

## SOUTH-WEST STATE POWER SCHEME.

9° and 10° GEO. VI., No. LVI.

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No. 56 of 1945.

AN ACT to approve of the Report of the Electricity Advisory Committee on the South-West National Power Scheme; to adopt the recommendations made therein by the said Committee; to authorise the carrying into execution of the said scheme in accordance with the provisions of the said report and the said recommendations; to authorise the acquisition of the undertaking of The Collie Power Company, Limited, and the incorporation thereof in the said scheme as an integral part thereof; and for other relative purposes.

*[Assented to 5th February, 1946.]*

**W**HEREAS the Electricity Advisory Committee as Preamble constituted under the Electricity Act, 1937, acting pursuant to the request of the Government made on the Thirtieth day of August, One thousand nine hundred and forty-three, that the said Committee report on the question of establishing a central power station in the South-West portion of the State has prepared and submitted to the Minister for Electricity its report dated

the Fifth day of February, One thousand nine hundred and forty-five and intituled "Report of the Electricity Advisory Committee on the South-West National Power Scheme" and copies of such report have been laid on the Table of the Legislative Council and on the Table of the Legislative Assembly respectively; AND WHEREAS it is desirable and expedient that the said report shall be approved, that the recommendations made therein shall be adopted, that the carrying into execution of the said scheme as dealt with in the said report in accordance with the provisions of the said report and the said recommendations shall be authorised and that the acquisition of the undertaking of the Collie Power Company, Limited, and the incorporation thereof in the said scheme as an integral part thereof shall also be authorised: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same as follows:—

Short title and commencement.

1. This Act may be cited as the *South-West State Power Scheme Act, 1945*, and shall come into operation on a day to be fixed by Proclamation.

This Act to be read in conjunction with State Electricity Commission Act, 1945.

2. This Act shall be read in conjunction with and as being supplementary to the State Electricity Commission Act, 1945.

Interpretation.

3. (1) In this Act, unless the context otherwise requires:—

"Commission" means the State Electricity Commission as established under the State Electricity Commission Act, 1945.

"Electricity Advisory Committee" means the Electricity Advisory Committee as formerly established under the Electricity Act, 1937, and which prepared and submitted the Report.

"Minister" means the Minister for Electricity and includes any other Minister of the Crown at any time acting temporarily in the place of the Minister for Electricity.

"Report" means the report dated the fifth day of February, One thousand nine hundred and forty-five, intituled "Report of the Electricity

Advisory Committee on the South-West National Power Scheme" as prepared pursuant to the request of the Government made on the twenty-third day of August, One thousand nine hundred and forty-three and submitted to the Minister, copies of which have been laid on the Table of the Legislative Council and the Table of the Legislative Assembly respectively.

"The Scheme" means the scheme for the generation, transmission, distribution, supply and sale of electricity in the South-West portion of the State as described, formulated and recommended in the Report.

"Undertaking" with respect to a person carrying on the business of the generation, transmission, distribution, supply and sale of electricity or other power, means and includes—

- (a) all distribution works, electric works, generating stations, linking-up schemes, service apparatus, transmission works, and all other works, appliances and conveniences established, maintained and used for the generation of electricity or other power and for the reception, storage, distribution, transmission, use and supply of such electricity or other power;
- (b) all buildings, works, mines, open cuts, quarries, water, land, machinery, plant, towers, lines, poles, cables and appliances used for or in connection with the works mentioned in paragraph (a) of this definition;
- (c) all concessions held by the owner of the undertaking under the Electricity Act, 1937, or the Acts repealed by that Act, and all rights held by the owner of the undertaking under any other Act with respect to the generation, transmission, distribution and supply of electricity or other power;
- (d) patents held by the owner of the undertaking for the purposes of or in connection with his or its business; and

- (e) all beneficial contracts held by the owner of the undertaking in relation to the generation and supply or sale by such owner of electricity or other power.

The term does not include money, credits, book debts, or securities held for moneys invested.

(2) Where words and expressions used in this Act are also used and defined in the State Electricity Commission Act, 1945, such words and expressions shall in this Act have the same meanings as those given to them in and for the purposes of the said State Electricity Commission Act, 1945.

Approval of report and adoption of recommendations.

4. The Report is hereby approved, and the recommendations made therein by the Electricity Advisory Committee are hereby adopted.

Authority to carry out scheme.

5. (1) Subject to this Act, and to the Minister, the Commission shall be and is hereby authorised to carry the scheme into execution in accordance with the provisions of the Report and the said recommendations.

Provided that in relation to the carrying out of any works necessary for carrying the scheme into effect such variations, amendments, additions or deletions of, in, to or from the scheme may be made or effected from time to time by the Commission whenever it considers the same to be necessary or expedient and the Governor approves thereof.

(2) The scheme shall be carried into execution by the Commission under and in accordance with the provisions of the State Electricity Commission Act, 1945, as if it were an undertaking or a series of undertakings within the meaning of that Act of which the Governor has approved under that Act and all the provisions of that Act shall apply and have effect accordingly.

Authority to acquire the undertaking of the Collie Power Company Limited.

6. It shall be lawful for the Commission acting for and on behalf of His Majesty—

- (a) to purchase as a going concern the undertaking in this State of the Collie Power Company, Limited, as incorporated and registered under the provisions of the Companies Act, 1893-1944, whose registered office is situated or until recently was situated at 63 St. George's terrace, Perth, in this State; or

- (b) to take on lease the said undertaking and carry on the same as an integral part of the Scheme. Provided that a contract entered into between the Commission and the said Company for the purchase of the undertaking of the Company under the authority of this section shall not take effect or be enforceable unless and until such contract shall be approved by the Governor.

7. (1) As an alternative to the power conferred by section six of this Act it shall be lawful for the Governor to acquire compulsorily as a going concern and to vest in the Commission for the purposes of this Act the said undertaking of the said Collie Power Company, Limited.

Authority to acquire compulsorily the undertaking of the Collie Power Company Limited.

(2) Such compulsory acquisition of such undertaking shall be effected under and in accordance with the provisions of the State Electricity Commission Act, 1945, as if the undertaking were an undertaking of a supply authority within the meaning of that Act, and all the provisions of that Act relating to the compulsory acquisition of the undertaking of a supply authority as a going concern shall be deemed to be incorporated in this Act and shall apply and have effect accordingly.

(3) Provided that in assessing any compensation in respect of the compulsory acquisition aforesaid to be paid to the Company—

- (a) the amount of compensation assessed shall not in any event exceed the amount of compensation which would have been assessable if such compulsory acquisition had been effected on the first day of October, one thousand nine hundred and forty-five; and
- (b) any additions to the undertaking made by the said Company subsequently to the said first day of October, one thousand nine hundred and forty-five shall not be taken into account in the assessment of the compensation aforesaid if in the opinion of the court such additions were not necessary and were made only with a view to enabling the company to increase the amount of its claim for compensation.

Reference to  
Collie Power  
Company  
Limited to  
include its  
successors,  
etc.

8. (1) Wherever in this Act reference is made to the Collie Power Company, Limited, in connection with the purchase, or taking on lease, or the compulsory acquisition of the undertaking of that Company under the authority of this Act, such reference shall subject to the context be deemed to include—

- (a) any liquidator of the said Company on a liquidation thereof; and
- (b) any successor to the said Company; and
- (c) any transferee or assignee to whom or to which the said Company may transfer, assign or otherwise dispose of its said undertaking or any part thereof whether by way of sale or otherwise howsoever.

(2) If the said Company shall before the power of compulsory acquisition of its undertaking is exercised under this Act sell or otherwise dispose of its said undertaking or any part thereof to another person for a pecuniary consideration or for a consideration the value of which can be assessed on a pecuniary basis, then notwithstanding that the amount of such consideration or the amount of the value of such consideration exceeds the amount of the compensation in respect of the compulsory acquisition of the said undertaking or any part thereof which would be payable in accordance with the provisions of this Act if such compulsory acquisition were effected on the first day of October, one thousand nine hundred and forty-five and at the time thereof the said Company were still the owner of the undertaking, or any part thereof, the amount of the compensation payable to the claimant therefor shall be such as would have been payable if the said sale or disposition of the undertaking hereinbefore mentioned had not taken place.