other Act, lodge with the Minister within 14 days after the receipt by it of the statement a notice in writing setting out its objections to the statement and the reasons for those objections.

(5) Where a notice under subsection (4) is lodged with the Minister in accordance with that subsection and the Minister is of the opinion that the statement to which the notice relates should not be withdrawn or modified, he shall cause a copy of the notice and a copy of the statement to be laid on the table of each House of Parliament within the first 10 sitting days of the House after the notice is lodged with him.

(6) Subsection (4) does not apply to a statement of policy objectives relating to charges for electrical energy sold and supplied by the Commission to bulk, domestic, or other consumers.

(7) The power conferred on the Governor by subsection (1)—

(a) shall not be exercised so as—

- (i) to require the Commission to do anything that it is not empowered to do by this Act or any other Act;
- (ii) to prevent the Commission from performing any function or duty that it is expressly required by this Act or any other Act to perform, either conditionally or unconditionally;
- (iii) to require the Commission to include in any report that the Commission is required or empowered to make under this Act or any other Act any recommendation, finding, or comment with which it does not agree or to exclude from any such report any recommendation, finding, or comment which it wishes to make; or
- (iv) to interfere with the formation by the Commission of any opinion or belief in relation to any matter that has to be determined as a prerequisite to the performance or exercise by the Commission of any of its functions, duties, or powers;

(b) does not extend to any matter concerning—

- (i) a loan, borrowing, or raising of money negotiated by or on behalf of the Commission; or
- (ii) a contract or agreement to which the Commission is a party; and

(c) does not extend to or in relation to a guarantee by the State pursuant to section 34 (7).

(8) The Governor may, from time to time, give to the Commission—

- (a) a statement in writing specifying the matters with respect to which the Commission is required to consult the Minister; and
- (b) a direction in writing with respect to the supplying by the Commission of any information that it has, under section 14 (2), been required to supply to the Minister.

(9) A direction under subsection (8) (b) may include a requirement that the information to which it relates is to be supplied to the Minister not later than the date specified in the direction.

(10) On being given—

- (a) a statement under subsection (8) (a), it is the duty of the Commission to consult the Minister with respect to the matters specified in the statement; or
- (b) a direction under subsection (8) (b), it is the duty of the Commission to comply with that direction.

(11) The Governor may, by notice in writing given to the Commission, revoke a statement or direction given by him under this section and such a notice has effect according to its tenor.

(12) The fact that the Governor has power to give a statement or direction under this section or gives such a statement or direction does not have the effect of—

- (a) making the Commission the servant or agent of the Crown for the purposes of this or any other Act; or
- (b) conferring on the Commission any status, privilege, or immunity of the Crown.

**7**—Section 15B of the Principal Act is repealed.

Repeal of section 15B of Principal Act (Power of Minister to give directions to Commission).

Amendment of  
section 54 of  
Principal Act  
(Power of  
Commission  
to supply  
electrical  
energy).

**8**—Section 54 (2) of the Principal Act is amended by omitting “ any direction given by the Minister under section 15B ” and substituting “ the policy objectives specified in a statement given by the Governor under section 15A (1) ”.