

PUBLIC WORKS (PORT KEMBLA ELECTRICITY) ACT.

Act No. 18, 1929.

George V.
No. 18, 1929.

An Act to authorise the carrying out of certain works of electricity supply within the Counties of Camden and St. Vincent and adjacent districts; to authorise the Minister for Public Works to generate and supply electricity; to amend the Public Works Act, 1912, and certain other Acts; to validate the construction of certain works and to ratify certain contracts entered into by the Minister for Public Works; and for purposes connected therewith. [Assented to, 8th April, 1929.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Public Works (Port Kembla Electricity) Act, 1929," and shall be read and construed with the Public Works Act, 1912, as amended by subsequent Acts, which said Act as so amended is in this Act referred to as the Principal Act.

Interpretation.

2. In this Act unless the context or subject matter otherwise requires,—

"Financial year" means the period from the first day of July in one year to the thirtieth day of June in the next following year.

Works authorised.

3. (1) The carrying out of the works described in the First Schedule is hereby authorised, and the Minister is empowered to carry out the said works under the provisions of the Principal Act.

(2)

(2) The said works shall be deemed to be authorised works within the meaning of the Principal Act. No. 18, 1929.

(3) The provisions of sections thirty-four and thirty-five of the Principal Act shall not apply in respect of such works.

(4) The cost of carrying out the works described in the First Schedule, exclusive of land resumptions, is estimated at eight hundred thousand pounds and such estimated cost shall not under any circumstances, be exceeded by more than ten per centum. Cost.

(5) The plans of the works described in the Schedules are the plans marked "Port Kembla Electricity Supply, Power Station Extensions," and "Port Kembla Electricity Supply Transmission Line System," signed by the Minister, and countersigned by the Chief Electrical Engineer, and deposited in the office of the said Minister. Plans.

4. The Minister may for the purposes of this Act place or carry electric transmission lines, conduits, and other works on, over, through, across, or by the side of any lands, street, road, bridge, viaduct, railway, waters or watercourse. Works may be constructed on roads, &c.

5. The Principal Act is amended as follows:— Amendment of Principal Act.

(a) by inserting after section four the following new section:—

4A. (1) The provisions of this Act relating to the acquisition of land shall, whether such easement or right is acquired separately from or together with any land, also apply to the acquisition of an easement or right— Acquisition of easement.

(a) to use in any manner, for the construction and maintenance of works, the surface of land, and without limiting the generality of the foregoing purpose to use the surface—

(i) for canals, drainage, or storm-water channels; or

(ii) for the erection and maintenance of wires or cables for the transmission of electricity and the erection of the necessary supports therefor; or

(iii)

Public Works (Port Kembla Electricity) Act.

(iii) for the construction and maintenance of manholes or ventilators ;

(b) to use in any manner for the construction and maintenance of works the subsoil or under-surface of land, and without limiting the generality of the foregoing purpose to use any of the strata beneath the surface—

(i) for tunnels or pipes for the conveyance of water or sewage ; or

(ii) for tunnels or conduits for electric wires or cables.

(2) Where an easement or right to use the surface of land is acquired, the easement or right shall be deemed to include a power, from time to time as occasion may require, to enter upon the land for the purpose of inspection and for carrying out of any additions, renewals, or repairs.

(3) Where an easement or right to use the subsoil or undersurface of land is acquired, no compensation shall be payable except for actual damage done in the construction of the work or occasioned thereby.

(b) by adding at the end of section one hundred and thirty-eight the following proviso :—

Provided that where an easement or right to use the surface or the subsoil or under-surface of any land is taken, the easement or right shall not be deemed part of a house or other building or manufactory.

Proprietary rights in regard to works and materials.

6. (1) Any works constructed or materials placed or laid in any road or place in order to be used for the purposes of construction of such electricity supply work or works incidental thereto, or for the supply of electricity in pursuance of this Act, shall remain the property of the Minister, and no annual or other charge shall be payable to any municipal, shire or county council in respect of the occupation of any road or damage thereto occasioned by the performance of any act authorised by this Act, but any such damage shall be made good by the Minister.

(2)

(2) Where any electric lines, poles, meters, fittings, apparatus, buildings or works belonging to the Minister are placed in or upon any place or building for the purpose of supplying electricity in pursuance of this Act, the same shall not be subject to distress for rent of the premises where the same may be, nor save in a proceeding at the suit of the Minister to be taken in execution under the process of any court.

No. 18, 1929.

Fittings not to be subject to distress, execution, &c.

7. The Minister may generate and supply electricity within the counties of Camden and St. Vincent for any purpose and may hereafter construct and extend transmission lines for the supply of electricity and erect works incidental thereto, beyond the said counties, with the consent of any shire or municipal council through whose area such lines would pass and supply electricity over such lines.

Minister may generate and supply electricity.

A council is hereby empowered to give such consent.

8. (1) The Minister may enter into contracts for the supply of electricity or for the purchase of electricity either in the form of electrical energy or waste heat upon such terms and conditions and for such periods as he may think proper.

Minister may enter into contracts.

(2) Any municipal, shire, or county council may contract with the said Minister for the supply of electricity to such council and upon such terms and conditions as may be agreed upon.

9. Any person who unlawfully cuts or otherwise severs any wire or cable, damages any insulator, or so interferes with any part of the work connected with any such system of electricity transmission as to break the electric circuit or to cause short circuit, leakage, or loss of current or interruption to the supply of current, shall be liable—

Persons damaging works.

- (a) upon summary conviction to a penalty not exceeding fifty pounds and in addition to imprisonment for a term not exceeding six months; and
- (b) on conviction on indictment to a penalty not exceeding one hundred pounds and in addition to a term of imprisonment not exceeding five years.

10.

No. 18, 1929.

Allocation of moneys.

10. (1) A special account shall be kept in the Special Deposits Account in the Treasury to be called the "Port Kembla Electricity Supply Working Account," and there shall be credited to such account all revenue received by the Minister from the works referred to in this Act.

There shall be debited to such account the following charges, in the order set out hereunder :—

Firstly, the cost of administration, operation, maintenance, repair, and renewal of the works.

Secondly, interest on the interest-bearing part of the capital debt referred to in section eleven at the current rate payable by the Government for loan moneys.

Thirdly, contributions to the renewal reserve referred to in section twelve.

Fourthly, such contributions to a sinking fund as the Colonial Treasurer may direct.

Any balance shall be applied at the Minister's discretion either in reduction of the capital debt or towards the cost of constructing or extending the works.

(2) Payments of interest under this section shall be carried to the Consolidated Revenue Fund.

Fixation of capital debt.

11. (1) The capital debt in respect of the works constructed or partially constructed under this Act, and those described in the Second and Third Schedules, which works shall be regarded as one undertaking, is hereby declared to be the sum of three hundred and seventy-four thousand nine hundred and twenty-six pounds eight shillings and four pence as at the thirtieth day of June, one thousand nine hundred and twenty-eight, but may be added to as provided in the next subsection.

Of such capital debt the sum of three hundred and three thousand two hundred and seventy-two pounds five shillings and ten pence shall bear interest, and the balance amounting to seventy-one thousand six hundred and fifty-four pounds two shillings and sixpence shall not bear interest.

(2) The Minister shall, as soon as practicable after the commencement of the financial year commencing on the first day of July, one thousand nine hundred

hundred and twenty-nine, and of each succeeding financial year, certify the total expenditure out of loan moneys during the preceding financial year. No. 18, 1929.

Such expenditure shall be notified by the Minister in the Gazette, and shall be added to and become part of the interest-bearing capital debt of the undertaking.

12. (1) A special account shall be kept in the Special Deposits Account in the Treasury called the "Port Kembla Electricity Supply Renewal Reserve Account." Renewal
reserve.

A contribution to such account shall be made from the revenue of the undertaking as soon as practicable after the commencement of each financial year equal to four per centum of the capital debt outstanding at the end of the then next preceding financial year.

The first of such contributions to be made in the year commencing on the first day of July, one thousand nine hundred and twenty-nine.

Such account shall be credited half-yearly with interest on the daily credit balance at such rate as the Colonial Treasurer may from time to time direct.

(2) The Minister may invest part or the whole of the balance at credit of the account in Commonwealth or New South Wales Government stock or securities or on fixed deposit with the Colonial Treasurer, and the interest accruing therefrom shall be regularly credited to such account.

(3) The account shall be drawn upon only for renewing or replacing capital assets.

(4) If the Minister considers the amount at credit in the Working Account is insufficient to meet the aforesaid annual contribution, having regard to the liabilities referred to in section ten, such contribution shall be allowed to remain a charge on the Working Account.

Interest at the rate of four and one-half per centum per annum on the amount of such contribution shall be credited to the Renewal Reserve Account and debited to the Working Account for the period during which the contribution so remains a charge.

No. 18, 1929.

Regulations.

13. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required, or authorised to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Such regulations shall—

(a) be published in the Gazette ;

(b) take effect from the date of publication or from a later date to be specified therein ; and

(c) be laid before both Houses of Parliament within fourteen sitting days of publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulation has been laid before such House disallowing the regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Validation
and ratifica-
tion.

14. (1) The carrying out of the works described in the Second Schedule is hereby validated, and the provisions of this Act shall apply to such works.

(2) All contracts entered into by the Minister before the commencement of this Act for the supply or purchase of electricity shall, if the said contracts would have been valid if made after such commencement, be and be deemed to have been valid and effectual from the making of such contracts, and all things done by the parties to such contracts in pursuance thereof are hereby ratified and confirmed.

SCHEDULES.

No. 18, 1929.

FIRST SCHEDULE.

THE extension of the existing Electric Generating Station at Port Kembla, to have a plant capacity of 25,000 kW, complete with turbo generators, boilers, switchgear, transformers, circulating water system, coal handling plant and all necessary auxiliary apparatus.

Transmission and service lines and substations to supply electricity throughout the Counties of Camden and St. Vincent. The following transmission lines will be included, namely:—

Northern line from Wollongong to Bulli.

Southern line from Nowra to Jervis Bay.

An inter-connecting line from Kiama to Moss Vale, *via* Jamberoo and Robertson.

Spur lines from Moss Vale to Bundanoon, and from the Avon Dam to Picton.

Also transmission lines to inter-connect the system with any other electricity supply system.

The works to be subject to such modifications and deviations as the constructing authority may deem necessary.

SECOND SCHEDULE.

The Electric Generating Station at Port Kembla, consisting of three 1,500 kW turbo generators and one 3,000 kW generator, together with all boilers, switch gear, transformers, circulating water system and other auxiliary plant.

Transmission lines from Kiama to Nowra, and from Port Kembla to Wollongong, together with substations and service lines: also further transmission lines, which will in all supply the municipalities of Wollongong, Central Illawarra, Shellharbour, Berry, Nowra, the Nattai Shire, and also Government undertakings and private consumers.

THIRD SCHEDULE.

Transmission lines constructed pursuant to the provisions of the Acts indicated, namely:—

Port Kembla to Cordeaux (Sydney Water Supply—Cordeaux River Dam Act, 1916).

Cordeaux to Avon (Sydney Water Supply—Avon River Dam Act, 1919).

Avon to Moss Vale (Mittagong, Bowral, and Moss Vale Transmission Line Act, 1922).

Port Kembla to Kiama, via Shellharbour (South Coast Towns Transmission Line Act, 1922).