

COMPLEX ORES AMENDMENT ACT.

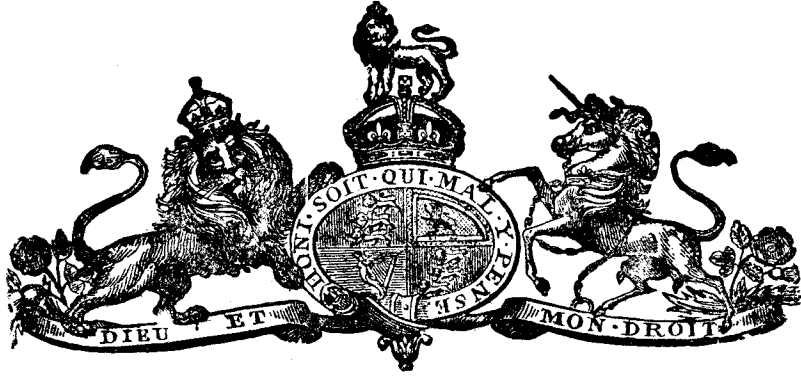
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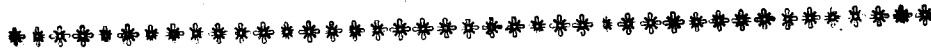


1915.

ANNO SEXTO

GEORGII V. REGIS.

No. 2.



AN ACT to amend "The Complex Ores Act, ^{A.D.} 1915.
1909," and for other purposes.
[19 July, 1915.]

WHEREAS the Governor, for and on behalf of the State, has purchased the Hydro-Electric property of the Hydro-Electric Power and Metallurgical Company Limited pursuant to Section Three of "The Hydro-Electric Purchase Act, 1914," and the agreement mentioned in Section Four of that Act, has been duly executed: PREAMBLE.

And whereas by virtue of the mere operation of Section Eleven of the lastmentioned Act all powers, authorities, privileges, concessions, and advantages under the said lastmentioned Act enure to vest in and are exercisable by the Minister, and, save as therein mentioned, the Minister is deemed to be the promoter within the meaning of the said lastmentioned Act.

And whereas the Hydro-Electric Works or undertaking authorised to be purchased by the said lastmentioned Act will shortly be completed, and it is necessary to provide for establishing, managing, and operating the same as State works:

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

Short title and incorporation with "The Complex Ores Act, 1909."

1 This Act may be cited as "The Complex Ores Amendment Act, 1915," and shall be read and incorporated with "The Complex Ores Act, 1909" (in this Act referred to as "the Principal Act"), and shall be also read with "The Hydro-Electric Purchase Act, 1914" (in this Act referred to as "the Purchase Act"), and any amendment thereof.

Amendment of definition of "Minister."

2 The definition "Minister" contained in Section Three of the Principal Act, and the definition "The Minister" contained in Section Two of the Purchase Act, are hereby repealed, and the following definition is hereby substituted for each definition so repealed, namely :—

" 'The Minister' means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor."

Amendment of Section 3 of Principal Act.

3 Section Three of the Principal Act is hereby amended by inserting immediately before the definition of "channel" the following words, namely :—

" 'By-laws' includes regulations."

Amendment of Section 13 of the Principal Act.

4 Section Thirteen of the Principal Act is hereby amended as from the commencement of that Act by omitting from the Eighth, Ninth, and Tenth lines thereof, the words "which may be acquired, and with the consent of any municipal council or corporation," and substituting therefor the word "or."

Lands may be entered and surveyed, &c.

5 After Section Thirteen of the Principal Act, the following Section is inserted :—

" **13a** Any person, acting under the authority of the Minister may, for the purposes of Section Thirteen of this Act, without any previous notice, enter upon any private land and survey and take levels thereof. "

Validating provisions respecting lines of posts, &c., erected under way-leaves, &c.

6 Where in any case the Hydro-Electric Power and Metallurgical Company Limited has heretofore surveyed, laid out, constructed, erected, maintained, or used any line or lines of posts under or by virtue of any way-leaves, leases, licences, permission, or authority given, or purporting to have been given by any owner or occupier of, or any person interested in any private land, or for the purposes thereof has entered upon any private land, such survey, laying out, construction, erection, maintenance, use, or entry by the said Company shall be deemed to have been, and any maintenance or use of any such line or lines of posts, or any entry upon any private land by the Minister shall be a valid and lawful exercise of the powers conferred by Section Thirteen of the Principal Act as amended by this Act, or of Section

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13a of the Principal Act, as the case may be: Provided that subject as aforesaid nothing in this section contained shall be deemed to affect any contractual rights existing under any such way-leave, lease, licence, permission, or authority, and no compensation other than that agreed upon shall be payable by the Minister: Provided further that a chart or plan showing the route to be followed by the line of posts or transmission line shall be open to public inspection at the office of the State Hydro-Electric Works.

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7 Section Forty-two of the Principal Act is hereby amended by omitting from the Fourth and Fifth lines thereof the words “(outside a radius of Ten miles of the boundaries of the city of Launceston),” and substituting therefor the words “(but not within a radius of Ten miles of the boundaries of the city of Launceston, except with the consent of the municipal council of that city).”

Amendment of Section 42 of the Principal Act.

8 After Section Forty-two of the Principal Act, the following sections are inserted:—

Power to establish works and carry on business.

“**42a** Subject to this Act it shall be lawful for the Minister to establish, operate, and carry on as State works the Hydro-Electric Works and undertaking purchased under the Purchase Act (in this Act referred to as the “State Hydro-Electric Works”), and generally for and on behalf of this State to carry on and conduct any branch of any business whatsoever connected with the State Hydro-Electric Works, and to carry out any purpose in relation thereto that the Minister may deem desirable in the interests of the State.

“**42b** It shall be lawful for the Minister to—

Power to sell, let for hire, &c.

- I. Provide, sell, let for hire, and 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: and
- II. With respect thereto, demand and take such remuneration, rents, and charges, and make such terms and conditions as are prescribed or agreed upon.

“**42c** The Minister shall, subject to this Act, have the control of the State Hydro-Electric Works, and may, on behalf of His Majesty—

Subject to Act Minister to have control. Power to enter into contracts.

- I. Enter into and enforce contracts and engagements: and
- II. Generally, in so far as is not elsewhere in the Principal Act or this Act sufficiently provided for, do anything that the owner of similar works might lawfully do in respect thereof, or that is authorised by regulations under this Act.

“**42d**—(1) For the purposes of this Act the Governor, on behalf of His Majesty, may from time to time by instrument in writing appoint a fit and proper person at such salary as Parliament may provide, to be Chief Engineer and Manager of the State Hydro-Electric Works.

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“(2) Such Chief Engineer and Manager shall hold office for a term not exceeding Five years, and shall be eligible for reappointment. He may be removed from office for misbehaviour, incapacity, or incompetence, or any other cause stated in the instrument appointing him.

“(3) The person who at the commencement of this Act holds the office of Chief Engineer and Manager of the Hydro-Electric Works shall on the establishment of the State Hydro-Electric works be deemed to be appointed Chief Engineer and Manager by virtue of this Section for the unexpired portion of the term of his present engagement, but without any increase of his present salary.

“(4) In case of the illness, suspension, or absence from duties of such Chief Engineer and Manager, or if any other sufficient cause arises, the Minister may appoint some person to act temporarily as his deputy, and such deputy shall have the powers and perform the duties of the Chief Engineer and Manager.

Appointment of other officers, clerks, workmen, and servants.

“(5) For the purposes of Sections **42** and **42a** of this Act the Chief Engineer and Manager, under the authority of the Minister, and subject to the regulations, may appoint and discharge officers, clerks, workmen and servants.

Delegation of powers by Minister.

“**42e**—(1) The Minister may, in relation to any particular matters or class of matters, by writing under his hand, delegate all or any of his powers under this Act (except the power of delegation) to the Chief Engineer and Manager, so that the delegated powers may be exercised by him with respect to the matters or class of matters specified in the instrument of delegation.

“(2) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Minister.

Except as provided by regulations, the provisions of Public Service Acts do not apply.

“**42f**—(1) The Governor may, from time to time, by order-in-council gazetted, make regulations applying any of the provisions of any Act for the time being in force affecting or regulating the Public Service to any of the persons or classes of persons appointed under Subsection Five of the last preceding section.

“(2) Except as provided by any such regulations, the provisions of any such Act shall not apply to any person appointed under the said subsection, unless at the time of such appointment he was a public servant within the meaning of such Act.”

Amendment of Section 65 of Principal Act.

9 Section Sixty-five of the Principal Act is hereby amended by inserting the following paragraphs at the end thereof:—

- ix. The management of the State Hydro-Electric Works:
- x. The protection of overhead electric wires or their attachments from injury, contact, or interference by the conveying or carrying of any building, or structure, or load along or across any street or public thoroughfare;
- xi. Securing the safety of the persons and property of the public;

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- xii. Prescribing the functions, duties, and powers of all persons acting in the management of and operating the State Hydro-Electric Works, or conducting or carrying on any business connected therewith: A.D. 1915.
- xiii. The appointment and discharge of officers, clerks, workmen, and servants:
- xiv. The form approved by the Auditor-General of the accounts to be kept, and the balance-sheets to be prepared in respect of such works: and
- xv. Generally, for any other purposes for which, in the opinion of the Minister, by-laws or regulations are contemplated or desirable."

10 After Section Seventy-eight of the Principal Act the following sections are inserted:— Accounts to be kept and balance sheet prepared.

"79 After the establishment of the State Hydro-Electric Works—

- i. The Minister shall cause full and faithful accounts to be kept in relation to such works of all moneys received and expended under this Act, of all assets and liabilities, and of all profits and losses:
- ii. The Minister shall cause a balance-sheet for each financial year to be prepared, together with a statement of accounts (including a capital account and a profit and loss account) for the State Hydro-Electric Works:
- iii. Such balance-sheet and statement shall be so prepared as to show fully and faithfully the financial position of the State Hydro-Electric Works and the financial result of operations for the year:
- iv. Such balance-sheet and statement shall be submitted to the Auditor-General for audit, and shall be certified by him either wholly or with such exceptions as may be necessary, and when so audited and certified shall be published in the "Gazette": Balance-sheet and accounts to be audited.
- v. The balance-sheet and statement of accounts duly audited, together with a report by the Chief Engineer and Manager on the operations of the State Hydro-Electric Works for the year, shall, within Fourteen days after the commencement of the next ensuing session, be laid by the Minister before Parliament. Such report shall also contain a list of all persons employed in connection with the State Hydro-Electric Works, showing in detail with respect to each such person, his Christian names and surname, the amount of his salary, wages, or remuneration and emoluments (if any), and the capacity in which he is employed."

"80 Except as otherwise provided in this Act, all sums expended or payable under this Act shall be payable out of moneys to be appropriated by Parliament." Expenditure money to be appropriated by Parliament.

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Public account.

“**81** All moneys payable to the Minister, or in respect of the State Hydro-Electric Works, under this Act, shall be collected and received for or on account of the Consolidated Revenue ; and the provisions of any Act for the collection and payment of the public moneys and the audit of the public accounts shall apply to all such moneys.”

Procedure.

19 Vict. No. 8.

“**82** All informations for offences against the provisions of this Act or the by-laws, and all penalties imposed by or under the provisions of this Act or the by-laws, may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by “The Magistrates’ Summary Procedure Act,” the provisions of which Act shall apply.”