STATE ELECTRICITY COMMISSION (No. 3).

8° Elizabeth II., No. LXVIII.

No. 68 of 1959.

AN ACT to amend the State Electricity Commission Act, 1945-1959.

[Assented to 10th December, 1959.]

BE it enacted by the Queen'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 citation.

- 1. (1) This Act may be cited as the State Electricity Commission Act Amendment Act (No. 3), 1959.
- (2) In this Act the State Electricity Commission Act. 1945-1959, is referred to as the principal Act.

The principal Act is amended by adding after $_{ ext{added}}^{ ext{S.32A}}$ section thirty-two the following section—

32A. (1) Where a person is registered as the supply proprietor of a life or greater estate in land where appropriate and appropriate the supply of the suppl under the Transfer of Land Act, 1893, or under revenue the Land Act, 1933, or is registered as the lessee of land under section forty-seven of the Land Act, 1933, and applies to the Commission for the supply to him of electricity on the land from a point beyond which the Commission is not prepared to make that supply available under any other provision of this Act, the Commission may make the supply available beyond that point under and subject to the provisions of this section, or, with the consent of the Minister, may reject the application.

- (2) Where the application is not rejected, the Commission shall give to the applicant a statement in writing showing—
 - (a) the amount of the minimum annual revenue the payment of which the Commission will require to be guaranteed by the applicant for electricity to be supplied over the distribution works which the Commission considers should be erected in order to supply electricity from the point referred to in the last preceding subsection to the applicant's land:
 - (b) the period, not exceeding thirty years, during which the guarantee will be required to be in force unless it is previously cancelled by the Commission: and
 - (c) the amount of capital contribution, if any, which the Commission will require the applicant to pay to the Commission for its own use in respect of the estimated cost of erecting the distribution works referred to in paragraph (a) of this subsection, and the terms, conditions and events upon or subject to

which the Commission is prepared to refund the whole or part of the capital contribution received by it under this paragraph.

- (3) If the applicant, within three months after the delivery to him of the statement referred to in the last preceding subsection—
 - (a) pays to the Commission, or makes arrangements satisfactory to the Commission to pay the amount of capital contribution mentioned in the statement and agrees with the Commission the terms, conditions and events upon or subject to which the whole or part of the amount shall or may be refunded;
 - (b) undertakes, in a form acceptable to the Commission, to pay to the Commission on demand made after the expiration of each year of the period mentioned in the statement the amount, if any, by which the total revenue received by the Commission in that year for electricity supplied over the distribution works referred to in the last preceding subsection is less than the amount of minimum annual revenue mentioned in the statement; and
 - (c) delivers to the Commission consents in writing to the lodging of the caveat referred to in this subsection signed by each other person, if any, who at the time of the lodging of the caveat has an estate or interest in the land the subject of the application under a contract or encumbrance noted on the title to the land—

the Commission shall, under section one hundred and thirty-seven of the Transfer of Land Act, 1893, or under section one hundred and fifty-two of the Land Act, 1933, whichever is appropriate, lodge a caveat in respect of the land, and, as from the date upon which the

caveat is lodged, the moneys payable under paragraph (b) of this subsection are, by virtue of this section, a first charge on the land, notwithstanding any change in the ownership of the land or of any estate or interest therein.

- (4) As soon as conveniently may be after the caveat is lodged the Commission, unless otherwise authorised or directed by the Minister, will erect the necessary distribution works and will. subject to this Act, supply electricity to the applicant on the land.
- (5) At least annually the Commission will review the supply of electricity over distribution works erected under this section, and in any case where the Commission considers it reasonable to do so will withdraw the caveat lodged under this section, whereupon the land the subject of that caveat will be released from the charge created by the last preceding subsection.
- (6) Instead of requiring the undertaking referred to in subsection (3) of this section from the applicant the Commission may with the consent of the Minister accept a guarantee in a form acceptable to the Commission from any local authority in whose district the supply of electricity is made available under this section, which guarantee a local authority is hereby empowered to give.
- (7) A local authority which gives a guarantee pursuant to the provisions of subsection (6) of this section is hereby empowered to demand and recover from any applicant payment of any amount paid to the Commission on his behalf under such guarantee.
- (8) Whenever a local authority is required under the terms of a guarantee to make payment to the Commission of any sum for electricity supplied to any applicant the moneys so paid shall be a charge on the land of that applicant notwithstanding any change in the ownership of the land or of any estate or interest therein.