

**HYDRO-ELECTRIC COMMISSION AMENDMENT ACT 1987**

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**No. 50 of 1987**

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#### SCHEDULE 1

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RELATING TO STATUTE LAW REVISION





## HYDRO-ELECTRIC COMMISSION AMENDMENT ACT 1987

**No. 50 of 1987**

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**AN ACT to amend the Hydro-Electric Commission Act 1944  
and to amend the Tasmanian Public Finance Corporation  
Act 1985.**

**[Royal Assent 17 August 1987]**

**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 1987*.

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

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

\*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, No.  
92 of 1983, Nos. 29 and 60 of 1984, and No. 10 of 1985 and affected by No. 103 of  
1980.

Amendment of  
section 2 of  
Principal Act  
(Interpretation).

**4—Section 2 of the Principal Act is amended as follows:—**

- (a) by omitting the definition of “Associate Commissioner” and substituting the following definition:—

“chairman” means the chairman of the Commission;

- (b) by inserting the following definition after the definition of “Commission”:—

“Commissioner” means a member of the Commission;

- (c) by inserting the following definition after the definition of “construct”:—

“Corporation” means the Hydro-Electric Commission Enterprises Corporation constituted under section 66;

- (d) by inserting the following definition after the definition of “council”:—

“deputy chairman” means the deputy chairman of the Commission;

- (e) by inserting the following definition after the definition of “energy resources”:—

“General Manager” means the Commissioner who is the General Manager of the Commission, and includes a person appointed as Acting General Manager under section 8 (1);

- (f) by omitting the definitions of “the Commissioner” and “Commissioner”.

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

**5—Section 3 of the Principal Act is amended as follows:—**

- (a) by omitting subsection (1) and substituting the following subsections:—

(1) For the purposes of this Act, there shall be a Commission called the Hydro-Electric Commission.

(1AA) The Commission shall consist of not more than 6 members appointed by the Governor one of whom shall, by the instrument of his appointment under this section, be appointed as the General Manager of the Commission.

- (b) by omitting from subsection (1A) “Associate”;

- (c) by omitting from subsection (1A) (a) “certified by the Commissioner to be a person”;

(d) by inserting the following subsection after subsection (1A):—

(1B) By the instrument of his appointment under this section—

(a) one of the Commissioners shall be appointed as the chairman of the Commission; and

(b) another of the Commissioners shall be appointed as the deputy chairman of the Commission.

(e) by omitting subsection (2) and substituting the following subsection:—

(2) The Commission, as incorporated immediately before the commencement of the *Hydro-Electric Commission Amendment Act 1987*, shall, subject to this Act, continue as, and shall be, the Commission for the purposes of this Act.

(f) by omitting from subsection (3) “member of the Commission” and substituting “Commissioner”.

6—Section 5 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “appointed.” and substituting “appointed or re-appointed.”;

Amendment of  
section 5 of  
Principal Act  
(Tenure of  
office of  
Commissioners).

(b) by omitting subsection (3) and substituting the following subsection:—

(3) A Commissioner is eligible for re-appointment from time to time for such term, not exceeding 5 years, as is specified in the instrument of his re-appointment.

(c) by omitting from subsection (6) “Commissioner” and substituting “General Manager”;

(d) by omitting from subsection (7) “of the Associate Commissioners” and substituting “Commissioner, other than the General Manager,”;

(e) by adding the following subsections after subsection (7):—

(8) Where an officer of the Commission or an employee, within the meaning of the *Tasmanian State Service Act 1984*, is appointed as a Commissioner, he is entitled to retain all his existing and accruing rights as if his service as a Commissioner were a continuation of his service as an officer of the Commission or as an employee, within the meaning of that Act.

(9) Where an officer of the Commission or an employee, within the meaning of the *Tasmanian State Service Act 1984*—

(a) is appointed a Commissioner; and

(b) on ceasing to be a Commissioner again becomes an officer of the Commission or an employee, within the meaning of that Act,

his service as a Commissioner shall be regarded as service with the Commission or in the State Service, for the purpose of determining his rights as an officer of the Commission or his rights as an employee, within the meaning of that Act.

Substitution of  
section 6 of  
Principal Act.

**7**—Section 6 of the Principal Act is repealed and the following section is substituted:—

Remuneration of  
Commissioners.

**6**—(1) The General Manager shall receive, by way of salary, such yearly sum as the Governor may determine, and the salary of the General Manager shall not, without the General Manager's consent, be reduced during the term for which he is appointed or re-appointed.

(2) Each Commissioner shall receive, by way of remuneration for his services, such fees as the Governor may determine.

(3) The salary payable pursuant to subsection (1) and the remuneration payable pursuant to subsection (2) shall be paid out of the revenue of the Commission.

Amendment of  
section 7 of  
Principal Act  
(Allowances to  
Commissioners).

**8**—Section 7 (1) of the Principal Act is amended as follows:—

(a) by omitting “Commissioner” and substituting “General Manager”;

(b) by omitting “remuneration payable under section 6 (1)” and substituting “salary payable under section 6 (1) and the remuneration payable under section 6 (2)”.

Insertion in  
Principal Act of  
new section 7A.

**9**—After section 7 of the Principal Act, the following section is inserted:—



7A—The General Manager is the chief executive officer of the Commission and—

Functions and powers of the General Manager.

- (a) is responsible for the management of the affairs and activities of the Commission subject to and in accordance with any directions given to him by the Commission; and
- (b) shall perform such other duties as are imposed, and may exercise such powers as are conferred, on him by or pursuant to this Act or any other Act.

10—Section 8 of the Principal Act is amended as follows:—

Amendment of section 8 of Principal Act (Appointment of Acting General Manager).

- (a) by omitting from subsection (1) “Commissioner”, where twice occurring, and substituting “General Manager”;
- (b) by omitting from subsection (1) “Associate” and substituting “other”;
- (c) by omitting from subsection (2) (a) “Acting-Commissioner” and substituting “Acting General Manager”;
- (d) by omitting from subsection (2) (b) “Commissioner” and substituting “General Manager”;
- (e) by omitting subsection (3) and substituting the following subsection:—

(3) If a Commissioner is appointed to act as the General Manager, the Governor may appoint some person to act as the deputy of that Commissioner until the appointment of the deputy is terminated by notice in the *Gazette*, and, while so acting, the deputy shall have all the powers and perform all the duties of that Commissioner, and shall receive such remuneration for his services as the Governor determines.

11—Section 9 (1) of the Principal Act is amended as follows:—

Amendment of section 9 of Principal Act (Suspension and removal of Commissioners).

- (a) by omitting from paragraph (e) “in which he is” and substituting “in which he has”;
- (b) by omitting from that paragraph “directly or indirectly interested” and substituting “a direct or indirect pecuniary interest”;

(c) by omitting from that paragraph “, or if he remains at any meeting whilst the matter is under discussion” and substituting “, fails to comply with section 12 (1), or contravenes section 12 (2)”;

(d) by omitting from paragraph (f) “Commissioner” and substituting “General Manager”.

Insertion in  
Principal Act of  
new section 10A.

**12**—After section 10 of the Principal Act, the following section is inserted:—

Removal or  
suspension of  
chairman and  
deputy chairman.

10A—(1) The Governor may, at any time, remove or suspend the chairman from office in his capacity as chairman only.

(2) The Governor may, at any time, remove or suspend the deputy chairman from office in his capacity as deputy chairman only.

(3) Where, pursuant to this section, the chairman or deputy chairman—

(a) is removed from his office as chairman or deputy chairman, the Governor may appoint another Commissioner as chairman or deputy chairman, as the case may be; or

(b) is suspended from his office as chairman or deputy chairman, the Governor may appoint another Commissioner as chairman or deputy chairman, as the case may be, for the period of the suspension.

Amendment of  
section 11 of the  
Principal Act  
(Judicial notice  
of seal, &c., of  
Commissioners).

**13**—Section 11 of the Principal Act is amended by omitting “Commissioner, the Associate Commissioners, and the Acting-Commissioner,” and substituting “General Manager, the other Commissioners, and the Acting General Manager,”.

Substitution of  
section 12 of  
Principal Act.

**14**—Section 12 of the Principal Act is repealed and the following section is substituted:—

Disclosure of  
interests.

12—(1) A Commissioner who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of the interest at a meeting of the Commission.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Commission and the Commissioner shall not—

- (a) be present during any deliberation of the Commission with respect to that matter; or
- (b) take part in any decision of the Commission with respect to that matter.

**15—**Section 13 of the Principal Act is amended as follows:—

Amendment of  
section 13 of  
Principal Act  
(Procedure of  
Commission).

(a) by omitting subsections (1) and (2) and substituting the following subsections:—

(1) A meeting of the Commission may be convened by the chairman or by any 2 Commissioners.

(2) The chairman shall preside at all meetings of the Commission at which he is present.

(2A) If the chairman is not present at a meeting of the Commission, the deputy chairman, or, if he is also absent from the meeting, such other Commissioner as the members present elect, shall preside at that meeting.

(b) by omitting subsections (4) and (5) and substituting the following subsection:—

(4) The chairman or other person presiding at a meeting of the Commission has a deliberative vote, but in the event of an equality of votes on any matter before a meeting of the Commission, the chairman, if he is present, may exercise a second or casting vote or, if that right is not exercised, the matter stands adjourned to the next meeting of the Commission.

**16—**Section 15 of the Principal Act is repealed and the following section is substituted:—

Substitution of  
section 15 of  
Principal Act.

**15—**(1) Subject to this Act, the Commission has and shall perform the functions and duties imposed, and has and may exercise the powers conferred, on it by this Act, including the management and control of the hydro-electric works.

General  
functions, duties,  
and powers of  
the Commission.

(2) The Commission may, for and on behalf of the State—

- (a) construct any works, and may operate, manage, control, and generally carry on and conduct any business whatsoever, relating to or connected with the generation, reception, transmission, distribution, supply, sale, and use of electrical energy, and carry out any purpose in relation thereto which the Commission may deem desirable in the interests of the State;
- (b) for the purposes of this Act, with the approval of the Minister, purchase from any person electrical energy on such terms and conditions as the Commission thinks fit;
- (c) provide, sell, let for hire, fix, repair, maintain, and remove electric lines, fittings, apparatus, or appliances for lighting, heating, and motive-power, and for all other purposes for which electrical energy can or may be used, on such terms and conditions as the Commission thinks fit;
- (d) generally, in so far as is not elsewhere sufficiently provided for in this Act, do anything that the owner of similar works might lawfully do in respect of those works, or that is authorized by by-laws under this Act;
- (e) appoint such number of officers and such number of employees as the Commission deems necessary to carry on the hydro-electric works, or otherwise for carrying out the purposes of this Act, determine the salaries, remuneration, and allowances of those officers and employees, and suspend, demote, or dismiss any such officer or employee;
- (f) with the approval of the Governor, in relation to any particular matter, or class of matters, by writing under its common seal, delegate the exercise of all or any of the powers of the Commission under this Act (except this power of delegation) or the performance of all or any of the functions and duties of the Commission under this Act to a Commissioner or an officer of the Commission so that the delegated powers or the delegated functions and duties may be exercised or performed by him with respect to the matters, or class of matters, specified in the instrument of delegation;

(g) take such action as the Commission considers necessary or desirable to conserve the Commission's electrical energy; and

(h) exercise the following additional powers:—

(i) assessing the extent of any energy resource and ascertaining the feasibility of developing or using and conserving any energy resource and carrying out any investigation, and any research and development, incidental to such an assessment and ascertainment;

(ii) advising, reporting, and making recommendations to the Minister on matters referred to in subparagraph (i) and on policies in relation to those matters which will promote and encourage, through the use of energy resources, the development and use of the natural resources of the State and facilitate the establishment and development of commercial and industrial operations in the State.

(3) A delegation by the Commission under subsection (2) (f) is revocable at will either by the Governor or the Commission and does not affect the exercise of any power or the performance of any function or duty by the Commission.

(4) The Commission may—

(a) enter into and carry out an agreement or arrangement in any place with any authority or person that it considers is necessary or desirable in connection with its affairs, whether business, financial, or otherwise; and

(b) enter into and carry out an agreement or arrangement with the Corporation for the Commission to carry out any one or more of the things and purposes specified in section 69 (1).

(5) The provisions of subsection (4) apply to an agreement or arrangement referred to in paragraph (a) of that subsection, whether or not the agreement or arrangement was entered into before, or is entered into on or after, the commencement of the *Hydro-Electric Commission Amendment Act 1987*.

(6) An agreement or arrangement entered into by the Commission and any authority or person, or by the Commission and the Corporation, pursuant to subsection (4) may be subject to such terms and conditions as are agreed on by the Commission and the authority or person or, as the case may be, by the Commission and the Corporation and as are specified in the agreement or arrangement.

(7) A reference in subsection (4) or (6) to an authority shall be construed as including a reference to a Minister and to a person acting on behalf of the State or under an enactment, any other State or a Territory of the Commonwealth, or another country.

(8) Without limiting the generality of the foregoing provisions of this section, the Commission has the power to do all things that a body corporate may by law do and that are necessary or convenient to be done for or in connection with, or as incidental to, the exercise of its powers and the performance of its functions and duties under this section or elsewhere under this Act or under any other Act.

(9) The powers conferred by subsection (2) (a) include the power of providing and maintaining, as the Commission thinks fit—

(a) hospitals and amenities for its officers and employees and those of its contractors; and

(b) accommodation houses for visitors to its works, subject, however, to the *Licensing Act 1976*, except as provided in section 75A of this Act.

(10) In the exercise of its powers under this Act, the Commission—

(a) is subject to the law relating to building as if it were an agent of the Crown; and

(b) may blast rock or stone within the limits of a town without the permission of the surveyor.

(11) In the exercise of its powers under subsection (2), the Commission shall, before commencing any work that will or may cause pollution within the meaning of the *Environment Protection Act 1973*, consult the Director of Environmental Control, who may advise the Commission on how best to avoid or reduce pollution, and any unsightliness that might result, from that work.

(12) A provision of this Act conferring a power on the Commission shall not be read so as to limit the powers of the Commission under any other provision of this Act or a provision of any other Act.

**17**—Section 27 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) “the Commonwealth Trading Bank of Australia” and substituting “such bank or banks as it determines”;
- (b) by inserting in that subsection “and may be transferred to another of those accounts” after “therein”;
- (c) by omitting subsections (1A) and (2).

Amendment of section 27 of Principal Act (Bank account).

**18**—Section 30 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (3) “Subject to compliance with subsection (3A), the” and substituting “The”;
- (b) by omitting subsection (3A);
- (c) by omitting from subsection (4) (a) “and for the purposes specified in subsection (3A)”.

Amendment of section 30 of Principal Act (Accounts to be kept by Commission).

**19**—Section 32 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

- (a) defray the capital cost of the extension wholly or partly from money available to the Commission from the Consolidated Fund; and

Amendment of section 32 of Principal Act (Extensions of distribution system).

**20**—The heading to Part VI of the Principal Act is amended by inserting “, AND TO CARRY OUT WORKS ON,” after “FROM”.

Amendment of heading to Part VI of Principal Act.

**21**—Section 40 (1) of the Principal Act is amended as follows:—

- (a) by inserting “15 or” after “section”;
- (b) by omitting “that section” and substituting “the appropriate section”.

Amendment of section 40 of Principal Act (Power to take timber, &c., from Crown land).

Amendment of  
section 41 of  
Principal Act  
(Power to enter  
upon land).

**22**—Section 41 (1) of the Principal Act is amended as follows:—

- (a) by inserting “and re-enter from time to time” after “enter”;
- (b) by inserting “or for a thing or purpose specified in section 15” after “works”;
- (c) by omitting paragraph (a) and substituting the following paragraph:—
  - (a) To construct, erect, or establish any machinery or works on that land;
- (d) by omitting from paragraph (b) “works;” and substituting “works or for any of the things and purposes specified in section 15;”;
- (e) by omitting from paragraph (f) “thereon; and” and substituting “thereon;”;
- (f) by omitting from paragraph (g) “thereon.” and substituting “thereon; and”;
- (g) by adding the following paragraph after paragraph (g):—
  - (h) To do all things necessary, convenient, or incidental for carrying out all or any of the purposes specified in the preceding paragraphs of this subsection.

Amendment of  
section 45 of  
Principal Act  
(Powers of  
Commission in  
relation to works  
for transmission  
and distribution  
of electricity).

**23**—Section 45 (1) of the Principal Act is amended by inserting the following paragraph after paragraph (a):—

- (ab) for any of the purposes specified in paragraph (a), enter and re-enter from time to time any Crown land, railway, other land, road, or street;

Amendment of  
section 47 of  
Principal Act  
(Wayleave  
contracts and  
wayleave  
easements).

**24**—Section 47 (14) (b) of the Principal Act is amended by omitting “\$200” and substituting “10 penalty units”.

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

**25**—Section 54 of the Principal Act is amended as follows:—

- (a) by inserting in subsection (2) “and to subsection (2A)” after “section 15A (1)”;
- (b) by inserting the following subsection after subsection (2):—



(2A) Unless the Minister otherwise determines with regard to any special contract referred to in subsection (2) or with regard to any class or kind of those contracts, the Commission shall consult the Minister with regard to that special contract or with regard to that class or kind of contract before the Commission enters into the contract or a contract of that class or kind.

(c) by omitting from subsection (3) "Penalty: \$100.";

(d) by adding the following subsection after subsection (3):—

(4) A person who contravenes subsection (3) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units.

**26—**Section 59 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) "Penalty: \$50.";

(b) by inserting the following subsection after subsection (1):—

(1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 10 penalty units.

Amendment of section 59 of Principal Act (Licensing of electrical mechanics, &c.).

**27—**Section 62 of the Principal Act is amended as follows:—

(a) by omitting from subsection (2) "Penalty: \$100.";

(b) by inserting the following subsection after subsection (2):—

(2A) A person who is guilty of an offence under subsection (2) is liable on summary conviction to a penalty not exceeding 10 penalty units.

Amendment of section 62 of Principal Act (Regulation of the sale, &c., of electrical appliances).

(c) by omitting from subsection (6) (a) "\$100" and substituting "10 penalty units".

**28—**Section 63 (2) of the Principal Act is amended by omitting "of \$40" and "of \$10" and substituting "not exceeding 10 penalty units" and "not exceeding one penalty unit" respectively.

Amendment of section 63 of Principal Act (By-laws).

**29—**After section 64 of the Principal Act, the following Part is inserted:—

Insertion in Principal Act of new Part XIV.

## PART XIV

THE HYDRO-ELECTRIC COMMISSION  
ENTERPRISES CORPORATION*Division 1—Constitution and membership of the Corporation, &c.*

## Interpretation.

65—In this Division and in Schedule 2, unless the contrary intention appears, “member” means a member of the Corporation, and includes a person who also acts as a member of the Corporation pursuant to section 67 (2) or (3).

Constitution of  
the Hydro-  
Electric  
Commission  
Enterprises  
Corporation.

66—(1) There is constituted by this Act a body corporate with the corporate name of the Hydro-Electric Commission Enterprises Corporation.

## (2) The Corporation—

- (a) has perpetual succession;
- (b) shall have a common seal;
- (c) may take proceedings, and be proceeded against, in its corporate name;
- (d) may purchase, exchange, take on lease, dispose of by way of lease or sale, and otherwise deal with property both real and personal;
- (e) may do and be subject to all other things that bodies corporate may by law do and be subject to and that are necessary for, or incidental to, the purpose for which it was constituted; and
- (f) has the functions and duties imposed, and the powers conferred, on it by, or under, this Part.

(3) All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Corporation affixed to a document and, unless the contrary is established, shall presume that it was duly affixed.

Membership of  
Corporation.

67—(1) The members of the Corporation shall be the persons who, for the time being, hold office as Commissioners under this Act.

(2) Where, pursuant to an appointment under section 8 (1), a person is appointed to act as the General Manager, that person shall, while so acting, also act as a member of the Corporation.

(3) Where, pursuant to an appointment under section 8 (3), a person is appointed to act as the deputy of a Commissioner, that person shall, while so acting, also act as a member of the Corporation.

(4) The Commissioner who is the chairman of the Commission shall be chairman of the Corporation and the Commissioner who is the deputy chairman of the Commission shall be the deputy chairman of the Corporation.

(5) A person who holds the office of a member of the Corporation may resign from that office only if he also resigns from the office of Commissioner.

(6) A person who also acts as a member of the Corporation pursuant to—

(a) subsection (2) may resign from acting as such a member only if he also resigns from his appointment under section 8 (1); or

(b) subsection (3) may resign from acting as such a member only if he also resigns from his appointment under section 8 (3).

(7) Part I of Schedule 2 has effect with respect to the members of the Corporation.

(8) Part II of Schedule 2 has effect with respect to the meetings of the Corporation.

68—The General Manager is the chief executive officer of the Corporation and—

Functions and powers of the General Manager in relation to the Corporation.

(a) is responsible for the management of the affairs and activities of the Corporation subject to and in accordance with any directions given to him by the Corporation; and

(b) shall perform such other duties as are imposed, and may exercise such powers as are conferred, on him by or pursuant to this Part.

*Division 2—Powers, functions, and duties of the Corporation*

Powers,  
functions, and  
duties of the  
Corporation.

## 69—(1) The Corporation may—

## (a) for and on behalf of the State—

- (i) do and carry out, on its own behalf in any place; and
- (ii) enter into and carry out an agreement or arrangement in any place with any authority or person with respect to the carrying out by the Corporation of, any one or more of the following things and purposes:—
- (iii) the construction of any works of any kind or nature that that authority or person may lawfully construct or for the giving of assistance by the Corporation in the carrying out of any such works;
- (iv) the performance of services of any kind or for the supply or manufacture of goods, machinery, or materials;
- (v) the giving of professional and technical advice, including the provision of services for consulting and project management in respect of works or projects of any kind;
- (vi) the development, supply, or distribution of energy resources;
- (vii) the carrying out of investigations, explorations, tests, surveys, research, and development, including the preparation of plans, designs, and reports in respect of any works or projects or proposed works or projects which an authority or person may lawfully undertake; and

(b) for and on behalf of the State, enter into and carry out an agreement or arrangement in any place with any authority or person with respect to the exercise of its powers, functions and duties under this Act, being an agreement or arrangement that it believes is necessary or desirable in connection with its affairs, whether business or financial.

(2) An agreement or arrangement entered into by the Corporation and any authority or person pursuant to subsection (1) may be subject to such terms and conditions as are agreed on by the Corporation and the authority or person and as are specified in the agreement or arrangement.

(3) A reference in subsection (1) or (2) to an authority shall be construed as including a reference to a Minister and to a person acting on behalf of the State or under an enactment, any other State or a Territory of the Commonwealth, or another country.

(4) In exercising its powers under subsection (1), the Corporation shall have regard to, and where practicable and economic, make use of, the resources and skills of persons who carry on business undertakings in the private sector in Tasmania for a purpose in respect of which an agreement or arrangement may be entered into pursuant to subsection (1) *(b)* or for any one or more of the purposes specified in subsection (1) *(a)*.

(5) For the purposes of subsection (4)—

*(a)* a person carries on a business undertaking in the private sector if—

- (i) he carries on that undertaking otherwise than as a State authority;
- (ii) he acts in the carrying on of that undertaking otherwise than on behalf of a Government department; or
- (iii) he acts in the carrying on of that undertaking otherwise than on behalf of the State; and

- (b) “Government department” and “State authority” have the meanings respectively assigned to those expressions by the *Industrial Relations Act 1984*.

(6) Without limiting the generality of the foregoing provisions of this section, the Corporation has the power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the exercise of its powers and the performance of its functions and duties under this section or elsewhere under this Part or under any other enactment.

(7) Any of the powers of the Corporation under subsection (1) or (6) may be exercised—

- (a) by the Corporation itself;
- (b) with the approval of the Minister—by an affiliate; or
- (c) with the approval of the Minister—by the Corporation or an affiliate, or both, in a partnership, joint venture, or other association with other persons.

(8) For the purposes of subsection (7)—

- (a) “affiliate” means a company in which the Corporation has a controlling interest by virtue of its shareholdings in the capital of the company, and includes a company with which the Corporation has made an arrangement or agreement under which the Corporation retains such a controlling interest; and
- (b) an affiliate formed for a commercial purpose is not, and does not represent, the Crown.

(9) For the purpose of the exercise of its powers under subsection (1), the Corporation may, with the approval of the Minister—

- (a) join in the formation of a company; and
- (b) purchase, hold, dispose of, or deal with shares in, or subscribe to the issue of shares by, a company.

(10) In the exercise of its powers under subsections (1), (6), (7), and (9), the Corporation shall operate within, and in accordance with, any objectives specified in a statement given by the Governor under section 70 (1).

(11) The Corporation shall, in the exercise of its powers under this section, endeavour, in the interests of the State, to obtain the maximum utilization of the resources and skills of the Commission and the State.

(12) A provision of this Act conferring a power on the Corporation shall not be read so as to limit the powers of the Corporation under any other provision of this Act or a provision of any other Act.

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

Power of Governor to give statement of objectives to Corporation.

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

(3) The Governor may, by notice in writing given to the Corporation, vary or revoke a statement of objectives given under subsection (1) and the notice shall have effect according to its tenor.

(4) The fact that the Governor has power to give a statement of objectives to the Corporation under subsection (1) or gives such a statement to the Corporation does not have the effect of—

(a) making the Corporation the servant or agent of the Crown for the purposes of this Part or any other enactment; or

(b) conferring on the Corporation any status, privilege, or immunity of the Crown.

71—The exercise of the powers conferred on the Corporation by this Part or any other enactment and the performance of the functions and duties imposed on the Corporation by this Part or any other enactment are subject to any duty arising under subsection (1) of section 70 on the Governor giving to the Corporation a statement of objectives under that subsection.

Powers, functions, and duties of Corporation subject to statement of objectives.

*Division 3—Staff of the Corporation, &c.*

Staff of the  
Corporation.

72—(1) The Corporation may appoint and employ such employees as may be necessary for the performance of its functions and duties and the exercise of its powers under this Part.

(2) The Corporation may make arrangements with the Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, or with a State authority within the meaning of section 69 (5) (b) the employees of which are not employees, within the meaning of that Act, for such employees employed in that Agency or State authority as may be considered necessary to be made available to the Corporation to enable it to perform its functions and duties under this Act, and such an employee may serve the Corporation in any capacity in conjunction with his position in the State Service or with the State authority by which he is employed, as the case requires.

(3) Where—

(a) pursuant to subsection (1), an officer or employee of the Commission or an employee, within the meaning of the *Tasmanian State Service Act 1984*, is appointed and employed by the Corporation, he is entitled to retain all his existing and accruing rights as if his service with the Corporation were a continuation of his service as an officer or employee of the Commission or as an employee, within the meaning of that Act; and

(b) an officer or employee of the Commission or an employee, within the meaning of the *Tasmanian State Service Act 1984*—

(i) is appointed and employed by the Corporation pursuant to subsection (1); and

(ii) on ceasing to be so appointed and employed again becomes an officer or employee of the Commission or an employee, within the meaning of that Act,

his service with the Corporation shall be regarded as service with the Commission or in the State Service, as the case may be, for the purpose of determining his rights as an officer or employee of the Commission or his rights as an employee, within the meaning of that Act.



72A—(1) The Corporation may, with the approval of the Governor, by instrument in writing, delegate to a member or employee of the Corporation the performance of a function or duty, or the exercise of a power, of the Corporation (other than this power of delegation) and may, by resolution, revoke wholly, or in part, any such delegation.

Delegation of functions, duties, and powers of Corporation.

(2) A function or duty or a power, the performance or exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be performed or exercised from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions, duties, or powers delegated, or as to time or circumstance, as are specified in the resolution.

(4) Notwithstanding any delegation under this section, the Corporation may continue to perform or exercise all or any of the functions, duties, or powers delegated.

(5) Any act or thing done by, or to, a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by, or to, the Corporation and shall be deemed to have been done by, or to, the Corporation.

(6) An instrument purporting to be signed by a delegate of the Corporation in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Corporation under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Corporation under this section.

(7) Where the performance of a function or duty or the exercise of a power by the Corporation is dependent on the opinion or belief of the Corporation, a delegate of the Corporation under this section may, in performing that function or duty or exercising that power, act on his own opinion or belief.

*Division 4—Finance of the Corporation*

Bank accounts.

72B—(1) The Corporation shall keep with such bank or banks as it determines such accounts in the name of the Corporation as it thinks necessary for the purpose of this Part.

(2) All money received on account of the Corporation shall be deposited in the accounts kept pursuant to subsection (1) and all expenditure of, or in connection with, the Corporation shall be drawn from those accounts.

Funds of Corporation.

72C—(1) The funds of the Corporation shall consist of—

- (a) any money appropriated by Parliament for the purposes of the Corporation;
- (b) all money received by the Corporation as a result of the exercise of its powers and the performance of its functions and duties under this Part or any other enactment;
- (c) all money received by the Corporation as interest in respect of any loan or investment made by it in the performance of those functions and duties, in the exercise of those powers, or as profit arising out of any investment so made;
- (d) all money borrowed by the Corporation under this Part; and
- (e) all other money received from any source by the Corporation.

(2) A payment of money to the credit of an account referred to in section 72 B (1) shall not be made if the payment would be a breach of a condition or trust affecting the money.

(3) The funds of the Corporation shall be applied only—

- (a) in payment or discharge of the expenses, charges, and obligations incurred, or undertaken, by the Corporation in the exercise of its powers or the performance of its functions and duties under this Part or any other enactment; or
- (b) in the payment of any remuneration payable under this Part.

Temporary investment of Corporation's funds.

72D—The Corporation may invest any money that it is holding and for which it has no immediate use—

- (a) in such manner as the Treasurer may approve; or

- (b) with the approval of the Treasurer, by a deposit bearing interest with a person approved by the Reserve Bank of Australia as a dealer in the short term money market.

72E—(1) In this section—

Capital reserves  
of Corporation:  
special capital  
notes.

“security” means an instrument issued by the Corporation pursuant to section 72G (2) (a), whether secured or not and whether for a fixed or an indefinite term;

“special arrangement” means an agreement or arrangement under subsection (2);

“special capital note” means a security issued by the Corporation that is the subject of a special arrangement.

(2) The Treasurer may, on behalf of the Government of Tasmania, enter into an agreement or arrangement, to which the Corporation is a party or at the Corporation’s request, in connection with the issue of securities by the Corporation.

(3) A special arrangement, and the special capital notes to which it relates, may—

(a) require (in specified circumstances) the Treasurer, on behalf of the Government of Tasmania, to pay to the Corporation for crediting to a reserve created under section 72k an amount calculated by reference to the interest and other amounts paid by the Corporation to the holders of the notes;

(b) require (in specified circumstances) the Treasurer, on behalf of the Government of Tasmania, to purchase all or any of the notes and release the Corporation from its obligations and liabilities under the notes so purchased;

(c) provide that (in specified circumstances) the Treasurer may, on behalf of the Government of Tasmania, pay all or any of the interest or other amounts due to the holders of the notes and assume any obligations or liabilities of the Corporation under the notes;

- (d) provide that the obligations and liabilities of the Corporation under the notes may be enforced only against the Government of Tasmania in the case of any default by the Corporation;
- (e) provide for the redemption of all or any of the notes by the Corporation; and
- (f) make any other provision that the Treasurer considers appropriate.

(4) Any liability of the Government of Tasmania arising under a special arrangement or special capital note is a charge on the Consolidated Fund and is payable out of that Fund without further appropriation than this subsection.

(5) Unless the Corporation otherwise determines, the principal amount of each special capital note shall, for accounting purposes, be treated as subscription of capital.

(6) Nothing in this section prevents the Government of Tasmania or an authority of the State from purchasing or otherwise acquiring special capital notes without releasing the Corporation from its obligations and liabilities under the notes.

- (7) A certificate signed by the Treasurer and stating—
- (a) that any specified security or specified class of securities issued by the Corporation is the subject of a special arrangement;
  - (b) that any such security has been issued in accordance with the special arrangement; or
  - (c) that a special arrangement does or does not make provision of a specified kind,

shall be conclusive evidence, in favour of any person other than the Government of Tasmania or the Corporation, of the matters stated in the certificate.

Corporation's  
power to borrow  
for working  
purposes.

72F—(1) The Corporation may borrow by overdraft on its bank accounts for the purpose of exercising any of its powers or performing any of its functions or duties under this Part or any other enactment.

(2) The Treasurer may grant a loan to the Corporation for the purpose of—

- (a) meeting working expenses; or

(b) paying off any overdraft, either wholly or in part, and the loan shall be on such terms as to repayment, payment of interest, and otherwise, as the Treasurer may determine.

72G—(1) Subject to this section, the Corporation may, with the consent of the Treasurer, borrow on the security of its revenues or on a guarantee as provided by section 72H such amount of money as it may require for the exercise of its powers or the performance of its functions and duties under this Part or any other enactment.

Corporation's  
power to borrow  
from public.

(2) Any money borrowed by the Corporation pursuant to subsection (1)—

(a) may be raised as one loan or as several loans; and

(b) may be raised—

(i) by the issue of transferable debentures payable to the registered holder or to bearer with or without interest coupons attached;

(ii) by the creation and issue of transferable inscribed stock, to be called “Hydro-Electric Commission Enterprises Corporation Inscribed Stock”;

(iii) partly as provided by subparagraph (i) and partly as provided by subparagraph (ii); or

(iv) in such other manner as the Treasurer may approve.

(3) All debentures and inscribed stock issued or created pursuant to subsection (2)—

(a) shall, with all interest on the debentures and inscribed stock, be charged and secured on the revenues of the Corporation;

(b) shall bear interest at such rate, and be redeemable at such date and at such place, as the Corporation may, with the approval of the Treasurer, determine;

(c) may, with the consent of the holder or the registered owner, as the case may be, of the debentures or inscribed stock, be paid off at any time before the due date for repayment, at not more than the face value of the debentures or inscribed stock; and

(d) whether original or not, shall rank *pari passu* in point of charge without any preference or priority one over another.

(4) Interest secured by any debentures or inscribed stock issued or created pursuant to subsection (2) shall be payable in respect of such periods and at such places as the Corporation may determine.

(5) The Corporation may, at the request of the holder of any debenture or the registered owner of any inscribed stock, issued or created pursuant to subsection (2), in place of that debenture or inscribed stock, issue to him a debenture or inscribed stock, as the case may be, in respect of the same loan, and of the same amount, and of the same currency, and bearing the same interest.

(6) For the purpose of making provision to pay off either the whole or any part of any loan raised by the Corporation pursuant to subsection (1), the Corporation may, with the consent of the Treasurer, borrow the necessary money before the loan or part of the loan becomes payable.

(7) The Corporation shall make provision for a sinking fund to be paid to the State Sinking Fund Commissioners for the purpose of redeeming any loans raised by it pursuant to subsection (1), and the sinking fund shall contain such amount as the Treasurer may from time to time require.

(8) Where it is necessary to repay the whole or a part of a loan referred to in subsection (1) from the sinking fund—

(a) the State Sinking Fund Commissioners shall at the request of the Corporation sell any securities in which the amount needed is invested; and

(b) the Corporation may borrow on the security of its rights against the Commissioners.

(9) Any trustee, unless expressly forbidden by the instrument, if any, creating the trust, may invest any trust money in his hands in any debentures or inscribed stock issued or created pursuant to subsection (2), and the investment shall be deemed to be an investment authorized by the *Trustee Act 1898*.

(10) Any debentures or inscribed stock issued or created pursuant to subsection (2) are a lawful investment for any money which a body corporate is authorized or directed to invest, in addition to any other investments expressly provided for the investment of that money.

(11) Nothing in this section prevents the Government of Tasmania or an authority of the State from taking up any debentures or inscribed stock issued or created pursuant to subsection (2) without releasing the Corporation from its obligations and liabilities under the debentures or inscribed stock.

(12) The Corporation is not bound by notice of a trust, whether express, implied, or constructive, in relation to any inscribed stock created and issued pursuant to subsection (2).

72H—(1) The Treasurer may execute a guarantee, either Guarantees. alone or jointly with some other persons, in favour of a bank or another person or a body of persons, whether corporate or unincorporate, for the repayment of, and payment of interest on, any loan, including a bank overdraft, made to the Corporation under section 72G (1).

(2) The following provisions apply to, and in respect of, a guarantee executed under subsection (1):—

- (a) the guarantee may include any interest, charges, and expenses chargeable by the creditor against the Corporation and the expenses of enforcing or obtaining, or endeavouring to enforce or obtain, payment of the loan guaranteed and that interest or those charges and expenses;
- (b) the guarantee may be expressed to include compound interest;
- (c) the creditor shall, if required to do so by the Treasurer, obtain, take and hold, or retain and hold, securities for the payment of the principal loan of such nature as the Treasurer may require;

(d) the guarantee is not enforceable against the Treasurer unless and until the creditor has exercised his rights and remedies under all securities held by or for him in respect of the loan guaranteed, other than the guarantee.

(3) Subject to subsection (2), a guarantee executed under subsection (1) may be subject to such terms and conditions as the Treasurer thinks fit.

(4) The amount of any liability incurred under a guarantee executed under this section is a charge on the Consolidated Fund and is payable out of that Fund without further appropriation than this subsection.

*Division 5—Accounts, audit, and annual report, &c.*

Accounts to be kept in relation to Corporation's activities.

72I—(1) The Corporation shall cause to be kept separate and true accounts containing particulars of all—

(a) sums of money received and expended by the Corporation; and

(b) assets and liabilities of the Corporation,

in respect of the exercise of its powers and the performance of its functions and duties pursuant to this Part or any other enactment and in relation to the exercise of those powers and the performance of those functions and duties.

(2) The Treasurer shall, when required by the Corporation, pay to it from time to time, as a capital contribution to the Corporation, amounts which, in the aggregate, do not exceed \$250 000.

(3) The Corporation may set aside and apply out of the balance at any time standing to the credit of its accounts such amounts as it thinks necessary to make provision for the following purposes:—

(a) to meet any deficiency at any time arising or likely to arise in the income of, or to meet any extraordinary claim or demand arising or likely to arise against, the Corporation;

(b) to write down any special costs incurred by the Corporation;

(c) to make provision for such matters as may be necessary, in the opinion of the Corporation, for giving effect to the provisions of this Part.



72J—(1) The Corporation shall make such annual provision as the Corporation considers necessary for the depreciation of its assets, and the amount so set aside shall be credited to a special account to be known as “the depreciation account”.

Depreciation  
account.

(2) The money provided pursuant to subsection (1) may be applied by the Corporation for—

- (a) meeting repayments required in respect of money advanced, or lent, to the Corporation;
- (b) financing the purchase of new assets or the replacement of, or otherwise making good the depreciation of, its assets; and
- (c) making investments in such manner as the Treasurer may approve.

72K—The Corporation may, out of the money received by it under this Act, set aside such amount as it considers necessary for the purpose of—

Reserve accounts.

- (a) making provision for undetermined losses or liabilities; or
- (b) creating a reserve, or reserves, against contingencies,

or for such other purpose as may be determined by the Corporation.

72L—Any surplus funds or any amounts for which provision was made, or a reserve was created, under section 72K may be invested by the Corporation in such investments as may be approved by the Treasurer.

Investment of  
surplus funds.

72M—(1) The accounts of the Corporation are subject to the *Audit Act 1918*.

Audit of  
Corporation's  
accounts.

(2) The Corporation shall pay to the Consolidated Fund towards defraying the costs and expenses of any audit under this section such amounts, at such times, as the Treasurer may require.

72N—(1) The Corporation shall provide the Minister with an annual report of its operations, business, and affairs.

Annual reports  
and balance  
sheets, &c.

- (2) The Corporation shall, in each financial year—
- (a) submit to the Auditor-General for audit by him the balance sheet and accounts of the Corporation for the preceding financial year; and
  - (b) as soon as possible after complying with paragraph (a), forward to the Minister a copy of the balance sheet and accounts, together with the annual report of the Corporation and a certificate by the Corporation that the balance sheet and accounts have been submitted to the Auditor-General.
- (3) The Corporation shall, as soon as possible after receiving a certificate by the Auditor-General as to the correctness of its balance sheet and accounts for a financial year, forward the certificate to the Minister.
- (4) The Minister shall lay, or cause to be laid, before each House of Parliament a copy of the balance sheet and accounts received by him pursuant to subsection (2) within the first 10 sitting days of the House after he receives them, notwithstanding that the balance sheet and accounts have not, at that time, been certified as correct by the Auditor-General.

#### *Division 6—Miscellaneous*

Liability of  
Corporation,  
&c., to State  
taxes, &c.

72O—(1) Subject to this section—

- (a) the Corporation is liable to all taxes, rates, duties, and other imposts; and
- (b) instruments to which the Corporation is a party are subject to all taxes, duties, and other imposts,

under the law of the State.

(2) The Treasurer may, by notice published in the *Gazette*, exempt the Corporation or instruments to which the Corporation is a party from a tax, duty, or other impost to the extent specified in the notice.

Dividend payable  
by Corporation.

72P—(1) The Corporation shall, from its net profits in a financial year, pay to the Treasurer, on account of the Consolidated Fund, an amount equal to the taxation-equivalent contribution and a dividend calculated in respect of those net profits.

## (2) For the purposes of subsection (1)—

“dividend”, in relation to the net profits of the Corporation in a financial year, means such part, if any, of the amount of those profits (after deduction of the taxation-equivalent contribution calculated in respect of those profits) as the Treasurer determines, after consultation with the Corporation, having regard to the profitability of the Corporation and the adequacy of its funds;

“taxation-equivalent contribution”, in relation to the net profits of the Corporation in a financial year, means the amount that would be payable under a law of the Commonwealth as income tax in respect of the income represented by those profits—

(a) if the Corporation were a public company liable to income tax under that law; and

(b) if that income were taxable income within the meaning of that law.

72Q—Any compensation payable by the Commission under this Act or any other Act, or any liability to pay for any damage or injury as provided in section 53, which arises as the result of the Commission entering into and carrying out an agreement or arrangement with the Corporation that is referred to in section 15 (4) (b) shall be paid out of the funds of the Corporation.

Payment of compensation by Corporation.

72R—The Corporation may make rules for regulating the good government of the business and affairs of the Corporation.

Power of Corporation to make rules for certain purposes.

30—Section 72A of the Principal Act (where secondly occurring) is amended as follows:—

Amendment of section 72A of Principal Act (Supply of electrical energy to islands).

(a) by renumbering that section as section 72S;

(b) by omitting paragraph (a) of subsection (2).

31—Section 74 of the Principal Act is amended as follows:—

Amendment of section 74 of Principal Act (Penalty for obstructing officers, &c.).

(a) by inserting “(1)” before “No”;

(b) by omitting “Penalty: \$40.”;

(c) by adding the following subsection as subsection (2) of that section:—

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to penalty not exceeding 10 penalty units.

Amendment of section 76 of Principal Act (Use of certain terms prohibited).

**32**—Section 76 of the Principal Act is amended as follows:—

(a) by inserting “(1)” before “No”;

(b) by omitting “Daily penalty: \$10.”;

(c) by adding the following subsection as subsection (2) of that section:—

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a daily penalty of one penalty unit for each day during which the offence continues.

Insertion in Principal Act of new section 77.

**33**—After section 76 of the Principal Act, the following section is inserted:—

Protection of Commissioners and members of Corporation and other persons.

**77**—(1) Subject to subsection (2), any matter or thing done or omitted to be done in good faith, by a Commissioner, by a member of the Corporation, by an officer or employee of the Commission, or by an employee of the Corporation, for the purpose or purported purpose of the performance by him of his functions and duties as a Commissioner, as the General Manager, whether as chief executive officer of the Commission or the Corporation, or as such an officer or employee, shall not subject him personally to any action, liability, claim, or demand.

(2) Subsection (1) does not preclude the Commission or the Corporation from being subject to any action, liability, claim, or demand to which the Commission or the Corporation would, but for that subsection, have been subject.

Amendments of Principal Act relating to statute law revision.

**34**—The provisions of the Principal Act specified in the first column of Schedule 1 are amended as respectively specified in the second column of that Schedule.

35—After Schedule 1 to the Principal Act, the following Schedule is inserted:—

Insertion in  
Principal Act of  
new Schedule 2.

## SCHEDULE 2      Section 67 (7) and (8)

### PART I

#### PROVISIONS WITH RESPECT TO MEMBERS OF THE CORPORATION

1—A member is entitled to be paid by the Corporation such fees, allowances, and expenses as the Governor may determine.

Fees, allowances,  
and expenses of  
members.

2—The provisions of the *Tasmanian State Service Act 1984* do not apply to, or in respect of, the appointment of a member and a member shall not, in his capacity as such, be subject to the provisions of that Act during his term of office.

*Tasmanian State  
Service Act 1984*  
not to apply.

3—(1) Subject to this clause, a member may be suspended from office by the Governor.

Suspension and  
removal of  
members.

(2) The provisions of section 9 apply to and in relation to the suspension of a member from his office as they apply to and in relation to the suspension of a Commissioner, subject to the following modifications:—

(a) a reference in that section (other than in subsection 1A) to a Commissioner shall be read as a reference to a member;

(b) paragraph (d) of section 9 (1) shall be read as if that paragraph did not include the passage beginning with “(other than” and ending with “its employees”;

(c) paragraph (e) of section 9 (1) shall be read as if, for “section 12 (1) or contravenes section 12 (2)”, there were substituted “clause 2 (1), or contravenes clause 2 (2), of Part II of this Schedule”;

(d) section 9 shall be read as if subsection (1A) were omitted and the following subsection were substituted:—

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

(a) the Corporation 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 Corporation under section 70 (1); or

(b) it is necessary or desirable to do so in order that the Government of Tasmania may achieve its objectives with respect to a matter mentioned in section 70 (1).

4—(1) The office of a member shall be vacated—

(a) when he dies;

(b) if he is convicted upon indictment of a crime under the *Criminal Code*;

(c) if he becomes liable to be detained as mentioned in section 10 (1) (aa);

(d) if he retires or resigns from office by notice in writing delivered to the Governor, and accepted by him; or

(e) if he is removed from office in accordance with clause 3.

Vacation of  
office by  
members.

(2) The Governor may declare the office of a member to be vacant if he is absent, without leave of absence, from all meetings of the Corporation during a period of 3 months, or is absent from the State without that leave for a period of 6 months.

Validity of  
proceedings, &c.

5—(1) No act or proceeding of the Corporation or of any person acting pursuant to any direction of the Corporation is invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the office of a member of the Corporation.

(2) All acts and proceedings of the Corporation or of any person acting pursuant to any direction of the Corporation are, notwithstanding the subsequent discovery of any defect in the appointment of a member to the office by virtue of the holding of which he is a member of the Corporation or that any person was disqualified from acting as, or incapable of being, a member of the Corporation, as valid as if the member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Corporation had been fully constituted.

Presumptions.

6—If any proceedings by or against the Corporation, unless evidence is given to the contrary, no proof shall be required of—

- (a) the constitution of the Corporation;
- (b) any resolution of the Corporation;
- (c) the appointment to the office by virtue of the holding of which any person is a member of the Corporation; or
- (d) the presence of a quorum at any meeting of the Corporation.

## PART II

### MEETINGS OF THE CORPORATION

Convening of  
meetings of the  
Corporation.

1—A meeting of the Corporation may be convened by the chairman or by any 2 members.

Disclosure of  
interests.

2—(1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Corporation shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of the interest at a meeting of the Corporation.

(2) A disclosure under subclause (1) shall be recorded in the minutes of the meeting of the Corporation and the member shall not—

- (a) be present during any deliberation of the Corporation with respect to that matter; or
- (b) take part in any decision of the Corporation with respect to that matter.

Procedure at  
meetings.

3—(1) At a meeting of the Corporation, any 3 members shall form a quorum and, when a quorum is present, the Corporation may act and transact business, notwithstanding a vacancy in its membership.

(2) Questions arising at a meeting of the Corporation shall be determined by a majority of votes of the members present and voting.

Chairman.

4—(1) The chairman shall preside at all meetings of the Corporation at which he is present.

(2) If the chairman is not present at a meeting of the Corporation, the deputy chairman, or, if he is also absent from the meeting, such other member as the members present elect, shall preside at that meeting.

(3) The chairman or other person presiding at a meeting of the Corporation has a deliberative vote, but in the event of an equality of votes on any matter before a meeting of the Corporation, the chairman, if he is present, may exercise a second or casting vote or, if that right is not exercised, the matter stands adjourned to the next meeting of the Corporation.

5—The procedure for the calling of, and for the conduct of business at, meetings of the Corporation shall, subject to any procedure that is specified in this Schedule, be as determined by the Corporation. General procedure.

36—(1) A person who, immediately before the commencement of this Act, holds office as the Acting-Commissioner of the Hydro-Electric Commission or an Associate Commissioner of that Commission shall, on and after that day, continue to hold that office under and subject to the Principal Act, as amended by this Act. Transitional and savings provisions.

(2) On and after the commencement of this Act, a reference in any Act other than this Act, or in any regulation, rule, by-law, proclamation, order-in-council, order, summons, warrant, notice, or other instrument or document made, issued given, served, filed, or registered under any Act, or for the purposes of any proceedings under any Act—

- (a) to the Commissioner of the Hydro-Electric Commission shall be read as a reference to the General Manager of that Commission;
- (b) to an Associate Commissioner of the Hydro-Electric Commission shall be read as a reference to a Commissioner of that Commission, other than the General Manager of that Commission; or
- (c) to the Acting-Commissioner of the Hydro-Electric Commission shall be read as a reference to the Acting General Manager of that Commission.

37—Section 3 (1) of the *Tasmanian Public Finance Corporation Act 1985*\* is amended by omitting “authority” from paragraph (a) (ii) of the definition of “State authority” and substituting “authority or a person or persons holding office by virtue of being a member or members of another State authority”. Amendment of Tasmanian Public Finance Corporation Act.

## SCHEDULE 1

Section 34

AMENDMENTS OF PRINCIPAL ACT RELATING TO STATUTE LAW  
REVISION

COLUMN 1 Provision amended	COLUMN 2 How amended
Section 24 (1) Section 30 (4)	Omit "Revenue", substitute "Fund". Omit "Revenue", where twice occurring, substitute "Fund".
Section 34	Omit subsection (4), substitute the following subsection: (4) Interest secured by any debentures or inscribed stock issued or created pursuant to this section shall be payable in respect of such periods and at such places as the Commission may determine.
Section 35 (1)	Omit "Commissioner of Crown Lands", substitute "Director-General of Lands".
Section 39 (1) (c)	Omit " <i>Lands Resumption Act 1910</i> ", substitute " <i>Lands Resumption Act 1957</i> ".
Section 39 (2)	Omit "His Majesty", substitute "the Crown".
Section 39 (3)	Omit "His Majesty", substitute "the Crown".
Section 64 (3)	Omit "Commissioner of Crown Lands", substitute "Director-General of Lands".
Section 64 (4)	Omit "Commissioner of Crown Lands", substitute "Director-General of Lands".
Section 64 (5)	Omit "His Majesty", substitute "the Crown".
Section 72s (2) (e)	Omit "Revenue", where twice occurring, substitute "Fund".
Section 72s (4)	Omit "Revenue", substitute "Fund".