

Queensland



ANNO VICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

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No. 66 of 1976

**An Act to consolidate and amend the law relating to the organization and regulation of the generation, transmission, distribution, supply and use of electricity in Queensland and to matters of safety with respect thereto; to amend the Public Service Act 1922–1973 in certain particulars and the City of Brisbane Act 1924–1974 in a certain particular; and for connected purposes**

[ASSENTED TO 29TH NOVEMBER, 1976]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as the *Electricity Act 1976*.
2. **Commencement.** (1) Save where the contrary intention appears with respect to particular provisions, this Act shall commence on a day to be fixed by Proclamation and a reference in this Act to the commencement of this Act or to the day of commencement of this Act is a reference to the day so fixed.

(2) Notwithstanding subsection (1), different days may be fixed by Proclamation as days upon which different provisions of this Act shall respectively commence and, in that event, any such provision shall commence on the day fixed by Proclamation in relation to it and a reference in this Act to the commencement of this Act or to the day of commencement of this Act is a reference to the day so fixed in relation to the provision in question.

**3. Arrangement of Act.** This Act is arranged as follows:—

**PART I—PRELIMINARY;**

**PART II—THE STATE ELECTRICITY COMMISSION OF QUEENSLAND;**

*Division I—Constitution of Commission;*

*Division II—Electricity Trust Fund;*

*Division III—Powers, Functions and Duties of the Commission;*

*Division IV—Borrowing by the Commission and Electricity Authorities;*

*Division V—Provision of Moneys by Commission for Capital Expenditure and Reimbursement of Commission's Costs in respect thereof;*

*Division VI—The State Electricity Commission of Queensland Debt Redemption Committee;*

*Division VII—Queensland Electricity Supply Industry Consultative Council;*

*Division VIII—Rationing of Electricity in Emergency and Restriction of Use of Consuming Devices;*

*Division IX—Determination of Prices for Electricity;*

**PART III—ELECTRICITY AUTHORITIES;**

*Division I—Constitution of The Queensland Electricity Generating Board;*

*Division II—Constitution of Electricity Boards;*

*Division III—Transfer of Part of Undertaking of an Electricity Authority to Another Electricity Authority;*

*Division IV—Licences to Supply Electricity;*

*Division V—Provisions Relating to the Supply of Electricity in Queensland by Certain New South Wales Local Authorities;*

**PART IV—SUPPLY OF ELECTRICITY BY ELECTRICITY AUTHORITIES;**

*Division I—General Conditions Governing the Supply of Electricity;*

*Division II—Conditions Governing the Supply or Additional Supply of Electricity to Consumers;*

*Division III—Conditions Governing Consumers' Electrical Installations;*

*Division IV—Metering, Charges for Electricity, etc.;*

**PART V—RIGHTS AND POWERS OF ELECTRICITY AUTHORITIES WITH RESPECT TO LAND AND TO WORKS OF OTHER AUTHORITIES;**

*Division I—Land;*

*Division II—Execution of Works;*

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- PART VI—BUDGETS AND ACCOUNTS OF ELECTRICITY AUTHORITIES;  
*Division I—Funds and Bank Accounts;*  
*Division II—Accounts;*  
*Division III—Investments;*  
*Division IV—Budgets;*  
*Division V—Provisions and Reserve Funds;*
- PART VII—CONTRACTS BY AND AUTHORITY FOR WORKS OF ELECTRICITY AUTHORITIES;  
*Division I—Contracts by Electricity Authorities;*  
*Division II—Authority for Works of Electricity Authorities;*
- PART VIII—SAFETY AND STANDARDS OF CONSTRUCTION WITH RESPECT TO WORKS OF ELECTRICITY AUTHORITIES;  
*Division I—Safety;*  
*Division II—Accidents on Works of an Electricity Authority;*  
*Division III—Standards of Construction of Works of an Electricity Authority;*
- PART IX—APPROVAL, SALE AND USE OF ELECTRICAL ARTICLES;  
*Division I—Prescribed Electrical Articles;*  
*Division II—Non-prescribed Electrical Articles;*  
*Division III—Electrical Approvals Examining Committee, Reciprocity within Australia, and Prohibition of Sale or Hire of Certain Electrical Articles;*  
*Division IV—Second-hand Electrical Articles;*
- PART X—FURTHER PROVISIONS RELATING TO GENERATION OR USE OF ELECTRICITY;  
*Division I—Cathodic Protection;*  
*Division II—Provisions Applicable to Electric Lines not otherwise Subject to Act;*  
*Division III—Private Plants, etc.;*
- PART XI—ELECTRICAL WORKERS AND CONTRACTORS;  
*Division I—The Electrical Workers and Contractors Board;*  
*Division II—Electrical Workers;*  
*Division III—Electrical Contractors;*  
*Division IV—Appeals;*
- PART XII—EMPLOYMENT IN ELECTRICITY SUPPLY INDUSTRY;
- PART XIII—SUPERANNUATION PROVISIONS;
- PART XIV—OFFENCES AND PROCEEDINGS;  
*Division I—Offences Relating to Works, Use of Electricity and Other Matters;*  
*Division II—Offences with respect to Provisions of this Act;*  
*Division III—Proceedings Generally;*  
*Division IV—Evidentiary Matters;*
- PART XV—MISCELLANEOUS PROVISIONS;
- PART XVI—REGULATIONS, UNIFORM PRACTICE MANUALS AND RULES;  
*Division I—Making of Regulations, Uniform Practice Manuals and Rules;*  
*Division II—Publication of Instruments;*
- SCHEDULES.

**4. Repeals and amendments.** (1) The Acts specified in Part A of the First Schedule are repealed as and to the extent indicated therein.

(2) Without limiting the generality of subsection (1)—

- (a) The Southern Electric Authority of Queensland established, constituted and incorporated under *The Southern Electric Authority of Queensland Acts, 1952 to 1964*, The Northern Electric Authority of Queensland established, constituted and incorporated under *The Northern Electric Authority of Queensland Acts, 1963 to 1964* and every Regional Board constituted under *The Regional Electric Authorities Acts, 1945 to 1964* shall be dissolved on the commencement of this Act and the members of those Authorities and of every such Board shall thereupon immediately go out of office as such members;
- (b) every Electric Authority within the meaning of clause 1 of the Second Schedule not specified in paragraph (a) of this subsection shall cease to be an Electric Authority on the commencement of this Act;
- (c) the Agreement between the State of Queensland and The Southern Electric Authority of Queensland, a copy of which is set out in the Second Schedule to *The Southern Electric Authority of Queensland Acts, 1952 to 1964*, as altered or varied from time to time in accordance with section 8 of the said Acts shall be cancelled and determined on the commencement of this Act;
- (d) the Agreement between The Southern Electric Authority of Queensland and the Commission, a copy of which is set out in the Schedule to the *Gladstone Power Station Operation Agreement Act 1975*, as varied from time to time in accordance with section 5 of the said Act shall be cancelled and determined on the commencement of this Act.

(3) (a) The *Public Service Act 1922–1973* is amended as and to the extent indicated in Part B of the First Schedule.

(b) That Act as so amended may be cited as the *Public Service Act 1922–1976*.

(4) (a) The *City of Brisbane Act 1924–1974* is amended as and to the extent indicated in Part C of the First Schedule.

(b) That Act as so amended may be cited as the *City of Brisbane Act 1924–1976*.

**5. Savings, transitional and validation.** (1) (a) Every—

- (i) certificate of competency (including a restricted certificate);
- (ii) permit;
- (iii) electrical contractor's licence

granted under the *Electrical Workers and Contractors Act 1962–1974* and in force at the commencement of this Act shall, subject as hereinafter in this subsection provided, continue in force for the purposes of this Act until it expires by effluxion of time or is cancelled, suspended, surrendered or otherwise dealt with under this Act.

(b) Where any such certificate, permit or licence is suspended at the commencement of this Act, it shall not be in force under this subsection until the expiration of the period for which it was suspended,

and then only if it has not expired during the period of its suspension, and it shall only continue in force thereafter for the remainder of the period during which it would have been in force if it had not been so suspended.

(c) Every such certificate, permit or licence shall be read and construed subject to this Act.

(2) (a) Unless the Minister determines otherwise (he being hereby thereunto authorized), every licence issued by the Minister pursuant to section 4A of the *Electric Light and Power Act* 1896-1972 and in force at the commencement of this Act shall, subject to paragraph (b), continue in force for the purposes of this Act until it expires by effluxion of time or is revoked or otherwise dealt with under this Act.

(b) Every such licence shall be read and construed subject to this Act.

(c) Any determination by the Minister pursuant to paragraph (a) shall be made by him and notified to the licensee in writing prior to the commencement of this Act.

(3) Every interconnexion agreement made between an Electric Authority as defined in clause 1 of the Second Schedule and the owner of a private generating plant prior to the commencement of this Act and in operation or purporting to be in operation at the commencement of this Act providing for the interconnexion of the Electric Authority's system and the installation supplied from the private generating plant is hereby declared and deemed to be and always to have been a valid and effective agreement made according to law and, subject to clauses 3 and 5 of the Second Schedule, shall continue in force after such commencement until it is terminated by effluxion of time or otherwise as though it were an agreement made pursuant to section 171.

(4) (a) Every certificate of approval issued pursuant to the provisions of The Electrical Approvals Regulations, 1962 and in force at the commencement of this Act shall continue in force in respect of the purpose for which, and subject to such terms, provisions and conditions, if any, upon which, such approval was granted as if it were a certificate given under section 265.

(b) Every such certificate shall be read and construed subject to this Act.

(5) (a) The Southern Electric Authority of Queensland (hereinafter in this subsection referred to as "the Authority"), before the commencement of this Act, shall assign and transfer to—

(i) The South East Queensland Electricity Board, effective on and from such commencement, that part of its undertaking and assets situated within the area of the Tweed Shire Council in the State of New South Wales;

(ii) The South West Queensland Electricity Board, effective on and from such commencement, that part of its undertaking and assets situated within the area of the Council of the Shire of Tenterfield in the State of New South Wales,

and do all such things and execute all such documents as are required to perfect and complete such assignment and transfer.

(b) If the Authority before the commencement of this Act shall have assigned and transferred the part of the undertaking and assets as aforesaid in each case, the Governor in Council and such person

or persons as may be appointed for the purpose by the Governor in Council by Order in Council may thereafter do all such things and execute all such documents as are required to perfect and complete such assignment and transfer.

(c) If the Authority not later than one month prior to the commencement of this Act shall not have assigned and transferred the part of the undertaking and assets as aforesaid in either case and the Governor in Council has reason to believe that it will not assign and transfer the part of the undertaking and assets before such commencement, he may by Order in Council appoint a person to do all such things and execute all such documents as are necessary to assign and transfer the part of the undertaking and assets in question, such assignment and transfer to be effective on and from such commencement, and the Governor in Council and such person may thereafter do all such things and execute all such documents as are required to perfect and complete such assignment and transfer.

(d) The Governor in Council or other person who does any thing or executes any document or otherwise exercises any power or authority under paragraph (b) or (c) shall be deemed and taken for all purposes to be the duly constituted attorney of the Authority in so doing.

(e) The agreement dated 6 September 1938 between the Authority, being the successor in law of the City Electric Light Company Limited, and the Tweed Shire Council and the agreement dated 15 July 1958 between the Authority and the Tweed Shire Council shall continue in force after the commencement of this Act subject to the provisions contained therein, and for the purposes of such agreements and with respect to all rights, interests, powers, duties, obligations and liabilities existing or arising out of or in connexion with the supply of electricity by the Authority to persons within the area of the Shire prior to such commencement, The South East Queensland Electricity Board shall be deemed to be the successor in law of the Authority.

(f) Any agreement made between the Authority and the Council of the Shire of Tenterfield relating to the supply of electricity by the Authority within that Shire and in force immediately prior to the commencement of this Act shall continue in force after such commencement subject to the provisions contained therein, and for the purpose of any such agreement and with respect to all rights, interests, powers, duties, obligations and liabilities existing or arising out of or in connexion with the supply of electricity by the Authority to persons within the area of the Shire prior to such commencement, The South West Queensland Electricity Board shall be deemed to be the successor in law of the Authority.

(g) The following provisions shall apply to such part of the undertaking of The South East Queensland Electricity Board or The South West Queensland Electricity Board, as the case may be, as is for the time being outside Queensland and used for or concerned with the supply of electricity within the area of the Tweed Shire Council or the Council of the Shire of Tenterfield, as the case may be, pursuant to an agreement referred to in paragraph (e) or (f), subject always to the laws of the place where the undertaking or part thereof is situated and to the provisions of the particular agreement:—

- (i) the Board shall observe and obey all of the provisions of the laws of the place as aforesaid and shall observe, obey and carry out all of the provisions of the agreement;

- (ii) the Board shall not without the consent of the Governor in Council agree to any alteration in the provisions of the agreement or enter into any new agreement or obtain the right to extend its undertaking to any new area of supply or supply electricity in any other area of supply;
- (iii) the Board shall use its best endeavours to ensure that the net return received by it upon the capital invested in the part of the undertaking used for or concerned with the supply of electricity within the area of the Tweed Shire Council or Council of the Shire of Tenterfield concerned pursuant to the agreement in question bears the same proportion to such capital invested as the net return obtained by it upon the capital invested in its undertaking within Queensland bears to such capital invested within Queensland;
- (iv) the Board if directed to do so by the Governor in Council shall use its best endeavours to cause the terms of the agreement to be varied to conform to the terms under which the Board supplies electricity within Queensland;
- (v) the consent of the Governor in Council or the Commission is not required to the doing of any act, the giving of any notice, the signing of any document or writing, the acquisition or sale of any property or the expenditure of any money that the Board is required to do, sign or expend under the provisions of the agreement;
- (vi) save as aforesaid, the provisions of this Act shall apply to such part of the undertaking of the Board as is for the time being outside Queensland to the same extent as if the same were within Queensland and within the Board's Area and formed part of the undertaking of the Board within Queensland.

(h) If any part of the undertaking and assets of the Authority assigned and transferred to The South East Queensland Electricity Board or, as the case may be, The South West Queensland Electricity Board pursuant to this subsection is a part that, if it were in Queensland, would vest pursuant to clause 3 of the Second Schedule in the Generating Board as part of its main generating undertaking, the Generating Board and the Electricity Board concerned shall, as soon as practicable after their constitution, agree upon terms and conditions of the operation and maintenance of such part of the undertaking and assets and of and with respect to payments for electricity supplied through such part.

(i) The provisions of clause 6 of the Second Schedule with respect to any disagreement or dispute occurring between the Generating Board and an Electricity Board in the circumstances therein set out apply with all necessary adaptations in the case of a disagreement or dispute occurring between the Generating Board and an Electricity Board in connexion with any matter referred to in or arising out of the provisions of paragraph (h).

(6) Notwithstanding any other provision of this Act and notwithstanding the repeal of the *Electric Light and Power Act 1896-1972*, any right, power, function, obligation or procedure with respect to or in connexion with an electric line or other works in existence at the commencement of this Act, relating to or affecting a railway (as defined by the *Railways Act 1914-1972*) vested in the Commissioner for Railways, that is exercisable or required to be performed or complied with by the Brisbane City Council or the Commissioner for Railways immediately

prior to such commencement pursuant to an Order in Council under the *Electric Light and Power Act 1896-1972* authorizing the Brisbane City Council to supply electricity within the area specified therein may be exercised or, as the case requires, shall be performed or complied with after such commencement by The South East Queensland Electricity Board or the Commissioner for Railways, as the case may be, with respect to or in connexion with such electric line or other works in accordance with the terms, conditions and procedures set forth in the Order in Council in question as though the Order in Council were still in force and authorized The South East Queensland Electricity Board in lieu of the Brisbane City Council to supply electricity within the area specified therein.

(7) The transitional provisions and the vesting provisions set out in the Second Schedule shall have effect as therein provided.

(8) The validation provisions set out in the Third Schedule shall have effect in relation to the borrowings and guarantees referred to therein.

(9) The provisions of the Fourth Schedule with respect to rights of employees referred to therein shall have effect as therein provided.

(10) The provisions of the Fifth Schedule with respect to superannuation and provident funds referred to therein and contributors thereto shall have effect as therein provided.

(11) If in any case in respect of the transition—

(a) from the law in force before the commencement of this Act to the provisions of this Act; or

(b) from the law in force before the passing of this Act to the provisions of this Act where a provision of this Act is applicable at any time after the passing of this Act,

it appears to the Governor in Council that no provision or no sufficient provision is made to effectuate such transition, he may by Order in Council make such provision as he thinks fit with respect thereto providing for and supplying such omission or insufficiency, and such provision shall have effect accordingly.

(12) Any reference in any Act, Proclamation, Order in Council, regulation, rule, by-law, ordinance, licence, approval, authority, permit, direction, determination, order, prohibition or other act of executive or administrative authority, or in any agreement, contract, deed or other document, instrument or writing whatsoever before the commencement of this Act to The State Electricity Commission of Queensland or to an Electric Authority shall, on and from such commencement, be read and construed as referring respectively to the Commission as preserved, continued in existence and constituted pursuant to section 9 or to an Electricity Authority, as the case may be, and shall operate and have effect accordingly.

(13) Nothing in this section limits the operation and effect of the *Acts Interpretation Act 1954-1971*.

**6. Interpretation.** In this Act, unless the contrary intention appears—

“Area” means a part of the State constituted under this Act as an Area of electricity supply;



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- “cathodic protection system” means a system whereby a structure in contact with ground or water is protected from corrosion on the contacting surfaces by a direct current flowing between the structure and the anode via the ground or water, such system including electrical connexions (sometimes called drainage bonds, boosted drainage bonds, booster bonds, cross bonds or electrical drains) between similar or dissimilar structures to carry direct current for the prevention of electrolytic corrosion;
- “certificate of competency” means a certificate of competency, including a restricted certificate of competency, issued under Part XI and in force at the material time;
- “the Commission” means The State Electricity Commission of Queensland;
- “the Commissioner” means the State Electricity Commissioner or, in respect of the period between the passing of this Act and the day of its commencement, the Commissioner for Electricity Supply. The term includes any person who for the time being occupies the office or performs the duties of the Commissioner;
- “construct” includes erect, lay down and place;
- “consumer” means a person who receives or is entitled to receive pursuant to this Act a supply of electricity from an Electricity Authority or from the holder of a licence under this Act to supply electricity;
- “consumer’s generating plant for emergency supply” means a private plant installed on a consumer’s premises as part of his electrical installation to provide a supply of electricity to such electrical installation at any time when his supply of electricity by an Electricity Authority or the holder of a licence under this Act to supply electricity is interrupted;
- “consumer’s terminals” means the point at which a consumer’s electrical installation is connected to service lines;
- “Deputy Commissioner” means a Deputy State Electricity Commissioner or, in respect of the period between the passing of this Act and the day of its commencement, a Deputy Commissioner for Electricity Supply. The term includes any person who for the time being occupies the office or performs the duties of a Deputy Commissioner;
- “document” includes summons, notice, order and other legal process, minute and register;
- “electric line” means any wire or wires, conductor or other means used for the purpose of conveying, transmitting, transforming or distributing electricity, together with any casing, coating, covering, tube, pipe, pillar, pole or tower, post, frame, bracket or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, transforming or distributing electricity;
- “electrical article” includes a wire, cable, appliance, fitting, meter, insulator, apparatus, material or article intended or designed for use in connexion with the transmission of electricity, or operated by electricity;

- “electrical contracting” means contracting or undertaking to carry out any electrical installation work;
- “electrical contractor” means an electrical contractor licensed under Part XI;
- “electrical fitter” means any person who supervises or performs any of the actual electrical trade work, whether in a workshop or on site, of constructing, manufacturing, fitting, assembling, erecting, operating or repairing electrical articles;
- “electrical installation” means any electric line or electrical article placed in, on or over any premises and used or intended to be used for or for purposes incidental to the conveyance, control or use of electricity supplied or intended to be supplied by an Electricity Authority or the holder of a licence under this Act to supply electricity or an owner or occupier of a private plant, and whether or not supplied by the person contracting or undertaking to install the same. The term includes additions and alterations to an electrical installation, but does not include—
- (a) an electric line of any Electricity Authority or the holder of a licence under this Act to supply electricity;
  - (b) works of any Electricity Authority or the holder of a licence under this Act to supply electricity that are used for the generation, transmission and distribution of electricity;
- “electrical installation work” means the actual physical work of installing, altering or adding to any electrical installation and the supervision of such work;
- “electrical joiner” means a person who supervises or performs the actual electrical work of installing, jointing and terminating such covered cables as require specialized knowledge and skill;
- “electrical linesman” means a person who supervises or performs the actual electrical work of constructing or maintaining overhead electric lines where specialized knowledge and experience are required;
- “electrical mechanic” means a person who supervises or performs the actual electrical trade work of installing, altering or adding to any electric line or electrical installation and of maintaining, repairing or connecting any electrical article;
- “electrical work” means any work done in connexion with the installation or repair of an electric line or electrical article for the generation, transmission, supply or utilization of electric energy but does not include work done in—
- (a) manufacturing, or assembling at the place of manufacture, electrical articles;
  - (b) constructing for and on behalf of an Electricity Authority and under its supervision a new overhead line on steel towers, not being towers supporting any other overhead line that is in service or has previously been in service;
- “electrical worker” means any person who, pursuant to this Act, performs any such electrical work in whole or in part as is specified in any of the definitions electrical fitter, electrical joiner, electrical linesman and electrical mechanic;
- “electricity” includes electric current, electrical energy, or any like agency;

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- “ Electricity Authority ” means The Queensland Electricity Generating Board, any Electricity Board, and any other authority, person or body determined by this Act to be an Electricity Authority;
- “ Electricity Board ” means an Electricity Board constituted under this Act in respect of an Area;
- “ the Fund ” means The Electricity Trust Fund;
- “ the Generating Board ” means The Queensland Electricity Generating Board;
- “ improver ” means an electrical worker who, by direction of the Apprenticeship Executive constituted under the *Apprenticeship Act 1964–1974*, is serving, on a special wage, a period of training with an employer for the purpose of becoming a qualified electrical worker;
- “ the Industrial Gazette ” means the Queensland Government Industrial Gazette published under *The Queensland Government Industrial Gazette Act of 1961*;
- “ industrial inspector ” means an industrial inspector appointed under the *Industrial Conciliation and Arbitration Act 1961–1976*;
- “ installation inspector ” means an electrical mechanic employed by an Electricity Authority and authorized by the Commission to act as an installation inspector;
- “ live line work ” means electrical work on exposed live high voltage conductors or exposed live parts of electrical articles that may be performed only by suitably trained personnel authorized by the Commission under Part VIII;
- “ Local Authority ” includes Brisbane City Council and a Joint Local Authority;
- “ meter ” includes every kind of machine used for measuring electricity and ancillary metering equipment;
- “ the Minister ” means the Minister for Mines and Energy or other Minister of the Crown for the time being charged with the administration of this Act. The term includes any Minister of the Crown who is temporarily performing the duties of the Minister;
- “ person ” includes any body or association of persons corporate or unincorporate;
- “ premisses ” means any building, structure, land and adjuncts thereto that are rented, leased, owned or lawfully occupied by the person or persons concerned;
- “ private plant ” means any generating plant other than a generating plant used by—
- (a) an Electricity Authority in the exercise of its powers, functions and duties;
  - (b) the holder of a licence under this Act to supply electricity for the purpose of supplying electricity pursuant to such licence;
- “ public body ” means the Crown, the Governor in Council, a Minister of the Crown, a Local Authority and any board, body, authority or corporation constituted or incorporated by or under any statute and authorized by statute to carry on a public undertaking;

“restricted certificate” or “restricted certificate of competency” means a restricted certificate of competency issued under Part XI and in force at the material time;

“road” means any road, street, square, court, alley, highway, thoroughfare, lane, footpath, public passage or place that the public are entitled to use, and any wharf, jetty, bridge, park or reserve that is under the control of a public body;

“service lines” means an electric line, including a connexion to the service fuse, servicing a consumer’s premises from the point of supply on the Electricity Authority’s undertaking to the consumer’s terminals;

“substation” means works of an Electricity Authority used for the conversion, transformation or control of high voltage electricity;

“undertaking” means the works, lands, property and operations of and incidental to the carrying out of the business of any Electricity Authority or, as the case requires, any Electric Authority as defined in the Second Schedule;

“voltage” means the difference in electrical potential measured in volts.

In the case of alternating current systems the voltage is deemed to be the root mean square (R.M.S.) value of such difference.

Unless otherwise provided, the voltage specified is the nominal voltage between phases of a symmetrical three phase system.

In the case of electricity provided from a single wire earth return system, the applicable provisions are those relating to the symmetrical three phase system having a voltage measured between phase and earth of magnitude equal to that of the standard voltage of the single wire earth return system.

Additionally, in relation to this term and its meaning,

“low voltage” means a voltage not exceeding 650 volts and  
“high voltage” means a voltage in excess of 650 volts;

“works” means electric lines and any buildings, machinery, engines, meters, lamps, transformers, fittings, apparatus, control cables and any matters or things of whatever description required to generate, transmit or distribute electricity or to carry into effect the objects of any Electricity Authority pursuant to this Act.

**7. Crown bound in certain respects.** This Act is binding on the Crown—

- (a) to the extent that the Crown is a consumer;
- (b) in respect of its provisions relating to matters of safety;
- (c) where in any other provision of this Act the Crown is said to be bound,

and not otherwise.

## PART II—THE STATE ELECTRICITY COMMISSION OF QUEENSLAND

*Division I—Constitution of Commission*

**8. Administration of Act.** Subject to the Minister, the Commission shall administer this Act.

**9. The Commission.** (1) The State Electricity Commission of Queensland constituted under *The State Electricity Commission Acts, 1937 to 1965* is preserved, continued in existence and constituted under this Act under that name, that is to say, "The State Electricity Commission of Queensland".

(2) The Commission—

(a) shall continue to be a corporation sole constituted by the Commissioner with perpetual succession and an official seal;

(b) shall be capable in law of—

(i) suing and being sued;

(ii) compounding or proving in any court of competent jurisdiction all debts or sums of money due to it;

(iii) taking, acquiring, holding, dealing with and disposing of real and personal property (whether situated in Queensland or elsewhere); and

(iv) doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(3) For all the purposes of this Act and of any other Act the Commission represents the Crown and has and may exercise all the powers, privileges, rights and remedies of the Crown.

(4) Contracts entered into by the Commission may be made as follows:—

(a) A contract that if made between private persons would by law be required to be in writing and under seal shall be made by the Commission in writing and under its seal;

(b) A contract that if made between private persons would by law be required to be in writing signed by the parties to be charged therewith may be made in writing signed by the Commissioner;

(c) A contract that if made between private persons would by law be valid although not reduced into writing may be made without writing by the Commissioner.

(5) A contract so made as aforesaid shall be effectual in law and shall bind the Commission and all other parties thereto and may be varied or discharged in the manner in which it is authorized to be made.

(6) All courts, judges, justices and persons acting judicially shall take judicial notice of the appointment of the Commissioner, Deputy Commissioners, and secretary to the Commission and of their respective signatures, and of the seal of the Commission affixed to any document or other writing and shall presume, until the contrary is proved, that any such signature or such seal, as the case may be, was duly affixed to any document or other writing on which it appears.

- 10. Affixing official seal.** (1) The official seal may be affixed by—
- (a) the Commissioner;
  - (b) a Deputy Commissioner;
  - (c) the secretary or any person for the time being occupying the office or performing the duties of the secretary when such secretary or person has and is exercising and performing the powers, functions, authorities and duties of the Commissioner pursuant to section 14;
  - (d) a delegate duly authorized in that behalf by the Commissioner under section 19.

(2) In every case where the official seal is affixed to a document or other writing, the document or other writing shall be attested to the effect that such seal was duly affixed by the person affixing it in the presence of the secretary or such other employee of the Commission for the time being having the custody of it.

**11. Use of seal outside the State.** (1) The Commission may have for use outside the State seals each of which shall be a facsimile of the official seal of the Commission with the addition on its face of the name of the country, state, territory or other place where it is to be used.

(2) A deed or other document or writing to which such a facsimile of the official seal is duly affixed binds the Commission as if it had been sealed with the official seal and in any such case it shall for all purposes be deemed to have been sealed with the official seal.

(3) The Commission may by writing under its official seal authorize any person (including the holder of an office for the time being) appointed for the purpose in any country, state, territory or other place to affix as its agent a facsimile of the official seal to any deed or other document or writing to which the Commission is party in that country, state, territory or other place.

(4) The authority of any such agent shall, as between the Commission and any person dealing with the agent, continue during the period, if any, mentioned in the instrument conferring the authority or, if no period is so mentioned, until notice of the revocation or determination of the agent's authority has been given to the person dealing with the agent.

(5) The person affixing the facsimile of the official seal shall, by writing under his hand, certify on the deed or other document or writing to which the seal is affixed the date on which and the place at which it is affixed.

**12. Continuance in office of certain persons.** (1) The persons holding under *The State Electricity Commission Acts, 1937 to 1965* the offices of Commissioner for Electricity Supply, Deputy Commissioners for Electricity Supply and secretary to the Commission immediately prior to the day of commencement of this Act shall without further or other appointment be respectively the State Electricity Commissioner, Deputy State Electricity Commissioners and secretary to the Commission under this Act.

(2) Subject to this Act, the Commissioner and Deputy Commissioners shall hold their respective offices under this Act in terms of their appointments thereto for the remainder still to run on the day of

commencement of this Act of the terms of their respective appointments under *The State Electricity Commission Acts, 1937 to 1965* and be eligible for reappointment.

(3) Subject to this Act, the secretary shall hold his office as secretary to the Commission under this Act on terms and conditions as to salary and otherwise not less favourable than those on which he held office immediately prior to the day of commencement of this Act, and subject thereto and subject to any applicable award of any industrial court, commission, tribunal or authority he shall hold office on such terms and conditions as to salary and otherwise as the Governor in Council thinks fit.

**13. Appointment of Commissioner.** (1) Subject to section 12, the Governor in Council may from time to time by commission under his hand and the Public Seal of the State appoint a person to hold the office of the Commissioner.

(2) The appointment shall be for such term, not exceeding seven years, as the Governor in Council determines, and the appointee shall, subject to this Act, hold office for the term for which he is appointed and be eligible for reappointment.

**14. Appointment of Deputy Commissioners.** (1) Subject to section 12, the Governor in Council may from time to time appoint such and so many Deputy Commissioners as he considers necessary.

(2) A Deputy Commissioner may be appointed generally or in respect of a specified portion of the State.

(3) The appointment of a Deputy Commissioner shall be for such term, not exceeding seven years, as the Governor in Council determines, and the appointee shall, subject to this Act, hold office for the term for which he is appointed and be eligible for reappointment.

(4) A Deputy Commissioner shall exercise all such functions and discharge all such duties as are prescribed or, subject to such prescription, as are directed or delegated to him by the Commissioner.

(5) In the event of and during the absence from duty for any reason whatsoever of the Commissioner or in the event of a vacancy occurring in the office of the Commissioner and until a new Commissioner is appointed, the Deputy Commissioner or, where there are two or more Deputy Commissioners, the one of them thereunto appointed by the Governor in Council by notification published in the Gazette shall act as Commissioner and while he so acts shall constitute the Commission and shall have and may exercise all the powers, functions and authorities and shall perform all the duties of the Commissioner.

(6) If at the time of any absence from duty or vacancy in the office of the Commissioner there is no Deputy Commissioner in office and available to act as the Commissioner, the secretary or any person for the time being occupying the office or performing the duties of the secretary shall act as Commissioner and while he so acts shall constitute the Commission and shall have and may exercise all the powers, functions and authorities and shall perform all the duties of the Commissioner.

(7) Except where a vacancy has occurred in the office of the Commissioner, the fact that a Deputy Commissioner or, pursuant to subsection (6), the secretary or any person for the time being occupying the office or performing the duties of the secretary has exercised or performed any power, function, authority or duty of the Commissioner shall, until the contrary is proved, be conclusive evidence that the Commissioner was then absent from duty.

**15. Appointment of secretary.** (1) Subject to section 12, the Governor in Council may from time to time appoint a secretary to the Commission.

(2) The secretary is responsible for the safe custody of the official seal of the Commission and is the custodian of all documents, books, papers and other records and writings of the Commission.

(3) The secretary also has and may exercise such powers, functions and authorities and shall perform such duties as are prescribed or, subject to such prescription, as are directed or delegated to him by the Commissioner.

(4) The Commissioner may direct an employee of the Commission to perform temporarily the duties of secretary if at any time the secretary dies or is sick or, owing to inability from any cause, cannot exercise the powers, functions and authorities or perform the duties of secretary whether or not he is in fact absent, or if from any other cause the office is vacant, and such employee whilst performing temporarily such duties as aforesaid shall for all purposes be the secretary to the Commission.

**16. Salaries of Commissioner, Deputy Commissioners and secretary.** The Commissioner, each Deputy Commissioner and the secretary, including those persons referred to in section 12 (1), shall, subject to this Act, respectively be paid such salaries and allowances as the Governor in Council fixes from time to time.

**17. Public Service Act not applicable to Commissioner, etc.** The provisions of the *Public Service Act* 1922-1973 are not applicable to the Commissioner, Deputy Commissioners or the secretary, including those persons referred to in section 12 (1).

**18. Vacation of office.** (1) The Commissioner, a Deputy Commissioner or the secretary shall be deemed to have vacated his office—

- (a) if, except with the prior approval of the Governor in Council, he directly or indirectly engages in any paid employment—
  - (i) outside the duties of his office or of any additional office to which he is appointed by the Governor in Council; or
  - (ii) outside the duties of any office to which he is appointed by virtue of his position of Commissioner, Deputy Commissioner or secretary, as the case may be;
- (b) if he becomes bankrupt or compounds with his creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;



- (c) if, except by reason of illness or physical incapacity or on leave granted by the Minister (power to grant such leave being hereby authorized), he absents himself from duty for 14 consecutive days or for 28 days in all in any calendar year;
- (d) if he is convicted of an indictable offence for which he is liable to be punished by imprisonment for twelve months or more;
- (e) if he dies or becomes mentally ill;
- (f) if he is removed from office by the Governor in Council for misbehaviour or incapacity;
- (g) if he becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Commission or an Electricity Authority or in any way participates or claims to be entitled to participate in the profit thereof or in any benefit or emolument arising therefrom; or
- (h) if he resigns his office by writing under his hand addressed to the Minister and such resignation is accepted by the Governor in Council.

(2) In any case where the Commissioner, a Deputy Commissioner or the secretary—

- (a) is appointed by the Governor in Council to an additional office as referred to in subsection (1) (a);
- (b) is appointed to an office by virtue of his position of Commissioner, Deputy Commissioner or secretary; or
- (c) directly or indirectly engages in any paid employment with the prior approval of the Governor in Council as provided in subsection (1) (a),

the Governor in Council may direct that any remuneration received by him in respect thereof be paid into the Fund, whereupon he shall pay such remuneration into the Fund accordingly.

(3) The Governor in Council may, for misbehaviour or incapacity appearing to him to be sufficient for so doing, remove the Commissioner, a Deputy Commissioner or the secretary from office.

**19. Delegation by Commissioner.** (1) The Commissioner, with the prior approval of the Minister, may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under his hand, delegate to a Deputy Commissioner, the secretary or any other employee of the Commission all or any of his powers, functions, authorities and duties under this Act as may be specified in the instrument (other than this power of delegation).

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

(3) A delegation may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, functions, authorities or duties delegated or as to time, place or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, function, authority or duty of the Commissioner is dependent upon the opinion, belief or state of mind of the Commissioner in relation to any matter, that power, function, authority or duty may be exercised or performed by the delegate upon the opinion, belief or state of mind of the delegate in relation to that matter.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing done had been done or suffered by the Commissioner.

(6) A delegation under this section is revocable by the Commissioner at his will and shall be revoked by him if the Minister so directs.

(7) A delegation under this section does not prevent the exercise or performance of a power, function, authority or duty by the Commissioner.

(8) The Commissioner, with the prior approval of the Minister, may make such and so many delegations under this section and to such number of delegates as he considers necessary or desirable.

**20. Appointment, etc., of employees of Commission.** (1) In this section, the term "employee" does not include the Commissioner, a Deputy Commissioner or the secretary.

(2) The numbers and classes of employees of the Commission employed or for whom there is provision made for employment immediately prior to the day of commencement of this Act shall be the numbers and classes of employees of the Commission considered necessary for the purposes of this Act on the day of commencement of this Act.

(3) At any time on or after the day of commencement of this Act but not later than one year after that day and thereafter at least once in each year the Commission shall submit to the Minister a statement setting out the numbers and classes of employees it considers are necessary as employees of the Commission for the purposes of this Act.

(4) There shall be included in the statement particulars of any scholarships or cadetships requiring the holders to perform a period of service with the Commission.

(5) The Minister may accept the proposals set out in the statement or may require that they be amended or modified in manner specified by him.

(6) The Minister may at any time require that the proposals set out in the statement, whether as accepted or as amended or modified by him, be amended or modified or further amended or modified.

(7) The Commission may appoint employees of the Commission in accordance with numbers and classes of employees accepted and agreed to by the Minister from time to time in accordance with this section.

(8) The employees appointed shall, subject to any applicable award of any industrial court, commission, tribunal or authority, be paid such remuneration as the Commission, with the approval of the Governor in Council, determines and shall be employed at the pleasure of the Commission.

(9) The Commission as constituted under *The State Electricity Commission Acts, 1937 to 1965* prior to the day of commencement of this Act may make arrangements for the appointment of, and appoint, as at the day of commencement of this Act, the numbers and classes of employees considered necessary, pursuant to subsection (2), for the purposes of this Act.

(10) The provisions of the *Public Service Act 1922-1973* are not applicable to employees of the Commission.

**21. Electrical inspectors.** (1) Subject to section 20, employees appointed under that section shall include such electrical inspectors as the Commission considers necessary.

(2) The Commission may appoint—

(a) an employee of the Commission who is not appointed as an electrical inspector under this Act;

(b) any other person, including an employee of an Electricity Authority,

to be an electrical inspector for the purposes of this Act.

(3) An appointment under subsection (2) may be for a specified purpose or a specified period or without limit of time.

(4) The Commission shall issue to every person who is appointed an electrical inspector a certificate of his appointment as an electrical inspector.

(5) Where an appointment is made under subsection (2), the Commission shall specify in the certificate of appointment any conditions, specifications or limitations subject to which the appointment is made.

(6) The production by an electrical inspector of the certificate of his appointment to any person shall be conclusive evidence of his appointment.

**22. Industrial inspectors to be electrical inspectors for certain purposes.** Every industrial inspector, by virtue of such office and without further appointment under this Act, is also an electrical inspector for the purposes of the provisions of this Act relating to the licensing of electrical contractors and the issue of certificates of competency and permits to electrical workers.

**23. Duties of electrical inspectors.** The duties of electrical inspectors are—

(a) to inspect and test periodically and in special cases—

(i) the electric lines and other works of an Electricity Authority and of the holder of a licence under Division IV of Part III;

(ii) electrical installations;

(iii) the supply of electricity given by an Electricity Authority and of the holder of a licence under Division IV of Part III;

(iv) for the purposes of this Act, any private plant;

(v) electrical articles offered for sale or submitted to the Commission for examination, testing and approval;

(b) to promote the safety of electrical workers engaged on electrical work and persons assisting those electrical workers;

- (c) to carry out such duties relating to, and to make such inquiries into, the execution of electrical work and the competency of electrical workers as may be required by the Commission or The Electrical Workers and Contractors Board;
- (d) subject to this Act, to investigate and report on accidents occurring on any part of any electric line or other work or any electrical installation;
- (e) to perform and carry out such other duties as may be prescribed.

**24. General powers of electrical inspectors.** An electrical inspector may—

- (a) at any reasonable hour of the day or night enter and remain upon any works or premises to enable him to exercise his powers and perform his duties under this Act;
- (b) inspect and examine all electrical installation work being performed or that has been performed with respect to any electrical installation found upon such entry;
- (c) call to his aid—
  - (i) any member of the police force where he has reasonable cause to anticipate any obstruction in the exercise of his powers or in the performance of his duties;
  - (ii) any person he may think competent to assist him in such inspection and examination;
- (d) make such examination and inquiry as may be necessary to ascertain whether any electrical work is being or has been performed in manner prescribed and the identity and qualifications of the person or persons by whom the same is being or was performed;
- (e) require the production of any certificate, permit or licence and of any book, notice, record, list or writing that by this Act is required to be kept or exhibited, and inspect, examine and take copies of or extracts from the same;
- (f) exercise such other powers and authorities as may be prescribed.

**25. Indemnities.** No liability shall be incurred by the Crown, the Minister, the Commission, the Commissioner, a Deputy Commissioner, the secretary to or any other employee of the Commission or any person not being an employee of the Commission who is appointed to be an electrical inspector or an industrial inspector acting as an inspector for the purposes of Part XI on account of anything done for the purposes of this Act or done in good faith and purporting to be for the purposes of this Act.

**26. Disclosure of certain matters and effect thereof.** (1) The Minister, the Commission, the Commissioner, a Deputy Commissioner, the secretary to the Commission, an electrical inspector and any employee of the Commission authorized by the Commission or by any of the aforesaid persons, either generally or in any particular case, may disclose or publish any matter or thing in relation to or arising out of any provision of—

- (a) Division VIII of Part II;
- (b) Part VIII;

## (c) Part IX

that it is in the public interest to disclose or publish or that the said Commission or person considers in good faith it is necessary or desirable to disclose or publish in the public interest, and no liability shall be incurred by the Crown, the Minister, the Commission, the Commissioner, a Deputy Commissioner, the secretary to the Commission, an electrical inspector or an employee so authorized as aforesaid on account of any disclosure or publication so made.

(2) No liability shall be incurred by any person on account of any disclosure or publication made to the Commission or any person referred to in subsection (1) or any other employee of the Commission in relation to or arising out of any provision of—

- (a) Division VIII of Part II;
- (b) Part VIII;
- (c) Part IX.

*Division II—Electricity Trust Fund*

**27. The Electricity Trust Fund.** The Electricity Trust Fund established under *The State Electricity Commission Acts, 1937 to 1965* is preserved, continued in existence and constituted under that name, that is to say, “The Electricity Trust Fund”, and moneys forming part of the Fund immediately prior to the commencement of this Act are moneys forming part of the Fund on such commencement.

**28. Appropriation.** Parliament may from time to time appropriate such sums for the administration of this Act as shall be deemed necessary and any such appropriation for such purpose is hereby authorized. Such sums so appropriated shall be paid into and form part of the Fund.

**29. Payments into the Fund.** All fees, charges and other moneys paid to or received by the Commission (other than loan moneys raised by the Commission under Division IV and the expenses of raising and managing such loans and refunds of such expenses from Electricity Authorities but including any capital funds provided from such loan moneys for the purposes of the Commission) shall be paid into and form part of the Fund.

**30. Payments out of the Fund.** All costs, charges and expenses of the Commission, including the salaries, allowances and expenses of the Commissioner, any Deputy Commissioner, the secretary and other employees thereof but excluding the expenses of raising and managing loans shall be a charge against and paid out of the Fund.

**31. Provisions.** (1) Subject to the approval of the Governor in Council, the Commission may make, within the Fund, provisions to meet any specific future expenditure, whether of a capital nature or not.

(2) When any such provision has been applied for the purpose for which it was made, any balance remaining shall be credited as a miscellaneous receipt of the Fund.

**32. Precept to the Generating Board.** (1) Prior to 31 May in each year, the Commission shall—

- (a) estimate the expenditure to be made from the Fund for the twelve months commencing on 1 July of that year;
- (b) calculate the amount that, in conjunction with moneys standing to the credit of the Fund and all moneys (exclusive of the amount payable under the precept referred to in paragraph (c)) likely to be paid into the Fund, is required to meet that estimated expenditure; and
- (c) issue a precept to the Generating Board requiring it to pay the amount so calculated.

(2) The Generating Board shall, in the manner provided by section 33, pay the amount calculated as aforesaid to the Commission.

(3) Immediately it issues the precept, the Commission shall send a copy of it to the Minister with a detailed statement setting out how the amount was calculated.

(4) The Minister may at any time prior to 1 April in the year next following the year in which the precept is issued by the Commission to the Generating Board, by written notice in duplicate under his hand, vary the amount payable by the Board to the Commission.

(5) The original notice shall be forwarded to the Commission and the duplicate shall be forwarded to the Generating Board and the notice shall bind each of them.

(6) The reference to “each year” in subsection (1) includes the year in which occurs the day of commencement of this Act and where, pursuant to this section, anything is required to be done in that year by the Commission prior to the day of commencement of this Act, it shall be done by the Commission as constituted under *The State Electricity Commission Acts, 1937 to 1965*.

**33. Payment by Generating Board by instalments.** (1) If the amount required to be paid by the Generating Board is not varied by the Minister, the Board shall pay the amount to the Commission in four equal instalments on the first days of July, October, January and April next following the date of issue to it of the precept referred to in section 32 (1).

(2) If the amount payable by the Board to the Commission is varied by the Minister pursuant to section 32 (4), the notice of variation shall direct in what manner the amount as varied is to be paid, and it thereupon shall be payable in accordance with such direction.

(3) The Minister in directing in what manner the amount as varied is to be paid shall have regard to—

- (a) the time of the giving of the direction in relation to instalments paid or to be paid;
- (b) any instalments already paid up to that time,

and shall take into consideration the need to issue or the desirability of issuing a notice of variation in the year wherein occurs the day of commencement of this Act if that day occurs on or about the day an instalment is otherwise payable under this section; and he may issue a notice of variation prior to the day of commencement of this Act where he considers it is desirable to do so in the circumstances.

**34. Other funds and votes.** In addition to the administration of the Fund, the Commission shall administer also such other trust or special funds created by the Governor in Council from time to time which the Governor in Council directs shall be so administered, and any other moneys appropriated by Parliament from time to time, whether from the Consolidated Revenue Fund or the Loan Fund, for the purposes of this Act or any other Act or any function of Government that the Commission is required to administer.

**35. Accounts.** (1) The Commission shall keep proper accounts with respect to—

- (a) the Fund;
- (b) any other fund or vote administered by the Commission pursuant to section 34;
- (c) the various sinking funds provided for in Division VI of this Part;
- (d) loan moneys raised by the Commission pursuant to this Act and the expenses of raising and managing loans obtained pursuant thereto;
- (e) any other moneys that may be under the control of the Commission from time to time.

(2) The Auditor-General may direct the manner in which such accounts shall be kept.

(3) Annual financial statements shall be prepared in respect of the accounts referred to in subsection (1) and shall be certified by the Commissioner and the secretary in manner prescribed or, in the absence of any such prescription, in the form required by the Auditor-General.

*Division III—Powers, Functions and Duties of the Commission*

**36. Powers, functions and duties of the Commission.** Subject to this Act and without derogating from any other provision of this Act with respect to any power, function or duty of the Commission, the Commission—

- (a) shall plan the supply of electricity throughout Queensland so far as such supply may be reasonably and economically possible and regulate and co-ordinate such supply and matters related thereto;
- (b) may, when and so often as it thinks it necessary so to do, and shall, if at any time it is thereunto directed by the Minister, prepare and submit to the Minister a plan—
  - (i) for a co-ordinative program for the improvement and extension of existing undertakings;
  - (ii) for the interconnexion of undertakings;
  - (iii) for the carrying out of all such other matters and things as are authorized or required to be carried out under or in pursuance of this Act irrespective of whether the carrying out of any such other matter or thing is a power, function or duty of the Commission or of an Electricity Authority or of any other body constituted under this Act;

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- (c) may, and shall, if thereunto required by the Minister, prepare and submit to the Minister recommendations for the orderly carrying out over a period or during any particular period of any works, matters or things included in any plan as referred to in paragraph (b);
  - (d) shall determine the prices to be paid for electricity supplied—
    - (i) by any Electricity Authority to consumers of that Authority;
    - (ii) in bulk by the Generating Board to any Electricity Board or other Electricity Authority;
  - (e) shall inquire into and report to the Minister from time to time with respect to any matters referred to the Commission by the Governor in Council or the Minister for investigation and report;
  - (f) may, in the exercise of any of its powers, functions or duties under this Act, carry out such investigations as it thinks necessary or desirable;
  - (g) shall plan the organization of Electricity Authorities into economic and, where practicable, geographical and related units, and take such steps as in its opinion should be taken to provide for the co-ordination or amalgamation of any Electricity Authorities;
  - (h) shall forecast and use its best endeavours to anticipate the future requirements for electricity throughout Queensland and for this purpose plan in conjunction with the appropriate Electricity Authority and, subject to the approval of the Governor in Council, authorize the establishment of generating stations and the erection of transmission systems and associated works so that development will proceed in an orderly manner, and, with respect thereto, shall—
    - (i) take into account the available natural resources of Queensland and, in conjunction with such authorities as are charged with the control, exploitation or utilization of such resources, recommend to the Governor in Council which resources should be utilized for the generation and supply of electricity;
    - (ii) take into consideration whether any deleterious effect on the environment would be occasioned by the establishment of generating stations or the erection of transmission systems and associated works;
    - (iii) co-ordinate the planning activities of Electricity Authorities; and
    - (iv) make such investigations, surveys and inquiries as it considers necessary in connexion with the foregoing;
  - (i) may advise (but without prejudice to any other power or authority of the Commission) an Electricity Authority upon the expenditure, charges, maintenance, efficiency and economics of its undertaking with a view to securing—
    - (i) the most efficient administration and working of such undertaking; and
    - (ii) the electrical development of the Area of electricity supply of the Electricity Authority;



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- (j) may take supplies of electricity in bulk from a person within or outside the State or from any Electricity Authority and supply electricity in bulk to a person outside the State or to any Electricity Authority;
  - (k) may approve special agreements made by Electricity Authorities with persons for the supply of electricity at other than standard tariffs;
  - (l) may negotiate with any person desiring electricity to be supplied by an Electricity Authority under a special agreement at other than standard tariffs where, in the opinion of the Commission—
    - (i) the special agreement would be of particular benefit to the State; or
    - (ii) special circumstances exist, and make arrangements in connexion therewith;
  - (m) may, with the approval of the Governor in Council, supply electricity in Queensland to any person other than an Electricity Authority at such rate or rates and upon such terms and conditions as are in the opinion of the Governor in Council fair and reasonable, and for that purpose may make with any Electricity Authority in the State or with any Electricity Authority or person outside the State all such arrangements with respect to the supply of electricity and the taking and doing of all such other steps and things by such Electricity Authority or person for or on behalf of the Commission as the Governor in Council considers necessary or expedient;
  - (n) may negotiate and enter into agreements for any of the purposes of this Act;
  - (o) may undertake or contribute to the cost of research and development in relation to any of its powers, functions or duties;
  - (p) may give technical advice to Government Departments concerning electricity;
  - (q) may provide technical advice and undertake work that it is competent to provide and undertake—
    - (i) by agreement with and on behalf of any Electricity Authority or for any other person within the State;
    - (ii) subject to the prior approval of the Governor in Council, by agreement with and on behalf of any person outside the State, and receive such payment, if any, as may be agreed upon;
  - (r) may approve of electrical articles with the object of securing their safety in service and may prohibit, subject to the provisions of this Act, the use or the sale of electrical articles;
  - (s) may inspect electrical machinery and electric lines not otherwise subject to the provisions of this Act, to ensure that such electrical machinery and electric lines are constructed and used in a manner that will secure the safety of the public;
  - (t) may promote and encourage the use of electricity;
  - (u) may set up and conduct training schools and training courses for employees of the electricity supply industry or for electrical workers or any other persons, in respect of any matter related to electricity or the electricity supply industry.

In the exercise of this power, the Commission may arrange with any educational institution within or outside Queensland, the Department of Education, the Generating Board or any Electricity Board to set up and conduct for and on behalf of the Commission such training schools or training courses or any part of such courses and to make, subject to the approval of the Governor in Council, financial arrangements with respect thereto;

- (v) may from time to time, subject to approval by the Governor in Council and subject to such terms and conditions as the Governor in Council may fix, provide moneys—
  - (i) to the Generating Board;
  - (ii) to an Electricity Board;
  - (iii) to any other Electricity Authority for the purposes of enabling such Electricity Authority to carry out its powers, functions and duties as an Electricity Authority;
  - (iv) for expenditure of a capital nature by the Commission, and may invest moneys held by the Commission being—
    - (1) moneys borrowed by the Commission under the authority of this Act;
    - (2) moneys standing to the credit of the Fund;
    - (3) moneys received by the Commission for investment on behalf of an Electricity Authority pursuant to the provisions of Division III of Part VI,
 in any manner hereinafter provided, that is to say:—
    - (A) on deposit in any savings bank;
    - (B) on any interest bearing term deposit in any bank;
    - (C) on the security of a certificate of deposit issued by any bank;
    - (D) in any securities guaranteed by the Government of the Commonwealth or of a State of the Commonwealth;
    - (E) with an authorized and approved dealer in the short term money market;
    - (F) in any other manner approved by the Governor in Council, which approval may be in respect of a specific investment or all investments of a specified kind or class of investment, and may be for a specified period or without limit of time; and each such investment shall be upon such security, if any, as the Governor in Council may determine;
- (w) may direct, prohibit, restrict or control, or regulate in any other manner whatsoever, the supply and consumption of electricity;
- (x) may do all such things and issue all such instructions as may be expedient to ensure that all persons engaged in the electrical industry in the State adopt safe working practices;
- (y) may undertake or contribute to the cost of programs to educate the public in electrical safety and in the efficient and economic use of electricity;
- (z) may require the registration of cathodic protection systems and do such other things and take such other steps as it considers necessary for the protection of electric lines, works and any

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pipes, sewers, drains or other works lawfully constructed in any position from damage by corrosion resulting from interference caused by the use of any such system;

- (aa) may advise the Minister with respect to the issue of a licence to any person or to an Electricity Authority to construct, maintain and utilize works for the purpose of generating, transmitting, distributing, supplying or utilizing electricity;
- (bb) may investigate and determine any appeal by a person who has been refused a supply of electricity by an Electricity Authority or who is dissatisfied with the conditions under which an Electricity Authority has offered to make a supply of electricity available to him;
- (cc) may provide an advisory service for Electricity Authorities on matters related to industrial awards and conditions of employment;
- (dd) may co-ordinate the formulation of policy of the electricity supply industry in matters related to industrial awards and conditions of employment;
- (ee) may appoint and keep appointed an industrial advocate to represent the Commission and who may represent an Electricity Authority in industrial proceedings;
- (ff) subject to the approval of the Governor in Council, may subscribe money or provide services for any national, public, general or useful object or purpose;
- (gg) may join any technical or other society or association of which it is eligible to be a member and which in the opinion of the Commission is likely to further the powers, functions and duties of the Commission or to benefit the electrical industry in Queensland, and may pay membership subscriptions in respect thereof and incur such other costs as membership of any such society or association entails;
- (hh) subject to the approval of the Governor in Council, may establish scholarships and bursaries that do not bind holders to perform a period of service with the Commission;
- (ii) shall carry out and perform such additional powers, functions and duties as are prescribed by the Governor in Council by Order in Council (not being powers, functions and duties to be carried out or performed by an Electricity Authority in pursuance of this Act) and the Governor in Council is hereby authorized to prescribe such additional powers, functions and duties:

Provided, however, that an additional power, function or duty so prescribed by the Governor in Council shall be an effective power, function or duty pursuant to this paragraph for a period of not more than 6 months from the date of publication in the Gazette of the Order in Council in question;

- (jj) may do such incidental or consequential acts and things as may be necessary or expedient for the exercise and performance of its powers, functions and duties.

*Division IV—Borrowing by the Commission and Electricity Authorities*

**37. Borrowing by Commission.** (1) The Commission, with the approval of the Governor in Council, for the purpose of exercising any of its powers and functions and performing any of its duties under this Act, may and is hereby authorized to borrow money or obtain accommodation by way of temporary advance or overdraft or otherwise from or to make financial arrangements with the Treasurer or with any bank or other person or institution upon and subject to such terms and conditions and at such rate of interest as the Commission, subject to approval by the Governor in Council, thinks fit:

Provided that the Commission may enter into negotiations with respect to the borrowing of money or the obtaining of accommodation or the making of financial arrangements as aforesaid with the sanction of the Treasurer, and for the purpose of obtaining that sanction the Commission shall submit to the Treasurer such information as the Treasurer may require.

(2) Without limiting the generality of the provisions of subsection (1) but subject to the approval as aforesaid of the Governor in Council, the Commission may borrow money by the sale of debentures, bonds or inscribed stock, or partly in one way and partly in another way or other ways.

(3) The Commission may for the purposes of this section create and execute all such mortgages, bills of sale, charges, liens and other securities or encumbrances upon or over the property of the Commission or any part or parts thereof, or the revenues of the Commission as the Commission, subject to the approval of the Governor in Council, thinks fit.

(4) In the case of a loan to be raised in whole or in part by the sale of debentures, bonds or inscribed stock, the authority shall be given by Order in Council, and such Order in Council shall declare the amount that may be borrowed, the purposes for which the loan is to be borrowed, the currency of the loan, the rate of interest payable thereon, the terms and conditions for the redemption of the loan and such other conditions as the Governor in Council thinks proper to impose.

**38. Debentures, bonds and stock.** (1) All debentures, bonds and inscribed stock respectively issued under the authority of this Act—

- (i) shall, subject to this Act, be sold in such amounts or parcels, at such times and places, and in such a manner as the Commission thinks fit;
- (ii) shall with interest thereon be charged and secured upon the assets and revenues of the Commission, and, to the extent of any moneys provided to any Electricity Authority as a result of the issue thereof, upon the assets and revenues of that Electricity Authority, subject to any prior debentures, bonds and stock issued according to law;
- (iii) shall bear interest at the rate and be redeemable at such date or dates and at such place or places in or outside Queensland as respectively approved by the Governor in Council;

(iv) may, in the case of any debentures or bonds with the consent of the holder thereof, or in the case of any inscribed stock with the consent of the registered owner thereof, be paid off at any time previous to the due date thereof at not more than the par value thereof or (with the consent of the Governor in Council) at a premium, with interest thereon to date of payment only.

(2) (a) In the case of an application to purchase debentures or inscribed stock other than by public tender, the Commission may require the applicant to lodge with his application, as security, all or part of the purchase consideration.

(b) Where an application is accepted, the debentures or inscribed stock issued pursuant to the application shall bear interest at the rate approved in accordance with this section on the amount lodged as security from the date of lodgment.

(c) Where the application is not accepted, the Commission shall refund forthwith any amount so lodged as security.

(3) Interest secured by any debentures, bonds or inscribed stock shall be payable at such times and at such place or places in or outside Queensland as the Governor in Council determines.

(4) No notice of any trust express, implied or constructive shall be received by the Commission or by any employee or other servant or any agent of the Commission in relation to any debentures, bonds or stock issued under the authority of this Act, and the Commission or any such servant or agent shall not be bound to see to the execution of any such trust to which any such debentures, bonds or any part of any such stock may be subject.

(5) An investment, unless expressly forbidden by the instrument (if any) creating the trust, by a trustee of trust funds in any debentures, bonds or stock issued under the authority of this Act shall be and be deemed to be an authorized investment by the trustee pursuant to the provisions of section 21 of the *Trusts Act 1973* and such Act shall be read and construed accordingly.

(6) A person advancing money to the Commission and receiving in consideration of such advance any debentures, bonds or stock issued under the authority of this Act shall not be bound to inquire whether the issue of such security was in fact duly authorized or into the application of the money advanced or be in any way responsible for the non-application or misapplication thereof.

**39. Brokerage.** The Commission may pay moneys by way of brokerage for or in respect of the making, procuring, negotiating or obtaining the loan of any money the borrowing of which the Governor in Council has approved:

Provided that no moneys shall be paid by the Commission by way of brokerage for or in respect of the loan of any money by it unless the Treasurer has approved of the payment of brokerage, which approval may be given by the Treasurer subject to such terms and conditions as he thinks fit:

Provided further that section 14 of the *Money Lenders Act 1916-1969* shall not apply or extend to brokerage which the Commission is authorized to pay under and in accordance with this section, and which brokerage

has been approved by the Treasurer and is agreed to be paid by the Commission subject to the terms and conditions, if any, imposed by the Treasurer.

**40. Guarantee of loans.** (1) Notwithstanding anything to the contrary contained in any Act, the amount of any loan borrowed by the Commission with the approval of the Governor in Council with interest at the rate approved by the Governor in Council shall be and be deemed to be guaranteed by the Treasurer on behalf of the Government of Queensland, and such guarantee shall be effective upon the publication in the Gazette of the Order in Council authorizing such loan.

(2) The guarantee shall be subject to such terms, reservations and conditions, if any, as are prescribed by the Governor in Council in the Order in Council authorizing such loan.

(3) All moneys payable by the Treasurer pursuant to this section shall be a charge upon and be paid out of Consolidated Revenue which is hereby to the necessary extent appropriated accordingly.

(4) The provisions of section 5 of the *Local Bodies' Loans Guarantee Act 1923-1975* shall, with any necessary adaptations thereof, extend and apply in respect of moneys paid by the Treasurer pursuant to this section, and any moneys received or recovered by the Treasurer from the Commission or otherwise in respect of moneys so paid as aforesaid shall be paid into Consolidated Revenue.

(5) The liability of the Government of Queensland pursuant to a guarantee as aforesaid shall not be affected or discharged by the granting to the Commission of any time or other indulgence or consideration or by reason of any transaction that may take place between the Commission and the lender or any holder for the time being of debentures or inscribed stock or by any other act or omission of the lender or any holder for the time being of debentures or inscribed stock whereby the liability of the Government as guarantor would but for this provision have been affected or discharged.

**41. Authorization of Electricity Authority to borrow money.** (1) The Governor in Council may by Order in Council authorize an Electricity Authority to borrow money in any case where it appears to him to be necessary or desirable to do so.

(2) The Order in Council shall specify a day on and after which the Electricity Authority is authorized to borrow money, the period to which the authority is limited if such a limitation is imposed and such other terms and conditions with respect to such borrowing as the Governor in Council thinks proper to impose.

(3) On and after the day specified in the Order in Council pursuant to subsection (2), the provisions of this Division apply, with all necessary adaptations, to and with respect to the Electricity Authority as though it were the Commission.

(4) Subsection (3) is subject to the provisions contained in the Order in Council pursuant to subsection (2) and to such other provisions contained in the same or a subsequent Order in Council or subsequent Orders in Council (the Governor in Council being hereby authorized to make such other provisions and any such subsequent Order in Council or Orders in Council) specifying provisions of this Division that do or do

not apply to the Electricity Authority or the manner in which any such provisions do apply or generally with respect to matters consequential upon or incidental to the authorization given to the Electricity Authority to borrow money.

(5) The transfer from one Electricity Authority to another Electricity Authority, pursuant to this Act, of any liability guaranteed by the Treasurer under this Division shall not affect that guarantee which shall, on and from the date of transfer of liability, have and continue to have operation and effect as if it had been given by the Treasurer under this Division in relation to the Electricity Authority to which the liability is transferred as aforesaid.

(6) (a) A person who lends money to an Electricity Authority otherwise than in accordance with this Act or some other Act shall have no remedy or right whatsoever to recover money from the Electricity Authority in respect of that loan:

Provided that nothing in this paragraph shall prejudice or affect section 38 (6) in its application, pursuant to subsection (3) of this section, to a person advancing money to an Electricity Authority.

(b) If an Electricity Authority borrows any money that it is not lawfully authorized under this Act or some other Act to borrow, all the members thereof who have consented to the borrowing of such money shall be jointly and severally liable to repay the same and to pay all interest thereon to the person from whom the same was borrowed, and the same may be recovered from such members or any of them as money lent by such person to such members or, as the case may be, member by action in any court of competent jurisdiction.

(c) If any moneys are appropriated from any fund for the purpose of repaying any money so borrowed or paying interest thereon, the members of the Electricity Authority who have consented to the misappropriation of such moneys for that purpose shall be jointly and severally liable to refund the same with interest at the rate of 8 dollars per centum per annum, and the same may be recovered from such members or any of them by action in any court of competent jurisdiction at the suit of the Commission or any creditor of the Electricity Authority, and the Commission or such creditor, as the case may be, shall pay the amount recovered into the fund concerned but shall be entitled to full costs of suit, including costs as between solicitor and client.

*Division V—Provision of Moneys by Commission for Capital Expenditure and Reimbursement of Commission's Costs in respect thereof*

**42. Provision of moneys for capital expenditure.** (1) The Commission shall not provide moneys to or for an Electricity Authority pursuant to paragraph (v) of section 36 except for expenditure of a capital nature for which approval has been obtained in accordance with this Act or otherwise according to law.

(2) As soon as practicable after 1 July in each year the Commission shall publish in the Gazette a notice setting out—

(a) the total amount of new loan moneys the Commission is authorized to borrow pursuant to section 37;

- (b) the details and amounts of any other moneys, including moneys remaining unallocated from the previous year, that the Commission has available to provide pursuant to this Act for expenditure of a capital nature;
- (c) any moneys that have been provided to the Commission for expenditure by the Commission or an Electricity Authority for a specified purpose of a capital nature;
- (d) the allocation of the moneys referred to in paragraphs (a), (b) and (c) and also the amount of any available moneys not then allocated.

(3) The Commission may by subsequent notice or notices vary the notice given pursuant to subsection (2) or any notice given pursuant to this subsection.

(4) A notice under subsection (2) or (3) shall be given only with the prior approval of the Treasurer.

**43. Reimbursement to the Commission of interest and instalments towards the repayment of capital.** (1) The Commission shall be reimbursed for the total payments for which it is liable by way of—

- (a) interest;
- (b) repayment of principal;
- (c) contributions to a sinking fund,

in respect of the capital sums borrowed or otherwise obtained by it, and such reimbursement shall be provided—

- (d) by each Electricity Authority to which the Commission has provided moneys or on behalf of which the Commission has assumed indebtedness under this Act;
- (e) out of the Fund in the case of moneys expended by the Commission in the exercise of any of its powers or functions or the performance of any of its duties, whether such moneys were so expended before or on or after the day of commencement of this Act;
- (f) in any case where the reimbursement to the Commission in respect of moneys provided pursuant to paragraph (v) of section 36 is properly a charge against another fund established at the Treasury or against an account kept by the Commission pursuant to this Act, out of such fund or account,

to the extent of that portion of the total payments that relates to the moneys so provided, the indebtedness so assumed or the moneys so expended respectively as aforesaid by the Commission.

(2) The amounts to be reimbursed to the Commission in respect of indebtedness assumed on the day of commencement of this Act or loan moneys borrowed by the Commission prior to that day shall be as determined by the Commission.

(3) If any Electricity Authority is dissatisfied with the determination of the Commission, it may refer the matter to the Under Treasurer whose decision with respect thereto is final and binding on both parties.



(4) With respect to moneys provided or expended by the Commission on or after the day of commencement of this Act except moneys that have been provided for a specific purpose, the Commission in determining the amounts to be reimbursed pursuant to this section shall have regard only to the total moneys provided and the portion of such moneys allocated to each Electricity Authority or expended by the Commission and not to the charges related to any particular loan or other provision of moneys.

(5) The Commission shall notify the Treasurer of any amount payable to it under this section by any Electricity Authority and remaining unpaid, and shall take all necessary action to recover from the Electricity Authority the sum in respect of which default has been so made and such sum shall be a debt recoverable from the Electricity Authority by the Commission:

(6) Before 15 July in each year, the Commission shall determine the portion with respect to the previous financial year of the total reimbursement that was required for the payment of interest and the portion that was applied to the reduction of indebtedness or paid as contributions to or earned by the various sinking funds provided for in Division VI of this Part and shall advise each Electricity Authority that contributed to the reimbursement how the amount it contributed was apportioned as between interest and reduction of indebtedness.

**44. Expenses of raising loans.** (1) The Commission shall estimate the costs it is likely to incur in each financial year in raising loans towards the provision of moneys for expenditure on capital works and may require the Electricity Authorities to which moneys are to be provided to contribute by instalments towards these costs.

(2) When the total costs of raising such loans are determined, such costs shall be reimbursed to the Commission by the Electricity Authorities to which moneys are provided and by the Fund and any other fund or account referred to in section 43 (1) (f) in the respective proportions that the moneys so provided to each bear to the total moneys provided in that financial year.

(3) Any contributions made in accordance with subsection (1) shall be set off against the amounts calculated under subsection (2).

**45. Expenses of loan management.** (1) At the commencement of each financial year, the Commission shall estimate the costs it is likely to incur in that year in the management of loans, including the cost of maintaining its loan registry, and may require the Electricity Authorities to which funds are to be or have been provided to contribute by instalments towards these costs.

(2) When the total costs of management of loans in each year are determined, such costs shall be reimbursed to the Commission by the Electricity Authorities to which moneys are to be or have been provided and by the Fund and any other fund or account referred to in section 43 (1) (f) in the respective proportions that the moneys provided to each and not repaid by it bear to the total moneys provided and remaining not repaid.

(3) Any contributions made in accordance with subsection (1) shall be set off against the amounts calculated under subsection (2).

*Division VI—The State Electricity Commission of Queensland Debt Redemption Committee*

**46. Debt Redemption Committee.** (1) There is hereby established a committee by the name of "The State Electricity Commission of Queensland Debt Redemption Committee".

(2) The Committee shall be constituted by the persons for the time being respectively holding the offices of Auditor-General (who shall be chairman), Under Treasurer and State Electricity Commissioner.

(3) The Committee shall, subject to this Act, manage the sinking funds established or continued pursuant to this Act, and the Commission shall give effect to every decision of the Committee in relation thereto.

(4) Any two of the persons referred to in subsection (2) present at any meeting of the Committee shall constitute a quorum.

**47. Sinking funds.** (1) Every sinking fund—

- (a) established pursuant to *The State Electricity Commission Acts, 1937 to 1965* and vested in the Trustees of the State Electricity Commission of Queensland Debt Redemption Fund;
- (b) established pursuant to *The Southern Electric Authority of Queensland Acts, 1952 to 1964* and vested in the Trustees of The Southern Electric Authority of Queensland Debt Redemption Fund;
- (c) established pursuant to *The Regional Electric Authorities Acts, 1945 to 1964* by a Regional Board within the meaning of those Acts

shall on the commencement of this Act vest in the Commission and shall be deemed to have been established by the Commission under this Act.

(2) The Commission shall—

- (a) keep a separate sinking fund in respect of each loan for which contributions are made to one of the sinking funds vested in it pursuant to subsection (1);
- (b) establish a common sinking fund to which shall be credited contributions that, in accordance with the provisions of an Order in Council authorizing a loan pursuant to this Act, are to be made to the common sinking fund;
- (c) establish a separate sinking fund to which shall be credited contributions that, in accordance with the provisions of an Order in Council authorizing a loan pursuant to this Act, are to be made to a separate sinking fund for such loan.

(3) The Commission shall credit to the relevant sinking fund—

- (a) contributions that are required to be made to such sinking fund pursuant to an Order in Council under this Act or a repealed Act specified in Part A of the First Schedule;
- (b) the proportion of the balance of the Sinking Funds Net Earnings Account allocated pursuant to section 49 (4) and applicable to such sinking fund,

and shall debit to such sinking fund any other moneys payable out of such sinking fund.

- (4) Subject to subsection (5), the amount to the credit of—
- (a) a separate sinking fund shall be applied only towards the repayment of the loan for which such sinking fund was established;
  - (b) the common sinking fund shall be applied only towards the repayment of a loan for which contributions have been paid to the common sinking fund.

(5) If, through any cause, there are moneys that are no longer required for the purposes of a sinking fund or are from time to time surplus to the requirements of such sinking fund, the Committee may approve payment of such moneys or a part thereof—

- (a) to the Commission for such purposes and on such terms and conditions as the Committee may decide;
- (b) if such moneys are moneys that are no longer required for the purposes of a sinking fund, to another sinking fund.

**48. Bank account.** (1) The Commission shall establish one consolidated bank account to record the transactions of all sinking funds.

- (2) There shall be paid into such bank account—
  - (a) the contributions payable to the various sinking funds;
  - (b) interest earned on investments;
  - (c) moneys received on account of the repayment or realization of any investment; and
  - (d) any other moneys received on account of a sinking fund.
- (3) There shall be paid out of such bank account—
  - (a) moneys used, pursuant to section 47 (4), for the repayment of loan indebtedness;
  - (b) moneys invested pursuant to this Division;
  - (c) moneys paid to the Commission pursuant to section 47 (5);
  - (d) the costs of administration of the various sinking funds;
  - (e) any other moneys payable out of a sinking fund.

(4) The Commission in accordance with a resolution of the Committee and with the approval of the Governor in Council may—

- (a) make a temporary advance out of loan moneys raised by it and not immediately required;
- (b) obtain accommodation by way of temporary advance or overdraft or otherwise

for the purposes of this Division.

**49. Investment of sinking fund moneys and establishment of Common Investment Account.** (1) The Commission with the approval of the Committee may invest moneys not immediately required for the purpose of repayment of loan indebtedness in any manner in which the Commission is for the time being authorized to invest moneys pursuant to section 36 (v).

(2) The Commission shall establish one common investment account, herein referred to as “the Common Investment Account”, in respect of all investments of the Commission under this Division, and such investments shall not be made on account of or belong to any particular sinking fund.

(3) The Commission shall establish within the Common Investment Account a suspense account called the Sinking Funds Net Earnings Account to which shall be—

- (a) credited the interest received by the Commission on its investments pursuant to this Division;
- (b) credited or debited, as the case requires, any profits or losses upon realization of any of its investments pursuant to this Division, the Commission being hereby authorized subject to the prior approval of the Committee to realize any such investment;
- (c) debited the costs of administration of the various sinking funds.

(4) The Commission shall from time to time allocate proportionately to the several sinking funds, according to the minimum balance each month in each of such sinking funds, the balance of the Sinking Funds Net Earnings Account.

(5) In any case where, for the purpose of applying the balance of a sinking fund pursuant to subsection (4) or subsection (5) of section 47, it is necessary to estimate the net earnings of such sinking fund since the balance of the Sinking Funds Net Earnings Account was last allocated to the various sinking funds, the Commission may make such estimate and credit the amount so estimated to the sinking fund and the amount so estimated and credited shall be debited to the Sinking Funds Net Earnings Account.

**50. Vesting of moneys in existing sinking funds in Commission.** On the commencement of this Act or as soon thereafter as is practicable there shall be paid into the consolidated bank account established by the Commission pursuant to section 48—

- (a) all moneys vested in the Trustees of the State Electricity Commission of Queensland Debt Redemption Fund, the body corporate established under *The State Electricity Commission Acts, 1937 to 1965*, and that body corporate shall thereupon be dissolved;
- (b) all moneys vested in the Trustees of The Southern Electric Authority of Queensland Debt Redemption Fund, the body corporate established under *The Southern Electric Authority of Queensland Acts, 1952 to 1964*, and that body corporate shall thereupon be dissolved;
- (c) all moneys in any sinking fund established pursuant to *The Regional Electric Authorities Acts, 1945 to 1964* by a Regional Board within the meaning of those Acts.

**51. Transfer of securities.** (1) Where, immediately prior to the commencement of this Act, any securities are in the name of—

- (a) the Trustees of the State Electricity Commission of Queensland Debt Redemption Fund in respect of moneys invested by that body corporate in the purchase of such securities;
- (b) the Trustees of The Southern Electric Authority of Queensland Debt Redemption Fund in respect of moneys invested by that body corporate in the purchase of such securities;

- (c) a Regional Board within the meaning of *The Regional Electric Authorities Acts, 1945 to 1964* in respect of moneys from a sinking fund invested by that Regional Board in the purchase of such securities,

those securities shall, on and from the commencement of this Act, be deemed for all purposes to be in the name of the Commission as fully and effectually as if they had been in the name of the Commission in the first instance, and any reference in any such security to the body corporate referred to in paragraph (a), the body corporate referred to in paragraph (b) or a Regional Board referred to in paragraph (c) shall on and from the commencement of this Act be read, construed and have effect as a reference to the Commission unless the context otherwise requires.

(2) Where any of the securities referred to in subsection (1) are in the form of inscribed stock or other registered securities, the person responsible for keeping the register of such securities shall on the commencement of this Act or as soon thereafter as is practicable register such securities in the name of the Commission, and such person shall require no other authority than the provisions of this section to authorize him to so register such securities.

**52. Returns to and review by Treasurer of sinking funds.** (1) The Commission shall, before 30 September in each year, transmit to the Treasurer a return showing the amount that has been received by it with respect to sinking funds during the year last preceding the making of such return, the description of any securities upon which any investment has been made, the purposes for which any portion of a sinking fund has been applied during the same period, and the total amount (if any) remaining uninvested at the end of the said period.

(2) Prior to transmitting the return to the Treasurer, the Commission shall submit the report to the Committee who may comment thereon for the information of the Treasurer.

(3) If it appears to the Treasurer from such return or otherwise that the Commission has failed to comply with the provisions of this Act with respect to any sinking fund, the Treasurer shall, by order, direct that the sum in respect of which default has been made shall be raised by the Commission and paid into the sinking fund specified by the Treasurer in such order, and any such order may be enforced by the Treasurer in the same manner as in the case of any debt due by the Commission to the Treasurer in respect of loan money advanced under the provisions of this Act.

The Treasurer shall, after deducting the expense of recovery, cause all sums, the payment of which has been so enforced by him, to be paid into the specified sinking fund.

• *Division VII—Queensland Electricity Supply Industry Consultative Council*

**53. Establishment of Consultative Council.** For the purposes of this Act, there is hereby established a council by the name of "The Queensland Electricity Supply Industry Consultative Council".

**54. Constitution.** The Council shall be constituted by the Commissioner, the General Manager of the Generating Board and the General Manager of each Electricity Board.

**55. Chairman.** The Commissioner shall be chairman of the Council.

**56. Meetings.** (1) At least three meetings of the Council shall be held each year, and the period between meetings shall not exceed four months.

(2) The Commissioner shall call the meetings referred to in subsection (1) and such other meetings as he considers necessary.

(3) If any other member requests that a meeting be called, the Commissioner shall call the meeting for a day that is within one month of the day he receives the request.

(4) The Commissioner shall determine the place, date and time of every meeting of the Council.

(5) Five members of the Council shall constitute a quorum at any meeting of the Council.

(6) The Commissioner shall cause minutes of meetings to be kept.

**57. Deputies for members.** (1) If any member of the Council is unable to attend a duly convened meeting of the Council, he may appoint a deputy who shall be, in the case of the Commissioner, a Deputy Commissioner, the secretary or other employee of the Commission, and, in the case of the General Manager of the Generating Board or an Electricity Board, either a member or an employee of such Board.

(2) In the case of any absence of the Commissioner, his deputy shall be chairman of the Council, but if the Commissioner fails to appoint a deputy, the members present at the meeting shall select one of their number to be chairman for that meeting.

**58. Duty of the Council.** It is the duty of the Council to assist and advise the Commission and the Electricity Authorities on matters relating to the electricity supply industry that are referred to it by the Commission or an Electricity Authority or that, on its own motion, it brings forward for discussion and consideration.

**59. Council may appoint committees.** The Council may appoint persons, who need not be members of the Council, to constitute a committee or committees to investigate and report to it on any matter referred by it for such investigation and report, and may arrange with the Commission or an Electricity Authority that an investigation be made for the Council and a report furnished to it in respect thereof.

**60. Effect of decisions of Council.** A decision or determination of the Council is advisory only and not binding on the Commission or an Electricity Authority.

*Division VIII—Rationing of Electricity in Emergency and Restriction of Use of Consuming Devices*

**61. Rationing of electricity in emergency.** (1) If the Commission is satisfied that any Electricity Authority is, by reason of any cause or circumstance whatsoever, unable for the time being—

- (a) to supply electricity to all or any of the persons who are consumers of electricity supplied by such Electricity Authority (including, in the case of the Generating Board, any other Electricity Authority); or

(b) to supply in full the electricity required by all or any of such persons,

the Commission may, with the approval of the Minister, by order, direct, prohibit, restrict, control or regulate in any other manner whatsoever, the supply of electricity by such Electricity Authority and the consumption of electricity supplied by such Electricity Authority.

Without limit to the generality of the foregoing, the Commission may, in any order made under this section, make provision authorizing, providing for and regulating the disconnexion of the supply of electricity to any consumer who contravenes or fails to comply with any provision of the order.

(2) Any order made under this section may at any time and from time to time be amended, altered or otherwise modified by a further order made hereunder.

(3) Every such order shall be in force for such period, being not longer than one month, as may be specified therein, but the Commission may, with the approval of the Minister, by notice published in the Gazette, extend such period from time to time but so that any such extended period shall not be longer than one month:

Provided that the Commission may, with the approval of the Minister, by notice published in the Gazette, revoke any such order at any time.

(4) Any order made under this section shall be published in the Gazette and shall, on and from the date of such publication, have the force of law and be binding upon the Electricity Authority concerned and every other person whomsoever.

(5) Any order or notice under this section shall be publicly advertised by the Electricity Authority concerned.

**62. Restriction of electricity consumption where supply capacity limited.** (1) Where, due to limitations in the capacity of the generating plant, electric lines, other works, or any of them, comprised in the electricity undertaking of an Electricity Authority or any part of such undertaking, the Commission is satisfied that, for the purpose of ensuring at all times a regular, efficient and constant supply of electricity within the aforesaid limits of capacity, it is necessary to restrict the electrical articles that may be used by consumers entitled to be supplied with electricity by that Electricity Authority through its undertaking or the part thereof to which an order as hereinafter referred to applies, it may, with the approval of the Minister, by order, impose restrictions as aforesaid in such manner and to such extent as it considers necessary in the circumstances including (but without limit to the power of the Commission to define the manner and extent of the restrictions as aforesaid imposed by it) the prohibition of the use of specified electrical articles.

(2) In and for the purposes of an order under this section, any electrical article may be specified by reference to the capacity, or class, or kind or description thereof, or in any other manner sufficiently identifying the same.

(3) The Commission may, from time to time, with the approval of the Minister, by further order amend, alter, vary or otherwise modify or revoke any order made by it under this section, but the revocation

of such an order shall not prejudice or affect howsoever the power of the Commission at any later time to reimpose, in respect of the Electricity Authority concerned, either the restrictions contained in the revoked order or, additionally to or in substitution for those restrictions, any further or other restrictions imposable under this section.

(4) Subject to revocation as aforesaid, an order under this section shall be in force without limit of time.

(5) (a) Every order under this section shall be published in the Gazette and, on and from the date of such publication, shall have the force of law and be binding upon the Electricity Authority concerned and every other person whomsoever.

(b) The Electricity Authority concerned shall give public information of an order under this section—

- (i) by, within fourteen days after the date of the publication in the Gazette of that order, giving notice in writing thereof to every consumer of electricity supplied by that Electricity Authority to whom the order applies;
- (ii) by, within fourteen days after the date of the publication in the Gazette of that order, causing the same to be published at least once in at least one newspaper circulating in the area in which the order applies; and
- (iii) if the Commission directs that the order be further advertised, by advertising it as directed by the Commission.

(6) If a consumer of electricity—

- (a) uses or permits or allows to be used for consuming electricity any electrical article contrary in any respect to any restriction imposed by an order under this section; or
- (b) installs or permits or allows to be or to remain installed in any premises supplied with electricity by an Electricity Authority any electrical article at a time when the use of that electrical article for consuming electricity supplied by that Electricity Authority is prohibited by an order under this section,

the Electricity Authority concerned may disconnect that consumer's installation without notice and may discontinue the supply to him of electricity for such period, being not longer than one month, as that Electricity Authority shall determine.

**63. Power of entry when order in force.** (1) At any time and from time to time during the continuance in force of an order under section 61 or section 62, any authorized person may enter any premises supplied with electricity by the Electricity Authority concerned and there make such search and examination as is necessary to determine whether that order is, in respect of those premises, being contravened in any respect.

(2) In and for the purposes of this section the term "authorized person" means an electrical inspector, an installation inspector, and any person authorized in writing by the Commission to exercise the powers conferred by this section.



*Division IX—Determination of Prices for Electricity*

**64. Power of Commission to determine prices.** (1) The Commission shall determine the prices to be paid—

- (a) by an Electricity Authority for the supply of electricity in bulk to it by the Generating Board;
- (b) by a consumer for the supply of electricity by an Electricity Authority (including the supply of electricity to lighting on a road),

and the methods of charge.

(2) It is the duty of the Commission to ensure that the prices payable by consumers are fair and reasonable having regard to the provisions of this Act.

(3) In determining the prices to be paid for electricity, the Commission shall at all times have regard to and proceed towards the objective of progressively equalizing throughout the State the prices to be paid by consumers to whom a particular tariff applies.

(4) In considering a determination to be made as to prices of electricity, the Commission may have regard to and take into consideration the degree of efficiency with which an Electricity Authority in question conducts its undertaking.

**65. Compulsory conference.** (1) Before determining, pursuant to section 64, prices to be paid—

- (a) to the Generating Board by any other Electricity Authority;
- (b) to any Electricity Authority,

the Commission may call a conference to be attended by the Commission, the Generating Board and an Electricity Authority supplied or to be supplied by the Generating Board or the Commission and the Electricity Authority concerned, as the case may be, to discuss prices to be determined.

(2) It is the duty of the Commission and each Electricity Authority (including the Generating Board) concerned to attend a conference called pursuant to subsection (1) and there to exchange views as to the proper prices to be determined.

(3) The absence of one Electricity Authority having a duty to attend a conference does not preclude the attendance of another Electricity Authority having a like duty and does not preclude the Commission and the Electricity Authority so attending exchanging views as aforesaid.

(4) If no Electricity Authority attends the conference, the Commission may proceed to determine prices without a conference being first held.

(5) The Commission shall take into consideration in determining prices for the supply of electricity the discussions and the views exchanged at a conference held in accordance with this section.

(6) The fact that a conference is held is without prejudice to and does not in any way affect any right of appeal pursuant to section 75.

**66. Prices to be charged by licensee.** (1) Where pursuant to a licence issued by the Minister under section 138 a person, not being an Electricity Authority, is authorized to supply electricity to another person

and the licence does not specify the prices of or methods of charge for the electricity, the Commission shall determine the prices and methods of charge.

(2) A determination by the Commission pursuant to subsection (1) may be varied by the issue of a further determination.

(3) A determination by the Commission pursuant to this section is final and binding on the holder of the licence and on the consumers of electricity provided pursuant to it and shall not be subject to any appeal whatsoever.

(4) This section does not authorize the Commission to determine the prices of electricity supplied by the owner of a mine pursuant to a licence held by him and issued under section 138 (1) (d).

**67. Restrictions on Electricity Authorities purchasing electricity in bulk from certain sources.** (1) An Electricity Authority shall not agree to take electricity in bulk from the owner of a generating plant except with the approval of the Commission.

(2) The provisions of subsection (1) do not operate to affect the operation of an agreement as aforesaid that is in force at the day of commencement of this Act, but for the purposes of this section any amendment, renewal or extension of an agreement that is in force at the day of commencement of this Act is deemed to constitute the making of a new agreement.

(3) A draft of any agreement referred to in subsection (1) that is proposed or of any amendment, renewal or extension referred to in subsection (2) that is proposed shall be submitted to the Commission, and no agreement with respect to any such draft shall be entered into unless and until the Commission has approved of the prices to be payable for electricity, and the other terms and conditions as therein set out.

(4) An agreement entered into in contravention of this section is absolutely void and of no effect whatsoever.

(5) Every owner of a generating plant who is supplying electricity in bulk to an Electricity Authority shall, as and when required by the Commission so to do, furnish to the Commission in writing all such information and returns with respect to his business of so supplying electricity in bulk as the Commission specifies.

**68. Review by Commission of prices of electricity.** (1) An Electricity Authority may make application to the Commission for a variation of the prices of and methods of charge for electricity supplied by it and the Commission on such application being made shall make an investigation with respect to it.

(2) The Commission may at any time make an investigation with respect to the prices of and methods of charge for electricity supplied by an Electricity Authority.

(3) The Commission, in accordance with the result of any investigation or investigations made by it, may at its discretion make a determination varying the prices or methods of charge in force at the day of commencement of this Act or subsequently varied in accordance with the provisions of this Act, or substituting other prices or methods of charge

in lieu thereof; and the prices or methods of charge as so varied or substituted by such determination shall at the discretion of the Commission—

- (a) apply in respect of each consumer to the supply of electricity supplied by the Electricity Authority after the date of the regular meter reading next following the day specified by the Commission in the said determination; or
- (b) apply in respect of each consumer to the supply of electricity indicated on the account forwarded by the Electricity Authority next following the day specified by the Commission in the said determination and on all subsequent accounts forwarded by the Electricity Authority; or
- (c) apply in respect of each consumer for all electricity consumed after the date of publication of the determination in the Gazette and for the purpose of calculating the charge, electricity consumed between the meter reading next before the date of publication of the determination in the Gazette and the meter reading next after such date shall be deemed to have been used at a uniform rate,

and the prices and methods of charge for the time being in force may be altered in like manner at any time.

(4) The Commission in making a determination pursuant to subsection (3) may make a further determination in addition to or as part of the firstmentioned determination with respect to matters related to, arising out of or consequential upon the determination varying the prices or methods of charge or substituting other prices or methods of charge in any case where, pursuant to Division IV of Part IV, an Electricity Authority in normal circumstances issues its regular accounts on the basis of an assessed consumption or an assessed monetary sum and adjusts such assessment on the basis of a periodic meter reading.

(5) (a) An Electricity Authority shall not vary the prices or methods of charge for electricity supplied by it to consumers or any consumer or class of consumers unless such Electricity Authority has applied to the Commission for a determination under this section and such variation is authorized by such determination.

(b) For the purposes of this subsection any alteration of any such prices or methods of charge as aforesaid whether by way of an increase in or a decrease of the amount payable is deemed to be a variation of such prices or methods of charge.

(c) Where any price for electricity supplied by an Electricity Authority may be charged upon any one of two or more bases, the fact that a consumer changes from one such basis to another by arrangement with such Electricity Authority is deemed not to be a variation of price for the purposes of this subsection.

(6) The provisions of subsection (5) do not apply in any case where, pursuant to an agreement authorized by this Act, the prices or methods of charge differ from those determined by the Commission from time to time pursuant to this Division.

**69. Gazettal and effect of determination by Commission.** (1) Any determination made by the Commission under and pursuant to this Division shall be published in the Gazette and shall be deemed to

have been so made on the date of such publication, and such publication shall be due and sufficient notice to every Electricity Authority and every person concerned of the making of such determination.

(2) All determinations made or purporting to be made under this Division upon being published in the Gazette shall have the same force and effect as if they were enacted in this Act and (subject to the right of appeal therefrom hereinafter provided) shall be obeyed and shall be judicially noticed and their validity shall not be questioned in any proceedings whatever, and such publication shall be conclusive evidence of the power and authority to make any such determination and of all matters contained therein.

(3) Where the Commission has made a determination, the Electricity Authority shall charge and shall be entitled to receive for electricity supplied to consumers, the price or prices for electricity or the charges associated with the supply of electricity for the time being so determined by the Commission and no greater or lesser price or prices or charges, as the case may be.

(4) (a) If as a result of an investigation made by it of an application by an Electricity Authority for a variation of the prices of or the methods of charge for electricity supplied by such Electricity Authority or of both such prices and methods the Commission declines to vary such prices or the methods of charge or prices and the methods of charge, as the case may be, the Commission shall notify the Electricity Authority in writing of its decision.

(b) For the purposes of the provisions of this Division relating to appeals against determinations by the Commission, such written notification of decision shall be deemed to be a determination by the Commission pursuant to this section.

**70. Electricity Authorities to provide information and conduct investigations.** (1) An Electricity Authority shall furnish, in connexion with an application made by it for a variation of the prices of and methods of charge for electricity supplied by it, such information and conduct such investigations and report thereon to the Commission as the Commission may require.

(2) In connexion with any investigation of prices of and methods of charge for electricity by the Commission, the Commission may require an Electricity Authority to conduct such investigations as may be required by the Commission and to report thereon to the Commission, and the Electricity Authority shall conduct such investigation and report accordingly.

(3) The Commission may itself conduct an investigation into any matter related to prices of and methods of charge for electricity, and an Electricity Authority shall make available to the employees of the Commission engaged in the conduct of the investigation such records of the Electricity Authority as such employees may require, and the Electricity Authority shall render such assistance as may reasonably be required by the Commission.

**71. Commission to ensure adequacy of price.** The prices to be charged by—

- (i) the Generating Board for electricity supplied in bulk to another Electricity Authority;

- (ii) an Electricity Authority for the supply of electricity to a consumer of that Electricity Authority (including the supply of electricity to lighting on a road)

shall from time to time be altered so as to ensure to the Generating Board or, as the case may be, other Electricity Authority for each year sufficient revenue with all other income and revenue of such Electricity Authority, including dividends and interest received from investments but excluding the earnings of any sinking funds—

- (a) to pay and provide for all costs, interest, expenses, taxes, losses and outgoings incurred or payable by such Electricity Authority;
- (b) to make provision for depreciation at the rates prescribed and for the time being applicable and all other necessary provisions;
- (c) to make the provision for capital works and the contribution towards the equalization of tariffs provided for in this Division;
- (d) to make a contribution to a reserve authorized by this Act:

Provided that if the aggregate amount payable by an Electricity Authority to meet contributions to sinking funds and other repayments of principal exceeds the amount of the provision for depreciation, the Commission shall in determining the price to be charged for electricity by such Electricity Authority take into account the amount of such contributions to sinking funds and other repayments of principal instead of taking into account the amount of the provision for depreciation.

**72. Prices to retail consumers of Generating Board.** The prices to be charged by the Generating Board to consumers supplied under the authority of a licence issued to the Generating Board pursuant to section 138 (1) (c) shall be identical with those charged by the Electricity Board for the Area in which the consumer is situated.

**73. Provision for capital works.** (1) The Commission may require—

- (a) the Generating Board;
- (b) an Electricity Board

to provide in any financial year an amount to be expended on capital works in that financial year or to transfer an amount to a capital works reserve account, or to do both such things.

(2) The amounts to be provided pursuant to subsection (1) shall be as fixed by the Commission.

**74. Monetary transfers for tariff equalization purposes.** (1) The Minister may fix the amounts to be provided in any financial year by one or more Electricity Board or Boards to another or other Electricity Board or Boards to be applied so as to enable the progressive equalization of tariffs.

(2) Such amounts shall be included in the accounts for the bulk supply of electricity by the Generating Board to the Electricity Board by way of a surcharge or rebate, as the case may be, of the amount determined by the Minister to be so provided.

(3) The Commission shall indicate the manner in which such amount is to be included in the accounts for the bulk supply of electricity by the Generating Board and the Generating Board shall furnish such accounts accordingly.

**75. Appeal from determination of Commission.** Any Electricity Authority affected by a determination made by the Commission pursuant to sections 64 and 63 may if dissatisfied with such determination appeal to the Industrial Court which shall have jurisdiction to hear and determine such appeal, and its decision shall be final and conclusive and not subject to any appeal whatsoever.

**76. Powers of Industrial Court on appeal.** Without derogating from the provisions of section 77, the Industrial Court, upon an appeal to it under section 75, has and may exercise all the powers and authorities vested in it as a court under the laws relating to the jurisdiction of such court, and may by its decision confirm, vary or annul any determination of the Commission in respect of which an appeal lies.

**77. Procedure on appeal.** (1) An appeal to the Industrial Court pursuant to section 75 shall be instituted within 21 days after the publication in the Gazette of the determination of the Commission in question by filing a notice of appeal in the registry of the court.

(2) The appellant shall serve a copy of the notice of appeal on the Commission not later than seven days after the notice is filed in the registry of the court.

(3) An appeal shall be by way of rehearing on the evidence and material before the Commission upon or in respect of which it made the determination appealed against, and on such other evidence and material admitted by the court as it thinks fit:

Provided, however, that any amount fixed or other thing done by the Commission or the Minister pursuant to section 73 or 74 shall, in relation to an appeal, be taken for all purposes by the court to have been properly fixed or done and shall not be subject to any review by the court.

**78. Effect of decision on appeal.** If by its decision on appeal to it the court—

- (i) confirms the determination of the Commission, that determination has full force and effect and is of full force and effect as heretofore provided;
- (ii) varies the determination of the Commission, that determination as so varied becomes and is the determination and the provisions of this Division in relation to a determination made by the Commission in the first instance thereupon apply, subject to any necessary adaptation, to the determination as varied;
- (iii) annuls the determination of the Commission, that determination shall be deemed to have had no force or effect *ab initio*, but without prejudice to the validity of anything done thereunder in the meantime and without prejudice to the power and authority of the Commission to make any further or other determination.

## PART III—ELECTRICITY AUTHORITIES

*Division I—Constitution of The Queensland Electricity Generating Board*

**79. Constitution of Board.** (1) There shall be constituted a body by the name of "The Queensland Electricity Generating Board".

(2) The Generating Board may be constituted at any time after the passing of this Act, but on and from the day of its being constituted until the day of commencement of this Act its powers and functions shall, subject to this Act, be limited to the matters and things specified in that respect in the Second Schedule.

(3) Nothing contained in subsection (2) limits the exercise and performance by the Generating Board of its powers, functions and duties in respect of any matter or thing so specified on and after the day of commencement of this Act.

**80. Board to be a body corporate.** (1) The Generating Board shall—

(a) be a body corporate with perpetual succession and an official seal;

(b) be capable in law of—

(i) suing and being sued;

(ii) compounding or proving in any court of competent jurisdiction all debts or sums of money due to it;

(iii) taking, acquiring, holding, dealing with and disposing of real and personal property (whether situated in Queensland or elsewhere); and

(iv) doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) The Generating Board does not represent the Crown.

(3) A member or employee of the Generating Board is not and shall not be taken to be, as such member or employee, a member of the Public Service of Queensland or an employee of the Crown.

**81. Affixing official seal.** (1) The General Manager of the Generating Board shall affix the official seal of the Board to any document or other writing where such affixing is necessary for or incidental to the exercise of any of the powers or functions or the performance of any of the duties of the Board.

(2) The General Manager shall not affix the official seal to any document or other writing save under the authority of a resolution of the Generating Board and in the presence of the secretary to the Board.

(3) All courts, judges, justices and persons acting judicially shall take judicial notice of the seal of the Generating Board affixed to any document or other writing and shall presume, until the contrary is proved, that it was duly affixed.

**82. Membership of Generating Board.** (1) The Generating Board shall consist of—

(a) the General Manager of the Generating Board, the Commissioner and the Under Treasurer who shall be members *ex officio*; and

(b) five other members (in this Division referred to as appointed members) appointed by the Governor in Council by notification published in the Gazette.

(2) Of the five appointed members—

- (a) one shall be resident in that part of the State comprising the Areas of The Far North Queensland Electricity Board, The North Queensland Electricity Board and The Mackay Electricity Board;
- (b) one shall be resident in that part of the State comprising the Areas of The Capricornia Electricity Board and The Wide Bay-Burnett Electricity Board;
- (c) one shall be resident in that part of the State comprising the Areas of The South East Queensland Electricity Board and The South West Queensland Electricity Board; and
- (d) two shall be consumers' representatives one of whom shall be nominated by The South East Queensland Electricity Board and the other of whom shall be nominated in manner prescribed by the other Electricity Boards constituted for the time being.

(3) (a) Nomination of a consumers' representative by The South East Queensland Electricity Board pursuant to subsection (2) (d) shall be made by it to the Commission within 21 days of receipt by that Board of a notification in writing by the Commission requiring it to do so or within such other time as is specified by the Commission in the notice, and if a nomination is not received by the Commission within the said 21 days or other time specified as aforesaid, the Governor in Council may appoint a member as a consumers' representative who shall be deemed to have been nominated by the Board.

(b) A nomination may, however, be made by the Board to the Commission before receipt by it of a notification in writing by the Commission as aforesaid.

(4) Where a manner has not been prescribed for the nomination of a consumers' representative by the Electricity Boards constituted for the time being other than The South East Queensland Electricity Board at the time a nomination is to be made, the Minister shall determine the manner in which the nomination is made and that manner of nomination shall be the manner of nomination for the purposes of subsection (2) (d).

(5) If a nomination is not made by the Electricity Boards constituted for the time being other than The South East Queensland Electricity Board in manner prescribed pursuant to subsection (2) (d) or in manner determined by the Minister pursuant to subsection (4), as the case may be, the Governor in Council may appoint a member as a consumers' representative who shall be deemed to have been nominated by the aforesaid Boards other than The South East Queensland Electricity Board.

(6) The General Manager shall be, *ex officio*, chairman and chief executive officer of the Generating Board and shall preside at every meeting of the Board at which he is present.

(7) Subject to this Act, an appointed member holds office for such period, not exceeding seven years, as is specified in the notification of his appointment, and is eligible for re-appointment.



(8) Save as is otherwise provided in this Act, an employee of the Commission or of the Generating Board or of an Electricity Board is not eligible to be a member or the deputy of a member of the Generating Board.

**83. Vacation of office by appointed member.** (1) An appointed member shall be deemed to have vacated his office—

- (a) if he becomes bankrupt or compounds with his creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;
- (b) if he is absent, except on leave granted by the Generating Board (power to grant such leave being hereby authorized), from four consecutive ordinary meetings of the Board;
- (c) if he is convicted of an indictable offence for which he is liable to be punished by imprisonment for twelve months or more;
- (d) if, in the case of a member appointed having regard to section 82 (2) (a), (b) or (c), he ceases, in the opinion of the Governor in Council, to reside in the part of the State comprising the Areas in respect of which he is appointed;
- (e) if he dies or becomes mentally ill;
- (f) if he resigns his office by writing under his hand addressed to the Minister and such resignation is accepted by the Governor in Council;
- (g) if he declines office;
- (h) if he is removed from office by the Governor in Council for misbehaviour or incapacity.

(2) The Governor in Council may, for misbehaviour or incapacity appearing to him to be sufficient for so doing, remove an appointed member from office.

(3) The attendance of an appointed member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason of no quorum being present no meeting is actually held on the day in question, and the secretary to the Generating Board shall enter in the minute book the name of any appointed member who so attends.

**84. Filling of casual vacancies.** (1) Where a vacancy occurs in the office of an appointed member of the Generating Board, the Governor in Council may, subject to the requirements of this section, appoint another person as a member to hold office for the balance of his predecessor's term of office as a member.

(2) Notification of the appointment to fill the casual vacancy shall be published in the Gazette and it shall be sufficient to specify in such notification the substituted member's period of office by reference to the term of office of his predecessor.

(3) The person appointed to fill the casual vacancy shall be qualified as required by section 82, and the provisions of that section with respect to nomination of consumers' representatives apply where the vacancy is that of a consumers' representative.

**85. Deputy chairman.** (1) The members of the Generating Board may appoint one of the appointed members of the Board to be the deputy chairman thereof and that member shall hold the office of deputy chairman of the Generating Board on and from the date of his appointment thereto until he ceases to be a member of the Board unless the members thereof sooner appoint another of the appointed members to be deputy chairman in his stead, they being hereby thereunto authorized:

Provided that the deputy chairman may resign his office as such by writing under his hand delivered to the General Manager, and such resignation as deputy chairman shall be complete and shall take effect from the time when it is received by the General Manager.

(2) The deputy chairman shall preside at any duly convened meeting of the Generating Board during any absence therefrom of the chairman.

(3) Save with respect to presiding at a meeting of the Generating Board during the absence therefrom of the chairman, the deputy chairman shall not have or exercise any power, function or authority or be charged with any duty conferred or imposed upon the General Manager by this Act.

(4) If both the chairman and deputy chairman are absent from a meeting of the Generating Board, the members of the Board present shall elect from their number a chairman to preside at the meeting during the absence therefrom of the chairman and deputy chairman.

**86. Other deputies.** (1) The Governor in Council, by notification published in the Gazette, may appoint a deputy to act in the place of an appointed member of the Generating Board in the event of the illness or absence of that member.

(2) An appointment may be so made either generally or with reference to a specified illness or absence, and if made generally the appointee may act in terms thereof in respect of any illness or absence of the member whose deputy he is occurring during the continuance of the appointment.

(3) If for any reason it is not practicable for the Commissioner or the Under Treasurer to attend any meeting of the Generating Board, he may and is hereby authorized to appoint a Deputy Commissioner or some other employee of the Commission in the case of the Commissioner, and an officer of the Treasury in the case of the Under Treasurer, to attend the meeting as his deputy.

(4) Notification in writing by the Commissioner or the Under Treasurer to the Generating Board authorizing a Deputy Commissioner or some other employee of the Commission or an officer of the Treasury, as the case may be, to attend a meeting of the Generating Board as his deputy is sufficient authority for such person to attend the meeting.

(5) A deputy whilst duly acting in the place of the Commissioner or Under Treasurer or appointed member whose deputy he is has the powers, immunities, functions and authorities and shall perform the duties of the Commissioner, Under Treasurer or appointed member, as the case may be, as a member of the Generating Board.

(6) A person shall not be concerned to inquire whether any occasion has arisen requiring or authorizing the deputy chairman or, pursuant to section 85 (4), other member to act as chairman at a meeting of the Generating Board in the place of the chairman or a deputy to act in the

place of the Commissioner, Under Treasurer or an appointed member, and all acts or things done or omitted by a person so acting as aforesaid are as valid and effectual and have the same consequences as if they had been done or omitted by the person in whose place he is acting.

**87. Remuneration to members of Generating Board.** (1) The appointed members of the Generating Board, the deputy chairman or, pursuant to section 85 (4), other member acting as chairman at a meeting of the Board, and the deputies of appointed members of the Board shall be paid such remuneration, fees and allowances, if any, as the Governor in Council may from time to time determine.

(2) A determination may at any time and from time to time be revoked or amended.

(3) A determination with respect to any person may differ according to class of payment or rate or both class and rate from any determination with respect to any other person.

(4) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of an appointed member of the Generating Board under this Act, or from accepting and, unless the Governor in Council otherwise directs, retaining any remuneration, fees or allowances payable under this section.

(5) The Governor in Council may direct that any remuneration fee or allowance accepted by an appointed member be paid by him to such fund or in such manner as the Governor in Council thinks fit.

(6) If, whether in pursuance of any resolution or order of the Generating Board or otherwise, any payment of money has been made to any member of the Board out of any fund which payment the Governor in Council considers unnecessary, extravagant or not authorized by this Act or any other Act, the Minister shall order such member to repay such money to the Board forthwith or within such time as the Minister allows.

(7) If the member does not repay such money in pursuance of such order, it may be made an order of a court having jurisdiction in an action for debt having regard to the amount involved by filing a copy of the order in the office of the registrar of that court, and may be enforced accordingly.

**88. Proceedings of the Generating Board.** (1) The Generating Board shall hold its first meeting at a time (being any time after the passing of this Act) and place appointed by the Minister and thereafter shall meet at such times and places as may be appointed by resolution of the Board, provided that the Board shall meet at least once each month.

(2) Subject to subsection (1), the Generating Board has power to fix by resolution the times and places when and where its meetings will be held.

(3) Five members of the Board constitute a quorum at any meeting of the Board.

(4) Questions arising at a meeting of the Board shall be determined by a majority of votes of the members present.

(5) If any member refuses or fails to vote, his vote shall be counted in the negative.

(6) The person presiding at a meeting of the Board has an original vote and, in the event of an equal division of votes upon any question, has a second or casting vote.

(7) An act or proceeding of the Board shall not be invalid or illegal in consequence only of the number of members of the Board not being complete at the time of such act or proceeding.

(8) All acts and proceedings of the Board shall, notwithstanding any defect in the appointment of a member or that any member was disqualified or disentitled to act, be as valid and effectual as if every such member had been duly appointed and was qualified and entitled to act and as if the Board had been properly and fully constituted.

(9) The members present at a meeting may, from time to time, adjourn the meeting.

(10) If a quorum is not present within half an hour after the time appointed for a meeting, the members present, or the majority of them, or any one member if only one is present, or the secretary to the Board if no member is present, may adjourn the meeting to any time not later than fourteen days from the date of such adjournment:

Provided that nothing herein shall be construed to prevent the adjournment of any meeting to a later hour of the same day on which such meeting was appointed to be held.

(11) The Board shall cause minutes of all its proceedings with the names of the members present at each meeting and the names of all members voting upon any question for the decision of which a division is called to be duly recorded from time to time in minute books provided for the purpose and kept by the secretary.

(12) The minutes of each meeting shall be signed, after confirmation by the Board, by the chairman at the meeting next succeeding the meeting at which the proceedings have taken place.

(13) All books, papers, correspondence, documents and other writings belonging to or relating to the business of the Board which are not by this Act declared to be open to inspection shall nevertheless be open to inspection by any member.

**89. Regulation of conduct of meetings of the Board.** Without limiting the power to make regulations conferred by section 443, regulations may be made by the Governor in Council under that section providing for and with respect to the conduct and control of and procedure and business at meetings of the Generating Board and matters incidental thereto, such regulations being in addition to the provisions of section 88.

**90. Governor in Council may rescind resolution of Generating Board.** (1) The Governor in Council may at any time suspend or rescind any resolution or order of the Generating Board, or prohibit the expenditure of moneys upon a work which he deems unnecessary or which will in his opinion impose undue burdens upon any Electricity Authority supplied by the Generating Board with electricity in bulk or upon consumers of electricity.

(2) Any resolution of the Generating Board rescinded by the Governor in Council shall be void *ab initio* unless the Governor in Council specifies some later date, in which case the resolution concerned shall be void on and from such specified date.

(3) In any case where a resolution so rescinded empowers or authorizes or purports to empower or authorize the making for or on behalf of the Generating Board of any contract or agreement or the acceptance by or on behalf of the Generating Board of any tender or the doing or executing by or on behalf of the Generating Board of any other act, matter or thing whatsoever, any such contract or agreement made or purporting to have been made or any such tender accepted or purporting to have been accepted or any such other act, matter or thing done or purporting to have been done in pursuance of such resolution shall be void *ab initio*.

(4) When in pursuance of this section any contract or agreement made by or on behalf of the Generating Board or any acceptance of a tender by or on behalf of the Generating Board or any other act, matter or thing whatsoever done by or on behalf of the Generating Board is void *ab initio*, no action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against the Generating Board or any member or employee of the Generating Board for or in respect of any damage or loss or injury sustained or alleged to have been sustained or for or in respect of any other right or remedy whatsoever conferred or alleged to have been conferred by reason of the making of the contract or agreement concerned, the acceptance of the tender concerned or, as the case may be, the doing of any other act, matter or thing concerned.

(5) If the Governor in Council when rescinding a resolution of the Generating Board specifies that such resolution shall not be void *ab initio* but shall be void from some later date, such rescission shall not void any such contract or agreement, acceptance of a tender, or other act, matter or thing as aforesaid made, accepted or, as the case may be, done prior to such later date.

(6) If any contractor whose contract with the Generating Board becomes void *ab initio* under and in pursuance of this section at any time satisfies the Governor in Council that such contract was bona fide and that, prior to the date of the rescission by the Governor in Council of the resolution authorizing the same, he incurred expenses in or for the purposes of the execution, performance or carrying out of such contract, then the Governor in Council may direct the Generating Board to pay, and thereupon the Generating Board shall pay, the amount of such expenses to such contractor; and any amount so directed to be paid shall constitute a debt due and owing by the Generating Board to the contractor concerned.

**91. Dissolution of Generating Board.** (1) Notwithstanding anything in this Act contained, the Governor in Council may, in his absolute discretion by Order in Council at any time, if in his opinion circumstances have arisen rendering it necessary so to do, dissolve the Generating Board.

(2) Upon and by virtue of any such dissolution—

- (a) the General Manager shall cease to be the chairman and a member of the Board but such dissolution shall not affect his office as the General Manager of the Board; and
- (b) the other members of the Board shall go out of office.

(3) The Governor in Council may by the same or a subsequent Order in Council appoint the Commission to carry on, for such period as may be specified therein, such of the functions of the Board and to exercise, perform and be subject to such of its powers, duties, authorities and responsibilities as may be specified in the said Order in Council; and for this purpose the Commission shall be deemed to be the Board and may exercise all of the powers thereof.

(4) The Governor in Council may in the Order in Council dissolving the Board or in a subsequent Order in Council appoint fresh members in the place of the appointed members of the Board who went out of office upon its dissolution and all of the provisions of this Act relating to the appointment and tenure of office of the appointed members of the Board shall apply and extend accordingly.

(5) Upon such fresh appointment of members, the General Manager of the Board shall be a member *ex officio* and shall, without further or other appointment, become and be also its chairman, and the Commissioner and the Under Treasurer shall be members of the Board *ex officio*.

**92. Disqualification of member of Board from voting.** (1) If a member of the Generating Board has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Board at which the contract or proposed contract or other matter is the subject for consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or proposed contract or other matter:

Provided that this section shall not apply to an interest in a contract or proposed contract or other matter that a member may have as an inhabitant of the area of supply of an Electricity Authority as an ordinary user or consumer of electricity, or to an interest in any matter relating to the terms on which the right to participate in any service including the supply of goods is offered for general use or consumption.

(2) For the purposes of this section, a person shall (subject as hereinafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract or proposed contract or other matter if—

- (a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made, or which has a direct pecuniary interest in the other matter under consideration; or
- (b) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made, or who has direct pecuniary interest in the other matter under consideration:

Provided that—

- (i) this subsection shall not apply to membership of or employment under any public body;
- (ii) a member of a company or other body shall not by reason only of his membership be treated as being so interested if—
  - (A) he has no beneficial interest in any shares or stock of that company or other body;

(B) his membership of that company or other body consists only in his holding shares or stock of that company or other body, that company or other body consists of 50 persons at the least, and he is not a director of, and does not directly participate in the management of, that company or other body.

(3) In the case of married persons living together, the interest of one spouse shall if known to the other be deemed for the purposes of this section to be also an interest of that other spouse.

(4) A general notice given in writing to the secretary of the Board by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(5) The secretary of the Board shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (4), and the book shall be open at all reasonable hours to the inspection of any member of the Board.

(6) The Minister, with respect to a member of the Board, may, subject to such conditions as the Minister may think fit to impose, remove any disability imposed by this section in any case in which the number of members of the Board so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the interests of the consumers of electricity supplied by the Board that the disability should be removed.

(7) The Board may by resolution provide for the exclusion of a member of the Board from a meeting of the Board whilst any contract, proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

**93. Insurance of members of the Generating Board.** (1) The Generating Board may from time to time enter into contracts with the holder of a licence to carry on general insurance business in Queensland or the State Government Insurance Office (Queensland) for the insurance of every member of the Board against injury (fatal or non-fatal) arising out of or in the course of the performance of the duties of his office (including his attendance at meetings of the Board) or arising out of or in the course of his journey to or from a meeting of the Board that he is authorized or required to attend, or to or from a place where he is authorized or required to go in the course of the performance of the duties of his office, and against further injury arising out of or in the course of his direct journey to obtain a medical certificate or to receive medical, surgical or hospital treatment, or payment under such contract of insurance, or to his place of abode after receiving such certificate, treatment or payment.

Every such contract of insurance entered into shall be for the benefit of the members insured thereunder (or, in the case where death of a member results from an injury insured against, for the benefit of that member's dependants or for the benefit of the dependants of an ex-member whose office became vacant as a result of his injury).

(2) Notwithstanding anything to the contrary contained in this Act or any other Act, a person shall not, by reason of his receiving any payment or benefiting under or being interested or concerned in any contract or proposed contract of insurance under this section, be disqualified from being or continuing a member of the Board nor be disqualified with respect to any appointment under this Act or any other Act or law, and if a member of the Board is present at a meeting of the Board at which a contract or proposed contract or other matter under this section is the subject for consideration, he shall be entitled to take part in the consideration or discussion of or vote on any question with respect to the contract or proposed contract or other matter notwithstanding any such payment, benefit, interest or concern.

(3) All expenditure by the Board in respect of any contract under this section shall be met from the Operating Fund hereinafter in this Act provided for.

(4) In this section the term "injury" means personal injury arising out of or in the course of the performance of the duties of office or arising out of or in the course of a journey specified in this section and includes a disease which is contracted by a member in the course of the performance of the duties of his office or of such a journey; and the term "dependants" in reference to a member shall have the same construction as the term "dependants" has in reference to a worker under the *Workers' Compensation Act 1916-1974*.

**94. Indemnities.** (1) No liability shall be incurred by the Generating Board, the General Manager or other member of the Generating Board, the secretary to or any other employee of the Generating Board or any other person whomsoever acting under the direction of the Generating Board on account of anything done for the purposes of this Act or done in good faith and purporting to be for the purposes of this Act.

(2) Nothing in this section shall exempt any member of the Generating Board from the liabilities imposed by sections 41 (6) and 244.

**95. Appointment of General Manager.** (1) There shall be a General Manager of the Generating Board who shall be appointed by the Governor in Council.

(2) Notification of the appointment of the General Manager shall be published in the Gazette.

(3) The General Manager shall be a person chosen solely on the basis of his executive, technical and administrative experience and other qualifications possessed by him fitting him to be the General Manager.

(4) A General Manager may be appointed at any time after the passing of this Act.

(5) The General Manager shall receive such salary, fees and allowances, or any thereof, as the Governor in Council fixes from time to time.

(6) The appointment of a General Manager shall be for such term, not exceeding seven years, as the Governor in Council determines, and the appointee shall, subject to this Act, hold office for the term for which he is appointed and be eligible for re-appointment.



(7) The provisions of section 83 apply to the General Manager to the same extent and as fully and effectually as they apply to an appointed member and, in addition thereto, the General Manager shall be deemed to have vacated his office—

- (a) if he engages during his term of office in any paid employment outside the duties of his office other than in accordance with any approval of the Governor in Council so to do;
- (b) if, except by reason of illness or physical incapacity or on leave granted by the Generating Board (power to grant such leave being hereby authorized), he absents himself from duty for 14 consecutive days or for 28 days in all in any calendar year.

**96. Appointment of a deputy of the General Manager.** (1) The Generating Board shall designate one of its employees to be the deputy of the General Manager and he shall act as General Manager during any period when the General Manager is absent from duty or is otherwise incapable of performing the duties of his office or during any vacancy in that office.

(2) The deputy of the General Manager when acting as General Manager has and may exercise all the powers and functions and shall discharge all the duties of that office; and he may attend any meeting of the Generating Board at which the General Manager is not present, but he shall not, by virtue of his acting as General Manager, be a member of the Board.

(3) The Generating Board shall determine the additional remuneration, if any, to be paid to the deputy of the General Manager for acting as General Manager.

(4) If at any time the deputy of the General Manager is absent from duty or is otherwise incapable of performing his duties as an employee of the Board, the Board may appoint another of its employees to act as deputy of the General Manager during the period the deputy is absent or otherwise incapable as aforesaid and the provisions of this section apply to and with respect to the employee acting as deputy in the same manner and to the same extent as they apply to and with respect to the deputy.

**97. Appointment of secretary.** (1) The Generating Board shall appoint a secretary to the Board who shall receive such salary, fees and allowances, or any thereof, as the Board fixes from time to time and hold office at the pleasure of the Board.

(2) The secretary may be appointed at any time after the Board is constituted.

(3) The secretary shall attend every meeting of the Generating Board and shall exercise all such powers and functions and discharge all such duties as are directed or delegated to him by the Board and, subject to such direction or delegation, shall be subject to the control and direction of the General Manager.

(4) If at any time the secretary is absent from duty or is otherwise incapable of performing the duties of his office, the Generating Board may appoint another employee of the Board to act as secretary during such absence or incapacity, and the provisions of this section apply to and with respect to the acting secretary in the same manner and to the same extent as they apply to and with respect to the secretary.

**98. Appointment of other staff.** (1) The General Manager shall propose to the Generating Board the organizational structure and the numbers and classes of employees making up the staff establishment of the Board, and the Board shall determine such organizational structure and such numbers and classes of employees after giving full consideration to the proposals of the General Manager.

(2) Any scholarships or cadetships requiring the holders to perform a period of service with the Board shall form part of the staff establishment.

(3) The General Manager shall appoint, within the determined staff establishment, employees of the Generating Board, other than the secretary, and the control and supervision of such employees shall vest in him.

(4) Employees may be appointed and employed by the General Manager in accordance with this section at any time after the Generating Board is constituted.

(5) The General Manager may at any time, and shall when so required by the Generating Board, report to the Board on the organizational structure and the numbers and classes of employees making up the staff establishment. Each such report shall include particulars of the numbers and classes of employees actually employed within the approved staff establishment and may include proposals to alter the organizational structure or to vary the staff establishment.

(6) The Generating Board may at any time, on receipt of a report referred to in subsection (5), vary its determination for the time being of the organizational structure and the numbers and classes of employees making up the staff establishment of the Board, and the General Manager shall observe and give effect to the variation of determination.

(7) The Board is not empowered to direct the General Manager to appoint, or with respect to the appointment of, a person to fill any vacant position within the staff establishment, and if a direction is so given at any time it shall be void and of no effect.

(8) Employees appointed and employed pursuant to this section shall, subject to any applicable award of any industrial court, commission, tribunal or authority, be paid such remuneration as the Generating Board, on the recommendation of the General Manager, determines.

**99. Powers, functions and duties of the Generating Board.** Subject to this Act and without derogating from any other provision of this Act with respect to any power, function or duty of the Generating Board, the Generating Board—

(a) shall supply electricity in bulk to Electricity Boards and any other Electricity Authority;

(b) may, with the approval of the Governor in Council, supply electricity outside Queensland to any person or authority:

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- (c) shall, where the Governor in Council so directs or approves, supply electricity to a person other than an Electricity Authority, and for that purpose shall enter into an agreement with such person for the supply of electricity to him. Such agreement shall—
- (i) specify the terms and conditions under which electricity shall be supplied to such person;
  - (ii) either specify the prices and methods of charge at which such electricity shall be supplied or provide that the prices and methods of charge for such electricity shall be determined by the Commission pursuant to Division IX of Part II; and
  - (iii) be of no effect until it has been approved by the Governor in Council;
- (d) shall supply electricity to consumers in any part of the State where it is authorized to supply electricity by licence issued to it by the Minister pursuant to this Act;
- (e) shall carry out such powers, functions and duties with respect to the supply of electricity (not being powers, functions and duties inconsistent with those of the Commission or of an Electricity Board) additional to the powers, functions and duties conferred and imposed on it pursuant to this Act as may be prescribed by the Governor in Council by Order in Council published in the Gazette, he being hereby thereunto authorized:
- Provided, however, that an additional power, function or duty so prescribed by the Governor in Council shall be an effective power, function or duty pursuant to this paragraph for a period of not more than 6 months from the date of publication in the Gazette of the Order in Council in question;
- (f) shall generate electricity and may purchase electricity in bulk and, on the most economical basis and as far as reasonably practicable, shall supply it from time to time as required or permitted pursuant to this Act;
  - (g) shall, subject to section 36, plan, design, construct, expand, extend, protect, maintain, control and manage works for the generation and supply of electricity pursuant to this Act;
  - (h) may obtain from its bank, for temporary accommodation, an advance by way of overdraft on current account for the purpose of meeting the cost of operating, maintaining and managing its undertaking;
  - (i) may provide technical advice and undertake work that the Generating Board is competent to so provide and undertake—
    - (i) by agreement with and on behalf of the Commission or any Electricity Authority or any other person within Queensland;
    - (ii) subject to the prior approval of the Governor in Council, by agreement with and on behalf of any person outside Queensland,and receive such payment, if any, as may be agreed upon;
  - (j) may, with the prior approval of the Commission, negotiate with any person referred to in paragraph (c) seeking a supply of electricity;

- (k) may subscribe money or provide services for any national, benevolent, public or useful object or purpose:

Provided that a separate budget provision shall be made for the total amount of money provided for expenditure under this paragraph, and, notwithstanding any provision of this Act providing for authorization, in extraordinary or emergent circumstances, of expenditure in excess of the amount provided in the adopted budget, the Board shall not incur expenditure in excess of the budget provision for expenditure under this paragraph except with the prior approval of the Minister:

- (l) may join any technical or other society or association of which it is entitled to be a member and which in the opinion of the Board is likely to further the powers, functions and duties of the Board, and may pay membership subscriptions in respect thereof and incur such other costs as membership of any such society or association entails;
- (m) may establish scholarships and bursaries that do not bind holders to perform a period of service with the Board but which the Board considers are likely to further the objects of the Board;
- (n) may set up, conduct or arrange training schools or training courses for its employees or prospective employees or, by arrangement with the Commission, for electrical workers or any other persons in respect of any matter related to electricity or the electricity supply industry;
- (o) may undertake or contribute to the cost of research and development related to its powers, functions and duties;
- (p) may assist the Commission in the discharge of the planning functions of the Commission;
- (q) may do such incidental or consequential acts and things as may be necessary or expedient for the exercise and performance of its powers, functions and duties.

**100. Delegation by Generating Board.** (1) The Generating Board may by resolution delegate to a committee of not less than two members of the Board determined by it or to the General Manager or, on the recommendation of the General Manager, to any specified employee of the Board either wholly or in part and either permanently or for a limited period and subject to such limitations as may be contained in the resolution or as may be prescribed any of the powers, functions or duties of the Board except—

- (a) this power of delegation;
- (b) the power to borrow or vote money;
- (c) its powers, functions and duties as an employer with respect to awards of any industrial court, commission, tribunal or authority applicable to its employees; and
- (d) its powers, functions and duties under section 98,

and may by subsequent resolution vary any such delegation or withdraw any such delegation either wholly or in part.

(2) No act of the committee, General Manager or specified employee done within the scope of any such delegation during the period such delegation is in force shall be invalidated by reason of the subsequent variation or withdrawal of the delegation.

(3) No delegation shall prevent the exercise of any power or function or the performance of any duty by the Generating Board.

*Division II—Constitution of Electricity Boards*

**101. Constitution of Electricity Boards and Areas.** (1) Different parts of the State shall be constituted as Areas of electricity supply.

(2) There shall be constituted an Electricity Board for each Area.

(3) Areas and Electricity Boards may be constituted at any time after the passing of this Act.

(4) Subject to this Act, an Electricity Board constituted as aforesaid shall on and from the day of its being constituted until the day of commencement of this Act be limited in its powers and functions to the matters and things specified in that respect in the Second Schedule.

(5) Nothing contained in subsection (4) limits the exercise and performance by an Electricity Board of its powers, functions and duties in respect of any matter or thing so specified on and after the day of commencement of this Act.

**102. Electricity Board to be a body corporate.** (1) Each Electricity Board shall—

(a) be a body corporate under the name "The (name of Area) Electricity Board" with perpetual succession and an official seal;

(b) be capable in law of—

(i) suing and being sued;

(ii) compounding or proving in any court of competent jurisdiction all debts or sums of money due to it;

(iii) taking, acquiring, holding, dealing with and disposing of real and personal property (whether situated in Queensland or elsewhere); and

(iv) doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) An Electricity Board does not represent the Crown.

(3) A member or employee of an Electricity Board is not and shall not be taken to be, as such member or employee, a member of the Public Service of Queensland or an employee of the Crown.

**103. First Electricity Boards.** (1) The Electricity Boards first constituted within the State shall be The Far North Queensland Electricity Board, The North Queensland Electricity Board, The Mackay Electricity Board, The Capricornia Electricity Board, The Wide Bay-Burnett Electricity Board, The South East Queensland Electricity Board and The South West Queensland Electricity Board.

(2) The Areas for which the respective Electricity Boards referred to in subsection (1) are constituted are set out in the Sixth Schedule.

**104. Affixing official seal.** (1) The General Manager of an Electricity Board shall affix the official seal of that Board to any document or other writing where such affixing is necessary for or incidental to the exercise of any of the powers or functions or the performance of any of the duties of the Board.

(2) The General Manager shall not affix the official seal to any document or other writing save under the authority of a resolution of the Board and in the presence of the secretary to the Board.

(3) All courts, judges, justices and persons acting judicially shall take judicial notice of the seal of an Electricity Board affixed to any document or other writing and shall presume, until the contrary is proved, that it was duly affixed.

**105. Membership of Electricity Boards.** (1) Every Electricity Board shall consist of—

- (a) the Commissioner who shall be a member *ex officio*;
- (b) two members (in this Division referred to as appointed members) appointed by the Governor in Council by notification published in the Gazette; and
- (c) five members (in this Division referred to as nominated members) appointed by the Governor in Council by notification published in the Gazette.

(2) Each appointed member shall—

- (a) have experience and qualifications that in the opinion of the Governor in Council are of advantage to the Electricity Board;
- (b) be a resident in the Area of the Electricity Board.

(3) (a) Each nominated member shall be a member of a Local Authority having its Area or part of its Area for the time being included in the Area of the Electricity Board and he shall be a resident in the Area of the Electricity Board.

(b) The Governor in Council may, by Order in Council published in the Gazette, assign one nominated member or more than one nominated member to each Local Authority as aforesaid or to a group or groups of such Local Authorities, and the member or members so assigned shall be nominated by the Local Authority or group or groups of Local Authorities in question from its or their members in such manner and within such time as is prescribed by the Order in Council.

(c) The number of nominated members assigned to each Local Authority or group or groups of Local Authorities need not be the same.

(d) An Order in Council under this subsection may be made at any time after the passing of this Act.

(4) An employee of the Commission, the Generating Board or an Electricity Board shall be incapable of holding office as an appointed or a nominated member of an Electricity Board.

(5) Subject to this Act, an appointed member or a nominated member shall hold office for such period, not exceeding three years and six months, as is specified in the notification of his appointment, and shall be eligible for re-appointment:

Provided that if circumstances arise that in the opinion of the Governor in Council make it impracticable for him to appoint a new nominated member to replace a retiring nominated member of an Electricity Board prior to the date on which such retiring nominated member ceases to hold office, the Governor in Council may by Order in Council extend the term of office of the retiring nominated member to a date specified in the Order in Council that in the opinion of the

Governor in Council will allow sufficient time for the appointment of a new nominated member of the Board, and the retiring nominated member shall hold office for such extended term notwithstanding that he may not for the extended portion of the term satisfy the requirements specified in subsection (3).

**106. Change of name of Electricity Board.** (1) The Governor in Council may by Order in Council published in the Gazette change the name of any Electricity Board.

(2) A change in the name of an Electricity Board pursuant to this section shall not affect the continuity of its identity or any of its rights or obligations or render defective any legal proceedings by or against it, and any legal proceedings that might have been commenced or continued by or against it under its former name may be commenced or continued by or against it under its name as changed.

**107. Vacation of office by appointed or nominated member.** (1) An appointed member or a nominated member of an Electricity Board shall be deemed to have vacated his office—

- (a) if he is or has become disqualified or has ceased to be qualified under the provisions of this Act;
- (b) if he is absent, except on leave granted by the Electricity Board (power to grant such leave being hereby authorized), from four consecutive ordinary meetings of the Board;
- (c) if, being a nominated member, he is ousted from his office as a member of a Local Authority by the Supreme Court or a judge thereof pursuant to the provisions of the *Local Government Act 1936-1976*;
- (d) if, being a nominated member, he ceases for any reason to hold office as a member of a Local Authority;

Provided that, without derogating from the provisions of the proviso to section 105 (5), any member of a Local Authority who remained a member of the Local Authority up to the date of the Local Authority elections but who has ceased to be a member thereof after such elections may continue in office as a member of the Electricity Board until such time as a new nominated member is appointed in accordance with this Division notwithstanding that he does not for such additional period satisfy the requirements specified in section 105 (3);

- (e) if in the opinion of the Governor in Council he ceases to reside in the Area;
- (f) if he becomes an employee of the Commission, the Generating Board or an Electricity Board;
- (g) if he becomes bankrupt or compounds with his creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;
- (h) if he dies or becomes mentally ill;
- (i) if he declines office;
- (j) if he resigns his office by writing under his hand addressed to the Minister and such resignation is accepted by the Governor in Council;

(k) if he is convicted of an indictable offence for which he is liable to be punished by imprisonment for twelve months or more;

(l) if he is removed from office by the Governor in Council for misbehaviour or incapacity.

(2) The Governor in Council may, for misbehaviour or incapacity appearing to him to be sufficient for so doing, remove an appointed member or a nominated member from office.

(3) The attendance of an appointed member or a nominated member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason of no quorum being present no meeting is actually held on the day in question, and the secretary to the Electricity Board shall enter in the minute book the name of any such member who so attends.

**108. Filling of casual vacancies.** (1) Where a vacancy occurs in the office of an appointed member or a nominated member, the Governor in Council may, subject to the requirements of this section, appoint another person as a member to hold office for the balance of his predecessor's term of office as a member.

(2) Notification of the appointment to fill the casual vacancy shall be published in the Gazette and it shall be sufficient to specify in such notification the substituted member's period of office by reference to the term of office of his predecessor.

(3) Where the vacancy occurs in the office of an appointed member, the person appointed to fill the vacancy shall be a person who satisfies the requirements of section 105 (2).

(4) Where the vacancy occurs in the office of a nominated member, the Local Authority or group or groups of Local Authorities in question shall nominate from its or their members a member qualified in accordance with this Division to fill the vacancy, and such member shall be so nominated in the manner and within the time prescribed in the Order in Council referred to in section 105 (3) (b).

**109. Power of Governor in Council to appoint member in absence of nomination.** (1) Where there is a failure or refusal on the part of a Local Authority or group or groups of Local Authorities to nominate a member or members in the manner and within the time prescribed by an Order in Council referred to in section 105 (3) (b) or to nominate a qualified person to fill a vacancy in the office of a nominated member in accordance with the provisions of section 108 (4), the Governor in Council may appoint any person or persons, who need not be qualified in accordance with this Division, as the nominated member or members or to fill the vacancy, as the case may be, as if he or they had been duly nominated by the Local Authority or group or groups of Local Authorities.

(2) If a nominee of a Local Authority or group or groups of Local Authorities refuses to accept nomination or appointment to an Electricity Board or, having been appointed as a member, fails or refuses to act as a member, the Governor in Council may appoint, in lieu of the nominee or appointee, a person who need not be qualified in accordance with this Division and may, in the case of the firstmentioned appointee, cancel his appointment.



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**110. Chairman and deputy chairman.** (1) At the first meeting of an Electricity Board appointed to be held by the Minister pursuant to section 116 and thereafter at every meeting of the Board first held after the appointment of the members of the Board or at some adjournment thereof held within one month of the time when that meeting was first adjourned, the members present shall elect from those members of the Board who are nominated members a member to be chairman and shall elect from those members of the Board who are nominated members or appointed members a member to be deputy chairman.

(2) At the first meeting of an Electricity Board held after a member of the Board who is chairman ceases for any reason to be a member of the Board or ceases for any reason to be chairman or at some adjournment thereof held within one month of the time when that meeting was first adjourned, the members present shall elect from the members of the Board who are nominated members a member to be chairman.

(3) At the first meeting of an Electricity Board held after a member of the Board who is deputy chairman ceases for any reason to be a member of the Board or ceases for any reason to be deputy chairman or at some adjournment thereof held within one month of the time when that meeting was first adjourned, the members present shall elect from the members of the Board who are appointed members or nominated members (other than the chairman) a member to be deputy chairman:

Provided that where the deputy chairman is elected at a meeting to be chairman, the members present at that meeting may there and then elect another member who is an appointed member or a nominated member to be deputy chairman.

(4) At every meeting for the election of a chairman, the secretary shall preside and shall have and may exercise all the powers and authorities of the chairman other than the right to vote.

(5) If for any reason either the chairman or the deputy chairman is not elected or both the chairman and the deputy chairman are not elected in accordance with the foregoing provisions of this section, the Governor in Council may appoint by Order in Council a chairman from those members of the Board who are nominated members or a deputy chairman from those members of the Board who are nominated members or appointed members or, as the case requires, both a chairman and a deputy chairman.

(6) Subject to this Act, the chairman shall hold his office for the term of his appointment to the Board and the deputy chairman shall hold his office for the term of his appointment to the Board but in each case he shall be eligible for further election or appointment, as the case may be.

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

(8) The deputy chairman shall preside at any duly convened meeting of the Board when the chairman is not present thereat and may in all respects act in the office of chairman during such time as the chairman is prevented by absence, illness or otherwise from performing the duties of the office of chairman or during such time as a vacancy exists in the office of chairman.

(9) If both the chairman and the deputy chairman are absent from a meeting of the Board, the members of the Board present shall elect from their number a chairman to preside at the meeting during the absence therefrom of the chairman and the deputy chairman.

(10) Where a person becomes a member of an Electricity Board in accordance with this Act consequent upon a vacancy in the office of a member who was chairman or deputy chairman of the Board, he does not by virtue only of becoming a member of the Board become also chairman or deputy chairman as the case may be.

(11) If a casual vacancy occurs in the office of chairman or deputy chairman, the vacancy shall be filled in the manner provided for in this section for the filling of a vacancy in the office of chairman or deputy chairman, as the case may be, where the vacancy is not a casual one.

(12) Nothing contained in this Act prevents a person from being immediately or at any time chairman, deputy chairman or member by election, nomination, appointment or re-appointment, as the case may be, if he is capable for the time being under this Act of being and continuing to be such chairman, deputy chairman or member.

(13) Each of them the chairman and the deputy chairman may resign his office as such by writing under his hand delivered to the secretary, and such resignation as chairman or deputy chairman shall be complete and take effect from the time when it is received by the secretary.

**111. Acting chairman.** If the chairman and the deputy chairman of an Electricity Board are at any time prevented by absence, illness or otherwise from performing the duties of the office of chairman, the Board may appoint one of its nominated members to act as chairman during such time as the chairman and the deputy chairman are so prevented from performing the duties of the office of chairman, and the acting chairman, while so acting may do all such acts and things as the chairman may do.

**112. Commissioner may appoint a deputy.** (1) If for any reason it is not practicable for the Commissioner to attend any meeting of an Electricity Board, he may and is hereby authorized to appoint a Deputy Commissioner or some other employee of the Commission to attend the meeting as his deputy.

(2) Notification in writing by the Commissioner to the Electricity Board authorizing such person to attend a meeting of the Board as his deputy is sufficient authority for such person to attend the meeting.

(3) The person appointed as the deputy of the Commissioner has the same powers and authorities at such meeting as the Commissioner would have were he present himself.

(4) Any act or thing done by the Board at the meeting at which such person is present is as lawful and has the same force and effect as it is and has in a case where the Commissioner is present himself.

**113. Other deputies.** (1) The Governor in Council, by notification published in the Gazette, may appoint a deputy to act in the place of an appointed member of an Electricity Board in the event of the illness or absence of that member.

(2) An appointment may be so made either generally or with reference to a specified illness or absence, and if made generally the appointee may act in terms thereof in respect of any illness or absence of the member whose deputy he is occurring during the continuance of the appointment.

(3) A nominated member who will be absent from an ordinary meeting of an Electricity Board and who has been granted leave of absence from such meeting by the Board may, subject to this section, by notice in writing addressed to the secretary to the Board, appoint a deputy to act in his place at the meeting in question or at any special meeting of the Board occurring during the period for which the member has been granted leave of absence.

(4) The deputy so appointed shall be a member of the Local Authority that nominated the member whose deputy he is or, if such member is nominated by a group or groups of Local Authorities, the deputy shall be a member of a Local Authority included in such group or one such group:

Provided that in the case of a nomination by a group or groups of Local Authorities the deputy shall be a member of a Local Authority other than the one of which the member whose deputy he is appointed to be is a member.

(5) A deputy whilst duly acting pursuant to this section in the place of a member who is chairman or deputy chairman shall not by virtue of his appointment as deputy be entitled to act as chairman or deputy chairman, as the case may be.

(6) A person shall not be appointed a deputy of a member of an Electricity Board if he is not a person qualified under the provisions of this Act for appointment as the member of the Board whose deputy he would be or if he is otherwise disqualified from membership of the Board, and if a deputy, after appointment as such deputy, ceases to be qualified for appointment or becomes disqualified from membership after such appointment, the appointment thereupon becomes null and void.

(7) If the member of an Electricity Board whose deputy a person is ceases for any reason to be a member of the Board, the appointment of the deputy shall thereupon become null and void by virtue of the member of the Board ceasing to be a member.

(8) A deputy whilst duly acting in the place of the member whose deputy he is has the powers and authorities of the member in question.

**114. Validity of things done by deputies and other persons acting.**

A person shall not be concerned to inquire whether any occasion has arisen requiring or authorizing the deputy chairman or, as provided for in this Division, other member to act as chairman at a meeting of an Electricity Board in the place of the chairman or a deputy to act in the place of the Commissioner or an appointed or a nominated member, and all acts or things done or omitted by a person so acting as aforesaid are as valid and effectual and have the same consequences as if they had been done or omitted by the person in whose place he is acting.

**115. Remuneration to members of Electricity Boards.** (1) The

appointed and nominated members of an Electricity Board, the chairman, the deputy chairman or, as provided for in this Division, other member acting as chairman at a meeting of an Electricity Board, and the deputies of

appointed or nominated members of an Electricity Board shall be paid such remuneration, fees and allowances, if any, as the Governor in Council may from time to time determine.

(2) A determination may at any time and from time to time be revoked or amended.

(3) A determination with respect to any person may differ according to class of payment or rate or both class and rate from any determination with respect to any other person.

(4) A determination with respect to a member or members of one Board may differ from any determination with respect to a member or members of another Board or other Boards.

(5) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of an appointed or a nominated member of an Electricity Board under this Act, or from accepting and, unless the Governor in Council otherwise directs, retaining any remuneration, fees or allowances payable under this section.

(6) The Governor in Council may direct that any remuneration, fee or allowance accepted by an appointed member be paid by him to such fund or in such manner as the Governor in Council thinks fit.

(7) If, whether in pursuance of any resolution or order of an Electricity Board or otherwise, any payment of money has been made to any member of the Board out of any fund which payment the Governor in Council considers unnecessary, extravagant or not authorized by this Act or any other Act, the Minister shall order such member to repay such money to the Board forthwith or within such time as the Minister allows.

(8) If the member does not repay such money in pursuance of such order, it may be made an order of a court having jurisdiction in an action for debt having regard to the amount involved by filing a copy of the order in the office of the registrar of that court, and may be enforced accordingly.

**116. Proceedings of Electricity Boards.** (1) An Electricity Board shall hold its first meeting at a time (being any time after the passing of this Act) and place appointed by the Minister and thereafter shall meet at such times and places as may be appointed by resolution of the Board, provided that the Board shall meet at least once each month.

(2) Subject to subsection (1), the Board has power to fix by resolution the times and places when and where its meetings will be held.

(3) Five members of the Board constitute a quorum at any meeting of the Board.

(4) Questions arising at a meeting of the Board shall be determined by a majority of votes of the members present.

(5) If any member refuses or fails to vote, his vote shall be counted in the negative.

(6) The person presiding at a meeting of the Board has an original vote and, in the event of an equal division of votes upon any question, has a second or casting vote.

(7) An Act or proceeding of the Board shall not be invalid or illegal in consequence only of the number of members of the Board not being complete at the time of such act or proceeding.

(8) All acts and proceedings of the Board shall, notwithstanding any defect in the appointment of a member or that any member was disqualified or disentitled to act, be as valid and effectual as if every such member had been duly appointed and was qualified and entitled to act and as if the Board had been properly and fully constituted.

(9) The members present at a meeting may, from time to time, adjourn the meeting.

(10) If a quorum is not present within half an hour after the time appointed for a meeting, the members present, or the majority of them, or any one member if only one is present, or the secretary to the Board if no member is present, may adjourn the meeting to any time not later than fourteen days from the date of such adjournment:

Provided that nothing herein shall be construed to prevent the adjournment of any meeting to a later hour of the same day on which such meeting was appointed to be held.

(11) The Board shall cause minutes of all its proceedings with the names of the members present at each meeting and the names of all members voting upon any question for the decision of which a division is called to be duly recorded from time to time in minute books provided for the purpose and kept by the secretary.

(12) The minutes of each meeting shall be signed, after confirmation by the Board, by the chairman at the meeting next succeeding the meeting at which the proceedings have taken place.

(13) All books, papers, correspondence, documents and other writings belonging to or relating to the business of the Board which are not by this Act declared to be open to inspection shall nevertheless be open to inspection by any member.

**117. Regulation of conduct of meetings of Electricity Boards.** Without limiting the power to make regulations conferred by section 443, regulations may be made by the Governor in Council under that section providing for and with respect to the conduct and control of and procedure and business at meetings of Electricity Boards and matters incidental thereto, such regulations being in addition to the provisions of section 116.

**118. Governor in Council may rescind resolution of Electricity Board.** (1) The Governor in Council may at any time suspend or rescind any resolution or order of an Electricity Board, or prohibit the expenditure of moneys upon a work which he deems unnecessary or which will in his opinion impose undue burdens upon consumers of electricity in the Board's Area or any part thereof.

(2) Any resolution of the Electricity Board rescinded by the Governor in Council shall be void *ab initio* unless the Governor in Council specifies some later date, in which case the resolution concerned shall be void on and from such specified date.

(3) In any case where a resolution so rescinded empowers or authorizes or purports to empower or authorize the making for or on behalf of the Electricity Board of any contract or agreement or the

acceptance by or on behalf of the Electricity Board of any tender or the doing or executing by or on behalf of the Electricity Board of any other act, matter or thing whatsoever, any such contract or agreement made or purporting to have been made or any such tender accepted or purporting to have been accepted or any such other act, matter or thing done or purporting to have been done in pursuance of such resolution shall be void *ab initio*.

(4) When in pursuance of this section any contract or agreement made by or on behalf of the Electricity Board or any acceptance of a tender by or on behalf of the Electricity Board or any other act, matter or thing whatsoever done by or on behalf of the Electricity Board is void *ab initio*, no action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against the Electricity Board or any member or employee of the Electricity Board for or in respect of any damage or loss or injury sustained or alleged to have been sustained or for or in respect of any other right or remedy whatsoever conferred or alleged to have been conferred by reason of the making of the contract or agreement concerned, the acceptance of the tender concerned or, as the case may be, the doing of any other act, matter or thing concerned.

(5) If the Governor in Council when rescinding a resolution of the Electricity Board specifies that such resolution shall not be void *ab initio* but shall be void from some later date, such rescission shall not void any such contract or agreement, acceptance of a tender, or other act, matter or thing as aforesaid made, accepted or, as the case may be, done prior to such later date.

(6) If any contractor whose contract with the Electricity Board becomes void *ab initio* under and in pursuance of this section at any time satisfies the Governor in Council that such contract was bona fide and that prior to the date of the rescission by the Governor in Council of the resolution authorizing the same, he incurred expenses in or for the purposes of the execution, performance or carrying out of such contract, then the Governor in Council may direct the Electricity Board to pay, and thereupon the Electricity Board shall pay, the amount of such expenses to such contractor; and any amount so directed to be paid shall constitute a debt due and owing by the Electricity Board to the contractor concerned.

**119. Dissolution of Electricity Board.** (1) Notwithstanding anything in this Act contained, the Governor in Council may, in his absolute discretion by Order in Council at any time, if in his opinion circumstances have arisen rendering it necessary so to do, dissolve an Electricity Board.

(2) Upon and by virtue of any such dissolution, the members of the Board shall go out of office.

(3) The Governor in Council may by the same or a subsequent Order in Council appoint the Commission to carry on, for such period as may be specified therein, such of the functions of the Electricity Board and to exercise, perform and be subject to such of its powers, duties, authorities and responsibilities as may be specified in the said Order in Council; and for this purpose the Commission shall be deemed to be the Board and may exercise all of the powers thereof.

(4) The Governor in Council may in the Order in Council dissolving an Electricity Board or in a subsequent Order in Council appoint fresh members in the place of the members (other than the Commissioner) of such Board who went out of office upon its dissolution and all of the provisions of this Act relating to the nomination, appointment and tenure of office of members (other than the Commissioner) of the Board shall apply and extend accordingly.

(5) Upon such fresh appointment of members, the Commissioner shall become and be a member *ex officio*, but, unless the Governor in Council determines otherwise, no appointed or nominated member of the dissolved Board shall be eligible for re-appointment.

**120. Disqualification of member of Board from voting.** (1) If a member of an Electricity Board has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Board at which the contract or proposed contract or other matter is the subject for consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or proposed contract or other matter:

Provided that this section shall not apply to an interest in a contract or proposed contract or other matter that a member may have as an inhabitant of the area of supply of an Electricity Authority as an ordinary user or consumer of electricity, or to an interest in any matter relating to the terms on which the right to participate in any service including the supply of goods is offered for general use or consumption.

(2) For the purposes of this section, a person shall (subject as hereinafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract or proposed contract or other matter if—

- (a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made, or which has a direct pecuniary interest in the other matter under consideration; or
- (b) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made, or who has direct pecuniary interest in the other matter under consideration:

Provided that—

- (i) this subsection shall not apply to membership of or employment under any public body;
- (ii) a member of a company or other body shall not by reason only of his membership be treated as being so interested if—
  - (A) he has no beneficial interest in any shares or stock of that company or other body;
  - (B) his membership of that company or other body consists only in his holding shares or stock of that company or other body, that company or other body consists of 50 persons at the least, and he is not a director of, and does not directly participate in the management of, that company or other body.

(3) In the case of married persons living together, the interest of one spouse shall if known to the other be deemed for the purposes of this section to be also an interest of that other spouse.

(4) A general notice given in writing to the secretary of the Electricity Board by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(5) The secretary of the Electricity Board shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (4), and the book shall be open at all reasonable hours to the inspection of any member of the Board.

(6) The Minister, with respect to a member of the Board, may, subject to such conditions as the Minister may think fit to impose, remove any disability imposed by this section in any case in which the number of members of the Board so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the interests of the consumers of electricity supplied by the Board that the disability should be removed.

(7) The Electricity Board may by resolution provide for the exclusion of a member of the Board from a meeting of the Board whilst any contract, proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

**121. Insurance of members of an Electricity Board.** (1) An Electricity Board may from time to time enter into contracts with the holder of a licence to carry on general insurance business in Queensland or the State Government Insurance Office (Queensland) for the insurance of every member of the Board against injury (fatal or non-fatal) arising out of or in the course of the performance of the duties of his office (including his attendance at meetings of the Board) or arising out of or in the course of his journey to or from a meeting of the Board that he is authorized or required to attend, or to or from a place where he is authorized or required to go in the course of the performance of the duties of his office, and against further injury arising out of or in the course of his direct journey to obtain a medical certificate or to receive medical, surgical or hospital treatment, or payment under such contract of insurance, or to his place of abode after receiving such certificate, treatment or payment.

Every such contract of insurance entered into shall be for the benefit of the members insured thereunder (or, in the case where death of a member results from an injury insured against, for the benefit of that member's dependants or for the benefit of the dependants of an ex-member whose office became vacant as a result of his injury).

(2) Notwithstanding anything to the contrary contained in this Act or any other Act, a person shall not, by reason of his receiving any payment or benefiting under or being interested or concerned in any contract or proposed contract of insurance under this section, be disqualified from being or continuing a member of the Board nor be disqualified with respect to any appointment under this Act or any other Act or law, and if a member of the Board is present at a meeting of the Board at which a contract or proposed contract or other matter under this section is the subject for consideration, he shall be entitled to take part in the



consideration or discussion of or vote on any question with respect to the contract or proposed contract or other matter notwithstanding any such payment, benefit, interest or concern.

(3) All expenditure by the Board in respect of any contract under this section shall be met from the Operating Fund hereinafter in this Act provided for.

(4) In this section the term "injury" means personal injury arising out of or in the course of the performance of the duties of office or arising out of or in the course of a journey specified in this section and includes a disease which is contracted by a member in the course of the performance of the duties of his office or of such a journey; and the term "dependants" in reference to a member shall have the same construction as the term "dependants" has in reference to a worker under the *Workers' Compensation Act 1916-1974*.

**122. Indemnities.** (1) No liability shall be incurred by an Electricity Board, the General Manager, any member of the Board, the secretary to or any other employee of the Board or any other person whomsoever acting under the direction of the Board on account of anything done for the purposes of this Act or done in good faith and purporting to be for the purposes of this Act.

(2) Nothing in this section shall exempt any member of an Electricity Board from the liabilities imposed by sections 41 (6) and 244.

**123. Appointment of General Manager.** (1) There shall be a General Manager of each Electricity Board and he shall be appointed by the Governor in Council on the recommendation of the Board.

(2) Notification of the appointment of the General Manager shall be published in the Gazette.

(3) The General Manager shall be a person chosen solely on the basis of his executive, technical and administrative experience and other qualifications possessed by him fitting him to be the General Manager.

(4) A General Manager in respect of each Board may be appointed at any time after the passing of this Act.

(5) The General Manager shall receive such salary, fees and allowances, or any thereof, as the Governor in Council fixes from time to time.

(6) The appointment of a General Manager shall be for such term, not exceeding seven years, as the Governor in Council determines, and the appointee shall, subject to this Act, hold office for the term for which he is appointed and be eligible for re-appointment.

(7) (a) A recommendation by an Electricity Board pursuant to subsection (1) shall be made by it to the Minister within 21 days of receipt by it of a notification in writing by the Minister requiring it to do so or within such other time as is specified by the Minister in the notice, and if a recommendation is not received by the Minister from the Board within the said 21 days or other time specified as aforesaid, the Governor in Council may, having regard to subsection (3), appoint a General Manager who shall be deemed to have been recommended by the Board.

(b) A recommendation may, however, be made by the Board to the Minister before receipt by it of a notification in writing by the Minister as aforesaid.

**124. Vacation of office by General Manager.** (1) The General Manager of an Electricity Board shall be deemed to have vacated his office—

- (a) if he engages during his term of office in any paid employment outside the duties of his office other than in accordance with any approval of the Governor in Council so to do;
- (b) if he becomes bankrupt or compounds with his creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;
- (c) if, except by reason of illness or physical incapacity or on leave granted by the Board (power to grant such leave being hereby authorized), he absents himself from duty for 14 consecutive days or for 28 days in all in any calendar year;
- (d) if he dies or becomes mentally ill;
- (e) if he declines office;
- (f) if he is convicted of an indictable offence for which he is liable to be punished by imprisonment for twelve months or more;
- (g) if he resigns his office by writing under his hand addressed to the Minister and such resignation is accepted by the Governor in Council;
- (h) if he is removed from office by the Governor in Council for misbehaviour or incapacity.

(2) The Governor in Council may, for misbehaviour or incapacity appearing to him to be sufficient for so doing, remove the General Manager from office.

**125. Attendance of General Manager at meetings.** (1) The General Manager may attend meetings of the Electricity Board of which he is the manager and take part in discussions at those meetings as if he were a member of the Board, but he shall not be entitled to vote on any matter that is to be decided by vote of the members.

(2) The General Manager shall not be present at a meeting of the Board at any time when there is discussion concerning his appointment or re-appointment, salary, fees and allowances or any thereof, conditions of employment, suspension or dismissal.

(3) The General Manager shall attend all meetings of the Board that he is required by the Board to attend and shall at such meetings give to the Board such advice and assistance as shall reasonably be required of him by the Board, and in connexion therewith he shall, subject to the Board's approval, arrange for the attendance at such meetings of such of the employees of the Board as may be necessary having regard to the business to be transacted at such meetings.

**126. Appointment of a deputy of the General Manager.** (1) Each Electricity Board shall designate one of its employees to be the deputy of the General Manager and he shall act as General Manager during any period when the General Manager is absent from duty or is otherwise incapable of performing the duties of his office or during any vacancy in that office.

(2) The deputy of the General Manager when acting as General Manager has and may exercise all the powers and functions and shall discharge all the duties of that office.

(3) The Board shall determine the additional remuneration, if any, to be paid to the deputy of the General Manager for acting as General Manager.

(4) If at any time the deputy of the General Manager is absent from duty or is otherwise incapable of performing his duties as an employee of the Board, the Board may appoint another of its employees to act as deputy of the General Manager during the period the deputy is absent or otherwise incapable as aforesaid and the provisions of this section apply to and with respect to the employee acting as deputy in the same manner and to the same extent as they apply to and with respect to the deputy.

**127. Appointment of secretary.** (1) Each Electricity Board shall appoint a secretary to the Board who shall receive such salary, fees and allowances, or any thereof, as the Board fixes from time to time and hold office at the pleasure of the Board.

(2) The secretary may be appointed at any time after the Board is constituted.

(3) The secretary shall attend every meeting of the Electricity Board and shall exercise all such powers and functions and discharge all such duties as are directed or delegated to him by the Board and, subject to such direction or delegation, shall be subject to the control and direction of the General Manager.

(4) If at any time the secretary is absent from duty or is otherwise incapable of performing the duties of his office, the Board may appoint another employee of the Board to act as secretary during such absence or incapacity, and the provisions of this section apply to and with respect to the acting secretary in the same manner and to the same extent as they apply to and with respect to the secretary.

**128. Appointment of other staff.** (1) The General Manager of each Electricity Board shall propose to the Board the organizational structure and the numbers and classes of employees making up the staff establishment of the Board, and the Board shall determine such organizational structure and such numbers and classes of employees after giving full consideration to the proposals of the General Manager.

(2) Any scholarships or cadetships requiring the holders to perform a period of service with the Board shall form part of the staff establishment.

(3) The General Manager shall appoint, within the determined staff establishment, employees of the Board, other than the secretary, and the control and supervision of such employees shall vest in him.

(4) Employees may be appointed and employed by the General Manager in accordance with this section at any time after the Board is constituted.

(5) The General Manager may at any time, and shall when so required by the Board, report to the Board on the organizational structure and the numbers and classes of employees making up the staff establishment. Each such report shall include particulars of the numbers

and classes of employees actually employed within the approved staff establishment and may include proposals to alter the organizational structure or to vary the staff establishment.

(6) The Board may at any time, on receipt of a report referred to in subsection (5), vary its determination for the time being of the organizational structure and the numbers and classes of employees making up the staff establishment of the Board, and the General Manager shall observe and give effect to the variation of determination.

(7) The Board is not empowered to direct the General Manager to appoint, or with respect to the appointment of, a person to fill any vacant position within the staff establishment, and if a direction is so given at any time it shall be void and of no effect.

(8) Employees appointed and employed pursuant to this section shall, subject to any applicable award of any industrial court, commission, tribunal or authority, be paid such remuneration as the Board, on the recommendation of the General Manager, determines.

**129. Powers, functions and duties of an Electricity Board.** Subject to this Act and without derogating from any other provision of this Act with respect to any power, function or duty of an Electricity Board, each Electricity Board—

- (a) shall supply electricity to consumers within its Area, other than consumers required to be supplied by the holder of a licence issued by the Minister under this Act, and to such other consumers as it may be required to supply pursuant to the terms of a licence issued to it by the Minister under this Act;
- (b) may supply, install, repair, accept by way of trade in, sell, hire or otherwise deal in electrical articles within its Area;
- (c) shall carry out such powers, functions and duties with respect to the supply of electricity (not being powers, functions and duties inconsistent with those of the Commission or of the Generating Board) additional to the powers, functions and duties conferred and imposed on it pursuant to this Act as may be prescribed by the Governor in Council by Order in Council published in the Gazette, he being hereby thereunto authorized:  
 Provided, however, that an additional power, function or duty so prescribed by the Governor in Council shall be an effective power, function or duty pursuant to this paragraph for a period of not more than 6 months from the date of publication in the Gazette of the Order in Council in question;
- (d) shall, subject to section 36, plan, design, construct, expand, extend, protect, maintain, control and manage works for the supply of electricity pursuant to this Act;
- (e) shall purchase in bulk from the Generating Board such electricity as the Generating Board is required to supply to it pursuant to this Act;
- (f) may obtain from its bank, for temporary accommodation, an advance by way of overdraft on current account for the purpose of meeting the cost of operating, maintaining and managing its undertaking;

- (g) subject to this Act, may generate and may purchase in bulk from within or outside the State such other electricity as it may require to supply its consumers;
- (h) may undertake or contribute to the cost of research and development related to the powers, functions and duties of an Electricity Board;
- (i) may, with the approval of the Governor in Council, supply electricity outside Queensland to any person or authority within an area specified by the Governor in Council;
- (j) may promote and encourage the use of electricity and especially the use thereof for industrial and manufacturing purposes and for the purposes of primary production;
- (k) may, with the approval of the Commission, negotiate with any person desiring to be supplied with electricity under a special agreement at other than standard tariffs;
- (l) shall, pursuant to a direction of the Governor in Council to enter into a special agreement with any person under terms and conditions determined by the Governor in Council, supply electricity to any such person in accordance with any special agreement so entered into;
- (m) may provide technical advice and undertake work that the Board is competent to so provide and undertake—
  - (i) by agreement with and on behalf of the Commission, the Generating Board, another Electricity Board or any person within its Area;
  - (ii) subject to the prior approval of the Commission, outside its Area, by agreement with and on behalf of any person;
  - (iii) subject to the prior approval of the Governor in Council, by agreement with and on behalf of any person outside Queensland,and receive such payment, if any, as may be agreed upon;
- (n) may subscribe money or provide services for any national, benevolent, public, general or useful object or purpose:

Provided that a separate budget provision shall be made for the total amount of money provided for expenditure under this paragraph, and, notwithstanding any provision of this Act providing for authorization, in extraordinary or emergent circumstances, of expenditure in excess of the amount provided in the adopted budget, the Board shall not incur expenditure in excess of the budget provision for expenditure under this paragraph except with the prior approval of the Minister;
- (o) may join any technical or other society or association of which it is entitled to be a member and which in the opinion of the Board is likely to further the powers, functions and duties of the Board, and may pay membership subscriptions in respect thereof and incur such other costs as membership of any such society or association entails;
- (p) may establish scholarships and bursaries that do not bind holders to perform a period of service with the Board but which the Board considers are likely to further the objects of the Board;
- (q) may undertake or contribute to the cost of programs to educate the public in electrical safety;

- (r) may assist the Commission in the discharge of the planning functions of the Commission;
- (s) may set up, conduct or arrange training schools or training courses for its employees or prospective employees or, by arrangement with the Commission, for electrical workers or any other persons in respect of any matter related to electricity or the electricity supply industry;
- (t) may join any body or association of persons corporate or unincorporate having as its purpose the purchase on behalf of its members as a group, electrical articles that the Board proposes to supply, install, trade in, sell or hire pursuant to paragraph (b), and, with respect thereto, may become a shareholder of any body corporate incorporated or registered in Queensland under the *Companies Act 1961-1975* or that is a "recognised company" within the meaning of that Act;
- (u) may do such incidental or consequential acts and things as may be necessary or expedient for the exercise and performance of its powers, functions and duties.

**130. Delegation by Electricity Board.** (1) An Electricity Board may by resolution delegate to a committee of not less than two members of the Board determined by it or to the General Manager or, on the recommendation of the General Manager, to any specified employee of the Board either wholly or in part and either permanently or for a limited period and subject to such limitations as may be contained in the resolution or as may be prescribed any of the powers, functions or duties of the Board except—

- (a) this power of delegation;
- (b) the power to borrow or vote money;
- (c) its powers, functions and duties as an employer with respect to awards of any industrial court, commission, tribunal or authority applicable to its employees; and
- (d) its powers, functions and duties under section 128,

and may by subsequent resolution vary any such delegation or withdraw any such delegation either wholly or in part.

(2) No act of the committee, General Manager or specified employee done within the scope of any such delegation during the period such delegation is in force shall be invalidated by reason of the subsequent variation or withdrawal of the delegation.

(3) No delegation shall prevent the exercise of any power or function or the performance of any duty by the Board.

**131. Reconstitution of Areas.** (1) The Governor in Council may by Order in Council—

- (a) abolish the Area of an Electricity Board and dissolve the Board and join the Area of such Electricity Board or join parts of such Area to another Area or other Areas;
- (b) alter the boundaries of Areas by including in one Area part or parts of another Area or part or parts of other Areas, and by excluding such part or parts from such Area or Areas.

(2) Where the Area of an Electricity Board is abolished and the Board dissolved and the Area is joined to another Area—

- (a) the abolition and dissolution are effective on a date prescribed with respect thereto by the Governor in Council in the Order in Council referred to in subsection (1) or in another Order in Council;
- (b) the undertaking of that dissolved Electricity Board shall, on and from the date of its dissolution, be divested from it and vested in the Electricity Board for that other Area;
- (c) all property real or personal, movable or immovable, and every right, title, estate or interest therein and all management and control of any land or thing that immediately before the date of the dissolution of the dissolved Electricity Board was vested in or belonged to the dissolved Electricity Board shall vest in and belong to the aforementioned other Electricity Board;
- (d) all moneys and liquidated and unliquidated claims that immediately before the date of the dissolution of the dissolved Electricity Board are payable to or recoverable by that dissolved Electricity Board shall respectively be moneys and liquidated and unliquidated claims payable to or recoverable by the aforementioned other Electricity Board;
- (e) every action, suit or other legal proceeding pending, or that might have been commenced or continued, immediately before the date of the dissolution of the dissolved Electricity Board by or against it may be instituted, carried on and prosecuted by or against the aforementioned other Electricity Board, and no such action, suit or other legal proceeding shall abate or be prejudicially affected by the dissolution of the dissolved Electricity Board;
- (f) all contracts, agreements and undertakings entered into with, and all securities lawfully given to or by, that dissolved Electricity Board existing at the date of its dissolution (including any right or remedy or other cause of action whatsoever with respect to any such contract, agreement, undertaking or security subsisting as at or immediately before that lastmentioned date) shall be deemed to be respectively contracts, agreements and undertakings entered into with, securities given by or to, and rights, remedies or causes of action as aforesaid by or against the aforementioned other Electricity Board, and may be enforced by or against it accordingly;
- (g) all debts due and moneys payable by that dissolved Electricity Board and all claims liquidated or unliquidated recoverable against it shall be debts due and moneys payable by and claims recoverable against the aforementioned other Electricity Board.

(3) Where the Area of an Electricity Board is abolished and the Board dissolved and parts of the Area are joined to two or more other Areas, the Governor in Council may by Order in Council declare and apportion the assets and liabilities of the dissolved Electricity Board in question between the respective Electricity Boards for those two or more other Areas in such manner as appears to him just and prescribe all such matters and give all such directions as he deems necessary in order to give, with respect to those Electricity Boards or any of them,

application and effect to the provisions of this section, and the assets and liabilities shall devolve upon the respective Electricity Boards accordingly.

(4) Without limiting the generality of the provisions of subsection (3), an Order in Council issued pursuant thereto shall contain such provisions as the Governor in Council considers are necessary to protect the rights and interests of employees of the dissolved Electricity Board in question.

(5) Where the boundaries of Areas are altered pursuant to subsection (1) (b) and in any case it becomes necessary to do so, the Governor in Council may by Order in Council declare and apportion those assets and liabilities of the respective Electricity Boards that are affected by such alteration of boundaries between the Boards in such manner as appears to him just and prescribe all such matters and give all such directions as he deems necessary in order to give, with respect to those Electricity Boards or any of them, application and effect to the provisions of this section, and those assets and liabilities shall devolve upon the respective Electricity Boards accordingly.

(6) Where—

(a) parts of an Area are joined to two or more Areas pursuant to subsection (1) (a); or

(b) the boundaries of Areas are altered pursuant to subsection (1) (b), and there is a declaration and apportionment of assets and liabilities, the provisions of this section apply, with all necessary adaptations and to the extent that they may reasonably be applied and without derogating from anything contained in such declaration and apportionment, in relation to the respective Areas and Boards with respect to the matters referred to in subsection (2) as fully and effectually as they apply in the case of the abolition of the Area of an Electricity Board and the dissolution of the Board and the joinder of the Area to another Area.

(7) Where the Area of an Electricity Board is abolished and joined to another Area or parts of it are joined to another Area or other Areas or where part of an Area is excluded from such Area and included in another Area, all rules in force in the Area abolished or part of an Area so excluded from such Area shall forthwith cease to have any further effect whatsoever in the Area abolished or the part of the Area excluded, as the case may be, and the rules in force in the Area to which the abolished Area is joined or parts thereof are joined or in the Area in which the part of an Area excluded as aforesaid is included become the rules of and remain in force in the abolished Area or parts thereof or the part of an Area excluded as aforesaid, as the case requires, subject to repeal or amendment thereof.

*Division III—Transfer of Part of Undertaking of an Electricity Authority to another Electricity Authority*

**132. Proposals to transfer parts of undertakings.** If at any time an Electricity Authority considers that the best interests of such Electricity Authority and of consumers generally will be served by—

(a) the transfer to and vesting in another Electricity Authority of any part of its undertaking; or

(b) the transfer to and vesting in it of any part of the undertaking of another Electricity Authority,

the Electricity Authorities concerned shall confer with the objective of agreeing upon the part of the undertaking to be so transferred and vested and the terms and conditions of the transfer and vesting.



**133. Agreement to be approved by Commission.** An agreement made pursuant to section 132 shall be subject to the approval of the Commission which is hereby authorized to approve such agreement.

**134. Determination by Governor in Council on failure of Authorities to agree.** If the Authorities conferring pursuant to section 132 fail to agree upon the part of the undertaking to be transferred and vested or upon the terms and conditions of the transfer and vesting, the Governor in Council by Order in Council shall determine such part or, as the case requires, terms and conditions and the Authorities shall be bound by his determination as if they had agreed accordingly.

**135. Date of vesting.** The transfer and vesting of any part of the undertaking of an Electricity Authority pursuant to this Division takes effect on and from the date agreed upon by the Authorities who are parties to such agreement or, failing agreement between them, on and from the date fixed by the Governor in Council.

**136. Exemption from stamp duty.** Any agreement made pursuant to this Division is exempt from stamp duty.

**137. Preservation of claims, actions, etc.** Where there is a transfer and vesting of any part of the undertaking of an Electricity Authority to and in another Electricity Authority pursuant to this Division, the provisions of paragraphs (c) to (g) inclusive of section 131 (2) apply, with all necessary adaptations and to the extent that they may reasonably be applied, in relation to that part of the undertaking and the respective Electricity Authorities as fully and effectually as they apply in the case to which they are referable in the said section 131 (2).

#### *Division IV—Licences to Supply Electricity*

**138. Minister may issue licences.** (1) The Minister may issue a licence—

- (a) to a person to supply electricity to another person or other persons whether the person to whom the licence is issued is the owner of a generating plant or not;
- (b) to a person to construct, use and maintain an electric line for transmitting electricity from place or places to place or places specified in the licence;
- (c) to the Generating Board to supply electricity to consumers in any part of the State, or to another Electricity Authority to supply electricity outside its Area and to an area or areas or a place or places specified in the licence;
- (d) applicable only with respect to matters relating to the securing of the safety of persons, to the owner of premises whereon there is a mine to supply electricity within those premises but beyond the limits of the mine thereon; and it is hereby declared that, for the purposes of this paragraph, "mine" means a mine within the meaning of the *Coal Mining Act* 1925-1974 or the *Mines Regulation Act* 1964-1968 and includes a quarry or other excavation that, pursuant to the said Mines Regulation Act, is deemed to be a mine but does not include a mine that, pursuant to that Act, is excluded from its provisions;

(e) to the owner of a private plant to operate the plant in accordance with the provisions of this Act where such plant has been declared by the Governor in Council to be subject to the provisions of this Act.

(2) A licence issued by the Minister under subsection (1) may be issued subject to conditions and any such conditions shall be specified in the licence.

(3) Where a licence is issued by the Minister subject to conditions, the licensee holds the licence subject to those conditions.

(4) A licence may be issued for a fixed period that is stated in the licence or to expire on the occurrence of a certain happening that is stated in the licence or without limit of time.

(5) If a licence authorizes the supply of electricity, it shall state whether the authority is in respect of one or more specified persons, one or more specified premises, all premises up to a specified number or all premises within a specified area, or it shall otherwise state the person or persons to whom or the premises or area to which the authority relates.

(6) A licence issued under this section shall indicate what provisions of this Act are applicable to it.

(7) Where the Minister issues a licence for a fixed period, he may renew it for a further fixed period, and for the purposes of the application of the provisions of this Division to any such renewal, a reference in this Division to the issue of a licence includes a reference to any renewal thereof.

(8) Subject to this Act, it is lawful for a person to do any of the things in respect of which the Minister may issue a licence under subsection (1) only if he is the holder of such a licence and if in doing the thing in question he complies in all respects with the provisions and conditions of the licence.

**139. Application for licence.** (1) An application for a licence under this Division shall be in writing addressed to the Commission and shall set out clearly the nature of the application and the purpose for for which the licence is sought.

(2) The Commission shall refer every application to the Minister and report to him thereon.

(3) A fee is not payable by the applicant in connexion with the making of the application or in connexion with the granting of a licence to him.

**140. Licence fee payable in some cases.** (1) Notwithstanding the provisions of section 139 (3), the Minister, in issuing a licence under this Division authorizing the licensee to supply electricity, may impose as a condition of the licence the payment by the licensee to the Commission of an annual licence fee.

(2) The annual licence fee shall be such sum as is prescribed but not exceeding \$100 and shall be paid at such time as the Minister stipulates in the licence.

**141. Objections to grant of licence.** (1) Before making a report to the Minister in respect of an application for a licence, the Commission shall ascertain whether the Electricity Authority or the Local Authority for the area with which the application is concerned has any objection to the licence being granted.

(2) At any time after the application is made and before the Minister has made a determination with respect to it, any other person may object to the Commission to the granting by the Minister of a licence, but neither the Commission nor the Minister is bound to inquire whether there are any such objections.

(3) The Commission shall consider and report to the Minister on every objection received.

**142. Minister may vary licence.** In the case of a licence authorizing the supply of electricity, the Minister may vary the conditions of licence by increasing the number of persons or premises specified therein to be supplied or the specified maximum number of premises up to which electricity may be supplied or the area the premises within which may be supplied.

**143. Minister may revoke licence.** (1) Notwithstanding any other provision of this Division, a licence issued by the Minister under this Division is revocable at any time by him by notice in writing to the licensee and the licence is revoked on receipt by the licensee of such notice in writing or on such later date as may be stipulated by the Minister in the notice for that purpose.

(2) No compensation is payable or shall be paid to any licensee in respect of the revocation of his licence under this section and no claim for compensation against the Government of the State, the Minister, the Commission, any employee of the Commission or any officer of the Public Service of the State in respect of such revocation shall be made to or entertained by any court or tribunal whatsoever.

**144. Minister's decision conclusive.** Any decision of the Minister to grant (including to renew) or to refuse to grant (including to refuse to renew) any licence, to vary any licence (including any conditions thereof) or to revoke any licence is in the Minister's absolute discretion and is final and conclusive and without appeal by any person to any court or tribunal whatsoever.

**145. Acquisition by Electricity Authority of licensee's works.** (1) The Commission may direct any Electricity Authority that, upon the expiration or revocation of a licence, commences to supply electricity to the consumers formerly supplied by the holder of that licence or to any of those consumers to purchase the whole or any specified works used by that holder for the purpose of supplying electricity to those consumers, and the Electricity Authority shall comply with such direction.

(2) The price and other terms and conditions of such purchase shall be such as are agreed upon between the parties or, in the event of failure of the parties to agree, shall be as determined by the Commission.

**146. Restriction on disposal of undertaking, etc., by licensee.** (1) The holder of a licence who, pursuant thereto, is authorized to supply electricity and who supplies it for reward shall not, without the approval of the Minister, during the continuance of the licence—

- (a) sell or otherwise dispose of his undertaking or any part thereof except upon such terms and conditions as shall have been approved by the Minister;
- (b) cease to carry on his undertaking except upon such conditions providing for the transfer of the licence to another person as shall have been approved by the Minister.

(2) The Minister is authorized to give the approvals referred to in subsection (1).

(3) In this section the term “undertaking” includes works and also the operations incidental to the carrying out by the holder of the licence in question of the business of supplying electricity in accordance with the terms and conditions of the licence.

**147. Supply of electricity in Queensland from outside Queensland.**

(1) Where a corporation or instrumentality representing the Crown in right of the Commonwealth or in right of any State of the Commonwealth contiguous to Queensland or a local authority or other statutory authority or corporation of any State or Territory of the Commonwealth contiguous to Queensland—

- (a) is authorized under and in accordance with the laws of the Commonwealth or of that State or Territory to supply electricity in any area of the Commonwealth or of that State or Territory; and
- (b) in the case of a State or Territory, has power to enter upon and carry into execution the business of supplying electricity outside that State or Territory,

and the Commission is satisfied that such corporation, instrumentality, local authority or other statutory authority or corporation would be capable in law of entering upon and carrying into execution, in this State and under and in accordance with the laws of this State, the functions and responsibilities of a licensee under this Division, an agreement may be negotiated and entered into between the Commission and such corporation, instrumentality, local authority or other statutory authority or corporation and approved by the Governor in Council whereby that corporation, instrumentality, local authority or other statutory authority or corporation shall become a licensee under this Division authorized to supply electricity in Queensland and as to the period for which, the area in respect of which and the terms, provisions and conditions upon and subject to which it shall be a licensee.

(2) (a) Before an agreement is entered into, the Commission shall ascertain whether the Electricity Authority or the Local Authority for the area with respect to which the agreement is proposed to be entered into has any objection to the granting of a licence and any other person may object to the Commission to the granting of a licence, but neither the Commission nor the Minister is bound to inquire whether there are any objections from any other person as aforesaid.

(b) The Commission shall consider and report to the Minister on every objection received pursuant to paragraph (a).

(c) The Minister shall report to the Governor in Council with respect to the entering by the Commission into an agreement pursuant to this section and the granting of a licence by the Minister pursuant to the agreement and shall make a recommendation to the Governor in Council.

(3) Where the Governor in Council approves of an agreement under this section being entered into by the Commission, the Commission shall enter into such agreement and the Minister shall issue a licence pursuant to this Division to the corporation, instrumentality, local authority or other statutory authority or corporation in question in terms of such agreement.

(4) The agreement shall include provision for the basis or method of payment to be made by an Electricity Authority to the licensee if the licence is revoked and works are acquired by such Electricity Authority pursuant to this Division.

*Division V—Provisions Relating to the Supply of Electricity in Queensland by Certain New South Wales Local Authorities*

**148. Ratification of certain agreements.** The agreements referred to in this section are ratified and continued in force and have the same effect as if enacted as part of this Act:

- (a) Agreement made on 21 June 1949 between the Council of the Shire of Tenterfield (successor to the Council of the Municipality of Tenterfield) in the State of New South Wales and the Commission, as amended by Agreement made on 21 May 1956 and as further amended by Agreement made on 1 May 1964;
- (b) Agreement made on 3 May 1956 between the Council of the North-West County District in the State of New South Wales and the Commission, as amended by Agreement made on 31 December 1969 and as further amended by Agreement made on 25 July 1973.

**149. Amendment of agreements and making of new agreements.**

(1) The Governor in Council may approve further amendments of the agreements referred to in section 148 and any such amendment shall be made in the manner provided in the agreement in each case or he may approve the making of a new agreement in either case in place of the existing agreement.

(2) Having regard to—

- (a) the provisions of this Division; and
- (b) the repeal, pursuant to section 4, of certain Acts referred to in the agreements referred to in section 148,

the parties to the agreement in each case shall confer (and may do so at any time after the passing of this Act) with a view to—

- (c) amending the agreement in such manner as they consider necessary or desirable; or
- (d) entering into a new agreement in place of the existing agreement,

on and from the day of commencement of this Act or as soon thereafter as practicable.

(3) Approval of the Governor in Council referred to in subsection (1) may be given before the commencement of this Act.

(4) In the case of the entering into a new agreement in place of an agreement referred to in section 148, the provisions of that section are not applicable to that agreement referred to therein if the new agreement commences on and from the commencement of this Act, but if the new agreement commences after the commencement of this Act, the provisions of that section are applicable to the agreement in question until the commencement of the new agreement and no longer.

**150. Councils to be Electricity Authorities.** (1) On and from the day of commencement of this Act, the Council of the Shire of Tenterfield in the State of New South Wales shall be an Electricity Authority authorized pursuant to this Act to supply electricity within Queensland, its Area being that part of the Local Authority area of the Shire of Stanthorpe commencing at a point on the Queensland–New South Wales border south from the southern extremity of the eastern boundary of portion 81, parish of Ballandean, by a line thereto and bounded thence by the south-eastern boundaries of portions 81 and 80 north-easterly to the eastern corner of the latter portion, by a line crossing the Southern Railway north-easterly to a point on the south-western boundary of portion 76, parish of Tenterfield, by the south-western and south-eastern boundaries of that portion south-easterly and north-easterly to its eastern corner, by a line easterly to the north-western corner of portion 66, by the northern boundaries of that portion and portion 81, by a line and the northern boundaries of portions 84 and 127 easterly to the eastern-most corner of the last mentioned portion, by a line south-easterly to the Queensland–New South Wales border, and by that border generally south-westerly and westerly to the point of commencement.

(2) On and from the day of commencement of this Act, the Council of the North-West County District in the State of New South Wales shall be an Electricity Authority authorized pursuant to this Act to supply electricity within Queensland, its Area being—

- (a) the area of the Town of Goondiwindi for the time being;
- (b) the area of the Shire of Inglewood for the time being; and
- (c) the area of the Shire of Waggamba for the time being.

(3) Each of the Councils referred to in this section shall continue to be an Electricity Authority until its undertaking is acquired by the Governor in Council or is otherwise acquired in accordance with the provisions of the agreement to which it is a party.

**151. Applicability of Act to Councils as Electricity Authorities.**

(1) Each of the Councils referred to in section 150, as an Electricity Authority, is bound by the provisions of the agreement applicable to it ratified and continued in force by section 148 and amended pursuant to section 149 in any case where it is so amended, or by the provisions of the new agreement applicable to it where a new agreement is made pursuant to section 149, and by Part I, Divisions I, V, VIII and IX of Part II, Divisions III and IV and this Division of this Part, and Parts IV, V, VIII, IX, X, XI, XIV, XV and XVI.

(2) In any case where there is conflict between a provision of an agreement referred to in this Division by which the Electricity Authority in question is bound and a provision of this Act, the provision of the agreement prevails.

(3) The provisions of subsections (1) and (2) are applicable where either of the said Councils, as an Electricity Authority, is the holder of a licence to supply electricity to an area or areas or place or places specified in the licence issued pursuant to Division IV save that a reference to an agreement in those subsections shall be read as a reference to an agreement under section 147.

PART IV—SUPPLY OF ELECTRICITY BY ELECTRICITY AUTHORITIES  
*Division I—General Conditions Governing the Supply of  
Electricity*

**152. Standard frequency and voltage.** (1) Electricity for the purposes of general supply shall be alternating current having a nominal frequency of 50 hertz.

(2) The standard low voltages shall be—

- (a) for electricity provided from a three-phase system, a voltage of 415 volts between any two-phase conductors and 240 volts between any phase conductor and the neutral conductor;
- (b) for electricity provided from a single-phase system, a voltage of 240 volts between phase conductor and neutral conductor or 480 volts between phase conductors.

(3) All neutral conductors shall be earthed.

**153. Supply at high voltage.** (1) An Electricity Authority may agree to make supply available to a consumer at high voltage and such agreed voltage shall for the purpose of such supply be the standard voltage.

(2) The Electricity Authority shall in every case advise the Commission in writing of particulars of supply made available at high voltage.

(3) The advice shall, if practicable, be given before the installation is connected to the source of supply.

**154. Variation of voltage at a consumer's terminals.** (1) During the whole of the period when supply is required to be maintained by the Electricity Authority to a consumer, it shall be maintained at the standard voltage.

(2) An Electricity Authority shall be deemed to have supplied electricity at the voltages applicable unless the variations in voltage at a consumer's terminals exceed the following limits:—

- (a) for low voltage—6 per centum from the standard voltage;
- (b) for high voltage not exceeding 33 000 volts—5 per centum from the standard voltage;
- (c) for voltages in excess of 33 000 volts—as agreed between the Electricity Authority and the consumer or, in the event of disagreement, as determined by the Commission.

**155. Electricity Authority to provide constant supply.** (1) From and after the time when an Electricity Authority commences to supply electricity through any electric line at any standard voltage it shall

maintain a supply of sufficient electricity for the use of all the consumers for the time being entitled to be supplied from such line and such supply shall be constantly maintained:

Provided that, for the purpose of testing or for any other purpose connected with the efficient working of the undertaking, the Electricity Authority may discontinue the supply from time to time for brief periods as required.

(2) Except in cases of emergency, at least 48 hours' previous notice of any proposed discontinuance, stating the probable duration thereof, shall be given by the Electricity Authority to all consumers in the area that will be affected by such discontinuance, and such notice shall be given by advertisement in a newspaper circulating in the affected area or by some other method that is considered satisfactory by the Electricity Authority.

**156. Limitation of liability for failure to supply.** An Electricity Authority is not liable in damages to any consumer or other person by reason of any partial or total failure of the supply of electricity from any cause whatsoever that is not due to the negligence or default of the Electricity Authority.

**157. Electricity Authority not to prescribe special form of electrical article.** Subject to this Act, an Electricity Authority is not entitled to prescribe any special form of electrical article to be used by any person.

**158. Interference with supply to other consumers.** (1) If in the opinion of an Electricity Authority—

- (a) the use or intended use of any electrical article by a consumer to whom electricity is supplied or is intended to be supplied by the Electricity Authority unduly or improperly interferes with or is likely unduly or improperly to interfere with the supply of electricity by the Electricity Authority to any other person; or
- (b) a consumer to whom electricity is supplied for any purpose uses the electricity so supplied or deals with it in any manner that unduly or improperly interferes with or is likely unduly or improperly to interfere with the supply of electricity by the Electricity Authority to any other person,

the Electricity Authority may by notice in writing to the consumer (which notice shall include advice of the consumer's right to apply to the Commission for a review and determination by the Commission) require him—

- (c) to regulate the use of the electrical article; or
- (d) to use the electricity supplied to him for any purpose or deal with it in a manner

as directed in the notice so as not unduly or improperly to interfere or to be likely unduly or improperly to interfere with the supply of electricity by the Electricity Authority to any other person.

(2) If the consumer to whom notice is given is aggrieved by the notice or considers the requirements of the Electricity Authority thereunder are unreasonable, he may within the period of 30 days after the day the notice is served on him or within such extended period as the Commission may allow, it being hereby thereunto authorized, apply in writing to the Commission for a review and determination of the matter.



(3) The Commission shall appoint an electrical inspector to hear the consumer and the Electricity Authority and to make such other inquiries and tests as he considers desirable.

(4) The electrical inspector shall make a report and recommendation to the Commission on completion of the hearing, inquiries and tests referred to in subsection (3).

(5) The Commission, after consideration of the report and recommendation of the electrical inspector, shall make such determination and issue such direction as it considers is appropriate in the circumstances.

(6) The determination and direction given by the Commission shall be final and binding on the Electricity Authority and the consumer, shall be communicated in writing by the Commission to the Electricity Authority and the consumer, and shall be complied with by them or either of them accordingly, as the case requires.

(7) If the consumer—

- (a) subject to subsection (2), fails or refuses to comply with any requirement of the Electricity Authority contained in a notice referred to in subsection (1);
- (b) does not apply to the Commission for a review and determination pursuant to subsection (2) within the period or extended period, as the case requires, referred to therein;
- (c) does not within the period of seven days after communication in writing to him by the Commission of its determination and direction pursuant to subsection (6) comply therewith,

the Electricity Authority may refuse supply to the consumer or may disconnect the installation or any part thereof in relation to the consumer until the consumer complies or, at the discretion of the Electricity Authority, agrees to comply with the requirements of the Electricity Authority or the Commission, as the case may be.

*Division II—Conditions Governing the Supply or Additional Supply of Electricity to Consumers*

**159. Application for supply.** Any person who requires a supply of electricity from an Electricity Authority or who intends to carry out any alterations or additions to his electrical installation or to increase the power rating of electrical articles used by him other than by the use of lamps of higher rating or electrical articles connected to existing general purpose outlets shall make application to the Electricity Authority for that purpose, in the manner prescribed or, if the manner is not prescribed, in the manner determined by the Electricity Authority.

**160. Supply of electricity affected by metering arrangements or special conditions.** Where—

- (a) having regard to metering arrangements on any premises in respect of which there are two or more occupiers it is not practicable that each occupier be a consumer from the Electricity Authority in question; or

- (b) by virtue of the terms and conditions upon and subject to which an occupier occupies premises or any part thereof such occupier is not the consumer of electricity from the Electricity Authority in question,

the consumer from the Electricity Authority in respect of those premises may supply electricity to the occupier and recover from him the cost thereof, but if he elects to recover the cost of electricity supplied on the basis of the metered consumption of electricity by the occupier, the amount he charges the occupier shall not exceed the amount the occupier would have been charged for the electricity if such occupier was the consumer from the Electricity Authority.

**161. No discrimination between consumers.** Save as is otherwise provided in this Act, every person within the Area of an Electricity Authority shall on application to the Authority be entitled to a supply of electricity on the same terms on which any other person in that Area is entitled in similar circumstances to a corresponding supply.

**162. Supply of electricity under tariff conditions.** (1) Upon receipt of an application completed in accordance with this Act for an initial or additional supply of electricity, the Electricity Authority shall undertake to make supply available at an appropriate prescribed tariff—

- (a) in the case of initial supply of electricity, to any premises where such supply can be made available from existing low voltage distribution mains in the road in which the premises are situated by means of an additional single phase service line without reinforcement of the distribution system;
- (b) in the case of an additional supply of electricity, to any existing installation, not subject to agreement conditions, where such additional supply can be made available from the existing service line without reinforcement of the distribution system.

(2) After receiving an application as aforesaid for an initial or additional supply of electricity in any case other than one referred to in subsection (1), the Electricity Authority shall undertake to make supply available at an appropriate prescribed tariff where it is reasonably estimated that the revenue from such supply is likely to meet the Electricity Authority's costs of providing and maintaining such supply of electricity.

**163. Supply of electricity under agreement conditions.** (1) In any case in which a supply of electricity cannot be given in terms of section 162, the Electricity Authority, after receiving an application completed in accordance with this Act for an initial or additional supply of electricity, may require the applicant—

- (a) to enter into a guarantee agreement for a period of years prescribed therein to pay to the Electricity Authority a sum specified by the Electricity Authority for each year or billing period nominated in the agreement during its currency unless he consumes electricity that at the tariff rates applicable for the time being will produce to the Electricity Authority each nominated year or billing period revenue equal to or in excess of the sum specified as aforesaid by the Electricity Authority for each nominated year or billing period during the currency of the guarantee agreement in which case he shall pay the amount payable in respect of such consumption;

- (b) to enter into an agreement to provide a sum related to the estimated expense of providing and maintaining the initial or additional supply of electricity applied for and to receive such repayments of the aforesaid sum as may be prescribed in the agreement;
- (c) to enter into an agreement to pay to the Electricity Authority a non-repayable contribution related to the estimated expense of providing and maintaining the initial or additional supply of electricity applied for;
- (d) to enter into an agreement to pay a specified or variable minimum annual charge for all electricity consumed or to consume electricity which at the tariff rates applicable for the time being will produce to the Electricity Authority an annual revenue equal to or in excess of the annual guaranteed payment;
- (e) to enter into an agreement to pay a fixed annual charge for a term not exceeding 30 years, in addition to paying (at the applicable tariff rates) for all electricity consumed;
- (f) to enter into an agreement incorporating—
  - (i) any two or more of the requirements referred to in paragraphs (a) to (e) inclusive;
  - (ii) other conditions that may from time to time be approved by the Commission for general application in respect of any class of prospective consumers.

(2) The Commission may from time to time determine as matters for general application—

- (a) the maximum period of any agreement, and the maximum guarantee or the method of calculation of the maximum guarantee specified by the Electricity Authority in any agreement under subsection (1) (a);
- (b) the method of calculation of the sum to be provided under any agreement made pursuant to subsection (1) (b) and the method of determining repayments of such sum;
- (c) the method of calculation of the non-repayable contribution to be paid to the Electricity Authority in any agreement under subsection (1) (c);
- (d) the minimum annual charges or method of determination of the minimum annual charges payable pursuant to any agreement under subsection (1) (d);
- (e) the method of calculation of the fixed annual charge payable pursuant to any agreement under subsection (1) (e),

and shall notify all Electricity Authorities of any such determination; and every Electricity Authority shall give effect to any such determination.

(3) If an Electricity Authority offers a supply of electricity subject to an agreement being entered into in accordance with a provision of subsection (1), the offer is not binding on the Electricity Authority unless within a period of two months from the date of the offer there is tendered to the Electricity Authority such agreement duly executed by the owner of the premises or, at the discretion of the Electricity Authority, by the applicant (in a case where the applicant is not the owner of the premises).

(4) If such offer of supply of electricity is made to a group of applicants in a particular area, the offer is not binding on the Electricity Authority unless within a period of two months from the date of the offer there is tendered to the Electricity Authority the agreement duly executed by or on behalf of, and so that it is binding upon, every member of the group.

**164. Refusal of supply of electricity.** In any case in which a supply of electricity cannot be given in terms of section 162 or offered in terms of section 163, the Electricity Authority shall advise the applicant that supply of electricity cannot be made available on the grounds that it is reasonably estimated that the revenue from such supply is not likely to meet the Electricity Authority's costs of providing and maintaining such supply of electricity, and such advice shall inform the applicant of his right of appeal under section 168.

**165. Advice to applicants for supply.** (1) After receiving an application completed in accordance with this Act for an initial or additional supply of electricity, the Electricity Authority shall advise the applicant, within 21 days from the date of receipt of such application, if supply cannot be made available without extension or reinforcement of the distribution system or the completion or variation of a supply agreement.

(2) Where the Electricity Authority undertakes to make supply available under section 162 (2), it shall advise the applicant, within a period of two months from the date of the application, that supply can be made available at an appropriate prescribed tariff.

(3) Where the Electricity Authority proposes to offer supply under section 163, it shall advise the applicant, within a period of four months from the date of the application for supply, of the agreement conditions.

(4) Where the Electricity Authority proposes to refuse supply under section 164, it shall advise the applicant, within a period of four months from the date of the application for supply, that supply cannot be made available.

**166. Requirements where agreement in existence.** Notwithstanding any other provision of this Act, if any person requires a supply of electricity—

- (a) to premises in respect of which an agreement with the Electricity Authority is for the time being in force, the Electricity Authority may require the applicant to enter into an agreement under similar terms and conditions and for a period of not less than the remaining period of the existing agreement and when this is done the existing agreement shall be deemed to be cancelled at the time the new agreement comes into force;
- (b) from any electric line in respect of which a consumer being supplied with electricity therefrom is receiving such supply subject to an agreement for the time being in force with the Electricity Authority, the Electricity Authority shall require such person to enter into an agreement upon such terms and conditions as may be reasonably required by it; and in determining the terms and conditions of such agreement the Electricity Authority shall have regard to but shall not be bound by the terms and conditions of the agreement then in force.

**167. Temporary supply of electricity.** (1) If an Electricity Authority receives an application completed in accordance with this Act for an initial or additional supply of electricity that in the opinion of the Electricity Authority is for a temporary period, it shall advise the applicant within a period of four months from the date of such application—

- (a) that a supply of electricity cannot be made available on the grounds that it is reasonably estimated that the revenue from such supply is not likely to meet the Electricity Authority's costs of providing and maintaining such supply of electricity; or
- (b) that a supply of electricity can be made available provided that the applicant pays to the Electricity Authority a non-repayable sum equal to the total expense of providing and laying down the required electric lines and works or additions to existing electric lines or works that may be necessary for the purpose of providing such supply together with the cost of removing the same and, if so required by the Electricity Authority, enters into a guarantee agreement in accordance with the provisions of section 163.

(2) If so required by the Electricity Authority in a case to which subsection (1) (b) refers, the applicant shall deposit with the Electricity Authority sufficient security for the payment to it of all moneys that may become due to it from the applicant.

(3) (a) If at any time the temporary supply of electricity to a consumer is disconnected by the Electricity Authority, the Electricity Authority may forthwith demolish and remove any temporary electric lines or works provided and used in connexion therewith, provided that at the request of the consumer such electric lines or works may be retained for a further period from the date of such disconnexion upon and subject to such further terms and conditions as are agreed to between the Electricity Authority and the consumer.

(b) If the Electricity Authority and the consumer fail to agree upon the further terms and conditions, either one may give written notice of disagreement to the Commission, and the Commission may thereupon determine those terms and conditions, including the duration of the said further period of retention.

(c) The written determination of the Commission is binding on the Electricity Authority and the consumer.

(4) No other person shall be entitled as of right to supply from a temporary electric line or any portion thereof, but the Electricity Authority may provide such supply at its discretion under and subject to such terms and conditions as it may consider reasonable.

**168. Appeal to Commission.** (1) A person dissatisfied with—

- (a) the refusal of an Electricity Authority to supply electricity to him as applicant pursuant to section 164;
- (b) the terms and conditions upon and subject to which an Electricity Authority offers supply of electricity to him as applicant pursuant to section 163, 165 or 166

may appeal therefrom to the Commission which shall have jurisdiction to hear and determine the same and the decision of the Commission shall be final.

(2) An appeal shall be instituted within 30 days after notification of the refusal or terms and conditions of the offer to the person dissatisfied, and no later, by filing a notice of appeal in the office of the Commission setting out the grounds of appeal and annexing thereto a copy of the application to the Electricity Authority and a copy of the offer or refusal of supply of the Electricity Authority.

(3) The appellant shall serve a copy of the notice of appeal on the Electricity Authority as soon as practicable after he files the notice in the office of the Commission and in any case not later than seven days after the notice is so filed.

(4) The Electricity Authority shall advise the Commission in writing within one month after service on it of the copy of the notice of appeal of the grounds upon which it has relied in making the offer or the refusal that is the subject of appeal.

(5) The Commission may determine the appeal on the material contained in the notice of appeal and annexures referred to in subsection (2) and in the advice in writing referred to in subsection (4) or it may direct an employee of the Commission to make an investigation by hearing the views of the parties and making such other inquiries as he thinks fit, after which he shall make a recommendation to the Commission regarding the appeal, which recommendation the Commission shall take into consideration in conjunction with the said material in determining the appeal.

(6) The decision of the Commission shall be made and communicated in writing by it to the appellant and the Electricity Authority within two months after the date the notice of appeal is filed.

(7) If the Commission allows the appeal, it may prescribe conditions of supply that it considers in the circumstances to be just, and effect shall be given to such decision as soon as practicable thereafter.

**169. Standby supply of electricity.** (1) A person is not entitled to demand or to continue to receive from any Electricity Authority, as a standby supply only, a supply of electricity for any premises having a separate supply of electricity or a supply (in use or ready for use for similar purposes) of gas, steam or other form of energy except in pursuance of this section.

(2) Where an Electricity Authority agrees to make a standby supply of electricity available, it shall require a minimum annual payment therefor of an amount sufficient to give to the Electricity Authority a reasonable return on the capital expenditure incurred by it in providing a standby supply and to cover other standing charges incurred by it in order to meet the agreed maximum demand for those premises.

(3) The amount of the payment, if not agreed to between the Electricity Authority and the person requiring the supply, shall be referred to and determined by the Commission, and the decision of the Commission in that regard shall be final and without appeal by either party.

(4) The Electricity Authority may impose such conditions to be observed by the person receiving standby supply as will in its opinion secure stable and safe operation of the Electricity Authority's works while standby supply is being given by the Electricity Authority.

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**170. Consumer's generating plant for emergency supply.** (1) A consumer installing a generating plant on his premises to provide a supply of electricity to his electrical installation, or to his electrical installation and the electrical installation of another consumer, during an interruption of the supply of electricity from an Electricity Authority or from the holder of a licence under this Act to supply electricity shall—

- (a) notify the Electricity Authority or the holder of the licence that he is installing such plant;
- (b) ensure that, when such plant is operating to give emergency supply, it is installed in a manner to provide that all conductors of the electrical installation or, as the case may be, electrical installations are isolated from the supply of the Electricity Authority or holder of the licence except that, where the electrical installation is earthed as part of a multiple earthed neutral system of earthing, the neutral conductor shall not be broken unless otherwise approved in writing by the Commission; and
- (c) ensure that the installation of such plant complies with the requirements of the Standards Association of Australia Wiring Rules applicable thereto.

(2) A consumer installing a generating plant on his premises pursuant to and for the purposes of subsection (1) and complying with the requirements of that subsection is not required to be the holder of a licence under Division IV of Part III.

**171. Interconnexion agreements with owners of private generating plants.** (1) An Electricity Authority and the owner of a private generating plant may enter into an agreement providing for the interconnexion of the Electricity Authority's system and the installation supplied from the private generating plant.

(2) An agreement under this section, without limiting the other matters that may be agreed to by the Electricity Authority and the owner of the private generating plant, shall specify the basis of determining the prices to be charged by each party for electricity supplied to the other and the conditions to be observed to secure stable and safe parallel operation of the Authority's system and the private generating plant.

(3) The provisions of this Act relating to licences to supply electricity and prices to be charged by the owner of a private generating plant for electricity supplied in bulk to an Electricity Authority do not apply in the case of a private plant that is covered by an interconnexion agreement made pursuant to this section.

**172. Supply under special agreement.** (1) Notwithstanding anything to the contrary contained in this Act, an Electricity Authority may, with the approval of the Commission, agree with any consumer for the supply to him of electricity at a price and upon and subject to terms and conditions that, except for such agreement, would not be the price and the terms and conditions authorized pursuant to this Act.

(2) A draft of the agreement proposed shall be submitted to the Commission and it shall not be entered into unless and until the Commission has approved of the price payable for the electricity and the other terms and conditions of such agreement.

(3) An agreement entered into in contravention of subsection (2) is void and of no effect whatsoever.

(4) This section does not apply to such an agreement to supply electricity entered into before and in force prior to the day of commencement of this Act, but it applies with respect to the renewal or extension of any such agreement notwithstanding any terms or provisions contained in such agreement with respect to such renewal or extension.

**173. Transformer substations on consumers' premises.** (1) If it is found necessary by an Electricity Authority at any time to extend or increase the capacity of its works in order to supply electricity or to increase or maintain the supply of electricity to consumers in any premises where the aggregate maximum demand for such supply by the consumers exceeds, or is estimated by the Electricity Authority as determined by the methods specified by the Standards Association of Australia Wiring Rules to exceed, 100 kilovolt amperes, the Electricity Authority is not required to give or continue to give a supply of electricity to such consumers or to the premises they occupy unless the owner of the premises provides free of cost to the Electricity Authority the space necessary for and suitable to the erection of a transformer substation on such premises and grants a right-of-way to the Electricity Authority for its electric lines and cables to and from such substation and for access by the Electricity Authority to its equipment on the premises at all times and in such manner that the Electricity Authority shall be able to install, maintain or remove its equipment at any time without hindrance or obstruction.

(2) Where the space provided is suitable for a transformer substation within a basement or at ground level and has the facility for one equipment doorway accessible to mobile plant and one separate personnel access doorway and has intake and discharge locations available for ventilating air, the adaptation of such space for the specific purpose required, including the provision of suitable doors and partitions, is the responsibility of the Electricity Authority.

(3) Where the owner of the premises requires the space to be in some location such that permanent handling facilities, segregated access passageways or ventilating ducts are required, the owner shall provide such of those facilities that are in addition to the basic substation.

(4) The provision of electric lines to and from the transformer substation required for the supply of electricity to consumers not situated within the premises is the responsibility of the Electricity Authority.

(5) The Electricity Authority shall provide and install all electric lines and equipment necessary for the supply of electricity in accordance with this section and such lines and equipment shall be and remain the property of the Electricity Authority, but the Electricity Authority may require the owner of the premises to meet the costs of such part of the incoming electric line in excess of that normally provided free by the Electricity Authority.

(6) The transformer, instruments and other apparatus erected by the Electricity Authority in any substation installed under the provisions of this section shall be and remain under its sole control.



(7) The Electricity Authority shall be entitled by agreement in writing with the owner to use any electric line or equipment installed by it on any premises under the provisions of this section for the purpose of giving or maintaining a supply of electricity to consumers not within the premises as well as to those who occupy such premises:

Provided that if the owner of the premises in which the transformer substation and equipment are installed is put to expense by reason of the Electricity Authority exercising this right or if the owner is required to allot or make available to the Electricity Authority a larger space in his premises than would otherwise be necessary to provide a supply of electricity to the consumers in those premises alone, compensation in the form of an annual rental for the additional space occupied by the transformer substation and equipment shall be paid by the Electricity Authority to the owner in an amount and in a manner agreed upon between the parties.

(8) Where agreement is reached upon an annual rental for such space in the premises, the minimum period for which such rental shall apply without variation shall be five years.

(9) If agreement cannot be reached as to the amount of rental to be paid or as to any other matter arising under subsection (7), either party may refer the matter to the Commission for determination.

(10) The Commission shall, within one month after the date on which the matter is referred to it, determine in writing the matter in dispute and such determination shall be binding on both parties and shall form part of the written agreement between the parties.

(11) A written agreement made pursuant to subsection (7) shall remain in force for as long as electricity is or continues to be supplied and consumed in the premises of the owner irrespective of any subsequent change in maximum demand by the consumers therein, but the conditions may be varied by agreement between the parties subject to the approval of the Commission.

(12) In the event of the supply of electricity to the premises being discontinued, the Electricity Authority shall remove at its own cost its electric lines, cables and equipment if required to do so by the owner.

(13) (a) If the owner of the premises is dissatisfied with any decision of the Electricity Authority under this section, he may appeal to the Commission which may in its discretion set aside or vary any such decision and substitute any other decision therefor.

(b) The decision or determination of the Commission shall be final and conclusive and shall be binding on the Electricity Authority, the owner and on any consumer or other person affected by it.

(14) Under special circumstances and with the approval of the Commission, the provisions of this section may be applied in the case of supply of electricity to consumers in premises where the aggregate maximum demand by the consumers is, or is estimated by the Electricity Authority to be, less than 100 kilovolt amperes.

(15) For the purposes of this section—

(a) the term “space” includes a suitable floor or foundation, walls or enclosure and ceiling in that part of the premises where the transformer substation is to be located and installed and provision made for the entry and exit of the electric line and cables; and

(b) the term "owner" includes any person or body corporate being the immediate proprietor, lessee or occupier of any premises or any part thereof.

(16) No further or other compensation than the rental aforesaid (if any) is payable to or recoverable by the owner of the premises for or in respect of any transformer substation installed therein by the Electricity Authority under the provisions of this section.

**174. Lighting on a road.** (1) An Electricity Authority may construct, maintain and control works on any road for the purpose of lighting.

(2) Such lighting may be provided by the Electricity Authority for the purpose of lighting any of its works or on the requisition of the Commissioner of Main Roads, a Local Authority, or any other statutory body having control or management of a road.

(3) Nothing in this section shall be construed so as to prohibit the Commissioner of Main Roads, a Local Authority, or any other statutory body having control or management of a road from constructing and maintaining lighting as part of the works comprising such road on any road or part of a road on which the Electricity Authority has not constructed works for the purpose of lighting.

(4) Nothing contained in subsection (3) shall be construed as limiting the powers of the Governor in Council under section 293 with respect to such lighting.

*Division III—Conditions Governing Consumers'  
Electrical Installations*

**175. Duties of Electricity Authority with respect to consumer's installation.** An Electricity Authority—

- (a) shall ensure that a consumer's electrical installation to which an initial supply of electricity is to be made available is inspected in its entirety, prior to connexion to the source of supply, by an installation inspector in the manner prescribed;
- (b) may cause part of a consumer's electrical installation to be inspected by an installation inspector prior to the connexion of that installation to the source of supply in lieu of the whole of the installation being inspected at the one time (but only on the basis that the connexion when made is in respect of that part only of the installation so inspected), in which case it may recover from the consumer the cost of any inspection by an installation inspector other than the first;
- (c) shall ensure that alterations and additions to a consumer's electrical installation are inspected by an installation inspector in the manner prescribed, prior to connexion to the source of supply, if—
  - (i) such alterations and additions have been performed by an electrical worker, duly authorized by this Act, who is not himself an electrical contractor and is not carrying out the work as an employee of an electrical contractor;
  - (ii) the Electricity Authority is required to provide additional metering or control apparatus or it is necessary to alter, in any manner whatsoever, existing metering or control apparatus or the wiring associated therewith;
  - (iii) such alterations and additions are to or form part of a consumer's high voltage electrical installation;

- (iv) such alterations and additions are to provide a supply of electricity to any individual item of equipment having a rating in excess of 15 kilowatts;
- (d) shall ensure that a consumer's electrical installation or part thereof, including any alterations or additions thereto, that has or have been inspected by an installation inspector pursuant to paragraph (a), (b) or (c) and not connected by him is re-inspected by an installation inspector prior to connexion to the source of supply;
- (e) shall ensure that within three months after the receipt of a written request from a consumer for a check inspection of his installation, such consumer's installation is inspected by an installation inspector;
- (f) shall cause an installation inspector to carry out a check inspection of a consumer's installation or part of a consumer's installation in any case where the Electricity Authority deems this desirable or in accordance with a plan prepared by the Electricity Authority as a requirement of the Commission (the Commission being hereby authorized to require an Electricity Authority to prepare and implement a plan for check inspections within its Area);
- (g) shall cause an installation inspector to carry out an inspection of alterations and additions to an electrical installation, being alterations and additions that pursuant to this Act are not otherwise required to be inspected by an installation inspector, if the electrical contractor who has undertaken the alterations and additions requests such inspection and undertakes to meet the cost thereof.

**176. Responsibilities of a consumer.** A consumer—

- (a) shall ensure that an installation in respect of which he is the consumer, while it remains connected to the source of supply, is maintained free from any defect that is likely to cause fire or that is likely to cause a person to sustain an electric shock;
- (b) shall not connect or cause to be connected an installation or part of an installation to the source of supply except in any circumstances that are prescribed in any case where the installation or part has been disconnected from the source of supply by an installation inspector or where the installation or part has been left not connected to the source of supply by an installation inspector due to a defect that is likely to cause fire or that is likely to cause a person to sustain an electric shock.

**177. Responsibilities of electrical contractor.** An electrical contractor—

- (a) shall ensure that the notice of electrical installation work ready for inspection provided for in section 178 is given to the Electricity Authority in accordance with that section in respect of work undertaken by him that is required to be inspected by an installation inspector;
- (b) shall ensure that work undertaken by him that is required to be tested by him or any electrical mechanic whose name is endorsed upon the electrical contractor's licence or an electrical mechanic employed by him who actually supervised or performed such work is tested as prescribed.

**178. Notification of electrical installation work ready for inspection.**

(1) In any case where, pursuant to this Act—

- (a) an inspection of a consumer's electrical installation prior to connexion to the source of supply;
- (b) an inspection of alterations and additions to a consumer's electrical installation; or
- (c) a re-inspection of any electrical installation work

is required to be carried out by an installation inspector, the Electricity Authority shall receive notification as hereinafter in this section provided with a view to such inspection or re-inspection being carried out.

(2) There shall be a notice of electrical installation work ready for inspection in form prescribed which notice shall be completed by an electrical contractor or person whose name is endorsed upon the electrical contractor's licence pursuant to section 337 or other person authorized pursuant to section 338, as the case may be, supervising, performing or causing to be performed work in connexion with an electrical installation referred to in subsection (1) and shall show the date and time when such work will be ready for inspection or re-inspection.

(3) Where an inspection or re-inspection is required to be carried out pursuant to subsection (1), the Electricity Authority shall receive notification with respect thereto at least 48 hours before the inspection or re-inspection is desired, and such notification may be given by delivery of the notice of electrical installation work ready for inspection to the Electricity Authority or by notifying the Electricity Authority by such other means or in such other manner as it determines and promulgates from time to time, it being hereby thereunto authorized.

(4) Where the Electricity Authority is notified pursuant to subsection (3) in connexion with an inspection or re-inspection required to be carried out by any means or in any manner other than by delivery of the notice of electrical installation work ready for inspection, the person completing that notice pursuant to subsection (2) shall ensure that it is delivered to an employee of the Electricity Authority, whom the Electricity Authority shall nominate for the purpose, before the installation inspector commences his inspection.

**179. Re-inspection of electrical installation not connected to source of supply.** (1) Except as otherwise provided, a fee shall not be charged by an Electricity Authority for an inspection that is required to be carried out by an installation inspector pursuant to this Act.

(2) Where, pursuant to this Act, an installation inspector has made an inspection of electrical installation work and has not connected the installation or part thereof to the source of supply, the Electricity Authority in question shall, where the installation or part thereof was not connected because the inspector did not pass the work, charge—

- (a) the electrical contractor who performed the work; or
- (b) the consumer, in the case where the work was carried out by an electrical worker duly authorized by this Act who is not himself an electrical contractor and did not carry out the work as an employee of an electrical contractor,

the prescribed fee in respect of a re-inspection of the electrical installation work.

**180. Electrical contractor to test certain work.** (1) In any case where additions or alterations to an electrical installation have been performed by an electrical contractor and they are not required under this Act to be inspected by an installation inspector, the electrical contractor

shall cause them to be tested in accordance with the prescribed procedure and shall, on being satisfied that they comply in every respect with the requirements of this Act, cause them to be connected to the source of supply.

(2) The test and connexion to the source of supply may be carried out by the electrical contractor, any electrical mechanic whose name is endorsed upon the licence of that electrical contractor or the electrical mechanic employed by such contractor who actually supervised or performed the work.

(3) The electrical contractor or any electrical mechanic whose name is endorsed upon the licence of that electrical contractor shall thereupon issue a report to the consumer in the prescribed form (which form shall be provided by the Electricity Authority free of cost to the electrical contractor) setting out the additions or alterations so connected and certifying that he has caused them to be tested and connected in accordance with this Act.

(4) A copy of such report shall be forwarded to the Electricity Authority by the electrical contractor within 7 days of the time the additions or alterations were connected to the source of supply.

**181. Check inspections on request.** (1) An Electricity Authority shall, upon receipt of a written request from the consumer, owner or occupier of any premises within its Area, cause an installation inspector to carry out a check inspection of the electrical installation on those premises.

(2) The cost of the check inspection may be recovered by the Electricity Authority from the person requesting it and the Electricity Authority may require such person to give an undertaking to pay such cost before it causes an installation inspector to carry out the check inspection:

Provided that if the time actually spent by the installation inspector in carrying out the check inspection does not exceed four hours, and—

(a) the initial supply of electricity to the premises was made available prior to 1960 and at least five years have elapsed since the electrical installation was last inspected by an installation inspector; or

(b) the initial supply of electricity to the premises was made available since 1960 and at least ten years have elapsed since the electrical installation was last inspected by an installation inspector,

a charge shall not be made by the Electricity Authority for such inspection.

**182. Power to disconnect electrical installation or part thereof likely to cause fire or shock.** (1) An electrical inspector or installation inspector who discovers in a consumer's installation a defect that is likely to cause fire or a person to sustain an electric shock may forthwith disconnect the consumer's installation or the defective part thereof.

(2) The inspector shall, if practicable, forthwith hand the consumer a written notice specifying the reason for disconnexion.

(3) An electrical mechanic who has performed the necessary repairs or has satisfied himself that the necessary repairs have been performed by an electrical mechanic, and no other person, may re-connect any such electrical installation or part thereof to the source of supply.

**183. Electrical accidents on consumer's installation.** (1) If a consumer becomes aware that any person has sustained an electric shock on his premises, whether or not loss of life or injury has occurred, he shall forthwith report the occurrence to the Electricity Authority and, as well as taking such action as he considers necessary to prevent further shock or injury, shall prevent interference with equipment associated with the shock until the incident has been investigated by the Electricity Authority.

(2) (a) If an electrical accident on a consumer's electrical installation causes an electrical contractor or his employee to sustain electric shock or personal injury, the contractor shall forthwith report the accident to the Electricity Authority, but if the electrical contractor himself sustains injury from an electrical accident to the extent that he is unable to report it forthwith to the Electricity Authority, he shall report it prior to recommencing work as an electrical contractor.

(b) The provisions of this subsection are additional to and do not derogate from the provisions of subsection (1).

(3) Where an electrical accident causing loss of life or serious personal injury has occurred on a consumer's premises and has been reported to the Electricity Authority, the Electricity Authority shall immediately report such accident to the Commission by telephone or telegram or by other speedy means.

(4) The Electricity Authority shall forthwith cause an installation inspector to investigate any accident reported to it pursuant to this section.

(5) The Commission, in respect of an electrical accident involving loss of life or serious personal injury, may require that no equipment, lines or poles shall be removed or otherwise interfered with until an inspection has been made by an electrical inspector, and notice of such requirement may be given verbally by the employee of the Commission to whom the accident is reported pursuant to subsection (3).

(6) The Electricity Authority shall, within seven days after the electrical accident is reported to it, submit the installation inspector's written report to the Commission.

(7) The report shall be in the prescribed form and shall detail the location and circumstances of the accident and, if an electrical worker has lost his life or sustained an electric shock or serious personal injury, particulars of his qualifications and the type of work being performed when the accident occurred.

(8) This section does not apply in the case of an accident involving an employee of an Electricity Authority, working in that capacity, on an electrical installation.

**184. Authorization of installation inspectors.** (1) An Electricity Authority and, in any case where the conditions of the licence so require, the holder of a licence issued pursuant to section 138 shall ensure that at all times at least one of its employees who is an electrical mechanic experienced in electrical installation work is authorized by the Commission to act as an installation inspector.

(2) The Commission may issue such authority to act and a person shall not act as an installation inspector unless he is so authorized by the Commission.

- (3) A person shall not act as an installation inspector if—
- (a) he ceases to be employed by the Electricity Authority or the holder of a licence referred to in subsection (1);
  - (b) his authority to act as an installation inspector is withdrawn by the Commission.

(4) If an Electricity Authority or holder of a licence as aforesaid fails to obtain the authorization of the Commission for a qualified employee to act as an installation inspector, the Commission shall direct an electrical inspector to perform the duties of installation inspector for that Electricity Authority or holder of a licence and may recover from the Electricity Authority or holder of a licence all costs involved in the performance by the electrical inspector of such installation inspection work.

**185. Certificate of approval to act as installation inspector.** (1) An Electricity Authority and, where applicable, the holder of a licence referred to in section 184 shall issue to each of its or his employees authorized by the Commission pursuant to section 184 a certificate of such authorization to act as an installation inspector.

(2) The production of such certificate by such employee to any person shall be conclusive evidence of his authority to act as an installation inspector.

**186. Duties of installation inspector.** (1) An installation inspector shall—

- (a) inspect and test consumers' electrical installations in accordance with the applicable prescribed procedures to ensure as far as practicable that the provisions of this Act are being complied with, and, in respect of the provisions of section 178 (1), in accordance with the result of an inspection or re-inspection therein referred to, connect or cause to be connected or leave not connected to the source of supply the installation or part thereof inspected or re-inspected by him;
- (b) subject to this Act, investigate and report in the prescribed form any electrical accident occurring on a consumer's premises.

(2) An installation inspector may carry out, exercise and perform his functions, powers and duties in conjunction with the carrying out, exercise and performance of his other functions, powers and duties as an employee of the Electricity Authority or holder of a licence referred to in section 184.

**187. General powers of installation inspector.** An installation inspector may—

- (a) at any reasonable hour of the day or night enter and remain upon a consumer's premises to enable him to exercise his powers and perform his duties under this Act;
- (b) call to his aid—
  - (i) any member of the police force where he has reasonable cause to anticipate any obstruction in the exercise of his powers or in the performance of his duties;

- (ii) any person he may think competent to assist him to investigate an electrical accident on a consumer's premises.

**188. Dispute between Electricity Authority or holder of a licence and consumer arising out of inspection.** (1) If there is a dispute between an Electricity Authority or the holder of a licence referred to in section 184 and a consumer or an electrical contractor arising out of a ruling of an installation inspector relating to the provisions of this Act in connexion with an electrical installation, any party to the dispute may refer the matter to the Commission.

(2) If the Commission is satisfied that the matter in dispute is not of a trivial nature, it shall cause an electrical inspector to investigate and determine the matter.

(3) Such determination shall be given by the electrical inspector in writing and shall be final and binding on the parties to the dispute.

**189. Wires of consumer in relation to public road.** (1) A consumer shall not erect any consumer's wires over, upon, across or in any road, except with the approval of the Commission on the recommendation of the Electricity Authority.

(2) Before making such recommendation to the Commission, the Electricity Authority shall satisfy itself that the consumer has obtained all other statutory approvals necessary to so locate the consumer's wires and shall notify the Commission accordingly.

(3) Where an Electricity Authority that provides electricity by means of an underground system of supply terminates its service line within that part of the road being the footpath nearer to the consumer's premises, having, pursuant to this Act, obtained the necessary assent to do so, a consumer to whom supply is given by that Electricity Authority at the point of termination of such service line shall be deemed for all purposes to have the approval of the Local Authority or other authority or body having jurisdiction over such road to place the consumer's wires under such road from the point of termination of such service line to the boundary of his premises.

(4) Where a consumer's wires are erected over, upon, across or under any road in contravention of this section, the Commission may authorize the Electricity Authority to dismantle the wires and to recover the cost of so doing from the consumer.

(5) The cost of dismantling wires in pursuance of an authority from the Commission under subsection (4) to do so shall constitute a debt due to the Electricity Authority by the consumer and may be recovered by the Electricity Authority in any court of competent jurisdiction.

*Division IV—Metering, Charges for Electricity, etc.*

**190. Methods of charging for electricity.** (1) Except as otherwise provided in this Act, an Electricity Authority shall charge for electricity supplied by it to any consumer either—

- (a) in accordance with the prices and methods of charge included in a determination made by the Commission pursuant to the provisions of Division IX of Part II and then in force; or



(b) in any case where special circumstances not otherwise provided for in this Act or in a determination then in force exist, at a price and by a method of charge approved in writing by the Commission.

(2) The Electricity Authority shall decide the tariffs appropriate to an installation and to each classification of load within any one installation.

(3) A consumer may by notice in writing to the Electricity Authority elect to be charged in accordance with any tariff for the time being in force and applicable to an installation or to the classification of load within an installation, but a consumer shall not be entitled to a further option of tariff until a period of twelve months shall have elapsed from a previous exercise of option.

**191. Meters and control apparatus.** (1) An Electricity Authority shall supply any meter necessary for the purpose of recording electricity supplied to a consumer and shall connect and maintain any such meter free of charge to the consumer.

(2) The Commission may at any time by notice in writing to the Electricity Authority prohibit the use of any meter or class of meter that it deems unsuitable for the purpose of recording electricity supplied to a consumer; and any such notice may be withdrawn by a similar notification at any time.

(3) The Electricity Authority shall not make any charge, by whatever name designated, for the hire of any such meter.

(4) Control apparatus (not being a meter) considered necessary by the Electricity Authority shall be supplied, fixed and maintained by the Electricity Authority unless it and the consumer otherwise agree.

(5) A charge for control apparatus specified in a determination of prices and methods of charge made by the Commission shall be deemed not to be a charge for the hire of a meter.

**192. Placement of meter on consumer's premises.** (1) A consumer shall provide at his expense space, housing, mounting and connecting facilities for any meter and control apparatus of an Electricity Authority in a position on his premises suitable to that Authority.

(2) In determining such position, there shall be taken into consideration with respect to the meter and control apparatus matters of access, protection against mechanical damage, damage from vibration, damage by the effects of weather and damage by corrosive atmosphere.

(3) Where building alterations or similar works are carried out to premises as a result of which any meter and control apparatus previously installed is no longer in a position suitable to the Electricity Authority, the consumer shall provide at his expense space, housing, mounting and connecting facilities in another position on his premises suitable to the Electricity Authority and shall cause any such meter and control apparatus to be relocated in such position at his expense.

**193. Accounts for electricity consumed.** (1) An Electricity Authority, at its option, shall render accounts for a supply of electricity to a consumer weekly, fortnightly, monthly, two-monthly, quarterly, four-monthly, half-yearly or annually.

(2) The Electricity Authority shall cause every meter to be read at least once in every year and at intervals of not more than thirteen months and accounts for intervening billing periods may be for an assessed consumption or an assessed monetary sum:

Provided, however, that the Electricity Authority shall advise the Commission of the method of assessment it proposes to adopt or of any change it proposes in the existing method of assessment at least one month before such method or change of method is adopted by the Authority.

**194. Accounts where meter normally read prior to each billing.** (1) Where an Electricity Authority in normal circumstances causes a meter reading to be carried out prior to the issue of each account, the account shall indicate the date upon which the meter was read, the meter reading at such date, and the consumption for the period between the reading and the previous reading.

(2) The account shall be for the consumption between meter readings.

(3) If for any reason the Electricity Authority is unable to arrange for a meter reading prior to the issue of an account, a meter reading may be estimated and the fact that the account is based on an estimated meter reading shall be shown thereon.

**195. Accounts that are normally assessed.** (1) Where an Electricity Authority in normal circumstances issues its regular accounts on the basis of an assessed consumption or an assessed monetary sum and adjusts such assessment on the basis of a periodic meter reading, each such account shall show the date of the last meter reading and the meter reading at that date and also a noting that the account has been assessed and the period in respect of which such assessment has been made.

(2) Where a meter reading is carried out at an electrical installation in respect of which the regular accounts are normally issued on the basis of an assessment, the account issued next after such meter reading shall indicate the date of the present meter reading and the meter reading at that date, the consumption of electricity during the period between the reading and the previous reading and the amount due in respect of that consumption and, as a set off to that amount, the amounts of assessed accounts that have been issued and paid during the aforesaid period and the balance owing.

**196. Consumers' deposits.** (1) An Electricity Authority may at any time require a consumer to lodge security in the form of a cash deposit or in any other form that may be prescribed or may require a consumer to increase an existing security deposit for the duration of the supply agreement towards payment for the supply of electricity by the Electricity Authority and shall on termination of such agreement refund to the consumer such deposit less any moneys owing to the Electricity Authority in relation to such supply.

(2) The amount of any deposit as aforesaid shall not exceed the maximum amount prescribed in relation thereto.

(3) The cash deposit or other form of security or increase in security deposit required to be lodged by one consumer need not be the same as that required to be lodged by another consumer.

(4) The Electricity Authority may require lodgment of security or an increase in security in the case of one consumer without requiring it in the case of another consumer.

(5) The Electricity Authority may waive a requirement to lodge security or an increase in security either generally or in a particular case.

(6) Security lodged pursuant to this section is in addition to and not in substitution for security lodged pursuant to a provision of Division II.

(7) In special circumstances and with the consent in writing of the Commission, the Electricity Authority may require security of an amount in excess of the maximum amount prescribed.

(8) A security deposit required under this section is in addition to a fee payable upon the lodgment of an application for the supply of electricity that may be prescribed.

**197. Disconnexion in case of debt.** (1) If any person fails for any reason whatsoever to pay within the time allowed any charge for electricity or any other sum due to an Electricity Authority from that person in respect of the supply of electricity to him, the Electricity Authority may cut off the supply and for that purpose may cut off or disconnect works through which electricity is supplied.

(2) Until such charge and any fees prescribed for disconnexion and re-connexion are fully paid but no longer, the Electricity Authority may discontinue the supply of electricity to such person.

(3) If an application for the supply of electricity is received by an Electricity Authority from a person who is indebted to that Electricity Authority or any other Electricity Authority in respect of the supply of electricity to him, the Electricity Authority, notwithstanding any provision of this Act to the contrary, may refuse, until such debt is paid but no longer, a supply of electricity to that applicant or to any other person resident on the premises in respect of which the application is made while the applicant continues to reside there.

**198. Incoming consumer not liable to pay for electricity not paid for by former consumer.** (1) If a consumer of electricity supplied by an Electricity Authority leaves the premises where such electricity has been supplied to him without paying the charges due from him for such supply, the Electricity Authority shall not be entitled to require from the next consumer at such premises the payment of the arrears left unpaid by the former consumer unless such next consumer has undertaken with the former consumer to pay, or exonerate him from the payment of, such arrears and has notified the Electricity Authority accordingly, but if such next consumer has occupied the premises for a period that the Electricity Authority can establish beyond reasonable doubt and during such period has consumed any electricity whatsoever, the Electricity Authority may—

(a) forthwith read the meter and charge such person for that part of the total sum owing for electricity consumed that the Electricity Authority considers is related to the occupancy of the premises by such person; and

(b) at its absolute discretion, disconnect the supply of electricity until an application for supply is received from such person and the balance of the total sum owing for electricity consumed together with any consumer's deposit required by the Electricity Authority has been paid.

(2) Where, however, the Electricity Authority charges such next consumer in accordance with subsection (1), the amount so charged ceases to be payable by the former consumer.

**199. Electric lines and works not subject to distress in certain cases.** Where any electric lines or works belonging to an Electricity Authority are constructed in or upon any premises not being in the possession of the Electricity Authority for the purpose of supplying electricity pursuant to this Act, they shall not be subject to distress or to any remedy of the landlord for rent of the premises where the same are, and shall not be taken in execution under any warrant or pursuant to any process of any court against the person in whose possession they are.

## PART V—RIGHTS AND POWERS OF ELECTRICITY AUTHORITIES WITH RESPECT TO LAND AND TO WORKS OF OTHER AUTHORITIES

### *Division I—Land*

**200. Power of Electricity Authority with respect to land.** (1) An Electricity Authority is authorized to take land within the meaning of the *Acquisition of Land Act 1967-1969* or an easement on or with respect to any such land for the purpose of constructing works or for the purpose of doing any other thing that it may do or is required to do under this Act and, pursuant to being so authorized with respect to such taking of land or an easement, is a constructing authority under the *Acquisition of Land Act 1967-1969*, and, subject to this Act, that Act shall apply and extend accordingly.

(2) Without derogating from section 5 (3) of the *Acquisition of Land Act 1967-1969*, an Electricity Authority, as a constructing authority within the meaning of the *Acquisition of Land Act 1967-1969*, may request the Governor in Council to make a resumption on its behalf under and in accordance with the provisions of Division XI of Part X of the *Land Act 1962-1975* and, with respect thereto, the provisions of the said Division shall be applicable accordingly.

(3) An Electricity Authority, as a constructing authority within the meaning of the *Acquisition of Land Act 1967-1969*, may request the Governor in Council to make a resumption on its behalf of any land, or an easement on the land, held from the Crown for a lesser estate or interest than fee simple, not being land held from the Crown for a lesser estate or interest than fee simple under the *Land Act 1962-1975*, under and in accordance with the provisions of an Act under which the estate or interest in the land may be so held from the Crown and, with respect thereto, the provisions of the Act under which the estate or interest in the land may be so held from the Crown shall be applicable accordingly with respect to such resumption:

Provided that, if the Act in question does not make provision for the Governor in Council to make such resumption, the Governor in Council is hereby empowered so to do and, with respect thereto, the provisions of Division XI of Part X of the *Land Act 1962-1975* shall apply, with all necessary adaptations, to such resumption and matters related and incidental thereto:

Provided further that if, notwithstanding the application of the provisions of the said Division XI, additional provisions should, in the opinion of the Governor in Council, be made, such additional provisions as are prescribed shall apply to such resumption and matters related and incidental thereto.

(4) In any case where the Governor in Council makes a resumption referred to in subsection (2) or (3) on behalf of an Electricity Authority, he may grant in fee simple the land resumed to the Electricity Authority pursuant to the provisions of the *Land Act* 1962-1975 and subject to such reservations, trusts, terms and conditions as he thinks fit.

(5) Without derogating from the provisions of the *Acquisition of Land Act* 1967-1969, an Electricity Authority may for the purpose of constructing works or for the purpose of doing any other thing that it may do or is required to do under this Act acquire by agreement any land or estate or interest in land or easement on or with respect to land.

**201. Consent of Commission to resumption.** (1) An Electricity Authority shall obtain the consent of the Commission before it—

- (a) serves a notice of intention to resume, referred to in section 7 of the *Acquisition of Land Act* 1967-1969, on any person in pursuance of its authority to take land or an easement as provided in section 200 (1);
  - (b) requests the Governor in Council to make a resumption on its behalf in accordance with subsection (2) or (3) of section 200.
- (2) If the Commission—
- (a) is satisfied that the said taking of land or an easement or the said resumption is required for the purpose of constructing works or for the purpose of doing any other thing that the Electricity Authority may do or is required to do under this Act and that the particular land or easement should be taken or the particular resumption should be made, it shall—
    - (i) in the case of the taking of land or an easement pursuant to section 200 (1), issue under its seal an instrument of consent to the proposed taking of land or the easement;
    - (ii) in the case of a request by the Electricity Authority to the Governor in Council to make a resumption on its behalf in accordance with subsection (2) or (3) of section 200, issue under its seal a certificate that the resumption is required for the purpose of constructing works or for the purpose of doing some other thing that the Electricity Authority may do or is required to do under this Act, and indicate therein whether it recommends that the Governor in Council grant in fee simple the land to be resumed to the Electricity Authority or whether it recommends that the land be dealt with in some other manner specified;
  - (b) is not satisfied that the said taking of land or an easement or the said resumption is required for the purpose of constructing works or for the purpose of doing any other thing that the Electricity Authority may do under this Act or that the particular land or easement should be taken or the particular resumption should be made, it shall not give its consent.

(3) The decision of the Commission to issue an instrument of consent or a certificate, as the case may be, or not to give its consent is final and conclusive and not subject to any appeal.

(4) The form of an instrument of consent and of a certificate shall be as determined by the Commission.

**202. Disposal of land previously taken.** (1) Where land, within the meaning of the *Acquisition of Land Act 1967-1969*, that has been taken by an Electricity Authority pursuant to section 200 (1) is no longer required by that Authority, the Authority, before attempting to dispose of it to any other person, shall offer it to the Minister for Lands for acquisition on behalf of the Crown in right of the State or a Crown instrumentality.

(2) If the Minister for Lands accepts the offer of the Electricity Authority, he shall pay to the Electricity Authority by way of compensation for the land an amount agreed to by him and the Electricity Authority as being the value of the land.

(3) Section 41 of the *Acquisition of Land Act 1967-1969* is not applicable to the disposal, by an Electricity Authority, of land that has been taken by that Authority pursuant to section 200 (1) where such land is no longer required by the Authority.

(4) This section is not applicable in the case of the relinquishment of an easement by an Electricity Authority.

**203. Registration of instruments by the Registrar of Titles.** (1) It is lawful for the Registrar of Titles to register an instrument that is a conveyance or transfer of land referred to in section 34 (17) of the *Local Government Act 1936-1976* to an Electricity Authority notwithstanding that the requirements contained in such provision with respect to the land are not complied with.

(2) Where an easement for a right of way affecting land under the provisions of the *Real Property Act 1861-1976* shall have been acquired by agreement or pursuant to the *Acquisition of Land Act 1967-1969* and this Part by an Electricity Authority for the purpose of constructing works or for the purpose of doing any other thing that it may do or is required to do under this Act, the Registrar of Titles shall enter a memorial of the instrument creating such easement on the folium of the register book constituted by the existing grant or certificate of title of such land when such instrument is produced to him for registration, notwithstanding that such easement is not being annexed to or used and enjoyed together with any other land, whether under the provisions of the *Real Property Act 1861-1976* or not.

This subsection is additional to and not in substitution for section 6 (2) of the *Acquisition of Land Act 1967-1969*.

**204. Right of entry of Electricity Authority where electric line or works constructed.** An Electricity Authority may at all reasonable times enter upon any land upon which any electric line or works of the Electricity Authority is or are situated for the purpose of operating, inspecting, maintaining, repairing, altering, adding to or replacing any such electric line or other works or for substituting any electric line or other works therefor; but the Electricity Authority shall be bound to make good all damage caused by such entry or by the carrying out of any purpose as aforesaid.

**205. Right of entry of Electricity Authority where electricity supplied.**

(1) An Electricity Authority may at all reasonable times enter upon any land upon which electricity is or has been supplied by it for the purpose of operating, inspecting, maintaining, repairing or making safe any electric line or any electrical article whether the property of the Electricity Authority or any other person or removing any electric line or other works that is or are the property of the Electricity Authority; but the Electricity Authority shall be bound to make good all damage caused by such entry or by the carrying out of any purpose as aforesaid.

(2) An Electricity Authority may also at all reasonable times enter upon any land upon which electricity is or has been supplied by it for the purpose of reading any meter or ascertaining or measuring electricity consumed or supplied or, in any case where the Electricity Authority is authorized so to do, for the purpose of cutting off the supply of electricity.

**206. Entry of Electricity Authority upon land in connexion with proposed works.** (1) The provisions of section 36 of the *Acquisition of Land Act 1967-1969* are applicable in the case of an Electricity Authority giving consideration to the exercise of its powers and authorities as a constructing authority or otherwise for the purpose of the carrying out by the Electricity Authority of any investigation into or in connexion with any of its proposed or projected works, it being hereby declared that such provisions are applicable before, as well as after, a notice of intention to resume referred to in section 7 of that Act has been served.

(2) Without derogating from subsection (1), the Electricity Authority shall in the first instance, if it is practicable so to do, seek the consent of the occupier of the land in question or, if there is no occupier, the owner thereof.

(3) For the purposes of this section, "land" is not only land within the meaning of the *Acquisition of Land Act 1967-1969* but also land held from the Crown for a lesser estate or interest than fee simple, and this section applies to all such land accordingly.

**207. Entry upon land by Commission.** (1) The Commission may enter upon land as referred to in section 206 for the purpose of exercising and performing its functions and duties under section 201 and otherwise pursuant to this Act.

(2) For the purposes of this section, the provisions of section 36 of the *Acquisition of Land Act 1967-1969* are applicable in the case of the Commission as fully and effectually as they are to an Electricity Authority under section 206.

**208. Approval by Commission of routes of certain electric lines.** (1) Where an Electricity Authority—

- (a) proposes to construct an electric line;
- (b) intends to secure an easement or easements by agreement with the owner or owners of the land or by virtue of the resumption provisions under this Division for right of way purposes for the electric line; and
- (c) the electric line is to be so constructed as to be capable of being energized at a voltage in excess of 66 000 volts,

the Electricity Authority in question shall make application in writing to the Commission for approval of the route and furnish therewith plans of the proposed route and such other information as the Commission may require.

(2) The Commission may make such inquiries and investigations as it considers necessary to enable it to make a decision upon the application.

(3) The Commission, after making such inquiries and investigations as it considers necessary for the purpose, may—

- (a) approve the proposed route;
- (b) approve the proposed route subject to such conditions as it may impose;
- (c) remit the application to the Electricity Authority with such directions to the Authority for reconsideration of the proposal as the Commission thinks fit; or
- (d) refuse the application.

(4) If an Electricity Authority considers it is necessary to change a route of an electric line after approval has been given with respect thereto, it shall advise the Commission of the proposed change and the reasons therefor, and if the Commission—

- (a) is satisfied the change is a minor one, it may make a decision with respect thereto accordingly;
- (b) is satisfied the change is not a minor one, it shall deem the advice of the proposed change to be a new application for approval with respect to that part of the route proposed to be changed and deal with it on that basis accordingly.

**209. Dealing with trees obstructing lines.** (1) Where any tree or hedge obstructs or interferes with the construction, maintenance or working of any electric line that is being constructed or is owned by an Electricity Authority or will interfere with the maintenance or working of such a line or could create an electrical hazard, the Electricity Authority in question—

- (a) may, with the permission of the occupier or, if there is no occupier, the owner of the land on which the tree or hedge is growing, lop or cut the tree or hedge so as to prevent the obstruction, interference or creation of an electrical hazard;
- (b) may, in the absence of the permission of the occupier or owner, as the case may be, give notice to such occupier or owner of the land on which the tree or hedge is growing requiring him to lop or cut it so as to prevent the obstruction, interference or creation of an electrical hazard, subject to the payment to him by the Electricity Authority of the expenses reasonably incurred by him in complying with the notice:

Provided that, in any case where such a notice is served upon a person who, although the occupier of the land on which the tree or hedge is growing, is not the owner thereof, a copy of the notice shall also be served upon the owner thereof, if he and his whereabouts are known.

(2) If within 7 days from the giving of such notice the requirements of the notice are not complied with, and neither the occupier nor the owner of the land gives such a counter-notice as is hereinafter mentioned in this section, the Electricity Authority may cause the tree or hedge to be lopped or cut so as to prevent such obstruction, interference or creation of an electrical hazard as aforesaid.



(3) If within 7 days from the giving of such notice the occupier or owner of the land on which the tree or hedge is growing gives a counter-notice to the Electricity Authority objecting to the requirements of the notice, the matter shall, unless the counter-notice is withdrawn, be referred by the Electricity Authority to the Commission which, after giving the parties an opportunity of being heard, may make such order as it thinks just, and any such order may empower the Electricity Authority (after giving such reasonable previous notice to any person by whom such counter-notice was given of the commencement of the work as the order may direct) to cause the tree or hedge to be lopped or cut so as to prevent such obstruction, interference or creation of an electrical hazard as aforesaid, and may determine any question as to what compensation, if any, and expenses are to be paid.

(4) The Electricity Authority shall issue instructions to its employees with a view to securing that trees and hedges shall be lopped or cut in a woodmanlike manner and so as to do as little damage as may be to trees, fences, hedges and growing crops, and shall cause the boughs lopped to be removed in accordance with the directions, if any, of the occupier or owner, and shall make good any damage done to the land.

(5) Any compensation or expenses payable on the decision of the Commission to the occupier or owner by the Electricity Authority under this section shall be recoverable from the Electricity Authority by action as for a debt in any court of competent jurisdiction.

(6) Where for the purposes of the construction or maintenance of an electric line it is necessary to fell any trees, this section applies to the felling of trees in like manner as it applies to the lopping of trees.

**210. Electricity Authority to ensure overhead electric lines not within prescribed distances from structures.** (1) An Electricity Authority that is constructing an overhead electric line shall ensure that it is so constructed that—

- (a) none of its conductors is within the distance prescribed of any existing structure or building or any thing supported thereby or attached or affixed thereto, or any thing erected or standing on any premises (all of which are hereinafter in this Division referred to as a "structure");
- (b) where there is no structure on land abutting a road in which such electric line is being constructed, none of its conductors will come within the distance prescribed of any structure that may lawfully be erected on such land.

(2) The Commission may direct in writing an Electricity Authority not complying with the requirements of subsection (1) to relocate its electric line. A direction so given shall be binding on the Electricity Authority and shall be complied with by the Authority.

**211. Erection of structures likely to come within prescribed distance from overhead electric line.** (1) The provisions of this section apply only with respect to an overhead electric line constructed upon a road.

- (2) Where a person proposes to erect or add to a structure and—
  - (a) part of the structure or additions will project over a road upon which there is an overhead electric line that has been erected in conformity with section 210 (1);

- (b) such projection is authorized according to law; and
- (c) when the structure is or additions are completed, any of the conductors of the overhead electric line is likely to be within the distance prescribed of a part of such structure or additions projecting over the road as aforesaid,

such person shall notify in writing the Electricity Authority of his intention to erect or add to the structure and of such projection before commencing the work.

- (3) The Electricity Authority on being so notified shall—
- (a) take such action as it deems necessary to protect its works during the period the work on the structure or additions is in progress; and
  - (b) place underground or otherwise relocate or modify the overhead electric line so that the prescribed distance from the structure or additions is maintained.

(4) Unless it is otherwise agreed between the Electricity Authority and the person erecting or proposing to erect the structure or additions, that person shall pay the costs incurred by the Electricity Authority in pursuance of compliance by it with subsection (3) and the amount of such costs may be recovered by the Electricity Authority by action as for a debt in any court of competent jurisdiction.

**212. Erection of structures likely to affect underground electric line.** (1) Any person who proposes to erect or add to a structure so that part of the structure or additions will encroach on or under a road in or under which an underground electric line of an Electricity Authority is placed, such encroachment being authorized according to law, shall notify in writing the Electricity Authority of his intention to erect or add to the structure and of such encroachment before commencing the work.

- (2) The Electricity Authority on being so notified shall—
- (a) take such action as it deems necessary to protect its works during the period the work on the structure or additions is in progress; and
  - (b) relocate or modify the underground electric line to ensure that it remains accessible to its employees for the purpose of operating and maintaining it or for any other reason arising from the encroachment of the structure or additions.

(3) Unless it is otherwise agreed between the Electricity Authority and the person erecting or proposing to erect the structure or additions, that person shall pay the costs incurred by the Electricity Authority in pursuance of compliance by it with subsection (2) and the amount of such costs may be recovered by the Electricity Authority by action as for a debt in any court of competent jurisdiction.

#### *Division II—Execution of Works*

**213. Construction of works on private land.** An Electricity Authority may construct any electric lines and works on any land or buildings with the consent of the owners and occupiers for the time being thereof.

**214. Electric lines traversing Area of another Electricity Authority.** Where an Electricity Authority satisfies the Commission that, having regard to the efficient and economic conduct of its undertaking or of the undertaking of any other Electricity Authority and to the public interest and to such other circumstances as to the Commission shall seem relevant, it should be permitted to transmit electricity from any part of its Area to any other part of its Area or to any other Area or from any other Area to any part of its Area by means of an electric line traversing a route outside its Area, the Commission may authorize the Electricity Authority to construct and utilize an electric line traversing such route, and it is immaterial that such route traverses the Area of another Electricity Authority.

**215. Joint use of electric lines.** (1) An Electricity Authority may agree with any other Electricity Authority as to the terms and conditions upon which—

- (a) it may use any electric line of that other Electricity Authority;
- (b) that other Electricity Authority may use any of its electric lines,

and each Electricity Authority may use any electric line the subject of such agreement to the extent and under and subject to the terms and conditions agreed to.

(2) In default of agreement with respect to any electric line, the Commission has power to determine the terms and conditions of user, and the determination of the Commission is binding upon each of the Electricity Authorities.

**216. Placing, altering or removing electric lines on roads.** (1) Subject to the provisions of this Act and subject to obtaining the agreement in writing of the Commissioner of Main Roads in the case of a declared road within the meaning of the *Main Roads Act 1920-1975*, the Local Authority in question in the case of any other road or, as the case may be, other statutory body having the control or management of a road, an Electricity Authority may—

- (a) lay down and place on, under or over any road any electric lines or other works;
- (b) alter (other than for purposes of repair or maintenance) or remove any electric lines or other works.

(2) For the purposes of laying down and placing or altering or removing any electric lines or other works pursuant to subsection (1), the Electricity Authority may open and break up the soil and pavement of any road, lop and cut trees growing in or over any road, open and break up any sewers, drains or tunnels within or under any road, temporarily stop or divert traffic on or from any road, and construct subways, tunnels, excavations and drains within or under any road.

(3) The Electricity Authority may, in addition to the foregoing, do all other acts and things that it may from time to time consider necessary for supplying electricity consequent upon the laying down and placing or altering or removing of any electric lines or other works pursuant to subsection (1).

(4) The Commissioner of Main Roads, the Local Authority or statutory body as aforesaid shall, on receipt by it of a request in that behalf from an Electricity Authority, supply to the Electricity Authority any future levels and lines outside of which adverse effects on roadworks will be minimized.

(5) An Electricity Authority may enter into an agreement with the Commissioner of Main Roads, a Local Authority, or other statutory body having the control or management of a road, as the case requires, at a time when, for reasons of economy or engineering considerations, electric lines or works are being placed in a location that is for the time being convenient, to provide for future alterations to such electric lines and works.

(6) If an Electricity Authority considers that in the case of a failure by it to obtain agreement with the Commissioner of Main Roads or a Local Authority or other statutory body under subsection (1) or subsection (5) the failure is due to unreasonableness on the part of the Commissioner or Local Authority or other statutory body, it may refer the matter in question to the Minister for the purpose of determination by the Governor in Council (and it may be determined by the Governor in Council) under and in accordance with the provisions of section 225.

(7) If an Electricity Authority constructs an electric line or other works otherwise than pursuant to and in accordance with an agreement in writing with the Commissioner of Main Roads or a Local Authority or other statutory body as aforesaid or otherwise than in accordance with a determination of the Governor in Council under section 225, it shall, at its cost, remove, re-locate or otherwise alter the line or other works in the manner required by such Commissioner, Local Authority or other statutory body.

(8) The provisions of this section apply without limitation of the powers and authorities of the Commissioner of Main Roads under the *Main Roads Act 1920-1975*.

**217. Restricted roads.** (1) The Governor in Council may, on the application of the Commissioner of Main Roads or Local Authority or other statutory body having control or management of a road, by Order in Council, declare that the road or a part thereof is a restricted road for the purposes of this Division and determine restrictions in respect of the construction of new works or the alteration or removal of existing works applicable thereto.

(2) The application shall be in writing addressed to the Commission, and the Commission shall report thereon to the Minister for the information of the Governor in Council, but before reporting to the Minister, the Commission shall seek the views of any Electricity Authority that may be affected by the issue of the Order in Council.

(3) In any case where a declaration is made by the Governor in Council pursuant to subsection (1), it is not competent for the Commissioner of Main Roads or Local Authority or other statutory body having control or management of the road in question to agree in writing with an Electricity Authority to the Electricity Authority constructing new works or altering or removing existing works except subject to the restrictions contained in the Order in Council.

**218. Going upon roads for purposes of repairs and maintenance.**

(1) An Electricity Authority may go upon any road and do such things as it considers necessary to repair or maintain an electric line or other works erected by it on, under or over that road, but, except in case of emergency, it shall not for purposes of such repair or maintenance—

- (a) re-position any pole or other structure being part of an electric line or re-position or add to any ground substation or like work positioned on the ground and belonging to it;
- (b) break up or interfere with the pavement, any drain, or any other constructed roadworks or appurtenances;
- (c) except in the course of routine maintenance, lop any tree;
- (d) remove any tree;
- (e) alter the level of the road or any other road; or
- (f) divert traffic from that road or any other road

unless it has first given 14 days' notice of its intention to do so to the Commissioner of Main Roads or Local Authority or other statutory body having control or management of the road in question.

(2) The Commissioner of Main Roads or Local Authority or other statutory body having control or management of the road in question may require that the Electricity Authority do any of those things, notice of which is required under subsection (1) to be given by the Electricity Authority, on such days and at such times as he or it directs and, subject to subsection (3), the Electricity Authority shall comply with such requirement.

(3) Where an emergency has arisen in the opinion of the Electricity Authority in respect of which there is an actual or a potential danger to persons or property or where the supply of electricity to a consumer has been interrupted, the Electricity Authority may do any of the things referred to in subsection (1) as soon as practicable for the purpose of remedying any defect or eliminating the actual or potential danger or restoring the supply of electricity to the consumer without first giving the notice as aforesaid and it may continue in such work until its purpose is accomplished:

Provided that where the Electricity Authority proceeds in accordance with this subsection, it shall give notice as soon as practicable.

**219. Duty of Electricity Authority upon breaking up, etc., of road.**

(1) Where an Electricity Authority has opened or broken up any road, it shall—

- (a) at all times while the road is so opened or broken up cause it to be barricaded and guarded and cause signs and lights sufficient for the warning and guidance of traffic to be set up and maintained against or near such road where it is opened or broken up;
- (b) with all convenient speed complete the work for which the road is opened or broken up;
- (c) on completion of the work remove from the road all plant, materials and equipment not built into the job and leave tidy the whole of the area where the work was carried out;
- (d) by agreement with the Commissioner of Main Roads or Local Authority or other statutory body having control or management of the road, either—
  - (i) fill in the ground and reinstate and make good the portion so opened or broken up; or

(ii) if the Commissioner of Main Roads or Local Authority or other statutory body is to fill in the ground and reinstate and make good the portion so opened or broken up or cause such work to be done, pay to the Commissioner of Main Roads or Local Authority or other statutory body the cost of such work.

(2) In respect of subsection (1) (a), the Commissioner of Main Roads or Local Authority or other statutory body having control or management of the road may require that additional warning or protection devices be set up and maintained either prior to commencement of the work or during its currency for the purpose of safeguarding the public, and effect shall be given by the Electricity Authority to such requirement.

(3) Warning and protection devices referred to in subsection (2) shall be as prescribed.

(4) Method of opening up and backfilling shall be in accordance with reasonable conditions and requirements specified by the Commissioner of Main Roads or Local Authority or other statutory body, as the case may be.

(5) Where, pursuant to subsection (1) (d) (i), the Electricity Authority fills in the ground and reinstates and makes good the portion opened or broken up, the finished work shall be subject to the approval of the Commissioner of Main Roads or Local Authority or other statutory body, as the case may be, and any rubbish occasioned by the work and then remaining shall be removed by the Electricity Authority.

(6) The Electricity Authority shall keep the road that has been opened or broken up and reinstated by it in good repair for three months after reinstating and making good the same and for any further time not being more than twelve months in the whole (inclusive of the said three months) during which the ground continues to subside, and, in respect of the foregoing, any road maintenance work carried out by or on behalf of the Electricity Authority shall be as agreed to between the Electricity Authority and the Commissioner of Main Roads or Local Authority or other statutory body, as the case may be.

**220. Alteration of position of electric lines and works constructed on road.** (1) A public body may require an Electricity Authority to alter the position of any of the electric lines or other works of the Electricity Authority constructed on, under or over a road and that may interfere with the lawful exercise of any powers vested in the public body in relation to such road.

(2) The cost of such alteration, but not that of any work done concurrently with such alteration, which work so done concurrently is for the purpose of the enhancement of the value of such electric lines or other works, shall be paid to the Electricity Authority by the public body.

(3) If a public body, including one having control or management of a road on, under or over which an electric line or other works of an Electricity Authority is or are constructed, proposes to carry out works in the vicinity of such electric line or other works in circumstances whereby—

(a) plant which, if not properly controlled, is likely to come into contact with an overhead electric line is to be used;

(b) soil or other material supporting or covering part of an electric line or other works of the Electricity Authority will be disturbed, the public body shall, except in cases of emergency, give 14 days' notice of such work to the Electricity Authority and, if as a result of such work the Electricity Authority is required to adopt measures to protect or reinstate its works, the cost of such measures shall be borne by the public body.

(4) When the work is carried out in circumstances of emergency, the public body shall give notice as soon as practicable.

**221. Consent of Local Authority required for box or feeder-pillar in road.** (1) An Electricity Authority shall not construct, fix or place in any road above ground any box or feeder-pillar for the purposes of use in connexion with the supply of electricity (including any apparatus for the proper ventilation of any such box or feeder-pillar) except with the consent in writing of the Local Authority or other statutory body having control or management of such road.

(2) If an Electricity Authority considers that consent is unreasonably withheld, it may refer the matter to the Minister for the purpose of determination by the Governor in Council (and it may be determined by the Governor in Council) under and in accordance with the provisions of section 225.

**222. Matters affecting Government railways.** (1) (a) An Electricity Authority shall not lay down an electric line or other works or alter or remove an electric line or other works on, under or over a railway (as defined by the *Railways Act 1914-1972*) vested in the Commissioner for Railways nor break up a railway (as so defined) except in terms of an agreement made between the Electricity Authority and the Commissioner for Railways.

(b) Where such an agreement is made, the Commissioner for Railways may require the Electricity Authority to remove or relocate an electric line or other works erected pursuant thereto or pursuant to a determination of the Governor in Council under this section on, under or over railway property in terms of such agreement or determination or of a further agreement and, if there is no contrary provision in the agreement, determination or further agreement, such removal or relocation shall be at the cost of the Electricity Authority.

(2) (a) An Electricity Authority shall not, pursuant to its powers under this Act, construct an electric line or do any other work for the supply of electricity whereby any signalling or communication line of the Commissioner for Railways then existing is or may be injuriously affected.

(b) A signalling or communication line shall be deemed to be injuriously affected if the efficient use of the line is impaired through induction or otherwise.

(c) The Electricity Authority and the Commissioner for Railways may agree to relocate or protect such signalling or communication line to ensure that it is not so impaired.

(d) The cost of such relocation and protection shall be borne by the Electricity Authority.

(3) In any case where the Commissioner for Railways proposes to construct a new signalling or communication line or to relocate an existing signalling or communication line in the proximity of an existing electric line that is outside the property of the Commissioner for Railways, he shall ensure that such signalling or communication line is so constructed that it is not injuriously affected by such electric line or he may arrange for the Electricity Authority to relocate or modify, at his cost, the existing electric line so as to protect adequately the signalling or communication line.

(4) In any case where an Electricity Authority and the Commissioner for Railways fail to agree in respect of any matter referred to in this section, the matter may be referred to the Commission.

(5) The Commission shall investigate the matter referred to it and propose the terms and conditions on which it considers agreement should be reached or the matter resolved.

(6) If such terms and conditions are not acceptable either to the Electricity Authority or the Commissioner for Railways, the Commission or the Commissioner for Railways may arrange to have the matter submitted to the Governor in Council for determination.

(7) The decision of the Governor in Council shall be final and binding on all parties.

(8) The provisions of this section are in addition to and do not derogate from the provisions of section 37A of the *Railways Act 1914-1972*.

**223. Breaking up other railways or tramways.** (1) The provisions of subsections (1), (2) and (3) of section 222 apply to a railway or tramway other than a railway (as defined by the *Railways Act 1914-1972*) vested in the Commissioner for Railways except that every reference therein to the Commissioner for Railways shall be read and construed as a reference to the operator of the railway or tramway.

(2) In any case where the Electricity Authority and the operator of the railway or tramway fail to agree or where there is a dispute between the Electricity Authority and the operator, the matter shall be dealt with in accordance with the provisions of section 225.

**224. Electricity Authority to make compensation.** In the exercise of its powers under this Act, an Electricity Authority shall do as little damage as may be and, subject to this Act, shall make full compensation to all persons interested for all damage sustained by them in consequence of the exercise of such powers.

**225. Disputes with other Authorities.** (1) Where the performance of any functions, the exercise of any rights, powers or authorities or the discharge of any duties by an Electricity Authority may affect the performance of any functions, the exercise of any rights, powers or authorities or the discharge of any duties by any board, body, authority (including a Local Authority) or corporation constituted or incorporated by or under any statute and authorized by statute to perform public functions or carry on a public undertaking (hereafter in this section referred to as "the other Authority"), the Electricity Authority shall, so far as is practicable, confer and agree with the other Authority.



(2) Any question, difference or dispute arising or about to arise between the Electricity Authority and the other Authority with respect to the performance of any functions, the exercise of any rights, powers or authorities or the discharge of any duties by either or both of them may be referred by either party to the Minister for determination by the Governor in Council.

(3) Where a matter is referred to the Minister pursuant to subsection (2) and the other Authority is constituted by an Act that is administered by another Minister, the Minister shall forthwith advise the other Minister that the matter has been so referred to him and as soon as practicable thereafter shall advise the other Minister of the further action he proposes to take pursuant to this section.

(4) The Minister may cause to be made such investigations as he deems necessary or may direct the Commission to make such investigations as he deems necessary.

(5) In lieu of proceeding in accordance with subsection (4), the Minister may recommend to the Governor in Council that the Commissioner or any other person be appointed to hold an inquiry and to report to the Minister upon any matter arising in or relating to a question, difference or dispute, and the Governor in Council may make such appointment.

(6) The Governor in Council may by Order in Council declare that *The Commissions of Inquiry Acts, 1950 to 1954* or the provisions of those Acts specified in the Order in Council shall be applicable for the purposes of such an inquiry and thereupon those Acts or, according as declared by the Governor in Council, the provisions thereof so specified shall apply to and with respect to the inquiry, save that the provisions of such Acts that are thereby limited in their application to a Judge of the Supreme Court shall not so apply to a person who is not a Judge of the Supreme Court.

(7) The Governor in Council shall consider the result of any investigations made pursuant to subsection (4) or the report made to the Minister pursuant to subsection (5), as the case may be, and may make such Orders in Council in the public interest as in the circumstances may seem just and equitable. Any such Order in Council shall be final and conclusive and shall be given effect to by the Electricity Authority and by the other Authority.

(8) Nothing in this section confers on the Electricity Authority any right against the Crown beyond any rights specifically conferred on the Electricity Authority by this Act.

**226. Works to remain property of Electricity Authority.** (1) All works and every part thereof vested in or held by an Electricity Authority subject to the provisions of this Act shall, notwithstanding that they have been constructed in or under any road or are placed in or upon any place or building, remain the property of the Electricity Authority.

(2) Where any electric lines or other works or any meters, fittings, apparatus, buildings or materials whatsoever belonging to the Electricity Authority are placed in or upon any land, place or building for or in connexion with the supply of electricity in pursuance of this Act, the same shall not pass to any purchaser on any sale or transfer of such land, place or building and shall not, save in a proceeding at the suit of the Electricity Authority, be taken in execution under the process of any court.

## PART VI—BUDGETS AND ACCOUNTS OF ELECTRICITY AUTHORITIES

*Division I—Funds and Bank Accounts*

**227. Funds.** (1) Each Electricity Authority shall establish and keep the following funds, that is to say:—

- (a) an Operating Fund;
- (b) a Trust Fund;
- (c) a Capital Works Fund;
- (d) a Special Fund; and
- (e) in the case of an Electricity Board that exercises the power vested in it by section 129 (b), an Appliance Trading Fund.

(2) The funds shall be kept separate and distinct.

**228. Operating Fund.** (1) There shall be paid into the Operating Fund—

- (a) all moneys received in respect of sales of electricity;
- (b) all penalties, fees and other charges payable to the Electricity Authority pursuant to this Act;
- (c) all moneys received in respect of equipment and motor hire, rentals, the provision of technical advice and the undertaking of work pursuant to section 99 (i) or, as the case may be, section 129 (m) and, except as otherwise provided, interest on investments;
- (d) all moneys received in respect of any grant or subsidy or appropriation by any Act not subject to any condition to the contrary and not being a grant or subsidy towards the capital cost of any work;
- (e) all moneys that have remained unexpended when any reserve created pursuant to Division V of this Part has been discontinued or applied for the purpose for which it was created; and
- (f) all other moneys received not appertaining to any other fund.

(2) Expenditure incurred in the exercise and performance of the powers, functions and duties of an Electricity Authority shall, except as otherwise provided in this Part, be met from the Operating Fund.

**229. Trust Fund.** (1) There shall be paid into the Trust Fund all moneys received or held by way of deposit or in trust for any person under this Act or any other Act and any unclaimed moneys held pending the disposal of such moneys according to law.

(2) The Trust Fund shall be applied to the payment to or on behalf of the person entitled thereto of moneys held by way of deposit or in trust for any person and to the disposal of unclaimed moneys according to law.

**230. Capital Works Fund.** (1) There shall be paid into the Capital Works Fund all moneys—

- (a) provided by the Commission pursuant to Division V of Part II;
- (b) received by way of loans that the Electricity Authority may be authorized to raise pursuant to section 41;

- (c) received from the Treasurer or from any other person towards the capital cost of works of such Authority irrespective of whether all or any part of such moneys is subject to a condition requiring the repayment of all or part of such moneys by the Authority;
- (d) provided by an applicant for an initial or additional supply of electricity pursuant to an agreement under paragraph (b) or (c) of section 163 (1); and
- (e) provided for expenditure on capital works from any other fund established and kept by the Authority, including depreciation moneys available for expenditure on capital works pursuant to Division V of this Part.

(2) The Capital Works Fund shall be applied to meeting capital expenditure incurred in the purchase, construction, extension and protection of works for the supply of electricity and any other expenditure of a capital nature:

Provided that any grant or subsidy received from the Treasurer or otherwise in respect of a particular project or any contribution received from any other source towards the capital cost of a specified work shall be applied to that particular project or specified work and not otherwise.

- 231. Special Fund.** (1) There shall be paid into the Special Fund—
- (a) any surpluses in the Operating Fund transferred to the Special Fund pursuant to section 243;
  - (b) moneys being the amount or part of the amount of a provision made in the accounts of an Electricity Authority pursuant to Division V of this Part, which moneys are specifically set aside on account of such provision;
  - (c) any sums set aside to provide a reserve created pursuant to Division V of this Part and, where the Electricity Authority has so resolved, the interest earned on investments made out of moneys standing to the credit of such reserve; and
  - (d) moneys from the Appliance Trading Fund that in the opinion of the Electricity Authority are surplus to the requirements of that fund.
- (2) The Special Fund shall be applied to meeting—
- (a) any deficit in the Operating Fund that may be met from the Special Fund pursuant to section 243;
  - (b) any payment that can properly be made from moneys set aside to provide a reserve;
  - (c) any payment that can properly be made from moneys set aside on account of a provision made in the accounts of an Electricity Authority;
  - (d) the replacement of assets and any other capital expenditure that may be approved by the Electricity Authority provided that permission of the Commission is first obtained; and
  - (e) temporary transfers to the Appliance Trading Fund to provide financial accommodation for that Fund provided that such transfers are first approved by the Commission.

(3) Moneys that have remained unexpended when any reserve, created pursuant to Division V of this Part, has been discontinued or applied for the purpose for which it was created shall be paid to the Operating Fund out of the Special Fund.

**232. Appliance Trading Fund.** (1) There shall be paid into the Appliance Trading Fund—

- (a) all moneys received in respect of the supply, installation and repair and the sale and hire of and other dealing in electrical articles; and
- (b) all moneys received by way of a loan, transfer from another fund of the Electricity Authority or otherwise, to provide finance for the appliance trading activities of the Electricity Authority.

(2) The Appliance Trading Fund shall be applied to meeting—

- (a) all costs on account of the supply, installation, repair and acceptance by way of trade in and the sale and hire of and other dealing in electrical articles, including the payment of interest on moneys borrowed to provide finance for such activities, and the repayment of such moneys; and
- (b) transfers to the Operating Fund or Special Fund as authorized by resolution of the Electricity Authority.

**233. Bank accounts.** (1) Each Electricity Authority shall keep—

- (a) a separate bank account to record the transactions in the Trust Fund;
- (b) a separate bank account to record the transactions in the Capital Works Fund;
- (c) a general bank account to record the transactions in the Operating Fund, the Special Fund and the Appliance Trading Fund.

(2) All payments may be made from the general bank account in the first instance provided that payments made from this account on account of the Trust Fund or the Capital Works Fund are forthwith reimbursed from the separate bank account kept for such fund.

#### *Division II—Accounts*

**234. Accounts.** (1) An Electricity Authority shall cause such books to be provided and kept, and such entries to be made therein, in respect of its accounts as may be prescribed.

(2) The General Manager shall at the first ordinary meeting after the close of each month or of such other accounting period as may be adopted by the Electricity Authority submit to the Electricity Authority statements of the accounts in relation to the budget for the period of the year ending at the termination of such month or other accounting period.

(3) The statements shall show both estimated receipts and disbursements and actual receipts and disbursements, with such explanations as will give a true indication of the progressive state of the votes provided in the budget and, in addition, the statements presented to the January and April meetings shall include an estimate of the anticipated position at the end of the year.

**235. Financial statements.** (1) The General Manager shall cause to be prepared and shall lay before the Electricity Authority at the budget meeting in each year referred to in section 239 annual statements of accounts and such other financial and relevant information as, and in the manner and form, prescribed.

(2) Such financial statements shall be certified on behalf of the Electricity Authority by such persons and in such manner as may be prescribed.

*Division III—Investments*

**236. Investment of moneys.** (1) An Electricity Authority may by resolution invest in securities of or guaranteed by the Commonwealth Government or securities issued by a Local Authority or other public authority in Queensland (including securities of the Commission or of any Electricity Authority authorized to borrow under this Act including the Electricity Authority in question) that are guaranteed by the Treasurer on behalf of the Government of Queensland any moneys (including moneys held in trust) that in the opinion of the Electricity Authority will not be required for the period of investment proposed in circumstances where at the time of investment it intends to hold such securities until maturity.

(2) If moneys invested pursuant to subsection (1) are required by the Electricity Authority in connexion with the exercise of its functions or the performance of its duties prior to the date of maturity of the securities in respect thereof, the Electricity Authority may, with the consent of the Commission, realize those securities prior to such date of maturity.

(3) The General Manager of an Electricity Authority may arrange for the Commission to invest, on behalf of the Electricity Authority, other moneys that are temporarily surplus to the requirements of the Electricity Authority.

(4) Moneys referred to in subsection (3) may be invested by the Commission in its own name without reference to any trusteeship and any such investment by the Commission shall be in a manner for the time being approved pursuant to section 36 (v) for the investment of moneys held by the Commission and not immediately required.

(5) Notwithstanding any other provision of this section, an Electricity Authority may invest moneys held in trust by it on behalf of the beneficial owner of those moneys in accordance with arrangements made by it with that beneficial owner.

*Division IV—Budgets*

**237. Meaning of term "year".** In this Division, the term "year" means the period of time commencing on 1 July in any calendar year and concluding on 30 June in the next succeeding calendar year.

**238. Annual budget to be prepared and submitted to the Commission.** (1) Each year the General Manager of an Electricity Authority shall cause to be prepared in form and manner prescribed a separate budget for the year for each of the funds, except the Trust Fund, the Electricity Authority is required to establish and keep pursuant to section 227.

(2) Each year the General Manager shall also cause to be prepared, in manner prescribed, a budget or budgets for such additional purpose or purposes involving income or expenditure as may be prescribed.

(3) The General Manager shall cause to be sent to the Commission and to each member of the Electricity Authority a copy of each of the budgets referred to in subsections (1) and (2) so that such copies will, in normal circumstances, be received by their addressees prior to 31 July in that year.

**239. Consideration of budgets.** (1) The budgets shall be considered by the Electricity Authority at a meeting (hereinafter in this Division referred to as "the budget meeting") on or before 31 August in the year to which it relates of which not less than 21 days' notice shall have been given to every member of the Electricity Authority and to the Commission.

(2) A period of at least 21 days shall elapse between the date on which each member and the Commission would in the normal course of delivery have received his copy of the budgets and the budget meeting.

(3) At the budget meeting the Electricity Authority may adopt the budgets—

(a) as presented by the General Manager; or

(b) as amended or modified by the Electricity Authority,

or it may defer the budget meeting or, at the budget meeting, defer the adoption of the budget of a particular fund to a further meeting, but any such deferred meeting or further meeting shall be held not later than 30 September in the aforesaid year.

**240. Commission may confirm or require amendment of budgets.**

(1) The secretary to the Electricity Authority shall within one week of the budget meeting, the deferred meeting or the further meeting, as the case requires, forward to the Commission—

(a) a copy of the resolution of the Electricity Authority adopting the budgets; and

(b) a copy of the budgets, as adopted by the Electricity Authority.

(2) The Commission may confirm the Electricity Authority's approval of the budgets or require an addition to, omission from, or variation of any of the budgets as adopted.

(3) The budgets as confirmed by the Commission or as amended by addition thereto, omission therefrom or variation thereof in accordance with the requirements of the Commission shall be the adopted budgets of the Electricity Authority for the year in question unless, pursuant to section 241, the Electricity Authority makes an objection in respect of any requirement as aforesaid of the Commission.

**241. Decision by Minister on budgets.** (1) If the Electricity Authority objects to a decision of the Commission requiring an addition to, omission from or variation of the budgets as adopted or any of them, it shall within seven days after the meeting at which the Commission's decision was communicated to it inform the Commission of its objection and the grounds thereof and indicating the manner in which it proposes that the budgets should be adopted. The Commission shall thereupon submit the Electricity Authority's objection and proposal to the Minister for decision, and the decision of the Minister shall be final and binding on the Commission and the Electricity Authority.

(2) Within 14 days of the receipt of the Minister's decision, the Electricity Authority shall meet and adopt the budgets in accordance with the Minister's decision.

**242. Date before which budgets to be adopted.** (1) Subject to sections 239, 240 and 241, the budgets shall be adopted by the Electricity Authority not later than 30 September in the year to which they relate:

Provided, however, that the Minister, on the recommendation of the Commission, may grant the Electricity Authority an extension of time for this purpose in respect of any year if for any reason outside the control of the Electricity Authority or the Commission such extension is necessary.

**243. Budgets to be observed.** (1) (a) The Electricity Authority shall as far as possible observe the budgets and if at the end of any year there is a surplus or deficit in the Operating Fund the surplus shall be carried forward or transferred to the Special Fund and the deficit shall be carried forward or met from the Special Fund.

(b) The balance in each other fund at the end of any year shall be carried forward.

(2) At the close of each year all authorizations of expenditure and votes of money therefor shall lapse. Any vote so lapsing may be revoked.

(3) Any ordinary disbursement of the Electricity Authority in a year, prior to the adoption of the budgets for that year, is authorized and shall be included in the budgets for that year.

(4) An Electricity Authority may depart from the provisions of the budget if such departure is considered by it to be desirable for the purpose of conducting the business of the Electricity Authority to the best advantage in accordance with the provisions of this Act:

Provided, however, that—

(a) if before the adoption of the budget any expenditure that is not an ordinary disbursement is proposed or if after the adoption of the budget any proposed expenditure would require a departure from the budget and, had provision for such expenditure been made in the budget, that expenditure would have come within the scope of a delegation to the General Manager or to another employee of the Electricity Authority, the General Manager may authorize the expenditure so proposed or the proposed departure from the budget (but any such expenditure or departure from the budget authorized by the General Manager shall be reported by him to the next meeting of the Electricity Authority);

(b) if before the adoption of the budget any expenditure that is not an ordinary disbursement is proposed or if after the adoption of the budget any proposed expenditure would require a departure from the budget and the expenditure so proposed or the proposed departure from the budget involves expenditure which, had provision for such expenditure been made in the budget, would have required the approval of the Electricity Authority, the expenditure so proposed or the proposed departure from the budget shall first be approved by the Electricity Authority.

(5) The Electricity Authority shall advise the Commission of the details of any expenditure or departure from the budget pursuant to subsection (4) within one week of the date of the meeting at which such expenditure or departure was reported to it or approved by it, as the case may be, and the provisions of sections 240 and 241 shall apply, with all necessary adaptations, with respect to such expenditure or departure as they do with respect to the budget.

**244. Liability of members of Electricity Authority for unauthorized expenditure.** (1) If an Electricity Authority makes any disbursement—

(a) in any year from any fund which disbursement has not been provided for in the budget relating to such fund for such year, except in accordance with section 243; or

(b) which is otherwise illegal,

all the members of the Electricity Authority who have knowingly voted for such expenditure shall be jointly and severally liable to repay to the Electricity Authority the amount involved in such illegal disbursement, and the Minister, on being satisfied as to the matters relating to the liability as aforesaid of the members, may order those members or any of them to pay such amount or any part thereof to the Electricity Authority forthwith or within such time as the Minister determines.

(2) If a member does not repay an amount in pursuance of an order as aforesaid, it may be made an order of a court having jurisdiction in an action for debt having regard to the amount involved by filing a copy of the order in the office of the registrar of that court, and may be enforced accordingly.

(3) Any amount repaid by or recovered from a member pursuant to this section shall be paid into the fund of the Electricity Authority from which the illegal disbursement was made.

**245. Variation of electricity charges.** Nothing contained in this Division or in any budget adopted by an Electricity Authority shall operate to prejudice or affect the provisions of this Act with respect to charges that may be made by an Electricity Authority for or in relation to electricity supplied by it, and when and so often as the Electricity Authority considers any variation in any such charges to be necessary or desirable, it may apply accordingly to the Commission.

*Division V—Provisions and Reserve Funds*

**246. Provisions generally.** (1) An Electricity Authority shall make in its accounts a provision in respect of each liability for the time being accruing based in each case on the calculated amount of the liability at the time in question.

(2) A provision may be made in respect of a possible liability that is contingent upon an uncertain future happening.

(3) An Electricity Authority may provide in the budget of the fund concerned for moneys to be appropriated and set aside for investment or otherwise on account of any provision made in its accounts pursuant to this section.



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**247. Provision for depreciation.** (1) The Governor in Council may prescribe the methods and rates of depreciation for which provision is to be made annually by Electricity Authorities in respect of works and other assets, and so that rates so prescribed may have general application or may be applicable to a particular asset only or to a particular Electricity Authority only.

(2) Failing such prescription the Electricity Authority shall provide for depreciation at rates that have relation to the estimated service life of the asset concerned.

(3) Where the Commission in determining the price to be charged for electricity by an Electricity Authority has taken into account the provision for depreciation, the Electricity Authority shall provide in the budget of the appropriate fund for moneys equal in amount to the provision for depreciation to be appropriated.

(4) The moneys so appropriated shall be applied to the payment of contributions to sinking funds and other repayments of principal on account of loan indebtedness assumed or incurred by the Commission on account of such Electricity Authority and any amount then remaining shall be transferred to the Capital Works Fund for expenditure upon capital works.

**248. Reserves of Electricity Authorities.** (1) An Electricity Authority with the approval of the Commission may set aside reserves so that they constitute one general reserve or reserves for specified purposes or one general reserve and reserves for specified purposes.

(2) The total amount set aside by an Electricity Authority in any one year as a contribution to or contributions to a general reserve shall not exceed 5 per centum of the total receipts of the Operating Fund in the preceding year.

(3) The total amount standing to the credit of the general reserve shall not exceed 12.5 per centum of the original cost of the works of the Electricity Authority that were in service at the end of the previous year unless the provision in excess of such amount is within the amount of an excess provision that has been approved by the Governor in Council, he being hereby authorized to approve any such excess provision.

(4) An Electricity Authority may with the approval of the Commission discontinue a reserve or resolve that the reserve be provided or applied for or to some other purpose.

(5) If a reserve is discontinued or is applied to the purpose for which it has been provided and moneys still remain unexpended, the amount then standing to the credit of such reserve shall be transferred to the Operating Fund.

**249. Common reserves of Commission and Electricity Authorities.** (1) The Commission and an Electricity Authority or Electricity Authorities or two or more Electricity Authorities may, with the prior approval of the Governor in Council, agree to contribute to a reserve fund created to meet specified contingent liabilities.

(2) The agreement with respect to such reserve fund shall provide, amongst other things that may be provided therein, for—

- (a) the method of calculation of the contributions by each party that is a contributor to the reserve fund;
- (b) the method of dealing with claims that may be made against such reserve fund by a contributor to the fund or in respect of a liability incurred by a contributor that is a proper charge against such fund;
- (c) the administration of the fund;
- (d) the distribution of the balance of the fund if the fund is applied to the purpose for which it has been provided and moneys still remain unexpended or if it is agreed between the parties liable to contribute thereto to discontinue such fund at any time.

(3) A reserve fund set aside pursuant to this section shall—

- (a) if it is administered by an Electricity Authority, be a separate fund, additional to and distinct from the funds specified in section 227, with a separate bank account and called by the name given to it by the Governor in Council in the instrument approving the creation of such reserve fund;
- (b) if it is administered by the Commission, be a separate trust fund at the Treasury, the setting up of which trust fund shall be authorized and named by the Governor in Council in the instrument approving the creation of such reserve fund; and it is hereby declared that any moneys standing to the credit of such trust fund and not immediately required may be invested by the Commission pursuant to section 36 (v).

**250. Meaning of term "year".** In this Division, the term "year" has the meaning set forth in section 237.

## PART VII—CONTRACTS BY AND AUTHORITY FOR WORKS OF ELECTRICITY AUTHORITIES

### *Division I—Contracts by Electricity Authorities*

**251. Contracts.** (1) An Electricity Authority may enter into any contract for any of the purposes of this Act applicable to an Electricity Authority.

(2) A contract entered into by an Electricity Authority shall be made as follows:—

- (a) A contract that, if made between private persons, would by law be required to be in writing and under seal, shall be made by the Electricity Authority in writing and under its seal;
- (b) A contract that, if made between private persons, would by law be required to be in writing signed by the parties, may be made in writing signed by the General Manager;
- (c) A contract that, if made between private persons, would by law be valid although not reduced to writing, may be made without writing by the General Manager.

(3) A contract so made as aforesaid shall be effectual in law and shall bind the Electricity Authority and all other parties thereto and may be varied or discharged in the manner in which it is authorized to be made.

(4) An Electricity Authority may, with the approval of the Governor in Council and with such limitations and under such conditions as the Governor in Council may impose, agree to pay in instalments extending over a period of years for any purchase lawfully made or for the performance of any work that it might lawfully undertake.

(5) An Electricity Authority may, with the approval of the Governor in Council, enter as a hirer into a hire-purchase agreement within the meaning of *The Hire Purchase Act of 1959*.

(6) An Electricity Authority as vendor may enter into a contract of sale with any person pursuant to which the payment for any work, plant, goods, material or other property or land by such person, being spread over a period of time, may be made by way of instalments (which may bear interest) and notwithstanding that the property in such work, plant, goods, material or other property or land shall at the date of the contract of sale or any subsequent date pass to such person, but where the property so passes or is to so pass as aforesaid at a date as aforesaid, the Electricity Authority shall ensure that adequate security is taken in respect of moneys remaining unpaid.

(7) An Electricity Authority may, for such sum of money or other consideration as it thinks fit, compound with any person who has entered into any contract with an Electricity Authority or by or against whom any action or other proceeding may be or has been brought against or by the Electricity Authority for any cause whatsoever.

(8) Before an Electricity Authority attempts to dispose of land pursuant to a provision of this section that is not land to which section 202 is applicable, it shall offer it to the Minister for Lands for acquisition on behalf of the Crown in right of the State or a Crown instrumentality, and if the Minister for Lands accepts the offer of the Electricity Authority, he shall pay to the Electricity Authority by way of compensation for the land an amount agreed to by him and the Electricity Authority as being the value of the land.

(9) Before any contract—

(a) for the execution of any work or the furnishing of any goods or material to the amount of \$20 000 (or such other amount as the Governor in Council may from time to time fix by Order in Council, he being hereby authorized to do so) or more;

(b) for the sale of surplus goods to the amount of \$500 (or such other amount as the Governor in Council may from time to time fix by Order in Council, he being hereby authorized to do so) or more in respect of any individual sale to any individual person; or

(c) for the sale of land

is entered into by an Electricity Authority, it shall, three weeks at least before entering into the contract, notify its intention to make and invite tenders for the contract by public notice published in such newspaper or newspapers and in such manner and to such extent as in the opinion of the Electricity Authority will ensure that the notification of intention to enter into a contract is likely to be seen by as many people as possible who are likely to tender.

(10) The procedure referred to in subsection (9) may be dispensed with—

- (a) where the Commission certifies that an emergency exists or special circumstances exist;
- (b) where the General Manager of the Electricity Authority is satisfied that there is only one source of supply for the goods that are the subject of the proposed contract or, alternatively, that every likely supplier in Australia has been invited in writing to tender;
- (c) where a statutory body fixes a firm price for and allocates the available supplies of the goods or materials that are the subject of the proposed contract;
- (d) where electrical and other articles and parts for such articles are being purchased from a manufacturer or recognized wholesaler by the Electricity Authority pursuant to its function to trade in electrical articles; or
- (e) where tenders for a particular project are being invited by the Electricity Authority from registered tenderers who were so registered by the Electricity Authority pursuant to an advertisement inviting such registration.

(11) (a) In respect of a sale of land or of surplus goods or materials an Electricity Authority may, in lieu of complying with subsection (9), comply with this subsection.

(b) An Electricity Authority may sell any land or any surplus goods or materials by public auction or private contract, but no such sale shall be made by private contract unless and until the land or surplus goods or materials have been offered for sale by public auction and not sold.

(c) An Electricity Authority shall, not more than 14 days and not less than 7 days before the date on which it proposes to offer for sale by public auction any land or surplus goods or materials, advertise in a newspaper the day, time and place when and where the public auction will take place together with a full description of the land or, as the case may be, surplus goods or materials in question.

(d) In the case of land, an Electricity Authority shall, not more than 14 days and not less than 7 days before the date on which it proposes to offer the land for sale by public auction, affix on some conspicuous part of the land a notice setting out the day, time and place when and where the public auction will take place and a full description of the land.

(e) Any offer for sale by public auction to which this subsection applies may be at a reserve price determined by the Electricity Authority.

(12) The provisions of subsections (9), (10) and (11) do not apply to any contract or arrangement made by an Electricity Authority with the Crown or with any public authority constituted pursuant to an Act of this State or of the Commonwealth or of any other State or any Territory of the Commonwealth.

(13) Subject to this Act, an Electricity Authority may accept the tender that on a view of all the circumstances appears to it to be the most advantageous, and may take security for the due performance of every such contract, or the Electricity Authority may decline to accept any such tender.

(14) Subsections 8, 9 and 11 are not applicable in the case of the relinquishment of an easement by an Electricity Authority.

**252. Approval of the Commission for some contracts.** (1) The approval of the Commission shall first be obtained—

(a) before any contract exceeding in value—

(i) in the case of the Generating Board, the amount of \$1 000 000; and

(ii) in the case of an Electricity Board, such amount not exceeding \$250 000 as may be determined by the Commission from time to time, which amount need not be the same for every Electricity Board, is entered into; or

(b) in any case where, after public tenders have been called pursuant to section 251 (9), it is proposed to accept a tender other than the lowest tender conforming with the specification in the tender documents issued as prescribed.

(2) The Governor in Council may from time to time by Order in Council vary the amounts specified in subsection (1) (a) or either of them.

*Division II—Authority for Works of Electricity  
Authorities*

**253. Proposal for and estimate of cost of works.** (1) In any case prescribed or where an Electricity Authority so directs, the General Manager of an Electricity Authority shall cause to be prepared a proposal for and an estimate of the cost of any works and physical quantities of labour, materials, transport and related matters required for such works.

(2) The actual performance of works covered by the proposal and estimate as aforesaid shall not be commenced until the proposal and estimate are approved by the Electricity Authority or by the General Manager or other employee of the Electricity Authority to whom authority to approve such work has been delegated.

(3) The estimate shall be compared with the actual cost of and the physical quantities used to complete the work, and the result of such comparison shall be reported as prescribed or, in the absence of such prescription, in manner determined by the Electricity Authority.

**254. Environmental impact.** (1) In connexion with any proposed work that an Electricity Authority is by virtue of this Act or otherwise by law authorized to approve and carry out, such Electricity Authority shall take into consideration the environmental effects likely to be occasioned by the implementation of the proposal and shall institute such investigation as it considers necessary into the environmental aspects of the proposed work.

(2) Before approving any such work, the Electricity Authority or the General Manager or other employee of the Electricity Authority to whom an authority to incur the expenditure involved has been delegated pursuant to this Act shall ensure that due consideration has been given, in connexion with the planning of the proposed work, to the environmental impact of such proposal.

(3) The Commission may on its own motion or on the basis of information received by it—

(a) require from the Electricity Authority a report upon any environmental investigations carried out; or

- (b) require the Electricity Authority to institute an investigation or further investigations into the environmental aspects of the proposed work in respect of any proposed work to which this section applies and to submit to the Commission a report upon such investigations,

and, after due consideration of the report, the Commission may suggest to the Electricity Authority that such work be not proceeded with or that it be carried out with the inclusion of such environmental safeguards as the Commission deems desirable.

(4) If the Electricity Authority is not prepared to accept the suggestion of the Commission referred to in subsection (3), the Commission, after consideration of any further submissions the Electricity Authority may make in respect of the proposed work, may recommend to the Governor in Council that the Electricity Authority either not proceed with such proposed work or that it proceed with such work subject to such environmental safeguards as the Governor in Council may direct.

(5) The Governor in Council may give a direction as referred to in subsection (4) and a direction so given is binding on the Electricity Authority and is not subject to any appeal to any court or tribunal whatsoever.

(6) If a proposed work to which this section applies is of a kind that requires the approval of the Governor in Council or of the Commission or is work for which the Commission is itself responsible, the Commission shall, in connexion with the planning of such work, whether the planning is undertaken by the Commission itself or by the Commission in conjunction with an Electricity Authority or by an Electricity Authority itself, take into consideration the environmental effects likely to be occasioned by the implementation of the proposal, and for this purpose may, or shall if so required by the Minister, institute investigations into the environmental aspects of the proposed work. The Commission shall not approve the work or recommend to the Governor in Council the approval of the work except subject to such conditions as may in the opinion of the Commission be necessary to ensure reasonable protection of the environment.

## PART VIII—SAFETY AND STANDARDS OF CONSTRUCTION WITH RESPECT TO WORKS OF ELECTRICITY AUTHORITIES

### *Division I—Safety*

**255. Safety of persons engaged in the electrical industry.** (1) The Commission may seek such advice and constitute such committees, working groups or panels as it deems desirable to assist it to do such things and to issue such instructions as may be expedient to ensure that all persons engaged in the electrical industry in the State adopt safe working practices.

(2) Each employer of persons engaged in electrical work shall provide the safety equipment required for the safe performance of such electrical work, shall ensure that such equipment is regularly tested and properly maintained, and shall keep or cause to be kept a record of each test made. The safety equipment to be provided and the method of testing and maintaining it and of recording the tests made with respect thereto shall be as prescribed or, in the absence of such prescription, shall be as directed by the Commission in writing.

**256. Live line work.** (1) The Commission shall determine the electrical work that is live line work, and every authorization to perform live line work shall be given by the Commission in writing to the Electricity Authority and to each suitably trained person.

(2) The voltage of the electric lines on which such work is carried out shall be as specified by the Commission in such authorization.

(3) The general method of and procedure for such work, the type of equipment used and the maintenance of such equipment shall be as approved by the Commission from time to time.

*Division II—Accidents on Works of an Electricity Authority*

**257. Accidents on works to be reported.** (1) An Electricity Authority shall give immediate notice to the Commission of—

- (a) an accident occurring on the works of that Electricity Authority of such a kind as to have caused any person to sustain an electric shock;
- (b) an accident occurring on the works of that Electricity Authority of such a kind as to have caused loss of life or serious personal injury; or
- (c) an accident occurring on an electrical installation of such a kind as to have caused the loss of life of an employee of that Electricity Authority, or as a result of which an employee of that Electricity Authority sustained an electric shock or serious personal injury.

(2) The Electricity Authority shall ensure that the part of the works or the electrical installation on which the accident occurred and any material or other article whatsoever associated with such works and the accident is not removed or otherwise interfered with except—

- (a) where such removal or interference is necessary to avoid a possible danger to life or property;
- (b) with the permission of the Commission; or
- (c) when an electrical inspector has completed an inspection.

(3) On receipt of notice from the Electricity Authority, an authorized employee of the Commission shall advise the employee of the Electricity Authority reporting the accident whether the Commission intends to direct an electrical inspector to make an inspection regarding the circumstances of the accident.

(4) The Electricity Authority shall in every case report to the Commission in the prescribed form the circumstances of the accident, and such report shall be a document privileged from production and disclosure.

(5) In a case where the Commission directs an electrical inspector to make an inspection into the circumstances of such accident, such electrical inspector shall submit a written report on his inspection to the Commission.

(6) The Electricity Authority shall afford the electrical inspector such assistance and provide him with such equipment as he may require to make an inspection.

*Division III—Standards of Construction of Works of an  
Electricity Authority*

**258. Design and construction of electric lines and works.** An Electricity Authority shall cause its works to be designed, constructed, maintained and recorded in manner prescribed.

**259. Power of Commission to require removal of work.** The Commission may require an Electricity Authority to remove forthwith any electric line or other work constructed or placed by it contrary to the provisions of this Act. A requirement so made shall be binding on the Electricity Authority and shall be complied with by the Authority.

**260. Maintenance of works.** An Electricity Authority shall ensure that every line or work of the Electricity Authority shall be duly and efficiently supervised and maintained in respect of both electrical and mechanical condition.

**261. Unsafe or hazardous work.** (1) Notwithstanding any other provision in this Act, the Commission may require that any work or part thereof that it deems to be unsafe or hazardous be disconnected, or removed, or repaired, or made safe to the satisfaction of and in the manner and within the time determined by the Commission.

(2) In any case where in the opinion of an electrical inspector a hazard is of such a nature that the disconnexion, or removal, or repair, or making safe to the satisfaction of the Commission should be carried out forthwith, he may verbally require the Electricity Authority to take forthwith such action as he deems necessary to remove the hazard and, for all the purposes of this Act, that verbal requirement of the electrical inspector is and shall be taken to be a requirement of the Commission pursuant to subsection (1).

(3) An Electricity Authority shall carry out a requirement of the Commission pursuant to this section to the satisfaction of and in the manner and within the time determined by the Commission.

**PART IX—APPROVAL, SALE AND USE OF ELECTRICAL ARTICLES**

*Division I—Prescribed Electrical Articles*

**262. Electrical articles may be prescribed.** (1) The Governor in Council may by Order in Council determine that, after the date specified in the Order in Council with respect thereto, an electrical article specified therein shall not be sold or hired or offered, exposed or advertised for sale or hire unless it is approved by the Commission or is approved by the Statutory Approvals Authority of some other State or a Territory of the Commonwealth.

(2) An electrical article so specified is a "prescribed electrical article" for the purposes of this Part.

(3) The Governor in Council may by a further Order in Council revoke, amend, alter, vary or otherwise modify any Order in Council made under this section.

**263. Approval of prescribed electrical articles.** Any person desirous of obtaining approval of any prescribed electrical article shall make application to the Commission in manner prescribed, pay the prescribed fee and satisfy any other prescribed requirements.



**264. Reference to electrical articles by class, etc.** An electrical article may be—

- (a) specified in an Order in Council pursuant to section 262;
- (b) approved by the Commission;
- (c) described in regulations under this Act

by reference to the class, description or type thereof, and such reference shall for all purposes be a sufficient specification, approval or description thereof.

**265. Testing of prescribed electrical articles.** (1) The Commission shall decide where and by whom a prescribed electrical article of any class, description or type shall be tested.

(2) If any person desires approval of any class, description or type of prescribed electrical article of which he is unable to submit samples when required to do so, whether because the electrical article is not part of a regular line of manufacture or is installed in a fixed position or cannot reasonably be transported or for other reasons that, in the opinion of the Commission, are sufficient, the Commission may examine and test the electrical article at such time and in such manner and upon such conditions as it thinks appropriate. The applicant shall pay to the Commission upon demand for examining and testing any electrical article pursuant to this section such sum as the Commission determines as being the cost, including the indirect and overhead expenses incurred by the Commission, in respect of such examination and test, and if such sum is not paid when demanded it may be recovered by the Commission by action as for a debt in any court of competent jurisdiction.

(3) If the Commission approves of an electrical article of any class, description or type, it shall give to the applicant for approval thereof a certificate of approval in or to the effect of the form prescribed.

(4) An approval may be free of conditions or may, at the discretion of the Commission, be subject to such terms, provisions and conditions as are fixed by the Commission, and any such terms, provisions and conditions shall be endorsed upon such certificate of approval.

(5) Unless the contrary is stated in the relevant certificate of approval, approval by the Commission of any class, description or type of prescribed electrical article does not and shall not be taken to permit or authorize any person to sell or hire or to offer for sale or hire such electrical article or expose or advertise it for sale or hire for use outside buildings or in any hazardous or damp situation or other situation involving a special risk.

(6) If the applicant for approval of a prescribed electrical article of any class, description or type that has not been approved by reason of its not passing all tests or any of them considers that by adjustment or alteration such electrical article will pass all such tests, he may adjust or alter the electrical article and submit it for re-examination and test and approval and, in respect thereof, he shall furnish full and detailed information of any such adjustment or alteration and such further information as the Commission deems necessary.

(7) The applicant shall pay to the Commission upon demand for the re-examination and testing of a prescribed electrical article pursuant to subsection (6) such sum as the Commission determines as being the cost, including the indirect and overhead expenses incurred by the

Commission, in respect of such re-examination and test, and if such sum is not paid when demanded it may be recovered by the Commission by action as for a debt in any court of competent jurisdiction.

(8) A person may notify the Commission of any change in design or construction of a prescribed electrical article of a class, description or type approved by the Commission, in respect of which a certificate of approval has been issued to him, for the purpose of having the particulars of the modification endorsed on the certificate, and submit for examination and testing a modified electrical article together with complete information concerning the modification. If, after examination and testing of the modified electrical article, the Commission considers the electrical article complies with the published specifications and is of the same type as the electrical article originally examined and tested and approved, it shall endorse or cause to be endorsed on the relevant certificate of approval particulars of the modification, and thereupon the modified electrical article shall become and be the type of prescribed electrical article approved by the Commission.

(9) That person shall pay to the Commission on demand for examining and testing the modified electrical article pursuant to subsection (8) such sum as the Commission determines as being the cost, including the indirect and overhead expenses incurred by the Commission, in respect of such examination and test, and if such sum is not paid when demanded it may be recovered by the Commission by action as for a debt in any court of competent jurisdiction.

(10) If in the opinion of the Commission the electrical article does not comply with the published specifications or is not of the same type as the electrical article for which approval was originally granted (other than for the modifications declared as aforesaid) the Commission shall in writing notify the applicant accordingly.

(11) (a) Where a person to whom a certificate of approval has been issued in respect of any class, description or type of prescribed electrical article disposes of or transfers his business, or that portion of it that relates to such class, description or type of prescribed electrical article, to another person, the person to whom such certificate has been issued may make application in writing to the Commission to have the allotment of the certificate of approval of the electrical article transferred to the person to whom the business or portion of the business is so disposed of or transferred.

(b) The application shall be countersigned by such other person, and shall be accompanied by the prescribed fee in respect thereof.

(12) The Commission may, if it approves of the transfer of the certificate of approval to the other person, thereupon transfer the allotment of the certificate of approval to that other person to whom the business or portion of the business has been so disposed of or transferred.

(13) The responsibility of the transferor with respect to the prescribed electrical article ceases when the allotment of the certificate of approval has been approved by the Commission and vested in the transferee.

**266. Commission may direct submission of article for testing.** (1) The Commission may at any time by notice in writing require a person to whom a certificate of approval has been issued in respect of a class, description or type of prescribed electrical article to submit, within a

time stated in the notice, a specified number of such class, description or type of prescribed electrical article for examination and testing in accordance with the relevant approval and test specifications.

(2) A person so required shall submit the specified number of such class, description or type of prescribed electrical article accordingly and furnish therewith such particulars as may be prescribed.

**267. Withdrawal of approval.** (1) The Commission may withdraw approval already granted in respect of any class, description or type of prescribed electrical article—

- (a) if an electrical article of the same class, description or type, when examined and tested in accordance with the provisions of the applicable approval and test specifications, is found at any time not to conform to such specifications;
- (b) if, in the opinion of the Commission, the class, description or type of electrical article is likely to be or to become dangerous in normal use;
- (c) if the holder for the time being of the certificate of approval fails or refuses at any time—
  - (i) to submit the specified number of such class, description or type of prescribed electrical article when required so to do in accordance with section 266;
  - (ii) to supply such particulars as may be prescribed in accordance with section 266;
- (d) if, in the opinion of the Commission, representations are made by the holder for the time being of the certificate of approval or advertisements are employed by the holder for the time being of the certificate of approval in connexion with the selling, offering or hiring of that class, description or type of prescribed electrical article that would mislead as to the significance of approval or the use for which approval is granted;
- (e) if any information delivered to the Commission pursuant to this Part is found to be false or misleading;
- (f) if the holder for the time being of the certificate of approval has been guilty of a contravention of any of his obligations or duties under or of any breach of this Act in respect of such class, description or type of prescribed electrical article;
- (g) if the holder for the time being of the certificate of approval so requests.

(2) (a) If the Commission determines to withdraw approval of any class, description or type of prescribed electrical article otherwise than at the request of the holder for the time being of the certificate of approval, it shall advertise in the Gazette notice of such determination specifying the effective date of the withdrawal and shall also give to the holder for the time being of the certificate of approval notice in writing of such determination specifying the effective date of the withdrawal, and on and after the date of withdrawal so specified a person shall not sell or hire, offer for sale or hire, expose for sale or hire or advertise for sale or hire any such class, description or type of prescribed electrical article.

(b) The holder for the time being of the certificate of approval shall, within 14 days after the date on which any such withdrawal takes effect, forward to the Commission the relevant certificate of approval issued by the Commission.

**268. Register of prescribed electrical articles and register of approved electrical articles.** (1) The Commission shall cause to be kept at its office—

- (a) a register to be called the “ Register of Prescribed Electrical Articles ”; and
- (b) a register to be called the “ Register of Approved Electrical Articles ”.

(2) Each such register shall contain such particulars as may be prescribed.

(3) The Register of Proclaimed Articles and the Register of Approved Articles kept pursuant to the provisions of The Electrical Approvals Regulations, 1962 immediately prior to the commencement of this Act shall, on such commencement, continue as and shall be respectively the Register of Prescribed Electrical Articles and the Register of Approved Electrical Articles for the purposes of this Act, and every proclaimed article and every approved article set out in the respective registers immediately prior to such commencement shall be respectively—

- (a) a prescribed electrical article;
- (b) an approved electrical article for the purpose for which, and subject to such terms, provisions and conditions, if any, upon which, it was approved

on such commencement, subject, however, to the provisions of this Act.

(4) Each register shall be open to inspection by any person during the usual business hours in the office of the Commission on payment of the fee or fees prescribed with respect thereto.

(5) Any person on payment of the fee or fees prescribed with respect thereto is entitled to receive a certified copy of an entry in either register or, as the case may be, of all entries relating to the holder of a certificate of approval or any other person or of all entries relating to the approval of a class or type of prescribed electrical article.

#### *Division II—Non-prescribed Electrical Articles*

**269. Non-prescribed electrical articles.** An electrical article that is not a prescribed electrical article as provided for in Division I is a “ non-prescribed electrical article ” for the purposes of this Part.

**270. Voluntary submission for examination.** (1) Any person may apply to the Commission for a certificate of suitability in respect of any type of non-prescribed electrical article.

(2) Such application shall be made in the manner prescribed.

(3) If the Commission requires the electrical article in respect of which a certificate of suitability is applied for to be examined at a test laboratory specified by the Commission, it shall pay to the person, body or authority conducting such test laboratory the costs of such examination and shall be entitled to recover such costs from the applicant, and if such costs are not paid by the applicant to the Commission when demanded, they may be recovered by the Commission by action as for a debt in any court of competent jurisdiction.

(4) In addition to reimbursing to the Commission the costs referred to in subsection (3), the applicant shall pay such fees as may be prescribed.

(5) (a) The Commission may require an applicant to deposit with the application, in addition to the prescribed fee, if any, an amount to be applied towards the payment of the costs of examination of the electrical article.

(b) If the amount so deposited exceeds the actual costs, the Commission shall refund the balance to the applicant.

(c) If the amount so deposited is insufficient to cover the costs of examination, the balance shall be paid by the applicant to the Commission and, if not paid when demanded, may be recovered in accordance with subsection (3).

(6) (a) In addition to any other remedy the Commission has for the recovery of moneys under this section, it may retain the electrical article examined and, if such moneys remain unpaid for three months after the Commission advises the applicant of the amount payable by him, it may sell the electrical article or dismantle it and sell or otherwise dispose of the components thereof.

(b) If the proceeds of such sale, after deducting the Commission's costs of disposing of the electrical article, exceed the amount of the moneys due to the Commission, it shall refund the balance to the applicant.

**271. Certificate of suitability.** (1) If the Commission is satisfied that the non-prescribed electrical article in respect of which an application for a certificate of suitability has been made is suitable for connexion to electricity supply mains, it may issue to the person making the application a certificate of suitability for that type of non-prescribed electrical article.

(2) A certificate of suitability shall be in or to the effect of the form prescribed and may at the discretion of the Commission include conditions—

(a) limiting the period of time during which the certificate shall remain in force;

(b) relating to the installation or use of the type of non-prescribed electrical article concerned.

**272. Modification.** (1) The holder of a certificate of suitability may make application in the form prescribed to the Commission for an endorsement on the certificate of a modification of the non-prescribed electrical article specified in the certificate.

(2) The Commission may make such endorsement.

**273. Refusal to issue and cancellation of certificates.** The Commission may, for any reason it considers to be sufficient—

(a) refuse to issue a certificate of suitability;

(b) refuse to endorse a modification on a certificate of suitability;

(c) require the holder of a certificate of suitability to forward the certificate to the Commission for cancellation, and cancel the certificate;

(d) require the holder of a certificate of suitability to forward the certificate to the Commission for the cancellation of a modification endorsed on the certificate, and cancel the modification.

**274. Notification with respect to certificates.** Where the Commission issues or refuses to issue a certificate of suitability, endorses or refuses to endorse any modification thereon or cancels a certificate of suitability once issued or an endorsed modification, it may notify the Statutory Approvals Authority of another State or a Territory of the Commonwealth or such other person as it thinks fit.

*Division III—Electrical Approvals Examining Committee, Reciprocity within Australia, and Prohibition of Sale or Hire of Certain Electrical Articles*

**275. Electrical Approvals Examining Committee.** (1) There shall be a committee called the "Electrical Approvals Examining Committee" constituted as determined by the Commission from time to time, and it shall—

- (a) examine and report to the Commission concerning an electrical article that is submitted to the Commission with an application for a certificate of approval or a certificate of suitability and referred by the Commission to the committee for examination and report;
- (b) advise the Commission on any matter relating to the examination or approval of electrical articles submitted to the Commission.

(2) The members constituting the Electrical Approvals Examining Committee immediately prior to the commencement of this Act shall be the members constituting for the time being the committee provided for in subsection (1) on such commencement.

(3) In making an examination and report to the Commission concerning an electrical article pursuant to subsection (1) (a), the committee shall have regard to any reports obtained from a test laboratory specified by the Commission and may request such reports or further reports, and a report of the committee shall include a recommendation that—

- (a) the certificate applied for be issued;
- (b) the certificate applied for be issued after modifications specified by the committee have been made to the electrical article submitted;
- (c) the certificate applied for be not issued; or
- (d) any other recommendation or recommendation of a type of recommendation that may be prescribed.

**276. Fees and allowances to members of committee.** (1) The members of the committee shall be paid such fees or allowances or both, if any, as the Governor in Council may from time to time determine.

(2) A determination may at any time and from time to time be revoked or amended.

(3) An officer of the Public Service of Queensland or an employee of the Commission, the Generating Board or an Electricity Board shall not be paid any fee or allowance for attendance at any meeting of the committee held during the ordinary working hours of that officer or employee.

**277. Commission may adopt standards.** (1) In the examination of prescribed electrical articles submitted for approval, the Commission shall have regard to the applicable approval and test specifications issued by the Standards Association of Australia or, if there are no approval and test specifications applicable to the prescribed article, the Governor in Council shall determine the requirements with which the article must comply.

(2) The Commission may adopt an approval and test specification of the Standards Association of Australia or part of such approval and test specification as the basis of its examination of a non-prescribed electrical article.

(3) Every Order in Council determining an electrical article to be a prescribed electrical article shall specify the approval and test specification or such other requirements as determined by the Governor in Council with which that prescribed electrical article must conform, and every certificate of approval issued shall specify that the prescribed electrical article in respect of which it is issued so conforms.

(4) In any case where the Commission has adopted an approval and test specification or part thereof as the basis of its examination or test of a non-prescribed electrical article submitted for examination or test, which article is found suitable for connexion to electricity supply mains, the certificate of suitability shall specify the approval and test specification or part thereof adopted as aforesaid.

**278. Terms relevant to reciprocity within Australia.** In this Part—

- (a) “Statutory Approvals Authority”, in relation to any other State or a Territory of the Commonwealth, means the authority by whatever name called that, by virtue of a statute law, ordinance or other enactment of that other State or that Territory substantially similar to this Part, is empowered to grant, for the purposes of such statute law, ordinance or other enactment, approvals such as may be granted by the Commission in respect of prescribed electrical articles for the purposes of this Part;
- (b) “approved by the Statutory Approvals Authority of some other State or a Territory of the Commonwealth” means that the prescribed electrical article in question—
  - (i) is approved by such Statutory Approvals Authority by a certificate of approval that is in force at the material time;
  - (ii) is marked, stamped or labelled in the manner prescribed by such Statutory Approvals Authority; and
  - (iii) complies in every respect with the standards and specifications prescribed under this Act in respect of such prescribed electrical article.

**279. Certificates of suitability issued elsewhere within Australia.** A certificate of suitability issued by the Statutory Approvals Authority of some other State or a Territory of the Commonwealth has for all purposes the same effect with respect to a non-prescribed electrical article to which it relates as it would have if it were issued by the Commission.

**280. Power to have certain electrical articles withdrawn from sale or hire.** (1) In any case where, in the opinion of an electrical inspector, an electrical article being hired, or offered or advertised or exposed for

sale or hire, is likely to cause fire or a person to sustain an electric shock, he may by order under his hand require the person hiring the electrical article to withdraw it from hire or the person offering or advertising or exposing the electrical article for sale or hire to refrain from selling or hiring it or offering, advertising or exposing it for sale or hire.

(2) Where more electrical articles than one of the same type are hired, or offered or advertised or exposed for sale or hire, and two or more of such electrical articles are in the opinion of an electrical inspector likely to cause fire or a person to sustain an electric shock, he may by order under his hand require the person hiring such electrical articles to withdraw from hire, or the person offering or advertising or exposing for sale or hire such electrical articles to refrain from selling or hiring or offering, advertising or exposing for sale or hire, all such electrical articles of that type that are in the control, custody or possession of the person to whom the order is directed.

(3) An order issued by an electrical inspector pursuant to this section remains in force for two weeks from the date of issue and is not capable of being extended for a further period.

(4) The electrical inspector by writing under his hand or the Commission, through and under the hand of the secretary, may at any time during the currency of an order revoke such order.

(5) Where an electrical inspector has issued an order pursuant to this section with respect to an electrical article or all electrical articles of a type specified in such order and such electrical article is a non-prescribed electrical article or such electrical articles are non-prescribed electrical articles, the Commission may by notice published in the Gazette and by giving notice in such other manner as it thinks fit prohibit the sale or hire or the offering, advertising or exposing for sale or hire of the electrical article or electrical articles of the type of electrical article in question.

(6) A prohibition by the Commission pursuant to subsection (5) remains in force for a period of one month from the date of its publication in the Gazette and is not capable of being extended for a further period.

(7) The Commission may, at any time during the currency of a prohibition pursuant to subsection (5), by notice published in like manner to the publication of the prohibition, withdraw the prohibition.

(8) An electrical inspector may take into his custody the electrical article or, where he has examined more than one electrical article, those electrical articles that he has examined and in respect of which he has issued an order pursuant to this section and retain such electrical article or articles for the period the order remains in force, and, if proceedings have been instituted in any court in which such electrical article or articles may be required as evidence, he may retain it or them until such time as it is produced or they are produced in such court or until such proceedings are completed or discontinued.

**281. Prohibition of sale or use of non-prescribed electrical articles.**

(1) Where the Commission is of the opinion that a non-prescribed electrical article—

- (a) is likely to cause fire or a person to sustain an electric shock or for some other reason is likely to become dangerous or unsafe in use if connected to an electrical installation; or



- (b) in the course of its use, is likely to damage the electrical installation to which it is connected,

and that therefore it is in the public interest to prohibit the electrical article from being sold or hired or offered, advertised or exposed for sale or hire or from being used by connexion to an electrical installation, the Commission may recommend to the Governor in Council that an order be issued accordingly.

(2) The Governor in Council may authorize the issue by the Commission of such an order that may be applicable for a period specified in the order or without limit of time.

(3) Every order shall—

- (a) be in writing and shall be published in the Gazette and shall be notified in such other manner as the Commission may deem necessary;
- (b) contain a description of the non-prescribed electrical article;
- (c) contain a direction prohibiting any person to whom it is addressed from selling or hiring or offering, advertising or exposing for sale or hire or (as the case may be) from using the non-prescribed electrical article of the description specified in the notice; and
- (d) specify the period during which the prohibition is to be in force or state that such prohibition shall remain in force until revoked by the Commission with the approval of the Governor in Council.

(4) The Commission, with the approval of the Governor in Council, may at any time during the currency of an order issued pursuant to this section by notice published in like manner to the publication of the order, revoke the order.

**282. Notice of orders to suppliers and consumers.** (1) The Commission shall as far as practicable forward copies of every prohibition notice issued pursuant to section 280 (5) and of every order issued pursuant to section 281 to likely or known suppliers or hirers of an electrical article that is the subject of a prohibition notice or an order, but the fact that a copy of a prohibition notice or an order has not been received by a hirer or supplier is not a defence in any proceedings against a person who has sold or hired or offered, advertised or exposed for sale or hire an article contrary to the provisions of a prohibition notice or an order.

(2) (a) In any proceedings against a consumer or other person for the use of an electrical article contrary to the provisions of an order as aforesaid, it is necessary to prove that a copy of the order was duly served on him prior to the date of the alleged offence at the premises where the alleged offence was committed.

(b) The copy of the notice or order may be served by registered or certified mail addressed to the consumer or other person or it may be served by an employee of the Commission or of an Electricity Authority delivering it at the premises to the consumer or other person or by leaving it with some other person (not being a lodger) who normally resides on those premises.

*Division IV—Second-hand Electrical Articles***283. Second-hand electrical articles offered for sale to be labelled.**

(1) Every second-hand electrical article offered for sale by a person shall have a label affixed thereto or, if it is impracticable to affix a label thereto by adhesion, it shall have a label attached thereto by string or other suitable means.

(2) Each label to be affixed or attached to the electrical article shall be in a form prescribed in relation thereto, having regard to the requirements of this Division.

(3) For the purposes of this Division there shall be two labels, they being respectively—

(a) a label certifying that the electrical article has been tested by an electrical worker who is qualified and permitted under the provisions of Part XI to perform such electrical work and that it has been found to be electrically safe; and

(b) a label stating that the electrical article has not been proved to be electrically safe.

(4) In addition to any particulars prescribed with respect thereto, each label shall contain a statement to the effect that this Act does not provide for a check on the mechanical condition of the electrical article to which the label is attached.

(5) An electrical worker who is qualified and permitted as aforesaid and who tests a second-hand electrical article that is to be offered for sale may complete and affix or, as the case may be, attach a label certifying that the electrical article has been tested and found to be electrically safe if such is his finding upon such test.

(6) To ascertain whether an electrical article is electrically safe the following inspections and tests shall be performed—

(a) a visual inspection for damage and exposed live parts;

(b) an insulation resistance test between live parts and exposed conductive parts of the electrical article. The test instrument shall apply a direct current at a voltage of not less than twice the working voltage of the electrical article; and

(c) a resistance test of the earthing system of the electrical article.

(7) A label stating that the electrical article has not been proved to be electrically safe shall be affixed or, as the case may be, attached to every second-hand electrical article that is being offered for sale and has either—

(a) been tested by an electrical worker who is qualified and permitted as aforesaid and has failed to meet the requirements enabling a label to be affixed or, as the case may be, attached certifying to the matters referred to in subsection (5); or

(b) not been so tested.

Such label shall be affixed or, as the case may be, attached by an electrical worker who has tested the electrical article and found it not to be electrically safe or, if the electrical article has not been tested, by the owner or other person offering it for sale.

(8) No person other than a bona fide purchaser of an electrical article or a person authorized by the purchaser shall remove from the electrical article a label certifying that such electrical article has been tested and found to be electrically safe.

(9) No person other than an electrical worker who is qualified and permitted as aforesaid and who undertakes to test or repair an electrical article or a person who is dismantling an electrical article and does not intend to reassemble it shall remove from the electrical article a label stating that the electrical article has not been proved to be electrically safe.

**284. Exemption.** Section 283 does not apply to any person who sells a second-hand electrical article to a person whose business includes the dealing in or repairing or reconditioning of electrical articles.

PART X—FURTHER PROVISIONS RELATING TO GENERATION OR USE OF ELECTRICITY

*Division I—Cathodic Protection*

**285. Installation of cathodic protection system.** (1) On and after the commencement of this Act, a person shall not install a cathodic protection system unless—

- (a) he makes application, in manner prescribed, to the Commission for permission to install such a system; and
- (b) he has the permission of the Commission to install such a system.

(2) The Commission may require the applicant to consult with representatives of persons owning metallic structures that, in its opinion, are likely to be affected by the proposed cathodic protection system to enable the representatives to examine the proposal in consultation with the applicant.

(3) The representatives may submit a report on the proposal to the Commission.

(4) The Commission, after making such inquiries as it thinks fit and after consideration of any report received from representatives as aforesaid, may grant a permit in the prescribed form for the installation or may reject the application.

(5) The issue of a permit authorizes the applicant to install and test the cathodic protection system to which the permit applies. Any such tests shall be arranged by the owner at his expense.

(6) The permit shall contain a date as the date prior to which it is necessary for an authority to operate, hereinafter referred to, to issue as a condition precedent to the effective continuance of the permit, and if the authority to operate is not issued prior to such date, the permit is by force of this provision cancelled on that date and thereupon ceases to have any effect.

(7) Before putting a cathodic protection system into operation, the owner shall ensure that interference mitigation has been effected to the satisfaction of the Commission.

(8) When the Commission is so satisfied in accordance with subsection (7), it shall issue an authority to operate the system. The authority to operate shall remain in force for a period specified therein by the

Commission and may be issued subject to any conditions, additional to those prescribed, that the Commission may determine. Such conditions shall be specified in the authority to operate.

(9) The owner or operator of a cathodic protection system shall ensure that the installation complies with conditions that may be prescribed from time to time for such installations.

**286. Interference with other structures.** (1) If the Commission has reason to believe that any metallic structure other than the structure to which cathodic protection is applied, in contact with ground or water, has had its electrical potential changed with respect to earth or the electrical conditions altered beyond the limits prescribed due to the operation of a cathodic protection system, the Commission may suspend the authority to operate such system until such time as modifications are carried out on it to ensure that a change in potential or alterations to the electrical conditions beyond such prescribed limits on any other underground or underwater metallic structure is not caused by the operation of the system.

(2) Where the Commission is satisfied that a metallic structure other than the structure to which the cathodic protection is applied may be so affected as aforesaid and that—

(a) the firstmentioned structure has been erected subsequent to the issue of a permit to install and test the cathodic protection system in respect of the protected structure; and

(b) the current required to effect the necessary interference mitigation is in the opinion of the Commission excessive, having regard to the conditions that existed when the permit to install and test such cathodic protection system was issued,

it may require the owner of such firstmentioned structure to contribute towards the cost of interference mitigation, and if the owner refuses or fails to make such contribution he shall have no claim in law against the Commission or the person to whom the permit to install and test such cathodic protection system was issued in respect of damages for electrolytic corrosion attributable to the operation of such cathodic protection system.

(3) A person shall not operate a cathodic protection system during any suspension referred to in subsection (1).

(4) If a cathodic protection system is operated during any suspension as aforesaid, an electrical inspector may, at any hour of the day or night, enter upon the premises in which the installation is so operated and render it inoperable and take such reasonable action as may be necessary to prevent it being operated until the modifications referred to in subsection (1) have been effected and the suspension of the authority to operate removed.

**287. Modification of installation.** If a cathodic protection system is altered or removed or the method of operation is changed, the person owning or operating the system shall notify the Commission verbally as soon as possible and by writing within 7 days of the alteration, removal or change in method of operation, and if so required by the Commission that person shall take the action or any part thereof that an applicant for permission to install a new system is required to take pursuant to this Act.

**288. Inspection of installation.** The owner of a cathodic protection system shall, at all reasonable times, provide access to, and provide such facilities for testing of, the cathodic protection system as the Commission may require.

**289. Costs of testing after authority to operate is issued.** (1) The Commission shall arrange for and meet the costs of any testing it considers necessary to determine whether a cathodic protection system complies with the conditions prescribed or determined by the Commission as a condition of the authority to operate such system.

(2) The Commission may recover from the holder of the authority to operate all costs so incurred, including the indirect and overhead costs incurred by the Commission, by action as for a debt in any court of competent jurisdiction:

Provided that, if the Commission arranges any such testing and the installation is found to comply with the conditions of the authority to operate, the cost of such testing shall be borne by the Commission and shall not be recoverable from such holder.

**290. Commission may seek advice or constitute a committee.** The Commission may seek such advice as it deems desirable and may constitute a committee, working group or panel to assist it under this Act to do such things and to issue such instructions as may be expedient to ensure that a cathodic protection system applied to a metallic structure is installed and operated in such manner that other metallic structures are protected from the corrosive effects of direct current from the cathodic protection system.

**291. Installations in operation at commencement of Act.** A person operating a cathodic protection system at the commencement of this Act shall within three months after such commencement apply to the Commission in manner prescribed for authority to continue to operate such system.

**292. Exclusion from application.** The provisions of this Division do not apply to a cathodic protection system installed on a floating mobile structure or on fishing equipment or on fixed off shore structures not in any way connected with land.

*Division II—Provisions Applicable to Electric Lines not otherwise Subject to Act*

**293. Restrictions with respect to certain electric lines or works.** (1) The Governor in Council may direct the Minister to give a notice in writing to any person owning or using or entitled to use any electric lines or works the construction or use of which are not under or subject to the provisions of this Act, requiring that the electric lines or works be continued and used only subject to such terms and conditions as may be prescribed in respect of notices given under this section and terms and conditions thereof and subject to any other terms and conditions determined by the Governor in Council and set out in the notice in writing, and the Minister shall give such notice in writing accordingly.

(2) If the person to whom the notice is given does not comply with its requirements, the Governor in Council may require him to remove the electric lines or works.

(3) If that person refuses or fails to comply with the requirement to remove the electric lines or works, the Governor in Council may cause the Commission to remove them, and the Commission may recover from that person so refusing or failing to comply all costs incurred by it in connexion with such removal by action as for a debt in any court of competent jurisdiction.

(4) This section is applicable to any person lawfully using electricity as a motive power for electric traction.

*Division III—Private Plants, etc.*

**294. Works not to be constructed except in accordance with Act.**

A person shall not construct, use or maintain any electric line or works or supply electricity to another person or other persons save under the authority of and subject to and in accordance in every respect with a licence under Division IV of Part III or save as otherwise provided by this Act.

**295. Exceptions.** Section 294 is not applicable to—

- (a) the construction and use of electric lines and works constructed and used exclusively for supplying electricity as a motive power upon tramways or for the operation of a trolley vehicle service, and to the supply of electricity supplied exclusively for use as a motive power upon tramways or for the operation of a trolley vehicle service, by a Local Authority, person or body authorized to so use electricity under the provisions of *The Tramways Acts, 1882–1890* or the *Railless Traction Act 1914–1972*, as the case may be;
- (b) any electric line or work constructed by the Commissioner for Railways pursuant to the provisions of the *Railways Act 1914–1972* and forming part of a railway;
- (c) any case in which an electric line is not constructed or used or electricity is not transmitted or supplied beyond the limits of the building or premises in or on which the electricity is generated, and in which no electric line is over, upon, across or under any road, right of way, railway, river or canal;
- (d) any electric line or works within the limits of a mine (as defined in section 138 (1) (d));
- (e) any private plant or electrical installation that is subject to inspection pursuant to the provisions of *The Petroleum Acts, 1923 to 1967*.

**296. Supply of electricity beyond limits of a mine.** The owner of a mine as defined in section 138 (1) (d) shall not supply electricity or construct or use any electric lines or works beyond the limits of the mine in question save under the authority of, and subject to and in compliance in every respect with, a licence under Division IV of Part III, and a

person shall not use electricity supplied by such an owner beyond the limits of the mine save in compliance in every respect with the provisions of this Act.

**297. Electrical inspector may enter and inspect private plant.** At any reasonable hour by day or night an electrical inspector may enter upon any premises in which electricity is generated (notwithstanding that, pursuant to section 295 (c), the provisions of section 294 are not applicable in respect thereof) for the purpose of inspecting works in connexion with such generation of electricity, and he may remain upon such premises for so long as he considers necessary in order to complete such inspection.

**298. Private plant, etc., may be disconnected.** (1) Where an electrical inspector discovers a defect in a private plant or the electrical installation associated therewith that is likely to cause fire or a person to sustain an electric shock, he may, by notice in writing under his hand, require the owner to disconnect or cause to be disconnected forthwith and in the presence of the electrical inspector the electrical installation associated therewith or the defective part of such installation.

(2) If the owner does not comply with the direction of the electrical inspector or requests the electrical inspector so to do, the electrical inspector may disconnect the electrical installation associated with the private plant or the defective part of such installation.

(3) Before the owner re-connects or causes to be re-connected the electrical installation to the private plant or the part of the installation that was defective to the installation, he shall have the defect remedied by an electrical mechanic.

**299. Governor in Council may declare private plant subject to Act.** (1) In any case to which section 295 (c) relates and in which the electric generating plant used is capable of generating electrical energy at a pressure of or greater than 32 volts alternating current or 115 volts direct current, the Governor in Council may, if in his opinion it is necessary or desirable so to do in order to secure the safety of any persons, by Order in Council declare that this Act applies to that generating plant, to all electric lines and works associated therewith, and to the use and supplying of electricity generated by that generating plant.

(2) Upon and from the date of the publication of the Order in Council and thereafter while it continues in force—

- (a) the owner of the generating plant in question shall not operate it for generating electricity save under the authority of and in compliance in every respect with the conditions of a licence under Division IV of Part III the provisions of which Division shall, with and subject to all necessary adaptations, apply for the purposes of this section and of any Order in Council hereunder; and
- (b) neither that owner nor any other person shall use electricity generated by that generating plant save in compliance in every respect with the provisions of this Act.

## PART XI—ELECTRICAL WORKERS AND CONTRACTORS

*Division I—The Electrical Workers and Contractors Board*

**300. The Board.** (1) The Board called "The Electrical Workers and Contractors Board" constituted under the *Electrical Workers and Contractors Act 1962-1974* is preserved, continued in existence and constituted under this Act under that name, that is to say, "The Electrical Workers and Contractors Board".

(2) As well as the functions, powers and duties the Board has pursuant to this Act, it shall have such other functions, powers and duties as may be prescribed.

(3) The Board shall consist of six members (including the chairman) each of whom shall be appointed by the Governor in Council by notification published in the Gazette and each of whom may be appointed at any time after the passing of this Act, such appointments to be effective in the first instance on the going out of office of the members referred to in section 303.

**301. Members of Board.** (1) The members of the Board shall be—

- (a) a member nominated by the Commission who shall be the holder of a certificate of competency under this Part (not being a restricted certificate) as an electrical fitter or an electrical mechanic who shall be chairman of the Board;
- (b) a member nominated by the Director-General of Education who shall be the holder of a certificate of competency under this Part (not being a restricted certificate) as an electrical fitter or an electrical mechanic;
- (c) a member nominated by the Electricity Authorities constituted pursuant to this Act who shall be the holder of a certificate of competency under this Part (not being a restricted certificate) as an electrical fitter or an electrical mechanic;
- (d) a member nominated by the Regional Director for Queensland for the time being of the Insurance Council of Australia who shall be the holder of a certificate of competency under this Part (not being a restricted certificate) as an electrical fitter or an electrical mechanic;
- (e) a member nominated by the Electrical Contractors Association (Queensland) who shall be the holder of a certificate of competency under this Part (not being a restricted certificate) as an electrical fitter or an electrical mechanic;
- (f) a member nominated by the Electrical Trades Union of Employees of Australia (Queensland Branch) who shall be the holder of a certificate of competency under this Part (not being a restricted certificate) as an electrical fitter or an electrical mechanic.

(2) Nomination of a member pursuant to subsection (1) by the person, body or association in question and, in the case of paragraph (c) thereof, by the Electricity Authorities shall, in the case of nomination prior to the commencement of this Act, be made within the time and in the manner determined by the Minister, and in the case of nomination after such commencement, be made within the time and in the manner



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prescribed either generally or in a particular case or particular cases or, where not prescribed, as determined by the Minister, and in default of the person, body or association or the Electricity Authorities entitled to make the nomination doing so as prescribed or as determined by the Minister, as the case may be, the Governor in Council may appoint a person, qualified in manner specified in subsection (1), to be the member in the particular case and such member shall be deemed to have been nominated by the person, body or association or the Electricity Authorities, as the case may be, making default.

**302. Tenure of office of members.** The members of the Board, including the chairman, shall be appointed to hold office for such period not exceeding three years as is determined by the Governor in Council and stated in the notification of their appointments published in the Gazette, and any person appointed a member of the Board is, if qualified, and subject otherwise to this Part, eligible for re-nomination and re-appointment.

**303. Board members at commencement of Act go out of office.** The chairman and each other member of the Board holding office as such immediately prior to the commencement of this Act shall go out of office forthwith on such commencement but, subject to the provisions of this Part, are eligible for appointment to the Board as constituted under this Act.

**304. Acting chairman.** (1) The Governor in Council may, by notification published in the Gazette, appoint another person who shall be the holder of a certificate of competency under this Part (not being a restricted certificate) as an electrical fitter or an electrical mechanic to act as chairman of the Board in the event of the illness or absence of the chairman or in the event of a vacancy in the office of chairman.

(2) The appointment may be for a particular meeting of the Board, for a specified period or for a period related to the duration of the illness or absence or, in the case of a vacancy, until a new chairman is appointed, provided that any such period shall not extend beyond the term for which the chairman has been appointed a member of the Board.

(3) The person appointed to act as chairman may, whilst so acting pursuant to this section and to his appointment, attend a meeting of the Board and act as chairman thereat and for such purpose shall be deemed to be a member and the chairman of the Board.

(4) If (whether by reason that the Governor in Council has not made an appointment or for any other cause) such an appointee does not attend any meeting of the Board from which the chairman is absent, the members present may elect one of their number to be chairman of the meeting.

**305. Fees and allowances to members.** (1) The chairman and each other member of the Board shall receive such fees and allowances, if any, as the Governor in Council may from time to time determine.

(2) A determination may at any time and from time to time be revoked or amended.

(3) An officer of the Public Service of Queensland or an employee of the Commission, the Generating Board or an Electricity Board shall not be entitled to receive, and the Board shall not pay to an officer of the Public Service of Queensland or an employee of the Commission, the Generating Board or an Electricity Board, any fee or allowance for attendance at a meeting of the Board held during the ordinary working hours of that officer or employee.

**306. Deputies for members.** (1) In the event of the absence of any member, other than the chairman, from a meeting of the Board, that member may, in writing under his hand, appoint a deputy (being a person who is qualified for nomination to the office of that member) to attend such meeting and to act thereat as a member of the Board in his place.

(2) The deputy may attend the meeting and act thereat in the place of the member absent therefrom who appointed him, and for such purpose shall be deemed to be a member of the Board.

**307. Vacation of Office.** (1) The office of a member of the Board shall become vacant if the member—

- (a) dies or becomes mentally ill;
- (b) becomes bankrupt or compounds with his creditors, or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;
- (c) is absent without leave granted by the Board (power to grant such leave being hereby authorized) from four consecutive ordinary meetings of the Board of which due notice has been given to him;
- (d) resigns his office by writing under his hand delivered to the Minister and the resignation is accepted by the Governor in Council;
- (e) is convicted of an indictable offence for which he is liable to be punished by imprisonment for twelve months or more;
- (f) declines office; or
- (g) is removed from office by the Governor in Council for misbehaviour or incapacity.

(2) The Governor in Council may, for misbehaviour or incapacity appearing to him to be sufficient for so doing, remove a member from office, and such removal is effective upon the publication by the Governor in Council in the Gazette of notification of the removal.

(3) The attendance of a member (including the chairman) at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason of no quorum being present no meeting is actually held on the day in question, and the secretary to the Board shall enter in the minute book the name of any member who so attends.

**308. Filling of casual vacancies.** (1) Where a vacancy occurs in the office of a member of the Board, the Governor in Council may appoint another person, qualified as prescribed for the office of the member in question, as a member to hold office for the balance of his predecessor's term of office as a member and to represent the interest represented by his predecessor pursuant to the nomination of his predecessor as a member.

(2) Notification of the appointment to fill the casual vacancy shall be published in the Gazette and it shall be sufficient to specify in such notification the substituted member's period of office by reference to the term of office of his predecessor.

**309. Validity of proceedings.** (1) An act or proceeding of the Board shall not be invalid or illegal or in any way prejudiced in consequence only of the number of members of the Board not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the Board, or of any person acting as chairman or member, shall, notwithstanding any defect in the nomination or appointment of a member or in the appointment of the person acting as chairman or member or that a member or person acting as aforesaid was disqualified or disentitled to act, be as valid and effectual as if every member of the Board or the person acting had been duly nominated and appointed or duly appointed, as the case may be, and was qualified and entitled to act and as if the Board had been properly and fully constituted.

**310. Functions of Board.** In addition to its other functions pursuant to this Part, the Board shall—

- (a) co-operate with the Department of Education in preparing the syllabus of work for candidates for certificates of competency and restricted certificates and advise from time to time with respect to the training courses of instruction for candidates for certificates of competency and restricted certificates;
- (b) co-operate with the Commission and Electricity Authorities in the inspection of electrical work and receive complaints;
- (c) conduct or arrange with the Department of Education to conduct on its behalf examinations for applicants for certificates of competency, including restricted certificates;
- (d) report to the Minister on any matter referred to it by or on behalf of the Minister or on any other matter related to the administration of this Part to which it feels that the attention of the Minister ought to be directed.

**311. Powers of investigation, inquiry, etc.** For the purposes of inquiry into applications for certificates of competency or licences under this Part or of making any other investigation or inquiry that it is required, authorized or permitted under this Part to make, the Board shall have and may exercise all the powers, authorities, rights, privileges, protection and jurisdiction of a Commission of Inquiry under *The Commissions of Inquiry Acts, 1950 to 1954* save such as are by those Acts reserved to a chairman of a Commission when that chairman is a Judge of the Supreme Court.

**312. Executive officer.** The chairman of the Board is the executive officer of the Board.

**313. Employees for purposes of the Board.** (1) The Commission shall appoint a secretary to the Board and a registrar who shall be employees of the Commission.

(2) The one person may be appointed secretary and registrar.

(3) The Commission shall appoint such other employees as it deems necessary for the effectual administration of this Part.

(4) Employees of the Commission appointed under this section shall be taken into account for the purposes of section 20.

**314. Duties of secretary.** (1) In addition to his other duties in accordance with this Part, the secretary shall keep minutes of all meetings of the Board, issue notices of meetings, conduct correspondence, keep records of examinations and, if there is a separate appointment to the office of registrar, during any absence of the registrar from duty, perform the duties attaching to that office.

(2) The secretary shall also carry out such other duties as may be prescribed or, where or to the extent not prescribed, as may be determined by the Board.

**315. Duties of registrar.** (1) In addition to his other duties in accordance with this Part, the registrar shall maintain the "Register of Licensed Electrical Contractors, Queensland", provided for by this Part.

(2) The registrar shall also carry out such other duties as may be prescribed or, where or to the extent not prescribed, as may be determined by the Board.

**316. Delegation by Board.** (1) The Board may by resolution delegate to a committee of not less than two members of the Board determined by it or to the chairman acting alone or, on the recommendation of the chairman, to the secretary or any other specified employee either wholly or in part and either permanently or for a limited period and subject to such limitations as may be contained in the resolution or as may be prescribed any of the powers, functions or duties of the Board except this power of delegation, and may by subsequent resolution vary any such delegation or withdraw any such delegation either wholly or in part.

(2) No act of the committee, chairman, secretary or other specified employee done within the scope of any such delegation during the period such delegation is in force shall be invalidated by reason of the subsequent variation or withdrawal of the delegation.

(3) No delegation shall prevent the exercise of any power or function or the performance of any duty by the Board.

**317. Revenue of Board to be paid into the Fund.** All moneys received by the Board pursuant to this Act shall be paid into and form part of the Fund.

**318. Costs of administration of Board.** The costs of the Board in exercising and performing its powers, functions and duties under this Act, including fees and allowances payable to members and the salaries of employees of the Commission appointed for the purposes of the Board, shall be a charge against and paid out of the Fund.

*Division II—Electrical Workers*

**319. Classes of certificates of competency.** Subject to this Act, the Board may grant the following certificates of competency, namely:—

- (a) electrical fitter;
- (b) electrical joiner;
- (c) electrical linesman;
- (d) electrical mechanic.

**320. Restricted certificate.** (1) Subject to this Act, the Board may grant a certificate of competency of any class specified in section 319 restricted—

- (a) to so much of the electrical work specified in the definitions under this Act “electrical fitter”, “electrical joiner”, “electrical linesman” or “electrical mechanic” as is, according to the class of the certificate, specified therein;
- (b) to the carrying out of electrical work according to the class of the certificate for the employer specified therein; or
- (c) to the carrying out of electrical work according to the class of the certificate, in the locality specified therein,

or subjected to such of the restrictions set out in paragraphs (a), (b) and (c) as the Board deems fit.

(2) A restricted certificate may be granted in relation to electrical work that is incidental or special to a trade or calling other than that of electrical fitter, electrical joiner, electrical linesman or electrical mechanic, or as may be determined by the Board under special circumstances.

(3) A restricted certificate does not entitle the holder thereof to a certificate of competency under this Part, nor shall it be taken into account in determining whether the holder thereof is qualified to obtain or hold any such certificate of competency.

**321. Permit.** (1) The Board may grant to any applicant for a certificate of competency, including a restricted certificate, a permit to perform in whole or in part any class of electrical work that is specified in any of the definitions under this Act “electrical fitter”, “electrical joiner”, “electrical linesman” or “electrical mechanic”.

(2) The Board may grant the permit subject to such conditions as it deems fit.

(3) A permit does not entitle the holder thereof to a certificate of competency (including a restricted certificate) under this Part, nor shall it be taken into account when determining whether the holder thereof is qualified to obtain or hold any such certificate of competency.

(4) A permit shall not be issued, or renewed, for a period longer than six months.

(5) The Board may at any time renew a permit.

(6) Without derogating from any other provision of this section—

- (a) the chairman of the Board or, in his absence, the person appointed by the Governor in Council to act as chairman of the Board; or

(b) any two members of the Board other than the chairman may grant a permit under this section for a period not exceeding one month, but any permit so granted shall not be renewed except by the Board.

(7) The Board, upon being satisfied that the conditions to which any permit is subject have not been complied with, may cancel the permit at any time.

**322. Electrical work to be done by certificated persons or permit holders.** (1) A person who is not the holder of a certificate of competency or permit shall not connect, disconnect, interfere with or remove any fixed portion of an electrical installation or do any electrical work specified in any of the definitions under this Act "electrical fitter", "electrical joiner", "electrical linesman" or "electrical mechanic".

(2) The holder of a certificate of competency (not being a restricted certificate) shall perform only the electrical work that is appropriate according to the definition of the type of electrical worker he is.

(3) The holder of a restricted certificate or of a permit shall perform only that electrical work which is specified therein.

(4) This section does not apply to—

- (a) a probationer or apprentice working under the provisions of the *Apprenticeship Act 1964-1974* in a trade or calling in which he is required to perform electrical work;
- (b) an improver.

**323. Exemptions.** Nothing in this Division prejudices, affects or prevents—

- (a) any person in or from being in charge of any machinery provided that he does not perform electrical work;
- (b) any person skilled in any other trade from practising his particular trade in the installation, maintenance or repair of any electrical appliance or plant provided that he is not employed on any electrical circuit operating at a voltage exceeding 32 volts alternating current or 115 volts direct current that is or may be connected to the source of supply;
- (c) any person from engaging in any work in connexion with the electrical equipment of a motor vehicle where the operating voltage does not exceed 32 volts alternating current or 115 volts direct current;
- (d) any person from engaging in any work in connexion with an electrical installation operating at a voltage not exceeding 32 volts alternating current or 115 volts direct current;
- (e) any person from engaging in any electrical work in connexion with any private plant that is used by any agriculturalist or pastoralist on and solely for his farm or grazing property and that is not connected directly or indirectly to the supply mains of an Electricity Authority, provided that the capacity of the prime mover of such plant does not exceed 75 kilowatts;
- (f) any electrical engineer from practising his profession;

- (g) a student or other person in training from performing electrical work as part of that training under the strict supervision of a member of the teaching staff at—
- (i) a University or College of Advanced Education in Queensland;
  - (ii) any college, school or similar institution conducted or approved by the Department of Education or any other Department of the Government of Queensland or by a Department of the Government of the Commonwealth;
  - (iii) any other training institution where it and the member of its staff responsible for the strict supervision of the student are approved for the purposes of this section by the Board.

**324. Applications for certificates of competency.** (1) A person who makes application for a certificate of competency (including a restricted certificate) under this Part shall—

- (a) make application to the Board in the form prescribed;
- (b) pay the fee prescribed in respect of the application;
- (c) satisfy the Board that he is qualified under this Part to be granted such certificate;
- (d) satisfy the Board that he intends to perform electrical work in Queensland;
- (e) if thereunto required by the Board—
  - (i) produce to it a medical certificate indicating that he is physically fit to undertake the electrical work covered by the certificate of competency for which he has applied;
  - (ii) satisfy it that he is able to read, and to write from dictation, not less than 50 words in the English language;
  - (iii) satisfy it that he is otherwise a fit and proper person to hold the certificate for which he has applied,

and if the Board is satisfied that the applicant has complied with the above provisions, it shall, subject to this section, grant the application.

(2) Every applicant for a certificate of competency (including a restricted certificate) shall, before the issue of a certificate, produce satisfactory evidence that he has been trained in and is qualified to render artificial resuscitation to a person who has stopped breathing or is unconscious as the result of electric shock.

(3) An applicant for a certificate of competency as an electrical linesman shall, and an applicant for a certificate of competency as an electrical mechanic may, be required to produce satisfactory evidence that he is competent to render resuscitation at the pole-top as well as on the ground.

**325. Electrical fitter.** A person who makes application for a certificate of competency as an electrical fitter—

- (a) shall be qualified under this Part to be granted such certificate if—
  - (i) he has served an apprenticeship to the trade of an electrical fitter under the *Apprenticeship Act 1964–1974*;

- (ii) he produces to the Board a certificate or certificates from his employer or employers stating that his conduct has been satisfactory and outlining the amount of experience he has had at the trade of an electrical fitter; and
  - (iii) he has satisfactorily completed the course of instruction for electrical trade apprentices prescribed pursuant to the aforementioned Act;
- (b) may be accepted by the Board without examination as being qualified under this Part to be granted such certificate if—
- (i) he has served an apprenticeship outside Queensland;
  - (ii) he has satisfactorily completed a course of instruction related to that apprenticeship;
  - (iii) the apprenticeship and course of instruction are in the opinion of the Board at least equivalent to an apprenticeship as an electrical fitter and to the course of instruction for electrical trade apprentices prescribed pursuant to the *Apprenticeship Act 1964-1974*; and
  - (iv) he produces to the Board evidence satisfactory to the Board outlining the amount of experience he has had at the trade of an electrical fitter;
- (c) shall be accepted by the Board as being qualified under this Part to be granted such certificate of competency after he satisfies the examination requirements of the Board—
- (i) if he is the holder of a certificate of competency as an electrical mechanic, produces satisfactory evidence of at least one year's experience in the trade work of an electrical mechanic, and can satisfy the Board that he has a sufficient knowledge of the trade of electrical fitter;
  - (ii) if he has served an apprenticeship to the trade of electrical fitter under the *Apprenticeship Act 1964-1974* but has failed to complete satisfactorily the course of instruction for electrical trade apprentices referred to in paragraph (a);
  - (iii) if, outside Queensland—
    - (A) he has served an apprenticeship acceptable to the Board;
    - (B) he has worked as a junior or improver under the direction of an electrical fitter; or
    - (C) he has worked as an electrical fitter, and if he satisfies the Board that his experience in the trade of electrical fitter exceeds by at least one year that prescribed under the *Apprenticeship Act 1964-1974*; or
  - (iv) if he has a total experience outside Queensland of not less than 7 years in electrical work considered by the Board to be satisfactory experience in the trade of electrical fitter.

**326. Electrical mechanic.** A person who makes application for a certificate of competency as an electrical mechanic—

- (a) shall be qualified under this Part to be granted such certificate if—
  - (i) he has served an apprenticeship to the trade of an electrical mechanic under the *Apprenticeship Act 1964-1974*;
  - (ii) he produces to the Board a certificate or certificates from his employer or employers stating that his conduct has been satisfactory and outlining the amount of experience he has had at the trade of electrical mechanic; and



- (iii) he has satisfactorily completed the course of instruction for electrical trade apprentices prescribed pursuant to the aforementioned Act;
- (b) may be accepted by the Board without examination as being qualified under this Part to be granted such certificate—
  - (i) if he produces to the Board a certificate of competency, licence or similar document issued by a statutory body outside Queensland which the Board is satisfied authorizes him to perform electrical work that, if performed in Queensland, would be that of an electrical mechanic; or
  - (ii) if—
    - (A) he has served an apprenticeship outside Queensland;
    - (B) he has satisfactorily completed a course of instruction related to that apprenticeship;
    - (C) the apprenticeship and course of instruction are in the opinion of the Board at least equivalent to an apprenticeship as an electrical mechanic and to the course of instruction for electrical trade apprentices prescribed pursuant to the *Apprenticeship Act 1964–1974*; and
    - (D) he produces to the Board evidence satisfactory to the Board outlining the amount of experience he has had at the trade of an electrical mechanic;
- (c) shall be accepted by the Board as being qualified under this Part to be granted such certificate after he satisfies the examination requirements of the Board—
  - (i) if he is the holder of a certificate of competency as an electrical fitter, produces satisfactory evidence of at least one year's experience in the trade work of an electrical fitter, and can satisfy the Board that he has a sufficient knowledge of the trade of electrical mechanic;
  - (ii) if he has served an apprenticeship to the trade of electrical mechanic under the *Apprenticeship Act 1964–1974* but has failed to complete satisfactorily the course of instruction for electrical trade apprentices referred to in paragraph (a);
  - (iii) if, outside Queensland—
    - (A) he has served an apprenticeship acceptable to the Board;
    - (B) he has worked as a junior or improver under the direction of an electrical mechanic; or
    - (C) he has worked as an electrical mechanic, and if he satisfies the Board that his experience in the trade of electrical mechanic exceeds by at least one year that prescribed under the *Apprenticeship Act 1964–1974*; or
  - (iv) if he has a total experience outside Queensland of not less than 7 years in electrical work considered by the Board to be satisfactory experience in the trade of electrical mechanic.

**327. Electrical joiner.** (1) A person who makes application for a certificate of competency as an electrical joiner and—

- (a) who—
  - (i) has been employed as an assistant in electrical jointing work for a period of at least two years, undertakes a course of theoretical and practical training approved by the Commission and produces a certificate that such course

has been successfully completed by him, and produces a certificate or certificates from his employer or employers stating that his conduct has been satisfactory and outlining the experience he has had in the electrical industry; or

- (ii) is the holder of a certificate of competency as an electrical fitter or electrical mechanic and produces evidence of at least three months' experience in the work of an electrical jointer,

and who produces a certificate from an electrical engineer or a certificated electrical jointer that he has had experience for a period of 300 hours, or such lesser period as the Board deems adequate in the circumstances, in jointing and terminating cables that are not energized, and that he is suitable for this class of work; or

- (b) who has been employed outside Queensland as an electrical jointer as defined in this Act for a period of at least two years and who produces a certificate or certificates from his employer or employers stating that his conduct has been satisfactory and outlining the experience he has had in the work of an electrical jointer, and such certificate or certificates and the experience outlined therein are satisfactory to the Board,

may, at the discretion of the Board, be accepted as being qualified under this Part for a certificate of competency as an electrical jointer without examination or shall be accepted as being so qualified after he satisfies the examination requirements of the Board.

(2) To enable a person to gain, for the purpose of this section, experience in jointing and terminating cables that are not energized, such work is deemed to be not electrical work if, but only if, it is done by that person as an assistant in electrical jointing work.

**328. Electrical linesman.** (1) A person who makes application for a certificate of competency as an electrical linesman and—

- (a) who—

- (i) has been employed as a labourer or a tradesman's assistant on overhead electrical line construction or maintenance for a period of at least 18 months, undertakes a course of theoretical and practical training approved by the Commission and produces a certificate that such course has been successfully completed by him, and produces a certificate or certificates from his employer or employers stating that his conduct has been satisfactory and outlining the experience he has had in the electrical industry; or

- (ii) is the holder of a certificate of competency as an electrical fitter or electrical mechanic and produces evidence of at least three months' experience on overhead electrical line construction or maintenance,

and who produces a certificate from an electrical engineer, an electrical contractor or a certificated electrical linesman that he has had experience for a period of 300 hours, or such lesser period as the Board deems adequate in the circumstances, working up a pole on dead line work, and that he is suitable for this class of work; or

- (b) who has been employed outside Queensland as an electrical linesman as defined in this Act for a period of at least two years and who produces a certificate or certificates from his employer or employers that his conduct has been satisfactory and outlining the experience he has had in the construction and maintenance of overhead electrical lines, and such certificate or certificates and the experience outlined therein are satisfactory to the Board,

may, at the discretion of the Board, be accepted as being qualified under this Part for a certificate of competency as an electrical linesman without examination or shall be accepted as being so qualified after he satisfies the examination requirements of the Board.

(2) To enable a person to gain, for the purpose of this section, experience working up a pole on dead line work, such work is deemed to be not electrical work if, but only if, it is done by that person as a labourer or tradesman's assistant on overhead electrical line construction or maintenance—

- (a) after he has been so employed for a period or periods aggregating not less than 9 months; and  
 (b) he has not worked at such work for a period or periods aggregating more than 300 hours.

**329. Eligibility for restricted certificates.** A person who makes application for a restricted certificate and whose application is otherwise acceptable to the Board—

- (a) may be accepted as being qualified under this Part to be granted such restricted certificate without examination if he produces evidence satisfactory to the Board that he is competent to perform the electrical work to be specified in such certificate;  
 (b) shall be accepted as being qualified under this Part to be granted such restricted certificate if he satisfies the examination requirements of the Board.

**330. Examinations.** The Board, in requiring an applicant for a certificate of competency (including a restricted certificate) to be examined pursuant to this Part, may determine that such applicant shall—

- (a) undertake an examination conducted by the Department of Education on behalf of and approved by the Board;  
 (b) in the case of a course of instruction recognized by the Board in which the student's performance is determined by assessment during such course, satisfactorily complete such course;  
 (c) undertake—  
 (i) an examination; or  
 (ii) an oral or a written test or a practical trade test that is conducted by or on behalf of the Board and is acceptable to the Board for the purpose of determining the competency of the applicant or, in the case of subparagraph (ii), undertake more than one or undertake all of those tests for such purpose.

**331. Scope of examinations.** The Board, in determining the nature of any inquiries or tests that it may make or conduct and in determining the scope of any examination, shall take into consideration the work

delimitations that the definitions under this Act “electrical fitter”, “electrical joiner”, “electrical linesman” and “electrical mechanic” indicate in respect of the work of the respective electrical workers.

**332. Examiners.** The Board may appoint examiners to conduct any examinations or tests required by it at a fee approved by the Minister upon the recommendation of the Board.

**333. Certificates in lieu of lost or defaced certificates.** (1) If the Board is satisfied that any certificate of competency, including a restricted certificate, or any permit has been lost or destroyed, it may issue a certificate or permit in lieu thereof on payment of the prescribed fee.

(2) If a certificate of competency, including a restricted certificate, or any permit is produced to the Board and in the opinion of the Board it is so defaced or mutilated that it is illegible, the Board may issue a certificate or permit in lieu thereof on payment of the prescribed fee.

(3) A certificate or permit issued pursuant to subsection (1) or (2) shall be endorsed with a memorandum setting out the reasons for its issue, and thereafter shall be available for all purposes as if it were the original certificate or permit.

**334. Record of certificates and permits.** (1) The secretary shall keep—

- (a) a record of all applications for certificates of competency as electrical workers;
- (b) a record of all certificates and permits issued to electrical workers, showing separately the various classes of certificates of competency, including restricted certificates, and of permits issued;
- (c) particulars of the Board’s decision in respect of any inquiry made by it in pursuance of the provisions of section 335;
- (d) particulars of all certificates of competency, including restricted certificates, cancelled or suspended and the period of suspension and also of all permits cancelled.

(2) It is sufficient for the secretary to keep one record for each applicant for a certificate of competency as an electrical worker and to show in such record such other particulars specified in this section as shall apply to that applicant.

**335. Cancellation or suspension of certificate or permit by Board.**

(1) If with respect to any holder of a certificate of competency or permit under this Part the Board considers, whether upon the complaint of any person or upon its own motion—

- (a) that such holder has carried out electrical work in a negligent, unsatisfactory or incompetent manner;
- (b) that such holder, having been required by the Board under section 337 (7) to correct faults or defects in electrical installation work performed by him as an electrical contractor, has failed to correct such faults or defects or has failed to correct such faults or defects in accordance with any terms or conditions specified by the Board; or

- (c) that such holder has furnished to the Board, in or in connexion with his application for such certificate of competency or permit, false or misleading information or particulars (whether oral or in writing) and that in its consideration of such application the Board has been misled thereby,

it may call upon such holder to show cause why his certificate of competency or permit should not be cancelled, and after due inquiry it may, according as it deems just—

- (i) cancel or suspend such certificate of competency or permit;
- (ii) reprimand or caution such holder; or
- (iii) impose a penalty not exceeding \$100.

(2) Suspension of a certificate of competency or permit under this section shall be for such period as the Board deems fit and shall, for the period fixed by the Board, have the same effect as cancellation of the certificate of competency or permit.

(3) Cause as aforesaid may be shown in writing, but the Board shall not cancel or suspend a certificate of competency or permit or fine any holder thereof under this section without giving such holder an opportunity to appear in person before and to be heard by the Board.

(4) The provisions of this section are not in derogation of the provisions of section 321 (7).

**336. Complaints with respect to inspection work.** (1) If at any time a complaint as to the manner in which the inspection of any electrical installation work has been or is being carried out is made to the Commission, the Commission may require the Board to inquire into the matter of the complaint.

(2) If as a result of such inquiry the Board is satisfied that such inspection has been or is being made in an unfair or unsatisfactory manner, the Board may recommend to the Commission that its authorization as an installation inspector of the electrical worker concerned be withdrawn.

(3) The Commission is hereby empowered, without limiting its powers to cancel or withdraw its approval of the appointment of an installation inspector for any other reason, to withdraw its authorization as an installation inspector of the electrical worker concerned.

#### *Division III—Electrical Contractors*

**337. Electrical contractors' licences.** (1) The Board may grant electrical contractors' licences under and subject to this Part.

(2) Upon application in writing in that behalf made by a person who satisfies the Board that—

- (a) he is resident in Queensland and is of good repute;
- (b) he holds a certificate of competency as an electrical mechanic and has held such certificate for not less than 12 months or for such lesser period as the Board deems satisfactory for the purposes of this section;
- (c) he is competent to carry out electrical installation work in the capacity of an electrical contractor and, if the Board so requires, completes satisfactorily an oral, written or practical test determined by the Board,

and who pays the prescribed fee, the Board shall grant to such person a licence as an electrical contractor.

(3) Any person who—

- (a) holds under any Act, ordinance or law of any State or Territory of the Commonwealth corresponding to this Part a licence or other authority empowering him to undertake contracts for electrical installation work in such State or Territory;
- (b) satisfies the Board that his qualifications and experience are equivalent to those required in the case of an applicant for a licence under this Part; and
- (c) has a place of business in Queensland,

shall, upon application to the Board and payment of the prescribed fee, be granted by the Board a licence as an electrical contractor.

(4) (a) Any firm or partnership may apply for and be granted a licence as an electrical contractor if, but only if, a member of the firm or partnership holds a certificate of competency as an electrical mechanic and has held such certificate for not less than 12 months or for such lesser period as the Board deems satisfactory for the purposes of this section and such member is otherwise qualified as prescribed by this Part to hold such a licence in his own name, and the firm or partnership has a place of business in Queensland.

(b) Every licence as an electrical contractor granted to a firm or partnership shall be endorsed with the name of each member thereof who holds a certificate of competency as an electrical mechanic and otherwise satisfies the requirements referred to in paragraph (a).

(c) In the event of the cancellation or suspension of the certificate of competency as an electrical mechanic of every member of the firm or partnership whose name is endorsed on the licence under this Part granted to such firm or partnership, or in the event of every such member ceasing for any cause whatsoever to be a member of the firm or partnership, then upon and by virtue of the happening of such event the licence under this Part of the firm or partnership is deemed to be cancelled unless within a period of one month of the date of such event application is made for endorsement on the licence of the name of another member similarly qualified.

(5) (a) A body corporate may apply for and be granted a licence under this Part if, but only if, the Board is satisfied that it has a place of business in Queensland, that it has as one of its objects the carrying on of business as an electrical contractor, and that electrical contracting work carried on by it will be carried on by or under the personal supervision of a person who is a member or employee and who holds a certificate of competency as an electrical mechanic and who has held such certificate for not less than 12 months or for such lesser period as the Board deems satisfactory for the purposes of this section and is otherwise qualified as prescribed by this Part to hold such a licence in his own name.

(b) The Board shall, at the request of the body corporate to which a licence has been granted under this Part, endorse on the licence the name of each member or employee thereof in respect of whom such request is made who holds a certificate of competency as an electrical mechanic and otherwise is a person satisfying the requirements referred to in paragraph (a).

(c) In the event of the cancellation or suspension of the certificate of competency as an electrical mechanic of every member or employee of a body corporate whose name is endorsed on the licence granted to such body corporate, or in the event of every such member or employee

ceasing for any cause whatsoever to be a member or employee of the body corporate, then upon and by virtue of the happening of such event the licence under this Part of the body corporate is deemed to be cancelled unless within a period of one month of the date of such event, application is made for endorsement on the licence of the name of another member or employee similarly qualified.

(6) No person other than—

- (a) an electrical contractor shall be authorized to sign as an electrical contractor;
- (b) a member or person whose name is endorsed on a licence granted to a firm or partnership or a body corporate, as the case may be, which is licensed as an electrical contractor shall be authorized to sign for or on behalf of the firm, partnership or body corporate in question,

any register, record book, other record, notice, certificate, licence or document required by, under or for the purposes of this Act or by an Electricity Authority.

(7) Where an electrical contractor who has performed electrical installation work subsequently surrenders or fails to renew his electrical contractor's licence or has it cancelled or suspended by the Board and is notified by the relevant Electricity Authority of faults or defects in such work, the Board may—

- (a) grant to that person, provided he is then the holder of a certificate of competency as an electrical mechanic, permission in writing to carry out whatever work is necessary to rectify the faults or defects, such permission in writing being on such terms and conditions as to time for completion and otherwise as the Board thinks fit;
- (b) require that person, where it has granted him permission in writing pursuant to paragraph (a), to carry out whatever work is necessary to rectify the faults or defects, and that person so required shall carry out such work in accordance with the terms and conditions of such permission in writing.

**338. Exemptions.** (1) Nothing contained in this Act shall apply so as to prohibit any person, not licensed under this Part as an electrical contractor—

- (a) who holds a certificate of competency as an electrical mechanic—
  - (i) from carrying out with the prior approval in writing of the relevant Electricity Authority, electrical installation work in any premises of which such person or a near relative of such person is the owner or bona fide occupier;
  - (ii) from effecting any minor emergency repairs to make safe any electrical installation;
  - (iii) from performing, with the prior approval in writing of the relevant Electricity Authority, temporary or minor electrical work on the premises of any organization formed for charitable purposes; or
  - (iv) from performing electrical installation work on premises that are supplied with electricity from a private plant that is not connected to any electricity supply main or service line of any Electricity Authority;

- (b) who carries on business as a builder, from contracting to perform building work that includes electrical installation work if such electrical installation work is performed by another person who is licensed as an electrical contractor;
- (c) from carrying on business as a manufacturer of electrical articles in a factory within the meaning of the *Factories and Shops Act 1960-1975*;
- (d) from employing, in his carrying on of any business or activity not being the business of electrical contracting, any holder of a certificate of competency as an electrical mechanic to carry out, in the capacity of an employee, any electrical installation work on or in connexion with the electrical installation on premises used by him in carrying on such business or activity;
- (e) who receives permission in writing from the Board pursuant to section 337 (7), from carrying out the necessary work, referred to therein, in accordance with the terms and conditions of such permission in writing.

(2) The relevant Electricity Authority referred to in subsection (1) (a) may in its discretion grant or refuse any approval for the purpose of subparagraph (i) or (iii) of the said subsection (1) (a), and may subject any approval granted to such conditions as it thinks fit, in which case the approval shall be limited in its application as prescribed by the conditions thereof.

(3) An Electricity Authority may cause electrical installation work to be performed by an employee of such Authority who is the holder of a certificate of competency as an electrical mechanic—

(a) on any part of the works of such Electricity Authority that is an electrical installation;

(b) on any consumer's electrical installation within its Area,

and such Electricity Authority shall not be required to be licensed under this Part as an electrical contractor:

Provided, however, that if any electrical installation work that an Electricity Authority has caused to be carried out pursuant to this section is—

(c) electrical installation work of a kind that, if such work had been performed by an electrical contractor, would have been required to be inspected by the Electricity Authority prior to its being connected to the source of supply, the Electricity Authority shall cause such work to be inspected by an installation inspector who is not the employee of the Electricity Authority who supervised or carried out such work, and when such work is passed by such installation inspector it shall be connected to the source of supply by him;

(d) electrical installation work of a kind that, if such work had been performed by an electrical contractor, would have been required to be tested by him or any electrical mechanic whose name is endorsed upon the electrical contractor's licence or an electrical mechanic employed by him who actually supervised or performed such work, the Electricity Authority shall cause the electrical mechanic who actually supervised such work to test it in manner prescribed and to connect such electrical installation work to the source of supply and to issue a report in the prescribed form to the Electricity Authority or to the consumer, as the case may be.



**339. Duration and renewal of licence.** (1) Subject to this Part, an electrical contractor's licence—

- (a) comes into force at the time of its being granted and remains in force until 30 June next following the time of its being granted;
- (b) shall be renewed by the registrar from time to time upon receipt of the prescribed application in that behalf and on payment of the prescribed fee,

save that the registrar may, instead of renewing a licence under this section, refer the application to the Board for its consideration, and the Board may, upon consideration of the application and matters relevant thereto, renew or refuse to renew the licence.

(2) Subject to this Act—

- (a) where an electrical contractor's licence is renewed on or before the day of its expiry or of the expiry of its next previous renewal, as the case may be, the renewal shall be in force for 12 months from and including the day of renewal which day for the purpose of this paragraph shall be the day immediately following the day on which the licence or the next previous renewal thereof expired;
- (b) where an electrical contractor's licence is renewed subsequent to the day of its expiry or of the expiry of its next previous renewal, as the case may be, the renewal shall commence on the subsequent day but shall expire on the day it would have expired had it been renewed on or before the day of its expiry or of the expiry of its next previous renewal, as the case may be.

(3) If a licence is suspended for a period less than the portion of the period thereof or of any renewal thereof remaining at the day of the commencement of such period of suspension, the licence shall, upon the termination of the period of suspension, be in force only until the day when it would have expired if it had not been suspended.

This subsection does not prejudice in its application any provision with respect to the renewal of a licence.

(4) An electrical contractor's licence may, upon notice in writing thereof to the Board, be surrendered.

**340. Cancellation or suspension of licence by Board.** (1) If, with respect to any holder of a licence under this Part as an electrical contractor, the Board considers—

- (a) that the licence or any renewal of the licence of such holder has been granted in error or that such holder has furnished to the Board in or in connexion with his application for his licence or any renewal of his licence any false or misleading information or particulars (whether oral or in writing);
- (b) that such holder has carried out or caused or permitted or allowed to be carried out electrical installation work in a negligent, unsatisfactory or incompetent manner;
- (c) that such holder has failed or refused to submit—
  - (i) a notice of work ready for inspection in accordance with section 178;
  - (ii) a report to the consumer in the prescribed form in accordance with section 180;

- (iii) a copy of the report referred to in subparagraph (ii) to the Electricity Authority in accordance with section 180 or has been guilty of undue delay in rectifying or having rectified any fault found as a result of any inspection under this Act in any electrical work done by him or by any person employed by him;
- (d) that such holder or any person employed by him has wilfully deceived, or attempted to deceive, any inspector by purposely concealing inferior work or materials used as a part of any electrical installation work, or by false or misleading statements to an inspector;
- (e) that such holder or any person employed by him has illegally broken or tampered with the seal attached to any meter or service fuse or control apparatus the property of any Electricity Authority or person licensed to supply electricity;
- (f) that such holder or any person employed by him has tampered with any meter, maximum demand indicator, service fuse or control apparatus the property of or under the control of the Electricity Authority or person licensed to supply electricity;
- (g) that such holder or any person employed by him has, without the permission of the Electricity Authority or person licensed to supply electricity concerned, connected any installation for electric supply chargeable at a higher rate to an electric supply chargeable at a lower rate;
- (h) that such holder or any person employed by him has signed any application form or ready-for-test notice on behalf of any person, or has signed any notice to any Electricity Authority or person licensed to supply electricity for any electrical installation work carried out by any person other than a person employed by such holder and performing work as an employee of the holder;
- (i) that such holder has at any time been a party or privy to any act described in any of the preceding paragraphs of this subsection;
- (j) that such holder has failed to pay any fee due by him under this Act;
- (k) that such holder has neglected to furnish any returns relating to his business as an electrical contractor or has furnished a false or misleading return relating to such business;
- (l) that such holder has had his licence endorsed on three separate occasions;
- (m) that such holder has been convicted of an indictable offence for which he is liable to be punished by imprisonment for twelve months or more;
- (n) that such holder has counselled or procured or suffered a member or employee of a firm or partnership or body corporate of which he is a member to carry out electrical installation work, the said member or employee not then being the holder of the appropriate certificate of competency under this Act,

it may call upon such holder to show cause why his licence should not be cancelled and, after due inquiry, it may, according as it deems just, do any one or more of the following, that is to say—

- (i) cancel or suspend the licence;

- (ii) endorse the licence;
- (iii) fine such holder a sum not exceeding \$100;
- (iv) reprimand or caution such holder;
- (v) in any case where the Board finds that such holder has been guilty of undue delay in rectifying or having rectified any fault referred to in paragraph (c), fine such holder a sum not exceeding \$10 per day for each and every day on which the Board finds that such undue delay continued.

(2) Suspension of a licence under this section shall be for such period as the Board deems fit and shall, for the period fixed by the Board, have the same effect as cancellation of the licence.

(3) Cause as aforesaid may be shown in writing but the Board shall not cancel, suspend or endorse a licence or fine any holder thereof under this section without giving such holder an opportunity to appear in person before and to be heard by the Board.

**341. Licences in lieu of lost licences.** (1) If the Board is satisfied that any electrical contractor's licence has been lost or destroyed, it may issue a licence in lieu thereof to the holder on payment of the prescribed fee.

(2) If a licence is produced to the Board and in the opinion of the Board it is so defaced or mutilated that it is illegible, the Board may issue a licence in lieu thereof on payment of the prescribed fee.

(3) A replacement licence issued pursuant to subsection (1) or (2) shall be endorsed with a memorandum setting out the reasons for its issue, and thereafter shall be available for all purposes as if it were the original licence.

**342. Register of licensed electrical contractors.** (1) The Board shall cause to be kept a register, to be called the "Register of Licensed Electrical Contractors, Queensland", of all electrical contractors' licences granted by it.

(2) The "Register of Licensed Electrical Contractors, Queensland" kept under the *Electrical Workers and Contractors Act 1962-1974* shall, upon the commencement of this Act, continue as and be and remain such register under and for the purposes of this Act.

- (3) The Board shall cause to be entered or remain in the register—
- (a) the full name and address of every person licensed under this Part (including the holders of licences continued in force pursuant to section 5 (1) (a));
  - (b) the date of granting of the licence and of every renewal thereof;
  - (c) such other particulars as may be prescribed or as the Board may deem necessary.

(4) If any holder of a licence fails to renew his licence within the prescribed time, the Board shall thereupon cause his name to be erased from the register.

(5) If the licence is later duly renewed, the Board shall cause the name of the holder thereof to be restored to the register.

(6) The Board shall cause a list of the names and addresses of the persons licensed as electrical contractors and, where applicable, the names of members or persons whose names are endorsed on the licences of such persons so licensed to be published in the Industrial Gazette once at least in each year and so that the period between succeeding such publications shall not exceed thirteen months.

(7) When and so often as the Board deems necessary it may cause to be published in the Industrial Gazette a notification of the name and address of any person newly licensed as an electrical contractor or of any person whose name shall have been erased from the said register subsequent to the last publication of such list; and a notification of such other particulars as may be prescribed.

#### *Division IV—Appeals*

#### **343. Appeal to industrial magistrate. (1) Any—**

- (a) applicant for a certificate of competency (including a restricted certificate) under Division II;
- (b) holder of a certificate of competency (including a restricted certificate) or permit under Division II whose certificate or permit has been cancelled or suspended or who has been otherwise dealt with by the Board under section 335;
- (c) applicant for an electrical contractor's licence under Division III;
- (d) holder of an electrical contractor's licence under Division III whose licence has been cancelled or suspended or who has been otherwise dealt with by the Board under section 340;
- (e) installation inspector in respect of whom the Board has made a recommendation to the Commission under section 336 that its approval of him as an installation inspector be withdrawn.

who is aggrieved by the decision of the Board may appeal to an industrial magistrate.

(2) Jurisdiction is hereby conferred on industrial magistrates to hear and determine such appeals.

**344. Procedure, etc., with respect to appeals.** Without limiting the power to make regulations conferred by section 443, regulations may be made by the Governor in Council under that section providing for and with respect to the manner of and time for instituting an appeal, the place of hearing of an appeal, the service of notice of appeal, on whom notice or any copy thereof is to be served and time for service, the procedure of or in respect of an appeal, the persons who may appear, the nature of evidence that may be adduced, the amount and application of any fees prescribed in relation to the appeal, and providing in all other respects for the conduct of the appeal and all matters incidental thereto.

**345. Decision on appeal and effect thereof.** Upon an appeal the industrial magistrate may affirm, rescind or vary the decision of the Board, and his decision thereupon shall be deemed to be the decision of the Board and shall be final and conclusive and not subject to any further appeal.

## PART XII—EMPLOYMENT IN ELECTRICITY SUPPLY INDUSTRY

**346. Employment in electricity supply industry defined.** (1) For the purposes of this Act—

(a) every person who is employed in a full time capacity by—

- (i) the Commission;
- (ii) the Generating Board;
- (iii) every Electricity Board;

(b) every person or every person of a class of persons prescribed for the purposes hereof

is a person employed in (and in the service of) the electricity supply industry.

(2) A reference in subsection (1) to a person who is employed in a full time capacity by—

- (a) the Commission;
- (b) the Generating Board;
- (c) every Electricity Board

includes—

(d) in the case of the Commission, the Commissioner, every Deputy Commissioner and the secretary;

(e) in the case of the Generating Board and every Electricity Board, the General Manager and the secretary.

(3) The Governor in Council may by Order in Council designate persons or persons of a specified class of persons who, notwithstanding the other provisions of this section, shall not be persons employed in the electricity supply industry, and persons so designated in the Order in Council shall not for the purposes of this Act be persons so employed.

**347. Relationship of employer and employee.** Nothing contained in this Part operates to constitute the Crown, the Commission, the Generating Board or any Electricity Board the single employer of all persons employed in the electricity supply industry.

**348. Transfer of employment not to affect continuity of service.** (1) If a person employed in the electricity supply industry resigns from his employment to accept other employment in the electricity supply industry and enters upon such other employment on the next working day following the day of termination of his former employment or on a later day agreed to between him and the new employer, his service as a person employed in the electricity supply industry shall for all purposes be taken to be continuous service.

(2) For the purposes of subsection (1), “a later day agreed to” referred to therein shall be a day not more than one month after the day of termination of the former employment save that such day may be a day more than one month after the day of termination of the former employment where the period thus resulting is covered by leave granted to the employee and taken by him pursuant to subsection (3).

(3) The employee is not entitled to be paid the cash equivalent of any leave due to him in respect of his former employment where his service is taken to be continuous service under this section, but where a leave entitlement exists and the leave can properly be granted in the

circumstances, he shall, pursuant to agreement reached between the former employer and the new employer, be granted and paid for leave equivalent to the period elapsing between the day of termination of his former employment and the day he commences duty in his new employment, but, where the leave entitlement is for a lesser period than the period referred to, he shall be granted and paid for leave for that lesser period.

(4) The former employer and the new employer shall, in the event of their inability to reach agreement in accordance with subsection (3), refer the matter to the Minister for decision, and the decision of the Minister shall for all purposes be deemed to be the decision on agreement reached between the former employer and the new employer.

(5) The new employer is responsible for granting to the employee whose service is taken to be continuous service under this section all leave to which he is entitled for the time being or to which he shall become entitled from time to time by reason of his service having been so taken to be continuous service.

**349. Recognition of previous service.** (1) Where a person who is appointed as an employee in the electricity supply industry—

- (a) was formerly employed in the electricity supply industry;
- (b) did not, in the opinion of the employer, undertake paid employment that was substantially full time employment from the day of termination of such former employment to the day of his re-appointment as an employee in the electricity supply industry; and
- (c) had been compulsorily retired on the grounds of ill-health or voluntarily terminated his services on those grounds and his former employer certifies accordingly; or
- (d) voluntarily terminated his employment with his former employer not more than three months prior to his re-appointment as an employee in the electricity supply industry,

the Commission, the Generating Board or the Electricity Board in question as the new employer shall recognize the period of such former service for the purpose of determining the period of service of such person as an employee in the electricity supply industry.

(2) The day of termination of the employee's former employment shall for the purposes of this Part be the day on which all leave entitlements for which the employee was paid a cash equivalent on terminating such employment would have expired if the entitlements had been taken as leave.

(3) (a) An Electricity Authority shall not recognize or agree to recognize previous service of an employee for leave or other purposes except in accordance with subsection (1) or where the Electricity Authority in a particular case is satisfied that special circumstances exist and the Commission approves of such recognition or agreement to recognize in those circumstances (it being hereby authorized to so approve).

(b) In addition to the Commission recognizing previous service of its employees pursuant to subsection (1), it may recognize previous service of an employee in any other case where it is satisfied that special circumstances exist.

(c) The provisions of paragraphs (a) and (b) are subject to any Act or law or award that is binding on the Commission or the Electricity Authority in question and that provides for recognition of the previous service of the employee on conditions more favourable to him than those conditions set out in subsection (1).

(4) The recognition of a period of former service of an employee in accordance with subsection (1) for the purpose of determining his period of service as an employee in the electricity supply industry entitles such employee to any leave or other entitlement that accrues as a result of the recognition of such service, but any leave or other entitlement that was availed of or for which the employee was at any time paid a cash equivalent shall be deducted from the entitlement so accruing as aforesaid.

(5) An appeal does not lie to any person, court or tribunal in respect of any decision or determination of the Commission or an Electricity Authority made pursuant to subsection (3) in respect of the existence or otherwise of special circumstances referred to therein.

**350. Appeal to industrial magistrate.** (1) Subject to this Act, a person employed in the electricity supply industry who is dissatisfied with—

- (a) a decision or determination of his employer with respect to recognition of a period of former service for the purpose of determining the period of his service as an employee in the electricity supply industry pursuant to a provision of this Part;
- (b) a decision or determination of his employer with respect to the recognition of service prior to the commencement of this Act as set out in the certificate issued to him by his employer pursuant to clause 5 of the Fourth Schedule and as decided and determined by the employer in accordance with the provisions of that clause

may appeal to an industrial magistrate.

(2) Jurisdiction is hereby conferred on industrial magistrates to hear and determine such appeals.

(3) The provisions of section 344, applicable with respect to appeals from decisions of The Electrical Workers and Contractors Board, shall be applicable and extend to and for the purpose of appeals under this section except that an appeal under this section shall be instituted within three months after the person appealing is notified of the decision or determination of the employer.

(4) Upon an appeal the industrial magistrate may affirm the decision or determination of the employer or he may vary it and thereupon his decision shall be deemed to be the decision or determination of the employer and shall be final and conclusive and not subject to any further appeal.

(5) If the decision of the industrial magistrate varies the decision or determination of an employer in respect of a matter to which the Fourth Schedule applies, the employer shall issue to the employee in question an amended certificate that gives effect to the decision of the industrial magistrate so varying the employer's decision or determination.

**351. Positions to be advertised.** (1) Where a vacant position to which this section applies is to be filled by the Commission, the Generating Board or an Electricity Board, the Commission or the Board in question shall cause notification of the vacancy to be given to employees of the Commission and the Boards by the placing of details of the vacancy on the notice board at each office or depot of the Commission and of every Board for a period of not less than two weeks.

(2) An employee of the Commission or of any of the said Boards is entitled to apply for appointment to any advertised vacant position as aforesaid.

(3) In considering applications received, the Commission or the Board in question, as the case may be, shall offer the position to the applicant who in its opinion is best qualified to perform the duties of the position, but if in the opinion of the Commission or the Board in question, as the case may be, there is no suitable applicant who is then a person employed in the electricity supply industry, it may appoint another person who is qualified to perform the duties of the position.

(4) Subsection (1) applies to every position in the Commission and in the said Boards except to such positions or classes of positions therein as shall be determined by the Governor in Council from time to time and notified in the *Gazette* as positions or classes of positions to which this section does not apply, the Governor in Council being hereby authorized to make such determinations.

**352. Overtime payments.** Notwithstanding the provisions of section 14 (1) (c) of the *Industrial Conciliation and Arbitration Act 1961-1976*, the working of overtime by a person employed by the Commission, the Generating Board or an Electricity Board at a salary in excess of the rate the Governor in Council (who is hereby thereunto authorized) determines from time to time and remuneration in respect of such overtime shall be in the discretion of the Commission, the Generating Board or the Electricity Board, as the case may be.

#### PART XIII—SUPERANNUATION PROVISIONS

**353. Superannuation scheme.** There shall be a scheme to be known as "The Queensland Electricity Supply Industry Employees' Superannuation Scheme", hereinafter referred to as "the Scheme", for the purpose of providing superannuation benefits to persons employed in the electricity supply industry and their dependants.

**354. Superannuation Board.** (1) For the purposes of this Part there shall be constituted a body by the name of "The Queensland Electricity Supply Industry Superannuation Board", hereinafter referred to as "the Superannuation Board":

(2) The Superannuation Board may be constituted at any time after the passing of this Act.

**355. Board to be a body corporate.** (1) The Superannuation Board shall—

- (a) be a body corporate with perpetual succession and an official seal;
- (b) be capable in law of—
  - (i) suing and being sued;
  - (ii) compounding or proving in any court of competent jurisdiction all debts or sums of money due to it;



- (iii) acquiring, holding, dealing with and disposing of real and personal property; and
- (iv) doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) All courts, judges, justices and persons acting judicially shall take judicial notice of all appointments of members of the Superannuation Board, including appointments as chairman and as deputy for a member, and of their respective signatures as well as of the appointment of the secretary and of his signature, and of the seal of the Board affixed to any document or other writing, and shall presume, until the contrary is proved, that every such signature or such seal, as the case may be, was duly affixed to any document or other writing.

**356. Membership of Board.** (1) The Superannuation Board shall consist of seven members, they being—

- (a) a person nominated by the Minister, which person shall be chairman;
- (b) three persons representing employers, hereinafter referred to as "the employers' representatives", each of whom shall be—
  - (i) a member of the Board of an Electricity Authority or an employee of the Commission or of an Electricity Authority; and
  - (ii) nominated in manner and within the time prescribed; and
- (c) three persons representing employees, hereinafter referred to as "the employees' representatives", each of whom shall be—
  - (i) an employee of the Commission or of an Electricity Authority;
  - (ii) qualified in such manner as may be prescribed; and
  - (iii) nominated in manner and within the time prescribed.

(2) Each member of the Board shall be appointed by the Governor in Council by notification published in the Gazette.

(3) If an employers' representative or an employees' representative is not nominated in manner and within the time prescribed with respect to him, the Governor in Council may appoint a person as an employers' representative or employees' representative, as the case may be, and such person shall be deemed to have been nominated as prescribed pursuant to this section.

**357. Tenure of office.** (1) The chairman of the Superannuation Board holds office at the pleasure of the Governor in Council and may be removed from office as chairman and a member of the Board at any time by the Governor in Council on the recommendation of the Minister.

(2) The members of the Superannuation Board other than the chairman hold office for such period, not exceeding five years, as is specified in the notification of appointment in each case, and each such member, subject to this Part, is eligible for re-appointment.

**358. Vacation of office.** (1) A member of the Superannuation Board shall be deemed to have vacated his office—

- (a) if he becomes bankrupt or compounds with his creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;
- (b) if he is absent, except on leave granted by the Board (power to grant such leave being hereby authorized) from four consecutive ordinary meetings of the Board of which he has received due notice;
- (c) if he is convicted of an indictable offence for which he is liable to be punished by imprisonment for twelve months or more;
- (d) if he dies or becomes mentally ill;
- (e) if he resigns his office by writing under his hand delivered to the Minister and the resignation is accepted by the Governor in Council;
- (f) if, being an employees' representative, he ceases to be qualified in manner prescribed;
- (g) if he is removed from office by the Governor in Council for misbehaviour or incapacity.

(2) Without derogating from the provisions of section 357 (1), the Governor in Council may, for misbehaviour or incapacity appearing to him to be sufficient for so doing, remove a member from office.

(3) If the chairman is deemed to have vacated his office as a member of the Board pursuant to a provision of subsection (1), he thereby automatically vacates his office as chairman.

(4) The attendance of a member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason of no quorum being present no meeting is actually held on the day in question, and the secretary to the Superannuation Board shall enter in the minute book the name of a member who so attends.

**359. Filling of vacancy in office of chairman.** Where a vacancy occurs in the office of chairman of the Superannuation Board, the Governor in Council shall appoint a person nominated by the Minister to fill the vacancy, and such appointment shall be notified in the Gazette.

**360. Filling of casual vacancies.** (1) Where a vacancy occurs in the office of a member of the Superannuation Board other than the chairman, the Governor in Council may, subject to subsection (2), appoint a person as a member to hold office for the balance of his predecessor's term of office as a member.

(2) The person appointed to fill the vacancy referred to in subsection (1) shall be nominated or, as the case requires, qualified and nominated in the manner in which a person is required to be nominated or, as the case requires, qualified and nominated for the purposes of paragraph (b) or (c) of section 356 (1) depending upon whether the vacancy is in respect of the office of a member as an employers' representative or an employees' representative:

Provided that, if a person is not nominated as an employers' representative or an employees' representative, as the case requires, in manner and within the time prescribed pursuant to the provisions

of section 356 (1), the Governor in Council may appoint a person as an employers' representative or employees' representative, as the case may be, to fill the vacancy, and such person shall be deemed to have been nominated as prescribed for the purposes of this section.

(3) Notification of the appointment to fill the casual vacancy shall be published in the Gazette and it shall be sufficient to specify in such notification the substituted member's period of office by reference to the term of office of his predecessor.

**361. Deputies for chairman and other Board members.** (1) The Governor in Council may appoint a person to act in the place of the chairman of the Superannuation Board at any meeting of the Board from which the chairman is absent.

(2) An appointment may be so made with respect to a specific meeting or with respect to meetings from which the chairman is absent within a specified period of time or without limit of time.

(3) The appointee may, pursuant to his appointment, attend a meeting of the Board from which the chairman is absent and act as chairman thereat and for such purpose shall be deemed to be chairman of the Board.

(4) If (whether by reason that the Governor in Council has not made an appointment or for any other cause) such an appointee does not attend a meeting of the Board from which the chairman is absent, the members present at the meeting may elect one of their number to be chairman at the meeting, and the member so elected shall be chairman at that meeting.

(5) In the event of the absence of a member of the Board other than the chairman from any meeting of the Board, that member may, by writing under his hand, appoint a deputy (being, in the case of a deputy for an employees' representative, a person who is qualified as prescribed for nomination to the office of such member) to attend such meeting and to act thereat as a member of the Board in his place; and such deputy may attend the meeting and act thereat in the place of the absent member who appointed him, and for such purpose shall be deemed to be a member of the Board.

**362. Proceedings of the Superannuation Board.** (1) Until the Articles of the Scheme hereinafter provided for and hereinafter referred to as "the Articles" have been approved by the Governor in Council, the Superannuation Board shall meet as frequently as it is necessary to do so with respect to the consideration of the terms, conditions, benefits and rules for the administration of the Scheme to be included in the Articles, and thereafter it shall meet at least once each month.

(2) Subject to subsection (1), the Board has power to fix by resolution the times and places when and where its meetings will be held.

(3) Five members of the Board constitute a quorum at any meeting of the Board.

(4) The person presiding at a meeting of the Board has an original vote and, in the event of an equal division of votes upon any question, has a second or casting vote.

(5) Subject to subsection (4), questions arising at a meeting of the Board shall be determined by a majority of votes of the members present.

(6) If any member refuses or fails to vote, his vote shall be counted in the negative.

(7) An act or proceeding of the Board shall not be invalid or illegal in consequence only of the number of members of the Board not being complete at the time of such act or proceeding.

(8) All acts and proceedings of the Board shall, notwithstanding any defect in the appointment of a member or that any member was disqualified or disentitled to act, be as valid and effectual as if every such member had been duly appointed and was qualified and entitled to act and as if the Board had been properly and fully constituted.

(9) The members present at a meeting may, from time to time, adjourn the meeting.

(10) If a quorum is not present within half an hour after the time appointed for a meeting, the members present, or the majority of them, or any one member if only one is present, or the secretary to the Board if no member is present, may adjourn the meeting to any time not later than 14 days from the date of such adjournment:

Provided that nothing herein shall be construed to prevent the adjournment of any meeting to a later hour of the same day on which such meeting was appointed to be held.

**363. Regulation of conduct of meetings of the Board.** Without limiting the power to make regulations conferred by section 443, regulations may be made by the Governor in Council under that section providing for and with respect to the conduct and control of and procedure and business at meetings of the Superannuation Board and matters incidental thereto, such regulations being in addition to the provisions of section 362.

**364. Fees and allowances to members.** (1) The chairman and each other member of the Superannuation Board shall receive such fees and allowances, if any, payable out of the funds of the Scheme, as the Governor in Council may from time to time determine.

(2) A determination may at any time and from time to time be revoked or amended.

(3) An officer of the Public Service of Queensland or an employee of the Commission, the Generating Board or an Electricity Board shall not be entitled to receive, and the Superannuation Board shall not pay to an officer of the Public Service of Queensland or an employee of the Commission, the Generating Board or an Electricity Board, any fee or allowance for attendance at a meeting of the Superannuation Board held during the ordinary working hours of that officer or employee.

**365. Staff of Board.** (1) The Commission shall, for the efficient administration of the Scheme, appoint a manager and a secretary on the recommendation of the Superannuation Board, and appoint also such other employees as it considers necessary.

(2) Appointments referred to in subsection (1) may be made on a full time basis or employees of the Commission may be made available to the Superannuation Board on a part time basis.

(3) Each full time employee shall be, and shall for all purposes be taken to be, an employee of the Commission and shall be taken into account for the purposes of section 20.

(4) The one person may be appointed manager and secretary.

(5) The manager is the executive officer of the Scheme.

(6) The salaries and wages of the employees appointed under this section and all other expenses of administration of the Scheme shall be met by the Commission in the first instance and shall be reimbursed to the Commission by the Superannuation Board out of the funds of the Scheme.

**366. Indemnities.** No liability shall be incurred by the Superannuation Board or any member thereof, the manager of or secretary to the Board or any other employee appointed under section 365 or any other person whomsoever acting under the direction of the Board on account of anything done for the purposes of this Act or done in good faith and purporting to be for the purposes of this Act.

**367. Insurance of members of the Board.** (1) The Superannuation Board may from time to time enter into contracts with the holder of a licence to carry on general insurance business in Queensland or the State Government Insurance Office (Queensland) for the insurance of every member of the Board against injury (fatal or non-fatal) arising out of or in the course of the performance of the duties of his office (including his attendance at meetings of the Board) or arising out of or in the course of his journey to or from a meeting of the Board that he is authorized or required to attend, or to or from a place where he is authorized or required to go in the course of the performance of the duties of his office, and against further injury arising out of or in the course of his direct journey to obtain a medical certificate or to receive medical, surgical or hospital treatment, or payment under such contract of insurance, or to his place of abode after receiving such certificate, treatment or payment.

Every such contract of insurance entered into shall be for the benefit of the members insured thereunder (or, in the case where death of a member results from an injury insured against, for the benefit of that member's dependants or for the benefit of the dependants of an ex-member whose office became vacant as a result of his injury).

(2) Notwithstanding anything to the contrary contained in this Act or any other Act, a person shall not, by reason of his receiving any payment or benefiting under or being interested or concerned in any contract or proposed contract of insurance under this section, be disqualified from being or continuing a member of the Superannuation Board nor be disqualified with respect to any appointment under this Act or any other Act or law, and if a member of the Board is present at a meeting of the Board at which a contract or proposed contract or other matter under this section is the subject for consideration, he shall be entitled to take part in the consideration or discussion of or vote on any question with respect to the contract or proposed contract or other matter notwithstanding any such payment, benefit, interest or concern.

(3) All expenditure by the Board in respect of any contract under this section shall be deemed to be expenditure in respect of the administration of the Scheme and met accordingly.

(4) In this section the term "injury" means personal injury arising out of or in the course of the performance of the duties of office or arising out of or in the course of a journey specified in this section and includes a disease that is contracted by a member in the course of the performance of the duties of his office or of such a journey; and the term "dependants" in reference to a member shall have the same construction as the term "dependants" has in reference to a worker under the *Workers' Compensation Act 1916-1974*.

**368. Functions and duties of Board.** (1) In addition to its other functions and duties pursuant to this Part, the Superannuation Board shall—

- (a) manage or superintend the management of the Scheme;
- (b) keep the Commission and the Electricity Authorities advised on matters affecting the operation, control and administration of the Scheme.

(2) The Board may, with the approval of the Governor in Council, arrange with a person, being a body corporate, for the management of the Scheme by the body corporate or for the body corporate to invest as the agent of the Board moneys standing to the credit of the Scheme.

**369. Investments.** (1) The Superannuation Board may invest moneys vested in it in manner approved by the Governor in Council.

(2) An approval by the Governor in Council of the manner in which funds may be invested may be either a continuing approval authorizing the investment of moneys in a particular form of investment or an approval for a specific investment.

**370. Annual accounting period.** (1) The Superannuation Board may adopt for its annual accounting period such period of one year as it thinks fit and may by resolution vary such period.

(2) The Board shall notify the Auditor-General, the Commission and each Electricity Authority of any variation made by it with respect to the annual accounting period.

(3) The first annual accounting period shall be the period commencing on the day of the commencement of the Scheme and concluding on the last day of the annual accounting period adopted by the Board first occurring after the day of commencement of the Scheme although such firstmentioned period may be less than one year.

**371. The Articles.** (1) The terms, conditions, benefits and rules of the Scheme and for its administration shall be contained in a document to be called "The Articles of the Queensland Electricity Supply Industry Employees' Superannuation Scheme", being "the Articles" referred to in section 362 (1).

(2) The Articles have no effect until approved by the Governor in Council by Order in Council, which Order in Council shall set out the Articles.

(3) (a) Subject to paragraph (b), the Minister shall not submit the Articles to the Governor in Council for approval until the Commissioner certifies to the Minister that the draft of the Articles has been approved—

- (i) by not less than five of the eight Electricity Authorities being the Generating Board and the Electricity Boards referred to in section 103 and that the Generating Board and The South East Queensland Electricity Board are included in those Electricity Authorities that have approved the draft of the Articles; and
- (ii) by the trustees of each existing superannuation and provident fund referred to in clause 2 (1) of the Fifth Schedule the benefits, existing and accruing rights, privileges and liabilities of which are affected by the Articles.

(b) Where the Commissioner cannot certify to the Minister in terms of paragraph (a) by reason of the fact that trustees of any existing fund have not approved the draft of the Articles in respect of provisions that are relevant to that fund, he shall certify to the Minister in terms of paragraph (a) as far as he is able and shall include in his certificate particulars relating to the absence of approval of the trustees in question, and the Minister may thereupon submit the Articles to the Governor in Council for approval provided he submits therewith a statement prepared by or on behalf of those trustees, if one is made available to him, setting out the reasons why approval has not been given.

(4) The Articles may be amended from time to time by the Superannuation Board, but no such amendment shall become effective until the Commissioner certifies to the Minister that the draft amendment has been approved by a majority of Electricity Authorities being the Generating Board and the Electricity Boards constituted for the time being and until the amendment is approved by the Governor in Council by Order in Council, which Order in Council shall set out such amendment.

**372. Staff retiring provident account.** (1) The Articles shall provide, amongst other things, for a Staff Retiring Provident Account which shall be managed as part of the Scheme.

(2) The provisions relating to the Provident Account and the eligibility to contribute thereto shall include a provision that any person who is employed in the service of the electricity supply industry may voluntarily make contributions to the Provident Account additional to his other contributions under this Act or to his contributions to the State Service Superannuation Fund on the basis that contributions so made shall not be subsidized by the employer.

**373. Records of contributors, etc.** The Superannuation Board shall keep or cause to be kept such records of contributors, contributions and entitlements as may be necessary for the administration of the Scheme.

**374. Accounts.** (1) The Superannuation Board shall cause to be kept such accounts as will properly record the financial transactions of the Board and shall arrange for the preparation and the presentation of suitable financial statements. Such financial statements shall be certified on behalf of the Board by the chairman and the manager.

(2) The Board shall observe any direction with regard to the keeping of accounts and the preparation of financial statements that is received in writing from the Commission and the Auditor-General.

**375. Actuarial investigation of the Scheme.** (1) An investigation as to the state and sufficiency of the funds standing to the credit of and accruing due to the Scheme shall be made before the expiration of five

years from the day of commencement of the Scheme, and thereafter such an investigation shall be made periodically so that there shall not be a period longer than five years between successive such investigations.

(2) The Superannuation Board may determine that the maximum period elapsing between successive investigations shall be a period that is less than five years, in which case the investigations shall be made in accordance with such determination.

(3) The investigation shall be made by an actuary appointed by the Superannuation Board for the purpose.

(4) The actuary shall report to the Board the result of his investigation, including comments with respect to—

- (a) the sufficiency of transfers to and actuarial soundness of the Scheme either generally or in respect of any particular benefit;
- (b) if a surplus is shown, the manner in which such surplus should be dealt with; and
- (c) any other actuarial matter affecting the Scheme as may be required by the Superannuation Board,

and shall make in his report such recommendations as he deems necessary or desirable having regard to the purpose and result of the investigation.

(5) The Superannuation Board may act as it deems advisable with respect to any recommendation made by the actuary in such a report, but shall, when such report is received from the actuary, send a copy to the Commission and to each Electricity Authority forthwith.

**376. Special actuarial investigation.** (1) The Governor in Council may at any time appoint an actuary to conduct a special actuarial investigation of the Scheme or of any particular benefit provided for under the Articles.

(2) The terms of reference for such special actuarial investigation shall be determined by the Governor in Council.

(3) The report of the actuary shall be forwarded to the Minister for transmission to the Governor in Council.

(4) Unless the Governor in Council otherwise directs, the costs of such special actuarial investigation shall be borne by the Superannuation Board.

**377. Contribution to the Scheme.** (1) A person who becomes employed in the electricity supply industry after the commencement of the Scheme may, on becoming so employed, and shall, upon completion of 12 months' continuous service, become a contributor to the Scheme unless the Articles otherwise provide.

(2) A person who is employed in the electricity supply industry prior to the day of commencement of the Scheme may, subject to the provisions of the Fifth Schedule, contribute to the Scheme upon or after such commencement.

(3) An employee who contributes to the Scheme pursuant to this Act and an employer shall make the contributions to the Scheme required to be made by the Articles in the particular case.

(4) The Superannuation Board may, subject to the provisions of the Articles, require any person who, pursuant to this Act, is required to contribute to the Scheme or may contribute to the Scheme and elects to do so to undergo a medical examination by a medical practitioner designated by the Board, and that person shall undergo such medical examination on being so required. The fee for such medical examination shall be paid by the employer.



**378. Employer to perform certain functions of the Board.** The Superannuation Board may require an employer to perform with respect to his employees any function of the Board directly related to the acceptance of new contributors to the Scheme, the collection and recording of employees' and the employer's contributions and the payment of benefits under the Scheme and such other matters as may be prescribed.

**379. Local superannuation committees.** (1) A local superannuation committee comprising the Commissioner or General Manager, as the case may be, or his nominee, an employer's representative appointed by the Commission or the Electricity Authority, as the case may be, and an employees' representative appointed in manner provided in the Articles shall be established for the Commission and for each Electricity Authority in which contributors to the Scheme are employed.

(2) Each local superannuation committee shall—

- (a) advise the Superannuation Board, the employer and the contributors to the Scheme on matters related to the administration and operation of the Scheme;
- (b) co-operate with the employer in the performance of functions of the Superannuation Board that the Board has required be performed on its behalf by the employer.

**380. Contributors to the State Service Superannuation Fund.** (1) A person who immediately prior to the commencement of this Act is a contributor to the State Service Superannuation Fund and who on such commencement becomes an employee of the electricity supply industry pursuant to this Act shall continue to contribute to that Fund.

(2) The employer shall deduct from that person's salary his contributions to the State Service Superannuation Fund and remit them to the State Service Superannuation Board.

(3) That employer shall also be liable for and shall pay to the Treasurer the employer's contribution to the State Service Superannuation Additional Benefits Fund referred to in section 52 of the *State Service Superannuation Act 1972-1975*.

(4) An employee in the electricity supply industry who is a contributor to the State Service Superannuation Fund shall not also contribute to the Scheme except as a contributor to the Staff Retiring Provident Account as provided in section 372.

**381. Commencement of the Scheme.** Subject to this Act, the Scheme shall commence on a day to be fixed by Proclamation, being a day subsequent to the day of the publication in the Gazette of the Order in Council referred to in section 371 (2).

#### PART XIV—OFFENCES AND PROCEEDINGS

##### *Division I—Offences Relating to Works, Use of Electricity and Other Matters*

**382. Stealing electricity.** A person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes or uses electricity provided in pursuance of this Act steals that electricity and is punishable accordingly under the provisions of *The Criminal Code* with respect thereto.

**383. Unlawfully in or upon buildings, etc.** (1) A person who—

- (a) is found in any building or enclosure that houses electrical equipment forming part of the works of an Electricity Authority; or

- (b) climbs any post, standard, pole or other structure carrying an electric line of an Electricity Authority or any ladder attached to or in contact therewith

is guilty of an offence unless his being in the building or enclosure or his climbing of the post, standard, pole or other structure or ladder is with the consent of the Electricity Authority or is otherwise authorized, justified or excused by law.

Penalty: \$1 000 or imprisonment for 6 months or both.

**384. Potential damage to electric lines by projectiles.** A person who—

- (a) discharges a firearm in the vicinity of an electric line in such a manner that the electric line is likely to be damaged by the projectile from such firearm; or
- (b) projects any object in the direction of an electric line in circumstances under which the electric line is likely to be damaged thereby or the supply of electricity interrupted

is guilty of an offence.

Penalty: \$1 000 or imprisonment for 6 months or both.

**385. Interfering with works of an Electricity Authority.** A person who wilfully and unlawfully interferes with any works of an Electricity Authority is guilty of an offence.

Penalty: \$1 000 or imprisonment for 6 months or both.

**386. Arrest without warrant in certain cases.** A member of the police force may arrest without warrant any person found by him committing an offence against section 383, 384 or 385.

**387. Forgery of certificates or other documents, false entries and false declarations.** A person who—

- (a) forges or counterfeits any certificate or other document authorized to be issued pursuant to this Act;
- (b) gives or signs any such certificate or document knowing it to be false in any material particular;
- (c) knowingly utters or makes use of any such certificate or document so forged or counterfeited, or which is false as aforesaid;
- (d) knowingly utters or makes use of as applying to any person any such certificate or document which does not so apply;
- (e) personates any person named in any such certificate or document;
- (f) falsely pretends to be an inspector;
- (g) connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid;
- (h) makes a false entry in any register, record book, other record, notice, certificate or other document required by, under or for the purposes of this Act to be kept, exhibited or delivered, served or sent;
- (i) makes or signs a false declaration required by, under or for any purpose of this Act; or

(j) knowingly makes use of any such false entry or declaration as aforesaid  
is guilty of an offence.

Penalty: \$200 or imprisonment for 3 months or both.

**388. Offences relating to use of electricity.** (1) A person who—

- (a) constructs an electric line to connect with any electric line belonging to an Electricity Authority without its consent;
- (b) interferes with any meter belonging to an Electricity Authority;
- (c) supplies any other person with any part of the electricity supplied to him by an Electricity Authority save in accordance with the provisions of this Act;
- (d) alters the index to any meter;
- (e) prevents any meter from duly registering the quantity of electricity supplied; or
- (f) save with the consent of a consumer or pursuant to a provision of this Act, connects, disconnects or otherwise interferes with the supply of electricity to such consumer

is guilty of an offence.

Penalty: \$200 or imprisonment for 3 months or both.

(2) In any case as aforesaid the Electricity Authority may, until the matter complained of has been remedied but no longer, discontinue the supply of electricity to any consumer.

**389. Manner of depositing of certain material unlawful.** A person who, without lawful excuse, deposits or stacks any material in the vicinity of an electric line in a manner whereby the clearance of such electric line from such material on the ground is reduced to less than the prescribed minimum clearance is guilty of an offence.

Penalty: \$100.

**390. Attachment of signs, etc. to works unlawful.** (1) A person who, without the permission in writing of an Electricity Authority, attaches any sign, placard, document, writing or painting to any part of the works of such Electricity Authority is guilty of an offence.

Penalty: \$100.

(2) Notwithstanding the provisions of subsection (1), it is not competent for an Electricity Authority to give any permission referred to therein to any person, other than an employee of such Electricity Authority acting in the course of his employment, to attach any sign, placard, document, writing or painting to any part of the works of the Electricity Authority on or within a road unless such person has first obtained from the Local Authority for the area in question a certificate in writing that the Local Authority consents to such sign, placard, document, writing or painting being so attached; and a permission given by the Electricity Authority without the consent of the Local Authority as aforesaid is not a permission in writing for the purposes of subsection (1).

*Division II—Offences with respect to Provisions of this Act***391. Obstructing electrical inspector.** (1) A person shall not—

- (a) assault, resist or obstruct an electrical inspector in the exercise of his powers or in the performance of his duties under this Act, or attempt so to do;
- (b) fail to answer any question put to him by an electrical inspector pursuant to an inquiry by the inspector under section 24 (d) as to the identity and qualifications of the person or persons by whom electrical work referred to in the said section 24 (d) is being or was performed or give any false or misleading answer to any such question;
- (c) fail to comply with the lawful requisition or any part of the lawful requisition of an electrical inspector;
- (d) fail without reasonable excuse, the proof whereof shall lie upon him, to produce, any certificate, permit or licence or any book, notice, record, list or writing that he is required under this Act by an electrical inspector to produce, or fail to allow an electrical inspector to take a copy of or extract from any such certificate, permit, licence, book, notice, record, list or writing;
- (e) directly or indirectly prevent any person from appearing before or being questioned by an electrical inspector, or attempt so to do;
- (f) use any threat or any abusive or insulting language to any electrical inspector or to an employee with respect to any inspection, examination or questioning in pursuance of this Act.

(2) Notwithstanding any provision of this Act, a person is not required, in respect of any matter within the application of this Act, to answer any question, furnish any information or produce any evidence that tends to incriminate himself.

(3) Where an electrical inspector, pursuant to section 24 (c), has called to his aid a member of the police force and that member observes a person committing an offence against paragraph (a), (e) or (f) of subsection (1), he may arrest without warrant that person.

**392. Offence in relation to rationing or restriction order.** A person who contravenes or fails to comply with any provision of an order made pursuant to section 61 or 62 is guilty of an offence.

**393. Obstructing, etc., authorized person exercising powers under section 63.** A person who obstructs, resists or assaults an authorized person in the exercise of his powers under section 63 is guilty of an offence.

**394. Failure to permit inspection of books by member.** A person having the custody of any book, paper, correspondence, document or other writing belonging to or relating to the business of the Generating Board or of an Electricity Board who fails to permit inspection of the same by a member of the Generating Board or such Electricity Board, as the case may be, is guilty of an offence.

**395. Failure of member to disclose interest.** A member of the Generating Board or of an Electricity Board who—

- (a) has a pecuniary interest, direct or indirect, in any contract or proposed contract or other matter; and
- (b) is present at a meeting of the Generating Board or Electricity Board, as the case may be, at which the contract or proposed contract or other matter is the subject for consideration,

who fails at the meeting, as soon as practicable after the commencement thereof, to disclose the fact of such pecuniary interest or takes part in the consideration or discussion of, or votes on any question with respect to, the contract or proposed contract or other matter is guilty of an offence unless he proves that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

**396. Wrongly acting as member of Board.** A person who—

- (a) acts as chairman or a member of the Generating Board or an Electricity Board before he is capable of acting as such, knowing he is not then so capable;
- (b) continues to act as chairman or a member of the Generating Board or an Electricity Board after he has or is deemed to have vacated his office as chairman or a member knowing he has or is deemed to have so vacated his office

is guilty of an offence.

**397. Doing acts without or contrary to licence.** A person who—

- (a) not being the holder of a subsisting licence issued under Division IV of Part III, does any of the things referred to in section 138 (1) in respect of which the Minister may issue such a licence;
- (b) being the holder of a subsisting licence issued under Division IV of Part III, does the thing in respect of which the licence is issued otherwise than in compliance in all respects with the provisions and conditions of such licence

is guilty of an offence.

**398. Offences by holder of licence.** (1) The holder of a licence authorized, pursuant thereto, to supply electricity that is supplied by him for reward who, without the approval of the Minister, during the continuance of the licence—

- (a) sells or otherwise disposes of his undertaking or any part thereof except upon such terms and conditions as shall have been approved by the Minister;
- (b) ceases to carry on his undertaking except upon such conditions providing for the transfer of the licence to another person as shall have been approved by the Minister

is guilty of an offence.

(2) In this section the term “undertaking” includes works and also the operations incidental to the carrying out by the holder of the licence in question of the business of supplying electricity in accordance with the terms and conditions of the licence.

**399. Offences relating to consumers' generating plants for emergency supply.** A consumer who—

- (a) fails to notify an Electricity Authority or, as the case may be, the holder of a licence under this Act to supply electricity that he is installing a generating plant on his premises that may be used to provide an emergency supply of electricity to his electrical installation or to his electrical installation and the electrical installation of another consumer during an interruption of supply of electricity from the Electricity Authority or from the holder of the licence;
- (b) fails to ensure that the installation of such a plant referred to in paragraph (a) complies with the requirements of the Standards Association of Australia Wiring Rules applicable thereto;
- (c) fails to ensure that, when such a plant referred to in paragraph (a) is operating to give emergency supply to his electrical installation or, as the case may be, to his electrical installation and the electrical installation of another consumer, it is installed in a manner to provide that—
  - (i) in the case where the electrical installation is not earthed as part of a multiple earthed neutral system of earthing, all conductors of the electrical installation are isolated from the supply of the Electricity Authority or, as the case may be, the holder of the licence; or
  - (ii) in the case where the electrical installation is earthed as part of a multiple earthed neutral system of earthing, all conductors of the electrical installation except the neutral conductor are isolated from the supply of the Electricity Authority or, as the case may be, holder of the licence and the neutral conductor is not broken save where this has been approved in writing by the Commission

is guilty of an offence.

**400. Offences relating to installation work.** (1) An electrical contractor who—

- (a) connects to the source of supply, or knowingly permits or suffers to be connected to the source of supply by a person other than an installation inspector, any electrical installation work undertaken by him as an electrical contractor that is required to be inspected and connected by an installation inspector;
- (b) fails to ensure that electrical installation work undertaken by him that is required to be tested by him or an electrical mechanic whose name is endorsed upon the electrical contractor's licence or an electrical mechanic employed by him who actually supervised or performed such work is tested as prescribed;
- (c) fails to ensure that, upon the carrying out of the testing and connecting of additions or alterations to an electrical installation as referred to in section 180, a report is issued to the consumer in the prescribed form setting out the additions or alterations so connected and certifying that he has caused them to be tested and connected in accordance with this Act;

- (d) fails to ensure that a copy of the report referred to in paragraph (c) is forwarded to the Electricity Authority for the Area within which the additions or alterations were connected to the source of supply within 48 hours of the time the additions or alterations were so connected

is guilty of an offence.

(2) An electrical contractor or an electrical mechanic whose name is endorsed upon the licence of that electrical contractor who—

- (a) issues a report to a consumer as required by section 180 (3) which is, to his knowledge, false in any particular contained therein;
- (b) forwards to the Electricity Authority referred to in subsection (1) (d) a document purporting to be a copy of a report required to be forwarded to that Electricity Authority pursuant to section 180 (4) which, to his knowledge, is not a true copy of such report

is guilty of an offence.

**401. Unauthorized person not to connect installation work.** A person, other than a person who is authorized pursuant to this Act to connect electrical installation work to the source of supply, who so connects electrical installation work to the source of supply is guilty of an offence.

**402. Unauthorized re-connexion of disconnected installation.** A person who re-connects to the source of supply an electrical installation or part thereof that has been disconnected by an electrical inspector or an installation inspector pursuant to section 182, and who is not the electrical mechanic who has performed the necessary repairs or has satisfied himself that the necessary repairs have been performed by an electrical mechanic, is guilty of an offence.

**403. Failure to report electrical accidents on consumer's installation or interference with equipment.** (1) A consumer who, on becoming aware that a person has sustained an electric shock on the consumer's premises—

- (a) fails forthwith to report such occurrence to the Electricity Authority that supplies electricity to him;
- (b) interferes with or does not prevent interference with equipment associated with the shock (such interference not being solely action he considers necessary to prevent further shock or injury) before the incident has been investigated by the Electricity Authority

is guilty of an offence.

(2) An electrical contractor who fails to report, in accordance with section 183 (2), an electrical accident that causes him or his employee to sustain electric shock or personal injury is guilty of an offence.

(3) A person other than the consumer who interferes with equipment associated with an electric shock sustained by a person on the premises of a consumer (such interference not being solely action he considers necessary to prevent further shock or injury) before the incident has been investigated by the Electricity Authority that supplies electricity to the consumer is guilty of an offence.

**404. Obstructing installation inspector.** (1) A person who assaults, resists or obstructs an installation inspector in the exercise of his powers or in the performance of his duties under this Act, or attempts to do so, is guilty of an offence.

(2) Where an installation inspector, pursuant to section 187, has called to his aid a member of the police force and that member observes a person committing an offence against subsection (1), he may arrest without warrant that person.

**405. Obstruction of or interference with Commission or Electricity Authorities in respect of activities under Part V.** (1) A person who—

(a) without lawful authority destroys, mutilates, defaces, takes away or alters the position of any trigonometrical station, survey peg, mark or pole fixed or set up by any person acting pursuant to a power vested in the Commission or an Electricity Authority under Part V;

(b) wilfully obstructs or attempts to obstruct any person acting pursuant to a power vested in the Commission or an Electricity Authority under the said Part V

is guilty of an offence.

(2) Upon conviction of a person for an offence against subsection (1)(a), the court may, in addition to any penalty that may be imposed, order him to pay to the Commission or the Electricity Authority concerned a reasonable sum for the expenses of or incidental to the reinstatement or resetting of the station, peg, mark or pole in question or a station, peg, mark or pole in substitution therefor.

**406. Structures within prescribed distances of electric lines.** (1) A person proposing to erect or add to a structure in the circumstances referred to in section 211 (2) or section 212 (1) who fails to give the notification referred to in section 211 (2) or section 212 (1), as the case requires, as, when and in the manner required by the said section 211 (2) or section 212 (1), as the case requires, is guilty of an offence.

(2) Upon conviction of a person for an offence against subsection (1), the court may, in addition to any penalty that may be imposed, order him to pay to the Electricity Authority concerned the cost incurred by it in protecting its works during the period of the progress of the work on the structure or additions and—

(a) in the case of an overhead electric line referred to in section 211 in placing underground or otherwise relocating or modifying the overhead electric line so that the prescribed distance from the structure or additions is maintained;

(b) in the case of an underground electric line referred to in section 212, in relocating or modifying the underground electric line to ensure that it remains accessible to its employees for the purpose of operating and maintaining it or for any other reason arising from the encroachment on or under a road of the structure or additions.

**407. Sale of prescribed electrical article when not approved.** (1) A person shall not at any time after the date specified for the purpose by an Order in Council under section 262 sell or hire or offer, expose or



advertise for sale or hire or cause to be sold or hired or offered, exposed or advertised for sale or hire a prescribed electrical article within the meaning of the said section unless it is then approved by the Commission or approved by the Statutory Approvals Authority of some other State or a Territory of the Commonwealth.

(2) In this section, the expressions " Statutory Approvals Authority " and " approved by the Statutory Approvals Authority of some other State or a Territory of the Commonwealth " have the meanings they have in Part IX pursuant to section 278.

**408. Sale or representation in cases of special risk.** A person who—

- (a) sells or hires or offers for sale or hire or exposes or advertises for sale or hire any prescribed electrical article, in respect of which a certificate of approval has been given pursuant to section 265, for use outside buildings or in any hazardous or damp situation or other situation involving a special risk without being permitted or authorized to do so by statement contained in the certificate of approval;
- (b) represents that a prescribed electrical article is approved for use outside buildings or in any hazardous or damp situation or other situation involving a special risk where a certificate of approval has not been given by the Commission with respect thereto that states therein that such article is approved for such use

is guilty of an offence.

**409. Offences relating to contravention of or failure to comply with orders or notices made or given with respect to certain electrical articles for safety reasons.** A person who—

- (a) contravenes or fails to comply with any requirement of an order of an electrical inspector made under subsection (1) or subsection (2) of section 280 applicable to him;
- (b) sells or hires or offers, advertises or exposes for sale or hire any electrical article referred to in section 280 (5) the sale or hire or the offering, advertising or exposing for sale or hire of which is prohibited by notice under the said section 280 (5);
- (c) being prohibited by a direction contained in an order issued under section 281 from selling or hiring or offering, advertising or exposing for sale or hire or using a non-prescribed electrical article as referred to in that section, sells or hires or offers, advertises or exposes for sale or hire or, subject to section 282 (2), uses any such electrical article contrary to such direction

is guilty of an offence.

Penalty: \$200, and daily penalty, if the offence is continued after conviction therefor, \$50 for every day on which the offence is so continued.

**410. Offences relating to sale of second-hand electrical articles.**

(1) A person who—

- (a) sells or offers, exposes or advertises for sale or causes to be sold or offered for sale a second-hand electrical article to which is not affixed thereto a label or, if it is impracticable to affix a label thereto by adhesion, to which is not attached

thereto by string or other suitable means a label required to be so affixed or attached in accordance with the requirements of Division IV of Part IX;

- (b) affixes or attaches or causes to be affixed or attached to a second-hand electrical article a label that to his knowledge certifies or states anything that is incorrect in any particular;
- (c) not being a bona fide purchaser of a second-hand electrical article or a person authorized by the purchaser, removes from the second-hand electrical article a label certifying that the article has been tested and found to be electrically safe;
- (d) not being an electrical worker who is qualified and permitted under Part XI and who has been authorized to test or repair a second-hand electrical article and not being a person who is dismantling a second-hand electrical article, not intending to reassemble it, removes from the second-hand electrical article a label stating that the electrical article has not been proved electrically safe

is guilty of an offence.

(2) This section is not applicable in the case of a person who sells a second-hand electrical article to a person whose business includes the dealing in or repairing or reconditioning of electrical articles.

**411. Installation of cathodic protection system without permission.** A person who at any time after the commencement of this Act installs a cathodic protection system without the permission of the Commission is guilty of an offence.

**412. Operation of existing cathodic protection system without authority.** A person operating a cathodic protection system in operation at the commencement of this Act who fails within three months from such commencement to apply to the Commission in manner prescribed for authority to continue to operate the system is guilty of an offence.

**413. Operating cathodic protection system where authority to operate suspended.** A person who operates a cathodic protection system whilst the authority to operate the system is suspended under section 286 (1) is guilty of an offence.

Penalty: \$1 000, and daily penalty, if the offence is continued after conviction therefor, \$100 for every day on which the offence is so continued.

**414. Use of unlicensed private plant to which Act declared to apply.**  
Any—

- (a) owner of a generating plant to which, by Order in Council under section 299, this Act is declared to apply who, whilst the Order in Council continues in force, operates the generating plant for generating electricity save under the authority of and in compliance in every respect with the conditions of a licence under Division IV of Part III;
- (b) person who, whilst an Order in Council under section 299 continues in force, uses electricity generated by the generating plant to which this Act applies pursuant to the Order in Council save where the generating plant is operated under the authority

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of and in compliance in every respect with the conditions of a licence under Division IV of Part III and that person uses the electricity in compliance in every respect with the provisions of this Act

is guilty of an offence.

Penalty: \$1 000, and daily penalty, if the offence is continued after conviction therefor, \$100 for every day on which the offence is so continued.

**415. Erection of wires by consumer without approval.** A consumer who erects any consumer's wires over, upon, across or under any road save with the approval of the Commission pursuant to section 189 (1) is guilty of an offence.

**416. Uncertificated person performing electrical work.** (1) Subject to section 322 (4), a person who—

- (a) not being the holder of a certificate of competency or a permit, connects, disconnects, interferes with or removes any fixed portion of an electrical installation or does any electrical work specified in any of the definitions under this Act "electrical fitter", "electrical joiner", "electrical linesman" or "electrical mechanic";
- (b) being the holder of a certificate of competency (not being a restricted certificate) performs any electrical work other than electrical work that is appropriate according to the definition of the type of electrical worker he is;
- (c) being the holder of a restricted certificate or of a permit, performs any electrical work other than electrical work that is specified in the restricted certificate or permit, as the case may be, held by him

is guilty of an offence.

(2) Where a person connects, disconnects, interferes with or removes any fixed portion of an electrical installation or does or performs any electrical work contrary to subsection (1) in the capacity of an employee—

- (a) that person's employer as well as the person himself is guilty of the offence and may be proceeded against and punished accordingly;
- (b) and his foreman or person supervising his work suffers or permits him as such an employee to connect, disconnect, interfere with or remove any fixed portion of an electrical installation or do or perform any electrical work contrary to subsection (1), the foreman or person supervising as aforesaid as well as the employee is guilty of the offence and may be proceeded against and punished accordingly.

**417. Misrepresentation with respect to electrical work.** (1) A person who—

- (a) represents that an electrical article offered for sale may lawfully be connected to the supply mains of an Electricity Authority by a person who is not an electrical worker where that person who is not an electrical worker may not lawfully connect the electrical article to such supply mains;

(b) in any oral statement or in any writing published by him states that any electrical work may be performed by a person who is not an electrical worker

is guilty of an offence.

(2) Where a person makes any representation or statement referred to in subsection (1) in the capacity of an employee, he is guilty of the offence pursuant to subsection (1) and his employer shall be deemed to be guilty of the offence and may be proceeded against and punished accordingly.

**418. Unlicensed person carrying on business as electrical contractor.**

(1) A person, unless licensed under this Act as an electrical contractor, shall not—

- (a) exercise or carry on, or advertise, notify or state that he exercises or carries on, the business of electrical contracting;
- (b) contract or undertake to carry out or in any way hold himself out to the public as willing to carry out any electrical installation work; or
- (c) save as authorized by section 338 (1) (d), employ any person to carry out, in the capacity of his servant, any electrical installation work for any purpose of or connected with adding to or altering any subsisting electrical installation or of installing any new electrical installation.

Penalty: \$200; and daily penalty, if the offence is continued after conviction therefor, \$50 for every day on which the offence is so continued.

(2) It is a defence for any person proceeded against under this section to prove that, with respect to the matter the subject of the complaint, he acted as a member of a firm or partnership that at the relevant time was licensed under this Act as an electrical contractor.

*Division III—Proceedings Generally*

**419. General penalty.** A person who contravenes or fails to comply with any provision of this Act is guilty of an offence and, save where a specific penalty is otherwise provided or provision is otherwise made with respect to the offence, is liable to a penalty of \$200.

**420. Summary proceedings.** (1) Subject to section 382, offences against this Act may be prosecuted and amounts of fees, charges or other moneys payable under this Act and not paid may be recovered in a summary way under the *Justices Act 1886–1975*.

(2) A prosecution for an offence against this Act may be commenced within one year from the time when the matter of complaint arose or within 6 months after the matter of complaint comes to the knowledge of the complainant, whichever is the period later to expire.

**421. Institution of proceedings.** (1) Proceedings for any offence against this Act and proceedings for the recovery of a fee, charge or other money payable under this Act to the Commission and not paid may be instituted by the Commission.

(2) Proceedings for an offence under Division I may be instituted by a member of the police force.

(3) Proceedings for any offence against this Act may be instituted by an Electricity Authority aggrieved and proceedings for the recovery of a fee, charge or other money payable under this Act to an Electricity Authority and not paid may be instituted by the Electricity Authority.

(4) Proceedings for an offence against this Act may be instituted by a person authorized in writing by the Minister to institute the proceedings in the particular case.

**422. Appearance by Commission and Electricity Authorities.** (1) The Commission may appear before any court or in any proceeding by the Commissioner or by any employee or other person authorized generally or in respect of any special proceeding by writing under the seal of the Commission; and the Commissioner or any employee or other person so authorized may institute and carry on any proceedings that the Commission is authorized to institute and carry on under this Act.

(2) The Generating Board or an Electricity Board may appear before any court or in any proceeding by the General Manager or by any employee of the Board in question authorized generally or in respect of any special proceeding by writing under the seal of such Board; and the General Manager or any employee so authorized may institute and carry on any proceedings that the Board is authorized to institute and carry on under this Act.

(3) The Council of the Shire of Tenterfield in the State of New South Wales and the Council of the North-West County District in the State of New South Wales as Electricity Authorities pursuant to this Act may appear before any court or in any proceeding by the Shire Clerk or the County Clerk or by any officer of the Council in question authorized generally or in respect of any special proceeding by writing under the hand of the Shire Clerk or County Clerk; and the Shire Clerk or County Clerk or any officer of the Council so authorized may institute and carry on any proceedings that the Council is authorized to institute and carry on under this Act.

(4) A person who has, pursuant to this section, instituted and carried on proceedings on behalf of the Commission or an Electricity Authority shall be reimbursed by the Commission or the Electricity Authority, as the case may be, all costs, charges and expenses to which he may be put or with which he may become chargeable in respect of such proceedings.

**423. Appropriation of penalties.** (1) All penalties or other moneys recovered in respect of offences against this Act shall be appropriated—

- (a) to the Consolidated Revenue Fund where the offender has been arrested or where he has been proceeded against by way of complaint and summons on the complaint of a member of the police force;
- (b) to the Fund where the proceedings have been instituted by or on behalf of the Commission;
- (c) where the proceedings have been instituted by or on behalf of an Electricity Authority, to that Electricity Authority;
- (d) to the Consolidated Revenue Fund where the proceedings have been instituted by a person authorized in writing by the Minister.

(2) Nothing contained in this section affects any power a court has to make any order it thinks fit with respect to payment of restitution consequent upon the conviction of a person for an offence against this Act.

**424. Damages with respect to injury to or removal of electric lines or works.** (1) A person who wilfully, fraudulently or by culpable negligence injures or removes or suffers to be injured or removed any electric lines or works belonging to an Electricity Authority is liable to pay to the Electricity Authority, without prejudice to any other right or remedy available for the protection of the Electricity Authority and without prejudice to any provision for the punishment of the offender for an offence, the amount of any damage sustained by it.

(2) The amount of such damage may be recovered—

- (a) in a summary way under the *Justices Act 1886–1975*; or
- (b) as a debt due and owing to the Electricity Authority by action in any court of competent jurisdiction; or
- (c) where the offender is convicted of an offence arising out of the injuring or removing referred to in subsection (1), by an order of the court upon such conviction for the payment by the offender of such amount to the Electricity Authority.

**425. Satisfaction for damage carelessly or accidentally caused.** An Electricity Authority may, without prejudice to any other action or remedy available to it, recover in a summary way under the *Justices Act 1886–1975* such sum of money by way of satisfaction for damage done as the court thinks fit, but not exceeding \$2 000, from any person who carelessly or accidentally breaks, throws down or damages any electric line or other works belonging to the Electricity Authority or under its control.

**426. Commission or Electricity Authority may take representative proceedings.** In any case in which the Attorney-General might take proceedings on the relation or on behalf of or for the benefit of the Commission or an Electricity Authority for or with respect to enforcing or securing the observance of any provisions made by or under this Act or any other Act conferring powers or imposing duties upon the Commission or such Electricity Authority, the Commission or, as the case may be, such Electricity Authority shall be deemed to represent sufficiently the interests of the public and may take proceedings in its own name.

**427. Requirements as to examination or inspection in case of action for damages.** (1) A person is not entitled to recover against the Commission or an Electricity Authority damages in respect of any injury to the person or damage to property alleged to have been sustained by himself or any other person by reason of the negligence of the Commission or the Electricity Authority, as the case may be, unless—

- (a) in the case of injury to the person, a medical practitioner nominated by the Commission or the Electricity Authority, as the case may be, is, on the demand of the Commission or the Electricity Authority, permitted to examine the person injured, and all facilities and information shall be given to the medical practitioner necessary to enable him to ascertain fully the nature and extent of the injury, but the injured person is entitled to have such examination made in the presence of his own medical practitioner;

(b) in the case of damage to property, an employee of the Commission or the Electricity Authority, as the case may be, is, on the demand of the Commission or the Electricity Authority, permitted to inspect the property damaged, and all facilities and information shall be given to the employee necessary to enable him to ascertain fully the value of the property damaged, the nature and extent of the damage, and the amount of money, if any, expended in repairing the same.

(2) Non-compliance with all or any of the provisions of subsection (1) shall not act as a bar to the maintenance of an action or to the recovery of damages therein if the court that determines the action is of opinion that there was reasonable excuse for such non-compliance.

*Division IV—Evidentiary Matters*

**428. Facilitation of proof.** (1) In any proceeding under or for the purposes of this Act—

- (a) it shall not be necessary to prove the appointment of the Commissioner, a Deputy Commissioner, the secretary to or an electrical inspector or other employee of the Commission, the chairman or member of an Electricity Authority, the General Manager of, secretary to or other employee of an Electricity Authority, the chairman or member of The Electrical Workers and Contractors Board, the chairman or member of The Queensland Electricity Supply Industry Superannuation Board or the chairman or member of any committee, council or other body constituted or established pursuant to this Act;
- (b) it shall not be necessary to prove that an installation inspector is authorized to act as such by the Commission pursuant to section 184;
- (c) a signature purporting to be that of any person in any capacity referred to in paragraph (a) shall be taken to be the signature it purports to be until the contrary is proved;
- (d) every part of a register or record kept under this Act, and an extract or any part of any such register or record purporting to be certified as correct by the registrar or other employee stated in the certification as having custody or control of the register or record, shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein;
- (e) every duplicate or copy of a licence, certificate or permit issued under this Act or of an order or determination of the Commission shall, upon its production, be admissible as evidence of the licence, certificate, permit, order or determination of which it is produced as a duplicate or copy and, in the absence of evidence in rebuttal thereof, shall be conclusive such evidence;
- (f) a writing purporting to be issued or written by or under the direction of the Commission or an Electricity Authority and purporting to be signed by the secretary or other employee of the Commission or Electricity Authority, as the case may be, as being authorized to sign the writing shall be received in evidence and be deemed to be issued or written by or under the direction of the Commission or Electricity Authority until the contrary is proved;

- (g) a certificate purporting to be signed by the secretary to the Commission certifying that a person named therein was or was not, at a date or during a period specified therein, the holder of a subsisting licence, certificate or permit issued pursuant to this Act or certifying that any such licence, certificate or permit was not issued subject to terms, conditions or restrictions or was issued subject to terms, conditions or restrictions specified in the certificate shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate;
- (h) a certificate purporting to be signed by the secretary to The Electrical Workers and Contractors Board certifying that a person named therein was or was not, at a date or during a period specified therein, the holder of a subsisting certificate of competency or permit issued pursuant to Part XI or certifying that any such certificate or permit was not issued subject to terms, conditions or restrictions or was issued subject to terms, conditions or restrictions specified in the certificate shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate;
- (i) a certificate purporting to be signed by the registrar appointed pursuant to section 313 certifying that a person named therein was or was not, at a date or during a period specified therein, the holder of a subsisting licence as an electrical contractor under Part XI or certifying that any such licence was not issued subject to terms, conditions or restrictions or was issued subject to terms, conditions or restrictions specified in the certificate shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate;
- (j) a writing purporting to be signed by, or by the authority of, the Statutory Approvals Authority of another State or of a Territory of the Commonwealth and stating that, at a date or during a period specified therein, there was or was not in force an approval by such Statutory Approvals Authority of a prescribed electrical article, which article may be specified by reference to class, description or type, or stating the manner of marking, stamping or labelling any such prescribed electrical article shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

(2) The terms "prescribed electrical article" and "Statutory Approvals Authority" occurring in subsection (1) (j) have the meaning that they respectively have in Part IX.

**429. Other matters relating to proof.** In any proceeding under or for the purposes of this Act, it shall not be necessary to prove, until evidence is given to the contrary—

- (a) the constitution of any body corporate constituted under this Act, any resolution of the body corporate or its corporate name;
- (b) the presence of a quorum at any time at which any determination is made or any act done by a body corporate constituted under this Act;
- (c) the limits of any Area.



**430. Proof of minutes.** (1) Any minute of the proceedings of meetings of an Electricity Authority or other body constituted or established pursuant to this Act purporting to be signed by the chairman of the meeting at which the proceedings were had or by the chairman of the next succeeding meeting shall be evidence of the proceedings, and, until the contrary is proved, the meeting shall be deemed to have been duly held and convened and all proceedings had thereat to have been duly had.

(2) A copy of any minute purporting to be certified as a true copy by the secretary to the Electricity Authority or other body constituted or established pursuant to this Act or other employee thereof stated in the certification as being authorized to sign such minute shall, upon its production, be evidence of the proceedings.

**431. Authentication and service of documents.** (1) Except as otherwise provided in this Act, any document or other writing that requires authentication by the Commission or an Electricity Authority shall be sufficiently authenticated without the seal of the Commission or Electricity Authority, as the case may be, if signed by the secretary or other employee authorized in that behalf.

(2) In addition to any other mode of service available, a document or other writing may be served upon the Commission or an Electricity Authority by leaving it with a responsible employee of the Commission or Electricity Authority, as the case may be, or by sending it by prepaid post addressed to the principal office of the Commission or Electricity Authority.

(3) In addition to any other mode of service available, a document or other writing required or authorized under this Act to be given to or served upon any person may be served by sending it by prepaid post addressed to such person at his usual or last known place of abode.

#### PART XV—MISCELLANEOUS PROVISIONS

**432. Effect of this Act on other Acts.** The provisions of this Act are additional to and not in substitution for or in diminution of any provisions of any other Act that regulate, for the purposes of that other Act, the utilization of electricity supplied to an electrical installation save that, if any such provision of any other Act is inconsistent with a provision of this Act, the provision of this Act shall prevail.

**433. Enforcement of monetary penalties imposed by The Electrical Workers and Contractors Board.** (1) Any amount unpaid of any fine or penalty imposed under this Act by The Electrical Workers and Contractors Board or any amount unpaid of any fine or penalty payable pursuant to a decision on appeal that, in accordance with section 345, is deemed to be the decision of the Board shall be a debt due to the Board and be recoverable as such in any court of competent jurisdiction or in manner provided in subsection (2).

(2) The Board may cause to be filed in the office of the clerk of the court at Brisbane a certificate under the hand of the chairman or secretary and setting forth the decision of the Board or, as the case may be, the decision on appeal that, in accordance with section 345, is deemed to be the decision of the Board, and upon the filing of such certificate any justice may order that the amount of such fine or penalty

shall be recoverable by execution against the goods and chattels of the person liable to make payment of such fine or penalty or, in the alternative, order that in default of payment of such fine or penalty such person shall be imprisoned for a period not exceeding one month, and any justice may take all such steps as are necessary or expedient for enforcing such order in all respects as if the order were an order made by justices following upon conviction of the person named in the order upon complaint under the *Justices Act 1886-1975*, and the provisions of such last-mentioned Act as to the enforcement of such orders made upon conviction by justices shall extend and apply accordingly.

**434. Annual report of Commission.** A report on the operation of this Act shall be made at least once each year by the Commission to the Minister for submission to Parliament and shall be laid by the Minister forthwith before Parliament if Parliament is then sitting, but if Parliament is not then sitting, it shall be laid by the Minister before Parliament within 14 days after the commencement of the session next ensuing.

**435. Annual reports of Authorities.** (1) The Generating Board, each Electricity Board and The Electrical Workers and Contractors Board shall each make to the Commission an annual report of its operation under this Act for the year ending 30 June and each such report shall be transmitted so that it is received by the Commission on or before 31 August next ensuing.

(2) The Queensland Electricity Supply Industry Superannuation Board shall make to the Commission an annual report of its operation under this Act and it shall be so made and transmitted that it is received by the Commission within two months of the end of the annual accounting period adopted by the Superannuation Board pursuant to this Act.

(3) A person may obtain from any Board making an annual report pursuant to this section a copy of the report upon payment of such charge, if any, fixed by the Board therefor, such charge, if any, being a reasonable one based on the cost of producing and providing the copy; and the Board shall ensure that a sufficient number of copies of the report is available for the purposes of this subsection.

**436. Unclaimed moneys accounts.** Unclaimed moneys in the possession of the Commission, an Electricity Authority or The Queensland Electricity Supply Industry Superannuation Board shall be accounted for in an unclaimed moneys account in the books and accounts kept by the body concerned.

**437. Unclaimed moneys on account of a consumer.** Where unclaimed moneys are in the possession of an Electricity Authority on account of a person as a consumer and that person has ceased to be a consumer—

- (a) the Electricity Authority shall have inquiries made in an endeavour to locate the person entitled to the moneys and if he is located the moneys shall be paid to him;
- (b) if, notwithstanding inquiries made pursuant to paragraph (a), the moneys remain unclaimed at the expiration of 12 months from the date on which they were due to be paid to the person concerned, they shall be transferred from the unclaimed moneys account and be a miscellaneous receipt of the Operating Fund.

**438. Other unclaimed moneys.** (1) Where unclaimed moneys other than those referred to in section 437 are in the possession of the Commission, an Electricity Authority or The Queensland Electricity Supply Industry Superannuation Board they shall be dealt with as follows:—

- (a) The Commission, Electricity Authority or Board shall have inquiries made in an endeavour to locate the person entitled to the moneys and if he is located the moneys shall be paid to him;
- (b) Where an individual amount exceeds \$40 and inquiries made pursuant to paragraph (a) are not successful, the Commission, Electricity Authority or Board having possession of the amount shall advertise details of it in the Gazette in the month of February of the year following the year in which the moneys were due to be paid.

(2) The cost of an advertisement referred to in subsection (1) (b) may be deducted from an amount subsequently to be paid in respect of a claim made for the amount so advertised.

(3) If any moneys referred to in this section and unclaimed remain unclaimed after 6 years have elapsed from the date on which they were due to be paid, they shall—

- (a) in the case of moneys held by the Commission, be transferred from the unclaimed moneys account and be a miscellaneous receipt of the Fund;
- (b) in the case of moneys held by an Electricity Authority, be transferred from the unclaimed moneys account and be a miscellaneous receipt of the Operating Fund of the Electricity Authority;
- (c) in the case of moneys held by The Queensland Electricity Supply Industry Superannuation Board, be transferred from the unclaimed moneys account and be a miscellaneous receipt in the funds of the Board.

(4) The provisions of this section do not apply to moneys due to an employee as referred to in section 97 (6) of the *Industrial Conciliation and Arbitration Act 1961-1976*.

**439. Person entitled to moneys.** If at any time a person entitled to any moneys that have been dealt with by being transferred to a fund or to the Superannuation Board pursuant to section 437 or 438 establishes a claim thereto, his claim shall be met by the Commission, Electricity Authority or Superannuation Board, as the case may be, out of the fund to which such moneys were transferred.

**440. Adoption of standards.** In addition to the adoption of or provision for compliance with any standard rules, codes or specifications of any association, institution or other body in any section of this Act, the regulations, uniform practice manuals and rules made ~~under~~ this Act may adopt, wholly or in part and either by way of reference or by way of express specification therein, any of the standard rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution or a like body identified in the regulations, uniform practice manuals or rules.

**441. Audit and audit reports and certificates.** (1) The books and accounts of—

- (a) the Commission, including the accounts of the various sinking funds provided for in Division VI of Part II;
- (b) The Electrical Workers and Contractors Board;
- (c) the Generating Board;
- (d) each Electricity Board;
- (e) The Queensland Electricity Supply Industry Superannuation Board;
- (f) the trustees for the time being of each of the superannuation and provident funds continued in existence on the commencement of this Act pursuant to the provisions of the Fifth Schedule whilst the fund in question continues in existence; and
- (g) any other body established in pursuance of any provision of this Act so enabling such establishment

shall be audited by the Auditor-General who shall have, with respect to such audit and accounts, all of the powers and authorities conferred on him by the *Audit Act 1874-1968*.

(2) (a) The Auditor-General may appoint—

- (i) an officer of the Auditor-General; or
- (ii) a public accountant registered under the *Public Accountants Registration Act 1946-1975*

to inspect, examine and audit the accounts of the Generating Board and The Southern Electric Authority of Queensland Superannuation Fund in accordance with such directions and requirements as the Auditor-General may give or specify, and the person so appointed shall report the result of his inspection, examination and audit to the Auditor-General.

(b) The fee for such inspection, examination and audit shall be fixed by the Auditor-General and shall be payable by the Generating Board and The Southern Electric Authority of Queensland Superannuation Fund respectively.

(3) The Auditor-General shall certify whether the statements of accounts prepared by or in respect of each of the bodies and the trustees of each of the funds referred to in subsection (1) (f) that pursuant to this section are required to be audited by him or a person appointed by him—

- (a) are, where applicable, prepared in the form required by this Act;
- (b) are in agreement with the books and accounts; and
- (c) in his opinion fairly set out the financial transactions for the period to which they relate and show a true and fair view of the state of affairs at the close of the period to which they relate.

(4) (a) The Auditor-General shall, at least once in each year, report to the Minister through the Treasurer the results of each audit carried out pursuant to this section and shall, if he thinks fit, include with the report recommendations to the Commission or, as the case may be, the chairman of the body concerned or the trustees concerned with

respect to the financial transactions of any body or the trustees of any fund as hereinbefore in this section referred to and the manner of operating and maintaining the accounts in question.

(b) A copy of such report and any recommendations shall be forwarded to the Commission or, as the case may be, to the chairman of the body concerned or to the trustees concerned through the Commission.

(c) The Commission or, as the case may be, the Commission and the chairman of the body concerned or the trustees concerned shall give due consideration to the contents of the report and the recommendations, if any, of the Auditor-General made under this subsection relating to it or them.

(5) The Auditor-General shall include in his annual report to Parliament such matters with respect to the financial transactions of the bodies or trustees as aforesaid as he thinks fit:

Provided, however, that if, in the opinion of the Auditor-General, the circumstances so warrant, he may make an additional or special report to Parliament at any time.

**442. Scheme or fund charged with defalcation.** If any person employed in the electricity supply industry who contributes to The Queensland Electricity Supply Industry Employees' Superannuation Scheme or to a superannuation or provident fund continued in existence pursuant to this Act ceases to be employed in the industry by reason of resignation or dismissal or otherwise he having whilst employed in the industry misappropriated moneys or other property of his employer, the amount of the moneys or value of the property so misappropriated shall be a first charge upon any moneys payable to him from the Scheme or superannuation or provident fund, as the case may be, by reason of his ceasing to be employed and may be deducted therefrom.

**PART XVI—REGULATIONS, UNIFORM PRACTICE MANUALS AND RULES**  
*Division I—Making of Regulations, Uniform Practice Manuals and Rules*

**443. Regulations.** (1) The Governor in Council may make regulations, not inconsistent with this Act, for or with respect to—

- (a) circumstances and conditions of construction, use and maintenance of works of an Electricity Authority;
- (b) circumstances and conditions of installation, use and maintenance of electrical installations and the defining of responsibilities of Electricity Authorities, licensed electrical contractors and consumers in relation thereto;
- (c) circumstances and conditions of inspection or testing of electrical installations;
- (d) circumstances and conditions additional to those provided in this Act for the making available of a supply of electricity to a consumer;
- (e) circumstances and conditions for the making by a person of an application for a certificate of approval or a certificate of suitability in relation to electrical articles intended for sale or hire;

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- (f) circumstances and conditions for the marking of electrical articles intended for sale or hire;
  - (g) the taking of measures and precautions to secure—
    - (i) the safety and welfare of persons engaged in the construction and maintenance of electric lines of an Electricity Authority;
    - (ii) the safety and welfare of persons engaged in the construction and maintenance of electrical installations;
    - (iii) the safety of members of the public from personal injury or electric shock;
    - (iv) the proficiency in rescue and resuscitation of persons engaged in the construction and maintenance of electric lines and electrical installations;
  - (h) conditions of employment of employees of the Commission or of Electricity Authorities, but subject to conditions provided for in any applicable industrial award or agreement;
  - (i) regulating and controlling, generally or to meet particular cases, all or any matters with respect to the conduct of business connected with the raising and repayment of loans under the authority of this Act, including but without limiting the generality thereof—
    - (i) providing for the establishment of a registry (at the office of the Commission or at any other place) for the inscription of stock created and issued and the keeping of stock ledgers, regulating the inscription in such stock ledgers of all stock issued and regulating the transfer or transmission of stock or of any shares therein, and restricting the amount of stock that may be transferred;
    - (ii) prescribing the form of debentures and of bonds, providing for the keeping and inspection of and the taking of copies of or extracts from the register of debentures and bonds or from any stock ledgers, and making provision for lost or defaced debentures or bonds and the destruction of discharged debentures or bonds;
    - (iii) providing for the issue, upon request, of stock to debenture or bond holders and of debentures or bonds to registered owners of stock;
    - (iv) prescribing any matters with respect to the raising of loans outside Queensland;
  - (j) prescribing and regulating—
    - (i) the proceedings of The Electrical Workers and Contractors Board;
    - (ii) conditions in respect of the making of applications for certificates of competency and electrical contractors' licences and for renewals of such licences;
    - (iii) the method of dealing by The Electrical Workers and Contractors Board with complaints regarding electrical work;
    - (iv) code lettering endorsement on a certificate of competency as an electrical mechanic and qualifications represented thereby;

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- (k) conditions for and method of settling disputes between consumers and an Electricity Authority in connexion with the accuracy of a meter;
  - (l) conditions for and manner of adjustment of consumers' electricity accounts where errors or inaccuracies are found in the method of charging on, or in the calculation of, such accounts;
  - (m) interest payable to a consumer on a deposit lodged as security with an Electricity Authority;
  - (n) consumers' responsibilities for meters and control apparatus provided by an Electricity Authority or by consumers by agreement with an Electricity Authority;
  - (o) methods and limitations of adjustment of an electricity account where the quantity of electricity supplied has not been correctly registered through a meter or where a meter has been incorrectly read;
  - (p) the use of testing instruments;
  - (q) the time allowed for payment of accounts rendered for electricity supplied;
  - (r) the manner of and conditions relating to notification by a consumer when a supply of electricity is no longer required;
  - (s) circumstances and conditions under which a cathodic protection system may be installed, tested, used and maintained;
  - (t) providing for and regulating the manner of and the conditions for the calling of tenders and quotations and the awarding of contracts;
  - (u) the circumstances and conditions under which a proposal for and estimate of cost of works shall be prepared by an Electricity Authority and the manner of reporting the result of a comparison between the estimates of cost and physical quantities and the actual cost of completion and physical quantities used to complete any works;
  - (v) the making of returns by Electricity Authorities and other bodies constituted pursuant to this Act;
  - (w) prescribing forms and other documents under this Act, and the respective purposes for which such forms or documents, or forms or documents to the like effect, shall be used;
  - (x) prescribing fees, charges and other amounts payable under this Act, the matters in respect of which such fees, charges and other amounts shall be paid, the persons by whom and the places and times where and when such fees, charges and other amounts shall be paid and the circumstances in which such fees, charges and other amounts shall be paid, and without limiting the generality of the foregoing—
    - (i) the amounts of and the conditions obtaining in respect of consumers' security deposits, including maximum amounts;
    - (ii) fees payable with an application for a supply of electricity;
    - (iii) the fee payable for the testing of a meter of an Electricity Authority;

- (iv) fees payable for the connexion and re-connexion of supply to consumers' electrical installations;
- (v) standard charges payable to Electricity Authorities for work performed on behalf of consumers and other persons;
- (vi) fees payable under Part XI, including fees for late renewals of electrical contractors' licences;
- (y) providing for, regulating and controlling the refund or remission of fees and the circumstances in which refunds or remissions of fees may be made;
- (z) the correction of the accounts of Electricity Authorities and of omissions therefrom;
- (aa) offences against the regulations and prescribing the amount of any penalty for any offence against any regulation, provided that any such penalty shall not exceed \$200;
- (bb) all matters required or permitted by this Act to be prescribed where the method of prescription is not otherwise provided;
- (cc) all matters that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.

(2) The power to regulate conferred by this section includes the power to prohibit.

(3) Regulations may be made under this Act at any time after the passing of this Act.

**444. Uniform practice manuals.** (1) The Commission may compile and, with the approval of the Governor in Council, may publish in such form and manner as it thinks fit uniform practice manuals—

- (a) in relation to works, providing for the practices with respect to the construction and maintenance of works of an Electricity Authority;
- (b) in relation to safety, providing for practices to secure—
  - (i) the safety and welfare of persons engaged in the construction and maintenance of the works of an Electricity Authority;
  - (ii) the safety and welfare of persons engaged in the construction and maintenance of an electrical installation;
- (c) providing for practices with respect to the making of returns by Electricity Authorities and other bodies constituted pursuant to this Act and the form of such returns.

(2) The Commission, after consultation with and having due regard to any suggestion of the Auditor-General, may compile and, with the approval of the Governor in Council, may publish uniform practice manuals providing for practices with respect to—

- (a) the form of and any other matter related to the budgets that Electricity Authorities are required to prepare, adopt and observe pursuant to this Act;
- (b) the form of and any other matter related to financial statements that Electricity Authorities are required to prepare pursuant to this Act;



- (c) accounting methods to be adopted by Electricity Authorities;
- (d) the form of and any other matter related to the books and accounts to be kept by Electricity Authorities.

(3) Any uniform practice manual published pursuant to this section shall be read in conjunction with, and shall not be inconsistent with, this Act or the regulations.

(4) Where, pursuant to this section, the Commission has compiled and published a uniform practice manual, it may—

- (a) revoke that manual and may compile a fresh manual in lieu thereof which it may, with the approval of the Governor in Council, publish in such form and manner as it thinks fit;
- (b) vary that manual from time to time by way of addition, omission or substitution of provisions.

**445. Rules.** (1) An Electricity Authority, with the approval of the Governor in Council, may make rules, not inconsistent with this Act or the regulations, for or with respect to—

- (a) conditions of supply of electricity to a consumer;
- (b) the protection of premises of the Electricity Authority from trespass, intrusion or damage;
- (c) the prevention of injury to or misuse of works, appliances or things the property of or under the control of the Electricity Authority;
- (d) the regulation of traffic, whether vehicular or pedestrian, within the area of any works of the Electricity Authority;
- (e) the regulation of the use of, and the regulation of the introduction of articles of food and drink into, any part of an area within any works of the Electricity Authority where the public is invited to enter the area for recreational and similar purposes;
- (f) the defining of the duties of employees of the Electricity Authority including those of the General Manager and the secretary;
- (g) the securing of the safety of members of the public;
- (h) offences against the rules and prescribing the amount of any penalty for any offence against any rule of the Electricity Authority, provided that any such penalty shall not exceed \$200.

(2) The power to make rules conferred by this section includes the power to prohibit.

(3) A rule may be made to apply to or to have operation throughout the whole of the Area or any part thereof, to apply to all consumers' premises or such class or classes of consumers' premises as may be specified therein, and to vary according to different parts of the Area or different classes of consumers' premises.

(4) (a) Where an offence is committed in relation to a rule regulating vehicular traffic within the area of any works of an Electricity Authority, the person who, at the time of the commission of the offence, was the owner of the vehicle shall be deemed to have committed that offence and may be proceeded against and punished accordingly.

(b) The liability of the owner pursuant to paragraph (a) in respect of an offence not actually committed by him shall not prejudice or affect the liability of the person by whom the offence was actually committed to be proceeded against and punished therefor, save that, where either of them has been punished for the offence by being convicted therefor, the other of them shall cease to be subject to any liability in respect of the offence.

(c) Without limiting any other means of proof in relation to the name and address of the owner of a vehicle, proof that the name and address of a person were shown upon the outside of a vehicle or upon a registration label issued pursuant to the regulations under the *Main Roads Act 1920-1975* and affixed to a vehicle or that in or upon a vehicle there was otherwise shown the name and address of a person purporting to be the name and address of the owner of that vehicle shall be evidence that, at the time when such name and address were so shown, the person whose name and address were so shown was the owner of that vehicle and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership.

(5) A rule has no effect unless and until approved by the Governor in Council.

#### *Division II—Publication of Instruments*

**446. Publication of rules, Proclamations and Orders in Council.** Section 28A of the *Acts Interpretation Act 1954-1971* applies in respect of rules, Proclamations and Orders in Council made under this Act as if they were regulations.

**447. Publication of uniform practice manuals.** (1) Section 28A of the *Acts Interpretation Act 1954-1971* applies in respect of uniform practice manuals compiled and published pursuant to section 444 as if they were regulations made under this Act.

(2) Revocation of a uniform practice manual or variation thereof by the Commission pursuant to section 444 (4) shall be the subject of notification published in the Gazette and, in the case of a variation, the notification shall specify the addition, omission or substitution of provisions; and section 28A of the *Acts Interpretation Act 1954-1971* applies in respect of all such notifications as if they were regulations.

(3) The Commission shall in the case of every uniform practice manual published in the Gazette cause a notice to be published therewith containing information as to places where the manual may be purchased and its price.

## SCHEDULES

## FIRST SCHEDULE

[Section 4 (1)]

## PART A

Year and Number of Act	Short Title	Extent of Repeal
60 Vic. No. 24 . .	<i>The Electric Light and Power Act, 1896</i>	The whole
20 Geo. V. No. 31	<i>The Local Authorities Acts Amendment Act of 1929</i>	The balance of the Act remaining unrepealed
24 Geo. V. No. 32	<i>The Electric Light and Power Act Amendment Act of 1933</i>	The whole
25 Geo. V. No. 20	<i>The Electric Light and Power Acts Amendment Act of 1934</i>	The whole
1 Geo. VI. No. 26	<i>The State Electricity Commission Act of 1937</i>	The whole
2 Geo. VI. No. 7 . .	<i>The Electric Light and Power Acts Amendment Act of 1938</i>	The whole
3 Geo. VI. No. 17	<i>The Inspection of Machinery Acts and Another Act Amendment Act of 1939</i>	The balance of the Act remaining unrepealed
5 Geo. VI. No. 3	<i>The State Electricity Commission Act Amendment Act of 1941</i>	The whole
9 Geo. VI. No. 13	<i>The State Electricity Commission Acts and Another Act Amendment Act of 1945</i>	The whole
9 Geo. VI. No. 16	<i>The Regional Electric Authorities Act of 1945</i>	The whole
11 Geo. VI. No. 8	<i>The Electric Light and Power Acts and Another Act Amendment Act of 1946</i>	The whole
12 Geo. VI. No. 4	<i>The State Electricity Commission Acts Amendment Act of 1947</i>	The whole
12 Geo. VI. No. 10	<i>The State Electricity Commission Acts Amendment Act of 1948</i>	The whole
13 Geo. VI. No. 29	<i>The Harbour Boards Acts and Another Act Amendment Act of 1949</i>	The balance of the Act remaining unrepealed
14 Geo. VI. No. 3	<i>The State Electricity Commission Acts and Another Act Amendment Act of 1950</i>	The whole
15 Geo. VI. No. 31	<i>The State Electricity Commission Acts and Another Act Amendment Act of 1951</i>	The whole
1 Eliz. II. No. 2 . .	<i>The State Electricity Commission Acts and Another Act Amendment Act of 1952</i>	The whole
1 Eliz. II. No. 50	<i>The Southern Electric Authority of Queensland Act of 1952</i>	The whole

SCHEDULES—*continued*FIRST SCHEDULE—*continued*

[Section 4 (1)]

PART A—*continued*

Year and Number of Act	Short Title	Extent of Repeal
3 Eliz. II. No. 13	<i>The State Electricity Commission Acts and Another Act Amendment Act of 1954</i>	The whole
3 Eliz. II. No. 52	<i>The Southern Electric Authority of Queensland Act Amendment Act of 1954</i>	The whole
6 Eliz. II. No. 33	<i>The State Electricity Commission Acts and Another Act Amendment Act of 1957</i>	The whole
7 Eliz. II. No. 59	<i>The Electric Light and Power Acts and Other Acts Amendment Act of 1958</i>	The whole
11 Eliz. II. No. 7	<i>The Electric Light and Power Acts and Other Acts Amendment Act of 1962</i>	The whole
11 Eliz. II. No. 18	<i>The Electrical Workers and Contractors Act of 1962</i>	The whole
No. 39 of 1963 ..	<i>The Northern Electric Authority of Queensland Act of 1963</i>	The whole
No. 12 of 1964 ..	<i>The State Electricity Commission Acts Amendment Act of 1964</i>	The whole
No. 28 of 1964 ..	<i>The Electrical Workers and Contractors Act Amendment Act of 1964</i>	The whole
No. 59 of 1964 ..	<i>The State Electricity Commission Acts and Other Acts Amendment Act of 1964</i>	The whole
No. 41 of 1965 ..	<i>The State Electricity Commission Acts and Another Act Amendment Act of 1965</i>	The whole
No. 55 of 1967 ..	<i>The Electric Light and Power Acts Amendment Act of 1967</i>	The whole
No. 13 of 1968 ..	<i>The Electrical Workers and Contractors Acts Amendment Act of 1968</i>	The whole
No. 73 of 1971 ..	<i>Electrical Workers and Contractors Act Amendment Act 1971</i>	The whole
No. 31 of 1975 ..	<i>Gladstone Power Station Operation Agreement Act 1975</i>	The whole

## PART B

## AMENDMENTS OF THE PUBLIC SERVICE ACT 1922-1973

[Section 4 (3)]

Provision Amended	Amendment
Section 4B	Section 4B is amended by— <ul style="list-style-type: none"> <li>(a) omitting subsection (3);</li> <li>(b) in subsection (5)—               <ul style="list-style-type: none"> <li>(i) omitting the words “ “<i>The State Electricity Commission Acts, 1937 to 1950,</i>” ” occurring in paragraph (a);</li> <li>(ii) omitting the word “ three ” occurring in paragraph (b) and substituting the word “ two ”;</li> </ul> </li> <li>(c) in subsection (6)—               <ul style="list-style-type: none"> <li>(i) omitting the word “ three ” and substituting the word “ two ”;</li> <li>(ii) omitting the words “ “<i>The State Electricity Commission Acts, 1937 to 1950,</i>” ”.</li> </ul> </li> </ul>

## PART C

## AMENDMENT OF THE CITY OF BRISBANE ACT 1924-1974

[Section 4 (4)]

Provision Amended	Amendment
Section 36	Section 36 is amended by omitting the words “, light, and power ” occurring in subsection (3).

## SECOND SCHEDULE

## PRELIMINARY POWERS AND VESTING AND FURTHER TRANSITIONAL PROVISIONS

[Sections 5, 79 (2) and 101 (4)]

**1. Meaning of Electric Authority.** In this Schedule, unless the contrary intention appears, the term “Electric Authority” means The Southern Electric Authority of Queensland, The Northern Electric Authority of Queensland, any Regional Board constituted under *The Regional Electric Authorities Acts, 1945 to 1964*, the Brisbane City Council with respect to its electricity undertaking and any Local Authority authorized by an Order in Council under the *Electric Light and Power Act 1896-1972* to supply electricity.

**2. Preliminary powers and functions of Generating Board.** (1) Without derogating from any other provision of Part III, the powers and functions of the Generating Board referred to in section 79 (2) are—

- (a) the provision of an office;
- (b) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Generating Board are necessary or expedient in order to enable the Generating Board to exercise all or any of the powers, functions and duties vested in it by or under this Act;
- (c) the making of arrangements and agreements in accordance with this clause.

(2) For the purpose of carrying out the powers and functions referred to in subclause (1), the Generating Board may make use of the services of any of the officers or employees of the Commission, The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board and The Southern Electric Authority of Queensland, and the Commission and any such Electric Authority shall take all necessary steps accordingly.

(3) (a) Each of them The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board and The Southern Electric Authority of Queensland shall as soon as practicable after the constitution of the Generating Board arrange and agree with the Generating Board—

- (i) upon its assets, debts and liabilities that relate to its main generating undertaking; and
- (ii) upon its officers and employees who are then regularly employed in or about its main generating undertaking

so that the assets, debts and liabilities and the officers and employees, subject to this Act, to be transferred to the Generating Board by each such body will be ascertained and defined.

(b) The Commission and the Generating Board shall as soon as practicable after the constitution of the Generating Board agree upon the assets, debts and liabilities of the Commission that relate to the Gladstone power station and upon the officers and employees of the Commission who are then regularly employed in or about the Gladstone power station so that the assets, debts and liabilities and the officers and employees, subject to this Act, to be transferred to the Generating Board by the Commission will be ascertained and defined.

(c) The Generating Board and each Electric Authority referred to in subclause (a) may for the purposes referred to in that subclause, and shall if unable to agree with respect to any such purpose, each respectively appoint two of its officers or employees to a joint committee to be convened by a person appointed by the Governor in Council, which person shall also be a member, and the chairman, of such committee.

(d) Each of them the Commission and the Generating Board may for the purposes referred to in subclause (b), and shall if unable to agree with respect to any such purpose, appoint two of its officers or employees to a joint committee to be convened by a person appointed by the Governor in Council, which person shall also be a member, and the chairman, of such committee.

(e) In the event of the Commission, one of the Electric Authorities referred to in subclause (a) or the Generating Board failing or refusing to appoint a representative or representatives to a committee, or in the

event of an appointed representative or appointed representatives failing or refusing to act, the Governor in Council may appoint a representative or, as the case requires, representatives to act as a member or members of the committee and such power may be exercised at any time, and from time to time, in order to secure full representation of the said parties upon the committee in question.

(f) A joint committee referred to in paragraph (c) or paragraph (d), as the case requires, shall determine any matter with respect to which the Generating Board and an Electric Authority or the Generating Board and the Commission, as the case may be, are unable to agree, and the parties shall be bound by such determination as if they had agreed accordingly. Where the members of the joint committee are not unanimous with respect to any matter, the determination of the majority shall be the determination of the joint committee.

(g) A committee shall if necessary also determine what books, documents, records and papers shall be handed over by the Commission or, as the case may be, an Electric Authority referred to in subclause (a) to the Generating Board.

(h) Where an agreement has been arrived at or a determination made on the matters with which such committee is charged, a sufficient record thereof shall be filed in the offices respectively of the Commission and of the Generating Board.

(i) Any expenses of a committee shall be charged to and paid by the Generating Board. No part of the salary of an officer or an employee who is a member of such committee and who is employed full time by the Commission or any of the Electric Authorities referred to in subclause (a) shall be charged to the Generating Board as expenses of the committee.

(4) (a) The Generating Board is hereby authorized to accept such moneys as may be necessary for the purpose of exercising and performing its powers and functions under this clause and for that purpose may with the approval of the Governor in Council make arrangements with the Treasurer or the Commission or with any bank or other financial institution for a temporary loan of the required amount.

(b) The Treasurer is hereby authorized to guarantee to such bank or institution the repayment of the amount of such temporary loan with interest at the rate agreed upon between the Generating Board and such bank or institution and approved by the Treasurer.

**3. Vesting in Generating Board of main generating undertakings and the Gladstone power station.** (1) On the commencement of this Act—

(a) the Gladstone power station, which expression in this Schedule includes the coal crushing and loading facilities at Blackwater as well as all other works forming part of the power station, and also the main generating undertakings of The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board and The Southern Electric Authority of Queensland shall be divested from the bodies in which they were vested immediately prior to such commencement and shall vest in the Generating Board;

(b) all real and personal property, and every right, title, estate or interest therein and all management and control of any matter or thing that immediately before the commencement of this

Act was vested in or belonged to the Commission in relation to the Gladstone power station or was vested in or belonged to The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board or The Southern Electric Authority of Queensland, as the case may be, in relation to its main generating undertaking shall, without any transfer, assignment or conveyance or notice other than this Act, vest in and belong to the Generating Board;

- (c) all moneys and liquidated and unliquidated claims that immediately before the commencement of this Act were payable to or recoverable by the Commission in relation to the Gladstone power station or The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board or The Southern Electric Authority of Queensland, as the case may be, in relation to its main generating undertaking shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Generating Board;
- (d) all suits, actions and proceedings and all causes of action pending or existing immediately before the commencement of this Act by or against the Commission in relation to the Gladstone power station or The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board or The Southern Electric Authority of Queensland, as the case may be, in relation to its main generating undertaking may be carried on and prosecuted by or against the Generating Board, and no such suit, action or proceedings shall abate or be prejudicially affected by this Act;
- (e) all contracts, agreements and undertakings entered into with, and all securities lawfully given to or by, the Commission in relation to the Gladstone power station or The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board or The Southern Electric Authority of Queensland, as the case may be, in relation to its main generating undertaking existing at the commencement of this Act shall be deemed to be contracts, agreements and undertakings entered into with, and securities given to or by, the Generating Board, and may be enforced by or against the Generating Board accordingly;
- (f) all debts and moneys payable by the Commission in relation to the Gladstone power station or The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board or The Southern Electric Authority of Queensland, as the case may be, in relation to its main generating undertaking and all claims liquidated or unliquidated recoverable against the Commission in relation to the Gladstone power station or The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board or The Southern Electric Authority of Queensland, as the case may be, in relation to its main generating undertaking shall be debts due and moneys payable by and claims recoverable against the Generating Board;



(g) every officer or employee of the Commission then regularly employed in or about the Gladstone power station and every officer or employee of The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board or The Southern Electric Authority of Queensland, as the case may be, then regularly employed in or about its main generating undertaking shall, subject to this Act, become and be an employee of the Generating Board.

(2) Upon the transfer to the Generating Board of—

(a) the Gladstone power station;

(b) the main generating undertakings respectively of The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board and The Southern Electric Authority of Queensland,

the Generating Board is entitled to and shall take possession of all books, documents, records and papers relating to the Gladstone power station or, as the case may be, the main generating undertaking, and the Commission shall deliver to the Generating Board all books, documents, records and papers relating to the Gladstone power station.

(3) The Generating Board shall on and from the commencement of this Act indemnify and keep harmless the Commission against all claims against the Commission in relation to the Gladstone power station in respect of goods delivered for the purposes of the power station and against all claims or any other liabilities incurred in respect of the power station.

(4) Neither the commencement of this Act nor any provision of this Act prejudicially affects any security, rights, powers, authorities and remedies of any holder of a bond, debenture, mortgage, deed or other security given by the Commission in the case of the Gladstone power station or, as the case may be, any of them The Northern Electric Authority of Queensland, The Capricornia Regional Electricity Board, The Wide Bay-Burnett Regional Electricity Board and The Southern Electric Authority of Queensland in the case of its main generating undertaking before the commencement of this Act, but every such holder shall have and continue to have during the currency of his bond, debenture, mortgage, deed or other security the same rights, powers and remedies in respect of the electricity undertaking and other assets of the Generating Board (including the Gladstone power station and the main generating undertakings and assets vested in the Generating Board under this Act) and the revenue therefrom as if the bond, debenture, mortgage, deed or other security had been given by the Generating Board instead of by the Commission or, as the case may be, the Authority or Board in question.

(5) Any reference in this clause to “main generating undertaking” that relates to The Northern Electric Authority of Queensland is and shall be taken to be a reference to the whole of the undertaking of that Authority.

**4. Preliminary powers and functions of Electricity Boards.** (1) Without derogating from any other provision of Part III, the powers and functions of an Electricity Board referred to in section 101 (4) are—

(a) the provision of an office;

- (b) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Electricity Board are necessary or expedient in order to enable the Electricity Board to exercise all or any of the powers, functions and duties vested in it by or under this Act;
- (c) the making of any nomination pursuant to section 82;
- (d) the making of arrangements and agreements in accordance with this clause.

(2) For the purpose of carrying out the powers and functions referred to in subclause (1), an Electricity Board may make use of the services of any of the officers or employees of an Electric Authority the electricity undertaking or part of the undertaking of which is to be vested in such Electricity Board pursuant to this Act, and the Electric Authority shall take all necessary steps accordingly.

(3) (a) Each Electric Authority the electricity undertaking or part of the electricity undertaking of which is to be vested in an Electricity Board pursuant to this Act and such Electricity Board shall, as soon as practicable after the constitution of the Electricity Board, agree upon the assets, debts and liabilities of the Electric Authority that relate to such undertaking or part thereof as aforesaid and upon the officers and employees of the Electric Authority who are then regularly employed in or about such undertaking or part thereof as aforesaid so that the assets, debts and liabilities and the officers and employees, subject to this Act, to be transferred to such Electricity Board by the Electric Authority will be ascertained and defined.

(b) An Electric Authority and the Electricity Board as referred to in subclause (a) may for the purposes referred to in that subclause, and shall if unable to agree with respect to any such purpose, each respectively appoint two of its officers or employees to a joint committee to be convened by a person appointed by the Governor in Council, which person shall also be a member, and the chairman, of such committee.

(c) In the event of the Electric Authority or the Electricity Board in any case failing or refusing to appoint a representative or representatives to a committee, or in the event of an appointed representative or appointed representatives failing or refusing to act, the Governor in Council may appoint a representative or, as the case requires, representatives to act as a member or members of the committee and such power may be exercised at any time, and from time to time, in order to secure full representation of the said parties upon the committee in question.

(d) A joint committee referred to in paragraph (b) shall determine any matter with respect to which the Electric Authority and the Electricity Board are unable to agree, and the parties shall be bound by such determination as if they had agreed accordingly. Where the members of the joint committee are not unanimous with respect to any matter, the determination of the majority shall be the determination of the joint committee.

(e) A committee shall if necessary also determine what books, documents, records and papers shall be handed over by an Electric Authority to an Electricity Board.

(f) Where an agreement has been arrived at or a determination made on the matters with which such committee is charged, a sufficient record thereof shall be filed in the offices respectively of the Electric Authority and the Electricity Board, a copy shall be transmitted to the

Director of Local Government in the case of an agreement or determination to which the Brisbane City Council or a Local Authority which is an Electric Authority is a party, and a copy shall be transmitted in every case to the Commission for record purposes.

(g) Any expenses of a committee shall be charged to and paid by the Electricity Board. No part of the salary of an officer or an employee who is a member of such committee and who is employed full time by the Commission or the Electric Authority represented on such committee shall be charged to the Electricity Board as expenses of the committee.

(4) (a) The Electricity Board is hereby authorized to accept such moneys as may be necessary for the purpose of exercising and performing its powers and functions under this clause and for that purpose may with the approval of the Governor in Council make arrangements with the Treasurer or the Commission or with any bank or other financial institution for a temporary loan of the required amount.

(b) The Treasurer is hereby authorized to guarantee to such bank or institution the repayment of the amount of such temporary loan with interest at the rate agreed upon between the Electricity Board and such bank or institution and approved by the Treasurer.

**5. Vesting of electricity undertakings of Electric Authorities in Electricity Boards.** (1) On the commencement of this Act—

- (a) the undertaking of The Cairns Regional Electricity Board shall be divested from that Board and shall vest in The Far North Queensland Electricity Board;
- (b) the electricity undertakings of the Mount Isa City Council, the Boulia Shire Council and the Burke Shire Council shall be divested from those Councils and shall vest in The North Queensland Electricity Board;
- (c) the undertaking of The Townsville Regional Electricity Board shall be divested from that Board and shall vest in The North Queensland Electricity Board;
- (d) the undertaking of The Mackay Regional Electricity Board shall be divested from that Board and shall vest in The Mackay Electricity Board;
- (e) the undertaking of The Capricornia Regional Electricity Board other than its main generating undertaking and other than that portion of its undertaking situated within the Taroom Shire shall be divested from that Board and shall vest in The Capricornia Electricity Board and that portion of such undertaking situated within the Taroom Shire shall vest in The South West Queensland Electricity Board;
- (f) the undertaking of The Wide Bay-Burnett Regional Electricity Board other than its main generating undertaking shall be divested from that Board and shall vest in The Wide Bay-Burnett Electricity Board;
- (g) the electricity undertakings of the Dalby Town Council, the Roma Town Council, the Balonne Shire Council, the Murweh Shire Council, the Paroo Shire Council, the Quilpie Shire Council and the Bulloo Shire Council shall be divested from those Councils and shall vest in The South West Queensland Electricity Board;

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- (h) that part of the undertaking of The Southern Electric Authority of Queensland that is situated within The South West Queensland Electricity Board Area of Electricity Supply as defined in the Sixth Schedule but excluding any part of the main generating undertaking of the said Authority that is situated in that Area shall be divested from that Authority and shall vest in The South West Queensland Electricity Board;
  - (i) the electricity undertaking of the Brisbane City Council shall be divested from that Council and shall vest in The South East Queensland Electricity Board;
  - (j) that part of the undertaking of The Southern Electric Authority of Queensland that is situated within The South East Queensland Electricity Board Area of Electricity Supply as defined in the Sixth Schedule but excluding any part of the main generating undertaking of the said Authority that is situated in that Area shall be divested from that Authority and shall vest in The South East Queensland Electricity Board;
  - (k) all real and personal property, and every right, title, estate or interest therein and all management and control of any matter or thing that immediately before the commencement of this Act was vested in or belonged to an Electric Authority pursuant to it being an Electric Authority the electricity undertaking or part of such undertaking of which is by virtue of the provisions of this clause vested in an Electricity Board shall, without any transfer, assignment or conveyance or notice other than this Act, vest in and belong to such Electricity Board;
  - (l) all moneys and liquidated and unliquidated claims that immediately before the commencement of this Act were payable to or recoverable by an Electric Authority pursuant to it being an Electric Authority the electricity undertaking or part of such undertaking of which is by virtue of the provisions of this clause vested in an Electricity Board shall be moneys and liquidated and unliquidated claims payable to or recoverable by such Electricity Board;
  - (m) all suits, actions and proceedings and all causes of action pending or existing immediately before the commencement of this Act by or against an Electric Authority pursuant to it being an Electric Authority the electricity undertaking or part of such undertaking of which is by virtue of the provisions of this clause vested in an Electricity Board may be carried on and prosecuted by or against such Electricity Board, and no such suit, action or proceedings shall abate or be prejudicially affected by this Act;
  - (n) all contracts, agreements and undertakings entered into with, and all securities lawfully given to or by, an Electric Authority pursuant to it being an Electric Authority the electricity undertaking or part of such undertaking of which is by virtue of the provisions of this clause vested in an Electricity Board, existing at the commencement of this Act, shall be deemed to be contracts, agreements and undertakings entered into with, and securities given to or by, such Electricity Board, and may be enforced by or against such Electricity Board accordingly;

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- (o) all debts due and moneys payable by an Electric Authority pursuant to it being an Electric Authority the electricity undertaking or part of such undertaking of which is by virtue of the provisions of this clause vested in an Electricity Board (including any amount due by such Electric Authority pursuant to it being an Electric Authority to itself in another capacity) and all claims liquidated or unliquidated recoverable against such Electric Authority shall be debts due and moneys payable by and claims recoverable against the Electricity Board;
  - (p) every officer or employee of an Electric Authority pursuant to it being an Electric Authority the electricity undertaking or part of such undertaking of which is by virtue of the provisions of this clause vested in an Electricity Board, then regularly employed in or about such undertaking or part thereof, shall, subject to this Act, become and be an employee of the Electricity Board;
  - (q) any moneys held in trust by a Local Authority (including the Brisbane City Council) pursuant to it being an Electric Authority shall, whether such moneys are held in cash or on deposit at a bank or are invested or otherwise held, vest in and belong, subject to the existing trust, to the Electricity Board in which, pursuant to this Schedule, the electricity undertaking of the Local Authority vests.

(2) Upon the transfer to an Electricity Board of any undertaking or part thereof pursuant to subclause (1), the Electricity Board is entitled to and shall take possession of all books, documents, records and papers relating to that undertaking or part and, where the body divested is the Brisbane City Council or a Local Authority as referred to in clause 1, the Brisbane City Council or Local Authority, as the case may be, shall deliver to the Electricity Board all books, documents, records and papers relating to the undertaking or part in question.

(3) An Electricity Board shall on and from the commencement of this Act indemnify and keep harmless the Brisbane City Council or a Local Authority as referred to in clause 1 the undertaking or part of the undertaking of which vests in the Electricity Board against all claims against it in respect of goods delivered for the purposes of the undertaking or part and against all claims or any other liabilities incurred in respect of the undertaking or part.

(4) Neither the commencement of this Act nor any provision of this Act prejudicially affects any security, rights, powers, authorities and remedies of any holder of a bond, debenture, mortgage, deed or other security given by an Electric Authority pursuant to it being an Electric Authority, the electricity undertaking or part of such undertaking of which is by virtue of the provisions of this clause vested in an Electricity Board, before the commencement of this Act, but every such holder shall have and continue to have during the currency of his bond, debenture, mortgage, deed or other security the same rights, powers and remedies in respect of the electricity undertaking and other assets of the Electricity Board (including the electricity undertaking or part of such undertaking, as the case may be, vested in the Electricity Board under this Act) and the revenue therefrom as if the bond, debenture, mortgage, deed or other security had been given by the Electricity Board instead of by such Electric Authority.

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**6. Procedure where disagreement concerning division of assets, etc.**

(1) It is the duty of the Generating Board and an Electricity Board each to keep the other informed with respect to arrangements made with an Electric Authority, affecting or likely to affect the other, concerning allocation of assets vested in, and of officers and employees employed by, such Electric Authority to the Generating Board or the Electricity Board, as the case may be.

(2) Notwithstanding that the Generating Board or an Electricity Board may have made arrangements with an Electric Authority with regard to an allocation of assets, it is competent for the other of them the Generating Board or an Electricity Board, not a party to the arrangement, where that other Board does not agree with such allocation, to seek discussions with the Board the party to the arrangement with respect thereto, and both parties shall take all necessary steps to ensure that such discussions take place and are concluded promptly.

(3) Any agreement made as a result of such discussions shall be binding on the Generating Board, an Electricity Board or an Electric Authority as a party thereto or concerned therewith or affected thereby and such agreement shall take precedence over any arrangements otherwise made pursuant to a provision of this Schedule.

(4) Where the Generating Board and the Electricity Board do not agree on the matter in dispute, either party or both parties may, at any time after a seeking of discussions pursuant to subclause (2), report the matter in dispute to the Commission and nominate two representatives to a committee to consider further such lack of agreement. In a case where one party makes such report, a copy of the report shall be sent to the other party, and such other party shall forthwith on receipt of such copy nominate two representatives to the committee.

(5) On receipt of such report the Commission shall appoint an officer or employee of the Commission to be chairman of the committee.

(6) The chairman is not entitled to vote on any matter being considered by the committee.

(7) In the event of either the Generating Board or the Electricity Board failing or refusing to appoint a representative or representatives to such committee or in the event of an appointed representative or appointed representatives failing or refusing to act, the Governor in Council may appoint a representative or, as the case requires, representatives to act as a member or members of the committee and such power may be exercised at any time, and from time to time, in order to secure full representation of the said parties upon the committee.

(8) The chairman shall call such meetings of the committee as he deems necessary to discuss and, if possible, resolve a matter in dispute.

(9) If an agreement is reached by the committee, it is deemed to be an agreement between the Generating Board and the Electricity Board concerned and the provisions of subclause (3) apply with respect to such agreement.

(10) If a committee constituted pursuant to the provisions of this clause has met and it appears to the chairman that agreement will not be reached, he shall cause the committee to set out in detail the matter in dispute and the representations of each party with respect thereto.

(11) The record of the matters so set out shall be transmitted to the Commission for decision, and the decision of the Commission is final and binding on the parties to the dispute and shall not be subject to any appeal whatsoever.

(12) A record shall be made of any agreement or decision made pursuant to subclause (3), subclause (9) or subclause (11) and copies of such record shall be filed in the offices of the Commission, the Generating Board and the Electricity Board.

(13) The provisions of this clause apply as between two Electricity Boards as fully and effectually as they apply as between the Generating Board and an Electricity Board, and such provisions shall with necessary adaptations be read and construed accordingly in any such case.

**7. Existing loan indebtedness of certain Electric Authorities.** (1) On the commencement of this Act, the Commission shall accept responsibility for the loan indebtedness of—

(a) The Southern Electric Authority of Queensland, including the fully paid secured inscribed stock of the Authority (known as "S.E.A. Special Stock") which was issued on 30 June 1975 pursuant to the direction of the Minister to convert the variable interest stock of the Authority into fully paid secured inscribed stock;

(b) each Regional Electricity Board constituted pursuant to the provisions of *The Regional Electric Authorities Acts, 1945 to 1964* and in existence immediately prior to the commencement of this Act; and

(c) The Northern Electric Authority of Queensland, and which is guaranteed by the Treasurer on behalf of the Government of Queensland, and for the management of such loan indebtedness.

(2) In this clause, the term "management" includes all actions required consequent upon the issue of the debentures or inscribed stock to which such loan indebtedness relates, including the payment of interest, redemption, sinking fund contributions or other costs or charges in respect thereof, the conduct of a registry or registries of inscribed stock and any matter or thing incidental thereto.

(3) The whole of the amounts paid by the Commission as interest and sinking fund contributions on the fully paid secured inscribed stock of The Southern Electric Authority of Queensland, hereinbefore referred to as "S.E.A. Special Stock", shall be recovered by the Commission from the Generating Board.

The interest payable and the amounts required to redeem such stock at maturity shall be a charge against the revenues of the Generating Board and in the event of default in payment by the Commission of any amount due in respect thereof, a holder of such stock, in addition to any other remedy he may have against the Treasurer, the Commission or otherwise, shall be deemed to be a secured creditor of the Generating Board in respect of the amount of such default and such security shall rank in priority to any other charge against the revenues and assets of the Generating Board except a charge in respect of secured stock of The Southern Electric Authority of Queensland issued on or before 30 June 1975 in respect of which the Commission is then in default.

**8. Provisions relating to loan indebtedness of Brisbane City Council.**

(1) On and from the date of vesting of the electricity undertaking of the Brisbane City Council in the South East Queensland Electricity Board, the Commission shall reimburse the Council the loan instalments and all associated charges payable by the Council in respect of moneys borrowed by it and guaranteed by the Treasurer on behalf of the Government of Queensland for the purposes of—

- (a) the former power houses undertaking of the Brisbane City Council; and
- (b) the electricity undertaking of the Brisbane City Council.

(2) The reimbursement of such instalments and charges shall be paid on such dates and in such amounts as shall be agreed between the Commission and the Council.

(3) The Council shall pay to the Commission any amounts paid by The Southern Electric Authority of Queensland to the Council to meet the capital charges in respect of assets of the Brisbane City Council which were transferred to the Authority pursuant to the agreement for sale and purchase made between the Authority, the Council and the Commission on 7 April 1964 and which amounts have not been applied by the Council to meeting loan instalments or associated charges or to liquidating during the financial year which ended on 30 June 1973 the accumulated deficit of \$1 808 575.38 in the accounts of the aforesaid power houses undertaking, and the Commission shall apply any amounts so paid to it towards the redemption of loan indebtedness in a manner approved by The State Electricity Commission Debt Redemption Committee.

(4) The Commission and the Brisbane City Council, with the prior approval of the Treasurer, may agree that the total amount of outstanding loan indebtedness, after due allowance is made for sinking fund provisions, existing at the commencement of this Act, and on which the Commission is liable to reimburse the Council for loan instalments and all associated charges, shall constitute a long term debt due by the Commission to the Council.

Such long term debt shall be repaid by the Commission to the Council in equal quarterly instalments, on dates to be agreed, at an agreed interest rate. Any such agreement may provide for the variation of the agreed interest rate.

(5) Should the Commission default in making a payment due to the Brisbane City Council pursuant to this clause on the due date, the amount outstanding shall in addition to remaining a debt due by the Commission to the Brisbane City Council thereupon become a charge on the assets and revenues of The South East Queensland Electricity Board and may be recovered by the Council from such Electricity Board.

**9. Provisions relating to loan indebtedness of other Local Authority electricity undertakings.** (1) On and from the date of vesting of an electricity undertaking of a Local Authority other than the Brisbane City Council in an Electricity Board pursuant to the provisions of this Schedule, the Commission shall reimburse such Local Authority the loan instalments and all associated charges payable by the Local Authority in respect of moneys borrowed by it in relation to its electricity undertaking and guaranteed by the Treasurer on behalf of the Government of Queensland.



(2) The reimbursement of such instalments and charges shall be made on such dates and in such amounts as shall be agreed between the Commission and the Local Authority.

(3) (a) Notwithstanding subclause (1), the Local Authority and the Commission may agree, with the consent of the lender or the holder of the debenture at the date on which the agreement is made, that the Commission be deemed to be the borrower with respect to the indebtedness then outstanding, and the Commission shall on and from that date become liable for all the then existing obligations of the original borrower.

(b) The guarantee of the Treasurer on behalf of the Government of Queensland shall continue to apply to such loan.

(c) The Commission shall forthwith after such agreement has been made notify the Under Treasurer who shall amend his records accordingly.

(d) In any case where an Order in Council authorizing a loan for which, pursuant to this clause, the Commission is deemed to be the borrower, provides that contributions be made to a sinking fund administered by the Trustees of the Local Government Debt Redemption Fund, the Governor in Council may by Order in Council provide—

- (i) that the balance of such sinking fund shall be transferred by the said Trustees to the Commission;
- (ii) that thereupon the Commission shall establish with such balance a sinking fund pursuant to Division VI of Part II;
- (iii) that the Commission shall continue to make the sinking fund contributions prescribed in the Order in Council authorizing the loan and shall credit such contributions to the sinking fund established as provided in subparagraph (ii) in respect of such loan until such loan matures; and
- (iv) that the Commission shall thereupon apply such sinking fund in manner provided therein.

(4) Should the Commission default in making a payment due to a Local Authority pursuant to this clause on the due date, the amount outstanding shall in addition to remaining a debt due by the Commission to such Local Authority thereupon become a charge on the assets and revenues of the Electricity Board in which the electricity undertaking of such Local Authority is, pursuant to this Schedule, vested, and may be recovered by the Local Authority from such Electricity Board.

**10. Provisions relating to certain payments to be made by Paroo Shire Council.** (1) Whereas—

(a) the Council of the Shire of Paroo (hereinafter in this clause referred to as "the Council") by resolution made on 27 May 1976 resolved that the deficit existing at 30 June 1976 in its electricity undertaking fund be written off over 5 years from its general fund;

(b) the deficit existing at 30 June 1976 in the electricity undertaking fund of the Council was \$111 220.46,

it is declared that the table hereinafter set out and forming part of this subclause is "the table" hereinafter referred to in this clause and that the amount set out in each case opposite a date is the amount payable by the Council on the date opposite which it is set out.

TABLE

Amount	Date
\$21 220.46 .. .. .	1 November 1976
\$22 500 .. .. .	1 November 1977
\$22 500 .. .. .	1 November 1978
\$22 500 .. .. .	1 November 1979
\$22 500 .. .. .	1 November 1980

(2) There is payable by the Council from its general fund to The South West Queensland Electricity Board on any date set out in the table that occurs after the commencement of this Act the amount set opposite that date in the table, and any amount not so paid on that date is a debt due to the Board by the Council and may be recovered by the Board in any court of competent jurisdiction.

(3) Any amount set out in the table opposite a date that occurs prior to the commencement of this Act that has not, prior to such commencement, been paid by the Council from its general fund to its electricity undertaking fund shall, on such commencement, be deemed to be a debt due by the Council to The South West Queensland Electricity Board and may be recovered by the Board in any court of competent jurisdiction.

#### 11. Annual reports and accounts of certain Electric Authorities.

(1) In this clause, the term "year" means the period of time commencing on 1 July in any calendar year and concluding on 30 June in the next succeeding calendar year.

(2) If at the commencement of this Act—

(a) the report of the operations of The Southern Electric Authority of Queensland that the Authority is required to cause to be prepared at the end of every year pursuant to section 23 of *The Southern Electric Authority of Queensland Acts, 1952 to 1964* has not been prepared and signed in accordance with that section for the year next preceding the year in which this Act commences;

(b) the report of the operations of The Northern Electric Authority of Queensland that the Authority is required to make on or before 31 July in each year pursuant to section 31 of *The Northern Electric Authority of Queensland Acts, 1963 to 1964* has not been made for the year next preceding the year in which this Act commences;

(c) the report of the operations of any Regional Board that the Board is required to make on or before 31 July in each year pursuant to section 38 of *The Regional Electric Authorities Acts, 1945 to 1964* has not been made for the year next preceding the year in which this Act commences,

such report shall, notwithstanding the repeal of the particular Acts in question, be prepared or made in the name of the dissolved Electric Authority concerned as provided in subclause (4).

## (3) If at the commencement of this Act—

- (a) the revenue account and balance sheet of The Southern Electric Authority of Queensland that the Authority is required to cause to be prepared at the end of every year pursuant to section 23 of *The Southern Electric Authority of Queensland Acts, 1952 to 1964* has not been prepared and signed in accordance with that section for the year next preceding the year in which this Act commences;
- (b) the annual statements of accounts and other financial and relevant information that the chairman of The Northern Electric Authority of Queensland is required, pursuant to section 61 of *The Northern Electric Authority of Queensland Acts, 1963 to 1964*, to cause to be prepared and to lay before the Authority at the budget meeting in each year have not been so prepared and laid before the Authority in respect of the year next preceding the year in which this Act commences;
- (c) the annual statements of accounts and other financial and relevant information that the manager of a Regional Board is required, pursuant to section 72 of *The Regional Electric Authorities Acts, 1945 to 1964*, to cause to be prepared and to lay before the Board at the budget meeting in each year have not been so prepared and laid before the Board in respect of the year next preceding the year in which this Act commences,

such revenue account and balance sheet or annual statements of accounts and other financial and relevant information, as the case may be, shall, notwithstanding the repeal of the particular Acts in question, be prepared in the name of the dissolved Electric Authority concerned as provided in subclause (4); and if the commencement of this Act is not at the beginning of a year, the revenue account and balance sheet or, as the case may be, the annual statements of accounts and other financial and relevant information shall be prepared to include the additional period up to the commencement of this Act:

Provided that if the commencement of this Act is not at the beginning of a year and the revenue account and balance sheet or, as the case may be, the annual statements of accounts and other financial and relevant information have been prepared in respect of the year next preceding the year in which this Act commences, an additional revenue account and balance sheet or, as the case may be, additional statements of accounts and other financial and relevant information shall be prepared in the name of the dissolved Electric Authority concerned as provided in subclause (4) for the period of the part of the year up to the commencement of this Act.

(4) The report, the revenue account and balance sheet, the annual statements of accounts and other financial and relevant information or the additional revenue account and balance sheet or additional statements of accounts and other financial and relevant information, as the case requires, shall be prepared or made, as the case may be, in the name of the dissolved Electric Authority concerned and as provided in the particular repealed Acts in question by the "nominated successor", being the Electricity Authority shown in the Second Column of the table hereinafter set out and forming part of this subclause, which table shows in the First Column against each nominated successor the name

of the dissolved Electric Authority in the name of which the nominated successor shall act in compliance with the provisions of this clause and shows in the Third Column against the nominated successor in certain cases the name or names of an Electricity Authority or Electricity Authorities who shall render to that nominated successor any assistance required by it to enable it to discharge its duty in accordance with this subclause.

TABLE

First Column	Second Column	Third Column
Dissolved Electric Authority	Nominated successor	Body to render assistance
The Southern Electric Authority of Queensland	The Generating Board	The South East Queensland Electricity Board and The South West Queensland Electricity Board
The Northern Electric Authority of Queensland	The Generating Board	..
The Cairns Regional Electricity Board	The Far North Queensland Electricity Board	..
The Capricornia Regional Electricity Board	The Capricornia Electricity Board	The Generating Board
The Mackay Regional Electricity Board	The Mackay Electricity Board	..
The Townsville Regional Electricity Board	The North Queensland Electricity Board	..
The Wide Bay-Burnett Regional Electricity Board	The Wide Bay-Burnett Electricity Board	The Generating Board

(5) The nominated successor of an Electric Authority shall take whatever steps are necessary to ensure that the books and accounts of the Electric Authority of which it is the nominated successor are audited up to the date of dissolution of the Electric Authority in conformity with the provisions of the repealed Acts under which the Electric Authority was constituted.

(6) In the case of The Southern Electric Authority of Queensland, its books and accounts shall be audited up to the date of dissolution of the Authority by the auditors appointed by the Authority and the report on such audit shall be submitted to the Generating Board, but if those auditors fail or are unable to conduct such audit, the Auditor-General shall appoint auditors who shall conduct it and report to him and who shall be paid such fee by the Generating Board as the Auditor-General determines.

(7) Where a report, revenue account and balance sheet, statement or other writing is required to be signed by members of a dissolved Electric Authority by the repealed Acts under which such Authority was constituted, the report, revenue account and balance sheet, statement or other writing prepared or made by the nominated successor shall be signed in manner provided by those repealed Acts by members of the Board of the nominated successor.

(8) Where a report, revenue statement and balance sheet, statement or other writing is required to be laid before the Board of a dissolved Electric Authority by the repealed Acts under which such Authority was constituted, the report, revenue account and balance sheet, statement or other writing prepared or made by the nominated successor shall be laid before its Board.

(9) The nominated successor shall meet all costs incurred by it in complying with the provisions of this clause from its Operating Fund but is not liable for any part of any costs incurred by an Electricity Authority shown in the Third Column of the table set out in subclause (4) against the name of the nominated successor in the rendering of assistance to the nominated successor in accordance with the said subclause (4).

**12. Assistance to certain Local Authorities to prepare reports or statements.** (1) Where a Local Authority, including the Brisbane City Council, is divested of its electricity undertaking pursuant to the provisions of this Schedule, the Electricity Board in which the undertaking vests pursuant to such provisions shall render to the Local Authority any assistance required by it to enable it to complete any report or financial statement it is required by law to prepare up to the date of divesting of the electricity undertaking.

(2) The Local Authority is not liable for any part of any costs incurred by the Electricity Board in rendering assistance to it pursuant to subclause (1).

(3) The Electricity Board shall pay to the Local Authority an amount agreed to by the Electricity Board and the Local Authority or, in the absence of agreement, an amount determined by the Commission to compensate the Local Authority for administrative costs incurred by it in completing the records relating to its former electricity undertaking.

**13. Registration entries with respect to land vested.** The Registrar of Titles, Registrar of Dealings or other person required by any Act or law to make or enter any note or memorial on any instrument of title to land on receiving notice thereof shall, upon the written request of an Authority, Board or other body in which any right, title, estate or interest in land vests pursuant to this Schedule, register the Authority, Board or other body for or with respect to the right, title, estate or interest in such land, and for that purpose may make every entry, cancellation and correction in any register, record or book in his custody or under his control and do and execute such other acts, matters and things as shall to him appear necessary and proper.

**14. Exemption from stamp duty.** Any agreement made or document executed pursuant to this Schedule is exempt from stamp duty.

## THIRD SCHEDULE

[Section 5]

VALIDATION IN RELATION TO CERTAIN BORROWINGS  
AND GUARANTEES

Where in any case prior to the commencement of this Act—

- (a) the Governor in Council by Order in Council published in the Gazette has, pursuant to the provisions of *The State Electricity Commission Acts, 1937 to 1965* or *The Southern Electric Authority of Queensland Acts, 1952 to 1964*, authorized the Commission or The Southern Electric Authority of Queensland, as the case may be, hereinafter each referred to as “the borrower”, to borrow money by the sale of inscribed stock or the sale of debentures;
- (b) the borrower has, prior to the publication in the Gazette of the Order in Council, borrowed money from a bank, financial institution, body corporate or unincorporate or person (hereinafter referred to as “the lender”) by the sale of inscribed stock or by the sale of a debenture, the borrower purporting to so borrow pursuant to the authority of the Governor in Council in respect thereof; and
- (c) the Treasurer on behalf of the Government has agreed to guarantee and has guaranteed or purported to have guaranteed or is deemed by law (or would have been deemed by law had the procedure prescribed by law preparatory to borrowing the money been duly followed) to have guaranteed to the lender the amount or any part of the amount so borrowed with interest thereon at the agreed rate limited however to such amount and to such period of time and subject to such other terms, reservations and conditions as the Governor in Council may have prescribed,

then, notwithstanding that the Order in Council by which the Governor in Council has authorized the borrower to borrow money as aforesaid was published in the Gazette after the date of such borrowing—

- (d) the borrowing of money as aforesaid shall not be unlawful by reason only that it occurred prior to the publication in the Gazette of the Order in Council in question and it is declared that such borrowing is and is deemed to be and always to have been a lawful borrowing authorized by that Order in Council as if the Order in Council had been published in the Gazette prior to the date of such borrowing;
- (e) the debenture sold or the inscribed stock sold and the inscription in its stock register (by whatever name called) of the owner of that stock by the borrower in respect of the amount borrowed shall not be invalid or of no effect by reason only that the debenture was sold or the inscribed stock was sold prior to the publication in the Gazette of the Order in Council in question and it is declared that such debenture shall be deemed always to have been as validly and duly sold and such inscribed stock shall be deemed always to have been as validly and duly sold and inscribed as if the sale had occurred after such publication; and

- (f) the guarantee by the Treasurer on behalf of the Government to the lender shall not be invalid or of no effect by reason only that the borrowing of money occurred prior to the publication in the Gazette of the Order in Council in question or that the debenture sold or the inscribed stock sold by the borrower in respect of the amount borrowed was sold prior to such publication, and it is declared that such guarantee is and is deemed to be a valid and effective guarantee and is deemed always to have been a valid and effective guarantee on and from such publication.

## FOURTH SCHEDULE

[Section 5]

## PRESERVATION OF EMPLOYEES' RIGHTS

**1. Meaning of Electric Authority.** In this Schedule, unless the contrary intention appears, the term "Electric Authority" means The Southern Electric Authority of Queensland, The Northern Electric Authority of Queensland, any Regional Board constituted under *The Regional Electric Authorities Acts, 1945 to 1964*, the Brisbane City Council with respect to its electricity undertaking and any Local Authority authorized by an Order in Council under the *Electric Light and Power Act 1896-1972* to supply electricity.

**2. Preservation of salary classification of certain employees.** (1) A person who at the commencement of this Act becomes a person employed in the electricity supply industry pursuant to this Act and who immediately prior to such commencement was employed in a full time capacity by an Electric Authority or was an officer of the Public Service of Queensland employed in the Department of Electricity Supply or in the office of the Electrical Workers and Contractors Board who resigned from the Public Service to be employed in the electricity supply industry pursuant to this Act is entitled to continue to be paid at a rate not less than that appropriate to the salary classification on which he was employed immediately prior to the commencement of this Act during the period he continues to be so employed; and he is so entitled although he is required by his employer, consequent upon the reorganization of the electricity supply industry under this Act to accept and perform the duties of a position carrying a lower salary classification.

(2) A person to whom subclause (1) applies may at his own request be transferred to a position to which a lower salary classification applies, and in such case he shall be paid the salary appropriate to the position to which he is transferred.

**3. Employment continuation and leave rights preserved.** (1) A person to whom clause 2 applies shall be deemed to have been continuously employed in the electricity supply industry on and from the day his continuous service with the Electric Authority or Public Service up to the commencement of this Act commenced.

(2) A person referred to in subclause (1) is entitled to be credited with all leave that has accrued to him in respect of his continuous service as referred to in the said subclause less any such leave that he has taken or in respect of which he has been paid a cash equivalent, and such credit shall be added to the leave accruing to him in terms of his employment in the electricity supply industry.

**4. Election as to employment in the case of officers of the Public Service.** (1) An officer of the Public Service of Queensland employed in the Department of Electricity Supply or in the office of the Electrical Workers and Contractors Board may elect to continue to be an officer of the Public Service after the commencement of this Act and for the purpose of such election a day after the passing of this Act and not later than three months before the commencement of this Act shall be fixed by Proclamation, and an officer so electing shall notify the secretary to the Commission of his election between the day so fixed and the expiration of three months from that day.

(2) A notification of election received by the secretary to the Commission shall be forwarded by him within 7 days of receipt to the Chief Administration Officer or other officer prescribed of the Department of the Public Service Board.

(3) An officer who, pursuant to this clause, elects to continue to be an officer of the Public Service and who has not been transferred to another position in the Public Service prior to the commencement of this Act may, pending such transfer, be employed in the electricity supply industry after such commencement pursuant to an arrangement made either generally or in a particular case between the Public Service Board and the Commission or a Board referred to in section 346, which arrangement may be made at any time after the passing of this Act:

Provided, however, that an officer so employed in the electricity supply industry pursuant to an arrangement as aforesaid shall be paid salary at a rate not less than that appropriate to the salary classification on which he was employed within the Public Service immediately prior to the commencement of this Act but shall be employed in all other respects subject to the conditions of employment, prescribed by an applicable industrial award or otherwise, for an employee of the electricity supply industry performing similar duties.

(4) If an officer of the Public Service as aforesaid does not elect to continue to be an officer of the Public Service after the commencement of this Act, he shall, before such commencement, tender his resignation as an officer of the Public Service.

(5) An officer of the Public Service—

(a) who does not elect to continue to be an officer of the Public Service after the commencement of this Act; and

(b) who fails to tender his resignation as an officer of the Public Service

pursuant to the provisions of this Schedule shall be deemed to have resigned as an officer of the Public Service on the commencement of this Act and is not employed in the electricity supply industry.



(6) The chairman of the Public Service Board in his discretion may either generally or in a particular case extend the time within which an officer may elect to continue to be an officer of the Public Service after the commencement of this Act, provided that such time expires not later than the day immediately prior to such commencement.

**5. Certificates of rights of certain employees.** (1) The Commission shall prepare a statement or, if necessary, a number of statements explaining the provisions of this Schedule and of Part XII for the information of persons who before the commencement of this Act are employed in a full time capacity by an Electric Authority or are officers of the Public Service of Queensland employed in the Department of Electricity Supply or in the office of the Electrical Workers and Contractors Board and who on such commencement become or are to become persons employed in the electricity supply industry pursuant to this Act.

(2) The Commission shall cause to be handed to each person to whom subclause (1) refers a copy of the statement applicable to him not later than one month after the commencement of this Act.

(3) An employee who is handed a copy of such statement shall acknowledge in writing that he has received it.

(4) Not later than 6 months after the day on which the employee has received the copy of such statement, the Commission or the Electricity Authority, as the case may be, by which the person is employed shall issue to him a certificate setting out—

- (a) the employee's salary classification as at the day on which he became a person employed in the electricity supply industry;
- (b) the commencing date from which his service is regarded as continuous service as a person employed in the electricity supply industry;
- (c) details of his existing leave entitlements.

(5) The employer may at any time issue an amended certificate correcting an error in the original certificate, but the employee shall have the same right to dispute the correctness of such amended certificate that he has in respect of the original certificate.

(6) Every employee who is handed a certificate shall acknowledge in writing that he has received it.

(7) If the employee is dissatisfied in any particular with the certificate, he shall give written notice setting out the grounds of his dissatisfaction to his employer within 6 months from the date he acknowledged in writing that he had received it.

(8) An employee who does not give notice within the time and otherwise in accordance with the requirements referred to in subclause (7) is not entitled thereafter to dispute the correctness of any particular contained in the said certificate.

(9) The employer shall examine each written notice submitted by an employee and shall after so doing either—

- (a) issue the employee with an amended certificate; or
- (b) advise the employee that the certificate is correct.

**6. Recognition of previous service in special cases.** (1) In any case where an employee referred to in clause 5—

- (a) is satisfied that the certificate issued to him by his employer is correct in its reference to the commencing date of his continuous employment referred to in clause 3 (1) and that the credit allowed for leave accrued to him is also correct; but
- (b) considers that, having regard to other employment continuously with one or more other Electric Authorities or as an officer of the Public Service of Queensland in the Department of Electricity Supply or in the office of the Electrical Workers and Contractors Board, through the operation of the conditions of employment and bases of recognition of such previous continuous service in such employment, he is disadvantaged when compared with another employee in the service of the electricity supply industry,

he may by application in writing to his employer request that his entitlements be examined as a special case.

(2) An application made pursuant to subclause (1) shall not be considered unless the employee indicates that he accepts that the certificate given him by his employer is correct or unless he, being dissatisfied with the certificate, has appealed to an industrial magistrate pursuant to section 350 and such appeal has been determined.

(3) If the employer is not the Commission it shall forward the application to the Commission together with such information that the employer considers will assist the Commission in determining the application.

(4) The Commission shall, provided that records are available to enable it to reach a decision on the application, decide whether special circumstances exist and whether the employee concerned should be given additional credit for continuous service or for accrued leave entitlement and the extent of such credit.

(5) The decision of the Commission on any such application shall be final and binding and not subject to any appeal or review whatsoever.

(6) If in any case the Commission finds that all the records necessary to enable it to reach a decision on an application are not available, it may—

- (a) make a decision based on such records as are available; or
- (b) decline to make any decision,

and in either case it shall advise the applicant (through his employer where the employer is not the Commission) of the records that are not available, and if the applicant can produce evidence relating to the matters for which records are not available it shall reconsider his application.

(7) An application for consideration as a special case pursuant to this clause shall be lodged—

- (a) within 12 months of the day of commencement of this Act; or
- (b) within 3 months of the day of the decision of an industrial magistrate on an appeal, if there is an appeal,

whichever is the earlier, and if it is not lodged in accordance with this subclause the Commission shall refuse to consider it unless it is satisfied that special circumstances exist as a result of which the application was not so lodged in accordance with this subclause.

#### FIFTH SCHEDULE

[Section 5]

#### EXISTING SUPERANNUATION AND PROVIDENT FUNDS AND RIGHTS OF CONTRIBUTORS THERETO

##### 1. Interpretation. In this Schedule—

“the Articles” means The Articles of the Queensland Electricity Supply Industry Employees’ Superannuation Scheme referred to in section 371;

“the Scheme” means The Queensland Electricity Supply Industry Employees’ Superannuation Scheme referred to in section 353;

“the Superannuation Board” means The Queensland Electricity Supply Industry Superannuation Board referred to in section 354.

**2. Continuation of certain funds.** (1) Each of the following superannuation and provident funds, established for the employees of the Electric Authority the name of which occurs in the name of the fund, that is to say—

The Southern Electric Authority of Queensland Superannuation Fund;

Cairns Regional Electricity Board Superannuation Fund;

Cairns Regional Electricity Board Staff Retiring Provident Fund;

Capricornia Regional Electricity Board Superannuation Fund;

Capricornia Regional Electricity Board Staff Retiring Provident Fund;

Mackay Regional Electricity Board Superannuation Fund;

Mackay Regional Electricity Board Staff Retiring Provident Fund;

Townsville Regional Electricity Board Superannuation Fund;

Townsville Regional Electricity Board Staff Retiring Provident Fund;

Wide Bay–Burnett Regional Electricity Board Superannuation Fund;

Wide Bay–Burnett Regional Electricity Board Staff Retiring Provident Fund;

Northern Electric Authority of Queensland Superannuation Fund; and

Northern Electric Authority of Queensland Staff Retiring Provident Fund,

shall, subject to the provisions of this Schedule, continue in existence on the commencement of this Act and the trust deed and rules thereunder with respect thereto shall, subject to the said provisions, continue in

force on such commencement, and each contributor who at such commencement becomes a person employed in the electricity supply industry pursuant to this Act shall continue to contribute to the fund to which he contributed at such commencement while he remains so employed and shall remain entitled to all the benefits provided by that fund while he so contributes:

Provided that if under the rules of the fund to which he contributes—

- (a) there is provision whereby on the occurrence of a circumstance a contributor is required to cease contributing although still an employee of the Electric Authority concerned and that circumstance occurs, he shall cease to so contribute;
- (b) he may cease contributing although still an employee of the Electric Authority concerned and he applies to so cease, he may do so subject to his complying with any conditions precedent to so ceasing to contribute provided for in the rules of the fund:

Provided further that any employee who ceases contributing to a fund pursuant to this clause shall not be entitled to elect to contribute to the Scheme during the period he continues to be employed in the electricity supply industry unless the Superannuation Board is satisfied that special circumstances exist; and any employee permitted by the Superannuation Board to so contribute shall not, irrespective of any provision of the Articles to the contrary, be entitled to any benefit from the Scheme related to his service prior to the date the Superannuation Board permits him to so contribute.

(2) A person who at the commencement of this Act becomes a person employed in the electricity supply industry pursuant to this Act and who was not then a contributor to one of the funds set out in subclause (1) but who was then eligible or, were it not for the commencement of this Act, would have become eligible to contribute to one of the said funds may elect or, as the case may be, be invited to contribute to such a fund on the conditions upon which he would have been eligible to so contribute were it not for the commencement of this Act.

(3) The employer of a member of a fund set out in subclause (1) shall deduct the member's contributions from his pay and shall remit those contributions together with the employer's contributions to the trustees of the fund or to such other person as the trustees may direct.

(4) A person who at the commencement of this Act becomes a person employed in the electricity supply industry pursuant to this Act is not eligible on or after the day he becomes eligible to contribute to the Scheme to become a contributor to any of the funds set out in subclause (1) if he is not already a contributor to any such fund at the time he becomes so eligible to contribute to the Scheme.

(5) For the purposes of this clause, the employer shown in the Third Column of the table hereinafter set out and forming part of this subclause shall on the commencement of this Act become and be the successor to the employer shown in the Second Column of the table in respect of the fund shown in the First Column of the table.

TABLE

First Column	Second Column	Third Column
Fund	Employer	Successor to Employer
The Southern Electric Authority of Queensland Superannuation Fund	The Southern Electric Authority of Queensland	The Queensland Electricity Generating Board
Cairns Regional Electricity Board Superannuation Fund Cairns Regional Electricity Board Staff Retiring Provident Fund	The Cairns Regional Electricity Board	The Far North Queensland Electricity Board
Capricornia Regional Electricity Board Superannuation Fund Capricornia Regional Electricity Board Staff Retiring Provident Fund	The Capricornia Regional Electricity Board	The Capricornia Electricity Board
Mackay Regional Electricity Board Superannuation Fund Mackay Regional Electricity Board Staff Retiring Provident Fund	The Mackay Regional Electricity Board	The Mackay Electricity Board
Townsville Regional Electricity Board Superannuation Fund Townsville Regional Electricity Board Staff Retiring Provident Fund	The Townsville Regional Electricity Board	The North Queensland Electricity Board

TABLE—continued

First Column	Second Column	Third Column
Fund	Employer	Successor to Employer
Wide Bay-Burnett Regional Electricity Board Superannuation Fund Wide Bay-Burnett Regional Electricity Board Staff Retiring Provident Fund	The Wide Bay-Burnett Regional Electricity Board	The Wide Bay-Burnett Electricity Board
Northern Electric Authority of Queensland Superannuation Fund Northern Electric Authority of Queensland Staff Retiring Provident Fund	The Northern Electric Authority of Queensland	The Queensland Electricity Generating Board

(6) The trustees of each of the superannuation and provident funds continued in existence pursuant to subclause (1) who are in office at the commencement of this Act shall continue in office as such trustees on such commencement and may exercise all or any of the powers conferred on them by the trust deed and rules thereunder in question and otherwise according to law but subject to the provisions of this Schedule. The trustees of The Southern Electric Authority of Queensland Superannuation Fund who immediately before the commencement of this Act are a body corporate shall continue to be a body corporate on such commencement with the name of "The Southern Electric Authority of Queensland Superannuation Fund" and with the powers as aforesaid being exercised by them as such body corporate.

(7) Notwithstanding the provisions of any trust deed or rules thereunder, the Minister shall, in the event of a vacancy occurring in the office of a trustee of a fund or of a trustee failing or refusing to act, appoint a person to fill the vacancy, but in doing so he shall have regard to and take into consideration the provisions of the trust deed and rules thereunder relating to the filling of a vacancy such as has occurred.

**3. New employee may contribute to a fund where the Scheme not commenced.** (1) Subject to clause 2 (4), a person who becomes employed in the electricity supply industry after the commencement of this Act but before the commencement of the Scheme may be invited by his employer to contribute to the superannuation fund in respect of which the employer becomes and is the employer pursuant to clause 2 (5).

(2) Notwithstanding subclause (1), where the employer is the Generating Board, its employee is eligible to be invited to join only the Northern Electric Authority of Queensland Superannuation Fund.

(3) If an invitation to contribute pursuant to this clause is accepted by the employee, he shall for all purposes be a member of the fund in question with all the rights, entitlements and liabilities that such membership entails.

(4) An employee of the Commission, The South East Queensland Electricity Board or The South West Queensland Electricity Board who becomes employed in the electricity supply industry after the commencement of this Act may be invited by the Commission or the Electricity Board, as the case may be, to contribute to the Northern Electric Authority of Queensland Superannuation Fund, and the Generating Board shall make the necessary arrangements for an employee who elects to so contribute and is otherwise eligible to become a member of such fund.

**4. Fund contributors may exercise option.** (1) Notwithstanding the provisions of clause 2 (1), a contributor to a fund set out in clause 2 (1) may within the time provided in the Articles therefor or within such extended time as the Superannuation Board may in its discretion allow, it being hereby thereunto authorized, elect to convert his existing interest in that fund to an interest in the Scheme.

(2) If the contributor does not make an election in accordance with subclause (1), he shall at the expiration of the time or extended time referred to in that subclause cease to be a contributor to the fund to which he has been a contributor and shall become a contributor to the

Scheme with the benefits he had under the fund to which he contributed and he shall retain and have all the existing and accruing rights, privileges and liabilities that he had and that would have accrued to him as a member of such fund.

(3) The Superannuation Board and the trustees of the fund in question shall, in respect of an employee who has elected pursuant to subclause (1) to transfer to the Scheme, agree upon the basis for the transfer to the Scheme of an existing interest in the fund or a part of such an interest in the fund in respect of the accrued value in his case of the past service benefits, which shall be equitable in relation to the corresponding transfer of interests of all other employees who have, pursuant to subclause (1), elected to transfer to the Scheme.

(4) In the event of a dispute between the Superannuation Board and the trustees, the matter shall be referred to the Commission for determination by the Governor in Council. The Governor in Council may appoint an independent person to hear the parties to the dispute and to advise him concerning the matters in dispute. The decision of the Governor in Council shall be final and binding on both the Superannuation Board and the trustees.

**5. Provident funds to vest in Superannuation Board.** (1) The trustees of each of the provident funds referred to in clause 2 (1), that is to say—

- Cairns Regional Electricity Board Staff Retiring Provident Fund;
- Capricornia Regional Electricity Board Staff Retiring Provident Fund;
- Mackay Regional Electricity Board Staff Retiring Provident Fund;
- Townsville Regional Electricity Board Staff Retiring Provident Fund;
- Wide Bay-Burnett Regional Electricity Board Staff Retiring Provident Fund; and
- Northern Electric Authority of Queensland Staff Retiring Provident Fund,

shall, upon being called upon by the Superannuation Board so to do, transfer to the Board the whole of the assets of the fund in question.

(2) Upon the assets being transferred in accordance with subclause (1)—

- (a) the amount standing to the credit of each member of the fund shall be taken to be for all purposes an amount standing to his credit in the Staff Retiring Provident Account;
- (b) the assets and liabilities of the fund become assets and liabilities of the Superannuation Board; and
- (c) the trustees of the fund shall go out of office and the fund shall cease to exist.

**6. Superannuation funds to vest in Superannuation Board.** (1) The trustees for the time being of each of the superannuation funds shown hereunder, that is to say—

- The Southern Electric Authority of Queensland Superannuation Fund;
- Cairns Regional Electricity Board Superannuation Fund;
- Capricornia Regional Electricity Board Superannuation Fund;
- Mackay Regional Electricity Board Superannuation Fund;
- Townsville Regional Electricity Board Superannuation Fund;



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Wide Bay-Burnett Regional Electricity Board Superannuation Fund; and  
Northern Electric Authority of Queensland Superannuation Fund,

shall as soon as practicable after the Scheme commences arrange with the Superannuation Board to transfer to the Board the assets of the superannuation fund in question.

(2) Any dispute between the trustees of a superannuation fund and the Superannuation Board concerning the transfer of the assets of such superannuation fund to the Board may be referred by either party to the Commission for determination by the Governor in Council. The Governor in Council may appoint an independent person to hear the parties to the dispute and to advise him concerning the matters in dispute. The decision of the Governor in Council shall be final and binding on both parties and not subject to any appeal whatsoever.

(3) The Superannuation Board shall keep within the books of account and other records of the Scheme—

(a) separate accounts and such particulars of investments as are necessary to record properly and equitably the accruing entitlements in respect of the members of The Southern Electric Authority of Queensland Superannuation Fund—

(i) who do not elect to convert their existing interest in such fund to an interest in the Scheme;

(ii) who have entitlements arising out of additional voluntary unsubsidized contributions;

(iii) who have entitlements pursuant to clause 4 (3);

(b) a consolidated account, separate from the other accounts of the Scheme, in respect of the members of the following funds who do not elect to convert their existing interest in the particular fund to an interest in the Scheme:—

Cairns Regional Electricity Board Superannuation Fund;

Capricornia Regional Electricity Board Superannuation Fund;

Mackay Regional Electricity Board Superannuation Fund;

Townsville Regional Electricity Board Superannuation Fund;

Wide Bay-Burnett Regional Electricity Board Superannuation Fund; and

Northern Electric Authority of Queensland Superannuation Fund.

Each account specified in this subclause shall be investigated separately at the actuarial valuation and the actuary shall specifically refer to the result of each investigation in his report.

(4) Upon the assets of a superannuation fund being transferred in accordance with this clause, the assets and liabilities of the fund become assets and liabilities of the Superannuation Board and the trustees of such fund shall go out of office and the fund shall cease to exist. In the case of The Southern Electric Authority of Queensland Superannuation Fund, the body corporate shall be dissolved.

**7. Provisions of Act prevail over provisions of trust deed.** Where in any case a provision of any trust deed or rules or other document relating to a fund shown in the First Column of the table forming part of clause 2 (5) is inconsistent with a provision of this Act, the provision of this Act shall prevail.

### 8. Existing contributors under Local Government Superannuation Act.

(1) Notwithstanding any provisions of the *Local Government Superannuation Act 1964-1974* or any other Act to the contrary, a permanent employee, within the meaning of the said Local Government Superannuation Act, of a Local Authority who at the commencement of this Act becomes a person employed in the electricity supply industry pursuant to this Act and who at the time of such commencement is contributing for a benefit under the provisions of the said Local Government Superannuation Act shall, except as hereinafter provided, continue such contributions and be entitled to the benefits payable with respect thereto.

(2) Upon a person referred to in subclause (1) becoming employed in the electricity supply industry pursuant to this Act, his employer shall, for the purposes of the *Local Government Superannuation Act 1964-1974*, be subject to the provisions of that Act in the same manner and to the same extent as those provisions are applicable to a Local Authority as an employer.

(3) An employee who is an employee in the electricity supply industry to whom this clause applies who ceases to be so employed shall for the purposes of the *Local Government Superannuation Act 1964-1974* be deemed to have ceased to be employed by a Local Authority on and from the day his employment in the electricity supply industry ceases.

(4) (a) The Superannuation Board and The Local Government Superannuation Board may make such agreements as from time to time may be necessary to give effect to any of the applicable provisions of this Schedule.

(b) The draft of any proposed agreement pursuant to this subclause shall be submitted to the Commission for the consideration of the Governor in Council. The Governor in Council may by Order in Council approve the making of such agreement and any agreement so made shall have the force of law.

**9. Existing contributors to a Brisbane City Council employees' benefit fund.** (1) Notwithstanding any provisions of the *City of Brisbane Act 1924-1974* or any other Act or any rule of a fund as hereinafter referred to to the contrary, a person who at the commencement of this Act becomes a person employed in the electricity supply industry pursuant to this Act and who at the time of such commencement is contributing to a superannuation or provident or similar fund established for the benefit of employees of the Brisbane City Council shall, except as hereinafter provided, continue such contributions and be entitled to the benefits payable with respect thereto.

(2) (a) Upon a person referred to in subclause (1) becoming employed in the electricity supply industry pursuant to this Act, his employer shall—

(i) deduct from his pay and remit to the Brisbane City Council or such other person as the Brisbane City Council may require, the contributions of such employee to the fund concerned;

(ii) pay to the Brisbane City Council an amount equal to the employer's contribution from time to time in respect of such employee as a contributor;

(iii) pay to the Brisbane City Council an amount agreed pursuant to this subclause to compensate the Brisbane City Council for the costs of administration involved.

(b) The amount to be so paid as referred to in paragraph (a) (iii) may be in respect of each contributor or a lump sum in respect of all contributors and shall be the amount agreed between the Brisbane City Council and the Commission from time to time. If a lump sum payment is agreed to, the Commission shall pay the amount in the first instance and shall determine how such lump sum shall be apportioned among the different employers, and an amount so apportioned by the Commission in respect of an Electricity Authority shall constitute a debt payable by such Electricity Authority to the Commission, recoverable in any court of competent jurisdiction.

(3) An employee who is an employee in the electricity supply industry to whom this clause applies who ceases to be so employed shall in respect of his contributions for benefits be deemed to have ceased to be employed by the Brisbane City Council on and from the day his employment in the electricity supply industry ceases.

(4) (a) The Superannuation Board and the Brisbane City Council (including for the purposes of this subclause the trustees of any superannuation, provident or similar fund established for the benefit of employees of the Brisbane City Council) may make such agreements as from time to time may be necessary to give effect to any of the applicable provisions of this Schedule.

(b) The draft of any proposed agreement pursuant to this subclause shall be submitted to the Commission for the consideration of the Governor in Council. The Governor in Council may by Order in Council approve the making of such agreement and any agreement so made shall have the force of law.

**10. Cessation of contributions to Local Government or Brisbane City Council fund.** An employee employed in the electricity supply industry who pursuant to this Schedule has continued to contribute for a benefit under the provisions of the *Local Government Superannuation Act 1964-1974* or to a superannuation, provident or similar fund established for the benefit of employees of the Brisbane City Council who under the rules of the fund to which he contributes—

(a) would have been required on the occurrence of a circumstance to cease contributing although he was still employed in the service of a Local Authority or the Brisbane City Council, as the case may be, and that circumstance occurs, shall cease to so contribute;

(b) may cease contributing although he is still employed in the service of a Local Authority or the Brisbane City Council, as the case may be, and who applies to so cease, may do so subject to his complying with any conditions precedent to so ceasing to contribute provided for in the rules of the fund:

Provided that any employee who ceases contributing to a fund pursuant to this clause shall not be entitled to elect to contribute to the Scheme during the period he continues to be employed in the electricity supply industry unless the Superannuation Board is satisfied that special circumstances exist; and any employee permitted by the Superannuation

Board to so contribute shall not, irrespective of any provision of the Articles to the contrary, be entitled to any benefit from the Scheme related to his service prior to the date the Superannuation Board permits him to so contribute.

**11. Certain former Local Government and Brisbane City Council employees may contribute to a superannuation fund.** (1) A person who at the commencement of this Act becomes a person employed in the electricity supply industry pursuant to this Act and who prior to becoming so employed was an employee of a Local Authority or of the Brisbane City Council who did not contribute for any superannuation or similar benefit under the *Local Government Superannuation Act 1964-1974* or under a superannuation, provident or similar fund established for the benefit of employees of the Brisbane City Council may, at any time prior to the time when he may become a contributor to the Scheme pursuant to section 377, be invited by his employer to contribute to the superannuation fund in respect of which the employer becomes and is the employer pursuant to clause 2 (5) and, subject to his being otherwise eligible, shall be accepted as a member of such fund.

(2) Notwithstanding subclause (1), where the employer is the Generating Board, its employee is eligible to be invited to join only the Northern Electric Authority of Queensland Superannuation Fund.

(3) The Commission or The South East Queensland Electricity Board or The South West Queensland Electricity Board, as the case may be, may invite its employees to whom this clause applies to contribute to the Northern Electric Authority of Queensland Superannuation Fund, in which case the Generating Board shall make all necessary arrangements for any such employee who elects to so contribute and is otherwise eligible to become a contributor to such fund.

**12. Local Government or Brisbane City Council fund contributors may exercise option.** (1) An employee of the electricity supply industry who pursuant to clause 8 or clause 9 has continued to contribute either for a benefit under the provisions of the *Local Government Superannuation Act 1964-1974* or to a superannuation, provident or similar fund established for the benefit of employees of the Brisbane City Council, notwithstanding the provisions of such clauses, may within the time provided in the Articles or within such extended time as the Superannuation Board may in its discretion allow, it being hereby thereunto authorized, elect to contribute to the Scheme.

(2) The Local Government Superannuation Board or the Brisbane City Council (including for the purposes of this subclause the trustees of any superannuation, provident or similar fund established for the benefit of employees of the Brisbane City Council), as the case may be, and the Superannuation Board shall confer as to the accruing entitlements of the employees who pursuant to subclause (1) elect to contribute to the Scheme and, notwithstanding—

- (a) any provision of the *Local Government Superannuation Act 1964-1974*; or, as the case may be,
- (b) any provision of the *City of Brisbane Act 1924-1974* or any rule of the relevant superannuation, provident or similar fund established for the benefit of employees of the Brisbane City Council,

may make an agreement with respect to such entitlements.

If the Governor in Council is satisfied that any such agreement does not derogate from the rights of the remaining members of any such fund, he may by Order in Council approve such agreement, and on and from the date of such approval such agreement shall have the force of law.

**13. Exemption from stamp duty.** Any agreement made or document executed pursuant to this Schedule is exempt from stamp duty.

## SIXTH SCHEDULE

[Section 103 (2)]

AREAS OF ELECTRICITY SUPPLY FOR WHICH ELECTRICITY  
BOARDS FIRST CONSTITUTED

The Areas of electricity supply for which the respective Electricity Boards are first constituted are as follows:—

1. **Area of electricity supply of The Far North Queensland Electricity Board.** That part of the State comprising the whole of the Local Authority areas of the City of Cairns and the Shires of Atherton, Cardwell, Carpentaria, Cook, Croydon, Douglas, Eacham, Etheridge, Herberton, Johnstone, Mareeba, Mulgrave and Torres.
2. **Area of electricity supply of The North Queensland Electricity Board.** That part of the State comprising the whole of the Local Authority areas of the Cities of Charters Towers, Mount Isa and Townsville and the Shires of Ayr, Boulia, Burke, Bowen, Cloncurry, Dalrymple, Flinders, Hinchinbrook, McKinlay, Richmond, Thuringowa and Winton.
3. **Area of electricity supply of The Mackay Electricity Board.** That part of the State comprising—
  - (a) the whole of the Local Authority areas of the City of Mackay and the Shires of Mirani, Nebo, Pioneer, Proserpine and Sarina;
  - (b) that part of the Local Authority area of the Shire of Broadsound commencing at a point on the shore of the South Pacific Ocean east from the eastern extremity of the northern boundary of portion 48, parish of Long Hill, by a line thereto and bounded thence by the boundaries of the parishes of Long Hill, West Hill and Porphyry Hill generally westerly, south-westerly and south-easterly to the western-most corner of portion 13, parish of Porphyry Hill, by the north-western and northern boundaries of that portion, the northern boundary of portion 46 and a line in continuation north-easterly and easterly to the shore of the South Pacific Ocean and by that shore generally northerly to the point of commencement and inclusive of the whole of Aquila Island; and
  - (c) that part of the Local Authority area of the Shire of Belyando within and bounded by a 7 kilometre radius from the south-western corner of Section 9, Town of Moranbah.
4. **Area of electricity supply of The Capricornia Electricity Board.** That part of the State comprising—
  - (a) the whole of the Local Authority areas of the Cities of Rockhampton and Gladstone and the Shires of Aramac, Banana, Barcaldine, Barcoo, Bauhinia, Blackall, Calliope, Diamantina, Duaringa, Emerald, Fitzroy, Ilfracombe, Isisford, Jericho, Livingstone, Longreach, Monto, Mount Morgan, Peak Downs and Tambo;

- (b) the whole of the Local Authority area of the Shire of Belyando except that part within and bounded by a 7 kilometre radius from the south-western corner of Section 9, Town of Moranbah;
  - (c) the whole of the Local Authority area of the Shire of Broadsound except that part commencing at a point on the shore of the South Pacific Ocean east from the eastern extremity of the northern boundary of portion 48, parish of Long Hill, by a line thereto and bounded thence by the boundaries of the parishes of Long Hill, West Hill and Porphyry Hill generally westerly, south-westerly and south-easterly to the western-most corner of portion 13, parish of Porphyry Hill, by the north-western and northern boundaries of that portion, the northern boundary of portion 46 and a line in continuation north-easterly and easterly to the shore of the South Pacific Ocean and by that shore generally northerly to the point of commencement and inclusive of the whole of Aquila Island; and
  - (d) the whole of the Local Authority area of the Shire of Miriam Vale except that part commencing at the junction of Baffle and Bottle Creeks east from the north-eastern corner of portion 149, parish of Tottenham and bounded thence by the right bank of Baffle Creek upwards to the north-eastern corner of portion 1, parish of Rosedale, by that portion and portion 101v southerly, south-easterly, south-westerly and westerly to the south-western corner of the latter portion, by R.14 Camping and Water Reserve, portions 95v, 96v and 98v generally southerly to the south-eastern corner of the last mentioned portion, by a line south-easterly to the eastern-most corner of portion 107v, by that portion and portion 106v south-westerly to the right bank of Murray's Creek, by that bank upwards to the north-western corner of portion 133, by the northern boundary of that portion and the western alignment of the road intersecting portions 133 and 134 easterly, southerly, easterly and again southerly to portion 154, by that portion and portion 153 generally easterly to the north-eastern corner of the latter portion, and by a line forming the common boundary of the Local Authority areas of the Shires of Miriam Vale and Gooburrum generally northerly to the point of commencement.
5. **Area of electricity supply of The Wide Bay-Burnett Electricity Board.** That part of the State comprising—
- (a) the whole of the Local Authority areas of the Cities of Bundaberg and Maryborough and the Shires of Biggenden, Eidsvold, Hervey Bay, Gayndah, Gooburrum, Isis, Kilkivan, Kingaroy, Kolan, Mundubbera, Murgon, Nanango, Perry, Tiaro, Wondai, Woocoo and Woongarra;
  - (b) the whole of Division 4 of the Local Authority area of the Shire of Rosalie as shown on plan S.C.94 deposited in the Office of the Surveyor-General; and
  - (c) that part of the Local Authority area of the Shire of Miriam Vale commencing at the junction of Baffle and Bottle Creeks east from the north-eastern corner of portion 149,

parish of Tottenham and bounded thence by the right bank of Baffle Creek upwards to the north-eastern corner of portion 1, parish of Rosedale, by that portion and portion 101v southerly, south-easterly, south-westerly and westerly to the south-western corner of the latter portion, by R.14 Camping and Water Reserve, portions 95v, 96v and 98v generally southerly to the south-eastern corner of the last mentioned portion, by a line south-easterly to the eastern-most corner of portion 107v, by that portion and portion 106v south-westerly to the right bank of Murray's Creek, by that bank upwards to the north-western corner of portion 133, by the northern boundary of that portion and the western alignment of the road intersecting portions 133 and 134 easterly, southerly, easterly and again southerly to portion 154, by that portion and portion 153 generally easterly to the north-eastern corner of the latter portion, and by a line forming the common boundary of the Local Authority areas of the Shires of Miriam Vale and Gooburrum generally northerly to the point of commencement.

**6. Area of electricity supply of The South East Queensland Electricity Board.** That part of the State comprising—

- (a) the whole of the area of the City of Brisbane within the meaning of the *City of Brisbane Act 1924-1974*; and
- (b) the whole of the Local Authority areas of the Cities of Gold Coast, Gympie, Ipswich and Redcliffe and the Shires of Albert, Beaudesert, Boonah, Caboolture, Esk, Gatton, Kilcoy, Laidley, Landsborough, Maroochy, Moreton, Noosa, Pine Rivers, Redland and Widgee.

**7. Area of electricity supply of The South West Queensland Electricity Board.** That part of the State comprising—

- (a) the whole of the Local Authority areas of the Cities of Toowoomba and Warwick, the Towns of Dalby and Roma and the Shires of Allora, Balonne, Bendemere, Booringa, Bulloo, Bungil, Cambooya, Chinchilla, Clifton, Crow's Nest, Glengallan, Jondaryan, Millmerran, Murilla, Murweh, Paroo, Pittsworth, Quilpie, Rosenthal, Tara, Taroom, Wambo and Warroo;
- (b) the whole of Divisions 1, 2 and 3 of the Local Authority area of the Shire of Rosalie as shown on plan S.C.94 deposited in the Office of the Surveyor-General; and
- (c) the whole of the Local Authority area of the Shire of Stanthorpe except that part commencing at a point on the Queensland-New South Wales border south from the southern extremity of the eastern boundary of portion 81, parish of Ballandean, by a line thereto and bounded thence by the south-eastern boundaries of portions 81 and 80 north-easterly to the eastern corner of the latter portion, by a line crossing the Southern Railway north-easterly to a point on the south-western boundary of portion 76, parish of Tenterfield, by the south-western and south-eastern boundaries of that portion south-easterly and north-easterly to its eastern corner, by a line easterly to the north-western

corner of portion 66, by the northern boundaries of that portion and portion 81, by a line and the northern boundaries of portions 84 and 127 easterly to the eastern-most corner of the last mentioned portion, by a line south-easterly to the Queensland–New South Wales border, and by that border generally south-westerly and westerly to the point of commencement.