

- (ii) cause to be affixed to the application, and to be cancelled, adhesive stamps of a value equivalent to the amount of that duty.”;
- (b) by inserting after that subsection the following subsection:—
- “(3A) It is a sufficient compliance with paragraph (a) of subsection (3) of this section if the declaration referred to in that subsection is endorsed on, or incorporated in, the application referred to therein.”; and
- (c) by inserting after subsection (4) thereof the following subsection:—
- “(4A) All amounts received by a registering authority under sub-paragraph (i) of paragraph (b) of subsection (3) of this section shall be paid by the registering authority to the Treasurer at such intervals and in such manner as the Treasurer directs.”.

The third schedule.

3 The third schedule to the Principal Act is amended by inserting in the second column of item 11, after paragraph (h), the following paragraphs:—

- “ (i) drawn outside this State and lodged with a bank in this State for the credit of an account of the Commonwealth or of a State or of a department of the Commonwealth or of a State;
- “ (j) drawn outside this State on any account in the name of the Department of Social Services of the Commonwealth;
- “ (k) drawn outside this State and lodged with a bank in this State for the credit of a person in a case where, if the cheque had been drawn by that person, it would have been exempt from duty by reason of any provision of this Act.”.

HYDRO-ELECTRIC COMMISSION (EMERGENCY POWERS).

No. 35 of 1967.

AN ACT to make provision with respect to the control of the supply and use of electrical energy, and the construction of works and the expenditure of funds on the provision of plant for the generation of electrical energy, in times of emergency. [29 September 1967.]

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 (Emergency Powers) Act 1967*. Short title and incorporation.

(2) This Act is incorporated, and shall be read as one, with the *Hydro-Electric Commission Act 1944* (in this Act referred to as the Principal Act).

2—(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. Emergency powers to purchase, &c., plant for the generation of electrical energy.

(2) Upon receipt of a report under subsection (1) of this section the Governor may by order-in-council authorize the expenditure by the Commission of moneys on the design, purchase, erection, construction, and installation of works for the generation of electrical energy (in this section referred to as "the generating plant"), notwithstanding the provisions of section sixteen of the Principal Act.

(3) Upon the making of an order-in-council as provided in subsection (2) of this section the Commission may 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 provision of generating plant and the execution of the powers conferred on the Commission by this section.

(4) The Commission 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 of generating plant designed, purchased, erected, constructed, or installed pursuant to this section and may transmit the electrical energy so generated into the general transmission and distribution system or sell it to one or more consumers in accordance with the provisions of section fifty-four of the Principal Act.

(5) 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—

- (a) the revenues of the Commission;
- (b) moneys the issue and application of which from the Loan Fund have been authorized by a Loan Fund Appropriation Act for the purposes of section twenty-three of the Principal Act; or
- (c) moneys made available pursuant to subsection (1) of section seven A of the *Public Account Act 1957*.

(6) The Commission shall furnish to the Minister a report containing particulars of any generating plant designed, purchased, erected, constructed, or installed pursuant to this section and of its use and cost.

(7) The Commission shall not, in the exercise of the powers conferred on it by this section, incur expenditure in excess of \$5,000,000, unless it is expressly authorized so to do by a resolution of both Houses of Parliament.

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

3—(1) Upon receipt of a report under subsection (1) of section two 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.

(2) 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.

(3) Any order, notice, or direction made, issued, or given by the Commission pursuant to this section—

- (a) may 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;
 - (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) may be of general operation or of specially limited operation according to any specified times, places, circumstances, conditions, or restrictions;
- (c) may 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 use of electrical energy;
- (d) may 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; and
- (e) may contain such incidental or supplementary provisions as, in the opinion of the Commission, are necessary or desirable for the purposes thereof.

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

(5) An order, notice, or direction made, issued, or given by the Commission pursuant to this section is sufficiently authenticated if it is signed on behalf of the Commission by a person acting under the express or implied authority of the Commission and an 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 by the Commission.

(6) A person who contravenes, or fails or refuses to comply with, an order, notice, or direction made, issued, or given by the Commission pursuant to this section and which is applicable to him is guilty of an offence against this section.

Penalty: One thousand dollars, together with a daily penalty of one hundred dollars in the case of a continuing offence.

(7) Notwithstanding section one hundred and forty-three of the *Justices Act* 1959, all penalties imposed in respect of offences against this section shall be paid to, and may be retained by, the Commission.

(8) The 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.

(9) This section binds the Crown.

Saving of other powers of the Commission.

4 The powers conferred on the Commission by this Act are in addition to, and not in derogation of, any other powers exercisable by the Commission apart from the provisions of this Act.

Effect of this Act.

5 The provisions of section three 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 of the *Principal 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, and no person is entitled to demand or to be given any preference in respect of the supply of electrical energy.

Indemnity.

6 No action, claim, or demand lies or shall be made or allowed by or in favour of a person against Her Majesty, a Minister, the Commission, a Commissioner, or an officer of the Commission or other person acting in the execution of section three or of an 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 this Act or anything done under this Act or under or in pursuance of such an order, notice, or direction.

Expiry of Act.

7 This Act shall expire on the first day of September 1969.