

# ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT, 1946-1975

709

## SUMMARY OF PROVISIONS

### PART I

#### PRELIMINARY

##### Section

- 1 Short title.
- 2 Commencement of Act.
- 3 Interpretation.
- 4 Division of Act.

### PART II

#### THE ELECTRICITY TRUST OF SOUTH AUSTRALIA

- 5 Constitution of trust.
- 6 Members of trust.
- 7 Chairman and deputy chairman.
- 8 Term of office.
- 8a (Repealed.)
- 9 Casual vacancies.
- 10 Removal of members of trust.
- 11 Validity of acts of the trust.
- 12 Quorum and majority.
- 13 Payment of members of trust.
- 14 Disqualification of members by interest.
- 15 Relation of trust to Crown.
- 16 Liability of trust to pay rates and land tax.
- 17 Staff of trust.
- 18 Pensions and retiring allowances, etc.
- 19 Borrowing powers of trust and debentures.
- 20 Government guarantee of debentures.
- 20a Inscribed debenture stock.
- 21 Reserves.
- 22 Power of the Treasurer to lend money to the trust.
- 23 Accounts.
- 24 Audit.
- 25 Annual report.
- 26 Special reports.
- 26a Electricity districts.
- 26b Electricity District Committees.
- 26c Duties and functions of committees.
- 26d Business of committees.

### PART III

#### VESTING IN THE TRUST OF THE UNDERTAKING OF THE ADELAIDE ELECTRIC SUPPLY COMPANY LIMITED

- 27 The appointed day.
- 28 Vesting of assets of the company in the trust.
- 29 Transfer of liabilities of the company to the trust.
- 30 Duty of directors and officers.
- 31 Compensation for shareholders.
- 32 Shareholder's option to take debentures.
- 33 (Repealed.)
- 34 Construction of wills and powers of attorney affecting shares.
- 35 No compensation except as provided in this Part.

### PART IV

#### POWERS AND DUTIES OF THE TRUST

- 36 Management of undertaking.
- 37 Construction of Adelaide Electric Supply Company's Acts.
- 38 Administration by trust of Electricity Act, 1943.
- 39 Consequential amendment of Electricity Act, 1943.
- 40 Additional powers of trust.
- 41 Inquiries and works to be carried out by the trust.
- 42 Power to sell machinery to trust.
- 42a Payments by the trust.

**SUMMARY OF PROVISIONS—*continued***

Section	
43	Loans and grants by trust to other suppliers.
43a	Commencement of Part.
43b	Repeal.
43c	Restriction on sale, letting, and mining of coal at Leigh Creek.
43d	Power to mine Leigh Creek coal and incidental powers.
43da	Clubs and refreshment rooms.
43e	Power of trust to use services of Government employees.
43f	Transfer of property to trust.
43g	Land.
43h	Dissolution of Fund.

**PART V****SUPPLEMENTARY PROVISIONS**

44	Regulations.
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**THE SCHEDULE**

## ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT, 1946-1975

being

Electricity Trust of South Australia Act, 1946, No. 3 of 1946 [Royal Assent proclaimed 8th August, 1946]<sup>1</sup>;

as amended by

Electricity Trust of South Australia Act Amendment Act, 1946, No. 25 of 1946 [Assented to 29th November, 1946];  
Electricity Trust of South Australia Act Amendment Act, 1949, No. 44 of 1949 [Assented to 1st December, 1949];  
Electricity Trust of South Australia Act Amendment Act, 1952, No. 22 of 1952 [Assented to 13th November, 1952];  
Electricity Trust of South Australia Act Amendment Act, 1954, No. 53 of 1954 [Assented to 23rd December, 1954];  
Electricity Trust of South Australia Act Amendment Act, 1965-1966, No. 8 of 1966 [Assented to 24th February, 1966];  
Electricity Trust of South Australia Act Amendment Act, 1971, No. 2 of 1971 [Assented to 18th March, 1971];  
Electricity Trust of South Australia Act Amendment Act, 1973, No. 22 of 1973 [Assented to 20th September, 1973];  
Statute Law Revision Act, 1973, No. 77 of 1973 [Assented to 6th December, 1973];  
Electricity Trust of South Australia Act Amendment Act (No. 2), 1973, No. 83 of 1973 [Assented to 6th December, 1973];

and

Electricity Trust of South Australia Act Amendment Act, 1975, No. 37 of 1975 [Assented to 3rd April, 1975]<sup>2</sup>.

**An Act to establish a body to be known as The Electricity Trust of South Australia, to define the powers and duties of that Trust, to vest in that Trust the undertaking of The Adelaide Electric Supply Company Limited, and for purposes incidental thereto.**

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

### PART I

### PART I

#### PRELIMINARY

1. This Act may be cited as the "Electricity Trust of South Australia Act, 1946-1975".

Short title.  
Citation  
amended by 37,  
1975, s. 1 (3).

2. This Act shall commence on a day to be fixed by the Governor by proclamation<sup>1</sup>.

Commence-  
ment of Act.

3. In this Act, unless the context otherwise requires—

Interpretation.

"the company" means The Adelaide Electric Supply Company Limited referred to in The Adelaide Electric Supply Company's Act, 1922:

"chairman" means chairman of the trust:

"member" means member of the trust, and includes the chairman:

"the trust" means The Electricity Trust of South Australia established by this Act:

"shares" includes stock:

<sup>1</sup> Came into operation 30th August, 1946; *Gaz.* 30th August, 1946, p. 387.

<sup>2</sup> Came into operation 1st July, 1975: see s. 2 of Act No. 37 of 1975.

“shareholder” includes stockholder.

Division of Act.  
S. 4 amended by  
77, 1973, s. 3 (1)  
(2nd Sched.).

4. This Act is divided into Parts as follows:—

PART I—Preliminary.

PART II—The Electricity Trust of South Australia.

PART III—Vesting in the Trust of the undertaking of The Adelaide Electric Supply Company Limited.

PART IV—Powers and Duties of the Trust.

PART IVA—Coal Mining by the Trust.

PART V—Supplementary Provisions.

PART II

PART II

THE ELECTRICITY TRUST OF SOUTH AUSTRALIA

Constitution of  
trust.

5. (1) There shall be established a body to be known as “The Electricity Trust of South Australia”.

(2) The trust shall be a body corporate with perpetual succession and a common seal and, subject to this Act, shall have power in its corporate name, to take, hold, and dispose of property of every kind and be a party to any legal proceedings.

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

Members of  
trust.

6. (1) The trust shall consist of five members, all of whom shall be appointed by the Governor.

(2) A person shall not be appointed to the trust if he is—

(a) an undischarged bankrupt;

Para. (b)  
amended by 22,  
1952, s. 3;  
struck out by 53,  
1954, s. 3.

\* \* \* \* \*

(c) a member of a House of Parliament of the State or the Commonwealth;

(d) an employee of the trust.

Chairman and  
deputy  
chairman.

7. (1) The Governor shall appoint one of the members to be the chairman of the trust, and one to be the deputy chairman of the trust.

(2) If for any reason the chairman is unable to act in his office, the deputy chairman may act in his place and while so acting have all the powers of the chairman.

Term of office.

8. (1) Subject to this Act every member of the trust shall hold office for a term of five years: Provided that one of the first members of the trust other than the chairman shall retire at the end of the second year, one at the end of the third year, and one at the end of the fourth year, after the establishment of the trust. Lots shall be drawn to decide which members shall so retire.

(2) A retiring member of the trust shall be eligible for re-appointment.

(3) A person appointed to a casual vacancy on the trust shall hold office for the balance only of the term of the member in whose place he was appointed.

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S. 8a enacted by 22, 1952, s. 4; repealed by 53, 1954, s. 4.

9. (1) The office of a member shall become vacant—

Casual vacancies.

- (a) upon his death;
- (b) if he resigns by notice in writing posted or delivered to the Minister;
- (c) if he is absent from six consecutive meetings of the trust without leave granted by the Minister;
- (d) if he becomes bankrupt or executes an assignment of his property or a deed of arrangement for the benefit of his creditors or compounds with his creditors for less than one hundred cents in the dollar<sup>1</sup>;
- (e) if he becomes an employee of the trust or a member of a House of Parliament of the State or the Commonwealth;
- (f) if he is removed from office as provided in this Act.

(2) The trust shall keep and mark punctually and regularly a roll showing the attendances of the members.

10. (1) The Governor may remove a member of the trust from his office if an address praying for such removal is presented to the Governor by the House of Assembly and the Legislative Council.

Removal of members of trust.

(2) The Governor may suspend a member from his office for incapacity, mismanagement, misbehaviour or neglect or failure to carry out any of his duties as a member of the trust; and a full statement of the cause of such suspension shall be laid before each House of Parliament within the seven sitting days of that House next after the suspension.

(3) Unless within one month after the day when any such statement is laid before it and during the same session, the House of Assembly and the Legislative Council present an address to the Governor praying for the removal from office of the member so suspended, that member shall be restored to his office, without any loss of salary in respect of the period of his suspension.

(4) If such an address is so presented to the Governor within the said month, the Governor may remove from office the member so suspended, and thereupon the office of the member shall become vacant.

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

Validity of acts of the trust.

12. (1) Any three members of the trust shall form a quorum.

Quorum and majority.

(2) All business coming before the trust shall be decided at meetings of the trust and a decision of the trust shall not be valid unless at least three members concur therein.

<sup>1</sup> Pursuant to s. 8 (2) of the Acts Reproduction Act, 1967, as amended, a reference to the proportion expressed in decimal currency has been substituted for the reference to the proportion expressed in the old currency.

## PART II

Payment of  
members of  
trust.

13. Each member of the trust shall be paid out of the funds of the trust such remuneration for his services and such travelling and other allowances (if any) as the Governor approves.

Disqualification  
of members by  
interest.

14. A person shall not be appointed as or continue to be a member, if by himself or his partner or otherwise he has any interest, direct or indirect, in any contract made with the trust: Provided that a person shall not be so disqualified by reason only of the fact—

- (a) that he holds any debentures issued by the trust; or
- (b) that he is a shareholder in a company with at least twenty members which has a contract with the trust; or
- (c) that he has a contract with the trust for the supply of electricity to him by the trust on the trust's usual terms.

Relation of  
trust to Crown.

15. (1) The trust shall hold all its assets for and on account of the Crown.  
(2) The trust shall administer this Act in such manner as in its discretion it deems to be in the best interests of the general public.

Liability of  
trust to pay  
rates and land  
tax.

16. Notwithstanding any other Act—

- (a) land and buildings of the trust shall be ratable property within the meaning of the Local Government Act, 1934-1941<sup>1</sup>;
- (b) the trust shall be liable to pay rates under the Local Government Act, 1934-1941<sup>1</sup>, the Waterworks Act, 1932-1936<sup>2</sup>, and the Sewerage Act, 1929-1936<sup>3</sup>, and land tax under the Land Tax Act, 1936-1942<sup>4</sup>.

Staff of trust.

17. (1) The trust may appoint such officers and other employees as it requires for the purpose of carrying out its duties and functions. The terms and conditions of every such appointment shall, subject to any law, be such as the trust determines.

(2) The trust may delegate to any manager, sub-manager or other responsible officer any of its powers under this section, and may revoke any such delegation.

(3) An officer or employee of the trust shall not, by virtue of his office or employment as such, be subject to the Public Service Act, 1967<sup>5</sup>.

Pensions,  
retiring  
allowances, etc.  
S. 18 substituted  
by 83, 1973,  
s. 2.

18. (1) The trust may make such arrangements, and expend such moneys, as it thinks desirable for the purposes of providing pensions, retiring allowances, gratuities and other benefits in connection with the employment of officers and employees, or former officers and employees, of the trust.

(2) The trust may accept and hold upon deposit moneys paid to any fund, or in pursuance of any scheme, established for the purpose of providing any benefits of a kind referred to in subsection (1) of this section, and may pay such interest upon those moneys as may be stipulated in the provisions governing the fund or scheme, or as may be agreed upon by the trustees of the fund or of the moneys paid in pursuance of the scheme, and the trust.

<sup>1</sup> Now Local Government Act, 1934-1975.

<sup>2</sup> Now Waterworks Act, 1932-1975.

<sup>3</sup> Now Sewerage Act, 1929-1975.

<sup>4</sup> Now Land Tax Act, 1936-1975.

<sup>5</sup> Reference to Public Service Act, 1936-1945 has been altered to Public Service Act, 1967 (now Public Service Act, 1967-1975) pursuant to s. 7 (1) (b) of the Acts Republication Act, 1967, as amended. See also 77, 1967, s. 5 (1), (2).

(3) Any liability of the trust to repay, or to pay interest upon, moneys held on deposit by the trust in pursuance of this section, shall be deemed to have been guaranteed by the Treasurer.

(4) The Treasurer shall pay out of the general revenue of the State (which is hereby to the necessary extent appropriated accordingly) any moneys that are required to satisfy a guarantee arising under subsection (3) of this section.

(5) This section shall be deemed to have come into operation upon the commencement of this Act.

19. (1) The trust may borrow money from the Treasurer, or with the consent of the Treasurer, from any other authority or person or from the public—

Borrowing  
powers of trust  
and debentures.

(a) to make the payments to the shareholders of the company provided for in this Act;

(b) to provide capital for any work, scheme, undertaking or purchase which the trust is authorized to carry out;

(c) to satisfy any liability of the trust;

(d) to enable the trust to make any loan or grant which it is authorized by this Act to make.

(2) The trust may issue debentures for any money borrowed by it.

(3) Any such debentures may confer on the holder thereof a mortgage or charge over any assets of the trust.

20. (1) The Treasurer shall out of the general revenue of the State make good any default of the trust in meeting any liability of the trust to any person, other than the Treasurer, under any debenture issued by the trust or on which the trust is liable.

Government  
guarantee of  
debentures.

(2) The amount of general revenue required for purposes of this section is hereby appropriated.

(3) The trust shall, on demand, pay to the Treasurer the amount of any payment made by him pursuant to subsection (1) of this section.

20a. (1) In any case where the trust has power to issue debentures it may issue inscribed debenture stock instead of such debentures.

Inscribed  
debenture  
stock.  
S. 20a enacted  
by 22, 1952,  
s. 5.

(2) On the application of the owner of any debentures issued by the trust, whether before or after the passing of the Electricity Trust of South Australia Act Amendment Act, 1952, the trust may convert them into inscribed debenture stock.

(3) The trust shall keep a Register of inscribed debenture stock. The Register of inscribed debenture stock is hereinafter in this section called "the Register".

(4) Inscribed debenture stock shall be deemed to be issued, and debentures shall be deemed to be converted into inscribed debenture stock, when the name of the owner, and the amount and description of the stock, and any other particulars determined by the trust, are entered in the Register.

(5) A person whose name is inscribed in the Register as the owner of any inscribed debenture stock shall be deemed to be the owner of that stock and may dispose of and transfer it in the manner prescribed by this section and may give effectual receipts for any money paid to him by way of consideration.

(6) The trust may, if it sees reasonable cause for doing so, issue to any person a certificate stating that any person was on a day and at an hour mentioned in the certificate inscribed in the Register as the owner of a specified amount of inscribed debenture stock.

Such a certificate shall be *prima facie* evidence of the fact stated thereon.

(7) The legal ownership of inscribed debenture stock shall not be transferred from the owner whose name is inscribed in the Register to any other person until—

(a) the said owner and the transferee have executed a transfer in a form fixed by the trust, and the name of the transferee and the amount of his stock have been entered in the Register; or

(b) a person to whom the title to any inscribed debenture stock has passed on death or bankruptcy or otherwise by operation of law has produced to the trust such reasonable evidence of his title as the trust requires, and his name has been entered in the Register as the owner of the stock.

(8) No notice of any trust, express implied or constructive, affecting inscribed debenture stock, shall be received by the trust or entered in the Register or any other book kept by the trust.

(9) Subject to the provisions of this section relating to the transfer and transmission of inscribed debenture stock and notice of trusts, equitable interests may be enforced against the owners of inscribed debenture stock.

(10) Section 20 of this Act shall apply in relation to inscribed debenture stock in the same way as it applies to debentures.

Reserves.

21. The trust may at the end of any financial year set aside out of its revenue such sums as it thinks proper as payments to reserves or sinking funds, and may invest any such reserves or sinking funds or use them in its undertaking.

Power of the  
Treasurer to  
lend money to  
the trust.

22. (1) The Treasurer may lend money to the trust upon such terms and conditions as are agreed between the Treasurer and the trust.

(2) Where any loan made by the Treasurer to the trust is intended to be applied by the trust—

(a) for extending or improving supplies of electricity in rural areas; or

(b) for granting a subsidy pursuant to section 43 of this Act to any supplier of electricity for the purpose of enabling him to improve or extend supplies of electricity in rural areas,

the loan may be on such special terms and conditions as are approved by the Governor.

(3) The Treasurer may arrange for the borrowing on behalf of the State, and in accordance with the Financial Agreement, of such sums of money as he requires for the purpose of making loans to the trust under this section.

(4) This section without further appropriation shall be sufficient authority for lending any money so borrowed, to the trust.

Accounts.

23. (1) The trust shall keep proper accounts showing accurately and in detail all its financial transactions, assets and liabilities, and shall in each year not later than the thirty-first day of October prepare a profit and loss account for the preceding financial year and a balance-sheet showing its assets and liabilities as at the preceding thirtieth day of June.



(2) The profit and loss account and the balance-sheet shall be included in the annual report of the trust.

**24.** (1) The Auditor-General shall audit the accounts and balance-sheet of the trust and report thereon annually to the Minister. Audit.

(2) Every member and officer of the trust shall afford the Auditor-General and his officers proper and adequate facilities for conducting the audit, and shall furnish the Auditor-General or any of his officers, upon request, with any information relating to the affairs of the trust.

**25.** The trust shall within four months after the end of each financial year prepare and present to the Minister a report on its operations during that financial year and the Minister shall cause that report to be laid before both Houses of Parliament as soon as practicable after the receipt thereof. Annual report.

**26.** (1) The Governor may, whenever he deems it expedient to do so, appoint a person or persons to inquire into and report to him upon the management and operations of the trust. Special reports.

(2) The person or persons so appointed shall be deemed to be a royal commission within the meaning of the Royal Commissions Act, 1917, and that Act shall apply in relation to that person or those persons and the inquiry and the persons from whom evidence, information or documents are sought.

**26a.** The Governor may by notice in the *Gazette*—

- (a) declare any part of the State to constitute an Electricity District;
- (b) alter any Electricity District;
- (c) assign a name to any Electricity District.

Electricity districts.  
S. 26a enacted by 53, 1954, s. 5.

**26b.** (1) The Governor may appoint a committee for any Electricity District.

Electricity District Committees.  
S. 26b enacted by 53, 1954, s. 5.

(2) The name of each committee shall be The Electricity Advisory Committee, the blank space being filled by the name of the district for which the committee is appointed.

(3) Every committee shall consist of such number of members as the Governor determines.

(4) The Governor shall appoint a member of each committee to be its chairman.

(5) Subject to this Act, every member of a committee shall hold office for four years calculated as from the first day of July in the year in which he was appointed: Provided that a member appointed to a casual vacancy shall hold office for the balance of the term of the member in whose place he was appointed.

(6) The Governor may dismiss a member of the committee from his office if he has been guilty of any act or conduct which, in the Governor's opinion, shows him to be unfit to be a member of the committee.

(7) The office of a member of a committee shall become vacant if—

- (a) he dies;
- (b) he resigns by notice in writing addressed to the Treasurer;
- (c) he is dismissed from office by the Governor.

(8) A member of a committee shall not be subject to the Public Service Act, 1967<sup>1</sup>, by reason only of his office as such member.

(9) The trust may pay to members of a committee allowances for travelling to and from meetings of the committee at such rates as the trust deems proper. Such allowances shall be paid out of the revenue of the trust.

Duties and functions of committees.  
S. 26c enacted by 53, 1954, s. 5.

**26c.** (1) It shall be the duty of a committee to investigate and report to the trust on any matter which relates to the supply of electricity within the district of the committee and is referred to the committee by the trust.

(2) A committee may of its own motion make reports and recommendations to the trust on any matter relating to the supply of electricity within the committee's district.

Business of committees.  
S. 26d enacted by 53, 1954, s. 5.

**26d.** (1) Subject to any regulations made under this Act the business of a committee shall be conducted in such manner and at such times and places as the committee determines.

(2) A decision of a committee shall be valid if concurred in by a majority of the members of the committee.

## PART III

## PART III

### VESTING IN THE TRUST OF THE UNDERTAKING OF THE ADELAIDE ELECTRIC SUPPLY COMPANY LIMITED

The appointed day.

**27.** The Governor may by proclamation appoint a day to be the "appointed day" for purposes of this Part. The day so appointed is hereinafter called "the appointed day".

Vesting of assets of the company in the trust.

**28.** (1) On and after the appointed day all the assets which immediately before that day were vested in or belonged to the company and were situated or deemed by law to be situated within the State shall be vested in and belong to the trust.

Subsecs. (2), (3), (4) struck out by 25, 1946, s. 3.

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(5) In this section "assets" means real and personal property of every kind, including choses in action, and all other rights, interests and claims, liquidated or unliquidated, certain or contingent, accrued or accruing.

Transfer of liabilities of the company to the trust.

**29.** (1) On and after the appointed day all liabilities to which the company was subject immediately before that day or to which it thereafter becomes subject by reason of any transaction, act, matter or thing done or occurring before that day, shall be transferred to the trust and the trust shall be liable upon and shall satisfy all such liabilities.

(2) In this section "liabilities" includes all liabilities, debts, and obligations, certain or contingent, liquidated or unliquidated, accrued or accruing, and includes the liabilities of the company accrued and accruing upon debentures issued by the company.

(3) Nothing in this section shall confer any rights upon any shareholder of the company in respect of his shares other than a right to be paid any dividend declared but not paid before the appointed day.

<sup>1</sup> Reference to Public Service Act, 1936-1954, has been altered to Public Service Act, 1967 (now Public Service Act, 1967-1975) pursuant to s. 7 (1) (b) of the Acts Republication Act, 1967, as amended. See also 77, 1967, s. 5 (1), (2).

30. (1) It shall be the duty of the company and every director and officer thereof to do or join in doing every act, matter or thing which it is necessary or convenient to do for giving and securing to the trust the possession and control of all property vested in the trust by this Act.

Duty of directors and officers.  
Subsec. (1) amended by 25, 1946, s. 4.

(2) The Supreme Court on the application of the trust may order the company or any director or officer of the company to do or join in doing any act, matter or thing which it or he is required to do under subsection (1) of this section.

31. (1) For the purposes of this Part the trust shall fix a day not later than the first day of June, 1947<sup>1</sup>, as the settlement day, and shall give the company not less than three months prior notice thereof. In this Part the expression "the settlement day" means the day so fixed.

Compensation for shareholders.  
S. 31 substituted by 25, 1946, s. 5.

(2) Subject to subsections (3) and (6) of this section, the trust shall on the settlement day pay to each shareholder of the company—

- (a) the market value of his shares as at the first day of August, 1945<sup>2</sup>;
- (b) in the case of an ordinary shareholder, interest at the rate of four per centum per annum on the amount of that market value for the period commencing on the first day of March, 1946<sup>3</sup>, and ending on the settlement day;
- (c) in the case of a preference shareholder, interest at the rate of four per centum per annum on the amount of that market value for the period commencing on the first day of September, 1946<sup>3</sup>, and ending on the settlement day.

(3) The trust may at any time before the settlement day make an interim payment on account of the interest mentioned in subsection (2), of such amount as the trust determines; and the interim payment so made to a shareholder shall be deducted from the interest payable to him on the settlement day.

(4) For the purposes of this Part the market values expressed in Australian currency of the shares of the company as at the first day of August, 1945<sup>2</sup>, shall respectively be those set out in the schedule to this Act.

(5) A holder of ordinary shares in the company who is entitled to a payment under subsection (2) of this section shall be entitled to an additional payment of one shilling and sixpence (Australian currency) for each one pound of the face value of his ordinary shares and that payment shall for the purposes of this section and sections 32 and 34 of this Act be deemed to be part of the market value of those shares.

(6) A shareholder of the company shall not be entitled to any payment under this section—

- (a) until he has procured the registration by the company of a transfer to the trust of the shares in respect of which he claims payment, and the issue and delivery by the company to the trust of a share certificate in respect thereof;
- (b) unless he complies with paragraph (a) of this subsection within three months after the settlement day: Provided that the trust may in its discretion extend the time prescribed by this subsection.

<sup>1</sup> Reference to the year nineteen hundred and forty-seven altered to 1947 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.

<sup>2</sup> Reference to the year nineteen hundred and forty-five altered to 1945 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.

<sup>3</sup> Reference to the year nineteen hundred and forty-six altered to 1946 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.

## PART III

Shareholder's  
option to take  
debentures.  
S. 32 substituted  
by 25, 1946,  
s. 5.

**32.** (1) Any person entitled to be paid the market value of shares under this Part may elect to accept debentures issued by the trust in satisfaction of the whole or a part of that market value, such whole or part being a multiple of ten pounds: Provided that—

(a) a person shall not be entitled to such debentures unless he has, not less than six weeks before the settlement day, given written notice to the trust specifying the amount in respect of which he elects to accept such debentures:

(b) the trust may in its discretion accept a notice given after the time prescribed by this subsection.

(2) Every debenture issued under this section—

(a) shall bear interest at the rate of four per centum per annum calculated as from the day following the settlement day; and

(b) shall be redeemable as hereinafter provided.

(3) For every twenty pounds of the face value of the debentures issued to a person under this section, debentures to the face value of ten pounds shall be redeemed by the trust at the end of the fifth and tenth years respectively after the settlement day; and any fractional part of twenty pounds in the face value of the debentures issued to a person under this section shall be redeemed by the trust at the end of the fifth year after the settlement day.

S. 33 repealed  
by 25, 1946,  
s. 5.

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Construction of  
wills and  
powers of  
attorney  
affecting shares.

**34.** (1) Where, pursuant to this Part, debentures of the trust are issued to a shareholder of the company in satisfaction of the market value of any shares—

(a) any disposition which was effected by a testamentary instrument executed before the passing of this Act, and would have operated as a specific bequest of the shares, shall be construed as a specific bequest of the debentures;

(b) all powers of attorney and other documents, executed before the passing of this Act authorizing or requiring any person to receive, deal with or dispose of the shares and dividends thereon shall apply to the debentures and the interest thereon.

(2) The trust may give possession of any debentures issued under this Part to any person (whether the shareholder or any other person) who satisfies the trust that he is entitled to possession of the shares for the market value of which the debentures were issued.

No  
compensation  
except as  
provided in this  
Part.

**35.** Except as provided in this Part no person shall be entitled to compensation for anything done by or pursuant to this Part.

## PART IV

## PART IV

## POWERS AND DUTIES OF THE TRUST

Management of  
undertaking.

**36.** The trust shall until Parliament otherwise provides continue to manage, maintain and operate the undertaking of The Adelaide Electric Supply Company Limited subject to and in accordance with the provisions of The Adelaide Electric Supply Company's Acts, 1897 to 1931:

Provided that sections 32, 33 and 38 of The South Australian Electric Light and Motive Power Company's Act, 1897, shall not apply to the trust.

37. So far as is necessary to give effect to section 36 of this Act, The Adelaide Electric Supply Company's Acts, 1897 to 1931, shall as from the appointed day be construed as if every reference therein to the company were a reference to the trust.

Construction of Adelaide Electric Supply Company's Acts.

S. 37 amended by 8, 1966, s. 3; 83, 1973, s. 3.

38. Upon the establishment of the trust—

- (a) The South Australian Electricity Commission established by the Electricity Act, 1943<sup>1</sup>, shall cease to exist;
- (b) the Electricity Act, 1943<sup>1</sup>, and the Electrical Articles and Materials Act, 1940<sup>2</sup>, shall thereafter be administered by the trust;
- (c) the trust shall be substituted for the said Electricity Commission in all pending transactions and proceedings to which that Commission is a party.

Administration by trust of Electricity Act, 1943.

39. As from the establishment of the trust the Electricity Act, 1943, shall be amended—

Consequential amendment of Electricity Act, 1943.

- (a) by striking out the definition of "the Commission" in section 2 and inserting in lieu thereof the following:—

"the trust" means "The Electricity Trust of South Australia", established by the Electricity Trust of South Australia Act, 1946;

- (b) by striking out the word "Commission" wherever it appears therein and inserting in lieu thereof the word "trust".

40. (1) In addition to the powers specified in The Adelaide Electric Supply Company's Acts, 1897 to 1931, the trust shall have the following powers, namely:—

Additional powers of trust. S. 40 amended by 8, 1966, s. 4; 83, 1973, s. 4 (a); re-designated s. 40 (1) by 83, 1973, s. 4 (b).

- (a) To purchase, take leases of or hire power stations, sub-stations, transmission lines and distribution systems;

\* \* \* \* \*

Para (a1) inserted by 8, 1966, s. 4; struck out by 83, 1973, s. 4 (a).

- (b) By agreement with any other person who supplies or generates electricity, to interconnect the mains of the trust with those of such other person and interchange electricity or give or receive supplies of electricity in bulk;
- (c) With the approval of the council of any municipality or district council district, to supply electricity direct to consumers within that municipality or district;
- (d) To supply electricity direct to consumers not within a municipality or district council district;
- (e) To do any act or thing and enter into and carry out any transaction which it is necessary or convenient to do, enter into or carry out for the purpose of generating, transmitting and supplying electricity.

(2) The trust may acquire land, or any interest in, over or affecting land, in accordance with the provisions of the Land Acquisition Act, 1969-1972.

Subsec. (2) inserted by 83, 1973, s. 4 (b).

<sup>1</sup> Now Electricity Act, 1943-1973.

<sup>2</sup> Now Electrical Articles and Materials Act, 1940-1967.

Inquiries and works to be carried out by the trust.

41. (1) The trust shall, as soon as possible after it has been constituted, conduct inquiries into the following matters:—

- (a) The improvement and extension of the supply of electricity in the settled areas of the State north of the thirty-fourth parallel of latitude and east of Spencer Gulf, and particularly the supply of electricity to the Broken Hill Associated Smelters Pty Limited, and the question whether a generating station should be established for supplying the said areas and Company;
- (b) The works which should be carried out and any other action which should be taken to ensure that an adequate output of electricity will be maintained in the event of supplies of bituminous coal to the trust being reduced or stopped;
- (c) The supply of electricity throughout the State and desirability of establishing regional power stations and of connecting them with the mains of the trust in the metropolitan area with the object of making electricity available at reasonable price over the widest possible area, and particularly in the River Murray irrigation areas, the areas east of the River Murray, Eyre Peninsula, Yorke Peninsula and the south-eastern areas of the State;
- (d) The coal deposits and any other sources of fuel within the State, and the purposes for which and the methods by which such coal and fuel may be used;
- (e) The introduction of an optional two-part tariff (without meter rents) for electricity supplied for domestic purposes.

(2) The Treasurer may, out of the general revenue of the State, pay to the trust the amount of any expenditure incurred by the trust in making the inquiries mentioned in this section not exceeding forty thousand dollars<sup>1</sup>.

(3) The trust shall report to the Minister its findings on the matters inquired into pursuant to this section, and the action which it proposes to take. The Minister shall lay every such report before Parliament.

(4) The trust shall carry out any works which, after inquiry as mentioned in this section, it deems desirable.

(5) The amounts of general revenue required for the purposes of the inquiries mentioned in this section are hereby appropriated.

Power to sell machinery to trust.

42. (1) The Governor may direct that the respective Ministers in whom the machinery and equipment mentioned in this section is vested, shall sell it to the trust.

(2) The trust shall use any machinery and equipment sold to it under this section, to generate electricity at Loveday for the purpose of supplying public authorities and private consumers in the irrigation areas and in any other areas which in the trust's opinion should be supplied from Loveday.

(3) The machinery and equipment which may be sold under this section are the following:—

- (a) Two 525 horsepower Bellis and Morcom diesel-driven generating sets and the auxiliary equipment used or supplied in connection therewith;

<sup>1</sup> Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, this reference to money expressed in decimal currency has been substituted for the reference to the corresponding amount of money expressed in the old currency.

- (b) The transformers and transmission lines connecting Loveday pumping station with the pumping stations at Cobdogla, Moorook, and Kingston, and the spare transformer kept at Loveday.

(4) The Public Supply and Tender Act, 1914-1940<sup>1</sup>, shall not apply to a sale made pursuant to this section.

42a. (1) In this section—

“payment day” means the last working day that occurs in a quarter:

“quarter” means any period of approximately three months concluding on or about the last day of March, June, September or December in any year as may be agreed upon by the Treasurer and the trust.

(2) The trust shall, on or before the payment day next following the first day of April, 1971, and on or before each succeeding payment day that occurs thereafter up to and including the payment day that occurs on or nearest to the last day in September, 1973, out of its revenues pay to the Treasurer for the purposes of the general revenue of the State, an amount equal to three per centum of its revenues being revenues derived from the sale of electricity during the quarter next preceding the quarter within which the payment day occurs.

(2a) The trust shall, on or before the payment day that occurs on or nearest to the last day of December, 1973, and on or before each succeeding payment day that occurs thereafter, out of its revenues pay to the Treasurer for the purposes of the general revenue of the State, an amount equal to five per centum of its revenues being revenues derived from the sale of electricity during the quarter next preceding the quarter within which the payment day occurs.

(3) For the purposes of subsection (2) and of subsection (2a) of this section, the amount of the revenues of the trust derived from the sale of electricity during any quarter shall be such amount as is agreed upon by the Treasurer and the trust and in the absence of such an agreement the amount of the revenues shall be as determined by the Auditor-General.

43. The trust may with the approval of the Minister—

- (a) lend money to any other supplier of electricity for the purpose of enabling him to improve or extend supplies of electricity or to connect his mains with those of the trust;
- (b) grant a subsidy to any supplier of electricity for the purpose of enabling him to improve or extend supplies of electricity in rural areas.

## PART IVA

### COAL MINING BY THE TRUST

43a. This Part shall come into operation on a day to be fixed by the Governor by proclamation<sup>2</sup>.

Payments by  
the trust.  
S. 42a enacted  
by 2, 1971, s. 2.

Subsec. (2)  
amended by 22,  
1973, s. 2 (a).

Subsec. (2a)  
inserted by 22,  
1973, s. 2 (b).

Subsec. (3)  
amended by 22,  
1973, s. 2 (c).

Loans and  
grants by trust  
to other  
suppliers.

## PART IVA

Part IVA and  
heading inserted  
by 25, 1946,  
s. 6.

Commence-  
ment of Part.  
S. 43a enacted  
by 25, 1946,  
s. 6.

<sup>1</sup> Now Public Supply and Tender Act, 1914-1975.

<sup>2</sup> This Part came into operation 6th February, 1948: *Gaz.* 5th February, 1948, p. 311.

## PART IVA

Repeal.

S. 43b enacted  
by 25, 1946,  
s. 6.

**43b.** The Leigh Creek Coal Act, 1942, is repealed.

Restriction on  
sale, letting, and  
mining of coal  
at Leigh Creek.  
S. 43c enacted  
by 25, 1946,  
s. 6.

**43c.** A sale or lease of any seam of coal vested in the Crown at or near Leigh Creek or a contract for any such sale or lease or a right to mine any such seam of coal shall not be made or granted by or on behalf of the Crown except pursuant to an Act specifically authorizing that sale, lease, contract or right.

Power to mine  
Leigh Creek  
coal, and  
incidental  
powers.  
S. 43d enacted  
by 25, 1946,  
s. 6.

**43d.** (1) The trust may—

- (a) mine (whether by open or closed working) any seams of coal, vested in the Crown or the trust, at or near Leigh Creek;
- (b) treat, grade, or otherwise prepare for sale, and use, sell or otherwise dispose of any coal so mined.

(2) The trust may do any of the following things which it considers it necessary or convenient to do for the purpose of carrying the provisions of this Part into effect—

- (a) erect houses, buildings and other improvements, and grant leases or tenancies of, or rights to use or occupy, any land, house or building belonging to the trust:
- (b) construct, repair and maintain streets and roads:
- (c) plant, develop, improve and maintain public parks, squares, recreation grounds and other places of public resort:
- (d) construct, acquire, maintain and manage sewerage systems and provide sewers and drainage for any premises:
- (e) construct, acquire, maintain and manage waterworks, buy water, and sell and supply water:
- (f) generate, sell and supply electricity:
- (g) acquire or dispose of property of any kind:
- (h) construct any works:
- (i) make reasonable charges for any commodity or service sold or supplied by the trust:
- (j) do or execute any other act, matter or thing, or enter into and carry out any transaction.

(3) The trust may, from any main used by it to supply water to persons at Leigh Creek, sell and supply water to any other persons who can be conveniently supplied with water from that main.

Clubs and  
refreshment  
rooms.  
S. 43da enacted  
by 44, 1949,  
s. 3.

**43da.** (1) The trust may on the Leigh Creek coalfield—

- (a) establish and maintain premises for use as club rooms and refreshment rooms;
- (b) at any such premises conduct clubs and refreshment rooms.

(2) The power to conduct clubs and refreshment rooms under this section shall include power to sell and supply refreshments, including liquor, to provide such accommodation conveniences and amenities as the trust thinks fit, and to do all things incidental to the conduct of clubs and refreshment rooms.



(3) The trust shall not sell any liquor as defined in the Licensing Act, 1932-1945<sup>1</sup>, at any time except during such hours as are prescribed by the Governor by regulations, or if no hours are so prescribed, during the hours in which it is lawful for the holder of a publican's licence to sell such liquor. The Governor may by regulation from time to time fix the hours during which the trust may sell liquor under this section. Any regulations so made may fix different hours for different premises.

Except as provided in this subsection the trust, in selling and supplying liquor under this section, shall not be subject to the Licensing Act, 1932-1945<sup>1</sup>.

(4) The profits derived by the trust from the conduct of clubs and refreshment rooms under this section shall be applied for such purposes beneficial to the inhabitants of the Leigh Creek coalfield as are approved by the Treasurer.

(5) After the close of each financial year the trust shall submit to the Treasurer—

- (a) a copy of its accounts for that financial year relating to the conduct of clubs and refreshment rooms under this section:
- (b) recommendations by the trust as to the purposes to which the profit derived by the trust during that financial year from the conduct of clubs and refreshment rooms are to be applied, and the amount to be applied to each purpose.

(6) The Treasurer may approve of the said purposes either with or without additions or alterations, and when the purposes are so approved the said profits shall be applied by the trust accordingly.

(7) For the purpose of this section—

“the Leigh Creek coalfield” means the land held by the trust on lease granted by the Governor pursuant to section 43g of this Act:

“liquor” includes liquor as defined in the Licensing Act, 1932-1945<sup>1</sup>.

**43e.** For the purposes of this Part the trust may—

- (a) with the consent of the Minister administering any department of the Public Service of the State, make use of the services of any officers or employees of that department on such terms and conditions as are agreed on between the Minister and the trust:
- (b) with the consent of The South Australian Railways Commissioner<sup>2</sup>, make use of the services of any officers or employees of that Commissioner<sup>2</sup> on such terms and conditions as are agreed on between the trust and that Commissioner<sup>2</sup>.

Power of trust to use services of Government employees.  
S. 43e enacted by 25, 1946, s. 6.

**43f.** (1) All assets which were purchased pursuant to the Leigh Creek Coal Act, 1942, for the purposes of that Act are hereby vested in the trust. If any question arises as to what assets were so purchased, it shall be determined by the Minister whose decision shall be final.

Transfer of property to trust.  
S. 43f enacted by 25, 1946, s. 6.

(2) All rights and liabilities of any Minister under any contract entered into before the enactment of this Part for the manufacture, sale, supply or erection of plant or equipment required for use on the Leigh Creek coalfield are hereby vested in the trust.

<sup>1</sup> The Licensing Act, 1932-1945, and its amendments have been repealed and superseded by the Licensing Act, 1967 (now Licensing Act, 1967-1975).

<sup>2</sup> For interpretation of references in Acts to the South Australian Railways Commissioner see now s. 6 (4) and (5) of Railways Act, 1936-1975.

(3) The Minister may sell or hire to the trust any plant or machinery which belongs to the Crown and is under his control.

(4) The Minister may transfer to the trust any waterworks and sewerage works and any plant, equipment and machinery used in connection therewith, which was constructed or purchased by the Minister for the purpose of providing water and a sewerage system for the township at Leigh Creek.

Land.  
S. 43g enacted  
by 25, 1946,  
s. 6.

**43g.** The Governor may for purposes of this Act grant to the trust the fee simple or any other estate, interest, or right, of, in, or over, any Crown land.

Dissolution of  
Fund.  
S. 43h enacted  
by 25, 1946,  
s. 6; substituted  
by 37, 1975,  
s. 3.

**43h.** (1) In this section—

“the commencement” means the commencement of the Electricity Trust of South Australia Act Amendment Act, 1975:

“the repealed section” means section 43h of this Act as in force immediately before the commencement:

“the Fund” means The Leigh Creek Coal Fund established under the repealed section.

(2) The Fund is hereby dissolved.

(3) All moneys of the Fund at the commencement shall be paid to the trust.

(4) All moneys of the Fund paid to the trust pursuant to subsection (3) of this section and all assets acquired by the trust and all expenditure and liabilities incurred by the trust in connection with its operations under this Part whether before or after the commencement shall thereafter be consolidated with the general assets and liabilities of the trust as though the repealed section had never been enacted and shall be dealt with or discharged accordingly.

## PART V

## PART V

### SUPPLEMENTARY PROVISIONS

Regulations.  
S. 44  
redesignated  
s. 44 (1) by 25,  
1946, s. 7.

**44.** (1) The Governor may make regulations prescribing any matters or things necessary to be prescribed for the purpose of carrying this Act into effect or better effecting the objects of this Act and, without limiting the generality of the foregoing provisions, requiring any person to do any acts, matters or things necessary to be done for securing to the trust the title, possession and control of any assets vested in it or assigned or transferred to it pursuant to this Act, and may by any such regulation prescribe penalties recoverable summarily and not exceeding four hundred dollars<sup>1</sup> for breach of any regulation.

Subsec. (2)  
inserted by 25,  
1946, s. 7;  
amended by 83,  
1973, s. 5.

(2) The power to make regulations conferred by this section shall include power to make regulations for the following purposes:—

(a) for encouraging, promoting, or requiring the use of coal mined pursuant to this Act;

(b) for ensuring the comfort, convenience, health and safety of persons residing at or near Leigh Creek;

Para. (c)  
inserted by 83,  
1973, s. 5.

(c) for making any provision (which may be of general application or limited to apply only in relation to a specified area or locality, or

<sup>1</sup> Pursuant to s. 8 of the Acts Republishing Act, 1967, as amended, this reference to money expressed in decimal currency has been substituted for the reference to the corresponding amount of money expressed in the old currency.

in relation to conductors or apparatus first installed after a specified time) regulating the positioning of electrical conductors and apparatus that are the property of the trust;

- (d) for preventing interference with electrical conductors and apparatus installed by the trust in any street, road or public place and for restricting or prohibiting the erection of buildings or structures that may be in dangerous proximity to any such electrical conductors and apparatus.

Para. (d)  
inserted by 83,  
1973, s. 5.

### THE SCHEDULE

#### MARKET VALUE OF STOCKS AND SHARES OF THE ADELAIDE ELECTRIC SUPPLY COMPANY LIMITED AS AT 1st AUGUST, 1945

Class of stock or share	Value in Australian currency of each £1 stock or share on 1st August, 1945		
	£	s.	d.
8 per cent "B" cumulative preference (Adelaide and London Registers)	1	19	0
6½ per cent "C" cumulative preference (Adelaide Register) .....	1	12	6
6½ per cent "C" cumulative preference (London Register) .....	1	5	6
6 per cent cumulative preference (Adelaide Register) .....	1	10	0
6 per cent cumulative preference (London Register) .....	1	5	0
5 per cent "A" cumulative preference (London Register) .....	1	8	0
5 per cent "D" cumulative preference (Adelaide and London Register)	1	6	2
Ordinary (Adelaide and London Registers) .....	1	15	0

For the purpose of this schedule shares shall be deemed to be on that Register on which they were registered on the first day of April, 1946<sup>1</sup>.

<sup>1</sup> Reference to the year nineteen hundred and forty-six altered to 1946 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.