

Queensland



ANNO UNDECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 7

An Act to Amend "The Electric Light and Power Acts, 1896 to 1958," and "The Regional Electric Authorities Acts, 1945 to 1958," each in certain particulars, and "The State Electricity Commission Acts, 1937 to 1958," in a certain particular

[ASSENTED TO 23RD MARCH, 1962]

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.

Short title 1. This Act may be cited as "*The Electric Light and Power Acts and Other Acts Amendment Act of 1962.*"

Parts of Act 2. This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY ;

PART II.—AMENDMENTS OF "THE ELECTRIC LIGHT AND POWER ACTS, 1896 TO 1958" ;

PART III.—AMENDMENTS OF “THE REGIONAL ELECTRIC AUTHORITIES ACTS, 1945 TO 1958” ;

PART IV.—AMENDMENT OF “THE STATE ELECTRICITY COMMISSION ACTS, 1937 TO 1958.”

PART II.—AMENDMENTS OF “THE ELECTRIC LIGHT AND POWER ACTS, 1896 TO 1958.”

3. (1) This Part II. of this Act shall be read as one with “*The Electric Light and Power Acts, 1896 to 1958*,” herein in this Part referred to as the Principal Act. Construction of Part II.

(2) The Principal Act and this Part of this Act may be collectively cited as “*The Electric Light and Power Acts, 1896 to 1962*.” Collective title

4. Section four of the Principal Act is amended by adding to subsection (4) the following proviso :— Amendment of s. 4

“Provided however that any Order or license under this Act, referred to in this subsection and authorising the owner of a mine as defined in this subsection to supply electricity, or to construct or use any electric lines or works, beyond the limits of the mine in question, as those limits are defined in this subsection, shall be confined in its application to such matters as relate to the securing of the safety of any persons.”

5. Section nine of the Principal Act is amended by adding to subsection (4) the words “Notwithstanding anything contained in this Act or in any Order, an Order may be varied by agreement between the Commission and the Electric Authority concerned so as to authorise the supply of electricity in any manner whatsoever not inconsistent with this Act, provided that such variation shall have no force or effect whatsoever unless and until it has been approved by the Governor in Council. Notification of such approval shall be published in the *Gazette*.” Amendment of s. 9

6. Section 11c of the Principal Act is amended by— Amendments of s. 11c

(a) inserting in the marginal note after the word “Revocation” the words “or variation” ; and

(b) adding the following paragraphs :—

“The Governor in Council may approve of the variation of any Order, the variation of which has been agreed upon between the Commission and the Electric Authority concerned.

An agreement to vary an Order may be made between the Commission and the Electric Authority concerned, but in no event shall any such agreement have any force or effect whatsoever unless and until it is approved by the Governor in Council.

Notification of the revocation or variation of an Order under this section shall be published in the *Gazette*."

Amendments
of s. 48A

7. Section 48A of the Principal Act is amended by—

(a) omitting subsections (1) and (2) and inserting in their stead the following subsections :—

"(1.) The Governor in Council may, on the recommendation of the Commission, by Order in Council notify that, after the date fixed in the Order in Council, any wire, cable, appliance, fitting, meter, insulator, apparatus or material intended, suggested or designed for use in, or for any purpose of, or for connection to, any electrical installation, specified in such Order in Council, shall not be sold, 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 of the Commonwealth.

Any such wire, cable, appliance, fitting, meter, insulator, apparatus or material may be—

(a) specified in such Order in Council ;

(b) approved by the Commission ; or

(c) described in any regulation under this section, by reference to the class, description or type thereof, and such reference shall for all purposes of this section be a sufficient specification, approval or description thereof.

The Governor in Council may, on the recommendation of the Commission, by a further Order in Council revoke, amend, alter, vary or otherwise modify any Order in Council made under this section.

(2.) A person shall not at any time after the date fixed by an Order in Council under this section sell, 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 any wire, cable, appliance, fitting, meter, insulator, apparatus or material intended, suggested or designed for use in, or for any purpose of,

or for connection to, any electrical installation, specified in such Order in Council, unless such wire, cable, appliance, fitting, meter, insulator, apparatus or material is then approved by the Commission or approved by the Statutory Approvals Authority of some other State of the Commonwealth.

Penalty : Twenty pounds.

For the purposes of subsection (1) of this section and of this subsection—

- (a) “approved by the Commission” means approved by the Commission by an approval which is in force at the material time ; and
- (b) “approved by the Statutory Approvals Authority of some other State of the Commonwealth” means that the wire, cable, appliance, fitting, meter, insulator, apparatus or material in question—
 - (i) is approved by such Statutory Approvals Authority by an approval which 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 therefor prescribed by the regulations and/or by-laws under this Act.

In any proceedings for an offence against this subsection a document purporting to be signed by, or by the authority of, the Statutory Approvals Authority of another State of the Commonwealth, and stating that at any particular time there was or was not in force an approval by such Statutory Approvals Authority of the wire, cable, appliance, fitting, meter, insulator, apparatus or material specified therein (which specification may be by reference to class, description or type) or stating the manner of marking, stamping or labelling any wire, cable, appliance, fitting, meter, insulator, apparatus or material so specified, prescribed

by it shall, upon its production in evidence, be evidence of the matter stated therein and, in the absence of evidence in rebuttal, shall be conclusive such evidence.

- (c) “Statutory Approvals Authority”, in relation to any other State of the Commonwealth, means the authority by whatever name called which, by virtue of a statute law of that other State substantially similar to this section, is empowered to grant, for the purposes of such statute law, approvals such as may be granted by the Commission for the purposes of this section.” ; and
- (b) in subsection (3)—
- (i) omitting from the first paragraph the words “a type, description or class of” and inserting in their stead the word “any” ;
 - (ii) omitting from subparagraph (a) the words “type, description or class of” ; and
 - (iii) omitting from subparagraph (c) the words “type, description or class of”.

Amendment
of s. 52

8. Section fifty-two of the Principal Act is amended by omitting the words “five pounds, as” and inserting in their stead the words “one hundred pounds, as a stipendiary magistrate or”.

PART III.—AMENDMENTS OF “THE REGIONAL ELECTRIC AUTHORITIES ACTS, 1945 TO 1958.”

Inter-
pretation of
Part III.

9. (1) This Part III. of this Act shall be read as one with “*The Regional Electric Authorities Acts, 1945 to 1958,*” herein in this Part referred to as the Principal Act.

Collective
title

(2) The Principal Act and this Part of this Act may be collectively cited as “*The Regional Electric Authorities Acts, 1945 to 1962.*”

Amendment
of s. 18

10. Section eighteen of the Principal Act is amended by adding the following subsection:—

“(4.) An employee of a Regional Board, including an employee of a Regional Board who is a member of a Local Authority the District or part of the District whereof is included in the Region for which such Board is constituted, shall be incapable of holding office as a member, including the chairman, of the Regional Board.

The nomination for appointment, or appointment, as a member, including as the chairman, of a Regional Board of a person incapable under this section of holding the office shall be void, and the office as chairman or member of a Regional Board shall be vacated if the holder thereof becomes incapable under this subsection of holding it.

For the purposes of the provisions of this Act relating to the appointment of a member of a Regional Board upon failure or refusal of nomination, any nomination which is void under this section shall be deemed never to have been made.

If a person acts, purports to act, or continues to act as the chairman or a member of a Regional Board knowing that his appointment to his office as such is void or has become vacated under this subsection, he shall be liable to a penalty not exceeding fifty pounds."

11. Section thirty-three of the Principal Act is amended by adding to subsection (2) the following paragraph :—

Amendment
of s. 33

"(x) with the prior approval of the Commission, the provision of technical advice to Electric Authorities outside the region in respect of which the Board is constituted and the carrying out of works for such Electric Authorities."

12. Subsection (1) of section forty-four of the Principal Act is amended by inserting after the word "manager" where it first occurs the words "or other officer nominated by the Board and approved by the Commissioner for Electricity Supply and the Auditor-General".

Amendment
of s. 44

PART IV.—AMENDMENT OF "THE STATE ELECTRICITY COMMISSION ACTS, 1937 TO 1958."

13. (1) This Part IV. of this Act shall be read as one with "*The State Electricity Commission Acts, 1937 to 1958*," herein in this Part referred to as the Principal Act.

Inter-
pretation of
Part IV.

(2) The Principal Act and this Part of this Act may be collectively cited as "*The State Electricity Commission Acts, 1937 to 1962*."

Collective
title

Amendment
of s. 4

14. Section four of the Principal Act is amended by inserting after subsection (1) the following subsection :—

“(1A.) For all the purposes of this Act and of any other Act—

- (a) the Commission shall represent, and it is hereby declared always did represent the Crown ;
 - (b) the Commission shall have and may exercise, and it is hereby further declared always had and always was empowered to exercise all the powers, privileges, rights and remedies of the Crown.”
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