FC.

1966

IN THE PRIVY COUNCIL

No. 10 of 1965

ON APPEAL FROM THE SUPREME COURT OF NEW SOUTH WALES (SITTING IN COMMERCIAL CAUSES)

BETWEEN:

AUSTRALIA AND NEW ZEALAND BANK LIMITED

Appellant (Defendant)

- and -

ATELIERS DE CONSTRUCTIONS ELECTRIQUES DE CHARLEROI

Respondent (Plaintiff)

RECORD OF PROCEEDINGS

VOLUME III

(Pages 872 - 905)

Linklaters & Paines,
Barrington House,
59-67, Gresham Street,
London, E.C.2.
Solicitors for the Appellant

Farrer & Co., 66, Lincoln's Inn Fields, London, W.C.2.

Solicitors for the Respondent

Defendants (Appellants) Exhibits

Exhibit 5

Cheque Slip for £62,180.11.2. re Contract 40,006.

Undated.

EXHIBIT 5

The following photo-copy has been allocated page number 872.

EXHIBIT 5

SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

P.O. Box 32, Cooms, No. Wales.

Telephone: Cooma 710. Ext. 2492.

THE - TACHED CHEQUE IS FORWARDED IN TOYMENT OF UNDERMENTIONED CLAIMS.

UNLESS THERWISE ADVISED DEDUCTION: M AMOUNT CLAIMED ARE FOR D. DUNT.

AUTHORITY VOUCHER No.

YOUR REFERENCE

DETAILS

THUOP

21634

4265 PASSAFSS PAYMENT CONTRACT 40,006

62,180. 11. 2.

If further information is required in respect of this cheque Please telephone Sydney BW 4067 or Cooma 710, ext. 2492.

EXHIBIT 6

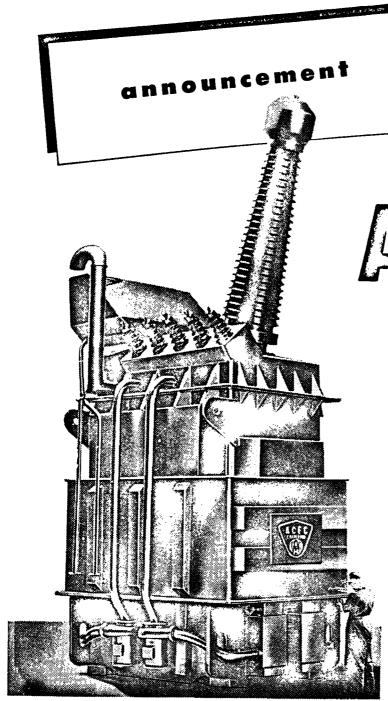
The following photo-copy has been allocated page number 873.

Defendant (Appellants) Exhibits

Exhibit 6

Advertisement of A.C.E.C. Transformer in Journal of Institute of Engineers.

July-August 1955.



ACEC 330 kV large-capacity "Shell-type" transformer. Made under licence from Westinghouse, U.S.A.

● ● Sole Australian Representative and Technical Office:

ACEC

CHARLEROI



Belgiun

WE . . . ARE PROUD TO ANNOUNCE

that within two years of commencing operations in Australia, references for ACEC Transformers, in service or on order, are nearing two million kVA. In Australia, nearly every State is already, or will be shortly, using ACEC "Shell-type" or "Core-type" Transformers, many, the largest units in Australia.

We take pride also in announcing that ACEC has recently received orders from the Snowy Mountains Hydro-Electric Authority for the supply of seven 56,000 kVA 330 kV transformers.

This office has or will erect the major part of the transformers under the supervision of factory-trained Australian engineers and ACEC specialists.

HELIOS COMPANY

164 PITT STREET, SYDNEY, N.S.W.

Director: T. I. Guler

Defendant

(Appellants)
Exhibits

EXHIBIT 7

Containing the following documents:-

Document	Page No.	Exhibit 7
Claim No. 1	7/1	Claims sub- mitted by
Enclosure to Claim No. 1 - S.M.H.E.A. Internal Memorandum - 25th June 1956	7/2	A.C.E.C. to S.M.H.E.A. under Contract
Claim No. 2	7/3	40,006.
Enclosure to Claim No. 2 - Letter A. & N.Z. Bank to Helios - 5th July 1956	7/4	Undated.
Enclosure to Claim No. 2 - Letter T.I. Guler to S.M.H.E.A 27th July 1956	7/5	
Enclosure to Claim No. 2 - S.M.H.E.A. Internal Memorandum - 6th August 1956	7/6	
Claim No. 3	7/7	
Enclosure to Claim No. 3 - S.M.H.E.A. Internal Memorandum - 21st May 1957	7/8	
Claim No. 4	7/9	
Enclosure to Claim No. 4 - S.M.H.E.A. Internal Memorandum - 20th August 1957	7/10	
Claim No. 4a	7/11	
Enclosure to Claim No. 4a - S.M.H.E.A. Internal Memorandum - 3rd September 19	57 7/12	
Claim No. 5	7/13	
Enclosure to Claim No. 5 - S.M.H.E.A. Internal Memorandum - 13th September 1957	7/14	
Claim No. 6	7/15	
Enclosure to Claim No. 6 - S.M.H.E.A. Internal Memorandum - 15th October 195	7 7/16	
Claim No. 7	7/17	
Claim No. 8	7/18	
Claim No. 9	7/19	
Enclosure to Claim No. 9 - S.M.H.E.A. Internal Memorandum - 14th October 195	7 7/20	

Defendant (Appellants)	Document	Page No.
Exhibits	Claim No. 10	7/21
Exhibit 7	Claim No. 11	7/22
Claims sub-	Claim No. 12	7/23
mitted by A.C.E.C. to S.M.H.E.A. under Contract	Enclosure to Claim No. 12 - S.M.H.E.A. Internal Memorandum - 14th October 1957	7/24
40,006.	Claim No. 13	7/25
Undated - continued.	Enclosure to Claim No. 13 - S.M.H.E.A. Internal Memorandum - 4th December 1957	7/26
	Claim No. 14	7/27
	Enclosure to Claim No. 14 - S.M.H.E.A. Internal Memorandum - 16th December 1957	7/28
	Claim No. 15	7/29
	Enclosure to Claim No. 15 - S.M.H.E.A. Internal Memorandum - 28th January 1958	7/30
	Claim No. 16	7/31
	Claim No. 17	7/32
	Claim No. 18	7/33
	Claim No. 19	7/34
	Claim No. 20	7/35
	Claim No. 21	7/36
	Claim No. 22	7/37
	Claim No. 23	7/38
	Claim No. 24	7/39
	Claim No. 25	7/40
	Claim No. 26	7/41
	Claim No. 27	7/42

Document	Page No.	Defendant (Appellants)
Enclosure to Claim No. 27 - S.M.H.E.A. Internal Memorandum - 7th February 1958	7/43	Exhibits
Claim No. 28	7/44	Exhibit 7
Enclosure to Claim No. 28 - S.M.H.E.A.		Claims sub- mitted by
Internal Memorandum - 28th February 1958	7/45	A.C.E.C. to S.M.H.E.A.
Claim No. 29	7/46	under Contract 40,006.
Claim No. 30	7/47	Undated -
Claim No. 31	7/48	continued.
Claim No. 32	7/49	
Claim No. 33	7/50	
Enclosure to Claim No. 33 - S.M.H.E.A. Internal Memorandum - 13th March 1958	7/51	
Claim No. 34	7/52	
Claim No. 35	7/53	
Claim No. 36	7/54	
Claim No. 37	7/55	
Claim No. 38	7/56	
Enclosure to Claim No. 38 - S.M.H.E.A. Internal Memorandum - 8th April 1958	7/57	

SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHOR

MEMORANDUM

.To: Chief Finance Officer

Subject 56 MVA Transformers for

T.l Power Station

From: Chief Electrical &

Mechanical Engineer.

Ret. No. : AE. 965

Date 25th June, 1956.

- 1. Please find attached Claim Form and Invoice No. 4265 from Messrs. Helios and Co. for Ateliers de Constructions Electrique de Charleroi, covering the first progress payment of £62,180.11.2 against Contract No. 40,006.
- The total amount invoiced of £62,180.11.2 consists of £15,545.2.9 2. being 40% of the F.O.B. value of one transformer, and £46,635.8.5, being 20% of the F.O.B. value of the remaining six transformers covered by this Contract.
- 3. The above amount is based on the Contract exchange rate of 112 Belgian Francs. equals £Al and any variation brought about by an exchange rate different to the above, as at the date of transferring the payment to Belgium, will be covered by a separate invoice.
- A Bankers Guarantee for £62,180. 0. 0 as required by Clause 3(e) 4. of the Specification is attached hereto.

SUP-MOMORER TO ROODE 21634.

Chief Electrical & Mechanical Engineer.

Mahahambans
Lopay.

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I certify to the accuracy of this Account and the accounts thargeable and that it is covered by the proper authority.

Examining Officer.

I certify that this Account is correct within of Section 34 of the Audit Act, 1901-1934.

Certifying Officer.

19 sum of Shillings

PHETHE NO

AUSTRALIA AND NEW ZEALAND BANK LIMITED

In which are merged

BANK OF AUSTRALASIA

THE UNION BANK OF AUSTRALIA LTD.

LETTERS SHOULD BE ADDRESSED
"THE MANAGER"
P.O. BOX 2520, SYDNEY



MARTIN PLACE & GEORGE STREET, SYDNEY

5th July, 1956.

TK/BS

... ... ; 355

The Secretary,
Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd.,
197 Victoria Avenue,
CHATSWOOD.

Dear Sir,

In terms of your requisition dated 2nd instant I have been pleased to cable the sum of Belg. Fcs. 69642?? to Banque de la Societe Generale de Belgique, Charleroi for payment to A.C.E.C. Charleroi, Belgium.

Cheque for £62967.12.- covered part of Australian equivalent of Belg. Fcs. converted at 110.12 to £Australian. Balance - £274.10.4d, and cost of the cable - £2.-.- have been debited to your Company's account here.

Yours faithfully,

SUB-VOUCHER TO ACCOUNT NO. 3/04

for the Manager.

COPY

HELIOS

Ref. TIG/EMA/4512 84/40006

27th July, 1956.

Snowy Mountains Hydro Electric Authority, 85 O'Riordan Street, ALEXANDRIA.

Dear Sir,

ATTENTION MR. SMITH PROGRESS PAYMENTS-40006

We wish to state that we sent to A.C.E.C. 6964222 Francs against your cheque for £62180.D.Q. The exchange rate at the date of transfer on 2/7/56 was 110.12 and we were obliged to pay £63,242/2/4.

It means that we would be pleased to receive a payment of £1,062/1/4 to cover the amount in the exchange variation.

Please find enclosed the Bank's letter of 5/7/56. Thanking you, we remain,

SUB-VOUCHER
TO ACCOUNT NO. 3104

Yours faithfully,

(Sgd.) T.I. Guler.

SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

MEMORANDUM

To: Chief Finance Officer.

Subject: 56MVA TRANSFORMERS
CONTRACT 40,006

From: Chief Electrical & Mechanical Engineer

Ref. No.: AE965

Date: 6th August, 1956

- 1. Reference is made to memorandum dated 25th June, 1956, with attached claim form for £62,180.11.2 covering a progress payment of 40% value of one transformer and 20% FOB value of the remaining six transformers covered by Contract 40,006.
- Jinder Clause 3 of the above memorandum it was mentioned that should the exchange rate at the time the draft was purchased vary from the Contract rate of 112 B.F. to £1A, then this would be covered by a separate invoice. This invoice has now been received and an amount of £1,061.11.2 is now due to the Contractor on account of variation of exchange rate from 112 B.F. to 110.12 B.F. It will be noted that the attached invoice from ACEC (letter dated 27th July) covers a payment of £1,062.1.4, however this appears to be incorrectly computed and it is considered the amount should be £63,242.2.4 less £62,180.11.2, that is £1,061.11.2 and the Claim has therefore been prepared for this amount.
- 3. Please find attached Claim form, a copy of Helios & Co. invoice and letter from the Australia and New Zealand Bank Ltd. relative to the transfer of this money to Belgium.

SUB-VOUCHER
11 ACCOMMIN No. 3194

J.C. Callinan, Chief Electrical & Mechanical Engineer

DISTRIBUTION

1. Original

2. Record

3. Box

4. Div. File

5. Div. Circ.

6. EPB Circ.

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17/71

SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

MEMORANDUM

: Chief Accountant. CONTRACT 40,006. Subject

From : Chief Electrical and

Mechanical Engineer.

Ref. No. AE-965. ż

21st May, 1957.

- Attached is claim No. 2 received from Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd., for £38,862. 17. 1 covering progress payment on three 56 MVA Transformers for Tl Power Station.
- Details of the claim are :-2.

40% f.o.b. Unit No. 1 up to 60% £15,545. 2.10 " No. 2 " " 60% " No. 3 " " 40% 15,545. 2.10 7,772.11. 5 £38,862.17. 1

- A satisfactory Bank Guarantee for £40,000 is enclosed to cover this progress payment. Please hold in safe custody until further notice.
- Payment should be made at the earliest opportunity. 4.

J.C. Callinan, Chief Electrical and Mechanical Engineer.

Subacot 90.4

SUB 1012 ZIOIZ

DISTRIBUTION

1. Original

2. File AE.965

3. File E/AE.965 4. Box

5. O.E. Contracts

6. Div. Circ.

7. EPB. Circ.

8. Accounts Officer Electrical.

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SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

MEMORANDUM

To: Acting Chief Finance

9

Subject: Contract 40,006

Officer

From : Chief Electrical and

Mechanical Engineer.

Ref. No.: AE965

20th August, 1957.

- 1. Attached is claim No.4 received from Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd. for £9,822.8.7 covering payment to 80% of f.o.b. value of No.2 Transformer excluding parts not shipped plus a proportion of the contract value of marine freight and insurance to site under Contract 40,006.
- 2. The above transformer was shipped per s.s. "Leipzig" on 28th June, 1957.
- 3. The claim has been checked in this office.
- 4. Please draw cheque in favour of Ateliers de Construction Electriques de Charleroi.

J. C. Callinan, Chief Electrical and Mechanical Engineer.

Survey and sur

DISTRIBUTION

Original
File AE965
File E/AE965
O.E.Contracts
Accounts Officer Electrical
Box
Div. Circ.
EPB. Circ.

£9822- 8-1

PASSED FOR PAYMENT 27-8-57

HEAD OFFICE VACCINER No 4222

SUB-VO 4222

S.M. Form No.

SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

MEMORANDUM

To Business Manager

Contract 40,006 Subject

From

Chief Electrical and

Mechanical Engineer

Ref. No. AE.965

3rd September, 1957.

- Attached is claim for £3,513:1:6 in favour of Ateliers de Constructions Electriques de Charleroi and representing customs duty and primage paid on No.2 Transformer and equipment shipped ex Antwerp on s.s. "Leipzig" under Contract 40,006.
- 2. Receipted customs warrant has been sighted.
- 3. Please attend to payment at your earliest convenience.

Chief Electrical & Mechanical Engineer.

Encl.

Jacob. W. Signature and 411

£ 29.19 -1 - P

PASSED FOR FAVMENT 6-9-4'Y

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Distribution

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 - 4. O.E. Contracts
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7/13

MEMORANDUM

Business Manager

Subject

Contract 40,006

From

Chief Electrical and

Mechanical Engineer.

Ref. No.

AE.965

13th September, 1957.

Attached is claim No. 5 received from Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd., for £15,545. 2.10 and representing 20% progress payment on two 56 MVA Transformers for T.1 Power Station.

2.

Details of the claim are: -

20% f.c.b. Unit No. 3 to 60% " 4 to 40% 20%

£7,772. 11. 5 £7,772. 11. 5

£15,545. 2. 10

A satisfactory Bank Guarantee for £15,545. 2.10 is enclosed to cover this progress payment. Please hold in safe custody until further notice.

Cheque should be drawn in favour of Ateliers de 4. Constructions Electriques de Charleroi.

£15545: 2:10

PASSED FOR PAYMENT 17- 9-17

HEAD OFFICE VOUCHER No. 67/8

J. C. Callinan,

Chief Electrical and Mechanical Engineer.

1. Mr. Barner - re Guarantee attached Received. Sub 174 2. 0/6. Whilestron - re-Claim.

Sal. 17/9/3

DISTRIBUTION

- Original
- File AE.965
- 3. File E/AE965
- O.E. Contracts Accounts Clerk Electrical
- 5. Accounts C. 6. Div. Circ.
- 7. Box File
- E.P.B. Circ.

SUB-VOUCHER

17/15

S.M. Form No.

MEMORANDUM

Business Manager To

Subject

Contract 40,006

From Chief Electrical and

Mechanical Engineer

Ref. No.

AE 965

15th October, 1957

Attached are three claims received from Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd. for £5,919.15. 2. under. Contract 40,006.

Details of the claims are:-2.

Claim No.6

£2,190. 8. 8.

Claim No.7

2,470. 0. 0.

Claim No.8

1,259. 6. 6.

Please draw cheque in favour of Ateliers de Constructions Electriques de Charleroi.

A/C.F.O.

Afferent Mattention

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DISTRIBUTION:

1. Original

2. File AE 965

3. File E/AE 965

4. O.E. Contracts
5. Accounts Clerk

Accounts Clerk - Electrical

Div. Circ. File

7. Box File 8. E.P.B. Circ. File

PASSED FOR PAYMENT 2/-10-6-7

HEAD OFFICE VOUCHER No. 9 166 ...

SUB-VOUCHER 8161

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7/19

MEMORANDUM

To Business Manager

Subject

Contract 40,006

From

Chief Electrical and

Mechanical Engineer

Ref. No.

AE.965

14th October, 1957.

Attached are three claims totalling £529.8.5 received from Helios Heavy Electrical Engineering Co. Pty. Ltd., under Contract 40,006.

2.

Details of the claims are: -

Claim No. 9	Extra Contract for Rail charges re Transformer No. 2	£	200.	0.	0
Claim No.10	Extra Contract re 3956 Gallons Local Oil delivered to Cooma (80%)		165.	14.	4
Claim No.11	Extra to Contract re Overseas Oil supplied with Transformer No. 2 (80%)		163.	140	1
		£	529.	8.	 5

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The claims have been checked in this office and are in order for payment.

Please draw cheque in favour of Ateliers de Constructions 4. Electriques de Charleroi.

L. J. C. Callinan,
Chief Electrical and Mechanical Engineer.

Efb. V/Election 90 15/10/57

DISTRIBUTION

1. Original

2. File AE965
3. File E/AE965

4. O.E. Contracts

5. Div. Circ. 6. E.P.B. Circ E.P.B. Circ.

PASSED FOR PAYMENT 18-10-64
HEAD OFFICE VOUCHER NO. 7882
7884

SUB-VOUCHER

SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY Head Office COOMA, N.S.W. Registration No. Consecutive No. CLAIMANT ATELIERS DE CONSTRUCTIONS ELECTRIQUES DE CHARLEROI 7883 681 (Block Letters) Local Office ADDRESS TO WHICH C/- HELIOS HEAVY ELECTRICAL ENGINEERING Reference FORWARDED CONTRACTING CO. PTV. T.TD. CONTRACTING CO. PTY. LTD., Voucher No.... 197VICTORIA ROLL AVENUE. CHATSWOOD. N.S.W. Date Received TO BE SUBMITTED IN DUPLICATE BY CLAIMANT. WORK ORDER OR GENERAL SERVICE ACCOUNT No. CODE No. AMOUNT TREASURY CLASSIFI-CATION NAME OF ACCOUNT OR WORK L.O. No. L.O.V. CREDITOR CODE No. (S.M.H.E.A. Use Only) Work Order N. of T. £ d. Account 8. 147 Manufacture etc. o 7 x 56 M.V.A. Transformers 0200i for T.1 Power Station 340072 5701 EU72.31 165 14 DATE OF SUPPLY OR AMOUNT FOLIO AND ITEM No. IN CONTRACT RATE ORDER No. **PARTICULARS** PERIOD OF SERVICE 19_57. CLAIM NO. 10 Delivered Contract October 1 Goods 40,006 Consigned under the Contract dues to increase in Contract price of local oil being varied by the Contract formula. Adjustment of price on 3956 gals. of local oil in drums supplied to Cooma. 3956 Gals. x 0.2744 x 0.1908255 = £207. 2. 11 165 Now due 80% 14 The claim is in accordance with the Terms and conditions of Contract. ai bebra Percentage increase relates to Transformer Trant on money 340 rec West since oh mo wildho 2 ex s.s. "Lupzig". athority under this confirmet. MED IN CONTRACTS REGISTE! CORPORATE CONTRACTOR I certify that this account is correct as regards computations, castings DATE GOODS RECEIVED and rates charged and the faithful performance of the service. G.R.N. One Hundred and Sixty Five Certified at... _Pounds G.R.N. INITIALS Fourteen . Four Shillings Pence. V.D.B. Officer incurring expense. I certify that this Account is correct within the meaning of I certify to the accuracy of this Account and the accounts Section 34 of the Audit Act, 1901-1934. hargeable and that it is covered by the proper authority. 0 Examining Officer. Dodwe Certifying Officer. 19___ the sum of_ eceived on the. day of Pounds 1957 Shillings .Pence. CHESHE NO. Signatufe:____

ORIGINAL

11/64

S.M. Form No.

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17/23

SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

MEMORANDUM

To Business Manager

Subject

Contract 40,006

From

Chief Electrical and

Mechanical Engineer

Ref. No.

AE.965

14th October, 1957.

- 1. Attached is claim for £5,660. 6. 5 received from Helios Heavy Electrical Engineering Co. Pty. Ltd., and representing 80% of price variation on Transformer No. 2 ex s.s. "Leipzig".
- 2. The claim has been checked in this office and is in accordance with the formula under the contract. It is recommended that the claim be paid as claimed.
- Please draw cheque in favour of Ateliers de Constructions Electriques de Charleroi

Chief Electrical and Mechanical Engineer.

Of 6. UElection Go, 15/10/57

Reference for action and 15/10

DISTRIBUTION

1. Original
2. File AE.965
3. File E/AE.965
4. O.E. Contracts

4. O.E. Contracts
5. Accounts Clerk - Electrical
6. Div. Circ.

Box File

E.P.B. Circ.

£5-660 - 6 - 4"

PASSED FOR PAYMENT 10-37

HEAD OFFICE VOUCHER No. 7886

SUB-VOUCHER 1882

SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY Head Office COOMA, N.S.W. Registration No. Consecutive No. 10556 CLAIMANT ATELIERS de CONSTRUCTIONS ELECTRIQUES de CHARLEROI 12099 (Block Letters) Local Office ADDRESS TO WHICH C/- Helios Heavy Electrical Engineering mant's Reference FORWARDED Contracting Co. Ptr. 1+3 Contracting Co. Pty. Ltd., Voucher No... No. TF17/7082 197 Victoria Avenue. CHATSWOOD N.S.W. Date Received. TO BE SUBMITTED IN DUPLICATE BY CLAIMANT TOAK OSE A GRIGENERA SERVICE ACCOUNT HO. AMOUNT CODE No. TREASURY CLASSI I-CATICN NAME OF ACCOUNT OR WORK L.O.V. L.O. No. (S.M.H.E.A. Use Only) Work Order N. of T d. **s**. 147 / Manufacture etc. 7X56 M.V.A. Transformers 0200/340012 5702 for Tal Power Station 380 EU72.31 DATE OF SUPPLY OR AMOUNT POLIO AND ITEM No. IN CONTRACT PERIOD OF SERVICE ORDER No PARTICULARS RATE 1.57 Claim No. £ d. Delivered Contract vember 28 Cooma Manufacture, supply and delivery of 4 wire slings for lifting of transformers. 380 Claim covered by Variation Order No. 7 The carry is in accordance with the terms and conditions of contract. = 9 DEC 1957 To be remitted to Belgium - NIL TRACTS RECUBITED Certified that no moneys are two test in Quantity Debtors Ledger as the or the in a court for a log an Authority under this contract ENTERED IN CON Principal Ledgeskeeper ATE GOODS I certify that this account is correct as regards computations, castings 380 and rates charged and the faithful performance of the service. Certified at Three hundred and eighty -G.R.N. 50 .. CHECKED N L.O. BY Officer incurring expense. wiha I certify to the accuracy of this Account and the accounts I certify that this Account is correct within the meaning of Section 34 of the Audit Act, 1901-1934. argeable and that it is covered by the proper authority. Auskel, Certifying Officer. # Examining Officer. 19 ceived on the day of the sum of Pounds Shillings -CHEQUE 6 Signature:. itness:

ORIGINAL

S.M. Form No.

SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

MEMORANDUM

 T_{θ} Business Manager

Subject

Contract 40006

From

Chief Electrical and Mechanical No. Engineer

AE.965

Attention: Accountant

4th December, 1957

- Attached is Claim No. 13 received from Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd. for £380. 0. 0 under Contract 40006.
- The claim covers the manufacture, supply, and delivery of 4 wire slings for lifting of transformers.
- Would you please draw cheque in favour of Ateliers de Constructions Electriques de Charleroi.

J.C. Callinan
Chief Electrical and Mechanical Engineer

A/CFO.

W Sub action Referred for actions and gir

PASSED FOR PAYMENT 9 - 12-17

HERE G. DE VOUCHER NO 12-099

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Distribution

- 1. Original
- 2. File AE965
- 3. File E/AE965
- 4. 0.E. Contracts
 5. Accounts Clerk Electrical
 6. Div. Circ. File
- 7. Box file
- 8. E.P.B. Circ. file

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MEMORANDUM

ToBusiness Manager Subject

Contract 40,006 - T.1 Transformers

From Chief Electrical and Mechanical Engineer

AB.965 Ref. No.

16th December, 1957

- Attached is claim No. 14 received from Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd. for £23,317.14. 3 representing progress payment under Contract 40,006.
- Details of the claim are:-

20% f.o.b. Contract value Unit 4 to 60% 40% " " " 5 " "

£7772.11. 5 <u>15545.2.10</u>

£23317.14. 3

3. A satisfactory Bank Guarantee is enclosed to cover this payment. Please hold in safe custody until further notice.

The cheque is to be drawn in favour of Ateliers de Constructions 4. The Chaque L. Electriques de Charleroi.

Chief Electrical and Mechanical Engineer.

Africal Reference for according

Distribution

- Original
- File AE.965
- 3. File E/AE965
- O.E. Contracts
- Accounts Clerk Electrical
- Div. Circ.
- Box File
- E.P.B. Circ.

SUB-VOUCHER Nog2

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7/29

MEMORANDUM

To Business Manager.

Subject

Contract 40,006 - Transformers

for T.1 Power Station.

From

Chief Electrical and

Mechanical Engineer.

Ref. No.

AE. 965.

28th January, 1958.

- 1. Attached are twelve claims numbered 15 26 inclusive received from Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd. under Contract 40,006.
- 2. Details of the claims are:-

Claim No. 15	£6787. 9. 9	401/15-849	
16	4632.11.10	18-849	
17	2190.8.8	13-83-6	
18	783.15. 7	15-85-1	
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3. Please draw cheque for £42636.12.11 in favour of Ateliers de Constructions Electriques de Charleroi.

£42436-12-11
PASSED FOR PAYMENT 30-

HEAD OFFICE VOUCHER No.....

J.C. Callinan,

Chief Electrical and Mechanical Engineer.

Distribution.

1. Original.

2. File AE.965

3. Div. File.

- 4. O.E. Contracts.
- 5. Accounts Clerk E.&.M. Division.
- 6. Div.Circ. File.
- 7. Box File.
- 8. E.P.B. Circ. File.

SUB-VOUCHER

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SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY Head Office COOMA. N.S.W. Registration No. | Consecutive No 13810CLAIMANT ATELIERS DE CONSTRUCTIONS ELECTRIQUES DE CHARLEROI 15851 (Block Letters) ADDRESS TO WHICH C/- HELIOS HEAVY ELECTRICAL ENGINEERING Claimant's Reference Local Office Voucher No.... CONTRACTING CO. PTY. LTD. No. 7236 & 7238 197 VICTORIA AVENUE. CHATSWOOD. Date Received TO BE SUBMITTED IN DUPLICATE BY CLAIMANT. TREASURY CLASSIFI-CATION WORK ORDER OR GENERAL CODE No. AMOUNT L.O.V. No-NAME OF ACCOUNT OR WORK L.O. CREDITOR CODE No. (S.M.H.E.A. Use Only) SERVICE ACCOUNT No. Work Order N. of 1 d. Account \$. 5701 147 340012 Manufacture etc. 7 x 56 EU72.31 02001 783 15 7 MVA Transformers for T.1 Power Station DATE OF SUPPLY OR AMOUNT FOLIO AND ITEM No. IN CONTRACT PERIOD OF SERVICE ORDER No. PARTICULARS 19_58 CIAIM NO. 18 Delivered 6 Goods Consigned Reimbursement of retentions on overseas Jan Contract ER recorded in and local oil: ertified that no numery are tothe nury Debtors Leilger as dus-CONTRACTS RET Ref. Inv. 6803 (1.10.57) Retention on thority under this contract. 3908 gals. overseas oil ex "Leipzig" at 6/- per gal. unit No. 2 Principal Leugerkooper 20% of £1172. 8. 0 234 9 6 Ref. Inv. 6789 (1.10.57) Retention on 3956 gals. local oil at 7/11½ gal. 20% of £1574. 3. 1 16 314 Ref. Inv. 7150 (13.12.57) Retention on 3908 gals, overseas oil ex "Cymric" at 6/- per gal. Unit No. 1 120% of TIT72. T. O 234 9 6 This claim is in accordance with the terms and conditions of the Contract. I certify that this account is correct as regards computations, castings DATE GOODS RECEIVED 7 and rates charged and the faithful performance of the service. G.R.N. Certified at SEVEN HUNDRED AND EIGHTYTHREE G.R.N. INITIALS Pounds - FIFTEEN — Shillings — SEVEN Pence. V.D.B. Officer incurring expense. I certify to the accounts of this Account and the accounts chargeable and that it is covered by the proper authority. I certify that this Account is correct within the meaning of Section 34 of the Audit Act, 1901-1934. odun Examining Officer. Certifying Officer. Received on the_____ .19___ the sum of___ day of. 12. . . . Shillings _ Pounds Pence. EREQUE No. Signature: Witness :__ $f_{G} \cap \mathcal{A} = \emptyset$

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ORIGINAL S.M. Form No. SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY Head Office ATELIERS DE CONSTRUCTIONS ÉLECTRIQUES DE CHARLEROI Registration No. | Consecutive No. 13812 CLAIMANT c/- HELIOS HEAVY ELECTRICAL ENGINEERING CONTRACTING 15853 (Block Letters) CO.PTY.LTD. Local Office ADDRESS TO WHICH CHEQUE IS TO BE FORWARDED 197 Victoria Avenue, Claimant's Reference Voucher No. CHATSWOOD. N.S.W. 7232 Date Received. TO BE SUBMITTED IN DUPLICATE BY CLAIMANT, WORK ORDER OR GENERAL AMOUNT CODE No. NAME OF ACCOUNT OR WORK LO. L.O.V. No. CREDITOR CODE No. (S.M.H.E.A. Use Only) Work Order N. of T. £ Account ٠. 147 5701 0200 1 EU72.31 340072 0 Manufacture etc. 14616 7 x 56 LVA Transformers for T1 Power Station AMOUNT DATE OF SUPPLY OR PERIOD OF SERVICE ORDER NOT THEM NO. IN C'ertifed That no RATE Sundry Dehtors Ledger as due Nigardie **PARTICULARS d**. 8. Authority under this contract. - 1 Deliveredo Claim 20 1158 Goods Sched.1X Ledgerkeep क्ष्मविष्य १ Minuipe Section IV Item & One HV and LV winding ex "CYMRIC" Jan. 22 Contract 8 40,006 F.O.B. value £A 18270 Less 20% 3654 AND CONTROL A/0.2/2 3/2/ 516 14616 0 This claim is in accordance with terms MTERED IN CONTRACTS and conditions of Contract. Based on Invoice 7232 and corresponding to equivalent Belgian Francs at an exchange rate of 112 B.F. to 1fA. Final adjustment due to exchange note variation will be made after transfer of the above amount. OI certify that this account is correct as regards computations, castings PATE GOODS 14616 and rates charged and the faithful performance of the service. Certified at Fourteen thousand Six hundred and Sixteen G.R.N. INITIALS Shillings Pence. V.D.B. FOLIO isudin 'R. CHECKED IN L.O. BY Officer incurring expense. I certify to the accounts of this Account and the accounts sargeable and that it is covered by the proper authority. I certify that this Account is correct within the meaning of Section 34 of the Audit Act, 1901-1984. Busse Examining Officer. Certifying Officer.

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ORIGINAL S.M. Form No. SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY Head Office COOMA, N.S.W. Registration No. Consecutive No. Ateliers De Constructions ELECTRIQUES DE CHARLEROI 15857CLAIMANT (Block Letters) c/- Helios Heavy Electrical Engineering Constructing Co. Claimant's Reference Pty.Ltd. 197 Victoria Avenue ADDRESS TO WHICH CHEQUE IS TO BE FORWARDED Local Office CHATSWOOD 7234 Voucher No No. [part] Date Received. TO BE SUBMITTED IN DUPLICATE BY CLAIMANT. WORK ORDER OR GENERAL CODE No. AMOUNT L.O.V. NAME OF ACCOUNT OR WORK L.O. CREDITOR SERVICE ACCOUNT No. (S.M.H.E.A. Use Only) d. Work Order N. of T £ Account 8. Maintenance etc. 7x56 147 MVH Transformers for 3400 5701 EU72.31 2470 3001 T.1 Power Station DATE OF SUPPLY OR AMOUNT FOLIO AND ITEM No. IN CONTRACT ORDER No. PARTICULARS PERIOD OF SERVICE 58 ۳. 19... Delivered CLAIM NO. 24 Goods Contract Consigned Jan, 40006 22nd. Reinbursement for Transport in Australia of Unit No. 1 ex S.S."Cymric'atTender Prices ertified that no moneys are recorded Railing Charges-Main Packages £1650. 0. miniry Debtors Ladger as the to theparate Items - railage ENTERED IN CONTRACTS REGISTER 350. 0. 160. 0. 50. 0. Pauthority under this contract Agency 0 Wharfage 500 //Stacking 60. 0 0. Principal edgerkeeper s 2470 Supervision 200. The claim is in accordance with terms and conditions of Contract. Note: A separate claim will be rendered for increases due to variation in rates on the above. I certify that this account is correct as regards computations, castings and rates charged and the faithful performance of the service. 2410 G.R.N. No. Two thousands four hundred seventy. Certified at. G.R.N. INITIALS Pounds V.D.B. in hude on Je-1-55 Officer incurring expense. I certify to the accounts of this Account and the accounts I certify that this Account is correct within the meaning of chargeable and that it is covered by the proper authority. Section 34 of the Audit Act, 1901-1934. godin Buss Certifying Officer. Examining Officer.

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SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY 7/43

MEMORANDUM

To Business Manager

Subject

Contract 40,006 - T.1

Transformers

From

Chief Electrical and Mechanical

Engineer

Ref. No. AE. 965

7th February, 1958

Attached is claim No. 27 received from Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd. for £23317.14. 3 representing progress payments under Contract 40,006.

Details of the claim are:-2.

40% f.o.b. contract value Unit 6 to 60%

£15545. 2.10

20% f.o.b. contract value Unit 7 to 60%

7772.11. 5

£23317.14. 3

A satisfactory Bank Guarantee is enclosed to cover this payment. Please hold in safe custody until further notice.

The cheque is to be drawn in favour of Ateliers de Constructions Electriques de Charleroi.

Bunk Grander filed Packet Gr 214. Les Dans Frojass

J.C. Callinan,

Chief Electrical and Mechanical Engineer.

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Distribution

2. File AE965
3. File E/AE965
4. O.E. Contracts
5. Accounts Clerk - Electrical
6. Div. Circ.

7. Box File 8. E.P.B. Cir.

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SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

MEMORANDUM

To Business Manager

Subject Contract 40006 - Transformers

for T1 Power Station.

From

Chief Electrical and

Mechanical Engineer.

Ref. No. AE965

28th February, 1958.

Attached are five claims numbered 28-32 inclusive received from Helios Heavy Electrical Engineering Contracting Co.Pty.Ltd. under Contract 40006.

2. Details of the claims are:-

Claim No.28	£7472.11.	5
Claim No.29	7772. 11.	5
Claim No.30	7020. 0.	0
Claim No.31	3419. 2.	2
Claim No.32	3654. 0.	0
	£29338. 5.	<u></u>

Please draw cheque for £29,338. 5. 0 in favour of Ateliers de Constructions Electriques de Charleroi.

> Dus onder Chief Electrical and Mechanical Engineer.

SUB-VOUCHER

Distribution:

^{1.} Original.
2. File AE96 File AE965

^{3.} Div. File

^{4.} E & M Contracts.

^{5.} Accounts Officer - E & M Division

^{6.} Div. Circ. File.
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7/46

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7/50 ORIGINAL. S.M. Form No. Head Office SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY Registration No. Consecutive Ma. COOMA, N.S.W. CLAIMANT ATELIERS DE CONSTRUCTIONS ELECTRIQUES DE CHARIEROI 19699(Block Letters) Local Office ADDRESS TO WHICH C/- HELIOS HEAVY EIECTRICAL ENGINEERING mont's Reference CONTRACTING CO. PTY. LTD.. 197 VICTORIA AVENUE, CHATSWOOD. N.S.W. Date Received To be submitted in duplicate by Claimant Work Order Code No. ٥. L.O. V. Creditor Name of Account or Work Amount or General Service Account No. Classification (S.M.H.E.A. Use only) No. Code No. Account Work Order N. of T Manufacture etc. 7 x 56 5701 3319 MVA Transformers for T.1 Power Station REGIS Date of Supply or Period of Service Folio and Item No. in Contract Rate Order No. 19.58 d. 19 8-5 Delivere COOMA EX MATRICE CONTRACT 5. Goods Febry. Consigned 40006 Reimbursement of Custom Duty on following ded in at no money are co equipment. to the edger 84 du Transformer No.3 Warrant 09530 of Certified th under this contract 5/2/58. 75 Sundry Librors £2907. 8. 1 Cable Boxes for Units Authority 4 1116 per Warrant 09531 of 5/2/58 Ledgerkeeper 141. 7. 4. Spares, Schedule 1 x Section IV) Items, 2, 4, 5 & 6 Warrant 09532) 194.18. 3. Spares, Schodule 1 x Section IV 331% 1. 5. Items 3,7a,7b,8 & 9 Warrant 09533 This claim is in accordance with the terms and conditions of contract. Receipted Customs Warrants have been sighted Entered in Customs Duty Register - 20 9 Date Goods Leccived I certify that this account is correct as regards computations, 5 3319 castings and rates charged and the faithful performance of the G.R.N. service No. Certified at Three thousand three hundred and nineteen Pounds G.R.N. Initials One ____ Shillings ___Pence. v.D.B. Minimumator Folio · Checked-Officer incurring Expense.

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SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

MEMORANDUM

Business Manager. To

Subject

Contract 40006 - Transformers

for T.1 Power Station.

From Chief Electrical and

Mechanical Engineer.

Ref. No.

AE.965

13th March, 1958.

Attached are five Claims received from Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd., amounting to £17,745. 8. 1.

2. Details of the claims are:-

> Claim No. 33 Claim No. 34 Claim No. 35 Claim No. 36 Claim No. 37

£3319.1.5 1400, 0. 0 4849.16. 4 5670.0.0 2506.10.4

£17,745.8. 1.

The claims have been checked in this office and are in order for payment.

Would you please draw cheque in favour of Ateliers de Constructions Electriques de Charleroi.

Chief Electrical and Mechanical Engineer.

Distribution.

l. Original.

2. Record File. AE.965
3. Div. File.

4. E & N Contracts

5. E.E.D. Circ File.

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Fe	bry.	24		ONTRACT		Delivered to COOMA EX	ENTER COLLO P2 "AFRIC" AND "MOSEISTEIN"	AND CC	NTR	Þζ	4/c.s	REGIS	TER	

Reimbursement of transport in Australia on

Per Unit

The claim is in accordance with the terms

I certify that this account is correct as regards computations, castings and rates charged and the faithful performance of the

Certified at Five thousand six hundred and seventy -

Pence.

Officer incurring Expense.

of Section 34 of the Audit Act. 1901-1934.

£1800. 0. 0.

200.

£2620. 0. 0.

180. 0. 0.

£2835. 0. 0.

<u>35. 0. 0</u>.

I certify that this Account is correct within the meaning

Shillings.

Certifying Officer.

5670

5670

Pounds

Cheque No

350. 0. 0.

160. 0. 0.

50. 0. 0. 60. 0.0.

Railway charges main package

Separate items - railages

Add Extra railage due to

Main package 10% of £1800

Amount due two units =

Separate items 10% of £350

and conditions of contract.

Shillings .

Signature:

ded in

315F

ertified that no moneys are recoundry. Dehtpra Ledger as due

uthority under thi

Date Goods Received

G.R.N.

No.

G.R.N. Initials

v.d.b.

Folio 'r. Checked

1 L.O. by

Witness:

contract.

444

Units 3 and 4.

Agency

service

I certify to the account of this Account and the accounts

chargeable and that it is covered by the proper authority.

Examining Officer.

Wharfage

Stacking

Supervision

change in rates:

V.D.B. Folio	445	Mr. Engre de de
Checked.	. In their	Officer incurring Expense.
	e and that it is cov	of this Account and the accounts ered by the proper authority. I certify that this Account is correct within the meaning of Section 34 of the Audit Act. 1901-1934. Section 34 of the Audit Act. 1901-1934. Certifying Officer.
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7/56

SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

COOMA, N.S.W.

ORIGINAL

CLAIMANT ATELIERS DE CONSTRUCTIONS ELECTRIQUES DE CHARLEROI. (Block Letters)

ADDRESS TO WHICH C/_ HELIOS HEAVY EIECTRICAL ENGINEERING aimant's Reference CONTRACTING CO. PTY. LTD.,

Examining Officer.

ceived on the ...

day of

Signature:

197 VICTORIA AVENUE, No. 7526 & 7391

CHATSWOOD.

22203	19256										
Local (Local Office										
Voucher No	/										

Head Office

Registration No. | Consecutive No.

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To be submitted in duplicate by Claimant							Date Received									
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SNOWY MOUNTAINS HYDRO-ELECTRIC AUTHORITY

MEMORANDUM

To

Business Manager

Subject

Contract 40006 - Transformers for

T.1 Power Station.

From Chief Electrical and Mechanical Engineer.

Ref. No. AE 965

8th April, 1958.

- Attached is claim No.38 for £479 .- . 1. received from Helios Heavy Electrical Engineering Contracting Co. Pty. Ltd., under Contract 40006.
- The claim has been checked in this office and is in order for payment.
- Would you please arrange to have cheque drawn in favour of Ateliers de Constructions Electriques de Charleroi.

J.C. Callinan,
Chief Electrical and Mechanical Engineer.

& A/CFO.

DISTRIBUTION:-

1. Original 2. File AE 965

3. Div. File

4. E. & M. Contracts

5. E.E.D. Circ. File

6. E. & M. Group Circ. File

7. Accounts Clerk, Electrical 8. Box File

EXHIBIT 8

The following photo-copy has been allocated page number 877.

Defendant (Appellants) Exhibits

Exhibit 8

Letter - J.M. Haesaerts to T.I. Guler.

10th January 1963.

P.S. Vous Windigues for ista adverse our vor lesses. Est-olis !

trejours: Church Stuck, 1, Fyall ! 1 11817 8 Muxelles, le 10 Janvier 1963. Mon cher animal, L'ai regu votu lottre (non de lie) et vos flotes (date le la forte illisible) and un incheible flaise. Tous any relier de vos aventures une les ACFC une philosophie que j'appeaie blemant, mues il ne remble. Nos que sons ayez rensiblément Conste la tête. Unes Restere toujours le frèr Sycambre! Vos pronesses en Kut et en Ku de liques depenens he commune mesure: Vous sery hentot le lecondmune de l'Australie tonte outrèse - quel dommage que trulleng n'ait vien compres es s'en laire aller à les Muniments mesquier The chose que je uns reporte vos de les que vos vene In Europe une fis per au et vos n'ets Jamos / Venu me von : un fetri wocher for le Belgique en Jourhus une chose tis mughe four un homme des pands especes comme vous. Te me réjour de boune nouvelle pre vous me doung de vote femme et de vos enfents (Coming Enjerts, Je suppre que deux n'out per hesse pour un geant de Ma fille n'en plus M'= Neef : elle a fine divercer et s'en remariée l'aunée demine. L'é mis Maintenant tis-heureure. Elle a un ederable fatit garcon (Brice) qui vient d'avois hour des pouron conte les Calamites de la vice Je vin avin la ana en juillet frochain et Je ne fuis me foir à d'écle que que derrai frenche ma retraite à le moment Te me reus enver jeune et flein de projets, fres à recommence l'épipée que j'ai veine avec vous deus

10. 1.63.

P.S. You do not give your address in your letters. Is it still Church Street, 1, Pymble?

Brussels, 10th January 1963

Dear Old Beast.

I have received your letter (undated), and your photographs (postmark illegible) with an enormous pleasure.

You have acquired from your adventures with A.C.E.C. a philosophy which I appreciate very much, but, it doesn't appear that you have given in to any considerable extent. You will always remain the proud SYCAMBRE!

Your progress in (KVA) = capacity of equipment, and in kilometers of lines exceed the common measure. You will be shortly the record holder for the whole of Australia. What a pity that Guillery did not understand anything and gave way to mean feelings.

Something I reproach you: you say you come to Europe once a year and never have you come to see me; a small detour through Belgium is really a simple matter for such a world wide traveller like you.

I am happy about the good news you give me of your wife and children (now many children?) (I suppose that two have not been enough for a giant of your calibre).

My daughter is no longer Mme Neat: she finally divorced and remarried last year. She now seems very happy. She has got an adorable small boy (Brice) who has just turned eight.

My wife and I struggle the best we can against the hardships of life. I am going to be 65 next July and cannot resign myself to the idea of retiring at that time — I still feel young and full of projects, ready to start again the saga which I lived with you in faraway Australia.

Promise me to come and see me during your next journey to the Northern Hemisphere.

All the best to you from us all and many good wishes,

Affectionately yours,

Defendant (Appellants) Exhibits

Exhibit 8 (continued)

Letter, J.M.Haesaerts to T.I.Guler Translation 10th January 1963

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EXHIBIT 8 (continued)

The following two photo-copies have been allocated page numbers 879 and 880.

Defendant (Appellants) Exhibits

Exhibit 8 continued

Letter - J.M. Haesaerts to T.I. Guler.

25th December 1963.

Muxelles, le 25 décembre 1963.

The vieil duri,
Vor voeux nous our bennous touche', we femme extens
Nors von Tombaitons naturellement aum mulle
choses asserbles four von-mime et les votre.
Nous aimenious revoir Christine et Byron que nous
avous commes tout petits. Nous aimenions aumi
revoir betry es bien entende le Sycambie des
femilles.

familles.

lomme var le supposer je mis à la retraite depuis
le 31 juilles dernier. Te n'ai plus vien à voir anuls ACEC.

Hyris le mois dernier je mis desenu lourseiller à
la lompagnée Européeune pour la Technologie de l'Imprimation
(appaire 50 jo 5 le bénérale - 50 jo intérits dens n'exims du
groupe Rockefoller). Cola me donne une occupation

It quelques sons

Nos avers quitte notice maison (devenue trop

prenole fore nous deux) er vomme instillés dans

un appartement au 131, treme F. Roomvelt. Notic

fille en hememement remariée et son fetit quien

Brice, gans, en afferneux et chermans. En plas

il travaille h'en con il en 2 ieme de su classe

I appends avec plais is gre vous continues it brine de pour affaires et j'en condu que un Ets prospère. T'en muster-content. Nas knows bien ratifieits- ni un venir paire un tehi tour de piste en Europe. Vus Tours vous allendre à

Un accenil chalement can vin ets har type Ang extraordinaire et attachans. J'ai en le chaques de fendre mon frere func il ga un an - nous étions tes unes depuis notre enfance et det dispositions nous a ficher une vale cont, a Veul et à mor 250 T. que flothense L'adrene du Titar Anverons en la mirante Travanx Métallique de Boom S. Le Tiben Brums à été Division Titain Vipin par les Trumer Métalliques de Hoboken (les Anvers) Doom - Boom en mon patelin d'origine et f'ai enme de le famille qui y listite - non connaison l'en les propriétaire des Travour Métallique de Borns. Ecrits - lem form land demander une offre - Von Jouris indiquer que je mis votre correspondent en Belgique. D'apri le désoulement de l'affire, The formour alle les voir, d'accord avec voir, il peur que vois me données tout; les données de l'affire Ans ACEC, M. Kottyen a fun ne retraite et a élé remphié per M. Cranshoff. Depisis juin, il que Un noviean chef de 2 one Jon l'Australie: M. Delimie Union direction du Brucan d'Egypte - Je vans Gr'il en alle en Australie il y a deux mois. Te ne comais les le résultet de son voyage. Aux ACEC plus ça change plus c'en la même chore. Ma femme et moi von envoyons Motre amical es cordial Souvenin Julienus

Brussels December 25, 1963.

Dear old friend.

My wife and I have been very touched by your good wishes. Of course we wish the same to you and your family. We would like to see Christine and Byron again, which we remember as babies. Also Betty and of course the domesticated SYCAMBRE.

As you can guess, I have been retired from the 31st of last July - I have nothing to do anymore with A.C.E.C. From last month, I have become adviser to the European Company for the Technology of Information (concern which is 50% S te Generale - 50% American interests group Rockfeller). It gives me something to do and a few pennies.

We have moved (our house was too big for only the two of us) and are now settled in a flat, 131, Avenue Franklin Roosvelt. Our daughter is happily remarried and her little boy, Brice, 9, is charming and affectionate. Furthermore, he works well, being 2nd in his class.

I learn with pleasure that you are still going on making big deals, and have come to the conclusion that you are prosperous which makes me very glad. We would be very pleased if you come to Europe for a little trip — you can expect a warm welcome as you are quite an extraordinary and attractive type.

I have had the grief to loose my brother Luc, a year ago - we were very close since our childhood and loosing him gave Paul and me a bad turn.

250T floating crane

the address of Titan from Antwerp is as follows:

Travaux Metalliques de Boowr S. Division Titan Hoboken (By Antwerp).

The Titan from Antwerp has been taken over by the Travaux Metalliques de Boowr - Boowr is the village I came from and I have still got family living there. We know quite well the owners of the Travaux Metalliques de Boowr.

Defendants (Appellants) Exhibits

Exhibit 8 (continued)

Letter, J.M.Haesaerts to T.I.Guler Translation 25th December

1963

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Exhibit 8 (continued)

Letter, J.M.Haesaerts to T.I.Guler Translation (continued) 25th December 1963 Do write and ask them for an offer. You would tell them that I am your Belgium representative. Depending on the way things go, I would go and see them, in agreement with you — you must give me all the particulars of this business so that we can work in perfect harmony.

At A.C.E.C., Mr. Kottgen has retired and has been replaced by Mr. Cranshoff — since June there is a new Zone Manager for Australia: Mr. Dalemier, ex Manager to the Cairo office — I know that he went to 10 Australia a couple of months ago. I do not know the result of his trip — at A.C.E.C. the more it changes, the more it is the same thing.

My wife joins me in sending you our most affectionate regards.

Exhibit 11

Summary of Contract 40006 Claims and Reconciliation with Cheques

Undated

EXHIBIT 11

LIST OF CHEQUES DRAWN BY THE S.M.H.E.A. IN FAVOUR OF A.C.E.C. AND CREDITED TO THE ACCOUNT OF HELIOS CO. WITH THE A. & N.Z. BANK LTD.

Date of payment	Chq.	Amount of Cheque	C.I.F. Content	Local Charges	Claim <u>No</u> .
27. 6.56 27. 8.56 27. 5.57 30. 8.57 9. 9.57 23. 9.57	36447 51470 57616 57976	38,862.17. 1 9,822. 8. 7 3,513. 1. 6	1,061.11. 2 38,862.17. 1 9,822. 8. 7		1 2 3 4 6 4A 5
		5,919.15. 2	(1,263. 0. 2,470. 0. 1,259. 6.	6 6 0 7 6 8
21.10.57	60332	6,189.14.10	(5,660. 6. 5	200. 0. 165.14. 163.14.	0 9 4 10 1 11 12
12.12.57 19.12.57	0-72-20	380. 0. 0 23,317.14. 3	23,317.14. 3	380. 0.	0 13 14
			927. 8. 2	•	7 10
30. 1.58			(14,616. 0. 0		20

	Date of Payment	Chq. No.	Amount of Cheque	C.I.F. Content	Local Charges		Defendant (Appellants Exhibits
	30. 1.58	67181	42,636.12.11	1,510. 0.0		21	Exhibit 11
				4,199.16.0	162. 8.0 2,470. 0.0 200. 0.0	24 25	(continued) Summary of Contract 40006
	12 2.58	67890	23,317.14. 3	(3,510.0.0		26 27	Claims and Reconcili-
10			29,338. 5. 0	7,472.11.5 7,772.11.5 7,020.0.0	3,419. 2.2	28 29 30	ation with Cheques (continued) Undated
				3,654. 0.0	J, TEJ. 2.12	32	
	20. 3.58	70182	17,745. 8. 1	1,854.16.4	3,319. 1.5 1,400. 0.0 2,995. 0.0 5,670. 0.0	33 34 35 36 37	
20	14. 4.58	71755 .	479.0.1		479. 0.1	38	
		€:	280,309.16.11	242,526.17.4	37,782.19.7		
				OF NEW SOUTH reagh St., Sydi			Exhibit 13 Summary of
	Date			Net Amount of Works	f Claim & Services ^T	otal	of N.S.W.
30	Apr.1 54	CONTRA	CT E.60- REF.5	5551 / 70 38 , 699			lst April 1954
	Date	Partic	ulars of Chequ	ле	Amount of	Cheque	

Date	Particulars of Cheque	Amount of Cheque	Cheque No.
Apr.l 54	AUSTRALIA & NEW ZEALAND BANK I FOR CREDIT OF ATELIERS DE CONSTRUCTIONS ELECTRIQUES DE CHARLEROI THIRTY EIGHT THOUSAND SIX HUN AND NINETY NINE POUNDS 11/8-	38,699.11. 8	C4586

Defendant (Appellants)		EXHIBIT 14	
Exhibits	DATE	AMOUNT (Australian Currency)	
Exhibit 14 List of Transmissions to A.C.E.C. Undated	1954 Feb. 26 March 31 April 30 May 19 June 7	£40,864.14. 1. 38,694.11. 8. 77,149. 2. 9. 1,492. 7. 5. 77,273.19. 1.	
	June 16 September 29	11,793. 1. 2. 1,676.10. 4.	10
	1955 June 28th December 8th	11,258. 0. 0. 6,220.19. 0.	
	1956 January 26th March 29th May 9th May 22nd	17,285.17. 5. 55,811.18. 0. 44,453. 9. 7. 66,930. 0. 0.	
		£450,909.10. 6.	

Australian Office for A.C.E.C.

EXHIBIT 15

ATELIERS DE CONSTRUCTIONS ELECTRIQUES DE CHARLEROI

(BELGIUM)

HELIOS HEAVY ELECTRICAL ENGINEERING CONTRACTING CO.PTY. LTD. DIRECTOR: T.I.GULER.ENG.

197 VÍCTORIA AVENUE CHATSWOOD

26th October

(Appellants) Exhibits Exhibit 15

Defendant

Letter, Helios to A. & N.Z. Bank, Sydney 26th October 1956

The Manager. A.N.Z.Bank Martin Place Sydney.

Attention: Mr. Dunstan.

I wish to bring to your attention the activities of my company. Within 4 years of operation, I have established an important business in heavy electrical 20 equipment and its erection. My business is divided in two sections :

- 1.- As agents of ACEC, I import average £1 000 000 worth of equipment per year. My customers are mainly Government undertakings. For the above imports I have a bank guarantee from ACEC enabling me to work on a overdraft of £ 10000 with your bank. I need sometimes this overdraft to finance customs duties, meeting drafts in the event of late payments from customers and expenses involved directly with the importation of the goods. I still hold orders worth 1,500 000 on hand and I have been awarded lately with two important tenders exceeding £500000. For the future I hope to maintain the £ 750000-1,000,000 sales volume for at least 3-4 years.
- 2.- As engineers, contractors and technical office, we are obliged to erect all the equipment sold by ourselves and they represent major contracting jobs. This part of the business is a purely local activity and has nothing to do with our overseas business. Our commitments on local contracts range about 40-80000 per year at the present. I am obliged to keep several engineers and the necessary tools and tackle. Being Australia's

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Exhibit 15 (continued)

Letter.

Helios to A. & N.Z. Bank, Sydney (continued) 26th October 1956 largest transformer erection contractors, we are closely connected with the transmission industry. We are also specialists in the erection of large transmission lines and since 16 months we are preparing ourselves and tooling up to enter very shortly in the field of transmission lines. As you may know an Italian firm holds a monopoly in this field and they execute every year contracts exceeding £ 3000000.

The Electricity Commissions of NSW and Victoria have encouraged us to participate in this very lucrative activity and have given us splended support to advance in our venture in this field. I have sent overseas two engineers from Sydney to study the latest methods. I, myself went this year to the Belgian Congo and Rhodesia to work on a very important Transmission project. We can state that technically we are among the leading firms in this country.

Our position has been consolidated because of 20 an agreement with Messrs Blaw Knox Ltd of London. who have undertaken to act for us as Consulting engineers. Blaw Knox are the worlds leading transmission tower and line engineers. Regarding the fabrication of the steel towers I have made an arrangement with Messrs Johns & Waygood Ltd of Melbourne, who will be my sole subcontractors. In other words, I have the supports of Englands leading Consulting Engineers and Australia's largest structural steel manufacturing organization. 30 You will recognize that these firms would not have wasted their time with me if they were not favourably impressed with my standing in the industry and technically.

It is strongly estimated that very soon, we will be awarded with two important transmission lines contracts. One contract would be with the S.E.C. Victoria and the second with the Electricity Commission of NSW., for the connection of the Snowy Mountains power to the grid of two States. The values of these contracts is about £ 500000 each. The steel tower content in the above sums is about £ 250000 for each tender.

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The terms of payment for these contracts will consist of progress payments to be effected monthly to an extent of 90% of the works carried out.

Messrs. Johns & Waygood will finance themselves the purchase of steel prior starting manufacturing. contracts are extended on a period of 2-3 years. is estimated that the monthly wages bill for labour will not exceed £ 4000 and the cartage and equipment will not exceed £ 10000. per month. The monies for cartage and equipment is generally paid by the customer within 1 month after lodging a claim.

In order to be ready and have the complete equipment enabling me to undertake economically and successfully large projects, I have expanded my assets. I completely have purchased and have not any debts to third persons or companies for the items stated below.

Defendant (Appellants) Exhibits Exhibit 14 (continued) Letter. Helios to

Bank, Sydney (continued) 26th October

A. & N.Z.

1956

	<u>Item</u>	Today's selling value £
	197 Victoria Avenue Head office and yard	6500
20	115 Sydney Street ChatswoodStaff cottage3 D7 Caterpillar tractors	4500 18000
	1 D4 Caterpillar tractor 1 3 ton Austin truck 1955	2800 1500
	1 D4 Caterpillar tractor 1 3 ton Austin truck 1955 3 Vehicles 1951 models 3 Caravans 1 Hyster Excavator	2500 1700
	l Hyster Excavator l Transmission tower derrick	8000 4000
	l Welding set & workshop Office equipment	1000 1000
30	Easement clearing tools Rockdrills	1000 800
	Transmission sheaves 4 15 ton hoists	2500 3800
	Miscellaneous	<u>1000</u> £A.60600

We have placed an order in Germany for two 15 Ton 180 BHP four wheel drive diesel trucks at a price of 12600 for delivery in February 1957. We have made adequate provisions for their payment from proceeds due until that date. We have paid a deposit of 1260 Pounds.

A important part of the above assets is necessary for the carrying out of the present transformer erection contracts. We are proud to state that one of every three lamps in Australia get their power from the transformers sold and erected by my company.

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Exhibit 15 (continued)

Letter,
Helios to
A. & N.Z.
Bank, Sydney
(continued)

26th October 1956 In view of the fact, that I have spent heavily to provide for the major part of the capital equipment for the development of this country*and my Company and being in a position to show assets of some value I am interested in seeking a overdraft limit apart of the £ 10000 guaranteed by the Belgian Bank.

I have in mind a Helios No 2 account for my Australian Contracts enabling me to overdraw to these limits.

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- 1. On normal transformer erection works and contracting up to £A 8000
- 2. If I will be awarded with transmission lines contracts this overdraft should be increased to 20000 25000 pounds.

We don't need any overdrafts for the purchase of capital equipment as 90% of the equipment required have been purchased, fully paid off and ready to work. The above listed assets are ready for inspection.

We may need some accommodation to cover monthly wages claims, especially safeguarding ourselves 20 against results caused by the laxity in respecting the due dates for payment by the Government Undertakings. Normally they promise to pay within one month after lodging a claim. However experience shows me that claims can be neglected by the Electricity Commissions some times exceeding 60 - 90 days. Generally, I have kept my promised dates to pay off debts to your bank and within 4 years of our cooperation a considerable amount of money was transacted and we never had any difficulties with your bank. 30

My good reputation among the Electricity Commissions is worth more than many large companies reputation as sometimes I was able to beat even the largest companies in this country and overseas.

I would be prepared to negotiate with your goodselves to show the above assets as security for cases when we may require overdrafts when the customers would retard their payments, hence reduce our finances, for wages and incidental expenses. Actually there is at least over £10000 owing to us due to the 40 negligence in respecting the date of payments by the customers. However, the customer has always the privilege to act as he wishes, specially Government Undertakings.

Hoping to receive your favourable consideration, I beg to remain, Yours faithfully.

*in transmission lines. (Sgd.) T.I.Guler for Helios Co.Pty.Ltd.

EXHIBIT 16

J.E.GUILLERY

tel BW 7267

Sydney, 4 July 1958 12 Castlereagh St. French Bank Building Defendants (Appellants) Exhibits

Exhibit 16

Letter, J.E.Guillery to Germon 4th July 1958

Personal and confidential

Mr. Germon - Manager ANZ Bank

Dear Mr. Germon,

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I think that before we meet in your office with Mr. Guler, it would be of some interest to you to have a few more details about the situation.

As you know, A.C.E.C. has to receive, through Helios, some £A.103,600, overdue for years, for transformers supplied to SEC Victoria, SEC Western Australia and Northern River County Council.

The excuse of Mr. Guler for not transferring those amounts always was that "Australian customers are bad payers" and that not being paid himself, he could not afford paying ACEC. As, unfortunately, the contracts for those 3 customers are between them and Helios (not ACEC), my company had no means of checking if Guler's statements were true or not. Customers could not be questioned by us without either creating a bad feeling from them toward ACEC, or making our representative lose face — or both! ...

Recently (in May this year) Mr. Guler proposed to compensate Australian Customers' debt with amounts which (according to him!) would be due to him by ACEC or by third parties (insurers etc.) to which, in his mind, ACEC should substitute themselves, at least temporarily. Such amounts, Mr. Guler claims, would balance Australian debts. My first remark on this suggestion from Mr. Guler was that it constitutes an ardent admission that Helios have received, if not all, at least a part of the money due to ACEC, as it would be hard to believe that Mr. Guler generously offers to substitute Helios to the defaulting debtors! ... This implies that at, certain stages, Mr. Guler has not been telling the truth, what I have always suspected. The extent of his lies should, I think, be investigated very carefully.

Exhibit 16 (continued)

Letter, J.E.Guillery to Germon (continued) 4th July 1958 As regard his statements that Helios debt is compensated by some credits, I am sorry to be obliged to say that the balance is purely imaginary!

I enclose herewith:

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- Document (1) copy of a letter addressed to Mr.
 Guler by a solicitor to whom I had
 referred the case.
 - " (2) copy of Mr. Guler's reply (with some comments from me, which are handwritten)
 - (3) copy of a pencilled statement dated 12/5/58 from Mr. Guler (titled "Position Generale Financiere").
 - " (4) copy of another statement by same, same date, (titled "Amounts to be claimed by Helios from ACEC")
 - " (5) copy of "ACEC's comments" on Documents (3) and (4) which show to what degree Mr. Guler is still trying to fool us!

Yours sincerely

J. E. Guillery

P.S. It should be noted that the £A15000 mentioned in document (3), 5 lines before last, "Va payer juin 1958" are, of course, still unpaid, although today is the 4th of July.

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Copy of letter addressed to Mr. Guler by J.A. Meagher and De Coek, Solicitors, 107 Liverpool Street, Sydney.

Defendant (Appellants) Exhibits

ARDeC.EC

10th June, 1958

Exhibit 16 (continued)

T. Ismet Guler,

C/- Helios Heavy Electrical Engineering Co.Pty.Limited,

197 Victoria Avenue,

Enclosure 1

to letter,

J. E. Guiller

Enclosure 1 to letter, J.E.Guillery to Germon 4th July 1958

Dear Sir,

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re: A.C.E.C. and YOURSELF.

Copy letter, J.A.Meagher and DeCoek to T.I.Guler loth June 1958

SO that there can be no misunderstanding later, we wish you to know that this letter is addressed to you both in your personal capacity and as the Director and Manager of Helios Heavy Electrical Engineering Co. Pty. Limited.

We have been consulted by Ateliers de Constructions Electriques de Charleroi in connection with your position as their representative in Australia and in connection with your position as Managing Director of "Helios".

Referring in particular to contract with the Snowy Mountains Authority, it appears that, in addition to the goods sold per medium of you, your Company "Helios" contracted to carry out certain work in connection with the transport of the materials to the sites for erection and in connection with the erection of the material on the sites chosen by the Snowy Mountains Authority. For this latter work you were entitled to receive your special remuneration of rather your company "Helios" was entitled to receive its own special remuneration. We understand that included in the cheques received from the Snowy Mountains Authority and made payable to A.C.E.C. were some moneys which belonged to Helios. Having received the cheques and paid them into the account of Helios your plain duty was to account immediately to our clients for that portion of the proceeds which really belonged to them. This was not done.

We are informed that new arrangements have been entered into with the Snowy Mountains Author ity for future payments and we have seen a document signed by you and by Colonel Guillery on behalf of

Exhibit 16 (continued)

Enclosure 1 to letter, J.E.Guillery to Germon 4th July 1958

Copy letter J.A.Meagher and DeCoek to T.I.Guler (continued)

10th June 1958

our client company which will ensure that all future payments by the Snowy Mountains Authority go direct into a bank account in the name of A.C.E.C. in the Comptoir National D'Escompte De Paris Bank in Sydney. This however does not dispose of the problem as to the moneys which have already been received by you and which are not satisfactorily accounted for.

On the facts put before us we have advised A.C.E.C. that your handling of their moneys in this way could in fact amount to misappropriation. However before coming to a final conclusion on this matter it will be necessary for us to have full particulars. We would be obliged accordingly if you would give us a statement with full particulars as to dates showing:

- 1. All amounts received by you from the Snowy Mountains Authority.
- 2. All amounts paid into a bank account in the name of Helios.
- 3. All amounts remitted to A.C.E.C. in Belgium.

There are a number of other contracts entered into by you with various customers which obliged you to supply electrical machinery manufactured by our client at a price submitted and accepted in each case by these customers.

You are fully aware of the amount payable in each case but without prejudice to our client's rights to take immediate and effective action, we are prepared to consider an amicable solution if the ultimate position justifies this.

We must therefore ask you to let us have on or before the 30th inst. a separate statement for each customer showing:

- 1. The name of the customer and the contract price clearly defining the amount payable to you.
- 2. The date on which each contract was commenced and completed.
- 3. The date and the amount of each payment on account of such contract.

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- 4. The date and amount of each remittance to our client.
- 5. The balance still due by each such customer and the date or dates on which such balance is payable and if retained by some term of the contract, details of such term.

We might mention that the pencilled figures supplied to our client are totally inadequate and unacceptable to the auditors of our client company.

While we are prepared to allow up to the end of this month to prepare and hand us such statements for submission to our Chartered Accountants, we shall do so only on your undertaking by return of post to have all such statements prepared and handed to us within the time stipulated.

Defendant (Appellants) Exhibits

Exhibit 16 (continued)

Enclosure 1 to letter, J.E.Guillery to Germon 4th July 1958

Copy letter, J.A.Meagher and De Coek to T.I.Guler 10th June 1958

Yours faithfully, J.A.MEAGHER & De COEK

per

HELIOS

20 AUSTRALIAN AGENT FOR A.C.E.C. Charleroi Belgium

197 Victoria Avenue, 17th June 1958 Chatswood, N.S.W.

OUR REF. ML4/7900

17th June, 1958

Messrs. J.A.Meagher & De Coek, Solicitors, 107 Liverpool Street, SYDNEY.

30 Dear Sirs,

Referring to your letter of the 10th June, I wish to advise the following:

Regarding the Snowy Mountains Authority) No eviContract, we have purchased oil on behalf of) dence!
A.C.E.C. to the value of £10,000. The bulk of this oil was not paid for by the Authority until after arrival at Cooma, in fact over £7000 is still due for oil) figures quoted)

Enclosure 2 Letter, T.I.Guler to J.A.Meagher and De Coek 17th June 1958

Exhibit 16 (continued)

Enclosure 2 to letter, J.E.Guillery to Germon 4th July 1958

Letter. T.I.Guler to J.A. Meagher and De Coek (continued) 17th June 1958

Furthermore, two transformers have arrived damaged and repairs for £3500 have) the amount been carried out on behalf of A.C.E.C. A.C.E.C. should recover these losses from their Insurers. Claims have been lodged with Messrs. Edward Lumley &

There are some other payments, like transport etc. for which the customer owed us about £5800. Finally, the commission due to us on this contract is about £8000, and 80% of it is due.

The above itemized amounts exceed our debts to A.C.E.C. and we are not at all in agreement with your remark regarding a misappropriation. In fact we have money to receive.

We shall be only too pleased to furnish you with all required statements, however, since I am extremely busy on a project in the Mountains, and it would be very hard for me to stay in Sydney for at least three weeks, I propose that such statements be submitted about the 25th July, 1958.

Meanwhile, kindly ask your clients to advise us on our claim from A.C.E.C., amounting to £73411. This claim was submitted to Mr. Guillery, and from your correspondence, it seems that no mention has been made on this subject.

Yours faithfully,

(Sgd.)

T.I.Guler. Director.

I have advised Mr. Guillery of the contents of the present letter and he will also approach A.C.E.C. to obtain their reply regarding our claim for £A73411.0.0.)

)This may be claimed but the actual cost of the)repairs was smaller.

evidence ? Not true!No10 commission is due before termination of contract (see agent's agreement)

)This is a deliberate false statement!

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see, please, A.C.E.C.'s comments JG

	Copy of pencilled figures supplied by to ACEC dated 12/5/58.	y Mr. (Juler	Defendant (Appellants) Exhibits
	A.C.E.C. Charleroi.			Exhibit 16 (continued)
	POSITION GENERALE FINANCIER ENTRE ACEC - HELIOS	Œ		Enclosure 3
	Decouvert general estime	BF Soit	15,550,000 £A 139,000	to letter, J.E.Guillery
10	Disputes: Victoria bushings ± 6000 E.C. N.S.W.Shipping Spec 400 ± 7000			Copy Financial Statement
	Shipping W.A. 487 - 334 - 466 - 100			supplied by Helios to A.C.E.C.
	£A. [±] 25000			12th May 1958
	Espere recuperer 30 - 60%		114,000	
	PAYE. 10/5/58 Victoria		25,000	
			89,000	
	Paiements en progres E.C. N.S.W.			
20	5% maintenance Contract No.400))))	65,080	
	Compte Helios 65911 Va payer juin 1958 15000 80911	<u>.</u>)	07,000	
	En faveur Helios	£15,8	331	
30	Materials account 10000 propose de partager 50/50 pour	eio 8	5,000	
	pertes en faveur Helios	£10,8		
	Commissions futures	1083 <u>750</u> £A1833	00	

ACEC sont pries de rajuster dans leurs livres que (a) paiements de factures soient effectues 1-2 mois apres l'arrivee aux ports Australiens,

Defendant
(Appellants)
Exhibits

(b) maintenance periods soient en accordance avec les dates du client. Les dates des ACEC sont incorrectes,

Exhibit 16 (continued)

(c) interets ne sont pas payables pour sommes en disputes,

Enclosure 3 to letter, J.E.Guillery to Germon 4th July 1958 (d) la contre partie des paiements due a Helios doit equilibrer les montants due aux ACEC et les interets respectifs,

Copy Financial Statement supplied by Helios to A.C.E.C. (continued) 12th May 1958

- (e) Helios va payer les interets pour depenses
 - faites comme:
 - huile Snowyassurance Lumley
 - delais de paiement de la difference entre les comptes qui sont dans la jurisdiction de Helios

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Remerciments I.Guler.

Enclosure 4 Copy Statement of Claims issued by Helios to A.C.E.C. 12th May 1958

Copy of a Statement issued by Mr.Guler on the 12/5/58 AMOUNTS TO BE CLAIMED BY HELIOS FROM A.C.E.C.

Control Control			
Commissions. Approx. Reimbursement including £3,800 for	£16,000		20
Engineers! Trips	8,000		
Snowy Mountains - Contract 40,006	8,000		
West. Australia - Schedule 334A-Di			
Insurance N.R.C.C.159/54 lx5 MVA	- ,		
Transformer Helvetia Co.	500		
	£ <u>35,900</u>	25 000	
Other Lay-Outs.	# <u>37,900</u>	37,900	
Lumleys Insurance Claims			
	1,000		20
	2,500		30
	-,,,		
Transformers $\overline{\mathfrak{L}16}$	5,500		
Assume shall recover	8,000		
	-,		
RC NSW			

Spares paid against drafts not recovered 2,500 as yet. (Contracts 262-382-209 to be collected)
Lightning arresters paid against drafts 1,620

South Australia.

Contracts 651-652 paid against Drafts & 40 payment stopped due to numerous failures. Assume shall receive.... 3,500 £15,620 15,620 C/Fwd. £51,520

New Reimbursements.	B/Fwd. £	51,520	Defendant (Appellants) Exhibits
Repairs on Transformers E.C. N.S.W. C 262. on rectifiers & modification Rejection and destroying of llkV Lightning Arresters Contract 400 E.C. N.S.W.—Cable laying	100 500		Exhibit 16 (continued) Enclosure 4
Radiators Contract 334A S.E.C. W.A Airfreight of Wheels Advertising for 1957	1,000		to letter, J.E.Guillery to Germon 4th July 1958 Copy Statement
Repairs on 20 Bushings 66kV, Vic & W.Aust. S.E.C.Vic. Repairs on Turrets and Conservators as per invoice yet to be sent	500 1,100		of Claims issued by Helios to A.C.E.C. (continued)
Schedule 334A - S.E.C. W.A Insufficient supply of oil as per invoice Schedule 466A - S.E.C. W.A Two un- necessary trips due to late deliver	у		12th May 1958
of cubicles Insurance Claims on these damaged cubicles - details to be submitted	350 180 5,091	5,091	
Payment for transformer oil to be recovered from Snowy Mountains Authority on Contract 40,006 Erections carried out but unpaid due to faulty equipment. Payment will	7,000 be		
made when defects on tap changers etc. are repaired Contract 400. E.C. N.S.W S.E.C. W.A Total	1,500 800 9,300	9,300	
	TOTAL £	A65,911	
Pending Commissions.			
Spec. 55-56/182 - S.E.C.V. 330kV Tran Contract 559 - E.C. N.S.W. Capacitors Lightning Arresters - Contract 40,019 Contract 724. E.C. N.S.W. 132kV Trans	Snowy	2,000 2,000 1,500 2,000 7,500	

General Position = £ 73,411

Exhibit 16 (continued)

Enclosure 5 to letter, J.E.Guillery to Germon 4th July 1958 Comments of A.C.E.C. on Balance

Sheet' of 12th

Undated

May 1958

ACEC'S COMMENTS ON MR. GULER'S BALANCE SHEET OF 12/5/58, addressed to Mr. Guillery, Sydney.

Overall Debit:-

On the basis of various figures shown by Mr. Guler in his balance sheet, we notice that this gentleman's interpretation of "Overall Debit" is: "Total amounts outstanding from all clients, as set out in our various schedules, with the exception of the Snowy". In this case the figure of £A 139,000 (FB.15,550,000) is considerably underestimated when worked out by Mr. Guler, as our records show the following totals:-

S.E.C. Victoria : 5,216,805

E.C. N.S.W. : 3,003,907 (including F.B.

412,552 retained under E60 for

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cradle)

N.R.C.C. : 2,530,075 S.E.C. West. Aust. : 6,691,222

Overall Deficit : 17,442,009 20

To this total can be added a deficit of F.B. 2,170,000 relating to the Snowy and due by our Agent. We are preparing a new schedule which we will let you have, showing the latest position. We will not include the Snowy in the present discussion since according to you, Mr. Guler has promised to supply a separate statement in respect of the client. Taking into consideration those last remarks, therefore, the amount under-estimated by Mr. Guler is: B.F. 17,442,009 - 15,550,000 = F.B. 1,892,009, i.e., £A 17,000.

As stated in our letter No. 572862 of 28/2/58 to him, Mr. Guler confines himself to stating an estimate of £A 139,000 without going into details of this amount, or saying why various components showed vary from those given in the contract. To make up for this "Overall Deficit," he places on the other side of the balance a number of figures which, with the exception of Victoria Payments of £A 25,000 (effected) and £A 15,000 (promised for June 1958 and still awaited) represent either held-up payments (variance as to their exact value, i.e., "dispute", or various retentions termed "Payments on Progress E.C. N.S.W.") or various amounts under the heading

of "Compte Helios" totalling £A 65,911 with which we ere dealing hereafter and which could also be interpreted as being equivalent for example to all or part Exhibits of possible retentions made by Helios on account of payments effected by S.E.C. W.A. or N.R.C.C.

In our opinion all amounts shown in the statement after the item "Compte Helios":65:911," i.e.

Payments promised for June : £A 15,000 (Vic.) 5,000 Materials Account : 7,000 Future Commission

belong either to the world of fantasy or to a very distant future. As such, they have to be excluded from a balance sheet which must represent a clear situation at a specified date i.e. 12th May, 1958.

We will now examine the various entries in the order in which they appear in the said balance sheet, from "Disputes" to "Compte Helios" where the amounts more or less balance (slight credit of £A 831 in favour of Helios.) according to Mr. Guler's estimates.

Disputes.

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Victoria Bashings.

Our invoice has been limited to the original price stated in the contract and does not include the additional amount in dispute. In accordance with Mr. Guler's statements at the time we were entitled to claim for this additional amount from the client in order to cover the difference in price between "Micanite" bashings (ultimately supplied, but more expensive) and "Haefely" bushings (originally allowed for). Having left it to Helios to claim for this additional amount and since that amount is not included in the overall deficit figure it is therefore wrong to enter it on the other side of the ledger. Mr. Guler has also chosen to make it a round figure of £A 6,000.

E.C. N.S.W. and W.A. Shipping.

In as much as the E.C. of N.S.W. admits at least the adjustment of freight rates quoted in our specifications on the basis of variation in the per cent of rates, we estimate that the total amount invoiced

Defendant (Appellants)

Exhibit 16 (continued)

Enclosure 5 to letter, J.E.Guillery to Germon 4th July 1958

Comments of A.C.E.C. on 'Balance Sheet of 12th May 1958 (continued)

Undated

Exhibit 16 (continued)

Enclosure 5 to letter, J.E.Guillery to Germon 4th July 1958 Comments of A.C.E.C. on Balance Sheet of 12th May 1958 (continued) Undated

by us exceeds that supposedly admissible by £A 10,500 whereas Mr. Guler quotes a figure of £A 19,000 an excess of £A 8,500.

Payments in Progress, E.C. N.S.W.

In accordance with our records, 5% retention money held by the Commission under the terms of the contract is by now due. As underlined in our report No. 571,502 of 10/5/58, however, we cannot state for certain the exact date on which the various retentions are due as we lack the necessary information regarding commissioning dates, etc. Our agent is of course to blame for this deficiency. This applies in particular to contract Nos. 319 and 400, as well as for the majority of contracts with S.E.C. West. Aust.; S.E.C. Vict. and N.R.C.C.

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Even then, allowing for the fact (which remains to be checked) that the 8 units under contract 400 are still subject to 5% retention, the total amount involved on the CIF value would be FB 677,526 (see schedule) whereas Mr. Guler quotes a figure of £A 8,000, an excess of approximately £A 1,950.

Regarding other contracts with the E.C. N.S.W. we show in the following schedule the dates on which retention money is due in relation to the commissioning date. As mentioned above the latter dates have not been advised by Mr. Guler.

CONTRACT	COMMISSION-	5% RETENTION DATE DUE	AMOUNT (5% CIF
NO.	ING DATE		BF. value)
295 262	8/6/55 20/5/56 Nos.1 & 2	8/ 6/56 21/ 5/57	65.900(paid) 440.575(probably 30 paid)
382	3/7 /56 No.1	3/ 7/57)	994.000(partly paid)
382	7/ 7/56 No.2	7/ 7/57 }	
382	16/10/56 No.3	16/7/57 }	
382	23/10/56 No.4	23/10/57 }	
209	10/ 1/57 No.1	10/ 1/58)	487.715(paid)
209	14/ 6/57 No.2	14/ 6/58)	
295/1	21/5/56	21/5/57	72.900(retained on commission account 40

The above mentioned information is taken from our own books. We would ask you to note that the E.C. N.S.W. has paid all amounts due under contract

No.209 (last payment effected on 26/4/58: F.B. 354,003). That is why we show in our above schedule that the retention of FB. 487,715 has been paid. On the other hand we note that in the case of contract No.382 there is still cutstanding: 993.268-354,003639.265.

The amounts for retention money given by Mr. Guler in respect of contracts 209, 382 are in our opinion imaginary, and their total exceeds our figure by approx. £A 1,300.

In the case of contract 262, we would say from information available to us that the 5% retention money has been entirely paid. Consequently Mr. Guler's estimate of £A 3,500 is wrong and represents an excess of £A 3,500.

In his balance sheet Mr. Guler shows a retention of £A 4,500 (contract E.60). This amount must refer Unto the cradle. Mr. Guler is entirely responsible for the delay in supplying it to the customer. Moreover the amount is inflated and should in fact be FB 412,552 approx. £A,3690, resulting in an excess of over £A 800.

Compte Helios.

Commission: Mr. Guler's figure of £A 16,000 exceeds by more than £A 3,400 the balance in our books in favour of Helios at the date of the balance sheet (£A 12,538.6.-)

Reimbursement: Our books show a balance of £A 4,450 in favour of Helios.

Regarding £A 3,800 claimed by Mr. Guler in respect of "Engineers Trips", we will have, naturally, to honour our promises, but the amount claimed seems inflated and will have to be clarified by Mr.Guler. We will be writing to him officially on this subject.

Snowy Mountains Contract 40,006.

The amount of £A 8,000 shown by Mr. Guler exceeds by £A 1,957 the one worked out in accordance with a commission percentage defined by Mr. Guler himself on the date the contract was accepted. Converted into £A, the commission amounts to £A 6,043.3.5.

Defendant (Appellants) Exhibits

Exhibit 16 (continued)

Enclosure 5 to letter, J.E.Guillery to Germon 4th July 1958

Comments of A.C.E.C. on 'Balance Sheet' of 12th May 1958 (continued)

Undated

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Exhibit 16 (continued)

Enclosure 5 to letter, J.E.Guillery to Germon 4th July 1958

Comments of A.C.E.C. on 'Balance Sheet' of 12th May 1958 (continued)

Undated

Western Australia-Schedule 334A.

In accordance with the agreement regarding the sharing of an increase in the selling price obtained by Mr. Guler (increase discovered by Mr. Chevalier during his trip to Australia late in 1954), we have issued a credit note of FB 380,372 (C/N. 2735/132 of 22/1/57) which was passed to the credit of "Helios Commission" and is included in the balance shown above. The inclusion of this amount in Mr. Guler's balance sheet represents an excess of £A 3,400.

Insurance and Drying out Charges - 'Snowy".

The amounts of £A 500 (N.R.C.C.) and £A 8,000 shown by Mr. Guler are assumed to be claims.

We cannot proceed any further in the consideration of claims or negotiations between ACEC - Helios - Insurance Co. as, dispite our requests, repeated over and over again, Mr. Guler keeps us completely in the dark regarding his Insurance claims. In future we will just refuse to accept any such claims as long as Mr. Guler persists in adoping this attitude. In the meantime we have no alternative but to consider the sum of £A 8,500 as an advance extorted by Mr. Guler from ACEC.

E.C. N.S.W. - South Australia - Payments against drafts.

As in the above case we must consider at least the amounts of £A 2,500 and £A 1,620 as extorted loans. In any case the sum of £A 2,500 appears to be inflated by £A 1,500 which cannot be identified.

New Reimbursements.

Items listed under this heading are not supported by any evidence and we are in no position therefore to express an opinion as to their accuracy. This has to be clarified with Mr. Guler.

Oil for the Snowy.

Judging from the Snowy's records it would appear that at the date of the Balance Sheet the amount of £A 7,000 (loan extorted from ACEC) is inflated by at least £A 1,000. This is evident when one takes into consideration payments already made to Helios by the

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Snowy and the fact that the purchase price of oil must logically be below that charged to the Snowy.

On the whole, whilst the "overall debit" is, as hereabove stated, deliberately underestimated, Mr. Guler's figures for the amounts to be claimed by Helios from ACEC are usually inflated (sometimes considerably) in order to achieve the desired favourable balance.

P.S. "Material Account": The current amount in our books stands at FB 1,172,000 or £A 10,464. In each case where we have agreed to a loss as a result of depreciation, this loss has been credited to Helios through the "Commission and Reimbursement" Account.

Defendant (Appellants) Exhibits

Exhibit 16 (continued)

Enclosure 5 to letter, J.E.Guillery to Germon 4th July 1958

Comments of A.C.E.C. on 'Balance Sheet' of 12th May 1958 (continued)

Undated

Exhibit 17

Advertisement of A.C.E.C.'s Transformers.

Undated.

EXHIBIT 17

The following photo-copy has been allocated page number 904.

· COSHIBIT



GRAND SUCCES A L'EXPORTATION DU MATÉRIEL ÉLECTRIQUE

De Strand Control of Strand Co

UN TRANSFORMATEUR ACEC TYPE 830 kV

Translation of above endorsem ment:

As a tribute to Mr. Guler whi has assisted us so powerfully to win success.

Les Ateliers de Constructions Electriques de Charleroi (ACEC) viennent d'inscrire la communde de doux groupes triphasés de transformateurs de 168.000 kVA capables d'élever la tension de 15.000 voits à 330.000 voits dans la première centrale hydro-électrique australieune du grand projet de réputation mondiale, "SNOWY MOUNTAINS AUTHORITY".

EXHIBIT 18

Defendants (Appellants) Exhibits

Exhibit 18

Containing the following documents:-

<u>Document</u>	Page No.
Application for Import Licence by Helios - 17th June 1956 - £95,000	18/1
Application for Import Licence by Helios - 4th December 1956 - £45,000	18/2
Application for Import Licence by Helios - 20th August 1957 - £80,000	18/3
Application for Import Licence by Helios - 27th November 1957 - £80,000	18/4
Application for Import Licence by Helios - 21st March 1958 - £60,000	18/5
Variation of Import Licence - 14th May 1959	18/6

lodged in sextuplicate.

Customs (Import Licensing) Regulations

APPLICATION FOR LICENCE TO IMPORT GOODS

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	fied hereunder being goods	of Folgium		origin.
Category Item	Quantity as	(Country and Full Description of Goods	Unit Price in Currency of Origin	F.O.B. Value (Australian Currency)
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1790	7 - 56 MVA 330 kV	Generator Transformera		00
	Part Payment			295,000
	June, 1956 qua	rter		
			Total F.O.B.(£A)	
			Freight (£A)	
			Insurance (£A)	
•Or in Australian c	currency if other not available.	TOT	al clp. & e. £	95,000
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4. Currency in wh	ich importer will remit	Belgian France	To Line of	2 5
5. Name and addre	ess of Australian bank involved	Australia and New Zealand B	ank Idd., Mert	in Placo.
overseas supplies	o be made otherwise than to r, state name and address of payment will be made	Direct		
7. For what purpor	se are the gards to be used?	on order from Snowy Mountains generators Transfersors at T	· · · · · · · · · · · · · · · · · · ·	
	I DECLARE the	at the above particulars are true and co	Herr. J. Carre	. 14 - 252 - 44.1 - 4
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To be signed by the morehant or interes	ne merchant or person directly ted person.	Dateinterested unless the signatory has been special	, , ,	on behalf of the
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AUSTRALIA Customs (Import Licensing) Regulations APPLICATION FOR LICENCE TO IMPORT GOODS

THE COLLECTOR	OF CUSTOMS AT SYDRE	<u> </u>	an etros sepsembros en es que nationes e diferentir activo e e	
Rollos He	avy Electrical Engine	aring Co. Pty. Ltd., 197 Vic	toria Avenae, C	hatamal.
We,	(Full Name)	D. 2. A	(Address)	
hereby apply for	r a licence to import from	Belgium st the po	on of Antion	
ehe goods specifi	ied hereunder being goods o	The Total and	1 4	origin
the goods special	ted heredider being goods o	(Count	n 18520) ·,
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	VALUE & 046,000	Ichacliffe ih	Total F.O.B.(£A)	
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	for Administrative Or	IAN 1867	Insurance (£A)	
*Or in Australian c	nurrency if other not available.	3	otal c lf. & e. £	ಖ್ಯ5೦೦೦
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	ess of intended overseas supplier late of shipment of goods to	A.C.E.C. Charleral, Bo	elgius	
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7. For what purpor	se are the goods to be used?	On order from Snowy Mo generators Transformer	es at Tl Power S	Statil con
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		of Applicant Date 1		
To be signed by the thereing or interest	sted person.	nterested unless the signatury has been spe		
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Customs (Import Licensing) Regulations

APPLICATION FOR LICENCE TO IMPORT GOODS

THE COLLECTOR O	SYDREY OF CUSTOMS AT		57	1/1/2265
		RING CONTRACTING CO.P.	W.LTD., 197 Victori	a Avormo,
We,	(Full Name)		(Address)	readon
hereby apply for	a licence to import from	BELGIUM	the port of SYDREY	
the goods specific	ed hereunder being goods of	(Country) BELGIAU	en amakag panansan	orici
		- - - - - - - - - -	(Country)	25
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COMMONWEALTH OF AUSTRALIA DEPARTMENT OF CUSTOMS AND EXCISE CUSTOMS HOUSE, SYDNEY

Nº 79847

Please address reply:--"COLLECTOR OF CUSTOMS"
BOX & G.P.O., SYDNEY

TELEPHONE: BOSZY, ETN. 5
MISS THE FORM

Iff MANY CAY 12
OF THE PROPERTY OF

Dear Sir.

Customs (Import Licensing) Regulations .

Licensee Classes Alange

The following variation(s) to the above import licence(s) has/have been approved. Would you please arrange to adjust the copy licence(s) held by your Bank.

Natidity Eshended to 5/6/59 | Eni amalue Cife /145

Yours faithfully,

Collector of Customs, N.S.W.

The Manager Q. N. Z. Sand Lid

Martin Peace Dydrey

St 2416 L M. PRYTIPER, GOVERNMENT PRINTER.

IN THE PRIVY COUNCIL

ON APPEAL FROM THE SUPREME COURT OF NEW SOUTH WALES (SITTING IN COMMERCIAL CAUSES)

BETWEEN:

AUSTRALIA AND NEW ZEALAND BANK LIMITED

Appellant (Defendant)

- and -

ATELIERS DE CONSTRUCTIONS ELECTRIQUES DE CHARLEROI

Respondent (Plaintiff)

RECORD OF PROCEEDINGS

VOLUME III

(Pages 872 - 905)

Linklaters & Paines,
Barrington House,
59-67, Gresham Street,
London, E.C.2.
Solicitors for the Appellant

Farrer & Co., 66, Lincoln's Inn Fields, London, W.C.2.

Solicitors for the Respondent