

# THE FRANKLIN LIGHTING ACT, 1913.

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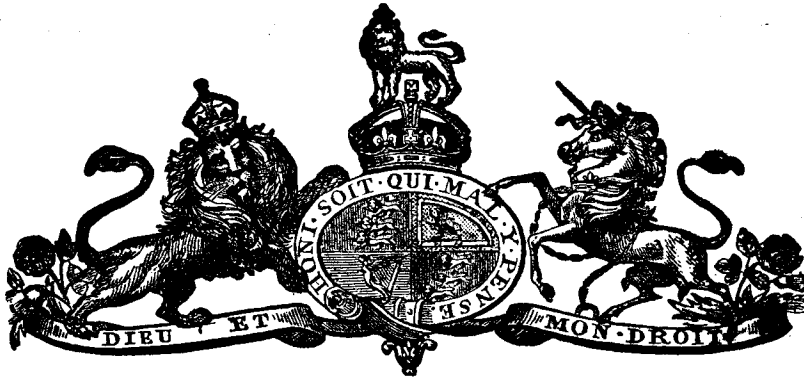
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T A S M A N I A.



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ANNO QUARTO

GEORGII V. REGIS.

No. 32.



AN ACT to make provision for Lighting a portion of the Huon Municipality by Electricity. [24 December, 1913.]

A.D. 1913.

WHEREAS the Warden, councillors, and electors of the Municipality of Huon are desirous of providing for the lighting of the Town of Franklin and portion of that municipality adjacent thereto by electricity :

PREAMBLE.

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act is divided into Ten parts, as follows :—

Division of Act.

- Part I.—Preliminary.
- Part II.—District.
- Part III.—Power of Council in Construction of Works.
- Part IV.—Compensation for Damage done by Execution of Works.
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- Part VIII.—Waste and Misuse of Electrical Energy.
- Part IX.—Offences.
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**PART I.**

## PRELIMINARY.

Title and  
incorporation.

**2** This Act may be cited as "The Franklin Lighting Act, 1913," and shall be read as part of "The Local Government Act, 1906."

Commencement  
of Act.

**3** This Act shall commence and take effect on the First day of January, One thousand nine hundred and fourteen.

Interpretation.

**4** In this Act, and in any by-laws or rules made thereunder, unless the context otherwise determines:—

"Assessment roll" means so much of the annual values assessment roll of the Municipality of Huon for the time being in force as comprises all properties in the Light District as above defined:

"Council" means the Council of the Municipality of Huon:

"Elector" means every person being a natural-born or naturalised subject of His Majesty, and whether male or female, of or above the age of Twenty-one years, whose name as the owner or occupier of any property within the district appears on the assessment roll:

"Electrical energy" means and includes electrical current and electrical power:

"Light District" means the Light District established by Section Five of this Act, and any additional area or areas which may from time to time be added to it as provided by that section:

"Land" includes any estate or interest (legal or equitable) in land, and any easement, right, power, or privilege, over in or in connection with land:

"Street" extends to and includes any public and common highway, road, main road, lane, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place in the Light District:

"The Corporation" means the Warden, councillors, and electors of the Municipality of Huon:

"Works" means and includes any buildings, plant, machinery, engines, dynamos, retorts, receivers, tunnels, cisterns, drains, channels, sewers, weirs, dams, embankments, pumps, reservoirs, water-races, water-courses, water-powers, turbines, or other motive power, and all wires, pipes, lamps, posts, piers, supports, generators, conductors, communicators, accumulators, distributors, and all other machinery and apparatus which the Council shall from time to time use or deem to be necessary for the generation, transmission, supply, and utilisation of electrical energy in accordance with the provisions of this Act.

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## DISTRICT.

**5** The area of land shewn in the plan in the Schedule to "The Huon Municipality Loan Act, 1911," and in such plan surrounded by red boundary lines, shall be and form the Light District for the purposes of this Act; but the Council may from time to time, at the request of a Two-thirds majority of the electors within any area within the Municipality of Huon proposed to be added, declare by special resolution that any such area shall be added to the Light District, and thereupon such area shall be included in and form part of the Light District; and every owner or occupier of property within the area so added, shall thenceforth be subject to the same liability to be rated as if the said area had originally formed part of the Light District.

District.  
2 Geo. V. No. 12  
(Schedule).

**PART III.**

## POWER OF COUNCIL IN CONSTRUCTION OF WORKS.

**6** It shall be lawful for the Council, and it is hereby authorised and empowered, for the purpose of making available and utilising the water-power, and generating electrical energy, and in order to give effect to the intent of this Act—

Diversion of  
water.

1. To take, divert, and appropriate from Price's Creek at or near Franklin within the Municipality of Huon, at a point distant approximately Twenty-one chains from Jackson's-road, all the water flowing in the said creek at that point, and to dam up the waters of Price's Creek at that point to such a height as may be approved by the Minister, and to convey such waters by means of a pipe-line to a generating station proposed to be erected approximately Fifty-one chains from the junction of the new road with the main road and between the new road and the bed of Price's Creek: and
- II. To take, appropriate, and dam up the waters of an uncharted creek flowing into Price's Creek, and crossing the new road between Smyly-street and Watson's-road at a distance approximately of Seven-and-a-half chains below Smyly-street, such dam to be erected at a point approximately Twelve chains distant from Watson's-road, and to be of such height as may be approved by the Minister, and to convey the waters of that creek by means of a pipe-line into the firstmentioned pipe-line, and :
- III. To take, divert, and appropriate all water flowing in an uncharted creek which flows through Fifty acres Two roods Thirty perches purchased by *R. Mansfield*, and Forty-eight acres Two roods purchased by *F. Crosby*, and Forty-nine acres

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Two roods purchased by *James Mansfield*, and to convey the same into the waters of Price's Creek by means of a side-race, channel, pipes, or such other means at such time or times, or at such place or places, as the Council shall consider advisable, and as shall be approved by the Minister.

General powers  
for purposes of  
diversion.

**7** For the purpose of taking and diverting such waters as aforesaid, it shall be lawful for the Council to enter upon all or any of the creeks aforesaid, and upon the banks and beds thereof, and on and in any portion of the said banks and beds, and from bank to bank, to construct and erect, and from time to time if necessary maintain, alter, and repair any dams, weirs, embankments, flumes, channels, races, works, accessories, and buildings for the purposes of such taking, diversion, and appropriation as aforesaid, and in order to give effect to the objects of this Act.

It shall be lawful for the Council to use for any of the purposes hereinafter specified all or any portion of water which the Council is hereby authorised to take, divert, and appropriate—

- i. To work any machinery that may be erected by the Council for generating and transmitting electrical energy for the purpose of lighting the Light District and other places in the said municipality and the buildings therein with electric light:
- ii. To work any machinery that may be erected by the Council for generating and transmitting electrical energy for the purpose of supplying the inhabitants of the Light District and other places with electrical energy for producing light or heat or for motive power or for any other purpose:
- iii. To work any machinery that may be erected by the Council for the purpose of exercising or executing any of the powers, functions, duties, or authorities now or hereafter vested in or imposed by law upon the Council:

Provided always that after using the water for the purposes of this Act the same shall be returned to Price's Creek at such point on such creek as the Council shall consider desirable.

Construction  
of works.

**8** The Council is hereby empowered to purchase, lease, or acquire, upon any terms or conditions it deems advisable, any land or any corporeal or incorporeal hereditaments or any chattel or interest whatsoever which it deems advisable for the purposes of this Act, and which it may think proper to purchase, lease, or acquire, including any water-power and power-producing machinery and any rights and privileges accessory to the same; and the Council is also empowered to dispose of the same or any part thereof by sale, lease, or otherwise to any person or persons for any purpose whatsoever.

Purchase of land  
and acquisition  
of easements.

**9** The Council is also hereby empowered to compulsorily purchase any land and to compulsorily acquire any rights and easements which it may consider necessary for the purposes of this Act and for the purpose of facilitating and effectuating any such purchase of land or

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acquisition of rights or easements, "The Lands Clauses Act" shall be incorporated with this Act except as varied by this Act and except Sections Eight and Nine of that Act; and in the construction of this Act and "The Land Clauses Act" this Act shall be deemed to be the Special Act, and the Council shall be deemed to be the promoter of the undertaking.

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**10** The Council is also empowered to dispose of any lands, rights, or easements compulsorily acquired, or any part thereof by sale, lease or otherwise to any person or persons for any purpose whatever.

Power to dispose of land.

**11** For the purposes of this Act, it shall be lawful for the Council to enter upon any land, and to take levels of the same, and to set out such parts of such lands as the Council may think necessary, and to cut down trees, dig, cut, trench, and break up the soil of such land, and to remove all earth, stone, trees, or other things dug or obtained out of the same, and to use such materials in the construction and maintenance of the works authorised by this Act.

Entry upon land.

**12** It shall be lawful for the Council from time to time to make, erect, construct, lay down, maintain, alter, or discontinue, upon any land as the Council thinks necessary for the purposes of this Act, such works, and such buildings, machinery, apparatus and appliances as the Council may think necessary for the purposes of this Act, and also to enter into any contract concerning the same that it may deem advisable, and also with the consent of the Governor to dispose of any such works by sale, lease, or otherwise, whenever it shall deem it advantageous so to do.

Construction of works and buildings, &amp;c.

**13** Prior to the First entry upon any land by the Council for the purposes of this Act not less than Seven days' notice of the intention of the Council to enter shall be given by the Council to the owner, and occupier, if any; but no notice shall be necessary previous to any subsequent entry by the Council upon such land for the purposes of this Act.

Council to give notice prior to first entry upon land.

**14** Where the Council gives notice of its intention to take land, rights, or easements for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Council deems it inexpedient to pay the amount of compensation so determined, it may within Twenty-one days after notice of the amount of compensation so determined on, withdraw the first-mentioned notice on payment of all costs of reference and award, and shall after such withdrawal cease to be liable for the amount of compensation so determined.

If compensation excessive, Council may give up land.

**15** The Council may, subject to the provisions of the Act of the Commonwealth of Australia, intituled "The Post and Telegraph Act, 1901," from time to time open and break up the soil and pavement

Power to break up streets, &amp;c., and to open drains.

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of any street within the Light District and erect in and upon such streets and maintain and use for the purpose of transmitting electrical energy and from time to time alter and discontinue such machinery, lamps, posts, pipes, piers, supports, conductors, communicators, distributors, electric lines, buildings, apparatus, engines, and things, and all other works necessary and convenient for any of the purposes of this Act.

Notice to be served on persons, if any, having control of streets without the light district.

**16** The Council shall, before opening or breaking up any street without the Light District, give to the persons, if any, under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of the intention of the Council to open or break up the same, not less than Three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes, conductors, or other works, and then as soon as possible after the beginning of the work or the necessity for the same has arisen.

Streets not to be broken up except under superintendence of persons.

**17** No street without the Light District shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons, if any, having the control or management thereof or of their officer and according to such plan as is approved of by such persons or their officer, or in case of any difference respecting such plan then according to such plan as may be determined by a police magistrate, or any Two or more justices: Provided that if the persons having such control or management aforesaid, and their officer fail to attend at the time fixed for the opening of any such street after having had such notice of the intention of the Council as aforesaid, or do not propose any plan for breaking up or opening the same or refuse or neglect to superintend the operation, the Council may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets, &c., broken up to be reinstated without delay.

**18** Whenever the Council opens or breaks up any street, sewer, drain, or tunnel under the authority of this Act, it shall with all convenient speed complete the work for which the same was broken up, and fill in the ground and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such street is so opened or broken up cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night.



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## PART IV.

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## COMPENSATION FOR DAMAGE DONE BY EXECUTION OF WORKS.

**19** In the exercise of the powers conferred by this Act, the Council shall do as little damage as can be, and in all cases where it can be done shall make good such damage.

Council to do as little damage as may be.

**20** The Council shall make compensation in manner hereinafter provided to all parties lawfully interested in any land (other than land purchased by the Council in or upon which any works may hereafter be constructed), or which may be injuriously affected by the construction and maintenance of the works under this Act, or otherwise by the execution by the Council of the powers hereby conferred, for all damage sustained by reason of the exercise as to such land or water of the powers vested in the Council by this Act.

Council to make compensation for damage done by execution of works.

**21** Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Council, and served upon the Council Clerk thereof, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the land or water in respect to which the claim is preferred, and if any such person and the Council do not agree as to the amount of such compensation, the same and the application thereof shall, except in the case hereinafter mentioned, be determined by arbitration in the manner provided for by "The Lands Clauses Act, 1857," in cases of disputed compensation, or at the option of either the Council or claimant, by a judge of the Supreme Court, upon either party giving Seven days' notice to the other after the delivery of such claim, and the amount of such compensation to be paid in such case shall be ascertained by the judge in such manner as he deems advisable, and subject to such conditions as such judge sees fit to impose. And all costs of all proceedings taken under this Act before a judge shall be in his discretion as to the party by whom such costs shall be borne, and payment thereof may be enforced and recoverable by the party to whom such costs shall be payable as in equity.

Persons damaged to make claim for compensation.

Compensation, how to be ascertained.

**22** In determining such claims regard shall be had to any benefit which may be done or accrue to the claimant by or as the result of the provisions in this Act contained.

Regard to be had to any benefit which may accrue.

**23** If the Council by notice in writing requires any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Council by this Act previously to the service of such notice, such person shall not be entitled to compensation by reason of the exercise of any such powers unless he prefers his claim, in manner aforesaid, within Two months after service of such notice.

Persons not making claim when required to be barred.

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Dissatisfied party  
may appeal to a  
judge of the  
Supreme Court.

**24** If either party is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation to be paid to the owner or occupier of any land taken or occupied under the authority of this Act, or with the decision of the arbitrator or umpire appointed to determine the amount of compensation to be paid to any person claiming the right to use any of the water diverted or appropriated by the Council, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds Fifty Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a judge of the Supreme Court, and may have the amount of compensation fixed by a judge of the said Court in the manner hereinafter provided.

Notice of appeal  
to be given.

**25** If the dissatisfied party desires to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with the rules made by the judges for conducting appeals under "The Main Line Railway Amendment Act No. 2" so far as such rules are applicable, and the amount of compensation to be paid in such cases shall be ascertained by a judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such judge sees fit to impose; and the judge may also, in his discretion, make any order as to the party by whom the costs of the appeal and also the arbitration appealed from shall be borne: Provided that a judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose, but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

Award not to be  
made a rule of  
court unless judge  
determines matter  
in dispute.

**26** Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a rule of court, nor shall any proceedings other than the appeal be taken thereon, until a judge of the Supreme Court, by an order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Land acquired  
under this Act not  
subject to "The  
Lands Clauses  
Act."

**27** No land acquired or held by the Council under the authority of this Act and used for the purposes of this Act shall, unless with the consent of the Governor, be subject to the operation of "The Lands Clauses Act," or any Act (except this Act) incorporating the whole or any portion of that Act.

Before com-  
mencing work  
plans to be  
submitted for  
approval.

**28** Before commencing or undertaking any of the works authorised by this Act, the Council shall lay before the Governor detailed plans, sections, and specifications of such works, and it shall be lawful for the Governor thereupon to refer such plans, sections, and specifications to

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the State Engineer-in-Chief, or other competent person, who is hereby required to examine and consider the same, and fully report thereupon to the Governor with reference to the probable expense, practicability, and nature of such works, and no such works shall be undertaken until the same have been approved of by the Governor, and notice in writing of such approval received by the Council.

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**PART V.****SUPPLY OF ELECTRICAL ENERGY.**

**29** If after the Council shall have constructed and erected the necessary works for the generation and transmission of electrical energy for lighting the Light District, any owner or occupier of any house, building, or other premises in the said Light District, within One hundred feet of any work for distributing electrical energy, shall require a supply of electrical energy for producing light, such supply shall in every case be furnished by the Council at such charges as shall from time to time be fixed by the Council, in accordance with the provisions of this Act, or at a lump-sum price agreed upon by the occupier and Council.

Supply of electrical energy inside area at such charges as may be agreed.

**30** If the owner or occupier of any land or building in the said Light District, or in any other place at which the Council has erected the necessary works for supplying electrical energy under the provisions of this Act, shall require a supply of electrical energy for motive power or for any purpose other than the production of light, the Council may from time to time; as it thinks fit, furnish such supply of electrical energy to such owner or occupier at such charges and upon such terms and conditions as the Council shall from time to time prescribe.

Council may supply electrical energy for motive power, &c.

**31** It shall be lawful for the Council from time to time to make such a rebatement as the Council shall think fit upon all moneys due and owing to the Council for electrical energy supplied under the provisions of this Act, and which shall be paid to the Council not later than Fourteen days after demand has been made for payment thereof.

Council may make a rebatement of charges.

**32** The Council shall, before supplying any person with electrical energy, test the normal strength and electric power and motive force of the energy supplied by it, if requested.

Provision for testing.

**33** It shall not be lawful for the Council to prescribe any special form of lamp or burner to be used by any persons to whom the Council shall supply electrical energy for lighting purposes, but only such contractors, builders, artisans, workmen, and other persons as are approved by the Council shall be employed by any person for the purpose of erecting or repairing any machinery, lamps, wires, pipes, conductors, apparatus, or appliance whatsoever to be used in supplying or producing light or power from electricity supplied by the Council.

No form of lamp or burner to be prescribed, but contractor or workmen to be approved by Council.

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Where several premises supplied by one conductor, each to pay.

**34** Where several buildings are supplied with electrical energy by One common conductor, the respective owners or occupiers of such buildings shall be severally liable to the payment of the same charges for the supply of electrical energy as they would have been liable to if each of such several buildings had been supplied with electrical energy by a separate conductor.

Council may provide meters.

**35** The Council may from time to time let for hire to any consumer of electrical energy supplied by measure, any meter or instrument for measuring the quantity of electrical energy supplied and consumed, at such rent in money as shall from time to time be fixed by the Council, in accordance with the provisions of this Act; also, any conductors, fittings, and apparatus for the conveyance, reception, transformation, storage, or otherwise utilising electrical energy.

Officers of the Council may inspect meters.

**36** Any person acting under the authority of the Council may at all reasonable times enter any house, buildings, or lands to, through, or into which electrical energy is supplied to the Council by measure, in order to inspect the meters, instruments, wires, and apparatus for the measuring, conveyance, reception, or storage of electrical energy, or for the purpose of ascertaining the quantity of electrical energy supplied or consumed, and may from time to time enter any house, buildings, or lands for the purpose of removing any meter, instrument, wire, or apparatus, the property of the Council; and if anyone hinders such person from entering or making such inspection, or effecting such removal, or if anyone, not being an officer or in the employ of the Council, in any manner injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not exceeding Five Pounds, in addition to the amount of damage or injury done.

Notice of removal or change in meter.

**37** Every person requiring to remove or alter the position of any meter shall give Two days' notice in writing to that effect to the Council, who will cause a registration of the quantity of electrical energy used to be taken and such removal or alteration to be made; and the expense of so doing shall be paid by such person, and no alteration shall be made but by or under the direction of an officer of the Council, nor until the permission of the Council has been obtained.

Meters, &c., not liable to seizure.

**38** Such meters, instruments, conductors, fittings, and apparatus shall not be subject to distress for rent of the premises where the same are used, and shall not be attached or taken in execution under any process of any court of law or equity, and no person shall acquire any interest or property therein under or in pursuance of any adjudication, sequestration, or order in bankruptcy or other legal proceedings against or affecting the consumer of the electrical energy, or the occupier of the premises, or other person in whose possession the meters, conductors, fittings, instruments, and apparatus may be.

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- 39** The Council may, upon such terms and conditions as it thinks fit, cause a supply of electrical energy for lighting, motive power, or for other purposes, to be brought to such places and districts beyond the Light District as the Council sees fit, upon the application of any owners or occupiers of houses, buildings, or other premises in any such place or district. **A.D. 1913.**  
Supply of electrical energy outside area boundaries.
- 40** It shall be lawful for the Council from time to time to agree with any person for the construction, working, and maintenance of the works, or such part thereof as the Council may think proper, for a period not exceeding Twenty-one years. **Right of Council to contract with private person.**
- 41** The Council shall not enter into such agreement as is mentioned in the last preceding section hereof until after a poll has been taken in the prescribed manner of the electors within the Light District, for the purpose of ascertaining whether the Council shall be permitted to make such agreement. **Poll necessary.**
- 42** At least One week before and until after the closing of such poll, the terms of the agreement proposed to be entered into shall be available for inspection at the office of the Council, and any such elector may inspect the same and make copies of or extracts therefrom free of charge. **Agreement to be open for inspection.**
- 43** Wherever by this Act authority is given to the Council to enter upon any land or to break up streets or to do any act for the purposes of this Act in or relating to the construction, maintenance, or repair of the works or any part thereof, or the cutting off any supply of electrical energy, the same authority shall extend to and may be used by any person acting by direction of the Council, or under the authority of any such agreement as hereinbefore mentioned, and to all necessary agents, assistants, servants, workmen, means, and appliances of the Council or such person as aforesaid. **Council's authority to extend to agents, &c.**

**PART VI.****POWER TO BORROW.**

- 44** It shall be lawful for the Council, on behalf of the Corporation, to borrow, under the provisions of "The Local Public Works Loans Act, 1890," upon the security of its revenues, any sum or sums of money not exceeding in the whole Four thousand five hundred Pounds for the purpose of defraying the cost and expense of obtaining this Act and of or connected with the construction and carrying out of the works authorised by this Act, or the payment of any such compensation as aforesaid. **Power to borrow money.**
- 45** The Council shall not proceed in the matter of borrowing any sum of money under the authority of this Act until and after a poll has **Poll to be take before moneys borrowed.**

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been taken of the electors of the Municipality of Huon who are the owners or occupiers of property within the Light District for the purpose of ascertaining whether the Council shall be permitted to proceed to borrow such moneys. If at the taking of such poll a less number than Two-thirds of the votes recorded shall be in favour of the Council proceeding to borrow, the Council shall not borrow : Provided that in the event of there not being the necessary number of votes recorded at such poll in favour of the Council borrowing such money, the Council may, at any time after the expiration of Three months, cause another poll of such electors to be taken, and if at any such subsequent poll the necessary number of votes is recorded in favour of the Council borrowing, the Council may proceed to borrow the money.

Method of taking  
poll.

**46** Subject to the foregoing provision, upon the taking of any poll as aforesaid, all proceedings shall be had and taken as nearly as may be as upon an election of councillors of a municipality as the case may require, and every such elector as aforesaid who desires to vote shall be entitled to as many votes as the number of votes to which such person appears by the assessment roll to be entitled on the same scale of voting as applies to municipalities, and the ballot-papers to be used in the taking of every such poll shall be in the form set forth in the schedule to this Act.

Notice of poll.

**47** When the Council shall decide to take a poll as aforesaid, it shall cause an advertisement of such poll to be inserted not less than Three times in a daily newspaper circulating in the Light District, and in One number of the "Gazette," and such advertisement shall contain the following particulars :—

- i. The time and place of such poll :
- ii. The works proposed to be constructed or performed by the Council :
- iii. The estimated cost of such works :
- iv. The amount proposed to be borrowed.

Governor may  
grant loan to  
Council.  
54 Vict. No. 30.

**48** Subject to the foregoing provisions as to a poll, it shall be lawful for the Governor to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money not exceeding in the whole the sum of Four thousand five hundred Pounds, as a loan or loans to the said Council upon the security of all its revenues, for the purpose of defraying the costs and expenses mentioned in the First Section of this Part of this Act, and any such sum or sums of money shall be defrayed out of moneys to be provided by Parliament for that purpose : Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any such proposed works, nor the report of the Engineer-in-Chief thereon as provided in Section Two of the lastmentioned Act, but before any part of the said sum of Four thousand five hundred Pounds shall be advanced to the Council, plans and specifications of the proposed works, together with a report by the Engineer-in-Chief

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upon the necessity of such works and probable cost thereof, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in the said report, and that the works can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor. A.D. 1913.

**PART VII.****LIGHT RATE.**

**49** The Council may, once or oftener in every year, make and levy a light rate or light rates upon the annual value of all properties within the Light District, as shown by the assessment roll in force for the time being, for the purpose of providing for the payment of interest and any moneys required for a sinking fund in respect of any moneys borrowed under this Act, and also for the purpose of raising the necessary funds for carrying out the objects of this Act: Provided that such rate so to be made and levied shall not in any case exceed in any one year the sum of One Shilling in the Pound upon the annual value of the property within the Light District. Council to fix light rate.

Any such light rate shall be made upon and be payable by the persons who would be liable to be rated in respect of the properties included in the Light District if such rate were a general rate under "The Local Government Act, 1906," and shall be made and recoverable in the same manner as any such general rate.

**50**—(1) If any person liable to pay any amount of light rate, neglects to pay the same within due time after the same has been lawfully demanded, the Warden may after Twenty-four hours' notice stop the electrical energy supplying the premises in respect of which such rate is payable by cutting off the wires to said premises, or by such other means as he may think fit, and the expense of cutting off the electrical energy may be recovered in the same manner as the light rate is recoverable. If rate in arrear, supply of electrical energy may be stopped.

(2) No person shall be liable to be imprisoned for non-payment of any light rate or charge for electrical energy, or any expenses of cutting off the electrical energy. No imprisonment for non-payment.

**PART VIII.****WASTE AND MISUSE OF ELECTRICAL ENERGY.**

**51** If any person, when required by the Council, refuses to repair or neglects to keep in repair any of the works by which his premises are supplied with electrical energy under the authority of this Act, the Council may cut off the supply of electrical energy from such premises until such works are sufficiently repaired, and the Council may repair Electric service works to be kept in repair.

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A.D. 1913.

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Power to enter premises to inspect.

such works, and the cost of repairing the same shall be repaid to the Council by the person neglecting to repair the same, and may be recovered by the Council from such person in a summary way.

**52** The inspector or any other person acting under the authority of the Council may at any time, by night or by day, enter into any house or premises supplied with electrical energy under the authority of this Act, in order to examine if there is any waste or misuse of such electrical energy, and the condition or state of repair of the works, by which such electrical energy is supplied to such house or premises, and if such inspector or other person is at any such time refused admittance into such house or premises, for any of the purposes aforesaid, the Council may cut off the supply of electrical energy from such house or premises.

**PART IX.**

## OFFENCES.

Penalty for obstructing Council.

**53** Every person who wilfully obstructs, hinders, or interrupts the Council, or any person acting under the authority of the Council, in doing or performing any work by this Act authorised to be done or performed by the Council or in the exercise of any power or authority by this Act conferred on the Council, shall for every such offence incur a penalty of not more than Fifty Pounds.

Allowing persons not supplied to use the electrical energy.

**54** Every owner or occupier of any premises supplied with electrical energy under this Act, who supplies to any other person, or wilfully permits him to take any of such electrical energy from any conductor, or pipe, or service, in or on such premises, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Taking electrical energy, &amp;c., without authority.

**55** Every person who without due authority takes any electrical energy from any pipe, wire, or conductor, or service, or other work belonging to the Council, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Attaching any conductor, &amp;c., without authority.

**56** Any person who makes any pipe, wire, or conductor to communicate with any pipe, wire, or conductor, or service wires or other work belonging to the Council, without the authority of the Council in that behalf, shall incur a penalty not exceeding Twenty Pounds.

Persons damaging any electric line or service, &amp;c., to pay compensation.

**57** Any person who carelessly or accidentally breaks, throws down, or damages any pipe, electric line or service, or any pillar, post, lamp, or other works whatsoever, belonging to the Council or under its control, shall forfeit and pay to the Council for the damage so done, by way of satisfaction, such sum of money as will compensate the Council therefor, which may be recovered by action in any court of competent jurisdiction.



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**58** Any person who breaks, throws down, or damages any pipe, electric line, or service, or any pillar, post, lamp, or other works whatsoever, belonging to the Council or under its control, and fails to forthwith report the same to the Council Clerk, shall be liable to forfeit and pay to the Council a sum not exceeding Ten Pounds in addition to the amount of damage, and such amount shall be recoverable in the same action as the claim for such damages.

A.D. 1913.

Persons failing to report damage.

**59** If any person wilfully or maliciously destroys, injures, or damages, or attempts to destroy, injure or damage, any conduit, pipe, wire, or apparatus, or any of the works, constructed or erected under the authority of this Act, or wilfully or maliciously does any act calculated to render any part or parts of the machinery or works of the Council unworkable or defective, or whereby any electrical energy is or may be lost, wasted, misused, destroyed or interrupted in any way, he shall for every such offence, upon conviction, either forfeit and pay such sum of money, not exceeding Twenty Pounds, as to the adjudicating magistrate or justices shall seem meet, and also such further sum of money as shall appear to the magistrate or justices to be a reasonable compensation for any destruction, damage, or injury so done, or else he shall, at the discretion of the adjudicating magistrate or justices, be imprisoned for any term not exceeding Six months.

Penalty for destroying or injuring works wilfully or maliciously.

**60** Where the doing of any Act or thing is made punishable by this Act, or by any by-law in force under the authority of this Act, with any penalty, fine, or forfeiture, the causing, procuring, permitting, or suffering such Act or thing to be done shall be punishable in like manner.

Accessories to offences liable as principals.

**61** All penalties for offences against this Act shall be applied to the use of the Council, and shall be paid to the Treasurer of the Council, and shall be carried to the credit of the light account.

Appropriation of penalties.

**62** Where no other mode is provided in this Act, all fines and penalties under this Act, or under any by-law made in pursuance of this Act, may be recovered and enforced before any police magistrate, or before any Two or more justices, in the mode prescribed by "The Magistrates' Summary Procedure Act."

Recovery of fines, penalties &amp;c.

**63** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act, or any Act incorporated herewith, or any by-law as aforesaid, which is recoverable in a summary way, may appeal against the same in the mode prescribed by "The Appeals Regulation Act."

Appeal.

**64** Every person convicted of any of the offences hereinbefore mentioned may be ordered to pay, in addition to the penalty attached to the offence, a sum equal to the value of the property damaged or destroyed by him in the act of committing the offence.

Persons convicted of offence may be ordered to pay sum of money equal to value of property.

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A.D. 1913.

By-laws.

**PART X.****BY-LAWS.**

**65—(1)** The Council shall have power from time to time to make, alter, modify, amend, or repeal by-laws for all or any of the following purposes:—

- i. For regulating the charges, terms, and conditions upon which electrical energy shall be supplied to any person under the authority of this Act:
- ii. For regulating the form, material, dimensions, description, and construction and arrangement of conductors, wires, pipes, service, and other apparatus by means of which electrical energy may be laid on, distributed, or supplied by the Council, and for prohibiting the use of any other:
- iii. As to any matter in connection with which the expression "prescribed" is used in this Act, or in respect to any purpose for which regulations are contemplated by this Act:
- iv. For prescribing and regulating all other matters and things which may be found to be necessary or convenient in connection with the supply of electrical energy under this Act:
- v. For preventing waste or misuse of electrical energy:
- vi. For preventing injury to any of the works or machinery or apparatus erected by or belonging to the Council for the generation or transmission of electrical energy:
- vii. Generally for the better effectuating any of the purposes of this Act in any matter not otherwise sufficiently provided for—

and to provide that any such by-law may be enforced by cutting of the wire or conductor or service, or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Council thinks proper.

(2) Subject to the provisions of this Act the provisions of Division I. of Part XIV. of "The Local Government Act, 1906," relating to by-laws, shall be applicable to by-laws under this Act.

**SCHEDULE.****BALLOT-PAPER.**

YES.  
No.

If you are in favour of the Council borrowing Four thousand five hundred Pounds to provide for lighting a portion of the Municipality of Huon, you will place a cross, thus ×, opposite the word "Yes." If you are opposed to the Council borrowing the money, you will place a cross, thus ×, opposite the word "No."