

TASMANIA.

**THE HYDRO-ELECTRIC COMMISSION
ACT, 1929.**

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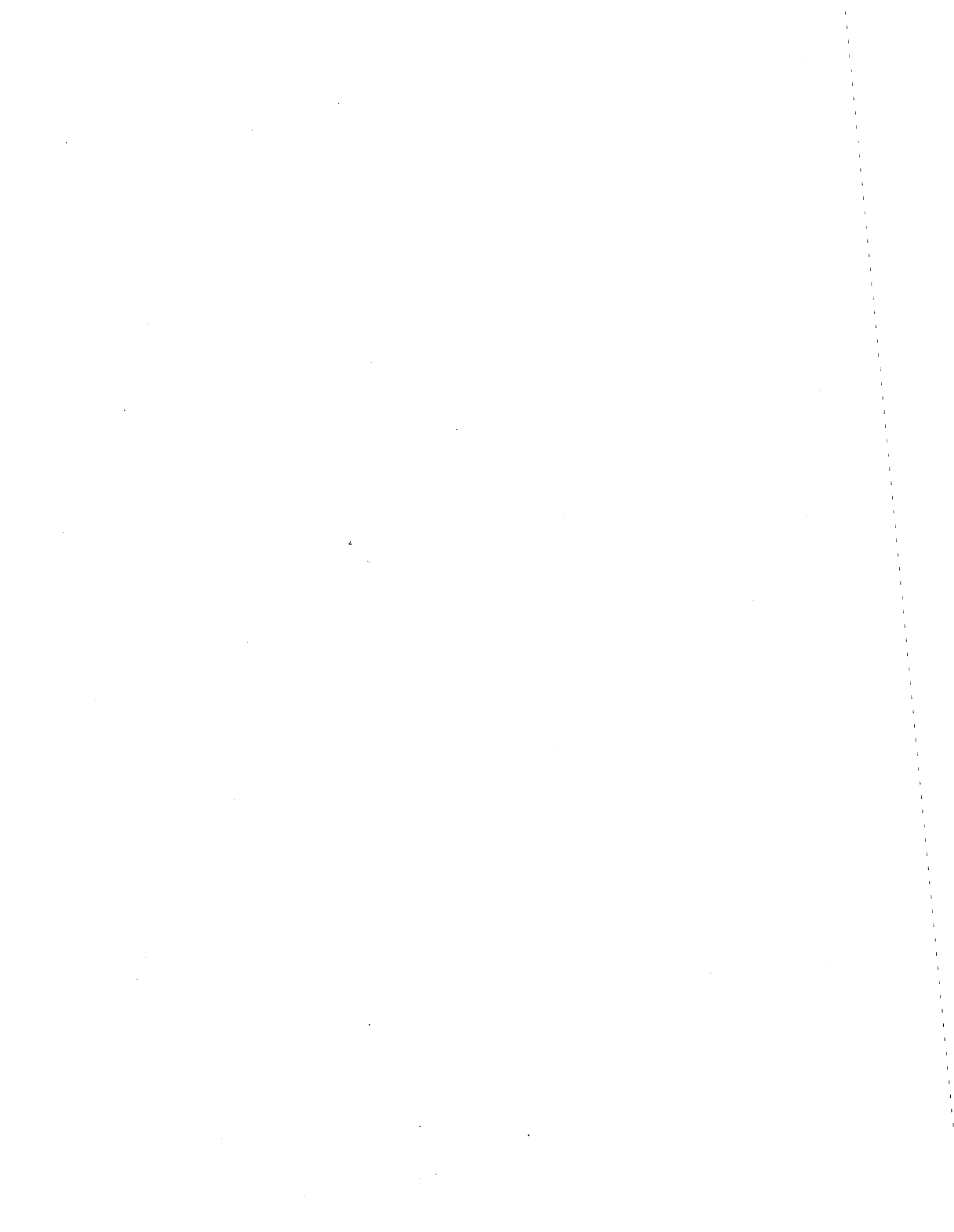
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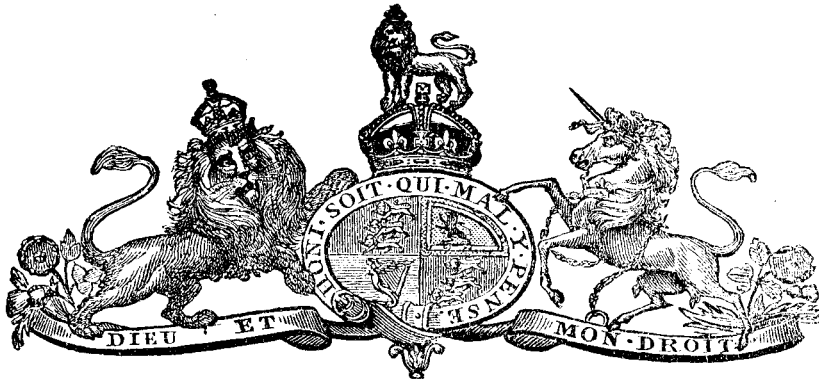
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1929.

ANNO VICESIMO

GEORGII V. REGIS.

No. 83.



AN ACT to provide for the Establishment of a Commission to manage and control the State Hydro-Electric Works ; and to provide for State Control of all Waters in Lakes, Falls, Rivers, and Streams, and to vest such control in the said Commission ; to empower the said Commission to regulate the use of such Waters in certain cases.

A.D. 1929

[18 January, 1930.]

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 :—

PART I. PRELIMINARY.

1 This Act may be cited as "The Hydro-Electric Commission Act, 1929."

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Repeal.

Saving.

Application of
Act to works
previously
authorised

2—(1) The Acts mentioned in Schedule (1) to this Act are hereby repealed ; but such repeal shall not affect the operation of any of the said Acts with respect to any inscribed stock, or local inscribed stock, created or issued under the authority of such Act.

(2) All hydro-electric works, which the Minister for the time being administering the Hydro-Electric Department has been authorised, under any previous Act, to construct, execute, or complete, and which were not constructed, executed, or completed at the commencement of this Act, shall be constructed, executed, or completed by the Commission under this Act.

(3) The powers and authorities vested in, or exercisable by, the Commission under this Act, in connection with the construction of State hydro-electric works, shall apply to all such hydro-electric works as first aforesaid, and the powers and authorities of the said Minister under such previous Acts shall be deemed to have merged in the powers and authorities vested in the Commission under this Act, and all such previous Acts are, to the extent of such merger, hereby repealed.

Interpretation.

3 In this Act unless, the context otherwise determines :—

“ Associate Commissioner ” means an Associate Commissioner of the Hydro-Electric Department appointed under this Act :

“ Commission ” means the Hydro-Electric Commission appointed under this Act :

“ The Commissioner ” means the Commissioner of the Hydro-Electric Department appointed under this Act, and “ Commissioner,” when not immediately preceded by the definite article, includes the Commissioner and an Associate Commissioner :

“ Crown land ” means land vested in the Crown and which is not dedicated to some public use, and includes all land vested in the Crown which is held or occupied for pastoral, mining, or other purposes under any lease or licence issued or applied for in pursuance of any Act, but shall not include land contracted to be sold by the Crown to any person :

“ Council ” means the council of any city or municipality :

“ Department ” means the Hydro-Electric Department :

“ Easement ” includes a licence or other right in the nature of an easement :

“ Electrical energy ” means electricity however produced :

“ Electric line ” includes all means used for the purpose of conveying, transmitting, transforming or distributing electricity, any casing, coating, covering tube, tunnel, pipe, pillar, pole, post, frame, bracket, or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith :

“ Electrical supply undertakings ” means all councils, companies, firms, and persons (other than the Commission) supplying electric light or power to consumers for private purposes in Tasmania :

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- “Electrical work” includes all operations in, or in connection with, the installation or the repairing, alteration, or removal of any electric line, electrical machinery, or apparatus or appliance used for, or in connection with, any supply of electricity : A.D. 1929.
- “General Manager” means the officer who, before the commencement of this Act, was for the time being the Chief Engineer and General Manager, or Acting Chief Engineer and General Manager, of the Department :
- “Judge” means a judge of the Supreme Court :
- “The local authority” means the council of the city or municipality in relation to which the term is used :
- “Municipality” means a municipality proclaimed under the Local Government Act, 1906 : 6 Ed. VII. No. 31.
- “New hydro-electric work” means any public work which Parliament may authorise :—
- i. To be constructed or carried out by way of extension of, or addition or improvement to, or otherwise in connection with or for the purposes of the State hydro-electric works ; or
 - ii. To be constructed, carried out, or acquired, and placed under the supervision or control of the Commission :
- “Part,” used in relation to a legislative enactment, means such one of the parts into which this Act is divided as is indicated by the context :
- “Pole” means any post, pillar, tower, or other contrivance above the ground for the purpose of carrying or supporting or suspending any cable, wire, or conductor, used for transmitting, distributing, or supplying electrical energy :
- “Private purposes” means any purposes other than public purposes to which electricity may be applied :
- “Public purposes” includes the lighting of streets, municipal tram services, and all government works and instrumentalities to which electricity may be applied, but does not include the supply of electricity to private consumers :
- “Road or street” means any tramway, public and common highway, road, bridge, culvert, footway, square, court, alley, lane, thoroughfare, or public way or passage :
- “Section” means such one of the sections into which this Act is divided as is indicated by the context :
- “State hydro-electric works” means all hydro-electric works already constructed by the Department at the time of the commencement of this Act, or which were being constructed or carried on by the Department immediately prior to such commencement, and all new hydro-electric works, and every branch of every business which was being carried on by the Department immediately

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prior to such commencement, or which shall hereafter be carried on by the Commission in connection with any such hydro-electric works, or new hydro-electric works, and all real and personal property belonging to the Department immediately prior to such commencement, or which is now vested in His Majesty for the purposes of, or in connection with any such hydro-electric works as aforesaid, or which shall hereafter be vested in, acquired, or used by the Commission in connection with any such hydro-electric works or new hydro-electric works as aforesaid :

“Wayleave contract” means any contract or agreement entered into either before or after the passing of this Act with respect to any easement in connection with the State hydro-electric works for the erection upon any land of any line of poles for the suspension thereon of any cable or apparatus for the transmission or distribution of electrical energy, or for the cutting, constructing, or laying through or upon any land of any channel, race, aqueduct, fluming, or line of pipes for the passage of water :

“Work” includes any channel, race, aqueduct, fluming, line of pipes, engine, dam, weir, pole, conduit, conductor, meter, wire, machinery, or other appliance, construction or apparatus of any description whatsoever, including any natural features of the country used or required for the purposes of this Act.

PART II.

THE HYDRO-ELECTRIC COMMISSION.

The Hydro-
Electric
Commission.

4 There shall be a Commission for carrying this Act into execution, which shall be a body corporate, by the name of “The Hydro-Electric Commission,” and by that name shall have perpetual succession and a common seal, and be capable of suing and being sued, and of purchasing, taking, holding, selling, leasing, exchanging, and disposing of real and personal property for the purposes of and subject to this Act.

Constitution
of Commission

5 The Commission shall consist of three persons who shall be appointed by the Governor. One of such persons shall be appointed and be known as “The Commissioner of the Hydro-Electric Department,” and each of the other two persons shall be appointed and be known as an “Associate Commissioner of the Hydro-Electric Department.”

Commissioner to
devote the whole
of his time to
duties of his office.

6—(1) The Commissioner shall devote the whole of his time to the performance of the duties of his office.

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(2) Each of the Associate Commissioners shall devote to the performance of the duties of his office such part of his time as shall be set out in the instrument of his appointment.

7 The Commissioner to be first appointed by the Governor shall be the person who, immediately before the commencement of this Act, was the Chief Engineer and General Manager of the Hydro-Electric Department.

8—(1) Subject to this Act every Commissioner shall hold office during good behaviour for the term for which he is appointed.

(2) No person shall be appointed a Commissioner for a term exceeding five years.

(3) A Commissioner may from time to time be re-appointed for a further term not exceeding five years.

(4) The Governor may at any time accept the resignation of a Commissioner.

9 A Commissioner shall not, in respect of his office as such, be subject to the provisions of the Public Service Act, 1923.

10—(1) The Commissioner shall receive, by way of salary, such yearly sum, not exceeding Two thousand Pounds, as the Governor may determine.

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

11 Every Commissioner shall be entitled to receive such allowances for his travelling expenses as shall be prescribed by the Governor.

12—(1) In case of the illness, suspension, or absence of a Commissioner the Governor may appoint some person to act as his deputy during such illness, suspension, or absence, and until such appointment is terminated by notice in the Gazette.

(2) Every person so appointed shall, while so acting, have all the powers and perform all the duties of the person for whom he was appointed deputy.

13—(1) In the case of a vacancy in the office of the Commissioner the Governor may appoint one of the Associate Commissioners, or some other person, to act as the Commissioner during such vacancy, or until such appointment is terminated by notice in the Gazette.

(2) Every person so appointed shall while so acting—

- i. Be termed the Acting-Commissioner :
- ii. Have all the powers and perform all the duties of the Commissioner : and
- iii. Devote to the performance of such duties the whole or such portion of his time, and receive such remuneration for his services, as shall be set out in the instrument of his appointment.

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Associate Commissioners to devote such part of their time as shall be set out in their appointment.

The Commissioner to be first appointed.

Commissioner to hold office during good behaviour.

Term of appointment.

Re-appointment.

Resignation.

Commissioners not subject to the Public Service Act, 1923.
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Salary of Commissioner.

Remuneration of Associate Commissioners.

Travelling expenses of Commissioners.

Deputy-Commissioners.

Acting-Commissioner.

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—
 Appointment of
 deputy of
 Associate Com-
 missioner in
 certain events.

(3) If and whenever an Associate Commissioner is appointed to act as the Commissioner the Governor may appoint some person to act as the deputy of such Associate Commissioner, in his capacity as such Associate Commissioner, until the appointment of such deputy is terminated by notice in the Gazette, and, while so acting, such deputy shall have all the powers and perform all the duties of an Associate Commissioner.

Suspension and
 removal of
 Commissioners.

14—(1) A Commissioner may be suspended from his office by the Governor—

- i. For misbehaviour, negligence, or incompetence: or
- ii. If he becomes bankrupt or applies to take or takes the benefit of any Act of the Commonwealth or the State relating to bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his salary for their benefit: or
- iii. If he becomes incapable of performing his duties: or
- iv. If he in any wise participates or claims to be entitled to participate in the profit of, or in any benefit or emolument arising from, any contract or agreement made by or on behalf of the Commission: or
- v. If he votes at any meeting of the Commission in respect of a recommendation in which he is (otherwise than as a member of the general public or as a shareholder in any incorporated company, not being a director or officer of such company, in which there are more than twenty members) directly or indirectly interested, or if he remains at any meeting whilst the subject matter of any such recommendation is under discussion: or
- vi. If, being the Commissioner, he engages, without the consent of the Minister, during his term of office, in any employment outside the duties of his office.

(2) Within fourteen days after such suspension the Minister shall cause a full statement of the grounds of suspension to be prepared, and a copy thereof delivered to the Commissioner concerned.

(3) The Minister shall also cause such statement to be laid before each House of Parliament—

- i. If Parliament is actually sitting at the time of such delivery—forthwith:
- ii. If Parliament is not then so sitting—within the first seven sitting days of such House occurring after such time.

(4) If each House of Parliament, within fourteen days after the time when such statement has been laid before it, declares by resolution that such Commissioner ought to be restored to office, he shall be so restored; but, if each such House does not within the time aforesaid so declare, the Minister shall refer the statement to a judge, who shall, after inquiry into the matter, determine whether such Commissioner

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shall be restored to or removed from office, and, upon such determination, such Commissioner shall forthwith be so restored or removed as shall have been determined by the judge. A.D. 1929.

(5) The provisions of Sections Fourteen to Twenty-one inclusive of the Evidence Act, 1910, shall apply in respect of such inquiry in the same manner as if the judge were a sole commissioner appointed by the Governor by letters patent under the seal of the State to make such inquiry. 1 Geo. V. No. 20.

(6) A Commissioner shall not be removed from office except as hereinbefore provided.

(7) The determination of a judge under this section shall be final and conclusive, and, notwithstanding anything in this Act to the contrary, no Commissioner who has been removed in consequence of any such determination shall have any right of action against the Minister or the Crown in respect of such removal or the suspension which preceded it.

15—(1) The office of a Commissioner shall be vacated if he—

- i. Dies, becomes insane, or is convicted upon indictment of any crime under the Criminal Code :
- ii. Retires or resigns from office by notice in writing delivered to the Governor, and accepted by him : or
- iii. Is removed from office.

Vacation of office by a Commissioner.

(2) The Governor may declare the office of a Commissioner to be vacant if he is absent without leave of the Minister from all meetings of the Commission during a period of two months, or is absent from the State without such leave for a period of six months. Governor may declare office vacant.

16 All courts and all persons acting judicially shall take judicial notice of the common seal of the Commission, and of the signatures of the Commissioner, and his deputy, the Associate Commissioners, and their deputies, and the Acting-Commissioner, and of the fact of their respective appointments. Judicial notice to be taken of common seal and signatures of Commissioners.

17 No Commissioner shall incur any personal liability for or by reason of any act legally performed by him as a Commissioner. No personal liability to be incurred by Commissioners.

18 The Minister shall be entitled to summon from time to time a special meeting of the Commission, and to attend all special and ordinary meetings of, and to confer with, the Commission, and shall have the right at all such meetings to obtain information upon any matter relating to the powers, duties, functions, or proposals of the Commission. Minister may summon and attend meetings.

19—(1) The Commission may call upon any council for any information which it requires for carrying out the provisions of this Act, with respect to any matter in the city or municipality governed by the council, and it shall be the duty of such council to supply such information with all convenient dispatch when called upon for the same. Municipal council to supply information to Commission if required.

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(2) The Commission shall pay to the council the expense, if any, incurred by the council in obtaining any such information as aforesaid.

Procedure of Commission.

20—(1) The Commissioner when present shall be the Chairman of the Commission.

(2) In the absence of the Commissioner or his deputy or the Acting Commissioner, as the case may be, from any meeting of the Commission, the members present shall elect a chairman, who shall preside at that meeting.

(3) At all meetings of the Commission any two members shall form a quorum, and when a quorum is present the Commission may act and transact business notwithstanding a vacancy in its membership.

(4) The Chairman shall have a deliberative vote only.

(5) Where the votes upon any question are equal the question shall pass in the negative.

(6) Subject to the provisions of this Act, the Commission may regulate its own procedure.

PART III.

VESTING IN THE COMMISSION OF EXISTING WORKS
AND CONTRACTS.

State hydro-electric works vested in the Commission.

21—(1) For the purposes of this Act the State Hydro-Electric Works shall be vested in the Commission.

The Hydro-Electric Department to continue to exist under the Commission.

(2) The Department of the Public Service of the State, to which, before the commencement of this Act, the management and control of the State hydro-electric works were assigned, shall continue under this Act, and shall constitute the machinery for carrying out under the Commission the provisions of this Act.

(3) The said Department shall be known by the name of "The Hydro-Electric Department."

Commission substituted for Minister or General Manager as regards all rights, liabilities, and penalties.

22—(1) All contracts, bonds, and agreements entered into, given, or made before the commencement of this Act by, to, or with any Minister or the General Manager, in connection with the State hydro-electric works carried on by the Department, and by this Act placed under the control of the Commission, shall be as binding, and of as full force and effect respectively, against or in favour of the Commission, and may be enforced as fully and effectually as if, instead

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of such Minister or the General Manager, as the case may be, the Commission had been party thereto. A.D. 1929.

(2) All liabilities incurred by any such Minister or the General Manager before the commencement of this Act shall attach to, and may be enforced against, the Commission.

(3) Any penalty, forfeiture, or other punishment incurred or to be incurred for any offence committed against any such Minister, or the General Manager, or otherwise in respect of the State hydro-electric works, before the commencement of this Act, may be enforced and recovered by or on behalf of the Commission in the same way as such Minister or the General Manager might have enforced and recovered the same if this Act had not been passed.

23—(1) No action, prosecution, or other proceeding whatsoever, commenced before the commencement of this Act, by or against any such Minister as aforesaid or the General Manager, shall abate or be discontinued or be prejudicially affected by this Act, but the same shall respectively continue and have effect for or against the Commission. Proceedings already commenced not to abate.

(2) All judgments or orders made in favour of or against any such Minister, or the General Manager, and all fines or penalties imposed or incurred under any enactment hereby repealed, may be respectively enforced, levied, proceeded for, and recovered by, against, and in the name of the Commission in the same manner as they might have been enforced, levied, proceeded for, and recovered by such Minister, or the General Manager, if this Act had not been passed.

24—(1) Every wayleave contract shall be binding on the land affected thereby without the necessity of registration in the office of the Registrar of Deeds or the Recorder of Titles. Wayleave contracts to be binding without registration in Registry of Deeds or Recorder of Titles Office.

(2) A register shall be kept by the Commission, at the office of the Commissioner at Hobart, of all wayleave contracts. Register of wayleave contracts to be kept at the Commissioner's office at Hobart.

(3) Such register shall be in the prescribed form, and shall be available for inspection by any person having an interest in the land affected by any such wayleave contract, or by any legal practitioner.

(4) No stamp duty shall be payable upon or in respect of any wayleave contract made by or on behalf of the Commission.

25 Every purchaser, lessee, mortgagee, or encumbrancee of land, over or in respect of which the Commission at the time of the purchase, lease, mortgage, or encumbrance shall have any easement by virtue of any wayleave agreement, which is then registered as prescribed, shall be deemed to have had notice of such easement at the time of the purchase, lease, mortgage, or encumbrance, as the case may be. Purchaser, &c., to be deemed to have had notice of easements in respect of which wayleave contracts registered.

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PART IV.

GENERAL POWERS OF COMMISSION.

Commission to have the management of the State hydro-electric works.

26 Subject to the provisions of this Act, the Commission shall have the management and control of the State hydro-electric works and of the Department, and shall have and may exercise the rights, powers, and authorities, and discharge the duties conferred or imposed on it by this Act.

General powers of the Commission.

27 It shall be lawful for the Commission for and on behalf of the State to—

- i. Construct, operate, manage, control, and generally carry on the State hydro-electric works, and carry on and conduct any business whatsoever relating to the generation, transmission, distribution, and sale of electrical energy, and carry out any purpose in relation thereto which the Commission may deem desirable in the interests of the State :
- ii. For purposes aforesaid and with the approval of the Minister, purchase from any person electrical energy on such terms as the Commission may think fit :
- iii. 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, upon such terms and conditions in all respects as the Commission shall think fit :
- iv. Generally, in so far as is not elsewhere in this Act sufficiently provided for, do anything that the owner of similar works might lawfully do in respect thereof, or that is authorised by by-laws under this Act :
- v. Appoint, discharge, and determine the salaries, remuneration, and allowances of all officers, clerks, workmen, and servants whom the Commission may deem necessary to carry on the State hydro-electric works, or otherwise for carrying out the purposes of this Act ; but all officers, clerks, workmen, and servants in the service of the Department immediately prior to the constitution of the Commission under this Act shall be continued in the employ of the Commission on the terms of their respective appointments :
- vi. With the approval of the Governor in relation to any particular matter, or class of matters, by writing, under its common seal, delegate all or any of the powers of the Commission under this Act (excepting the power of delegation) to a Commissioner 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, and every such delegation shall be revocable at will either by the Governor or the Commission.

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(2) Except with the consent of the Governor, the Commission shall not enter into any contract for the sale of electrical energy unless such energy is then available or is to become available on completion of new hydro-electric works for the construction of which moneys have been provided by Parliament. A.D. 1929.

28 No new hydro-electric works shall be constructed by the Commission unless and until the moneys therefor have been voted by Parliament. Construction of new works.

29 The Public Works Committee Act, 1914, shall not apply to the State hydro-electric works; but before any vote is submitted to Parliament for new hydro-electric works, a report in reference to such works shall be furnished by the Commission to the Minister, setting out as far as possible— New works to be constructed only out of moneys previously voted.

- I. The nature of the works:
- II. The estimated cost of the works:
- III. The amount of the proposed vote:
- IV. The annual amount proposed to be set aside by way of sinking fund in respect of the loan to be raised for the proposed works:
- V. The estimated annual cost of working, maintenance, and interest:
- VI. The estimated annual revenue: and
- VII. The opinion of the Commission as to the necessity or desirability of the works, together with its recommendations and a resumé of the reasons on which such recommendations are founded.

Exclusion of
5 Geo. V. No. 32.

30 The Commission, with the approval of the Minister, may make rules not inconsistent with this Act, or the by-laws made thereunder— Commission may make rules for certain purposes.

- I. For the good government of the business and affairs of the State hydro-electric works and of the Department: and
- II. For regulating the carrying out, or doing, of any matter or thing necessary or convenient to be carried out or done, in connection with the business or affairs of the State hydro-electric works, or of the Department.

31 The Commission, with the consent in writing of the Minister, by instrument under its common seal, may appoint any person to act as its attorney outside the State, for the purpose of doing anything which the Commission might itself lawfully do, and any person so appointed may do any act, or execute any power or function, which he is authorised by such instrument to do or execute. Commission may appoint attorney to act outside the State.

32 The Commission shall furnish an annual report to the Minister of the operations, business, and affairs of the State hydro-electric works and of the Department. Commission to furnish annual report to Minister.

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PART V.

EXECUTION OF CONTRACTS.

Mode of execution
of contracts.

33—(1) The execution of any contract or the exercise of any power, respectively, by the Commission may be effected—

- i. By writing under the common seal of the Commission :
- ii. By writing, signed by any person acting under the express or implied authority of the Commission : or
- iii. Orally by any person acting under the express or implied authority of the Commission—

according as the transactions, if between private persons, would require to be in writing under seal, or in writing, or could be effected orally, respectively.

(2) All contracts, made according to the provisions contained in this section, shall be effectual in law, and shall be binding upon the Commission, and on all other parties thereto, their heirs, executors, or administrators as the case may be.

(3) Nothing in this section shall affect the validity of any contract executed on behalf of the Commission by its duly appointed attorney.

PART VI.

FINANCE AND ACCOUNTS

Commencement
of this Part.

34 The provisions of this part shall come into operation on the first day of July, one thousand nine hundred and thirty.

Sum to be debited
as a loan to the
Commission on
1st July, 1930.

35—(1) There shall be debited to the Commission in the Treasury books on the first day of July, one thousand nine hundred and thirty—a sum to be ascertained by adding together all amounts which shall appear on the thirtieth day of June, one thousand nine hundred and thirty, from the Department's books, after adjustment with the Treasury books, to have been expended by the Department or the Commission on capital account in connection with the State hydro-electric works up to such lastmentioned date.

(2) The sum so ascertained and debited as aforesaid shall be deemed to constitute a loan from the State to the Commission, and is hereinafter called "the principal loan."

Commission may
requisition Treas-
urer for advances.

36—(1) Subject to the provisions of this Act the Commission may requisition the Treasurer for any moneys required by the Commission for capital expenditure in connection with the State hydro-electric works, which shall have been voted by Parliament for that purpose, and the Treasurer shall pay the same to the Commission forthwith.

Moneys advanced
out of new votes
to be deemed to
be loans to the
Commission

(2) Every payment made by the Treasurer to the Commission under this section which comprises or forms part of money voted by Parliament at any time for the State hydro-electric works, shall be deemed to be a loan from the State to the Commission, and all such loans are hereinafter called "additional loans."

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(3) The amount of all charges and expenses incurred by the Treasurer in borrowing and raising any sum of money to be hereafter voted by Parliament for the State hydro-electric works shall, as at the date when such amount shall have been ascertained, be deemed to constitute a payment by the Treasurer to the Commission under this section, and to form part of the money voted by Parliament for the purpose aforesaid.

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—
Costs of raising moneys for Commission to be charged to the Commission.

37 Where—

i. Any works—

- (a) Are constructed or completed by the Commission in consequence of any hydro-metric or other survey made by the Department before the commencement of this Part : or
- (b) Have been constructed, or partly constructed, by the Department before such commencement, and such works are hereafter utilized or completed by the Commission : and

- ii. Any expenditure incurred in connection with such survey or construction has been defrayed out of any of the amounts mentioned in Schedule (2) to this Act—

Cost of certain surveys, &c., made before commencement of this Act to be debited to the Commission in certain events.

the amount of such expenditure shall be debited to the Commission in the Treasury books as from the date when the Commission certifies that such works have been put into operation, and such amount, as from such last-mentioned date, shall be deemed to constitute an additional loan from the State to the Commission within the meaning of this Act.

38—(1) The Commission shall pay to the Treasurer on account of the Consolidated Revenue half-yearly, on the thirty-first day of December and the thirtieth day of June in each year, after the commencement of this Part, interest in respect of the principal and additional loans or so much thereof as for the time being shall remain owing to the State, subject to the provisions, and at the rates hereinafter provided.

Commission to pay interest on loans.

(2) Such interest as aforesaid shall be paid—

- i. In respect of the principal loan, from the first day of July, one thousand nine hundred and thirty : and
- ii. In respect of the additional loans, from the respective dates of the payments by the Treasurer to the Commission of the moneys comprising such additional loans.

(3) The interest to be paid as aforesaid on any moneys comprising, or forming part of, any of the said loans shall be at such rate as the Governor from time to time may determine.

(4) The interest payable by the Commission to the Treasurer, as provided by Subsection (1) hereof, upon any portion of the aforesaid loans during the construction of the works upon which such loans have been, or are being, expended, until the Commission shall certify that such

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works have been put into operation, shall be charged to, and be defrayed out of, the capital moneys of the loan by the expenditure of which such works have been constructed.

Adjustment of
accounts in
Treasury books.

39—(1) The amount standing in the books of the Treasury at the commencement of this Part to credit of the Department's depreciation account, with all interest accruing due in respect thereof up to the date of such commencement, shall be transferred to an account to be kept in the books of the Treasury and called "The Hydro-Electric Commission's Depreciation, Replacement, and Loans Redemption Account."

(2) The amounts standing from time to time to the credit of such account as aforesaid (which is hereinafter called "the Depreciation Account") shall be available at all times for the requirements of the Commission for the purposes hereinafter mentioned.

(3) The Treasurer shall pay to the credit of the Depreciation Account annually, on the thirtieth day of June in each financial year, interest on the daily balance standing to the credit thereof during such year at the rates at which interest is payable for the time being by the Commission in respect of its loans.

(4) The interest payable as aforesaid by the Treasurer shall be paid out of the Consolidated Revenue, which to the necessary extent is appropriated accordingly.

(5) The Commission shall pay to the Treasurer from time to time such sums as the Commission may consider necessary to provide for renewing or replacing any plant, machinery, or other asset of a wasting nature, and all such sums shall be credited to the Depreciation Account.

(6) The Treasurer, on the requisition of the Commission, shall pay to the Commission, out of the Depreciation Account, such sums as the Commission may require from time to time for the purpose of renewing or replacing any plant, machinery or asset of the Commission.

Contributions in
respect of loans
to be paid to
Treasurer.

40—(1) In respect of each loan owing by the Commission to the State, the Commission shall pay to the Treasurer, to be paid by him to the credit of Depreciation Account half-yearly, on the thirty-first day of December and the thirtieth day of June in each year, after the commencement of this Act, and until such loan is fully redeemed, a sum by way of sinking fund for redeeming the loan at a rate not less than Five Shillings per centum per annum of such loan

(2) The Treasurer, from time to time, shall apply out of the Depreciation Account such amounts as the Commission may determine for or towards the redemption of the loans owing by the Commission to the State and all such amounts shall be credited to the Commission's capital account.

Bank account.

41—(1) The Commission shall cause an account, or accounts, to be opened with the Commonwealth Bank of Australia at Hobart in the name of "The Hydro-Electric Commission," and all moneys received on account of the Commission shall be deposited therein, and all expenditure of, or in connection with, the Commission shall be drawn from such account or accounts.

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(2) No moneys shall be withdrawn from any such account as aforesaid except by cheque signed by a Commissioner, or an officer or officers to be appointed by the Commission, and counter-signed by the officer appointed for that purpose by the Commission. A.D. 1929.

42—(1) The Commission, with the consent of the Treasurer, shall have power to borrow money by overdraft on its bank account or accounts for the purposes of the State Hydro-Electric Works, but such overdraft shall not at any time exceed in the whole Ten thousand Pounds. Commission may overdraw on its bank accounts.

(2) The Commission may at any time, and from time to time—

- I. In lieu of borrowing money by overdraft on its bank account : or
- II. For the purpose of paying off such overdraft, either in the whole or in part—

apply to the Treasurer for a temporary advance, and the Treasurer may, if he thinks fit so to do, out of any moneys at his disposal, advance to the Commission such amount as he shall think fit, upon such terms as to repayment thereof, payment of interest thereon, and otherwise, as the Treasurer shall determine.

(3) The amount to be owing by the Commission to the Treasurer in respect of any such advance as aforesaid shall not at any time, together with the amount, if any, then owing by the Commission on its overdraft as aforesaid, exceed Ten thousand Pounds.

43 The Commission may invest any moneys held by it in any Government securities of the State, in any other securities prescribed by the Governor, or such securities as the Governor may approve. Commission may invest moneys held by it.

44 The Commission shall cause true accounts to be kept containing particulars—

- I. Of all sums of money received and expended by the Commission ; and
- II. Of all assets and liabilities of the Commission.

Accounts to be kept by Commission.

45—(1) Within three months after the first day of July in every financial year, the Commission shall cause to be prepared—

- I. A trading account, containing particulars of the gross receipts accruing from the operations of the Commission during the previous financial year, and the total expenditure upon the working, management, and maintenance of the State hydro-electric works :
- II. A profit and loss account for the previous financial year, containing the particulars mentioned in Subsection (2) of this section : and
- III. A balance-sheet, containing particulars of all the assets and liabilities of the Commission, as at the end of the previous financial year.

Trading accounts, &c., to be prepared yearly.

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(2) The profit and loss account shall show as a debit or credit, as the case may be, the balance carried to it from the trading account, and the balance of the profit and loss account shall be arrived at after making provision for the payment and setting aside of—

- i. Interest payable by the Commission to the Treasurer upon, or in respect of, all loans owing by the Commission to the State:
- ii. Such amount, as a contribution towards the said fund, as the Commission may consider necessary to provide for renewing or replacing any plant, machinery, or other asset of a wasting nature, and to provide sinking funds in respect of loans as hereinbefore provided:
- iii. Such amount as the Commission may consider necessary, as a contribution towards a contingency reserve fund, to meet any unforeseen expenditure that may arise from time to time, but such contingency reserve fund shall not at any time, without the consent of the Minister, exceed Twenty thousand Pounds: and
- iv. Such amount as the Commission may recommend, and the Minister may approve, to be set aside towards a special redemption reserve fund, for the purpose of writing down any special costs incurred in the construction of capital works.

Provisions as to profit and loss account.

46—(1) Whenever, in any financial year, the profit and loss account, in respect of the immediately preceding financial year, shall show a credit balance, the Commission shall pay to the Treasurer, the amount of such credit balance.

(2) Whenever, in any financial year, the profit and loss account, in respect of the immediately preceding financial year, shall show a debit balance, the Treasurer shall pay to the Commission out of the Consolidated Revenue, without any other authority than this subsection, the amount of such debit balance.

(3) Where any payment is to be made to, or by, the Commission in any financial year under the foregoing provisions of this section, the same shall be made within one month after the Auditor-General shall have certified to the correctness of the profit and loss account in respect of the immediately preceding financial year.

Balance-sheet and accounts to be submitted to Minister.

47—(1) The balance-sheet and accounts hereinbefore referred to shall be submitted to the Auditor-General not later than the first day of October in each year for audit by him, and, when so audited, shall be forthwith forwarded by the Commission to the Minister, together with the Auditor-General's certificate as to the correctness thereof and the annual report required by Part IV.

And to be laid before Parliament.

(2) The said balance-sheet and accounts, and annual report shall be laid before each House of Parliament within the first Ten sitting days of such House, after the receipt thereof by the Minister.

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(3) The Auditor-General shall have, in respect of the accounts of the Commission, all the powers conferred upon him by the Audit Act, 1918, in relation to the audit of public accounts.

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Powers of Auditor-General.

48—(1) When the Commission undertakes any new hydro-electric works it may, with the consent of the Minister, pay out of any loan moneys to be hereafter advanced to it by the Treasurer, such proportion of the salary payable to the Commissioner, or the Acting-Commissioner, as the case may be, and of the fees payable to the Associate Commissioners, as with the approval of the Minister the Commission may determine, and may debit such payments to capital account and credit the trading account therewith.

9 Geo. V. No. 3.

Commission may charge proportion of salary and fees to capital account of new hydro-electric works.

(2) The allowances for travelling expenses of the Commissioner, or the Acting-Commissioner, as the case may be, and of the Associate Commissioners shall be debited to such accounts as the Commission, with the approval of the Minister, shall determine.

Travelling allowances to be debited to such accounts as the Commission shall determine.

PART VII.

VESTING IN THE COMMISSION OF WATERS OF THE STATE.

49—(1) Subject to any rights lawfully held at the commencement of this Act, the sole right to use water in lakes, falls, rivers, or streams shall vest in the Commission, and such sole right shall be held by the Commission for the purposes of this Act.

Use of water in lakes, &c., to vest in Commission.

(2) The Commission, with the consent of the Minister, may purchase existing rights to the use of water in lakes, falls, rivers, or streams.

Purchase of existing rights.

(3) The Commission in the prescribed manner, and with the consent of the Governor in any case, may acquire compulsorily existing rights to the use of water in lakes, falls, rivers or streams.

Compulsory acquisition of existing rights.

(4) Compensation shall be paid by the Commission in respect of such acquisition in the manner provided by, and subject to the provisions of, Part XI.

(5) The provisions of this section shall not apply to or in respect of any rights directly granted by any Act.

50 From and after the commencement of this Act, no right to the use of water in lakes, falls, rivers, or streams shall be capable of coming into existence by reason only of the enjoyment of such use for any period or of any presumption of a lost grant based upon such enjoyment.

No presumptive right to water to hereafter come into existence.

51 To the extent to which the right to the use of the water in any lakes, falls, rivers, or streams is vested in the Commission, the Commission if the Governor so directs, and subject to such conditions as the Governor may determine, shall permit any person to be designated by the Governor to use such water for any purpose.

Commission, if so directed by the Governor, shall permit use of water.

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Use of water for
mining and
other purposes.Commission may
utilize waters in
lakes, &c.

52 Nothing in this Act shall affect the right of any person to the supply of water for stock, or domestic purposes, or under the Mining Act, 1929.

53 The Commission in the exercise of its powers under this or any other Act, may raise or lower the level of any lake, river, or stream, and impound, divert, and use the waters thereof, and may construct, on or through any Crown land or private land, any works which the Commission shall deem necessary for any of the purposes aforesaid.

PART VIII.

VESTING AND ACQUISITION OF LAND.

Governor may
vest C own lands
in Commission.

54—(1) The Governor, on the certificate of the Commission that any Crown land is required for the purposes of this Act, and on the recommendation of the Minister, may declare by Proclamation that such land shall vest in the Commission for the purposes of the State Hydro-Electric Works, and such Crown land shall thereupon vest in the Commission for the purposes aforesaid, and all the estate and interest (if any) therein of any person, other than the Commission, whether as lessee, licencee, or otherwise howsoever, shall cease and determine.

Compensation to
be paid to lessees
and others.

(2) Where any Crown land which has been vested in the Commission under Subsection (1) hereof was, at the time of such vesting, held or occupied by any person for pastoral, mining, or other purposes under any lease, licence, or other statutory authority, compensation shall be paid by the Commission to such person in the same manner as if the estate or interest of such person as lessee, licencee, or otherwise had been in respect of private land and had been, acquired, or taken under the authority of this Part.

Commission may
purchase, lease,
exchange, or let
land.

55—(1) The Commission, with the approval of the Minister, may—

- i. Purchase, acquire, or take any private land it may deem necessary for the purposes of this Act :
- ii. Acquire a lease of any such land :
- iii. Acquire an easement over any such land :
- iv. Exchange any land vested in or purchased, acquired, or taken by the Commission for any other land, and pay or receive money for equality of exchange :
- v. Sell any land vested in or purchased, acquired, or taken by the Commission and not required for the purposes of the State hydro-electric works :
- vi. Let any land vested in or purchased, acquired, or taken by the Commission, the use of which is not for the time being required by the Commission

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(2) All moneys received by the Commission under Paragraphs iv. or v. of Subsection (1) of this section shall be used by the Commission for capital expenditure, or paid by it to the Treasurer towards redemption of loans, as the Commission, subject in any case to the concurrence of the Minister, shall determine. A.D. 1929.

56 Any land which the Commission is empowered by this Act to purchase, acquire, or take may, subject to this Act, be purchased, acquired, or taken under the provisions of the Lands Resumption Act, 1910. Land may be acquired under 1 Geo. V. No. 11.

57—(1) The Lands Resumption Act, 1910, as herein modified is hereby incorporated with this Act. Incorporation of 1 Geo. V. No. 11.

(2) The powers vested in the Minister under the said Act shall be vested, for the purposes of this Act, in the Commission, and in the construction of the said Act as incorporated with this Act, wherever the word "Minister" occurs in the said Act, the word "Commission" shall be deemed to be substituted therefor.

(3) A claim for compensation in respect of any land acquired under the said Act may be made at any time within five years after the publication of the notification of acquisition referred to in the said Act.

(4) The State hydro-electric works shall, for the purposes of the said Act, as incorporated with this Act, be deemed to be a public work, and every purpose which the Commission shall carry out, or propose to carry out under this Act, shall be deemed to be a public purpose within the meaning of the said Act. State hydro-electric works deemed to be a public work.

58 All contracts and other instruments for the purchase, conveyance, or transfer of any land under the provisions of this Act, shall be made with the Commission. Contracts as to land to be made with the Commission.

PART IX.

POWER TO ENTER UPON AND TEMPORARILY OCCUPY AND TAKE MATERIAL FROM CROWN AND OTHER LANDS.

59—(1) It shall be lawful for the Commission, or any person authorised by it, to enter upon any Crown land, and occupy it temporarily for all or any of the purposes mentioned in Section Sixty, and to exercise thereon or in relation thereto all or any of the powers mentioned therein, and also to fell and remove therefrom any timber which, in the opinion of the Commission, it is desirable to remove for the safety of the State hydro-electric works. Power to take timber, &c., from Crown land.

(2) Compensation shall be paid by the Commission to any persons lawfully occupying Crown land who are injuriously affected by the exercise of the powers conferred by this section.

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Power to enter
land for various
purposes.

60—(1) It shall be lawful for the Commission, or any person authorised by it, after giving seven days' notice in writing to the occupier or occupiers thereof, to enter upon any private land, not being a garden, orchard, or plantation attached or belonging to a house, or a park, walk, avenue, or ground ornamentally planted, and not being distant less than one hundred yards from any residence erected on such land and to occupy such land for so long as may be necessary for the construction or repair of any of the works authorised by this Act, and to exercise on or in relation to any land so occupied, all or any of the following powers, namely, to—

- i. Construct, build, or place any machinery thereon :
- ii. Take clay, stone, earth, gravel, timber, wood, or material, or things required for construction or repair of any of the said works :
- iii. Make cuttings or excavations therein :
- iv. Deposit clay, stone, gravel, earth, timber, wood, or material :
- v. Erect workshops, sheds, and buildings of a temporary character :
- vi. Make roads : and
- vii. Manufacture and work materials of any kind.

(2) Full compensation shall be paid to any person for the value of timber or other material taken, or for any damage done by the use and occupation of such land by the Commission, or by the exercise by the Commission of the powers conferred by this section.

(3) The powers conferred by this section shall not be exercised in respect of any material or stone or of any slate-quarry or brickfield, which, at the time of the proposed exercise, is used or worked for purposes of business or profit.

Application of
the Lands
Resumption Act,
1910.

1 Geo. V No. 11.

61 In the application of the Lands Resumption Act, 1910, to this Part—

- i. A claim for compensation in respect of the exercise by the Commission of any of its powers under this Part may be made at any time within twelve months after the completion of the acts in respect of which such compensation is claimed :
- ii. The powers and authorities vested in the Commission under Section Sixty shall be in addition to, and not in substitution for, the powers and authorities under the said Act which are vested in the Commission by virtue of its incorporation with this Act : and
- iii. The provisions of the said Act shall be construed as subject to the provisions of this Part.

Commission may
enter land and
take levels thereof.

62 Any person acting under the authority of the Commission may, without any previous notice, enter upon any land for any of the purposes of this Act, and survey and take levels of such land.

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PART X.

A.D. 1929.

POWER TO CONSTRUCT WORKS FOR THE MANUFACTURE,
TRANSMISSION, AND SUPPLY OF ELECTRICAL ENERGY.**63** It shall be lawful for the Commission to—

- i. Erect any structures and buildings necessary or proper for the purpose of generating, transmitting, or distributing electrical energy :
- ii. Construct and erect any turbines, water-wheels, or water-works, or any machinery necessary for the purposes of any works under the control of the Commission :
- iii. Construct and lay down any tramways which the Commission shall consider necessary and proper for or in connection with any of the works of the Commission :
- iv. Maintain, repair, enlarge, vary, and use from time to time any structures, buildings, turbines, water-wheels, machinery, or plant—

Commission may erect buildings and construct works on Crown and other lands.

upon or in respect of any land vested in the Commission or over which it has acquired any right or authority for that purpose.

64—(1) It shall be lawful for the Commission—

- i. To construct, erect, maintain, and use any line or lines of poles which may be necessary for the purpose of suspending cables or any other apparatus for the transmission of electrical energy from any part of the State to any other part, and to suspend thereon, or attach thereto, any such cables or apparatus, upon, across, or along—
 - (a) Any Crown lands or railways belonging to the State :
 - (b) Any other lands : or
 - (c) Any road or street :
- ii. For the purpose of distributing electrical energy, to place, maintain, and use electric lines, leads, wires, cables, and conductors necessary for conveying electrical energy to be supplied by the Commission under, over, across, or along any railway, road, or street, and where necessary to place and maintain poles in or upon any such railway or street :
- iii. For any of the purposes mentioned in Paragraphs i. and ii. hereof, upon giving notice as hereinafter provided, to break up and excavate and open up the surface of—
 - (a) Any part of a railway not actually occupied by rails or sleepers or railway buildings : or
 - (b) The soil and pavement of any road or street : and
- iv. For the purposes of Paragraph ii. hereof, upon giving notice as hereinafter provided, to open and break up any sewers, drains, or tunnels within and under any railway, street, or road, and in, upon, or under such railway, street, or road to

Powers of Commission in relation to works. Transmission.

Distribution.

Breaking surface, &c.

Construction, &c.

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- A D. 1929. construct, erect, lay down, and, from time to time where necessary, maintain, repair, alter, and discontinue all such machinery, lamps, poles, wires, conductors, communicators, distributors, electric lines, apparatus, and works as may be necessary or convenient for any such purposes.
- Notice. (2) Subject to the provisions of Subsection (4) hereof, before proceeding to exercise the powers conferred by Subsection (1) hereof, the Commission shall give notice in writing to—
- i. The Commissioner for Railways in the case of a railway : or
 - ii. The local authority in the case of a street or road—
- in respect of which it is proposed to exercise such power.
- How given. (3) Such notice as aforesaid shall be given—
- i. In case of transmission works under Paragraph i. of Subsection (1) hereof, seven days : or
 - ii. In case of distribution works under Paragraph ii. of Subsection (1) hereof, three days—
- before such power is exercised.
- Emergency work. (4) In case of emergency the Commission may proceed to effect any necessary and urgent repairs to any works before giving such notice as aforesaid, but in any such case such notice shall be given as soon as practicable after the commencement of such repairs.
- Railways. (5) Where any work is done by the Commission under the authority of this section upon, in, or under any railway, the same and all reinstatement and filling up required in consequence thereof shall be executed under the supervision for the Commissioner for Railways or some officer appointed by him, and the Commission shall comply with all reasonable requests and directions of the Commissioner of Railways in relation thereto.
- Duties of Commission in relation to works in certain cases. **65** It shall be the duty of the Commission in relation to any works authorised by Section Sixty-four—
- i. To interfere as little as possible with any traffic on any street or road, and to ensure that in no case shall any suspension of such traffic be caused by it :
 - ii. To complete such work as speedily as is reasonably possible :
 - iii. Forthwith after such completion to fill up and reinstate the surface of the ground disturbed by such work, and make good such surface, and replace, reinstate and make good all sewers, drains, and tunnels opened or broken up by it : and
 - iv. At all times when the surface of any railway, street, or road is broken up, to maintain proper and sufficient guards to ensure the safety of persons using the same, and proper and sufficient lights for that purpose during hours of darkness—
- to the reasonable satisfaction of the Commissioner for Railways or the local authority having the control thereof, as the case may be.

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PART XI.

A.D. 1929.

COMPENSATION AND DAMAGES.

66 The provisions of this Part shall not apply to any claim for compensation arising under Part VIII. or Part IX.

Sections 67-71 inclusive not to apply to compensation under Parts VIII. or IX.

67 In the exercise of the powers granted in relation to the execution of any works authorised under this Act, the Commission shall cause as little detriment and inconvenience and do as little damage as possible, and in every case where the interests of any person are injuriously affected by the Commission exercising any of the powers conferred by this Act, whether specially provided for in this Act or not, compensation shall be paid by the Commission.

Commission in execution of works to do as little damage as possible.

68—(1) Such compensation as aforesaid shall be settled by arbitration in the mode prescribed by the Lands Clauses Act in cases of disputed compensation, except that the Chief Justice or a judge nominated by him shall be sole arbitrator, whose decision shall be final.

Compensation, how determined.
21 Vict. No. 11.

(2) The right of compensation given by this section shall not take away or prejudice the right of any person to take proceedings in respect of any private nuisance created by the Commission in the exercise of the rights conferred upon it by this Act in any case in which such rights have been exercised negligently and without all reasonable precautions having been taken by the Commission to prevent damage resulting therefrom.

69 Any person claiming under this Act any compensation against the Commission shall prefer his claim by notice in writing addressed to the Commissioner at his office at Hobart, and served on or posted by registered letter to the Commissioner, and such notice shall specify the place of abode of the claimant, the particular act causing the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the water or land or other property or possession, in respect of which the claim is preferred.

Notice of claim to be given.

70—(1) All such notices of claims as aforesaid shall be sent to the Commissioner within twelve months after the diversion of the water, entry upon land, or interference with property, possession, or other right in respect of which such claim is preferred.

Claims barred unless made within twelve months after interference with right.

(2) Except as provided by Subsection (3) hereof, no person who does not send notice of claim within the time hereinbefore prescribed, shall be entitled to compensation for any damage alleged to have been suffered by him in consequence of the exercise of the powers conferred upon the Commission by this Act.

(3) The failure to give such notice within the time limited, or any defect or inaccuracy in any such notice, shall not invalidate the same, nor be a bar to a reference to arbitration, if the arbitrator to whom the matter shall be referred shall be of opinion that there was reasonable cause for such failure.

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(4) Any arbitrator, after proceedings have been commenced, may grant a certificate embodying such opinion therein, if in any case he thinks fit so to do.

Commission responsible for damages, &c.

71—(1) The Commission, in the exercise of its powers under this Act, shall be answerable for all accidents, damages, and injuries happening through the negligence or default of the Commission or of any person in its employment acting within the scope of his employment, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Conditions on which action maintainable.

(2) No action under Subsection (1) hereof, for the recovery of damages in respect of any accident or of any injury to the person or to property, shall be maintainable unless—

- i. Notice in writing that injury has been sustained shall be given to the Commission within two months, and the action shall be commenced within four months, from the date on which the injury was sustained, or in case of the death of the person injured, within six months from the date of death:
- ii. In the case of injury to the person, some medical practitioner appointed by the Commission shall be permitted, on the demand of the Commission, to examine the person injured, and all facilities and information be given to such medical practitioner necessary to enable him to fully ascertain the nature and extent of the injury :
- iii. In the case of injury to property, a person appointed by the Commission shall be permitted on demand of the Commission, to inspect the property injured, and all facilities and information be given to him necessary to enable him to ascertain the value of the property injured, the nature and extent of the injury, and the amount of money, if any, expended in repairing the same : and
- iv. Notice in writing of such intended action has been given to the Commission at least one month before such action is commenced.

Judge may waive compliance.

(3) Non-compliance with all or any of the conditions imposed by Subsection (2) hereof shall be no bar to the maintenance of the action if the court or judge before whom the action is tried, shall certify in writing that there was reasonable excuse for such non-compliance.

Contents of notice of injury.

(4) A notice in respect of any injury under this section shall give the name and address of the person injured, or of the owner of the property injured, and shall state the cause of the injury, and the date and place at which it was sustained, and shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the court or judge who tries the action is of opinion that the Commission is prejudiced in the defence by such defect or inaccuracy, and that the defect or inaccuracy was intentional and for the purpose of misleading.

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PART XII.

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POWER TO SUPPLY ELECTRICAL ENERGY AND TO MAKE CHARGES THEREFOR.

72—(1) It shall be lawful for the Commission to sell electrical energy for any purpose approved by the Commission, at such charges as shall be fixed by by-law, and such charges may be fixed with reference to the particular purpose for which such electrical energy is to be used by the consumer thereof.

Commission may supply electrical energy.

(2) The Commission, in any case in which in its uncontrolled discretion it thinks fit so to do, may enter into a special contract with any person for the sale to him of electrical energy, at such charges and upon such terms and conditions in all respects as the Commission may think fit, and such by-law as aforesaid shall not apply in any such case.

(3) It shall not be lawful for the Commission to sell electrical energy to any person for use at any place within six miles of the City of Launceston, except with the consent of the Municipal Council of that City.

73 It shall be lawful for the Commission to sell, let for hire, or supply, under any conditions the Commission may think fit to any consumer of electrical energy supplied by the Commission, any meters or measuring instruments for the purpose of measuring the quantity or quality of energy supplied, and consumed, and any mains and apparatus for the conveyance, reception, or use of such energy.

Commission may sell or let on hire meters and other apparatus.

74 All electric lines, conduits, fittings, apparatus, meters, and appliances let on hire by, or belonging to the Commission shall, whether they be, or be not fixed or fastened to any part of any premises, in or upon which they may be situate, or to the soil under any such premises, at all times continue to be the property of the Commission.

Electric lines and apparatus let on hire to remain the property of the Commission.

75 Such electric lines, conduits, fittings, apparatus, meters, and appliances the property of the Commission shall not be subject to distress for rent, or be attached or taken in execution, under any process of any court of law or equity, or under or in pursuance of any proceedings in bankruptcy, or other legal proceedings against or affecting the consumer of the electrical energy, or other the person in whose possession any such electric lines, conduits, fittings, apparatus, meters, or appliances may be.

Electric appliances not to be subject to distress for rent or other process.

76 An officer appointed by the Commission may enter at all reasonable times any premises to which electrical energy is or has been supplied by the Commission, in order to inspect any works or electric apparatus used in connection therewith; and where the Commission is authorised, by virtue of any by-law made, or agreement entered into, by the Commission under the authority of this Act, to cut off the supply of electrical energy, any such officer may remove any such works or apparatus.

Power to enter premises and remove apparatus.

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PART XIII.

BY-LAWS.

Commission may
make by-laws.**77**—(1) The Commission, with the approval of the Governor, may make by-laws for any purpose whatsoever connected with—

- i. The safe and economic generation, voltage frequency, transmission, and distribution of electrical energy :
- ii. Charges for electrical energy sold or supplied by the Commission :
- iii. The installation and use of electrical apparatus in relation to electrical energy supplied by the Commission :
- iv. Protecting the interests of consumers of electrical energy supplied by the Commission : and
- v. The protection of the State hydro-electric works.

(2) Any such by-law as aforesaid may impose a penalty of Twenty Pounds for the breach of any by-law so made, and a further daily penalty of Five Pounds for a continuing breach.

PART XIV.

MISCELLANEOUS.

Commission may
carry out hydro-
metric and water-
power surveys.Cost of survey to
be debited to
Commission on
construction of
works as a result
thereof.**78**—(1) The Commission, from time to time, may carry out a hydro-metric and water-power survey of the State or any part thereof.

(2) The cost of every such survey as aforesaid shall be defrayed out of moneys to be provided specially by Parliament for that purpose.

(3) The Commission shall cause an account to be kept of each such survey, and on the construction of any works as a result of any such survey, the amount expended on such survey if the same has been expended out of capital moneys, shall be debited to the Commission in the Treasury books, and, as from the date when the Commission shall certify that such works have been put into operation shall be deemed to constitute an additional loan from the State to the Commission within the meaning of this Act, all the provisions of Part VI. with respect to additional loans shall apply to such amount.

Penalty or
obstructing
persons carrying
out duties under
this Act, or inter-
fering with poles,
&c.**79** No person shall—

- i. Obstruct, intimidate, or assault any person in the exercise of his powers, or in the discharge of his duties under this Act, or any Act incorporated with this Act : or
- ii. Interfere with, move, injure, or damage any pole, stake, mark or instrument used or intended to be used by any person for the purposes of any survey, marking out, or taking levels under, or for the purposes of this Act.

Penalty : Twenty Pounds.

Debts owing to
Commission to
rank as Crown
debts**80** The Commission shall have the same rights, privileges, and priorities in all respects with regard to any sum of money owing to it by any person, as the Crown would have in the like case, but any

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action by the Commission against any person for the recovery at law of any such sum of money shall be instituted and carried on by the Commission in its own name as plaintiff in the same manner as an ordinary action at law between subject and subject. A.D. 1929.

81—(1) The Governor may make regulations, prescribing all matters— Regulations.

- i. Which by this Act are required or permitted to be prescribed : or
- ii. Which are necessary or convenient to be prescribed for giving effect to this Act—

and for the prescribing of which no special provision is made in this Act.

(2) Any such regulations may impose a penalty not exceeding Ten Pounds for the breach of any regulation so made.

82—(1) After the expiration of six months from the commencement of this Act no person shall, without the approval of the Commission— Use of certain terms prohibited.

- i. Use the word “hydro-electric” as part of the name under which he carries on business : or
- ii. Carry on business under any name resembling the name of the Commission.

(2) Any person contravening any of the provisions of Subsection (1) of this section shall be liable to a penalty of Five Pounds for every day during which such contravention continues.

PART XV.

REGULATION OF ELECTRICAL INSTALLATION.

83—(1) No person shall supervise, execute, perform, or be employed upon (except to assist a licensed wireman, as may be prescribed) any electrical work unless such person is the holder of a wire-man’s licence under this Part. Electrical contractors and workmen to be licensed.

Penalty : Ten Pounds.

(2) This section shall not apply to any electric line or electrical work in any case in which the electricity used in or upon any premises is generated wholly upon such premises, nor to any line or electrical work which is wholly for public purposes.

84—(1) The Commission upon payment of the prescribed fees, if any, may issue, cancel, suspend, and reinstate licences under this Part. Licences.

(2) Licences under this Part shall be in such form and subject to such conditions as may be prescribed.

(3) A wire-man’s licence, while in force, shall entitle the holder thereof, subject to the prescribed conditions, to execute, perform, or be employed upon electrical work.

85 The Governor on the recommendation of the Commission, may make regulations for the purposes of this Part, and such regulations may prescribe— Governor may make regulations.

- i. The grant and issue of licences to contractors and wire-men :

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- ii. The forms of licences under this Part, and the conditions under which the same may be issued, cancelled, suspended, or reinstated, and the fees payable in respect thereof :
 - iii. The conditions under which unlicensed wire-men may be employed to assist licensed wire-men :
 - iv. The circumstances in which, and the conditions under which, the Commission may grant an exemption from any of the regulations to any person—
 - (a) In respect of electricity generated and used wholly for his own purposes and not supplied to or used by any other consumer for private purposes : and
 - (b) In any other case :
 - v. The conditions to be observed in the installation of electrical apparatus and appliances :
 - vi. The inspection of electric lines and electrical work, and the persons by whom, the times at which, and the manner in which the same shall be carried out : and
 - vii. All other matters necessary for giving effect to the provisions of this Part—
- and any such regulations may impose a penalty not exceeding Ten Pounds for any breach thereof.

PART XVI.

ACQUISITION OF LAND UNDER THE LANDS CLAUSES ACT FOR INDUSTRIAL UNDERTAKINGS.

Governor may declare by Proclamation that specified lands may be acquired under the Lands Clauses Act.
(21 Vict. No. 11.)

- 86—**(1) In any case in which the Commission has certified to the Governor, and the Governor is satisfied—
- i. That a person (hereinafter referred to as “ the promoter ”) has established, or is about to establish, in Tasmania, an industry in connection with the carrying on of which at least one hundred persons will be employed by the promoter : and
 - ii. That the promoter has entered into a contract, or a provisional contract, with the Commission, for a term of not less than seven years, for the purchase from the Commission of a supply of electrical energy of, or exceeding, five hundred horse-power : and
 - iii. That the promoter is desirous of acquiring some particular area or piece of land for the purposes of such industry, and either—
 - (a) That it is specially desirable, in the interests of the State, or of the Department, that the promoter should be enabled to carry on the industry on such land : or
 - (b) That there are circumstances in connection with its location or otherwise which render such land specially suitable or convenient for the purposes of the industry, and that the promoter is unable to acquire other similarly suitable or convenient land for such purposes—

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the Governor by Proclamation, if he thinks fit so to do, may declare that such land (to be described in the Proclamation) may be purchased or acquired by the promoter under the provisions of the Lands Clauses Act and thereupon the promoter shall be entitled to purchase or acquire the same thereunder, and all the provisions of that Act, except Sections Eight and Nine thereof, shall be incorporated with this Part, and for the purposes of such incorporation this Part shall be deemed to be the special Act, and the promoter shall be deemed to be the promoters of the undertaking. A.D. 1929.

(2) In any case to which the provisions of Subsection (1) hereof apply it shall be lawful for the Governor if he thinks fit so to do by proclamation to withdraw from the operation of the Crown Lands Act, 1911, any such area of Crown Land (to be specified in such proclamation) as the Governor may approve and as the promoter may consider necessary for the purpose of any such industry as aforesaid.

(3) The Commissioner of Crown Lands with the consent of the Governor may grant to the promoter a lease of the area comprised in such proclamation as aforesaid or any part thereof for such term upon such conditions and subject to such reservations and restrictions as the Governor may approve or require.

(4) At any time after the expiration of five years after the granting of any such lease the Commissioner of Crown Lands may sell to the promoter by private contract the land comprised therein or any part thereof at such price not being less than Five Pounds per acre as may be agreed and the purchase money therefor shall be payable in cash upon completion of the purchase.

(5) Upon the payment by the promoter of such purchase money it shall be lawful for the Governor in the name and on behalf of His Majesty to convey and alienate the land so sold to the promoter in fee simple in accordance with the provisions of the Crown Lands Act, 1911.

(6) For the purposes of this section a provisional contract means a contract to have effect contingently upon the making of a Proclamation under Subsection (1) hereof in respect of the land to be acquired.

SCHEDULES.**(1)**

| Date and Number of Act. | Title. | Section 2 (1). |
|-------------------------|---|----------------|
| 9 Ed. VII. (Private) | The Complex Ores Act, 1909 | |
| 5 Geo. V. No. 4 | The Hydro-Electric Purchase Act, 1914 | |
| 5 Geo. V. No. 14 | The Hydro-Electric Purchase Amendment Act, 1914 | |
| 6 Geo. V. No. 2 | The Complex Ores Amendment Act, 1915 | |
| 8 Geo. V. No. 24 | The Complex Ores Further Amendment Act, 1917 | |

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(2)

Section 37, II.

| Date and Number of Act. | Purpose for which Amount Voted. | Number of Item in Schedule to Act. | Amount Voted or Affected. |
|-------------------------|---|------------------------------------|---------------------------|
| 8 Geo. V. No. 38 | For the further investigation of the water-power possibilities of the State, and the furtherance of the water-power survey | 4 | £ 2000 0 0 |
| 8 Geo. V. No. 38 | For the preliminary work in connection with the proposed King River hydro-electric scheme..... | 5 | 10,000 0 0 |
| 9 Geo. V. No. 66 | For and towards the water-power survey of the State and preliminary designs in connection therewith | 7 Schedule (1) | 2500 0 0 |
| 10 Geo. V. No. 20 | For and towards the provision of a dam for Arthur Lake scheme, to augment the supply of water to the Launceston Power Station, and for irrigation purposes..... | 9 | 26,000 0 0 |
| 10 Geo. V. No. 20 | For and towards the water-power survey of the State and preliminary designs in connection therewith | 10 | 10,000 0 0 |
| 11 Geo. V. No. 16 | For and towards the water-power survey of the State and preliminary designs in connection therewith | 6 | 10,000 0 0 |
| 12 Geo. V. No. 45 | For the completion of the Waddamana development of the State Hydro-Electric Works | 3 | 6175 11 4 |
| 12 Geo. V. No. 45 | For and towards the hydro-metric survey of the State..... | 4 | 10,000 0 0 |
| 13 Geo. V. No. 43 | For and towards the hydro-metric and water-power survey of the State..... | 5 | 5000 0 0 |
| 13 Geo. V. No. 43 | To provide for cost of investigations and preliminary surveys in connection with Lake Rolleston Hydro-Electric Survey | 7 | 2896 5 8 |
| 14 Geo. V. No. 36 | For working capital and the establishment of a stores suspense account in connection with the business of the Hydro-Electric Department | 5 Schedule (1) | 1725 0 0 |
| | | | £ 86,296 17 0 |