



Western Australia

Energy Operators (Powers) Act 1979 2

State Energy Commission (Bearer Debenture and Inscribed Stock) Regulations 1980

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s. 3(1) (No. 37 of 2006) as at 4 Jul 2006 (see s. 2).

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State Energy Commission (Bearer Debenture and Inscribed Stock) Regulations 1980

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Regulations 1980**

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State Energy Commission (Bearer Debenture and Inscribed Stock) Regulations 1980

1. Citation and revocation

- (1) These regulations may be cited as the *State Energy Commission (Bearer Debenture and Inscribed Stock) Regulations 1980*¹.
- (2) The regulations (in these regulations referred to as “**the revoked regulations**”) relating to the issue of Debentures and Inscribed Stock made under the provisions of the repealed Acts published in the *Government Gazette* on 16 January 1953, as amended from time to time by notices so published, are hereby revoked.

2. Interpretation

- (1) In these regulations, unless the context otherwise requires, the expression —
 - “**debentures**” means bearer debentures created and issued by the Commission;
 - “**Debenture Register**” means the book or records of the Commission in which debentures issued by the Commission are recorded;
 - “**Registry**” means a Registry established by or on behalf of the Commission in the State for the issue of debentures and the inscription of stock or in the State or elsewhere for the purposes of dealing therein;
 - “**stock**” means inscribed stock created and issued by the Commission;

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“**Stock Ledger**” means the ledger or records of the Commission in which particulars of the stock are recorded;

“**stockholder**” means the person whose name is recorded in the stock ledger as the owner in respect of any stock;

“**Schedule**” means the schedule to these regulations;

“**the Act**” means the *Energy Operators (Powers) Act 1979*²;

“**the Commission**” means the State Energy Commission³;

“**the Registrar**” means the Registrar of Stock for the time being appointed as such by the Commission, and may include a Deputy Registrar or agent appointed by the Commission to conduct marking facilities or otherwise to deal in stock;

“**the repealed Acts**” means the *State Electricity Commission Act 1945*, as from time to time amended;

“**Transfer**” means an instrument of transfer and acceptance substantially complying with Form No. 2 in the Schedule.

- (2) In these regulations, a reference to “**the owner**” shall be read as including a reference to owners in a joint account.

3. Registries

The Commission may —

- (a) establish, or arrange for the establishment of, within the State a Registry, and marking facilities or agencies for dealing in stock;
- (b) elsewhere, arrange for the conduct of registries, marking facilities, or agencies for dealing in stock; and
- (c) appoint such Registrars of Stock, Deputy Registrars of Stock, and agents in relation to dealing in debentures or stock,

as the Commission thinks necessary.

4. Debentures

- (1) A debenture issued under these regulations shall be in a form substantially complying with Form No. 1 in the Schedule.
- (2) Debentures shall be numbered consecutively in an arithmetical progression whereof the common difference is one.
- (3) A debenture with the interest coupons annexed thereto, and every interest coupon after being detached therefrom, shall pass by delivery and without any assignment or endorsement.
- (4) The bearer of a debenture or detached interest coupon shall have the same rights as if he were expressly named as payee therein.
- (5) No interest shall be payable in respect of a debenture, except to the holder of the coupon representing the interest claimed upon delivery of that coupon.

[Regulation 4 amended in Gazette 15 Jul 1983 p. 2575.]

5. Applications for debentures

- (1) An application to purchase debentures shall be made in a form approved by the Commission, completed and signed by the person desiring to purchase the debentures, and lodged in the manner specified in the statement or prospectus inviting applications or, if no other manner is specified, transmitted by the applicant to the Registrar.
- (2) A person who desires to purchase debentures shall pay —
 - (a) the full amount of the purchase price; or
 - (b) an amount by way of deposit approved by the Commission; or
 - (c) such amount and in such manner as may be required by the statement or prospectus inviting applications, at the time of making his application, but no debenture shall be issued until the full amount of the purchase price has been paid.

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- (3) The Commission shall, as soon as may be convenient after the receipt of the purchase money in full, issue to the applicant the required debentures.
- (4) The balance of any money from the purchase of debentures which is payable by instalments shall be paid in accordance with the terms of the application and the statement or prospectus, and, unless otherwise provided in the statement or prospectus, where any such payment is not made the Commission may, after giving to the applicant 14 days notice in writing of the intention to do so —
 - (a) cancel the debentures relating to the application;
 - (b) issue debentures to the applicant to the extent that the money which has been received represents debentures on which the full amount of the purchase price has been paid, and
 - (c) in either case, apply the moneys received in so far as not expended in accordance with paragraph (b) —
 - (i) in payment of expenses incurred in respect of the application; or
 - (ii) in satisfaction of any other moneys due to the Commission from the applicant,and repay the balance, if any, to the applicant.
- (5) A receipt for the debentures shall be given by the purchaser.

6. Provision for lost debentures and coupons

Upon the Commission being satisfied that a debenture or any interest coupon of a number and sum specified by the claimant has been lost, or destroyed, before the debenture has been paid off, the Commission may cause a new debenture with interest coupons attached or a new coupon, as the case may require, to be issued, annotated as having been issued in lieu of the debenture or coupon so lost or destroyed and having the like currency and bearing the same date, principal sum and rate of interest as the debenture or coupon so lost or destroyed, and

may deliver the same to the claimant upon the claimant giving sufficient security to the Commission to indemnify the Commission against any double payment.

7. Provisions for defaced debentures or coupons

If a debenture or an interest coupon is defaced in any manner —

- (a) the Commission may cancel the same and cause a new debenture or coupon to be issued in lieu thereof; and
- (b) the new debenture or interest coupon shall have the like currency and be in all respects subject to the same provisions and refer to the same date, principal sum and rate of interest as the cancelled debenture or coupon.

8. Cancellation of debentures

- (1) A debenture paid off, discharged, exchanged or converted into stock shall be cancelled by the Commission.
- (2) Subject to subregulation (4) any debenture or interest coupon cancelled by the Commission shall be destroyed in the presence of the Auditor General, or of an officer of the Auditor General authorised in that behalf in writing by the Auditor General, and of an officer of the Commission authorised in that behalf in writing by the Commission.
- (3) The Auditor General, or such officer of the Auditor General, before the debenture or interest coupon is destroyed shall note the facts for the purpose of the audit and accounts and furnish the Commission with a certificate particularising the debenture or coupon so destroyed, and the Commission shall retain that certificate in the appropriate Registry and cause the Debenture Register to be so noted.
- (4) The Commission may, instead of causing a cancelled debenture or interest coupon to be destroyed, cause the debenture or coupon to be marked or defaced, to indicate that it has been cancelled, in the presence of the Auditor General, or of an officer authorised in that behalf in writing by the Auditor

General, and of an officer of the Commission authorised in that behalf in writing by the Commission, and cause the cancellation to be noted in the Debenture Register.

9. Inspection of the Debenture Register

A certified copy or extract from the Debenture Register relating to the holding may be obtained by the holder of a debenture, or by his agent if the Registrar is satisfied as to his authorisation, upon payment on request of a fee not exceeding one dollar for each page or part of a page.

10. Exchange of debentures for stock or of stock for debentures

- (1) Where pursuant to the same prospectus debentures are issued on the same terms as inscribed stock and a person desires to exchange such debentures held by him for such stock, or *vice versa*, he shall transmit to the Registrar an application in a form acceptable to the Registrar and shall lodge with that application the debentures or (if required by the Registrar) any Certificate of Inscription of the stock held by him.
- (2) The debentures lodged with such an application shall be cancelled.
- (3) For the purpose of exchange, the value of the stock and debentures shall be taken as par, and the exchange effected on that basis, and on every such exchange the appropriate entries shall be made in the Stock Ledger and Debenture Register.
- (4) Before delivering any debentures which are issued in exchange for stock, the Registrar shall cause the overdue interest coupons to be cut off and cancelled.
- (5) A person who applies to exchange stock for debentures shall, if so required by the Registrar, pay the cost of printing the debentures issued to him as a result of the application.
- (6) Where stock is exchanged for debentures, any stamp duty that may be entailed must be borne by the applicant.

- (7) The Registrar shall thereupon allot stock, or (as the case may be) allot and issue debentures, in accordance with the application.

11. Prospectus

Where members of the public generally are to be invited to purchase debentures or to purchase stock, the Commission shall issue a prospectus inviting applications for such purchase setting out the price and the terms and conditions, including the rates of interest, to be applicable.

12. Applications for stock

- (1) An application to purchase stock shall be made in a form which is approved by the Commission or which accompanied the statement or prospectus inviting applications, completed and signed by the person desiring to purchase the stock, and lodged in the manner specified in that statement or prospectus, or if no other manner is specified, transmitted by the applicant to the Registrar.
- (2) The application may include a request for the transfer of the stock upon issue to a Registry of the Commission established otherwise than in the State.
- (3) In the case of a joint account, the application shall set out the names in the order in which they are to appear in the Stock Ledger.
- (4) A person who desires to purchase stock shall pay —
- (a) the full amount of the purchase price;
 - (b) an amount by way of deposit approved by the Commission; or
 - (c) such amount in such manner as may be required by the statement or prospectus inviting applications,
- at the time of making the application.
- (5) On the application being received —

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- (a) the Registrar may cause to be sent to the applicant an interim receipt for any payment made; and
 - (b) the Commission shall, as soon as may be convenient thereafter, proceed to allot stock.
- (6) The balance of any money for the purchase of stock which is payable by instalments shall be paid in accordance with the terms of the application and the statement or prospectus.
- (7) Unless otherwise provided in the statement or prospectus if any payment on stock issued as partly paid stock is not made on the due date, the Commission after giving to the holder thereof 14 days notice of its intention to do so but without prejudice to its right to recover unpaid amounts, may —
- (a) forfeit such stock;
 - (b) issue stock to the holder to the extent that the money which has been received can be utilised for the purchase of stock on which the amount of the purchase price liable to be paid at that date has been paid; and
 - (c) in either case, apply the moneys received by the Commission from the holder and any moneys received in respect of the re-issue, in so far as not expended in accordance with paragraph (b) —
 - (i) in payment of expenses incurred in respect of the re-issue; or
 - (ii) in satisfaction of any moneys due to the Commission from the former holder in respect to such stock or any other matter,and repay the balance, if any, to the former holder; and
 - (d) re-issue the forfeited stock or part thereof to any other person.
- (8) Unless otherwise approved by the Commission, stock shall be inscribed or remain inscribed only in amounts of \$100 or some multiple of \$100.

13. Manner of registration of stock

- (1) All stock issued shall be inscribed in a Stock Ledger kept in a system approved by the Commission at a Registry by entering therein the full name and address of the holder of the stock and the amount owned by him, and such other particulars as the Registrar may think necessary.
- (2) No stock shall be inscribed in the names of more than 4 persons.
- (3) Firms shall not be registered as such or by reference to a trading or business name, but in the names of not more than 4 of the individual partners.
- (4) A person whose name is inscribed, or is proposed to be inscribed, in relation to stock shall lodge at the Registry at which the stock is inscribed a specimen of his signature, and shall verify that signature in a manner approved by the Registrar.
- (5) The Registrar may, before effecting any dealing in stock, require to be satisfied as to the authenticity of any document or purported authorisation to sign a document and may require it to be under seal.
- (6) Where the Registrar is satisfied as to any documents produced for the purposes of this regulation, and those documents, or copies of those documents, are retained by the Registrar or included in the Signature Register the Registrar shall not thereafter require such documents to be produced in respect of subsequent dealings.
- (7) If from any cause any authority given for the purposes of this regulation to an authorised person is substituted in favour of another person, or if the authority given to any specified person is cancelled or withdrawn, notification of the change shall be given to the Registrar in like manner to the giving of an authorisation.

14. Dealings by a body corporate

- (1) Stock may be inscribed in the name of a company or other body corporate but the Registrar may first require the body corporate to lodge at the Registry at which the stock is inscribed, or is proposed to be inscribed, as the case may be, evidence that each instrument required to be executed in respect of the stock by or on behalf of the body corporate has been executed in a manner that is effectual in law and binds the body corporate.
- (2) Where a document in connection with stock has been executed by a company or other body corporate by the affixing of its seal in the presence of and attested by persons purporting to be the persons authorised so to do by the rules or articles of the body corporate governing the mode of affixing the seal furnished to the Commission, that document shall, for the purposes of the Commission, be deemed to be duly executed by the body corporate and the Commission shall not be bound to enquire into the authority of those persons in the affixing or attesting of the seal or into the authenticity of their signatures.

**15. Friendly societies, credit unions, industrial unions,
industrial organisations or incorporated associations**

- (1) Stock may be inscribed in the name of any friendly society, or credit union, or industrial union of employers, or industrial union of workers, or other industrial organisation which the Registrar is satisfied is registered under the law of any State or of the Commonwealth, or any branch of a friendly society, industrial union or industrial organisation so registered, or in the name of any organisation or body incorporated under the provisions of any such law relating to the incorporation of associations.
- (2) The Registrar shall be furnished by any union, organisation, society or body in whose name stock is inscribed under this regulation with a certificate in a form approved by the Commission containing the names and signatures of 2 or more persons who are appointed to sign any document relating to

stock inscribed in the name of that union, organisation, society or body.

- (3) Certificates, receipts and other documents relating to stock inscribed under this regulation shall be issued only to such person or persons as are appointed in that behalf.
- (4) No transactions in relation to stock inscribed in accordance with this regulation shall be effected unless those transactions are authorised by the persons so appointed, but the Commission shall be under no liability in respect of any such transaction which is, or purports to be, so authorised.
- (5) Whenever any person is appointed to replace a person authorised in accordance with a certificate furnished under this regulation, a fresh certificate shall be furnished by the union, organisation, society or body to the Registrar in accordance with this regulation.

16. Trusts not recognised

- (1) No notice of any trust express, implied or constructive shall be received by the Commission, and no entry of any trust shall be made in the Stock Ledger or any other record kept by the Commission.
- (2) Stock shall not be inscribed in the names of executors, administrators or trustees as such but in their individual names without reference to trusteeship.
- (3) The Commission or Registrar shall not be bound to recognise any equitable or other claim to or interest in stock on the part of any person other than the person or persons whose name or names is or are inscribed in the Stock Ledger in respect of that stock.

17. Only persons whose names are inscribed recognised as owners

- (1) The Commission and Registrar shall, for all purposes, be entitled to regard the person or persons whose name or names

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are inscribed in the Stock Ledger as the true and absolute owners and holders of the stock in relation to which such name or names is or are so inscribed.

- (2) All receipts, discharges, releases and other documents whatsoever executed by such a person or persons in relation to such stock, or any interest therein or thereon, shall be deemed for all purposes and against all persons to be documents duly executed by the person or persons entitled to such stock or interest, as the case may be.

18. Change of registered particulars

- (1) Any change of the name, address or other registered particulars of a stockholder shall be forthwith notified in writing by him to the Registrar at the Registry at which the stock is inscribed and on the application being approved by the Registrar the change shall be recorded in the Stock Ledger.
- (2) Where an application to change the particulars registered in relation to a person in the Stock Ledger is received by a Registry less than 14 days before a payment of interest is due, the Registrar may decline to record the change specified in the application until after payment of that interest.

19. Receipt of registered stockholders

- (1) The receipt of the person in whose name stock stands in the Stock Ledger, or if it stands in the names of more persons than one the receipt of one of the persons named in the Stock Ledger, or the receipt of the attorney of such a person or an agent duly authorised, shall be a sufficient discharge of the commission for any interest payable in respect of the stock or any document relating to that stock, notwithstanding any trusts to which the stock may then be subject and whether or not the Commission has had notice of the trusts, and the Commission shall not be bound to see to the application of the money paid upon such receipt.

- (2) If stock is held in joint names and one or more of the registered owners of the stock dies, becomes bankrupt, insolvent or otherwise legally incapable, the receipt of any one of the other joint owners or survivors, or of his attorney or an agent duly authorised shall be a sufficient discharge of the Commission for any interest payable in respect of the stock or any document relating to that stock, notwithstanding that a transmission has not been registered.
- (3) With regard to the payment of principal, the Registrar may require that a discharge shall be given by all stockholders in a joint account.

20. Verification of entries

- (1) Every entry in the Stock Ledger shall be verified or approved by the Registrar or such officer or agent of the Commission as the Commission shall from time to time appoint, and the Stock Ledger shall be audited from time to time by an officer appointed for that purpose by the Auditor General of the State.
- (2) A certified copy or extract of the entry in the Stock Ledger relating to his holding may be obtained by a stockholder, or his attorney or agent duly authorised on production of authority in writing, from the Commission upon payment on request of a fee not exceeding one dollar.

21. Powers of attorney

- (1) A person may by power of attorney in a form approved by the Registrar appoint some person to be his attorney for any purpose in relation to his interest in any stock (including an application for conversion or to receive interest or redemption money) but if the power purports to confer authority to deal on behalf of persons holding stock jointly it must be executed by all the owners of that stock.
- (2) If the Registrar is satisfied that a power of attorney has been properly executed and attested and that the signatures thereto are genuine, and is of the opinion that it contains a power

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appropriate to the purpose, the Registrar may act upon the authority contained therein for that purpose in relation to stock.

- (3) The Registrar may require a power of attorney to be left at the Registry at least 2 clear days before it is acted upon.
- (4) Particulars of every power of attorney left at the Registry for notation shall be entered by the Registrar in a register.
- (5) A power of attorney shall be valid and effectual for all purposes therein mentioned until notice of its revocation or of the death, bankruptcy, insolvency, or unsoundness of mind of the donor of the power has been received by the Registrar.

22. Certificate of Inscription of Stock

- (1) At the written request of the stockholder the Registrar shall issue to that stockholder or to such other person as the stockholder may thereby request a Certificate of Inscription of Stock setting out the amount of stock inscribed in the name of that stockholder on the date specified in the request.
- (2) A Certificate of Inscription of Stock shall be delivered only to the person whose name is inscribed in the Stock Ledger as the holder of the stock for which the certificate is issued, or to his attorney, or to a person authorised in writing by the stockholder to take delivery of the certificate.
- (3) The want of a Certificate of Inscription of Stock shall not prevent the owner of the stock from disposing of the stock.
- (4) The Registrar shall keep a record of each Certificate issued under this regulation.

[Regulation 22 amended in Gazette 6 Jun 2003 p. 2025.]

23. Sales and Transfers registers, and entries in the Stock Ledger

- (1) The Registrar shall maintain Sales and Transfer registers in accordance with a system approved by the Commission, in which shall be entered particulars of sales of stock to original

purchasers, transmissions of stock, transfers of stock from one Registry to another, stock redeemed, stock converted, and any other transaction in respect of stock.

- (2) The registers maintained pursuant to subregulation (1) form part of the Stock Ledger.
- (3) The Registrar shall cause the Stock Ledger to be compared with the Transfers and applications to ascertain that all the business transacted has been duly and properly entered and recorded.
- (4) Upon receipt of a request, in writing, from a stockholder so to do, the Registrar may amend the Stock Ledger if he is satisfied that any stock has been inscribed incorrectly in the Stock Ledger owing to a mistake in any document but if the Registrar so requires the stockholder shall furnish a statutory declaration of the circumstances to support the request to amend the mistake.
- (5) The Registrar shall take all necessary steps to secure specimen signatures of all stockholders, and the signatures to all forms lodged at the Registry after the application for stock has been received shall be tested by comparison with the specimen signatures, but where any person is unable to sign his name instruments required for the purposes of these regulations shall be executed by him and attested in such manner as the Registrar requires.
- (6) The Registrar may, if he deems fit, forward to the stockholder a notice of dealing in a form approved by the Commission upon any application being received by the Registrar relating to stock inscribed in the name of that owner, and the Registrar shall not register the transaction until sufficient time has elapsed for a reply to be received.
- (7) All possible precautions shall be taken by the Registrar for the security of the stock to its owner and to guard against fraud or improper transactions.
- (8) No person other than the officer or officers appointed by the Auditor General to audit transactions and the Registrar and

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officers or agents of the Commission immediately engaged on inscribed stock business and approved by the Registrar shall have access to any books, forms or other records except in so far as may be authorised pursuant to these regulations.

- (9) Officers or agents so appointed or approved shall not divulge any information coming to their knowledge by reason of or in the course of their duties, except as may be necessary for the conduct of their duties or as required by law.

24. Transmission of stock (other than by Transfer)

- (1) Where stock is to be transmitted, in consequence of the death or bankruptcy or insolvency of the registered owner of the stock or for any other lawful reason, otherwise than by a Transfer, the person to whom it is to be transmitted, or his attorney or duly authorised agent, may apply in Form No. 3 in the Schedule to the Registrar at the Registry at which the stock is inscribed to be inscribed as the owner of the stock.
- (2) An application for transmission shall, if the Registrar so requires, be supported by a statutory declaration verifying the contents of the application.
- (3) The Registrar shall require the signature of a person who claims transmission of stock by virtue of his appointment as executor, administrator or trustee, to be verified to the satisfaction of the Registrar.
- (4) The probate of the will, letters of administration of the estate or an office copy of the adjudication or order of sequestration or vesting order, as the case may be, or any other document that authorises the transmission under this regulation shall be produced to the Registrar, if he so requires.
- (5) The Registrar may require any document produced pursuant to this regulation to be left at the Registry at least 2 clear days before the stock to which it relates is dealt with under these regulations, and shall enter or cause to be entered particulars of such documents in a register.

- (6) Where the Registrar is satisfied that stock is inscribed in the name of a person whose property is required by law to be placed in the hands of the Public Trustee, or of an officer holding a corresponding position in any other State of the Commonwealth or of any other officer charged with the duty of administering estates of deceased persons or missing persons or persons under disability (other than bankruptcy or insolvency), the Registrar may authorise the transmission of the stock to the name of the Public Trustee, the officer holding a corresponding position or other officer, but before doing so the Registrar may require a sufficient indemnity from the Public Trustee, the officer holding a corresponding position or other officer.
- (7) The Registrar shall, if he is satisfied that the provisions of these regulations have been complied with, effect any such transmission by entering a record of it in the Stock Ledger and inscribing in the Stock Ledger as the registered owner of the stock the name of the person to whom the stock has been transmitted.
- (8) The transmission of any stock effected pursuant to a statutory declaration produced and accepted in accordance with the provisions of these regulations is a valid discharge of the Commission against the claims of any other person whomsoever in relation thereto.

25. Transmission on death

- (1) The executor, administrator or trustee of the estate of a deceased stockholder (not being one of several joint stockholders) shall be the only person recognised by the Commission as having any title to the stock inscribed in the name of the deceased stockholder.
- (2) When one of the stock holders in a joint account relating to stock dies the survivor or survivors in the joint account shall be the only person or persons recognised by the Commission as having any title to or interest in that stock.

- (3) On completion of the proof of a death of a joint stockholder in a joint account and on receipt by the Registrar of an application for transmission in writing from the survivor or survivors in the joint account the stock shall be registered in the name of the survivor or survivors.
- (4) A person is not required to reseal in the State any probate of a will or letter of administration of an estate in order that a transmission of stock may be registered under these regulations if, in respect of the stock, probate of a will or letters of administration of an estate is or are produced to the registrar together with such further information as he may require.
- (5) Unless the Registrar otherwise requires, in the case of a transmission consequent on death where neither the probate of the will nor the letters of administration are produced to the Registrar, then —
 - (a) in the case of transmission to a survivor or the survivors of a joint owner; or
 - (b) in a case where the aggregate sum to be transmitted does not exceed \$3 000,

a certificate of the death of the owner who has died, accompanied by a statutory declaration identifying the person named in the death certificate with the person who is shown as the registered owner of the stock, setting out the reasons why probate or letters of administration are not produced and declaring that the sum transmitted will be dealt with according to law, may be produced to the Registrar instead of the probate of the will or the letters of administration.

- (6) A person shall not have any claim against the commission in respect to any transmission in pursuance of this regulation, but nothing in this regulation shall relieve the person to whom the stock is transmitted from any liability to account for or deal with the stock according to law.

26. Owner may transfer stock

- (1) The person whose name is inscribed in the Stock Ledger as the owner of stock may dispose of and transfer the stock in the manner provided by these regulations, and may give effectual receipts for money paid to him by way of consideration for stock.
- (2) Stock shall be transferable in the manner prescribed by these regulations and not otherwise.
- (3) Where a Certificate of Inscription was issued, on a Transfer of stock thereby affected being lodged for registration the Registrar may, if he thinks fit, require the production of the original Certificate of Inscription and may cancel and retain it.
- (4) To have effect, a Transfer effecting a change of ownership shall be executed by each of the parties to the transaction whether making or accepting the transfer, in person or by his attorney and the signatures to the instrument shall be verified in a manner approved by the Registrar.
- (5) Except as regards the first payment of interest where under the conditions of the issue of any stock the Commission has provided that payment shall be made to the person to whom the stock was originally allotted, every Transfer shall pass the right to all interest becoming due and payable after the date of registration thereof, so that the Commission shall not be under any necessity to apportion any such interest as between the transferor and the transferee.
- (6) The owner of stock shall not transfer stock having a face value that is less than \$100 or is not an integer multiple of \$100, except with the consent of the Registrar.
- (7) Every Transfer shall be lodged on a transfer day.
- (8) The transfer days will be Monday to Friday inclusive in each week from 10 a.m. to 3 p.m., save that a Transfer shall not be registered on any Saturday or a Sunday or where the relevant

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Registry is closed on a public holiday under the law of a State or of the Commonwealth.

27. Transfer of stock within a Registry from one person to another

- (1) Stock may be transferred within a Registry from one person to another by a Transfer executed by both parties and lodged at the Registry.
- (2) A transfer of stock under this regulation shall be effected —
 - (a) by cancelling the inscription of the stock in the name of the transferor in the Stock Ledger; and
 - (b) by inscribing the stock in the name of the transferee in the Stock Ledger.

28. Transfer of stock from one Registry to another with change of ownership

- (1) The owner of stock may, by a Transfer executed by both parties and lodged at the Registry at which the stock is inscribed, transfer stock to the name of another person in the Stock Ledger at another Registry.
- (2) A transfer of stock under this regulation shall be effected —
 - (a) by cancelling the inscription of the stock in the name of the transferor in the Stock Ledger at the Registry first-mentioned in subregulation (1); and
 - (b) by inscribing the stock in the name of the transferee in the Stock Ledger at the other Registry referred to in subregulation (1).

29. Transfer of stock from one Registry to another without change of ownership

- (1) Stock inscribed in a Stock Ledger at a Registry in the name of a person may be inscribed in a Stock Ledger at another Registry in the name of that person on application by the person in

accordance with a form approved by the Registrar and lodged at the first-mentioned Registry.

- (2) Where stock is inscribed in the Stock Ledger at another Registry under subregulation (1), the inscription of the stock in the Stock Ledger at the Registry first-mentioned in subregulation (1) shall be cancelled.

30. Marking of Transfer

- (1) Subject to the provisions of subregulation (2), the owner of any stock, or his attorney or agent duly authorised, may, by means of a form approved by the Registrar and lodged at the Registry at which the stock is inscribed, request the Registrar to mark a Transfer which has been properly executed by the owner as transferor with the word “Stock Held Against this Transfer for \$ (insert face value) for a period of 3 calendar months from and including (insert date)”, (or words substantially similar thereto) and where a Transfer is so marked the Registrar shall not give effect to any dealing in stock to which the Transfer relates within the period of 3 calendar months from and including the date of marking in respect of the amount of the inscription so marked, except in completion of the marked Transfer.
- (2) Nothing in subregulation (1) shall prevent the owner from surrendering to the Registrar a Transfer so marked for cancellation within the period of 3 calendar months where that form of Transfer has not been executed by a transferee.
- (3) Notwithstanding that a Transfer marked in accordance with this regulation has been executed by a transferee the Transfer and that marking may be cancelled by the Registrar with the consent of both the transferor and the transferee and the Registrar may thereupon give effect to any other dealing in the stock to which the marked Transfer related.

31. Time for registration of Transfers

- (1) A Transfer may be registered at any time within 3 calendar months after the time the Registrar has marked it

notwithstanding that the transferor after executing the Transfer has died, become bankrupt or insolvent.

- (2) After the expiry of the period of 3 calendar months the Registrar shall refuse to register the Transfer if he has had notice of the death, bankruptcy or insolvency of the transferor.

32. Transfer after notice of intention to redeem

- (1) Where debentures or stock have been issued for a period which may be determined, whether at any time or at one of several dates, by the Commission by notice, such a notice may (in default of other provisions in the relevant prospectus) be given by advertisement appearing at least 6 months before the intended date of determination in a daily newspaper published in each of the capital cities of the Commonwealth.
- (2) No transfer of the debentures or stock after the publication of such an advertisement shall affect the right of the Commission to redeem the debentures or stock at the date so notified.

33. Books to be closed, and ledgers balanced

- (1) A transaction relating to stock shall not, without the consent of the Registrar, be registered or dealt with within 14 days prior to the date upon which interest is due or within one month prior to the date of maturity of the stock, and the Stock Ledger shall be deemed to be closed during that period.
- (2) During the period for which the Stock Ledger is deemed to be closed the Commission shall cause the amount of the stock respectively standing to the credit of the several registered owners thereof to be ascertained and the balances to be struck and carried forward in the appropriate registers, and the persons who on the day the registers are so closed are inscribed as holders of stock shall be entitled to receive the interest next payable thereon.

34. Commission may sell or purchase stock

The Commission may purchase stock that has been issued and may re-sell that stock.

35. Brokerage

The Commission may pay moneys by way of brokerage for the making, procuring, negotiating, or obtaining the loan of any money borrowed by the Commission pursuant to these regulations, or in respect of any dealings relating thereto.

36. Interest

- (1) Except as is otherwise provided in this regulation, interest shall be paid in the manner set out in the prospectus inviting applications to purchase stock or by a cheque payable to the order of the stockholder and crossed "Not negotiable" sent by ordinary prepaid letter through the post, addressed to the stockholder, or the owner whose name in a joint account is first inscribed in the Stock Ledger, at his address last notified to the Registrar before the closing of the Stock Ledger.
- (2) At the risk of the stockholder payment of interest may be made into an account in a bank within the Commonwealth, whether that account is in the name of the stockholder or of some other person or body, under the following conditions —
 - (a) a stockholder who desires interest on stock owned by him to be paid to the credit of a bank account shall make application in a manner approved by the Registrar; and
 - (b) applications for payment into a bank account shall be lodged at the Registry at least 14 days before the interest is due and the instructions therein shall remain in force although the stock may have been added to or partly transferred.
- (3) Interest may be paid in a manner approved by the Registrar not otherwise provided for in these regulations, or to some person

r. 37

therein nominated by the stockholder on an application being made by the stockholder in a manner approved by the Registrar.

- (4) Interest on stock inscribed in the name of an infant or a person of unsound mind, jointly with others not under legal disability, may be paid as directed by the stockholders other than those under a disability, and without the concurrence of the infant or person of unsound mind, upon sufficient proof of legal disability being lodged with the Registrar.
- (5) Any one of the persons in whose name stock is inscribed may give a valid receipt for interest.
- (6) Where, under the conditions of the issue of any loan the Commission has provided that the first payment of interest on any stock shall be made to the person to whom the stock was originally allotted, then the original allottee shall for the purpose of the first payment of interest be deemed to be the stockholder or owner under this regulation.

37. Cessation of interest

Interest on stock shall cease on the date of maturity of the stock.

38. Repayment of principal

- (1) Stock shall be redeemable by payment in accordance with the provisions of the prospectus inviting applications to purchase stock.
- (2) Stockholders may, by agreement with the Registrar, arrange for repayment, when due, of the principal sum into a bank account.
- (3) Subject to any requirement of the Registrar made pursuant to regulation 19(3), any one of the persons in whose names stock is inscribed may give a valid receipt for payment in redemption of stock.

Form No. 1

.....% Repayable

The State Energy Commission of Western Australia³

DEBENTURE

.....% No. No. %

Transferable by Delivery

\$ \$

Issued under the *Energy Operators (Powers) Act 1979*²

This Debenture entitles the bearer to payment free of exchange at the Principal Office of the Commonwealth Bank of Australia at Canberra, Sydney, Melbourne, Adelaide, Brisbane, Perth and Hobart or at the Head Office of the State Energy Commission of Western Australia³ at Perth of dollars together with interest thereon at the rate of per centum per annum in accordance with the attached coupons. The principal is repayable on The due payment of both principal and interest is guaranteed by the Treasurer on behalf of the State of Western Australia.

The principal is repayable on the day of

The Common Seal of the State Energy Commission of Western Australia³ was affixed hereto on the day of 20 in the presence of

..... SECRETARY COMMISSIONER

(Year of Maturity)

[Form No. 1 amended in Gazette 15 Jul 1983 p. 2575.]

Form No. 2

No.

The State Energy Commission of Western Australia³

TRANSFER OF INSCRIBED STOCK

Note. Before executing this transfer, read carefully the instructional notes.

State Energy Commission (Bearer Debenture and Inscribed Stock) Regulations 1980

I/We
(Transferor's full name(s), address and occupation)
.....
in consideration of the sum of \$..... paid to me on
(Actual date of sale)
hereby assign and transfer unto
(Transferee's full name(s), address and occupation)
.....
his/their executors, administrators, successors, or assigns, the sum of \$
(Figures)
(..... dollars)
(Words)

State Energy Commission of Western Australia³ Inscribed Stock in Loan
No. \$ per cent, maturing
and all my/our property and interest in and right to the same and to the interest
accrued thereon.

As witness hand this day of 20

Signature(s) of
Transferor(s)

See Notes { Witness(es)
Below { (No witness required where this Document is signed
Qualification
(under Company Seal or Power of Attorney)

Address

I/We hereby accept the stock abovementioned transferred into my/our name(s)
this day of

Signature(s) of
Transferee(s)

(See below for interest instructions and specimen signature(s))

See Notes { Witness(es)
Below { (No witness required where this Document is signed
Qualification
(under Company Seal or Power of Attorney)

Address

- NOTES: — (i) The Person signing this document must be personally known to the witness (unless witness is an officer of the Registry).
- (ii) Where a person signs as a witness to more than one signature, such must be stated beneath the signature of the witness.

**State Energy Commission (Bearer Debenture and Inscribed Stock)
Regulations 1980**

- (iii) The witness shall be a Justice of the Peace, Commissioner for Affidavits, Commissioner for Declarations (Commonwealth or State), Notary Public, Barrister or Solicitor, a Bank Manager (who shall sign as such and add the Bank Stamp), a Stipendiary, Police or Resident Magistrate, an Officer of the Registry or such other person as the Registrar approves, but if signed in a country outside the Commonwealth and the Territories of the Commonwealth, an Australian Diplomatic Officer or Australian Consular Officer, a Judge, Magistrate, Justice of the Peace or Notary Public of that Country.

INTEREST INSTRUCTION (TO BE COMPLETED BY TRANSFEREE(S)).

Please pay interest on the foregoing Inscribed Stock in the following manner —

- (a) by direct cheque.
- (b) To the credit of at the
..... Branch of Bank.

Passbook No.

OFFICE USE ONLY	Specimen Signature of Transferee(s) (Usual Signature)
Entered
Dr. Stock Register
Cr. Stock Register
Registered at the Office of the State Energy Commission of W.A. ³
Examined

[Form 2 amended in Gazette 6 Jun 2003 p. 2025.]

Form No. 3

This is the Application for Transmission referred to in the Declaration of
..... made before me this day of 20

..... J.P.

No.....

The State Energy Commission of Western Australia³

Inscribed Stock

MANDATE FOR TRANSMISSION

To the Registrar,
State Energy Commission of Western Australia³

Please have the undermentioned transfer by transmission effected.

From who lately resided at but
who is now the State Energy Commission of
(Dead, Bankrupt or Insolvent)

Western Australia³ Inscribed Stock as under: —

Amount of Stock (in words)	Amount of Stock (in figures)	Loan No.	Rate %	Date of Maturity
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.....
.....
.....

To the undermentioned person(s) who is/are
and who claim(s) by transmission. (Executor, Administrator, Trustee)

Surname(s) (block letters)	Christian Names (block letters)	Address (block letters)	Occupation
-------------------------------	------------------------------------	----------------------------	------------

.....
.....
.....

I/We submit herewith the following documents in support of this claim in accordance with the requirements of the regulations.

Documents

Signature of Transmitttee
 Witness
 Qualification
 Address
 Date20..... 20..... 20.....

Note —

- (i) The witness shall be a person who is a Justice of the Peace, Commissioner for Affidavits, Commissioner for Declarations (Commonwealth or State), Notary Public, Barrister or Solicitor, a Bank Manager (who shall sign as such and add the Bank Stamp), a Stipendiary, Police or Resident Magistrate, an Officer of the Registry or such other person as the Registrar approves, but if the application is signed in a country outside the Commonwealth and the Territories of the Commonwealth, the witness shall be a person who is an Australian Diplomatic Officer or Australian Consular Officer, a Judge, Magistrate, Justice of the Peace or Notary Public of that country.
- (ii) The witness shall state the capacity in which he has attested the signature and the mandate shall be authenticated as required by the regulations.

For Office use only	Specimen Signature of Transmitttee(s) (Usual Signature)
Entered	
Dr. Stock Register	
Cr. Stock Register	
Registered on behalf of the State Energy Commission of Western Australia ³	
Examined	
.....	

[Form 3 amended in Gazette 6 Jun 2003 p. 2025.]

Notes

- ¹ This reprint is a compilation as at 21 November 2003 of the *State Energy Commission (Bearer Debenture and Inscribed Stock) Regulations 1980* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>State Energy Commission (Bearer Debenture and Inscribed Stock) Regulations 1980</i>	29 Feb 1980 p. 684-94	29 Feb 1980
<i>State Energy Commission (Bearer Debentures and Inscribed Stock) Amendment Regulations 1983</i>	15 Jul 1983 p. 2575	15 Jul 1983
<i>Corporations (Consequential Amendments) (FSR) Regulations 2003</i> Pt. 4	6 Jun 2003 p. 2023-6	11 Mar 2002 (see r. 2 and Cwlth <i>Gazette</i> 24 Oct 2001 No. GN42)

Reprint 1: The State Energy Commission (Bearer Debenture and Inscribed Stock) Regulations 1980 as at 21 Nov 2003 (includes amendments listed above)

These regulations were repealed by the Statute Law Revision Act 2006 s. 3(1) (No. 37 of 2006) as at 4 Jul 2006 (see s. 2)

- ² Formerly referred to as the *State Energy Commission Act 1979* the short title of which was changed to the *Energy Corporations (Powers) Act 1979* by the *Energy Corporations (Transitional and Consequential Provisions) Act 1994* s. 5 then to the *Energy Operators (Powers) Act 1979* by the *Gas Corporation (Business Disposal) Act 1999* s. 78. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).
- ³ The State Electricity Commission was renamed the Electricity Corporation, the name of which, under the *Statutes (Repeals and Minor Amendments) Act 2000* s. 14(3) was changed to Western Power Corporation (continued by the *Electricity Corporation Act 1994*).

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
Debenture Register	2(1)
debentures	2(1)
Registry	2(1)
Schedule	2(1)
stock	2(1)
Stock Ledger	2(1)
stockholder	2(1)
the Act	2(1)
the Commission	2(1)
the owner	2(2)
the Registrar	2(1)
the repealed Acts	2(1)
the revoked regulations	1(2)
Transfer	2(1)