THE
NORTHERN ELECTRIC AUTHORITY OF
QUEENSLAND ACT of 1963,
No. 39

An Act to Constitute The Northern Electric Authority of Queensland, and for other purposes

[Assented to 18 December 1963]

PART I—PRELIMINARY

1. (1) Short title. This Act may be cited as "The Northern Electric Authority of Queensland Act of 1963".

(2) Commencement of Act. Save as herein otherwise provided this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the Gazette.

(3) 60 Vic. No. 24 not to apply. "The Electric Light and Power Acts, 1896 to 1962," do not apply with respect to the supply of electricity or use of electric lines or works by the Authority.


Act referred to:
Electric Light and Power Acts, 1896 to 1962, p. 69, ante.

2. Parts of Act. This Act is divided into Parts as follows:—
PART I—PRELIMINARY;
PART II—CONSTITUTION OF THE AUTHORITY;
PART III—UNDERTAKING OF THE AUTHORITY;
PART IV—FUNCTIONS, POWERS AND DUTIES OF THE AUTHORITY;
PART V—LOANS;
PART VI—FUNDS, ACCOUNTS AND AUDIT;
PART VII—BUDGETS;
PART VIII—OFFENCES AND LEGAL PROCEEDINGS;
PART IX—MISCELLANEOUS.

3. Meaning of terms. In this Act, unless the context otherwise indicates or requires the following terms shall have the meanings set against them respectively, that is to say:—

"Authority"—The Northern Electric Authority of Queensland established, constituted and incorporated by and under this Act;

"By-laws"—By-laws made by the Authority under the authority of this Act;

"Chairman"—The Chairman and Chief Executive Member and Chief Executive Officer of the Authority:
The term includes any person acting under the authority of this Act as chairman at any meeting of the Authority;

"Commissioner"—The Commissioner for Electricity Supply under and within the meaning of "The State Electricity Commission Acts, 1937 to 1962":

The term includes a Deputy Commissioner for Electricity under and within the meaning of such Acts acting as Commissioner;

"Construct" includes erect, lay down and place;

"Consumer"—A person other than an Electric Authority to whom the Authority supplies electricity;

"Document" includes summons, notice, order and other legal process, minutes and registers;

"Electric Authority"—The Southern Electric Authority of Queensland, the Authority, any Regional Board and any Local Authority, company or person authorised by an Order in Council or license under "The Electric Light and Power Acts, 1896 to 1962," to supply electricity;

"Electricity" means and includes electric current, electrical energy or any like agency;

"Electric line" means and includes a wire or wires, conductor, or other means, used for the purpose of conveying, transmitting, transforming or distributing electricity, with any casing, coating, covering, tube, pipe, pillar, pole, 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;

"In bulk"—In relation to the Authority, the supply by the Authority to any Electric Authority of all such electricity as may be required by such Electric Authority from time to time as an electric authority;

"Main distributing undertaking"—The business and undertaking of any Electric Authority so far as relates to the distribution to consumers of electricity supplied from the main generating undertaking of such Electric Authority;

"Main generating undertaking"—In relation to any Electric Authority its business and undertaking so far as relates to the generation of electricity from a single source (if only a single source is provided by the Electric Authority) or from a source interconnected with other generating stations whether within or outside its area of supply; also the main transmission of electricity from such source or sources;

"Meter" includes every kind of machine used for measuring electricity;

"Minister"—The Minister for Industrial Development or other Minister for the time being administering this Act:

The term includes any Minister performing temporarily the duties of the Minister administering this Act;

"Premises" means any building, structure, land and adjuncts thereto which are rented, leased or owned by the person or persons concerned;

"Region"—A region of electricity supply constituted under "The Regional Electric Authorities Acts, 1945 to 1962";
“Regional Board”—A Regional Board constituted under “The Regional Electric Authorities Acts, 1945 to 1962,” in respect of any region;
“Road” means and includes any road, street, square, court, alley, highway, thoroughfare, lane, footpath, public passage or place which the public are entitled to use, and any wharf, jetty, bridge, park or reserve which is under the control of a public authority or a Local Authority;
“Secretary”—the Secretary to the Authority:
The term includes any person performing the duties of that office;
“Statutory corporation” means any corporation, company or person exercising statutory powers over any road or owning or operating any railway, tramway or canal under any statutory powers;
“Undertaking”—The works, lands, property and operations incidental to the carrying out of the business of the Authority or any Electric Authority;
“Works” means and includes electric lines and also any buildings, structures, machinery, engines, meters, lamps, transformers, plant and equipment (fixed or mobile), sub-stations, street boxes, cables, materials, conveniences, appurtenances, apparatus, works, matters and things of every description whether for or in connection with the generation, transmission, distribution or supply of electricity or otherwise forming part of the undertaking of the Authority or of any Electric Authority;
“Year” means the period of time from and including the first day of July in any calendar year to and including the thirtieth day of June in the next succeeding calendar year.

When one word or phrase includes another the derivatives of the one include those of the other.

Acts referred to:
Electric Light and Power Acts, 1896 to 1962, p. 69, ante.

4. Administration of Act. Subject to the Minister the Commission shall administer this Act.

PART II—CONSTITUTION OF THE AUTHORITY

5. Establishment of Authority. A public authority of the State of Queensland, to be known as “The Northern Electric Authority of Queensland” (being an Electric Authority) is hereby established, constituted and incorporated.

6. Authority to be corporation. (1) The Authority shall be a body corporate under the name and style of “The Northern Electric Authority of Queensland”, and by that name shall have perpetual succession and an official seal and shall be capable in law of suing and being sued and of taking, purchasing, holding, alienating, having and otherwise dealing with real and personal, movable and immovable property within and outside the State of Queensland and of doing and suffering all such other 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 the seal of the Authority affixed to any document, notice or other writing and, until the contrary is proved, shall presume that it was duly affixed.

(3) The Authority shall not represent the Crown.

7. Membership of Authority. (1) The Authority shall consist of a Chairman, the Commissioner for Electricity Supply, and five other members each of whom, save the Commissioner, shall be appointed by the Governor in Council by notification published in the Gazette.

(2) Subject to subsections (3) and (4) of this section the Governor in Council shall (and in respect of any and every such office may from time to time when and so often as a vacancy occurs therein) appoint as prescribed the Chairman and other members.

(3) (a) The Chairman shall be a person whose wide experience in the electricity supply industry and qualifications make him suitable for appointment as the Chairman and Chief Executive Member and Chief Executive Officer of the Authority.

(b) The Chairman shall be the Chief Executive Member and Chief Executive Officer of the Authority.

(c) The person first appointed to be the Chairman shall be appointed on the recommendation of the Commission and persons subsequently appointed shall be appointed on the recommendation of the Authority.

(d) If during any temporary absence of the Chairman or on the occurrence of a vacancy in the office of Chairman the Minister considers that there has been unnecessary delay in making a recommendation under this section or under section twenty-eight of this Act the Minister may by notice in writing to the Authority require the Authority within such time as is specified in the notice to make a recommendation in accordance with the provisions of this section or section twenty-eight of this Act, whichever is applicable. If the Authority fails so to do the Governor in Council may make an appointment without receiving the recommendation of the Authority.

(e) The Authority may by resolution and with the approval of the Commission delegate to the Chairman or any specified officer of the Authority 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 or duties of the Authority except the power to borrow or vote money and to fix prices and charges and may by subsequent resolution withdraw any such delegation either wholly or in part.

No act of the Chairman or specified officer done within the scope of any such delegation during the period such delegation is in force shall be invalidated by reason of the subsequent withdrawal of the delegation.

(4) The members of the Authority, other than the Chairman and the Commissioner, shall include at least one person who is a member of, or engaged in the undertaking of, The Cairns Regional Electricity Board, The Mackay Regional Electricity Board and The Townsville Regional Electricity Board respectively.
(5) (a) Subject to this Act the Chairman or any other appointed member—

(i) shall be eligible for reappointment; and

(ii) shall hold office for the term for which he is appointed or reappointed but no such appointment or reappointment shall be for a term exceeding seven years.

(b) In the case of the office of an appointed member, other than the Chairman, an appointment may be made of a member to hold office for the remainder of the term of his predecessor (and it shall be sufficient in the notification of the appointment to specify the term thereof accordingly) where the vacancy arose before the expiration of the term for which his predecessor was appointed.

8. Vacation of office. (1) The Chairman or any other member shall be deemed to have vacated his office—

(a) if, being the Chairman, 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, being the Chairman, he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Authority (which leave the Authority is hereby authorised to grant), unless such absence is occasioned by illness or other unavoidable cause;

(d) if, being a member referred to in subsection (4) of section seven of this Act, he ceases to be a member of, or to be engaged in the undertaking of The Cairns Regional Electricity Board, the Mackay Regional Electricity Board, or the Townsville Regional Electricity Board, as the case may be;

(e) if, being a member other than the Chairman, he is absent from four consecutive ordinary meetings of the Authority without leave granted by the Authority;

(f) if he dies or becomes mentally sick;

(g) if he is convicted of an indictable offence;

(h) if he resigns his office by writing under his hand delivered to the Minister and such resignation is accepted by the Governor in Council;

(i) if he declines office;

(j) 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 which appears to him to be sufficient cause for so doing, remove the Chairman or any other member from office.

(3) 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 shall enter in the minute book the name of any member who so attends.
9. Deputy Chairman. (1) The Governor in Council may appoint one of the members of the Authority (who shall not be the Chairman or the Commissioner) to be the Deputy Chairman of the Authority.

(2) The Deputy Chairman shall preside at any duly convened meeting of the Authority during any absence therefrom of the Chairman.

If both the Chairman and Deputy Chairman are absent the members present shall elect from their number a chairman to preside at the meeting during the absence therefrom of the Chairman and Deputy Chairman.

(3) The person presiding at any meeting of the Authority shall have an original vote and, in the event of an equal division of votes upon any question, shall have a second or casting vote.

(4) Save as respects presiding at a meeting of the Authority during the absence therefrom of the Chairman, the Deputy Chairman shall not have or exercise any function, power or authority or be charged with any duty conferred or imposed upon the Chairman by this Act.

10. Deputies for members. (1) In the case of any member other than the Chairman or the Commissioner the Governor in Council may appoint a deputy to act in the place of such member in the event of his illness or absence.

Such an appointment may be made generally or with reference to a specified illness or absence. If made generally the appointee may act in terms thereof in respect of any illness or absence of the member whose deputy he is which may occur during the continuance of the appointment.

If a member referred to in subsection (4) of section seven of this Act is unable to attend any meeting of the Authority, and there is not a deputy for him appointed as aforesaid, then such member may in writing and is hereby authorised to appoint a person to attend such meeting as his deputy.

(2) If for any reason the Commissioner is unable to attend any meeting of the Authority, the Commissioner may and is hereby authorised to appoint some other person to attend such meeting as the deputy of the Commissioner.

Notification in writing by the Commissioner to the Authority authorising such person to attend any meeting of the Authority shall be sufficient authority for such person to attend such meeting.

(3) A deputy whilst duly acting in the place of the member whose deputy he is shall have the immunities, powers, authorities and duties of such member.

(4) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the Deputy Chairman to act as chairman at a meeting of the Authority in the place of the Chairman or a deputy to act in the place of a member other than the Chairman or as to the necessity or propriety of any appointment of a deputy; and all acts or things done or omitted by the Deputy Chairman or a deputy when so acting as aforesaid shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the Chairman or the member in whose place the Deputy Chairman or such deputy as the case may be is acting.

11. Proceedings of the Authority. (1) The Authority shall hold its first meeting at a time and place appointed by the Minister and thereafter shall meet at such times and places as may be appointed by by-law or by resolution of the Authority.
(2) All questions shall be decided by the majority present. A quorum shall comprise not less than four members. If any member refuses to vote his vote shall be counted in the negative.

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

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

(5) 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, if no member is present, may adjourn such 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.

(6) The power of the Authority to make by-laws includes power to make by-laws providing for, regulating and controlling its meetings, including the times and places at which meetings shall be held (provided that the Authority shall meet at least once in each month) notices of meetings, including adjourned meetings, business and procedure at meetings and the keeping and authentication of minutes of all proceedings of the Authority.

(7) All books, documents, papers, correspondence, and writings belonging to or relating to the business of the Authority which are not by this Act declared to be open to inspection shall nevertheless be open to inspection by any member. Any person having the custody of any such book, document, paper, correspondence, or writing who fails to permit such inspection shall be liable to a penalty not exceeding five pounds.

12. Payment of Chairman and members. (1) The Chairman shall receive such remuneration (whether by way of salary or fees or allowances or any thereof) and his appointment shall be subject to such terms and conditions other than the terms and conditions provided for in this Act as the Authority may from time to time determine.

(2) The other members of the Authority and deputy members shall respectively receive such remuneration whether by way of salary or fees or allowances or any thereof as may be fixed by by-law from time to time.

(3) 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 a member (but not the office of Chairman) under this Act, or from accepting and retaining any remuneration (whether by way of salary, or fees or allowances) payable to a member under this section.

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

If such member does not repay such money in pursuance of such order, the order may be made an order of the Supreme Court by filing a copy thereof in the office of the registrar of such court, and may be enforced accordingly.

13. Indemnities. (1) No matter or thing done, and no contract entered into by the Authority, and no matter or thing done by the Chairman, or other member, or by any other person whomsoever acting under the direction of the Authority shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(2) Nothing in this subsection shall exempt the Chairman or any other member from the liabilities imposed by sections fifty-eight or sixty-seven of this Act.

14. Dissolution of Authority. (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 Authority.

Upon and by virtue of any such dissolution—
(a) the Chairman and Chief Executive Member and Chief Executive Officer of the Authority shall cease to be the Chairman and Chief Executive Member of the Authority but such dissolution shall not affect his office as the Chief Executive Officer of the Authority; and
(b) the other members of the Authority shall go out of office.

(2) The Governor in Council may by the same or subsequent Order in Council appoint the Commission to carry on, for such period as may be specified in the said Order in Council, such of the functions of the Authority 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 Authority and may exercise all of the powers thereof.

(3) The Governor in Council may in the Order in Council dissolving the Authority or in a subsequent Order in Council appoint fresh members in the place of the members (other than the Chairman) of the Authority 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 members (other than the Chairman) of the Authority shall apply and extend accordingly.

Upon such fresh appointment of members, the Chief Executive Officer of the Authority shall, without further or other appointment, become and be also its Chairman and Chief Executive Member.

(4) If at the time of the dissolution of the Authority the office of the Chief Executive Officer of the Authority is vacant, or that office becomes vacant during the dissolution, the Governor in Council may, upon the recommendation of the Commission appoint a person who is qualified as prescribed to that office.
15. When member disqualified from voting. (1) If a member of the Authority has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Authority 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 which a member may have as an inhabitant of a Region or the area of supply of an Electric Authority or 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—

(a) this subsection shall not apply to membership of or employment under any public body; and

(b) a member of a company or other body shall not by reason only of his membership be treated as being so interested if he has no beneficial interest in any shares or stock 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 subsection to be also an interest of that other spouse.

(4) A general notice given in writing to the Secretary of the Authority 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 Authority shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) of this section, and of any notice given under subsection (4) of this section, and the book shall be open at all reasonable hours to the inspection of any member of the Authority.

(6) If any person fails to comply with the provisions of subsection (1) of this section, he shall for each offence be liable on summary conviction to a fine not exceeding one hundred pounds 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.

(7) The Minister, as respects a member of the Authority, 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 Authority 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 Authority that the disability should be removed.

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

PART III—UNDERTAKING OF THE AUTHORITY

16. Transfer to Authority of the main generating undertakings of certain Regional Boards. (1) The Governor in Council shall by Order in Council fix a date. Such date is in this section and in sections seventeen and eighteen of this Act referred to as the "prescribed date."

(2) On and from the prescribed date—

(a) The Cairns Regional Electricity Board, The Mackay Regional Electricity Board and The Townsville Regional Electricity Board shall, so far as relates to their respective main generating undertakings, each cease to be an electric authority; and

(b) the Authority shall under, subject to and in accordance with the provisions of this Act become and be the electric authority authorised to supply electricity in bulk to the Regional Electricity Boards mentioned in paragraph (a) of this section respectively.

For Order in Council fixing 1 July 1964 to be "prescribed date" for the purposes of this Act, see Gazette 27 June 1964, p. 996.

17. Vesting in Authority of main generating undertakings of certain Regional Boards. (1) On and from the prescribed date the following provisions shall, subject to this Act, have effect, namely:

(a) the main generating undertakings of The Cairns Regional Electricity Board, The Mackay Regional Electricity Board and The Townsville Regional Electricity Board shall be divested from those Boards respectively and shall vest in the Authority;

(b) all real and personal property, and every right, title, estate or interest therein and all management and control of any matter or thing which immediately before the prescribed date was vested in or belonged to any such Regional Board 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 Authority;

(c) all moneys and liquidated and unliquidated claims which immediately before the prescribed date were payable to or recoverable by any such Regional Board in relation to its main generating undertaking shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Authority;
(d) all suits, actions and proceedings pending immediately before the prescribed date by or against any such Regional Board in relation to its main generating undertaking may be carried on and prosecuted by or against the Authority, 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 any such Regional Board in relation to its main generating undertaking existing at the prescribed date shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the Authority and may be enforced by or against the Authority accordingly;

(f) all debts and moneys payable by any such Regional Board in relation to its main generating undertaking and all claims liquidated or unliquidated recoverable against any such Regional Board in relation to its main generating undertaking shall be debts due and moneys payable by and claims recoverable against the Authority; and

(g) every officer or employee of any such Regional Board who is then regularly employed in or about the main generating undertaking of any such Regional Board shall become and be an officer or employee of the Authority.

The service of such officer or other employee with the Authority shall be deemed to have been continuous service from the time of the commencement of his employment as referred to in this paragraph with the Regional Board concerned.

This paragraph applies so as not to prejudice the right of the Authority or of the officer or employee concerned to terminate the employment.

(2) Upon the transfer to the Authority of the main generating undertaking of any Regional Board mentioned in this section, that Regional Board shall deliver to the Authority all books, documents, records and papers relating to such main generating undertaking.

(3) The Authority shall as on and from the prescribed date indemnify and keep harmless every Regional Board mentioned in this section against all claims against such Regional Board in respect of goods delivered for the purposes of its main generating undertaking and against all claims or any other liabilities incurred in respect of its main generating undertaking.

(4) The Authority shall pay all interest accruing due on or after the prescribed date in respect of any moneys borrowed by any Regional Board mentioned in this section on account of its main generating undertaking and make the contributions or payments required by law or by any agreement to the sinking fund established in connection with any such loan or for the redemption of the principal thereof or on account of such main generating undertaking.

(5) Neither the coming into operation of this Act nor any provision hereof shall prejudicially affect any security, rights, powers, authorities and remedies of any holder of a bond, debenture, mortgage, deed or other security given by any Regional Board mentioned in this section before the prescribed date, 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 Authority (including the main generating undertaking and assets vested in the Authority under this Act) and the revenue therefrom as if the bond, debenture, mortgage, deed or other security had been given by the Authority instead of by the Regional Board concerned.

(6) The liabilities imposed on the Authority by this section shall for the purpose of securing the discharge thereof rank in priority over any loan raised by the Authority on or after the prescribed date.

(7) If any officer or other employee of any Regional Board mentioned in this section who becomes an employee of the Authority as aforesaid is entitled to any leave or superannuation or retiring benefits or allowances from such Regional Board the Authority shall become liable in respect thereof.

This subsection applies subject to subsection (8) of this section.

(8) If any officer or other employee of any Regional Board mentioned in this section who becomes an employee of the Authority as aforesaid shall be entitled to any leave, superannuation or retiring benefits or allowances under any benefit, provident or superannuation fund or scheme existing in connection with his employment by such Regional Board, such benefit, provident or superannuation fund or scheme shall remain liable for the expenses of any payments on account of the leave, retirement or death of such officer or employee or alternatively such officer or other employee shall make such payment or assignment of rights on account thereof to the Authority or to any benefit, provident or superannuation fund or scheme of the Authority as shall be just.

18. Transfer of part of undertaking by agreement. (1) If at any time after the prescribed date the Authority of the one part or The Cairns Regional Electricity Board, The Mackay Regional Electricity Board or The Townsville Regional Electricity Board of the other part considers that the best interests of the Authority and of such Regional Board and of consumers generally will be served by the transfer to and vesting in the Authority of any part of the main distributing undertaking of such Regional Board or the vesting in such Regional Board of any part of the main generating undertaking of the Authority, then the Authority and such Regional Board shall confer with the object of agreeing upon the part to be so transferred and vested and the terms and conditions of the transfer and vesting.

Agreement between the Authority and any such Regional Board as to the part of the main distributing undertaking or, as the case may be, the main generating undertaking to be transferred by the one to and vested in the other, and as to the terms and conditions of the transfer and vesting shall be subject to the approval of the Commission.

Failing agreement between the parties to the conference upon the part to be transferred and vested or upon the terms and conditions of the transfer and vesting the Commission shall determine such part or, as the case requires, terms and conditions and the parties shall be bound by its determination as if they had agreed accordingly.

Any terms and conditions of any such agreement which involve the transfer of any officer or employee of the Authority or of the Regional Board concerned shall ensure that the rights and privileges due or accruing due to such officer or employee by virtue of his service with the Authority or such Board shall be preserved.
19. Isolated parts of undertakings of certain Boards. (1) In this section the term "any isolated part" means, in relation to The Cairns Regional Electricity Board, The Mackay Regional Electricity Board or The Townsville Regional Electricity Board, any part of the business and undertaking of such Board which is related to the generation of electricity from a source other than its main generating undertaking, or which is related to the distribution to consumers of electricity supplied from a source other than its main generating undertaking, or which is related to both such generation and distribution.

(2) The Authority and any Board mentioned in this section may agree upon the transfer to and vesting in the Authority of any isolated part of the business and undertaking of such Board and upon the terms and conditions of such transfer and vesting.

(3) Where, pursuant to an agreement under this section, any isolated part of the business and undertaking of any Board mentioned in this section has been transferred to and vested in the Authority, the Authority and such Board may agree upon the terms and conditions upon and subject to which such isolated part shall be transferred back to and re-vested in such Board.

(4) The Commission may direct the Authority and a Board mentioned in this section to negotiate with a view to an agreement between them as prescribed by this section in relation to any isolated part specified by the Commission of the business and undertaking of such Board (including any such isolated part theretofore transferred to and vested in the Authority).

The Commission shall give such a direction in relation to any isolated part of the business and undertaking of any Board mentioned in this section at the request of the Authority or of such Board.

(5) Agreement between the Authority and any Board mentioned in this section as to any isolated part of the business and undertaking of such Board to be transferred by the one to and vested in the other, and as to the terms and conditions of the transfer and vesting shall be subject to the approval of the Commission.

Failing agreement (and whether the parties to the negotiations therefor commenced to negotiate of their own volition or by direction of the Commission) the Commission shall determine all matters whereon the parties are not in agreement and they shall be bound by its determination as if they had agreed accordingly.

(6) The transfer and vesting of any isolated part of the business and undertaking of any Board mentioned in this section pursuant to an agreement under this section shall take effect on and from the date agreed upon by the parties to the agreement or, failing agreement between them, fixed by the Commission.
20. Preliminary powers of Authority. (1) During the period commencing on the date of the constitution of the Authority and ending on the prescribed date mentioned in section sixteen of this Act the powers and functions of the Authority shall be limited to the matters and things following, that is to say:—

(a) the provision of an office;
(b) the appointment and employment of officers and employees and the organisation of a staff of officers and employees;
(c) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Authority are necessary or expedient in order to enable the Authority to exercise all or any of the powers, authorities, functions and duties vested in it by or under this Act;
(d) the making of arrangements and agreements in accordance with this section;
(e) the making of by-laws.

Nothing contained in this subsection shall be construed so as to limit the exercise by the Authority of its powers, authorities, functions and duties in respect of any of the aforesaid matters and things after the prescribed date.

(2) For the purpose of carrying out the powers and functions referred to in subsection (1) of this section the Authority may make use of the services of any of the officers or employees of The Cairns Regional Electricity Board, The Mackay Regional Electricity Board or The Townsville Regional Electricity Board; and each such Regional Electricity Board shall take all necessary steps accordingly.

(3) (a) The Cairns Regional Electricity Board, The Mackay Regional Electricity Board and The Townsville Regional Electricity Board respectively shall as soon as practicable after the constitution of the Authority arrange and agree with the Authority—

(i) upon the assets, debts and liabilities of such Regional Electricity Board which relate to its main generating undertaking; and
(ii) upon the officers and employees of such Regional Electricity Board who are then regularly employed in or about the main generating undertaking of such Regional Electricity Board, so that the assets, debts and liabilities and the officers and employees to be transferred to the Authority by it will be ascertained and defined.

(b) Every such Regional Electricity Board and the Authority may for the purposes referred to in paragraph (a) of this subsection, and shall, if unable to agree with respect to any such purpose, each respectively appoint two of its officers to a joint committee to be convened by a person appointed by the Governor in Council upon the recommendation of the Commissioner who shall also be a member and the chairman of such Committee.

In the event of either a Regional Electricity Board or the Authority failing or refusing to appoint a representative or representatives to such Committee, or in the event of an appointed representative or 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.
(c) Such Committee shall also determine what books, documents, records and papers shall be handed over by each Regional Electricity Board to the Authority.

(d) 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 of both the Regional Electricity Board and the Authority and a copy transmitted to the Commission for record purposes.

(e) Any expenses of such Committee shall be charged to and paid by the Authority.

(4) (a) The Authority is hereby authorised to accept such moneys as may be necessary for the purpose of exercising and performing its powers under this section and for that purpose may with the approval of the Governor in Council make arrangements with the Treasurer or with any bank or other financial institution for a temporary loan of the required amount.

(b) The Treasurer is hereby authorised 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 Authority and such bank or institution and approved by the Treasurer.

21. Prices for electricity. (1) The Commission shall determine the price or prices to be paid by any Regional Board or other Electric Authority to the Authority for the supply of electricity in bulk by the Authority and shall determine the method or methods of charge.

(2) In making a determination under subsection (1) of this section the Commission shall have due regard to the following matters:—

(a) the price paid by a consumer of electricity prior to the coming into operation of this Act shall not be adversely affected only because of and as a direct result of the coming into operation of this Act;

(b) the Commission shall ensure that after providing for essential reserves any savings or surpluses of the Authority shall be divided equitably between the Authority and every Regional Board or other Electric Authority supplied with electricity in bulk having regard to the desirability of progressively equalizing the prices to be paid by such Regional Boards and other Electric Authorities respectively for the supply of electricity in bulk.

(3) The Commission may, at its discretion at any time and from time to time, investigate any and all matters appertaining to or concerning—

(a) the alteration of prices or of methods of charge for the supply of electricity in bulk by the Authority;

(b) the mode in which any price or prices or method of charge for the supply of electricity in bulk by the Authority shall be ascertained.

(4) The Commission, in accordance with the result of any investigation or investigations made by it, may at its discretion make a determination varying any price or method of charge for the supply of electricity in bulk by the Authority or substituting any price or method of charge in lieu
thereof; and the price or prices or method or methods of charge as so varied or substituted by any determination shall have effect on and after such day as may be mentioned in the determination.

(5) The Authority shall not vary a price (or the discount, if any, upon the price) payable for electricity supplied in bulk by it as so determined unless it shall have applied to the Commission for a determination under this section and the proposed variation has been authorised by a determination.

(6) The price for electricity to be paid by any consumer supplied by the Authority in accordance with the provisions of paragraphs (c) or (d) of subsection (1) of section twenty-nine of this Act shall be subject to the provisions of sections seventeen to twenty-two, both inclusive of "The State Electricity Commission Acts, 1937 to 1962."

Act referred to:

22. (1) Determinations of Commission to be published in Gazette. Any determination made by the Commission under section twenty-one of this Act 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 the Authority and every Regional Board, or other Electric Authority, or other person concerned of the making of such determination.

(2) Effect of publication in Gazette of determinations. All determinations made or purporting to be made under section twenty-one of this Act 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.

23. Authority to investigate and determine. (1) The Commission shall have and be deemed to have full power and authority to make any investigation or determination authorised to be made by it under and pursuant to section twenty-one of this Act.

(2) When the Commission has made a determination under section twenty-one of this Act, the Authority shall charge and shall be entitled to receive the price or prices for its supply of electricity in bulk for the time being so determined and no greater or less price or prices.

24. Appeal against price determination. (1) The Authority or any Regional Board or other Electric Authority affected by a determination made by the Commission under section twenty-one of this Act shall, if dissatisfied with such determination, have a right of appeal to the Industrial Court constituted under "The Industrial Conciliation and Arbitration Act of 1961" and such Court shall have jurisdiction to hear and determine such appeal, and its decision shall be final and conclusive and without appeal to any other tribunal whatsoever.

(2) Upon an appeal to it under subsection (1) of this section the Industrial Court shall, in addition to the powers and authorities hereinafter conferred upon it by subsection (3) of this section, have 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.

(3) The following provisions shall at the discretion of the court
be applicable to an appeal to the Industrial Court under subsection (1)
of this section, that is to say:

(a) the court may conduct such appeal by way of a rehearing; or
(b) the evidence, documents, statements, and reports and all other
matters and things admitted or received by the Commission
upon any investigation or investigations pursuant to which
it made the determination appealed against may be admitted
and received by the court, without prejudice, however, to
its power to review such evidence, documents, statements,
or reports or other matters or things, or to admit and receive
fresh evidence, documents, statements, reports, or matters
or things; or
(c) the court may review the evidence, documents, statements,
and reports and other matters and things admitted and received
by it pursuant to paragraph (b) of this subsection and may
in addition admit and receive fresh evidence, documents,
statements, reports, and other matters and things.

(4) Notice of appeal to the Industrial Court must be lodged with the
Registrar of the Court within twenty-one days after the publication in
the Gazette of the determination of the Commission concerned and
being the subject of such appeal.

(5) In making a determination in an appeal under this section
the Court shall have due regard to the matters particularised in subsection
(2) of section twenty-one of this Act.

Act referred to:
Industrial Conciliation and Arbitration Acts, 1961 to 1963, title
LABOUR.

25. Effect of decision of Industrial Court on Appeal. Upon the
decision by the Industrial Court of an appeal from a determination of
the Commission the following consequences shall ensue, that is to say:

(a) if such determination is confirmed the same shall have and be
of full force and effect as hereinbefore provided in subsection
(2) of section twenty-three of this Act;
(b) if such determination is varied the same as so varied shall become
and be the determination and shall be again published in the
Gazette, and all of the provisions of section twenty-two
of this Act relating to the publication in the Gazette of a
determination of the Commission shall, mutatis mutandis,
extend and apply accordingly;
(c) if such determination is annulled the same 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.

26. Method of fixing prices. For the purpose of any determination
authorised to be made by it under section twenty-one of this Act and subject
to the provisions of such section the Commission, and for the purposes
of any appeal authorised to be heard and determined by it under section twenty-four of this Act the Industrial Court, shall take into consideration the right of the Authority—

(a) to pay and provide for all costs, interest, repayment of principal, expenses, losses and outgoings incurred or payable by the Authority; and

(b) to make such contribution to the reserve fund in each year as may be provided for in the rules to be made under section fifty-nine of this Act.

PART IV—FUNCTIONS, POWERS AND DUTIES OF THE AUTHORITY

27. Secretary, other officers and employees. (1) The Authority shall appoint a Secretary of the Authority and may appoint and employ all such other officers and employees as it deems necessary for the execution of its functions, powers and duties.

(2) Subject to any applicable award or order of any industrial court or tribunal, the Authority may fix the salaries and wages of its Secretary and other officers and employees.

(3) Within three months after the appointment of any officer entrusted by the Authority with the custody or control of moneys by virtue of his office, the Authority shall take security sufficient in the opinion of the Authority from the State Government Insurance Office (Queensland) or from some association or company carrying on in Queensland the business of a guarantee society for the faithful execution of such office by such officer and if upon the expiration of that period such security has not been taken, the office of such officer shall forthwith be vacated.

28. Acting Chief Executive Officer. The Governor in Council may, upon the recommendation of the Authority, appoint a person whose wide experience in the electricity supply industry and qualifications make him suitable for appointment, to act as the Chief Executive Officer of the Authority during any temporary absence of, or vacancy in the office of, the Chairman.

The appointee shall not, by virtue of his appointment, be a member of the Authority.

The appointee shall be paid such remuneration as the Authority may determine.

29. Functions of the Authority. (1) Subject to this Act the Authority—

(a) shall supply electricity in bulk to—

(i) The Cairns Regional Electricity Board;

(ii) The Mackay Regional Electricity Board;

(iii) The Townsville Regional Electricity Board;

(b) may supply electricity in bulk to any Regional Board or Electric Authority (including any Local Authority as an electric authority) which is not mentioned in paragraph (a) of this subsection;
(c) shall supply electricity to consumers in any isolated part, as defined in section nineteen of this Act, of the business and undertaking of any Regional Board mentioned in that section where, pursuant to agreement under that section, the business and undertaking of that Board in relation to the supply of electricity to those consumers has been transferred to and vested in the Authority;

(d) may, if in its opinion or in the opinion of the Commission special circumstances exist, with the approval of the Commission, supply electricity to any person upon terms and conditions agreed to by the Authority and such person and approved by the Commission.

(2) Subject to this Act it shall be the duty of the Authority, and the Authority shall have power and authority, at any time and from time to time—

(a) to generate electricity and, on the most economical basis and so far as reasonably practicable, to supply all such electricity as from time to time is required or permitted under or pursuant to this Act to be supplied by the Authority; and

(b) to construct, expand, protect, maintain, control and manage works for the generation and supply of electricity, including the duty, and with the power and authority, of expanding, protecting, maintaining, controlling and managing all works included in any and every generating undertaking or distributing undertaking vested in or purchased or otherwise acquired by the Authority under or pursuant to this Act.

30. Other powers of the Authority. (1) The Authority may, in any year out of the prescribed fund, expend for the purpose of the promotion of electrical development any sum not exceeding one pound per centum of its revenue for the immediately preceding year.

(2) With the approval of the Governor in Council the Authority may, out of the prescribed fund, pay in any year to any benefit or provident fund established for the benefit of its own employees by way of grant or subsidy such amount as it thinks proper.

(3) The Authority may join any technical or commercial society or association to which it is entitled to belong and may pay such contributions as membership of such society or association entails.

31. Annual Report. The Authority shall on or before the thirty-first day of July in each year, make a report of its operations for the next preceding year to the Commission.

32. Construction of works. (1) The Authority may construct any electric lines or works on any land or buildings with the consent of the owners and occupiers for the time being thereof.

(2) The Authority shall be a constructing authority under and within the meaning of “The Public Works Land Resumption Acts, 1906 to 1955,” and such Acts shall so far as the same are applicable and except where expressly varied herein be incorporated with and form part of this Act:

Provided that the Authority shall not take or acquire any land without the consent in writing of the Commission.
(3) Subject to this subsection any electric line constructed or to be constructed by the Authority may traverse a route wholly or partly within the Region or Area wherein any Regional Board or other Electric Authority is authorised to supply electricity and it shall be immaterial that the electric line is or will not be utilised by the Authority to supply electricity to such Regional Board or Electric Authority or to the premises situated in such Region or Area of any consumer.

This subsection applies so as not to affect in any way the power and authority of the Authority to construct and utilise electric lines the routes whereof are wholly or partly outside any Region or Area wherein a Regional Board or other Electric Authority is authorised to supply electricity.

(4) The Commission may give to the Authority from time to time such directions (either general or specifically referring to a particular electric line) with respect to the routes of electric lines to be constructed by the Authority as the Commission deems necessary or expedient having regard to the efficient and economic conduct by the Authority of its business, the public interest, and any other circumstances deemed by the Commission to be relevant.

The Authority shall observe every such direction.

(5) The Authority may agree with any Regional Board or other Electric Authority as to the terms and conditions upon which—

(a) the Authority may use any electric line of such Regional Board or Electric Authority; or

(b) such Regional Board or Electric Authority may use any electric line of the Authority,

and the Authority or any Regional Board or other Electric Authority may use any electric line the subject of an agreement under this subsection to the extent and under and subject to the terms and conditions agreed to by the parties to the agreement.

In default of agreement under this section with respect to any electric line the Commission shall have power to determine the terms and conditions of the agreement, and the determination of the Commission shall be binding upon the Authority and the Regional Board or other Electric Authority concerned.

(6) Where the Authority satisfies the Commission that, having regard to the efficient and economic conduct of its business and to the public interest and to such other circumstances as to the Commission shall seem relevant, it should be permitted to construct an electric line on any land, then and in every such case the Commission may authorise the Authority to construct and utilise an electric line on the land in question. The Commission shall determine the compensation (if any) payable by the Authority to the owner or occupier, or owner and occupier of such land and the manner in which such compensation is divisible between the owner and the occupier thereof and the amount of such compensation so determined by the Commission shall be recoverable by such owner or occupier from the Authority in addition to any other compensation for which the Authority may be liable under this Act for any damage caused by the Authority:

Provided that in any particular case the Commission may refer to the Land Court for hearing and determination the matter of such compensation and thereupon that court shall hear and determine the same.
(7) For the purpose of any permission or determination to be granted or made by the Commission under or in pursuance of this section the Commission shall have power and authority to make all such enquiries and investigations as to it shall seem fit.

(8) Every permission and every determination of the Commission granted or made under or in pursuance of this section shall be final and conclusive and without appeal to any other tribunal whatever.

(9) At all reasonable times the Authority may enter upon any land or building with the consent of the owners and occupiers for the time being thereof, and may enter upon any land in respect whereof the Commission has authorised it under the provisions of subsection (6) of this section, for the purpose, in either case, of constructing any electric line or works in, on or over that land or building and may enter upon any land or building, in, on or over which any electric line or works is or are situated for the purpose of testing, repairing, altering, adding to or replacing any electric line or other works belonging to the Authority or for substituting any electric line or other works therefor but, in any case, the Authority shall be bound to make good all damage caused by such entry.

(10) Whenever an easement for a right of way affecting land under the provisions of "The Real Property Acts, 1861 to 1960," shall have been acquired by agreement by the Authority for the purposes of any electric line, 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 Acts, 1861 to 1960," or not.

Acts referred to:

Public Works Land Resumption Acts, 1906 to 1955, title WORKS.
Real Property Acts, 1861 to 1963, title REAL PROPERTY.

33. Opening of roads. (1) Subject to the provisions of this Act, the Authority may open and break up the soil and pavement of any road, lop and cut trees growing in or over any road and open and break up any sewers, drains or tunnels within or under any road, and temporarily stop traffic on any road and may construct subways, tunnels, excavations and drains within or under any road and may lay down and place under or over any road any electric lines or other works and from time to time repair, alter or remove the same; and may in or under any road do all other acts which it may from time to time deem necessary for supplying electricity or for constructing, extending or maintaining its works.

(2) The Authority shall not (except in cases of emergency) open or break up any road or stop any traffic thereon or lop or cut any tree growing therein or thereover without giving notice in writing to the Local Authority or other statutory corporation having the control or management thereof in accordance with the regulations.

(3) When the Authority has opened or broken up any road it shall—
   (a) with all convenient speed complete the work for which it is opened or broken up and fill in the ground and reinstate and make good the portion so opened or broken up to as good a condition as before it was opened or broken up and carry away the rubbish occasioned by the work;
(b) at all times while the road is so opened or broken up cause the same to be fenced and guarded and cause a light sufficient for the warning of traffic to be set up and maintained against or near such road where the same is opened or broken up, every night during which the same is continued open or broken up;

(c) keep the road which has been so opened or broken up in good repair for three months after replacing and making good the same and for any further time not being more than twelve months in the whole during which the soil so opened or broken up continues to subside.

34. Altering position of pipes, etc. Subject to this Act—

(a) the Authority may alter the position of any poles, pipes, wires, sewers, drains or tunnels on, over or under any road which may interfere with the exercise of its powers under this Act on previously making or securing such compensation to the owners of such poles, pipes, wires, sewers, drains or tunnels and on complying with such conditions as to the mode of making such alterations as may before the commencement of such alterations be agreed upon between the Authority and such owners or in the case of difference, as may be determined as prescribed;

(b) any public body or statutory corporation lawfully competent to do so may in like manner alter the position of any works of the Authority on, over or under any such road as aforesaid which may interfere with the lawful exercise of any powers vested in such public body or statutory corporation in relation to such road subject to the like provisions, conditions and restrictions as are in paragraph (a) of this section contained.

35. Breaking up railways and tramways. The Authority may break up any railway or tramway with the consent of the public body or statutory corporation by whom such railway or tramway is repairable or with the consent of the Governor in Council. The Governor in Council shall not give any such consent until notice has been given to such public body or statutory corporation by advertisement or otherwise as the Governor in Council may direct and until an opportunity has been given to such public body or statutory corporation to state any objection it may have.

36. Authority to make compensation. In the exercise of its powers under this Act, the 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.

37. Disputes with other Authorities. (1) Where the exercise of any rights, powers or authorities or the discharge of any duties by the Authority may affect the exercise of any rights, powers or authorities or the discharge of any duties by any public body or statutory corporation, the Authority shall so far as is practicable, confer and agree with such public body or statutory corporation.
(2) Any question, difference or dispute arising or about to arise between the Authority and any public body or statutory corporation with respect to the exercise of any rights, powers or authorities or the discharge of any duties by either or both of them may be referred by any party to the Governor in Council for settlement.

(3) The Governor in Council may cause to be made such investigations as he deems necessary or may direct the Commission to make such investigations as he deems necessary.

(4) The Governor in Council may appoint the Commissioner or any other person to hold any inquiry and report to him upon any matter arising in or relating to a question, difference or dispute.

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:

Provided that the provisions of such Acts which are thereby limited in their application to a Judge of the Supreme Court shall not so apply.

(5) The Governor in Council 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 Authority and by the public body or statutory corporation as the case may be.

(6) Nothing in this section shall confer on the Authority any right against the Crown beyond the rights specifically conferred on the Authority by this Act.

Act referred to:


38. Removal of trees obstructing lines. (1) Where any tree or hedge obstructs or interferes with the construction, maintenance, or working of any electric line which is being constructed or is owned by the Authority, or will interfere with the maintenance or working of such a line, the Authority may give notice to the owner or occupier of the land on which the tree or hedge is growing requiring him to lop or cut it so as to prevent the obstruction or interference, subject to the payment to him by the 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 known.

(2) If within seven days from the giving of such notice the requirements of the notice are not complied with, and neither the owner nor occupier of the land gives such a counter-notice as is hereinafter mentioned in this section, the Authority may cause the tree or hedge to be lopped or cut so as to prevent such obstruction or interference as aforesaid.

(3) If within seven days from the giving of such notice the owner or occupier of the land on which the tree or hedge is growing gives a counter-notice to the Authority objecting to the requirements of the notice the matter shall, unless the counter-notice is withdrawn, be referred by the
Authority to the Commissioner who, after giving the parties an opportunity of being heard, may make such order as he thinks just, and any such order may empower the 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 or interference as aforesaid, and may determine any question as to what compensation, if any, and expenses are to be paid.

(4) The Authority shall issue instructions to its officers and servants 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 of the owner or occupier, and shall make good any damage done to the land.

(5) Any compensation or expenses payable to the owner or occupier by the Authority under this section shall be recoverable from the Authority on the decision of the Commission.

(6) Where for the purposes of the construction or maintenance of an electric line it is necessary to fell any trees, this section shall apply to the felling of trees in like manner as it applies to the lopping of trees.

39. Rights of entry. The Authority may at all reasonable times enter upon any land upon which electricity is or has been supplied by the Authority for the purpose of inspecting or repairing or making safe any electric line or any electrical fittings or apparatus whether the property of the Authority or any other person or for the purpose of reading any meter or ascertaining or measuring electricity consumed or supplied or, in any case where the Authority is authorised so to do, for the purpose of cutting off the supply of electricity; but the Authority shall be bound to make good all damage caused by such entry, inspection or removal.

40. Works to remain property of the Authority. (1) All works and every part thereof vested in or held by the 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 Authority.

(2) Where any electric lines or other works or any meters, fittings, apparatus, buildings or materials whatsoever belonging to the Authority are placed in or upon any land, place or building for or in connection 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 Authority, be taken in execution under the process of any Court.

41. Contracts. (1) The Authority may enter into any contract for any of the purposes of this Act.

(2) Every contract entered into by the Authority shall be made, varied or discharged, as follows:—

(a) any contract which if made between private persons would by law be required to be in writing and under seal shall be made by the Authority in writing and under its seal and shall be varied or discharged in the same manner;
(b) any contract which if made between private persons would by law be required to be in writing signed by the parties to be charged therewith shall be made in writing signed by the Chairman and shall be varied or discharged in the same manner;

(c) any contract which if made between private persons would by law be valid although not reduced into writing may be made without writing by the Chairman and may be varied or discharged in the same manner.

(3) All contracts made according to the provisions herein contained shall be effectual in law and shall be binding on the Authority and all other parties thereto, their successors, executors or administrators as the case may be; and in the case of default in the execution of any such contract either by the Authority or by any other party thereto such actions may be maintained thereon and such damages and costs recovered by or against the Authority or the other parties failing in the execution thereof as might have been maintained and recovered if the same contract had been made between private persons only.

(4) The 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 by instalments extending over a period of years for any purchase lawfully made excepting the purchase of land or for the performance of any work which it might lawfully undertake.

(5) The Authority as vendor may enter into a contract of sale with any person whereby the payment for any work, plant, goods, material or other property or land by such person is spread over a period of time whereby such payment 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.

(6) The 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 the Authority or by or against whom any action or other proceeding may be or has been brought against or by the Authority for any cause whatsoever.

(7) Except where the Commission certifies that an emergency or special circumstances exist, before any contract other than a contract for the execution of any work or the furnishing of any goods or material to the amount of one thousand pounds (or such other amount as the Governor in Council may, at any time and from time to time, fix by Order in Council) or less is entered into by the Authority the Authority shall, three weeks at least before entering into such contract, notify its intention to make and invite tenders for such contract by public notice published in such newspaper or newspapers and in such other manner and to such extent as will ensure that the Authority will receive the greatest number of tenders.

(8) Subject to this Act and the requirements of the Treasurer, the Authority may accept the tender which on a view of all the circumstances appears to it to be the most advantageous, and shall take security for the due performance of every such contract or the Authority may decline to accept any such proposal.

42. Governor in Council may rescind resolution of Authority. (1) The Governor in Council may, upon the recommendation of the Commission, at any time suspend or rescind any resolution or order of the Authority, or prohibit the expenditure of any moneys upon any work which he deems
unnecessary or which will in his opinion impose undue burdens upon any Regional Board or other Electric Authority supplied by the Authority with electricity in bulk or upon consumers of electricity.

(2) Any resolution of the Authority 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 authorises or purports to empower or authorise the making for or on behalf of the Authority of any contract or agreement or the acceptance by or on behalf of the Authority of any contract or agreement or the acceptance by or on behalf of the Authority of any tender or the doing or executing by or on behalf of the Authority of any other act, matter or thing whatsoever, any such contract or agreement made or purposed to have been made or any such tender accepted or purposed to have been accepted or any such other act, matter or thing done or purposed 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 Authority or any acceptance of a tender by or on behalf of the Authority or any other act, matter or thing whatsoever done by or on behalf of the Authority is void ab initio, no action, claim or demand whatsoever shall be or be made or allowed by or in favour of any person whomsoever against the Authority or any member, officer or employee of the Authority 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 Authority 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 Authority 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 authorising 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 Authority to pay, and thereupon the Authority shall pay the amount of such expenses to such contractor; any amount so directed to be paid shall constitute a debt due and owing by the Authority to the contractor concerned.

43. No compensation for failure to supply. The Authority shall not be liable in damages to any Regional Board, other Electric Authority, consumer or other person whomsoever by reason of any partial or total failure of the supply of electricity from any cause whatsoever which is not due to the negligence or default of the Authority and the Authority may at any time temporarily discontinue the supply of electricity to any Regional Board, other Electric Authority or consumer whenever in its opinion such action is desirable for the purpose of ensuring the efficient operation of any works under the control of the Authority.
44. **No discrimination between consumers.** Where pursuant to agreement under section nineteen of this Act, the business and undertaking of any Board mentioned in that section has, in relation to the distribution of electricity to consumers in any isolated part, as defined in that section, of such business and undertaking been transferred to and vested in the Authority, every such consumer shall on application be entitled to a supply on the same terms as those on which any other such consumer is entitled in similar circumstances to a corresponding supply.

45. **Stand-by supply.** No consumer shall be entitled to demand or to continue to receive from the Authority as a stand-by 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 unless he undertakes to make a minimum annual payment therefor upon such terms as are agreed upon between the Authority and the consumer requiring the supply or in the event of disagreement upon such terms as shall be fixed by the Commission.

46. (1) **Meter readings.** The Authority shall in any bill of account for electricity sent by it to a consumer indicate therein the previous meter reading and the present meter reading: Provided however that an estimated meter reading may be made in any particular case.

(2) **No meter charge.** The Authority shall not make any charge whether directly or indirectly and by whatever name such charge is designated for the hire of any meter.

(3) **Incoming tenant.** A consumer shall not be required to pay any arrears left unpaid by a previous consumer or tenant for electricity supplied before such incoming consumer began to use electricity unless such incoming consumer had undertaken with the former tenant or consumer to pay or exonerate him from payment of such charge.

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**PART V—LOANS**

47. **Borrowing.** (1) Subject to this Act the Authority may from time to time, with the prior authority of the Governor in Council, borrow money—

(a) from the Treasurer;

(b) from the Commission (which under and pursuant to paragraph (q) of subsection (1) of section twenty-five of “The State Electricity Commission Acts, 1937 to 1962,” may lend moneys to the Authority);

(c) by the sale of debentures, bonds or inscribed stock; or

(d) partly in one and partly in another or the other ways specified in paragraphs (a), (b) and (c) of this subsection.

The Authority shall not borrow any money pursuant to any negotiations sanctioned by the Treasurer under subsection (2) of this section unless the authority of the Governor in Council thereto is first obtained.

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.
The Order in Council shall declare the amount that may be borrowed, the purposes for which the loan shall be borrowed, the currency of the loan, the amount of interest payable thereon, the terms and conditions for the redemption of the loan, whether by yearly or half-yearly payments or payments into a sinking fund, and such other conditions as the Governor in Council thinks proper to impose.

(2) Before entering into negotiations to borrow money, the Authority shall first pass a resolution authorising the borrowing and obtain the sanction of the Treasurer authorising it to enter upon such negotiations, and for this purpose shall submit to the Treasurer such information as the Treasurer shall require.

Act referred to:

48. Further loan where amount borrowed inadequate. In the event of any money borrowed pursuant to the provisions of section forty-seven of this Act proving to be inadequate for the purposes of which the same was borrowed, the Minister, if satisfied that such inadequacy arose owing to circumstances beyond the control of the Authority, may certify accordingly; whereupon the Authority shall upon a resolution for borrowing money, be at liberty to borrow such further sum as may be necessary without complying with the procedure prescribed by this Act as preliminary to such borrowing.

49. Application of loan moneys. (1) All moneys borrowed by the Authority shall be expended for the purposes for which the Authority was authorised to borrow same and not otherwise.

If any amount of a loan remains unexpended upon the completion of the purpose for which such loan was borrowed such amount shall be applied as directed by the Treasurer.

(2) A person advancing money to the Authority 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 authorised or into the application of the money advanced or be in any way responsible for the non-application or misapplication thereof.

50. Repayment of Treasury loans. Every loan advanced by the Treasurer under the provisions of this Act shall be liquidated by the payment to the Treasurer by the Authority on the first days of January and July, respectively, in every year of such instalments of principal and interest at the prescribed rate as will permit the said loan to be wholly redeemed within the prescribed period of the said loan, and such sums shall continue to be payable until all the moneys advanced from time to time by the Treasurer, together with the interest accruing thereupon, have been so paid.

The Treasurer may at any time make any adjustment which he considers necessary to be made with respect to the period of any loan or the calculation of interest thereupon or with respect to any other matter requiring adjustment.

51. Debentures. (1) Subject to this Act, all debentures shall be issued in such series, at such time, and in such a manner as the Authority thinks fit, and shall be charged and secured upon all the assets and revenues of the Authority howsoever arising, subject to any prior debentures, bonds or stock issued according to law.
Such debentures shall bear interest at the rate and shall be repayable on the date respectively prescribed in the Order in Council.

(2) Every such debenture shall be under the seal of the Authority, and shall be signed by the Chairman and Secretary, and when so sealed and signed shall be deemed to have been duly issued, and the holder thereof shall not be bound to inquire whether such issue was in fact duly authorised.

(3) The Authority may authorise the sale or disposal of any such debentures in Queensland or in places beyond Queensland, and may appoint an agent or agents to negotiate such sale.

(4) Every debenture shall specify the place and time where and when the principal and interest are payable.

(5) Any debenture may at the option of the lender be issued with or without coupons.

If issued with coupons, the debenture shall have annexed thereto for every payment (whether of principal or interest, or principal and interest) to grow due thereon a coupon.

(6) Every debenture and every coupon annexed to any debenture shall be transferable by delivery.

(7) In the case of any debenture issued with coupons the holder of any such coupon shall be entitled to receive from the Authority payment of the sum specified in the coupon upon presentation thereof, either annexed to or separated from the debenture, at the place where, and on or after the date when, such sum is payable.

(8) In the case of any debenture issued without coupons, the lender or, in the event of the transfer of such debenture at any time or from time to time, the transferee for the time being shall, subject to this subsection, be entitled to receive payments from the Authority in respect of principal or interest, or both, in accordance with the terms and conditions of the debenture.

A transferee with respect to whom the Authority has not been given notice as prescribed shall not be entitled to receive, and the Authority shall not be liable to make to such a transferee, any payment in respect of any debenture issued without coupons (except under attachment by process of law and then only to the extent of moneys due and payable to such transferee under the debenture and unpaid by the Authority to the lender or a prior transferee).

The entitlement of a transferee with respect to whom the Authority has been given notice as prescribed to receive any payment in respect of a debenture issued without coupons shall be subject to any payment which, having become due and payable under such debenture before the Authority was given such notice, was made by it to the lender or a prior transferee.

In this subsection the expression "notice as prescribed" means a notice in writing signed by the transferor and transferee and verified to the satisfaction of the Authority.

(9) The power of the Governor in Council to make regulations shall include power to prescribe standard forms of debentures.

A lender may agree to accept a standard form of debenture, but no lender shall be bound to do so unless by his agreement.
52. Stock. (1) All bonds or inscribed stock issued under the authority of this Act—

(a) shall, subject to this Act, be sold in such amounts or parcels, at such times and places, and in such a manner as the Authority thinks fit;

(b) shall with interest thereon be charged and secured upon the assets and revenues of the Authority, subject to any prior debentures, bonds, or stock issued according to law;

(c) 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 prescribed in the Order in Council;

(d) may, in the case of any bonds with the consent of the holder thereof, or in the case of any inscribed stock 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) Interest secured by any such bond or stock shall be payable at such times and at such places or place in or outside Queensland as prescribed in the Order in Council.

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

54. Guarantee of loans. (1) Notwithstanding anything to the contrary contained in any Act, the repayment of the amount of any loan borrowed by the Authority under the authority of the Governor in Council with interest at the authorised rate shall be deemed to be guaranteed by the Treasurer on behalf of the Government of Queensland.

(2) All moneys payable by the Treasurer pursuant to this section shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose.

(3) The provisions of section five of “The Local Bodies’ Loans Guarantee Acts, 1923 to 1957,” shall, with any necessary adaptations thereof, extend and apply in respect of moneys paid by the Treasurer pursuant to this section.

Act referred to:
Local Bodies’ Loans Guarantee Acts, 1923 to 1957, title LOCAL BODIES’ LOANS GUARANTEE.

55. Debentures and stock to be authorised investment under s. 4 of 61 Vic. No. 10. An investment, unless expressly forbidden by the instrument (if any) creating the trust, by a trustee in any bonds, debentures or inscribed stock issued under the authority of this Act shall be and be deemed to be an authorised investment by the trustee pursuant to the provisions of section four of “The Trustees and Executors Act of 1897” (as amended by subsequent Acts) and such Act shall be read and construed accordingly.

Act referred to:
Trustees and Executors Acts, 1897 to 1961, title TRUSTEES AND EXECUTORS.
56. Defaults in repayment. (1) In the months of February and August, respectively, in every year, the Treasurer shall cause to be published in the Gazette a statement showing, with respect to every loan advanced to the Authority by the Treasurer under “The Local Works Loans Acts, 1880 to 1899,” or under this Act the amount of money which is then overdue and in arrear and also the total of the principal sum then remaining unpaid.

If thereafter on the thirtieth day of April or the thirty-first day of October, respectively, any part of such money so overdue and in arrear remains unpaid, the Treasurer may, by notification in the Gazette, appoint a receiver to collect on his behalf and to pay to the Treasury all or any moneys from time to time due and owing to the Authority to the amount stated in such notification; and the Treasurer may from time to time make all such orders and give all such directions with respect to the powers and duties of such receiver and the management by him of the business of the Authority as the Treasurer thinks proper, and judicial notice shall be taken of such orders and directions.

Thereupon such receiver shall from the date stated in such notification be the only person legally entitled to receive the revenues of the Authority, and shall be deemed to that extent and for that purpose to be a “public accountant” within the meaning of “The Audit Acts, 1874 to 1963.”

(2) If default is made by the Authority in making any payment whether of principal or interest to the holder of any debenture or coupon, the holder of such debenture or coupon shall be entitled to make application to and procure all necessary orders and directions from the Supreme Court for the appointment of a receiver, and such court shall have power to make all such orders for the appointment of a receiver, or for his removal and the appointment of another in his place as may be necessary, and to make any orders and give any directions which such court may think proper, and such receiver shall be deemed to be an officer of such court.

(3) Subject to this Act, the receiver shall have power to make and collect all charges authorised to be made and collected by the Authority and be entitled to receive all charges and revenues whatsoever payable to the Authority for or in respect of which he has been appointed receiver, and for such purpose such receiver shall be deemed to be the Authority and may exercise all the powers thereof.

The receiver shall be entitled to such commission payable out of the revenue as remuneration for his services as the Treasurer or court may appoint.

The receiver, if appointed by the Treasurer, shall pay over all moneys received by him to the Treasurer and the receiver, if appointed by the court, shall subject to any order of the court pay over all moneys received by him to such holder, or to and among the holders of debentures or coupons of the same series as such holder, or to the holders of debentures or coupons generally in such order of priority or otherwise as the court may think fit and if there is any balance in hand over and above the amount due and payable to him under this Act the receiver shall pay such balance to the Authority.

(4) The provisions of this section shall apply and extend for the purpose of securing the payment of all moneys due and owing by the Authority under any loan made pursuant to “The State Electricity Commission Acts, 1937 to 1962,” to the Authority by the Commission,
and to give effect accordingly every reference in subsections (1) and (3) of this section to the Treasurer or the Treasury shall be deemed to be a reference to the Commission.

Acts referred to:
Local Works Loans Acts, 1880 to 1918, title LOCAL AUTHORITIES.

57. Brokerage. Subject as is hereinafter provided in this section, the Authority may pay moneys by way of brokerage for or in respect of the making, procuring, negotiating, or obtaining the loan of any money which the Governor in Council has by Order in Council permitted the Authority to borrow:

Provided that no moneys shall be paid by the Authority by way of brokerage for or in respect of the loan of any moneys borrowed 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 to him shall seem fit:

Provided further that section fourteen of "The Money Lenders Acts, 1916 to 1962," shall not apply or extend to brokerage which the Authority is authorised to pay under and in accordance with this subsection, and which brokerage has been approved by the Treasurer and is agreed to be paid by the Authority subject to the terms and conditions, if any, imposed by the Treasurer.

Act referred to:
Money Lenders Acts, 1916 to 1962, title MONEY LENDERS.

58. Illegal borrowing. (1) No person lending money to the Authority otherwise than in accordance with this Act or some other Act shall have any remedy or right whatsoever to recover such money from the Authority:

Provided that nothing in this subsection shall prejudice or affect subsection (2) of section forty-nine of this Act.

(2) If the Authority borrows any money which it is not legally authorised to borrow, all the members 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 by action in any court of competent jurisdiction.

(3) If any moneys are appropriated from any fund for the purpose of repaying any money so borrowed or paying interest thereon, the members 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 eight pounds 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 Authority who, on recovery of the same, shall pay the amount recovered into the fund concerned, but shall be personally entitled to full costs of suit including costs as between solicitor and client.
PART VI—FUNDS, ACCOUNTS AND AUDIT

59. Funds. (1) The Authority shall for the due performance of its functions and duties under this Act establish and keep such funds as may be required by the Auditor-General and the Commission.

The funds shall be kept separate and distinct.

The Authority shall keep such bank accounts as may be required by the Auditor-General and the Commission.

(2) The Auditor-General and the Commission jointly may, upon requiring any such fund to be established and kept, and thereafter from time to time as they deem desirable, make rules prescribing what moneys shall be paid into and what payments shall be made out of the fund in question, and the Authority shall observe every such rule.

(3) The power of the Governor in Council to make regulations under this Act shall include power to make, upon the recommendation of the Auditor-General and the Commission, regulations—

(a) prohibiting the keeping of any specified fund by the Authority, and prescribing to what fund or funds all or any of the moneys in the prohibited fund shall be paid;

(b) empowering the Authority to 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;

(c) prescribing the method of investment by the Authority of any money held by it in any of its funds and, if necessary, directing that all or any part of such money shall be invested;

(d) prescribing the rate of interest to be paid by the Authority on trust moneys held by it;

(e) prescribing the form and manner in which the annual budget shall be framed and the books of account of the Authority shall be kept;

(f) regulating and controlling the collection and banking of moneys received by or on behalf of the Authority;

(g) prescribing the classification of ledger accounts;

(h) providing for the charging of expenditure in each fund against and the definition of income, net income and capital;

(i) providing for the distribution of levies, charges, earnings and receipts to income and capital;

(j) providing for the correction of the accounts and of omissions therefrom;

(k) providing for the form, preparation, entering, and the publication of statements of accounts, and other financial and relevant information;

(l) providing for the securing of uniformity in the keeping and presentation of accounts;

(m) prescribing the manner in which unclaimed moneys are to be dealt with by the Authority.

60. Accounts and audit. (1) The 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 Chairman shall at the first ordinary meeting after the close of each month submit to the Authority statements of the accounts in relation to the budget for the period of the year ending at the termination of such month.

Such 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 at the six-monthly and nine-monthly periods a statement of the anticipated position at the end of the year.

61. Financial statement. The Chairman shall cause to be prepared and shall lay before the Authority at the budget meeting in each year referred to in subsection (2) of section sixty-three of this Act annual statements of accounts and such other financial and relevant information as, and in the manner and form, prescribed.

62. Audit. The accounts of the Authority 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 Acts, 1874 to 1963."


PART VII—BUDGETS

63. (1) Annual budgets to be prepared and submitted to Commission. On or before the thirtieth day of June in each year the Chairman shall have prepared budgets for the next succeeding year for the funds and in the form and manner prescribed. Copies of the budgets shall be sent to each member and to the Commission within seven days after they have been prepared.

(2) Consideration of budgets. The budgets shall be considered by the Authority at a meeting (herein called the "budget meeting") on or before the thirty-first day of July in the year to which it relates of which not less than twenty-one days' notice shall have been given to every member of the Authority, to the Chairman and to the Commission:

Provided that a period of at least twenty-one days shall elapse between the receipt by each member and the Commission of the copy of the budgets and the budget meeting.

(3) The Commission shall inform the Authority at or before the budget meeting that it approves of the budgets—

(a) as presented by the Chairman; or

(b) as amended or modified as specified by the Commission.

64. (1) Authority to adopt budgets. At the budget meeting the Authority may adopt the budgets as approved by the Commission or may decline to adopt such budgets.

(2) If the Authority declines to adopt the budgets as approved by the Commission the Authority shall propose, whether by addition, omission or variation, the manner in which it desires the budgets to be adopted.
(3) Final decision by Minister on budgets. If the Authority declines to adopt the budgets as approved by the Commission it shall, within seven days after the budget meeting, inform the Commission thereof stating the Authority's objection thereto and the manner in which it proposes that the budgets should be adopted. The Commission shall thereupon submit the Authority's objection and proposal to the Minister for decision. The decision of the Minister shall be final and binding on the Commission and the Authority.

(4) Within fourteen days of the receipt of the Minister's decision in accordance with subsection (3) of this section the Authority shall adopt the budgets in accordance with the Minister's decision.

65. Budgets to be observed. (1) The Authority shall observe the budgets and if at the end of any year there is a surplus or deficit, the surplus shall be carried forward or shall be transferred to the prescribed fund and the deficit shall be carried forward or shall be met from the prescribed fund.

(2) At the close of each year all authorisations of expenditure and votes of money therefor shall lapse. Any vote so lapsing may be revoted.

(3) Any ordinary disbursement of the Authority in any year prior to the adoption of the budgets for that year is authorised and shall be included in the budgets for that year.

66. Date before which budgets to be adopted. The budgets shall be adopted by the Authority not later than the thirty-first day of August in the year to which it relates: Provided however that the Minister on the recommendation of the Commission may grant the Authority an extension of time for this purpose in respect of any year if for any reason outside the control of the Authority or the Commission such extension is necessary.

67. Liability of members of Authority for unauthorised expenditure. If the Authority makes any disbursement in any year from any fund which has not been provided for in the budget relating to such fund for such year except in emergent or extraordinary circumstances, or except where the Minister, on the recommendation of the Commission, certifies that such expenditure was necessary to carry out the provisions of this Act, all the members of the Authority who have knowingly voted for such expenditure shall be jointly and severally liable to repay to the Authority the amount involved in such illegal disbursement and any such amount may be recovered from such members or any of them in the manner provided in subsection (2) of section fifty-eight of this Act.

68. Variation of charges. No provision of this Part or of any budget adopted by the Authority shall prejudice or affect the provisions of this Act with respect to the charges which may be made by the Authority in respect of electricity supplied by it.

When and so often as the Authority deems any variation in any such charges to be necessary or desirable it may apply accordingly to the Commission.
PART VIII—OFFENCES AND LEGAL PROCEEDINGS

69. Stealing electricity. Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity provided in pursuance of this Act shall be guilty of stealing and punishable accordingly as for an indictable offence.

70. Offences relating to use of electricity. (1) Any person who—
   (a) constructs or causes to be constructed an electric line to connect with any electric line belonging to the Authority without its consent;
   (b) fraudulently injures any meter or fittings belonging to the Authority;
   (c) being a consumer, supplies any other person with any part of the electricity supplied to him by the Authority without the permission of the Authority;
   (d) wilfully, fraudulently, or by culpable negligence injures or removes or suffers to be injured or removed any electric lines or other lines belonging to the Authority;
   (e) alters the index to any meter;
   (f) prevents any meter from duly registering the quantity of electricity supplied; or
   (g) fraudulently extracts, consumes or uses electricity of the Authority,

shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding twelve months and (without prejudice to any other right or remedy for the protection of the Authority or the punishment of the offender on indictment or otherwise) the Authority may, in addition thereto, recover the amount of any damage sustained.

(2) The existence of artificial means for causing such alteration or prevention, or for extracting, wasting, diverting, consuming or using electricity supplied by the Authority shall, when the meter, lines or works are under the control or custody of the consumer be prima facie evidence that such alteration, prevention, abstraction, wasting, diversion, consumption or use, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such meter, lines or works.

(3) The consumption or use on any premises of electricity by any person (not being a consumer of the Authority who has agreed to pay for the electricity consumed on such premises or a person who has used or consumed such electricity with the consent of such consumer) shall be prima facie evidence that such electricity has been fraudulently consumed or used.

(4) In any case as aforesaid the Authority may, until the matter complained of has been remedied but no longer, discontinue the supply of electricity to any consumer.

71. Damage to electric lines or works. Any persons who carelessly or accidentally breaks, throws down or damages any electric line or works of the Authority shall forfeit and pay such sum of money to the Authority for the damage done not exceeding one hundred pounds as a Stipendiary Magistrate or two Justices shall think reasonable: Provided that this section shall not affect any other remedy the Authority might otherwise have.
72. **Authentication of service of documents.** (1) Every notice, order, process, summons, minute or other document or copy thereof which requires authentication by the Authority shall be sufficiently authenticated without the seal of the Authority if signed by the secretary or other authorised officer.

(2) Any notice or process, summons or other document may be served on the Authority by leaving it with a responsible officer of the Authority or sending it by prepaid registered post or by certified mail to the principal office of the Authority.

(3) (a) Any notice, order, process, summons, or other document under or for any of the purposes of this Act required or authorised to be given or served to or upon any person may be served—

(i) by delivering the same to such person; or

(ii) by leaving the same at his usual or last known place of abode; or

(iii) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode; or

(iv) in the case of a summons (but without excluding the operation of the foregoing provisions of this paragraph (a)), by forwarding the same by post in a registered letter addressed to such person at his usual or last known place of abode—and in such case the production of a receipt purporting to be the registered receipt for such letter, together with oral testimony by the secretary or other officer of the Authority authorised by it in that behalf as to the contents of such letter, shall be sufficient proof of service of the summons.

(b) Any such document, if addressed to the owner or occupier of premises, may be given or served by delivering the same, or a true copy thereof, to some person on the premises, or, if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises.

(c) Any such document may be given or served to or upon any person whose name or address is unknown by publishing it once in the Gazette and in some newspaper.

(d) If the Authority is unaware whether or not the registered proprietor of land is living or dead, any such document required to be given or served to or upon the registered proprietor of such land shall be deemed to have been properly given or served for all purposes of this Act if addressed to such registered proprietor and given or served in the same manner as is prescribed in paragraph (c) of this subsection in the case of a person whose name or address is unknown.

(e) Any such document forwarded by post shall be deemed to have been served at the last moment of the day on which the same ought to have been delivered to its destination in the ordinary course of post and in proving service it shall be sufficient to prove that the same was properly stamped and addressed and put into the post.

(4) The provisions of subsections (2) and (3) of this section shall be read and construed as being in aid of other provisions of this Act prescribing the manner of service of a particular notice, order, process, summons, or other document under or for the purposes of this Act, and to the intent that where any such particular notice, order, process, summons or other document cannot be served in the manner provided
by such other provision then the same may be served in any manner provided by the said subsections (2) and (3) which is applicable in the circumstances.

73. Authority may take 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 Authority for or with respect to enforcing or securing the observance of any provisions made by or under this Act conferring powers or imposing duties upon the Authority, the Authority shall be deemed to represent sufficiently the interests of the public and may take proceedings in its own name.

74. Appearance by Authority. (1) The Authority may appear before any court or in any legal proceedings by the Chairman or by any officer authorised generally or in respect of any special proceeding by writing under the seal of the Authority; and the Chairman or any officer so authorised may institute and carry on any proceeding which the Authority is authorised to institute and carry on under this Act.

(2) The Chairman or officer authorised as last aforesaid shall be reimbursed out of the prescribed fund all damages, costs, charges, and expenses to which he may be put or with which he may become chargeable.

(3) The Chairman may, in all proceedings under or for the purpose of procuring any adjudication of bankruptcy against any person against whom the Authority has any claim or demand represent the Authority and act on its behalf in all respects as if such claim or demand had been the claim or demand of such Chairman.

75. Limitation of actions for negligence. (1) No person shall be entitled to recover against the Authority any damages in respect to 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 Authority, unless the following conditions are complied with by him or on his behalf, namely:—

(a) in the case of damage to property, notice in writing that damage has been sustained shall be given to the Authority within one month, and the action shall be commenced within six months from the date on which the damage was sustained;

(b) in the case of injury to the person, a medical practitioner nominated by the Authority shall on the demand of the Authority be permitted to examine the person injured, and all facilities and information shall be given to such medical practitioner necessary to enable him to fully ascertain the nature and extent of the injury, but the injured person shall be entitled to have such examination made in the presence of his own medical practitioner; and

(c) in the case of damage to property, an officer of the Authority shall, on demand of the Authority be permitted to inspect the property damaged, and all facilities and information shall be given to him necessary to enable him to fully ascertain 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.

Non-compliance with all or any of the conditions imposed by this section shall be no bar to the maintenance of an action if the justice who tries the action is of opinion that there was reasonable excuse for such non-compliance.
(2) A notice under this section shall give the name and address of the person injured or of the owner of the property damaged, and shall state in ordinary language the cause of the injury or damage and the date and place when and where it was sustained.

Such notice shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the justice who tries the action brought in respect of the injury or damage mentioned in the notice is of opinion that the Authority is prejudiced in its defence by such defect or inaccuracy, and that the defect or inaccuracy was intentional and for the purpose of misleading.

76. Limitation of other actions. An action, other than action for damages to which section seventy-five of this Act applies, shall not be brought against the Authority or any member thereof, or any officer of the Authority or person acting in his aid, for anything done or intended or omitted to be done under this Act until the expiration of one month after notice in writing has been served on the Authority, or such member, officer, or person clearly stating the cause of action, and the name and place of abode of the intended plaintiff and of his solicitor or agent.

On the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served.

Unless such notice is proved the Court shall find for the defendant.

Every such action shall be commenced within twelve months next after the accruing of the cause of action, and not afterwards.

Any person to whom any such notice of action is given may tender amends to the plaintiff, his solicitor, or agent at any time within one month after service of the notice and, in case the same is not accepted, may plead such tender.

77. Indemnity to members and officers. No matter or thing done and no contract entered into by the Authority and no matter or thing done by any officer or other person acting under the direction of the Authority shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act or any function, power, authority or duty of the Authority under this Act or any other Act, subject any member of the Authority or any such officer or person to any personal liability in respect thereof; and expenses incurred by any member, officer or person acting as last aforesaid shall be deemed to be an expense authorised by this Act.

Nothing in this section shall be construed so as to afford any protection to any member or officer of the Authority or person acting as aforesaid who has been guilty of fraud or wilful default in connection with any such act or omission or exonerate any member or other person from penalties provided by sections fifty-eight or sixty-seven of this Act.

78. Prosecution of offences, etc. (1) Subject to the liability to be punished as for an indictable offence as prescribed by section sixty-nine of this Act, an offence against this Act may be prosecuted, and any sum of money payable under section seventy-one of this Act may be recovered, in a summary way under "The Justices Acts, 1886 to 1960."

(2) Any such proceeding may be instituted within twelve months after the offence is committed or within six months after the discovery of the offence by the complainant, whichever is the later period.
In the case of any sum of money payable under section seventy-one of this Act within twelve months after the occurrence of the damage in respect of which the sum is payable, or within six months after the discovery of the damage by the complainant whichever is the later period.

(3) Except as in this Act is expressly provided or unless with the consent in writing of the Minister, proceedings for the recovery of any penalty or other moneys payable in respect of any offence against this Act shall be had and taken only by a party aggrieved or by or on behalf of the Authority.

Act referred to:
Justices Acts, 1886 to 1964, title JUSTICES.

79. Consumer not disqualified as judge or justice. No judge, justice or judicial officer shall be disqualified or prevented from presiding, sitting, acting or adjudicating in any action or proceeding whatsoever in or to which the Authority is a party or is sought to be made a party by reason only of his being a consumer of electricity supplied by the Authority, or a person liable to be charged as such consumer, or a creditor of the Authority.

80. Proof in proceedings. (1) In any proceeding instituted by or on behalf of or against the Authority, no proof shall be required (until evidence is given to the contrary) of—

(a) the constitution of the Authority;
(b) any resolution of the Authority;
(c) the corporate name of the Authority;
(d) the authority of the Authority to supply electricity to any Regional Board or other Electric Authority or to any consumer;
(e) the appointment of the Chairman or any other member, or officer or servant of the Authority;
(f) the signature of any person purporting to sign as the Chairman or another member, or as an officer or servant of the Authority;
(g) the presence of a quorum at any time at which any determination is made or any act done by the Authority.

(2) The due appointment of all officers of the Authority and the authority of any officer to do any act or to institute proceedings shall be presumed until the contrary is proved.

81. Proof of books and documents. (1) Every entry in any book or other record of the Authority purporting to be an entry relating to the proceedings of the Authority, and to be signed by the Chairman, or a certified copy of or an extract from any such entry sealed with the seal of the Authority and signed by the Chairman, shall, upon the production thereof alone, be received in any court as evidence of the proceedings appearing by such entry to have been taken, without proof of any meeting to which the same may refer having been duly convened or held, or of the persons attending any such meeting having been or being members of the Authority, respectively, or of the signature of the Chairman, or of the fact of his having been Chairman; and all such matters shall be presumed until the contrary is proved.
(2) A minute made and authenticated in the prescribed manner of the appointment of any person as acting chairman shall, as regards all persons having any business with the Authority, and acting in good faith, be deemed conclusive evidence of the validity of the appointment of such person as acting chairman, and of his continued authority to act as such, and shall relieve all persons having business as aforesaid from the necessity of making any inquiries in the matter.

(3) All documents whatever purporting to be issued or written by or under the direction of the Authority or the Chairman, and purporting to be signed by the Chairman, or other authorised officer, shall be received in evidence in all courts, and shall be deemed to be issued or written by or under the direction of the Authority until the contrary is proved. The expression "document" includes all orders, directions, and notices.

PART IX—MISCELLANEOUS

82. Commission to have access to records. (1) Any person appointed for that purpose by the Commission shall at all times have access to all accounts and records of the Authority and may examine the same and make copies thereof or extracts therefrom.

(2) The Authority shall provide the Commission at the Commission's request from time to time with such returns relating to matters under its jurisdiction as may be required, and the Commission shall fix a reasonable time within which the returns so required shall be furnished.

(3) Every member or officer of the Authority who neglects or refuses to furnish any return required by this section, or who furnishes any such return which is false in a material particular, or who causes or is privy to any such refusal, neglect or falsity and any person who impedes, or obstructs any person appointed by the Commission from performing any duty under this section shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

83. Lost or destroyed records. Whenever any return, book of account, agreement, receipt, voucher, or other paper or writing belonging to or relating to the business of the Authority is destroyed or lost, the Auditor-General may direct all such acts and things to be done as he thinks best for repairing the loss, and may declare any copy of any such return, agreement, receipt, voucher, or other paper or writing to be valid and effectual for all purposes, and may, if necessary, define the time during which such copy shall remain in force.

84. Regulations. (1) The Governor in Council may from time to time make regulations, not inconsistent with this Act, providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

Without limiting the generality of this provision regulations may be made for or in respect of all or any of the following matters and things:—

(a) the conditions under which a supply of electricity is to be given in bulk or to any consumer, and, in either case, the limits within which and the conditions and restrictions under which it is to be compulsory or permissive;

(b) the nature and mode of supply;
(c) the securing of a regular and sufficient supply of electricity;
(d) the construction of electric lines and other works and the powers of the Authority and of any public body or statutory corporation in relation to the construction of works and the manner in which such powers may be exercised or restricted;
(e) the conditions under which electric lines may be constructed and used above ground;
(f) routine works;
(g) the securing of the safety of the public from personal injury, or from fire, shock or otherwise;
(h) the making of investigations and enquiries;
(i) testing and inspection;
(j) returns to be made to the Commission;
(k) the keeping and the securing of uniformity in the keeping and presentation of statistical and other records;
(l) the presentation, and the securing of uniformity in the form and presentation, of reports and statistics on the conduct of the undertaking of the Authority;
(m) the mode of making and the form of and the management and carrying out of contracts, including any contract of sale, or of work, labour and/or materials, or hire-purchase, or hire providing for payments by and/or to the Authority for any plant, goods, material or other property or land, or work or labour;
(n) the information and statistics to be contained in the annual report of the Authority;
(o) subject to this Act, regulating and controlling, whether generally or to meet particular cases, all or any matters with respect to the conducting of business connected with the raising and repayment of loans under the authority of this Act, including but without limit to the generality thereof—
(i) providing for the establishment of a registry (at the office of the Authority 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 which 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;
(v) prescribing any matters with respect to which fees are to be payable and fees with respect thereto;
(vi) providing for sinking funds or other methods for the repayment of moneys borrowed, providing for and appointing trustees of a debt redemption fund with respect thereto and prescribing the functions and duties of such trustees and regulating and controlling all or any matters with respect to such debt redemption fund, trustees, or sinking funds or other methods;

(p) in and for the purpose of the application to or with respect to the Authority, its undertaking, or the supply by it of electricity to any Regional Board or other Electric Authority or to any consumer of any matter or thing upon or in respect to which regulations may be made under the provisions of “The Electric Light and Power Acts, 1896 to 1962,” or “The State Electricity Commission Acts, 1937 to 1962”;

(q) any matter or thing required or permitted under any provision of this Act to be prescribed except such a matter or thing so required to be prescribed otherwise than by regulations.

(2) Regulations may adopt or exclude any regulations made under the provisions of “The Electric Light and Power Acts, 1896 to 1962,” and “The State Electricity Commission Acts, 1937 to 1962,” or either of those Acts.

(3) Regulations may prescribe forms and the purposes for which such forms are to be used.

(4) Regulations may impose a penalty for breach thereof and distinct penalties in the case of successive breaches thereof but so that any such penalty shall not exceed fifty pounds and may impose also an additional penalty for any continued breach thereof but not exceeding five pounds per day and fix a minimum as well as a maximum penalty.

(5) Upon publication in the Gazette, every regulation made or purporting to be made under this Act shall be judicially noticed.

Acts referred to:
Electric Light and Power Acts, 1896 to 1962, p. 69, ante.

85. By-laws. (1) The Authority may, with the approval of the Commission, make by-laws not inconsistent with this Act or the regulations, for the carrying into effect of the several provisions, intentions and objects of the Act.

Without limiting the powers of the Authority in that behalf, the Authority may make by-laws for all or any of the following matters and things, that is to say:

(a) the conditions under which electricity shall be supplied by the authority to consumers and the rights of consumers to a supply of electricity;

(b) the conditions under which electric lines and works and electrical fittings, equipment and apparatus are to be fixed and maintained and the standards to be observed in relation thereto;

(c) wiring rules and conditions to be observed by electrical contractors and consumers and others, for the purpose of wiring or providing or obtaining a supply of electricity to any premises of a consumer;

(d) the rights, duties and responsibilities of consumers;
(e) the conditions under which electricity supplied by the Authority to a consumer may be consumed and used;

(f) installation inspectors and their functions, powers and duties;

(g) the securing of the safety of the public from personal injury or from fire, shock or otherwise;

(h) the protection of the property of the Authority from trespass or damage;

(i) the prevention of obstruction to any person acting under the authority of the Authority;

(j) in and for the purpose of the application to or with respect to the Authority its undertaking and the supply by it of electricity to any Regional Board or other Electric Authority or to any consumer of any matter or thing upon or in respect of which by-laws may be made by an Electric Authority under the provisions of “The Electric Light and Power Acts, 1896 to 1962.”

(k) for the fixing of the remuneration of members other than the Chairman and of deputy members respectively whether by way of salary or fees or allowances or any thereof;

(l) for regulating the conduct of its proceedings;

(m) for defining the duties of servants of the Authority.

(2) By-laws may adopt or exclude any by-laws made under the provisions of “The Electric Light and Power Acts, 1896 to 1962.”

(3) By-laws may impose a penalty for breach thereof and distinct penalties in case of successive breaches thereof but so that any such penalty shall not exceed fifty pounds and may impose also an additional penalty for any continuing breach thereof but not exceeding five pounds per day and fix a minimum as well as a maximum penalty.

(4) The Authority may at any time by a further by-law amend or repeal any by-law made under this section.

(5) After a by-law has been made under this section with the approval of the Commission, it shall be submitted for the approval of the Minister and, if approved by him, shall be published in the Gazette.

(6) The Governor in Council may by Order in Council repeal any by-law or part of any by-law.

(7) Upon publication in the Gazette every by-law made or purported to be made under this Act shall be of force and effect and shall be judicially noticed and such publication shall be sufficient evidence of the due making of such by-law and of every approval thereto required under this Act.

Act referred to:
Electric Light and Power Acts, 1896 to 1962, p. 69, ante.

86. Amendment shall not waive offences. Notwithstanding the amendment or repeal of any regulation or by-law, every offence committed against the regulation or by-law before the amendment or repeal thereof may be adjudicated upon and punished; and every act or proceeding done or commenced and every right, privilege or protection acquired and every liability incurred shall continue to be prosecuted and be of the same force and effect as if the regulation or by-law had not been amended or repealed.
87. Proclamations and Orders in Council. (1) The Governor in Council may from time to time make all such Proclamations and Orders in Council, not inconsistent with this Act, as he thinks fit for the further or more effectually or particularly carrying out the objects and purposes of this Act, and for facilitating proof of any document or matter and for curing the irregularities of and substituting new for lost or destroyed documents.

(2) The generality of this section shall not be qualified or affected by any provision of this Act giving power to make Proclamations and Orders in Council with regard to any subject-matters in such provisions specified.

(3) (a) Every Proclamation and Order in Council made under this Act shall be published in the Gazette.

(b) Where under this Act the Governor in Council has power to make any Proclamation or Order in Council, he shall have power to make one or more Proclamations or Orders in Council as appears to him necessary or expedient in the circumstances, and either at one and the same time or from time to time.

(c) The Governor in Council may by another Proclamation or Order in Council amend or rescind any Proclamation or Order in Council made under this Act.

(d) No misnomer or inaccurate description or omission contained in any such Proclamation or Order in Council shall in anywise prevent or abridge the operation of this Act with respect to the subject-matter of such misnomer, inaccurate description or omission: Provided the same is designated so as to be understood.

(4) No Proclamation or Order in Council purporting to be made under this Act, and being within the powers conferred on the Governor in Council, shall be deemed invalid on account of any non-compliance with any of the matters required by this Act as preliminary to the same.

(5) Upon publication in the Gazette every Proclamation and Order in Council made or purporting to be made under this Act shall be judicially noticed.

88. Proclamations, etc., to be laid before Parliament. (1) All Proclamations, Orders in Council, regulations and by-laws shall be laid before the Legislative Assembly within fourteen days after the publication thereof in the Gazette if Parliament is in session; or, if not, then within fourteen days after the commencement of the next session.

(2) If Parliament passes a resolution disallowing any such Proclamation, Order in Council, regulation or by-law of which resolution notice has been given at any time within fourteen sitting days of such House after such Proclamation, Order in Council, regulation or by-law has been laid before it, such Proclamation, Order in Council, regulation or by-law shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime, and without prejudice to the power to make any further or other Proclamation, Order in Council, regulation or by-law.

(3) For the purposes of this section, the term “sitting days” shall mean days on which the House actually sits for the despatch of business.