



TASMANIA

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**HYDRO-ELECTRIC CORPORATION  
(CONSEQUENTIAL AND MISCELLANEOUS  
PROVISIONS) ACT 1996**

**No. 61 of 1996**

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**HYDRO-ELECTRIC CORPORATION  
(CONSEQUENTIAL AND MISCELLANEOUS  
PROVISIONS) ACT 1996**

**No. 61 of 1996**

**An Act to amend or repeal certain Acts in consequence of the enactment of the *Hydro-Electric Corporation Act 1995* and to provide for the continued operation of the *Hydro-Electric Commission (Licensing of Electrical Contractors and Mechanics) Regulations 1934***

**[Royal Assent 16 December 1996]**

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**

1. This Act may be cited as the *Hydro-Electric Corporation (Consequential and Miscellaneous Provisions) Act 1996*.

**Commencement**

2. This Act commences on the day after the day on which it receives the Royal Assent.

***Acts Interpretation Act 1931 amended***

3. The *Acts Interpretation Act 1931*\* is amended by inserting after section 45 the following new section:

**References to State rate**

**45A.** In any enactment, agreement or document, "State rate", in respect of a financial year, means the average rate of interest payable by the Treasurer on the public debt of the State as at 30 June immediately preceding that financial year as calculated by the Secretary of the responsible department in relation to the *Public Account Act 1986* and certified by the Auditor-General.

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\* 22 Geo. V No. 59. For this Act, as amended to 1 July 1986, see the continuing Reprint of Statutes. Subsequently amended by Nos. 88 and 92 of 1986, No. 13 of 1987, Nos. 4 and 41 of 1990, No. 43 of 1991, Nos. 10, 20, 30 and 43 of 1992, Nos. 10, 43 and 68 of 1994, Nos. 30 and 103 of 1995 and Nos. 17 and 36 of 1996.

***Crown Lands Act 1976 amended***

4. Section 12 of the *Crown Lands Act 1976*\* is amended by omitting subsection (2).

***Fire Service Act 1979 amended***

5. The *Fire Service Act 1979*† is amended as follows:

- (a) by omitting from section 53(2) "or required under the *Hydro-Electric Commission Act 1944*";
- (b) by omitting from section 60 "acquired or entered into by that Commission pursuant to the *Hydro-Electric Commission Act 1944* or any enactment repealed by that Act," and substituting "that is in force under section 13(1) of the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995*,";

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\* No. 28 of 1976. For this Act, as amended to 1 October 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 19 of 1980, Nos. 87 and 99 of 1982, No. 29 of 1984, No. 88 of 1985, No. 98 of 1986, No. 10 of 1988, No. 10 of 1989, Nos. 5 and 35 of 1990, Nos. 20 and 43 of 1991, Nos. 24 and 68 of 1993, Nos. 25 and 68 of 1994 and Nos. 18, 30 and 113 of 1995.

† No. 35 of 1979. For this Act, as amended to 30 April 1981, see the continuing Reprint of Statutes. Subsequently amended by Nos. 73 and 74 of 1981, Nos. 9 and 10 of 1982, Nos. 22, 24, 61 and 88 of 1983, Nos. 29, 34 and 81 of 1984, Nos. 10, 31 and 51 of 1985, No. 60 of 1986, No. 79 of 1987, No. 64 of 1988, Nos. 2, 3, 5 and 44 of 1990, Nos. 42 and 46 of 1991, No. 38 of 1992, Nos. 2, 6, 24, 59, 96 and 101 of 1993, Nos. 18, 25 and 75 of 1994, Nos. 14, 20, 29, 88 and 98 of 1995, Nos. 37 and 42 of 1996 and S.R. 1996, No. 127.

- (c) by omitting from section 60 "Commission" (wherever occurring) and substituting "Corporation";
- (d) by omitting from section 128(2)(d) "*Hydro-Electric Commission Act 1944*" and substituting "*Hydro-Electric Corporation Act 1995*";
- (e) by omitting paragraph (c) from section 133(3).

***Florentine Valley Paper Industry Act 1935 amended***

6. The *Florentine Valley Paper Industry Act 1935*\* is amended as follows:

- (a) by repealing section 14;
- (b) by omitting the proviso from section 22A(4);
- (c) by omitting subsection (5) from section 23.

***Government Business Enterprises Act 1995 amended***

7. The *Government Business Enterprises Act 1995*† is amended by omitting from Schedules 1, 2, 3 and 4 "Hydro-Electric Commission" and "Hydro-Electric Commission Enterprises Corporation" and substituting "Hydro-Electric Corporation" and "HEC Enterprises Corporation", respectively.

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\* 26 Geo. V No. 27. For this Act, as amended to 1 March 1980, see the continuing Reprint of Statutes. Subsequently amended by No. 99 of 1982, No. 49 of 1985, No. 5 of 1990, No. 24 of 1993 and Nos. 25, 67 and 68 of 1994.

† No. 22 of 1995. Amended by No. 77 of 1995 and No. 59 of 1996.

***Long Service Leave (State Employees) Act 1994***  
**amended**

**8.** The *Long Service Leave (State Employees) Act 1994*\* is amended by omitting the last item from Schedule 1 and substituting the following item:

Employees formerly  
 employed under the  
*Hydro-Electric*  
*Commission Act 1944*

The Chief Executive  
 Officer, Hydro-Electric  
 Corporation

***North Esk Regional Water Act 1960*** amended

**9.** The *North Esk Regional Water Act 1960*† is amended by repealing section 8B and substituting the following section:

**Payments to Hydro-Electric Corporation**

**8B.** In respect of water taken by the Commission from the South Esk River, the Commission must, on demand being made by the Hydro-Electric Corporation, pay to that Corporation such sums as may be agreed between the Commission and the Corporation or as determined by order of the Governor.

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\* No. 13 of 1994. Amended by No. 68 of 1994 and Nos. 18 and 77 of 1995.

† No. 65 of 1960. Amended by No. 43 of 1963, No. 55 of 1965, Nos. 16 and 56 of 1967, No. 33 of 1969, No. 75 of 1973, No. 25 of 1974, No. 96 of 1975, No. 19 of 1976, Nos. 1 and 53 of 1977, No. 31 of 1983, No. 5 of 1984, No. 31 of 1985, No. 40 of 1991 and Nos. 30 and 52 of 1995.

***Private Forests Act 1994 amended***

10. Section 27 of the *Private Forests Act 1994*\* is amended by omitting subsection (2A).

***Public Account Act 1986 amended***

11. The *Public Account Act 1986*† is amended by omitting paragraph (b) from section 4(2).

***Water Act 1957 amended***

12. The *Water Act 1957*‡ is amended as follows:

- (a) by omitting from section 16(3) "Hydro-Electric Commission" (wherever occurring) and "Hydro-Electric Commission's" and substituting "Hydro-Electric Corporation" and "Hydro-Electric Corporation's", respectively;
- (b) by omitting from section 26(2) "Hydro-Electric Commission" and "that Commission" and substituting "Hydro-Electric Corporation" and "that Corporation", respectively;
- (c) by omitting subsection (1) from section 29 and substituting the following subsection:

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\* No. 28 of 1994. Amended by No. 20 of 1995.

† No. 56 of 1986. Amended by Nos. 5 and 28 of 1990, No. 35 of 1993 and No. 78 of 1994.

‡ No. 39 of 1957. For this Act, as amended to 1 March 1983, see the continuing Reprint of Statutes. Subsequently amended by Nos. 4, 29 and 54 of 1984, Nos. 10, 51, 68 and 85 of 1985, No. 63 of 1988, No. 37 of 1989, No. 5 of 1990, Nos. 40 and 46 of 1991, Nos. 24 and 82 of 1993, Nos. 25, 67 and 68 of 1994, Nos. 14, 18, 30, 52 and 75 of 1995 and No. 37 of 1996.



- (1) For the purposes of the *Hydro-Electric Corporation Act 1995*, the Hydro-Electric Corporation may –
- (a) in any hydro-electric water district and, by leave of the Commission, in any other part of the State take water that the Commission may take under section 83; and
  - (b) take any water in accordance with the provisions of the *Waterworks Clauses Act 1952* as if for the purposes of that Act –
    - (i) the *Hydro-Electric Corporation Act 1995* were the special Act; and
    - (ii) all rivers and lakes in any hydro-electric water district were a source of supply; and
    - (iii) its electricity infrastructure, within the meaning of the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995*, were the undertaking; and
    - (iv) it were the undertakers.
  - (d) by omitting from section 29(3) "Hydro-Electric Commission, that Commission" and substituting "Hydro-Electric Corporation, that Corporation";

- (e) by omitting from section 30(1) "*Hydro-Electric Commission Act 1944*" and substituting "*Hydro-Electric Corporation Act 1995*";
- (f) by omitting subsection (3) from section 30;
- (g) by omitting from section 31(1) "*Hydro-Electric Commission Act 1944*" and substituting "*Hydro-Electric Corporation Act 1995*";
- (h) by omitting subsection (2) from section 31 and substituting the following subsection:

(2) In default of agreement under subsection (1) either the Commission or the Hydro-Electric Corporation may refer the matter to the appropriate Minister and the Governor may, after considering any submissions made by the Commission and the Corporation, order where and how the relevant water is to be made available to the Commission and to what extent the Commission and the Corporation are to bear the relevant costs, having regard to the extra expense which the Corporation will incur by disposing of the water as ordered by the Governor.

### ***Waterworks Clauses Act 1952 amended***

**13.** The *Waterworks Clauses Act 1952*\* is amended by omitting from section 32A "*Hydro-Electric Commission*"

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\* No. 86 of 1952. For this Act, as amended to 1959, see the Reprint of Statutes (1826-1959), Vol. 6, p. 697. Subsequently amended by No. 23 of 1960, Nos. 59 and 68 of 1962, No. 54 of 1963, No. 55 of 1966, No. 14 of 1971, No. 75 of 1973, No. 45 of 1980, No. 75 of 1987, No. 17 of 1989, No. 24 of 1993, No. 67 of 1994 and No. 30 of 1995.

and "that Commission" and substituting "Hydro-Electric Corporation" and "that Corporation", respectively.

***Wesley Vale Pulp and Paper Industry Act 1961***  
**amended**

14. The *Wesley Vale Pulp and Paper Industry Act 1961*\* is amended by omitting from section 3(3) "or the *Hydro-Electric Commission Act 1944*." and substituting ", the *Hydro-Electric Corporation Act 1995* or the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995*."

**Amendments of statutory references to  
Hydro-Electric Commission**

15. The Acts specified in column 1 of the following table are amended by omitting "Hydro-Electric Commission" (wherever occurring) from the provisions specified in column 2 of that table and substituting "Hydro-Electric Corporation":

Column 1	Column 2
<i>Constitution Act 1934</i>	Section 33(6), definition of "State instrumentality", paragraph (a)
<i>Evidence Act 1910</i>	Schedule 4, Part II

\* No. 48 of 1961. Amended by No. 55 of 1965, No. 12 of 1967, No. 29 of 1984, Nos. 49 and 51 of 1985, No. 37 of 1989, No. 5 of 1990, No. 42 of 1991, No. 24 of 1993, Nos. 25 and 67 of 1994 and No. 30 of 1995.

<i>Fire Service Act 1979</i>	Section 44 Section 53(2) Section 53(3) Section 68(4)
<i>Florentine Valley Paper Industry Act 1935</i>	Section 17(1)
<i>Irrigation Clauses Act 1973</i>	Section 21(7)
<i>North-West Regional Water Act 1987</i>	Section 16(2)
<i>Ombudsman Act 1978</i>	Schedule 1, item 27
<i>Police Offences Act 1935</i>	Section 3(1), definition of "public authority"
<i>Trustee Act 1898</i>	Section 5(1)(a)
<i>Vermin Destruction Act 1950</i>	Section 4(1), definition of "public authority"
<i>Water Act 1957</i>	Section 26(3) Section 26(4) Section 26(5) Section 28(1) Heading to Division 2 of Part III Section 29(2) Section 30(1) Section 30(4) Section 31(1) Section 31A(1) Section 31A(2)

	Section 34(6)
	Section 47(3)
	Section 48A(1)
	Section 64(2)
	Section 66
	Section 81(2)
	Section 83(4)
	Section 83(5)
	Section 85(5)
	Section 86(1)
	Section 90(1)
	Section 94(2)(c)
	Section 94(5)
	Section 94(6)(b)(ii)
	Section 96(1)
	Section 96(2)
	Section 97(1)
	Section 111(2)
	Section 112(3)
	Section 113(3)
	Section 113(7)
	Section 116B(a)
<i>Waterworks Clauses Act 1952</i>	Section 17(7)
<i>West Tamar Water Act 1960</i>	Section 6

**Application of *Hydro-Electric Commission  
(Licensing of Electrical Contractors and Mechanics)  
Regulations 1934***

**16.** The rescission of the *Hydro-Electric Commission  
(Licensing of Electrical Contractors and Mechanics)  
Regulations 1934* that, but for this section, was to have

been effected on 1 January 1997 under section 11 of the *Subordinate Legislation Act 1992*, is postponed until 1 January 1998.

**Repeal of certain Acts**

17. The Acts specified in Schedule 1 are repealed.

1996

*Hydro-Electric Corporation  
(Consequential and Miscellaneous  
Provisions)*

No. 61 sch. 1

**SCHEDULE 1 - ACTS REPEALED**

Section 17

*Arnold's Lane Enabling Act 1926  
Electricity Consumption Levy Act 1986  
Water Resources Investigation Act 1937*

*[Second reading presentation speech made in:-  
House of Assembly on 26 November 1996  
Legislative Council on 28 November 1996]*

