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ELECTRICITY ACT, 1943-1973

being

Electricity Act, 1943, No. 31 of 1943 [Assented to 23rd December, 1943];

as amended by

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

and

Statute Law Revision Act, 1973, No. 77 of 1973 [Assented to 6th December, 1973].

An Act to confer on The Electricity Trust of South Australia certain powers in relation to the generation and supply of electricity, and for purposes incidental thereto.

Long title
amended by 3,
1946, s. 39 (b);
77, 1973, s. 3 (1)
(2nd Sched.).

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

1. This Act may be cited as the "Electricity Act, 1943-1973."

Short title.
Citation
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

2. In this Act unless the context otherwise requires—

Interpretation.

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Def. of
"chairman"
amended by 3,
1946, s. 39 (b);
struck out by 77,
1973, s. 3 (1)
(2nd Sched.).

"generating station" means premises and plant used for generating electricity:

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Def. of
"member"
amended by 3,
1946, s. 39 (b);
struck out by 77,
1973, s. 3 (1)
(2nd Sched.).

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Def. of "The
Commission"
struck out by 3,
1946, s. 39 (a).

"the trust" means "The Electricity Trust of South Australia", established by the Electricity Trust of South Australia Act, 1946².

Def. inserted by
3, 1946,
s. 39 (a).

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Ss. 3-10 and
heading
amended by 3,
1946, s. 39 (b);
repealed by 77,
1973, s. 3 (1)
(2nd Sched.).

¹ Came into operation 30th August, 1946: *Gaz.* 30th August, 1946, p. 387.

² Now Electricity Trust of South Australia Act, 1946-1975.

Investigations and Inquiries by the trust.

Heading
amended by 3,
1946, s. 39(b).

Inquiries by
trust.

Subsec. (1)
amended by 3,
1946, s. 39 (b).

11. (1) The trust shall—

- (a) investigate the supplies of electricity within the State and the possibilities of improving, increasing, and cheapening such supplies and extending the use of electricity;
- (b) conduct a survey of the coal deposits and any other sources of fuel within the State;
- (c) investigate the purposes for which and the methods by which such coal and fuel may be used;
- (d) conduct experiments or trials in connection with any investigation or survey;
- (e) report to the Governor upon the results of its investigations, surveys, experiments, and trials, and make recommendations to the Governor as to any matter into which it has inquired;
- (f) advise the Governor or any Minister upon any questions which relate to the supply of electricity and are referred to the trust by the Governor or a Minister or by a resolution of either House of Parliament.

Para. (f)
amended by 3,
1946, s. 39 (b).

Subsec. (2)
amended by 3,
1946, s. 39 (b).

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

Power to take
evidence.

Subsec. (1)
amended by 3,
1946, s. 39 (b).

12. (1) The trust, for the purpose of obtaining any information reasonably required for the purposes of this Act, may—

- (a) by summons signed by the chairman, or a member or the secretary of the trust, summon any person to appear before the trust as a witness and, if the summons so requires, to produce books, documents, and papers;
- (b) take evidence on oath.

Para. (a)
amended by 3,
1946, s. 39 (b).

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

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

Subsec. (4)
amended by 3,
1946, s. 39 (b).

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

Subsec. (5)
amended by 3,
1946, s. 39 (b).

(5) A person who upon oath or affirmation wilfully gives before the trust any false evidence relating to any matter being inquired into by the trust shall be guilty of wilful and corrupt perjury and liable to punishment accordingly under the Criminal Law Consolidation Act, 1935-1940¹.

Affirmation in
lieu of oath.
Subsec. (1)
amended by 3,
1946, s. 39 (b).

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

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

¹ Now Criminal Law Consolidation Act, 1935-1975.

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

Power to obtain information.
Subsec. (1) amended by 3, 1946, s. 39 (b).

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

- (a) refuse or fail to furnish any information; or
- (b) give any information which is false in any particular.

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

Power to enter and inspect premises.
S. 15 amended by 3, 1946, s. 39 (b).

Registration of Suppliers of Electricity

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

Registration of suppliers.
Subsec. (1) amended by 3, 1946, s. 39 (b).

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

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

Subsec. (3) amended by 3, 1946, s. 39 (b).

Notice of New Generating Stations and Plant

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

- (a) construct any generating station;
- (b) convert any premises into a generating station;
- (c) enlarge any generating station, whether constructed before or after the passing of this Act; or
- (d) install in any such generating station any additional plant or machinery for the generation of electricity,

unless he has first given the trust notice in writing of his intention to do so.

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

Notices of generating stations and other works.
Subsec. (1) amended by 3, 1946, s. 39 (b).

Requests by trust to Suppliers

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

- (a) the premises and plant used or to be used by the supplier, including the situation and nature thereof;
- (b) the fuel to be used in such plant;
- (c) the nature of the electrical current to be generated or supplied;
- (d) the area to be supplied;

Heading amended by 3, 1946, s. 39 (b).

Requests to suppliers.
Subsec. (1) amended by 3, 1946, s. 39 (b).

(e) the price to be charged to consumers for electricity or for the use of any electrical apparatus.

Subsec. (2)
amended by 3,
1946, s. 39 (b).

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

The trust may at its discretion extend any such time.

Subsec. (3)
amended by 3,
1946, s. 39 (b).

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

(a) intimates that he does not accede to the request; or

Para. (b)
amended by 3,
1946, s. 39 (b).

(b) does not give an answer to the request within the time fixed by the trust,

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

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

S. 19 and
heading thereto
amended by 3,
1946, s. 39 (b);
repealed by 77,
1973, s. 3 (1)
(2nd Sched.).

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General Provisions

Regulations.

20. The Governor may make any regulations necessary or convenient for carrying this Act into effect and may by any regulation prescribe fines not exceeding one hundred dollars¹ for breach of any regulation.

Offences and
penalty.

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

(2) A person guilty of an offence against this Act for which no other penalty is provided shall be liable to a fine not exceeding two hundred dollars¹ and if the offence is a continuing offence to an additional fine not exceeding one hundred dollars¹ for every day on which the offence is continued.

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

Financial
provision.

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

S. 23 amended
by 3, 1946,
s. 39 (b);
repealed by 77,
1973, s. 3 (1)
(2nd Sched.).

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¹ Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency have been substituted for references to amounts of money expressed in the old currency.