



ANNO SEPTIMO

GEORGI VI REGIS.

A.D. 1943.

No. 31 of 1943.

An Act to establish an Electricity Commission, to confer on the Commission certain powers in relation to the generation and supply of electricity, and for purposes incidental thereto.

[Assented to 23rd December, 1943.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

- Short title. **1.** This Act may be cited as the “ Electricity Act, 1943.”
- Interpretation **2.** In this Act unless the context otherwise requires—
- “ chairman ” means chairman of the Commission :
- “ generating station ” means premises and plant used for generating electricity :
- “ member ” means member of the Commission :
- “ the Commission ” means The South Australian Electricity Commission established under this Act.
- The South Australian Electricity Commission.*
- Constitution of Commission. **3.** (1) There shall be constituted a body to be known as “ The South Australian Electricity Commission ”.
- (2) The Commission shall be a body corporate with perpetual succession and a common seal, and shall have power to hold property of all kinds and sue and be sued in its corporate name.

(3) Every court and every person acting judicially shall take judicial notice of the seal of the Commission and, when the seal appears on any document, shall presume that it was properly affixed thereto.

4. (1) The Commission shall consist of three members, all of whom shall be appointed by the Governor. Commissioners and term of office.

(2) One of the members shall be a full time member and shall be subject to the Public Service Act, 1936-1942.

(3) The members (other than the full-time member) shall be appointed for a term of five years and shall be eligible for re-appointment.

(4) The Governor may appoint one of the members to be chairman of the Commission for such period and on such terms and conditions as the Governor determines.

(5) A person appointed to a casual vacancy in the office of a member (other than the full-time member) shall hold office for the balance only of the term of the member in whose place he was appointed.

5. (1) The office of a member shall become vacant— Casual vacancies.

(a) upon his death ;

(b) if he resigns by notice in writing posted or delivered to the Minister ;

(c) if he is absent from six consecutive meetings of the Commission without leave granted by the Commission ;

(d) if he is removed from his office by the Governor as hereinafter provided.

(2) The Governor may remove a member from his office if in the Governor's opinion he—

(a) has been guilty of any conduct which shows him to be unfit to be a member of the Commission ;

(b) is by reason of mental or physical incapacity unable to perform the duties of his office.

Validity of
acts of
Commission.

6. An act or proceeding of the Commission shall not be invalid or illegal by reason only of the fact that at the time of the act or proceeding there was a vacancy in the office of any member : Provided that an act or proceeding of the Commission shall not be valid if at the time thereof the Commission consisted of less than two persons.

Quorum.

7. (1) Any two members shall form a quorum of the Commission.

(2) All business coming before the Commission shall be decided by the votes of a majority of the members present and voting at a meeting of the Commission.

(3) Where two persons only are present at a meeting of the Commission, and they are not unanimous on any matter coming before the meeting, that matter shall be deferred to a full meeting of the Commission.

Deputies.

8. (1) If for any reason a member is temporarily unable to act as such, the Governor may appoint a deputy to act in his place.

(2) Every deputy member while so acting shall have all the powers of the member in whose place he was appointed.

Officers.

9. (1) The Governor may appoint suitable persons to be officers of the Commission.

(2) Every person so appointed shall, unless the Governor otherwise directs, be subject to the Public Service Act, 1936-1942.

Fees.

10. The members of the Commission who are not subject to the Public Service Act, 1936-1942, shall be entitled to receive such fees and allowances as the Governor determines.

Investigations and Inquiries by the Commission.

Inquiries by
Commission.

11. (1) The Commission shall—

- (a) investigate the supplies of electricity within the State and the possibilities of improving, increasing, and cheapening such supplies and extending the use of electricity ;
- (b) conduct a survey of the coal deposits and any other sources of fuel within the State ;
- (c) investigate the purposes for which and the methods by which such coal and fuel may be used ;

- (d) conduct experiments or trials in connection with any investigation or survey ;
- (e) report to the Governor upon the results of its investigations, surveys, experiments, and trials, and make recommendations to the Governor as to any matter into which it has inquired ;
- (f) advise the Governor or any Minister upon any questions which relate to the supply of electricity and are referred to the Commission by the Governor or a Minister or by a resolution of either House of Parliament.

(2) All mining, boring, assaying, testing and other like operations which the Commission requires for the purpose of its investigations shall be carried out by the Mines Department, unless the Minister otherwise directs.

12. (1) The Commission, for the purpose of obtaining any information reasonably required for the purposes of this Act, may— Power to take evidence.

(a) by summons signed by the chairman, or a member or the secretary of the Commission, summon any person to appear before the Commission as a witness and, if the summons so requires, to produce books, documents, and papers ;

(b) take evidence on oath.

(2) A person summoned in pursuance of this section shall be entitled to be paid such fees and allowances as are fixed by the Governor.

(3) A person, having been summoned in pursuance of this section, shall not, without lawful excuse, fail to obey the summons.

(4) A person, having appeared as a witness before the Commission, whether summoned so to appear or not, shall not without lawful excuse, refuse to be sworn or to make an affirmation, or to produce documents, books, and papers, or to answer questions which he is lawfully required to answer.

(5) A person who upon oath or affirmation wilfully gives before the Commission any false evidence relating to any matter being inquired into by the Commission shall be guilty of wilful and corrupt perjury and liable to punishment accordingly under the Criminal Law Consolidation Act, 1935-1940.

Affirmation in lieu of oath.

13. (1) Any witness to be examined by the Commission may, in lieu of taking an oath, make an affirmation that he will state the truth, the whole truth, and nothing but the truth, to all questions lawfully asked him.

(2) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

Power to obtain information.

14. (1) The Commission may by notice in writing require any person to furnish the Commission with any information reasonably required by the Commission for the purposes of this Act.

(2) A person shall not, when so required under subsection (1) of this section—

(a) refuse or fail to furnish any information ; or

(b) give any information which is false in any particular.

Power to enter and inspect premises.

15. The Commission or the chairman or a member or officer thereof may for the purpose of obtaining any information reasonably required for the purposes of this Act, or for the purpose of exercising any function or power of the Commission under this Act, enter and inspect any land, premises, plant, machinery or other chattels.

Registration of Suppliers of Electricity.

Registration of suppliers.

16. (1) After a day to be fixed by the Commission by notice in the *Gazette* a person shall not generate any electricity for sale or sell any electricity unless he is registered by the Commission as a supplier of electricity.

(2) An application for registration as a supplier of electricity shall be made in the prescribed form and shall contain all the information indicated in that form.

(3) When an application for registration is duly made by a supplier of electricity, the Commission shall register him as such a supplier.

Notice of New Generating Stations and Plant.

Notices of generating stations and other works.

17. (1) A person shall not commence to —

(a) construct any generating station ;

(b) convert any premises into a generating station ;

(c) enlarge any generating station, whether constructed before or after the passing of this Act ; or

(d) instal in any such generating station any additional plant or machinery for the generation of electricity, unless he has first given the Commission notice in writing of his intention to do so.

(2) This section shall not apply in relation to a generating station in which a person generates or intends to generate electricity solely for his own use and not for sale.

Requests by Commission to Suppliers.

18. (1) The Commission may at any time make requests to any supplier of electricity as to any matter relating to the generation, storage, distribution and supply of electricity, including (but without limiting the generality of this subsection)—

Requests to suppliers.

- (a) the premises and plant used or to be used by the supplier, including the situation and nature thereof ;
- (b) the fuel to be used in such plant ;
- (c) the nature of the electrical current to be generated or supplied ;
- (d) the area to be supplied ;
- (e) the price to be charged to consumers for electricity or for the use of any electrical apparatus.

(2) When making any request the Commission shall give the supplier notice of the time by which he is required to intimate to the Commission whether he accedes or does not accede to the request.

The Commission may at its discretion extend any such time.

(3) If a supplier to whom a request has been made by the Commission—

- (a) intimates that he does not accede to the request ; or
- (b) does not give an answer to the request within the time fixed by the Commission,

the Commission shall forthwith make a full report upon such request and all matters connected therewith to the Treasurer.

(4) The Treasurer shall forthwith cause the report to be laid on the tables of the Legislative Council and the House of Assembly ; and if Parliament is not sitting when the report is received the Treasurer shall forthwith send a copy of the report to each member of the Legislative Council and to each member of the House of Assembly.

Administration of Electrical Articles and Materials Act, 1940.

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19. (1) The Commission shall administer the Electrical Articles and Materials Act, 1940, in substitution for the Electrical Goods Approvals Committee provided for in that Act, and shall have all the rights, powers, functions, duties, and liabilities of that Committee.

(2) The Electrical Articles and Materials Act, 1940, shall be construed as if every reference therein to the Electrical Goods Approvals Committee were a reference to the Commission.

General Provisions.

Regulations.

20. The Governor may make any regulations necessary or convenient for carrying this Act into effect and may by any regulation prescribe fines not exceeding fifty pounds for breach of any regulation.

Offences and
penalty.

21. (1) A person who contravenes any provision of this Act shall be guilty of an offence.

(2) A person guilty of an offence against this Act for which no other penalty is provided shall be liable to a fine not exceeding one hundred pounds and if the offence is a continuing offence to an additional fine not exceeding fifty pounds for every day on which the offence is continued.

(3) Proceedings for offences against this Act shall be dealt with summarily.

Financial
provision.

22. The money required for purposes of this Act shall be paid out of money provided by Parliament for those purposes.

Annual
report.

23. The Commission shall present an annual report to the Treasurer, who shall cause the report to be laid on the tables of the Legislative Council and the House of Assembly.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.