

TASMANIA.

KINGBOROUGH LIGHTING ACT, 1923.

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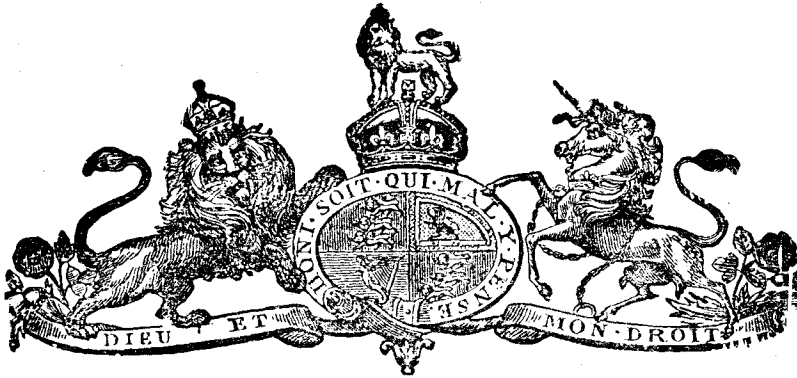
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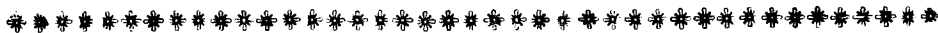


1923.

ANNO QUARTO DECIMO

GEORGII V. REGIS.

No. 21.



AN ACT to make provision for Lighting a portion of the Municipality of Kingborough by Electricity, and for other purposes.

A.D. 1923.

[9 November, 1923.]

WHEREAS the Warden, councillors and electors of the Municipality of Kingborough are desirous of providing for the lighting of the Kingston, Margate, Channel, and Snug Light Districts of the said Municipality by electricity, and supplying electrical energy :

PREAMBLE.

And whereas a poll of the electors in the proposed Light Districts of Kingston and Margate was formally taken on the Eighteenth day of November, One thousand nine hundred and twenty-two, to decide whether or not the Council should take the necessary steps to borrow the sum of Four thousand Pounds for lighting purposes in the Kingston Light District, and the sum of Five hundred Pounds for lighting purposes in the Margate Light District, and a poll of the electors in the proposed Light Districts of Channel and Snug was formally taken on the Tenth day of February, One thousand nine hundred and twenty-three to decide whether or not the Council

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should take the necessary steps to borrow the sum of One thousand five hundred and fifty Pounds for lighting purposes in the Channel Light District, and the sum of Six hundred and fifty Pounds for lighting purposes in the Snug Light District, and the question in all the said polls was decided in the affirmative :

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 :—

Division of Act.

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

Part I.—Preliminary.

Part II.—Districts.

Part III.—Purchase of Electrical Energy and Construction of Works.

Part IV.—Compensation for Damage Done in Execution of Works.

Part V.—Supply of Electrical Energy.

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Part IX.—Waste and Misuse of Electrical Energy.

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PART I.

PRELIMINARY.

Title and incorporation.

2 This Act may be cited as “The Kingborough Lighting Act, 1923,” and shall be read as part of, and be deemed to be incorporated with “The Local Government Act, 1906.”

Commencement of Act.

3 This Act shall commence and take effect on a day to be appointed by proclamation.

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 Kingborough for the time being in force as comprises all properties in the light districts as hereinafter defined :

“Council” means the Municipal Council of the Municipality of Kingborough :

“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 owner or occupier of any property within the light districts appears on the assessment roll :

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- “Electrical Energy” means and includes electrical current and electrical power : A D. 1923.
- “Installation,” when used in reference to any premises, means the provision and fixing to or upon such premises of all such works as are necessary or convenient for enabling electrical energy to be available or used thereon, and “Installed,” when so used, has a corresponding meaning :
- “Light District” means the light districts 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 :
- “Premises” means any house, buildings, or land :
- “Special Rate” means the special rate referred to in Section Forty-four of this Act :
- “Street” extends to and includes, any public or 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 Kingborough :
- “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, or utilisation of electrical energy, in accordance with the provisions of this Act.

PART II.

LIGHT DISTRICTS.

5 The areas of lands shown in the plans in the schedule to this Act, and in such plans surrounded by red boundary lines, shall be and form the light districts 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 Kingborough proposed to be added, declare by special resolution that any such area shall be added to the light districts, and thereupon such area shall be included in and form part of the light districts ; 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 said light districts. District

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PART III.

PURCHASE OF ELECTRICAL ENERGY AND CONSTRUCTION OF WORKS.

Council may enter into agreement with Hydro-Electric Department for purchase of electric energy.

6—(1) It shall be lawful for the Council from time to time to enter into an agreement with the Minister, or other authority for the time being, administering the affairs of the Hydro-Electric Department of the State, and also with the Warden, councillors, and electors of the Municipality of Cygnet, in Tasmania, for the purchase by the Council from such Minister, or other authority as aforesaid, for the purposes of this Act, of electrical energy in bulk, upon such terms and conditions in all respects as shall be mutually agreed upon between the parties to such agreement.

Poll already taken to be sufficient compliance with the law.

(2) The polls of the electors within the light districts taken on the Eighteenth day of November, One thousand nine hundred and twenty-two, and Tenth day of February, One thousand nine hundred and twenty-three, respectively, shall be deemed to be a sufficient compliance with any law requiring a poll of such electors to be taken before the entering into of any such agreement as aforesaid, for the purpose of ascertaining whether the Council should be permitted to enter into such agreement.

Purchase of land and acquisition of easements.

7 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 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 Lands 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.

Power to dispose of land.

8 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.

Entry upon land.

9 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.

Construction of works and buildings, &c.

10 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 Coun-

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cil 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 be deemed advantageous so to do. A D. 1923.

11 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 any such land for the purposes of this Act. Council to give notice prior to first entry upon land.

12 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 firstmentioned 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.

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

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

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PART IV.

COMPENSATION FOR DAMAGE DONE IN EXECUTION OF WORKS.

Council to do as little damage as may be.

15 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 such can be done shall make good such damage.

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

16 The Council shall make compensation in manner hereinafter provided to all parties 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.

Persons damaged to make claim for compensation.

17 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" 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. 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.

21 Vict. No. 11.

Compensation, how to be ascertained.

Regard to be had to any benefit which may accrue.

18 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.

Persons not making claim when required to be barred.

19 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 for any damage sustained 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.

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20 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.

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

21 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 such 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.

Notice of appeal
to be given.

39 Vict. No. 19.

22 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.

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

23 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.

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

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PART V.

SUPPLY OF ELECTRICAL ENERGY.

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

24 If after the Council shall have constructed and erected the necessary works for the generation or purchase and transmission of electrical energy for lighting the light districts any owner or occupier of any house, building, or other premises in any light district within One hundred and thirty-two feet of any works for distributing electrical energy shall require a supply of electrical energy for producing light or power, 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.

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

25 If the owner or occupier of any land or building in any 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 make a rebatement of charges.

26 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.

Provision for testing.

27 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.

Contractor or workmen to be approved by Council.

28 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.

Where several premises supplied by one conductor each to pay.

29 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 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.

30 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

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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. A.D. 1923.

31 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 by 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. Officers of the Council may inspect meters.

32 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. Notice of removal or change in meter.

33 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. Meters, &c., not liable to seizure.

34 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 within the Municipality of Kingborough, and 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. Supply of electrical energy outside area boundaries.

35 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 Council's authority to extend to agents, &c.

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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, assistant servants, workmen, means and appliances of the Council, or such person as aforesaid.

PART VI.

POWER TO INSTAL PREMISES.

Council may carry out installation of premises.

36—(1) It shall be lawful for the Council to carry out the installation of any premises at, or upon which electrical energy may be supplied under this or the Principal Act and the owner or occupier of which requires that such electrical energy shall be so supplied.

Works used in installations to be the property of the Council.

(2) All works used by the Council in the installation of any such premises shall be and remain the property of the Council.

Power to cut off supply on non-payment of charges.

37 If any person shall neglect or refuse to pay any charge due from him to the Council for or in respect of or in connection with the installation or supply of electrical energy to any premises, the Council may cut off such supply, and for that purpose may cut or disconnect any electric line by means of which electrical energy may be so supplied, and may discontinue the supply of electrical energy to such premises.

Power to remove works.

38 In the event of the discontinuance by the Council of the supply of electrical energy to any premises, whether such discontinuance be under the provisions of the immediately preceding section, or otherwise howsoever, any person acting under the authority of the Council may at all reasonable times enter any such premises and remove all works installed by the Council thereon under this Act or otherwise, and if anyone hinders such person from so entering or effecting such removal, he shall be guilty of an offence under this Act, and shall be liable to a penalty not exceeding Five Pounds.

Council to do as little damage as possible.

39 In the installation by the Council, under the provisions of this Act, of any premises, or in the removal therefrom, by the Council, under the provisions of this Act, of any works, the Council shall cause as little damage as possible to be done to such premises, but the Council shall not be liable to pay compensation to the owner or occupier of such premises for any damage occasioned thereto by such installation or removal if such damage was necessarily incidental to the carrying out of such installation or removal, and no greater than the circumstances required.

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PART VII.

A.D. 1923.

POWER TO BORROW.

40 It shall be lawful for the Council, on behalf of the Corporation, without having previously passed any special resolution for the purpose, to raise by way of loan, under the provisions of "The Local Bodies Loans Act," by the sale of debentures, any sum or sums of money not exceeding in the whole the sum of Six thousand seven hundred Pounds for the purpose of defraying the costs and expenses of and incidental to the preparation, and passing, and the carrying out of the provisions of this Act.

Power to borrow under "The Local Bodies Loans Act." 45 Vict. No. 16.

Provided however that—

Proviso.

i. In the application of "The Local Bodies Loans Act," and its amendments, to the loan hereby authorised, and to the proceedings to be taken by the Council in connection therewith, the following enactments shall not have effect:—

(a) Sections Five and Six, and Sections Fourteen to Twenty-six inclusive, of "The Local Bodies Loans Act;"

(b) Sections One to Four inclusive of "The Local Bodies Loans Amendment Act"; and

(c) "The Local Bodies Loans Act, 1896":

46 Vict. No. 14.

60 Vict. No. 4.

ii. The form of debenture prescribed by "The Local Bodies Loans Act" may, in the case of any debenture issued in pursuance of this Act, be varied as may be necessitated by the provisions of this Act, and it shall not be necessary in any debenture so issued to refer to the publication of any notice in the "Gazette":

iii. Notwithstanding anything contained in Section Thirty five of "The Local Bodies Loans Act," the holders of any debentures issued in respect of the loan authorised by this Act shall have priority over the holders of any debentures to be issued in respect of any loan to be subsequently raised on the security of the special rate.

41 The rate of interest to be payable in respect of the moneys to be secured by any debentures to be issued in pursuance of this Act shall not exceed Seven Pounds per centum per annum.

Interest on debentures not to exceed Seven per cent.

42 In the event of a receiver being appointed under Section Five of "The Local Bodies Loans Amendment Act," on the petition of the holder or holders of any debenture or debentures issued in pursuance of this Act, the Supreme Court may order that all stock forming part of the sinking fund formed to liquidate the loan secured by any such debenture or debentures, be transferred into the name of the receiver so appointed.

Stock forming part of sinking fund may be ordered to be transferred to receiver

43 Nothing contained in Section Eight of "The Local Public Works Loans Act, 1890," or in Section Twenty of "The State Loans to Local Bodies Act, 1921," shall apply to the special rate.

Non-application of Section 8 of 54 Vict. No. 30 and Section 20 of 12 Geo. V. No. 23 to the special rate.

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PART VIII

POWER TO LEVY SPECIAL RATE.

Council may levy special rate.

44 The Council may, once in every year, make and levy a special rate upon the annual value of all properties within the light districts 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 sum or sums of money borrowed in pursuance of this Act under "The Local Bodies Loans Act," and for the payment of any costs or expenses incurred in carrying out the objects of this Act: Provided that such rate shall not in any year exceed the sum of One Shilling and Threepence in the Pound on such annual value as aforesaid.

45 Vict. No. 16.

6 Ed. VII. No. 31

Such special rate shall be payable by all persons who would be liable to be rated in respect of properties in the light district, if such rate had been a general rate under "The Local Government Act, 1906," and shall be made, levied, and recoverable in the same manner as any such general rate.

If rate in arrear, supply of electrical energy may be stopped.

45—(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 the 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.

No imprisonment for non-payment.

(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.

PART IX.

WASTE AND MISUSE OF ELECTRICAL ENERGY.

Electric service to be kept in repair.

46 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 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.

Kingborough Lighting.

47 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.

A.D. 1923.

Power to enter premises to inspect.

PART X.

OFFENCES.

48 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 conferred on the Council, shall for every such offence incur a penalty of not more than Fifty Pounds.

Penalty for obstructing Council.

49 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.

Allowing persons not supplied to use electrical energy.

50 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.

Taking electrical energy, &c., without authority.

51 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.

Attaching any conductor, &c., without authority.

52 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.

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

Kingborough Lighting.

A.D. 1923.

Persons failing to report damage.

53 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.

Penalty for destroying or injuring works wilfully or maliciously.

54 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.

Accessories to offences liable as principals.

55 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.

Appropriation of penalties.

56 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.

Recovery of fines, penalties, &c.

57 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 Justices Procedure Act."

Appeal.

58 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 Justices Procedure Act."

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

59 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.

Kingborough Lighting.

A.D. 1923.

PART XI.

BY-LAWS.

60—(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 :—

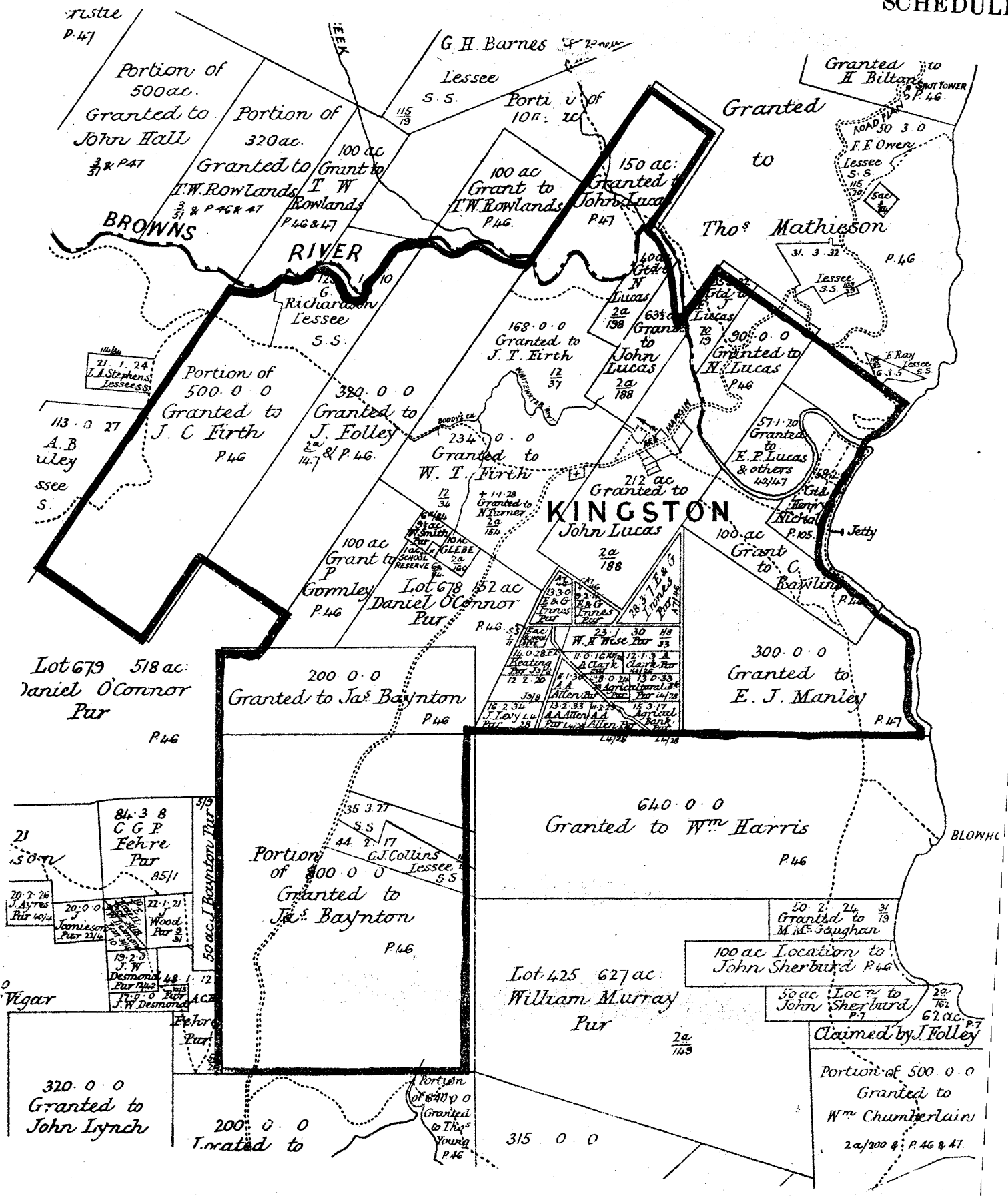
- i. For regulating the charges, terms, and conditions upon which electrical energy shall be supplied to any person under the authority of this Act :
- ii. For fixing special charges for the supply of electrical energy at or upon premises which have been installed by the Council, and any such special charge may include a charge for or in respect of such installation, and for the use of the works provided therefor :
- iii. Providing that electrical energy shall only be supplied at or upon premises which have been installed by the Council :
- iv. 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 :
- v. 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 :
- vi. 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 :
- vii. For preventing waste or misuse of electrical energy :
- viii. 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 :
- ix. 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 off 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.

KINGSTON LIGHT AREA

SCHEDULE.



Trustee
P. 47

Portion of 500 ac.
Granted to John Hall
3/31 & P. 47

Portion of 320 ac.
Granted to T.W. Rowlands
3/31 & P. 46 & 47

G. H. Barnes
Lessee
S. S.
115/13

100 ac
Grant to I.W. Rowlands
P. 46

150 ac
Granted to John Lucas
P. 47

Granted to H. Bilton
S. S. 5 P. 46

Thos Mathieson
31.3.32
P. 46

BROWNS RIVER
Richardson
Lessee
S. S.

Portion of 500.0.0
Granted to J. C. Firth
P. 46

390.0.0
Granted to J. Folley
2a & P. 46
14.7

168.0.0
Granted to J. T. Firth
12
37

400 ac
Granted to John Lucas
2a
198

90.0.0
Granted to N. Lucas
P. 46

571.20
Granted to E. P. Lucas & others
14/147

113.0.27
A. B. Wiley
Lessee
S.

234.0.0
Granted to W. T. Firth
12
34

212 ac
Granted to John Lucas
2a
188

100 ac
Grant to C. Rawlin
P. 46

100 ac
Grant to P. Gormley
P. 46

Lot 678 52 ac
Daniel O'Connor
Pur
P. 46

Lot 679 518 ac
Daniel O'Connor
Pur
P. 46

200.0.0
Granted to Jas Baynton
P. 46

300.0.0
Granted to E. J. Manley
P. 47

640.0.0
Granted to Wm Harris
P. 46

Portion of 300.0.0
Granted to Jas Baynton
P. 46

84.3.8
C. G. P. Fehre
Pur
85/1

100 ac Location to John Sherburn
P. 46

Lot 425 627 ac
William Murray
Pur
2a
143

50 ac Loc to John Sherburn
P. 7

Claimed by J. Folley
62 ac
P. 7

320.0.0
Granted to John Lynch

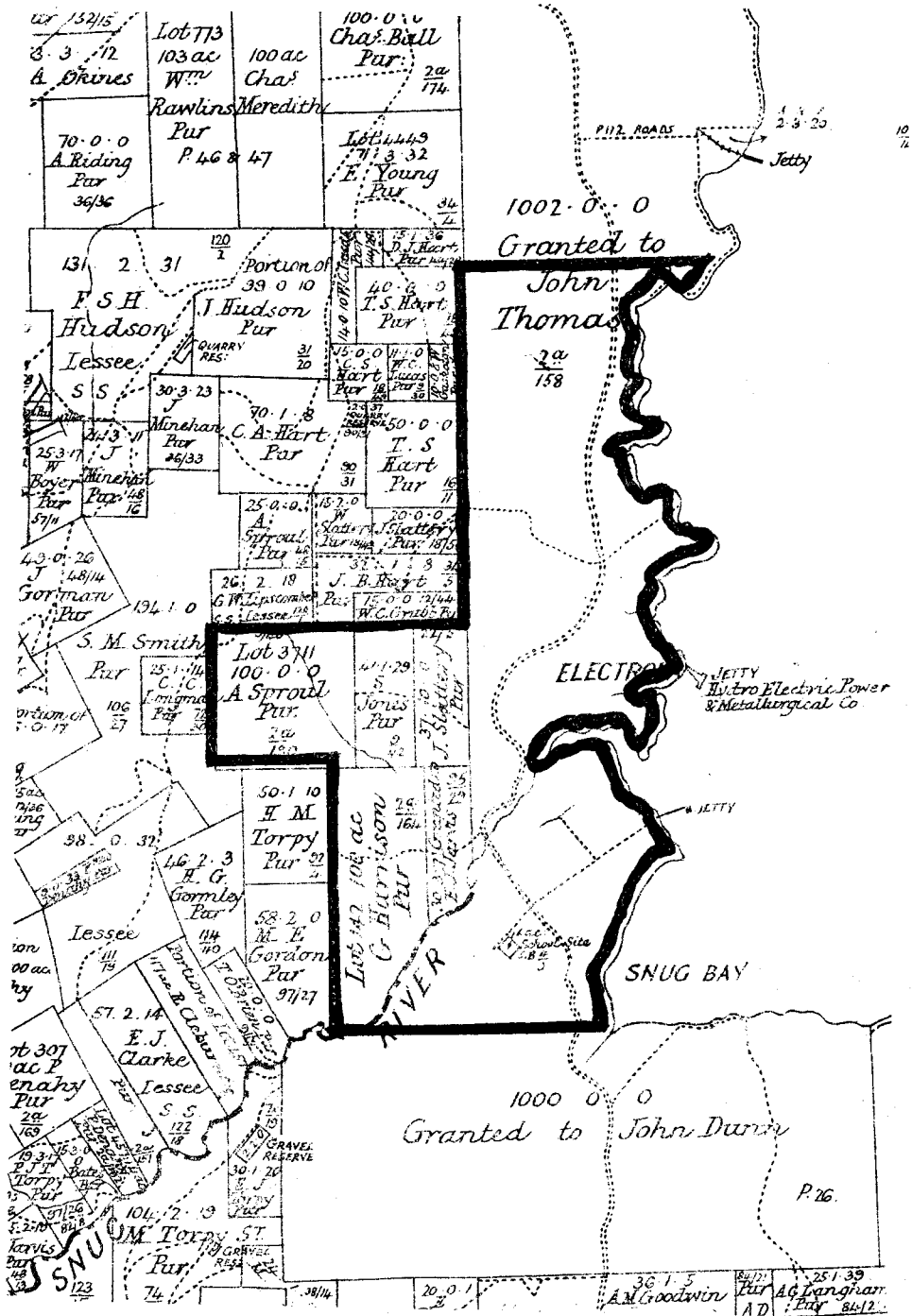
200.0.0
Granted to

315.0.0

Portion of 500.0.0
Granted to Wm Chamberlain
2a/200 & P. 46 & 47

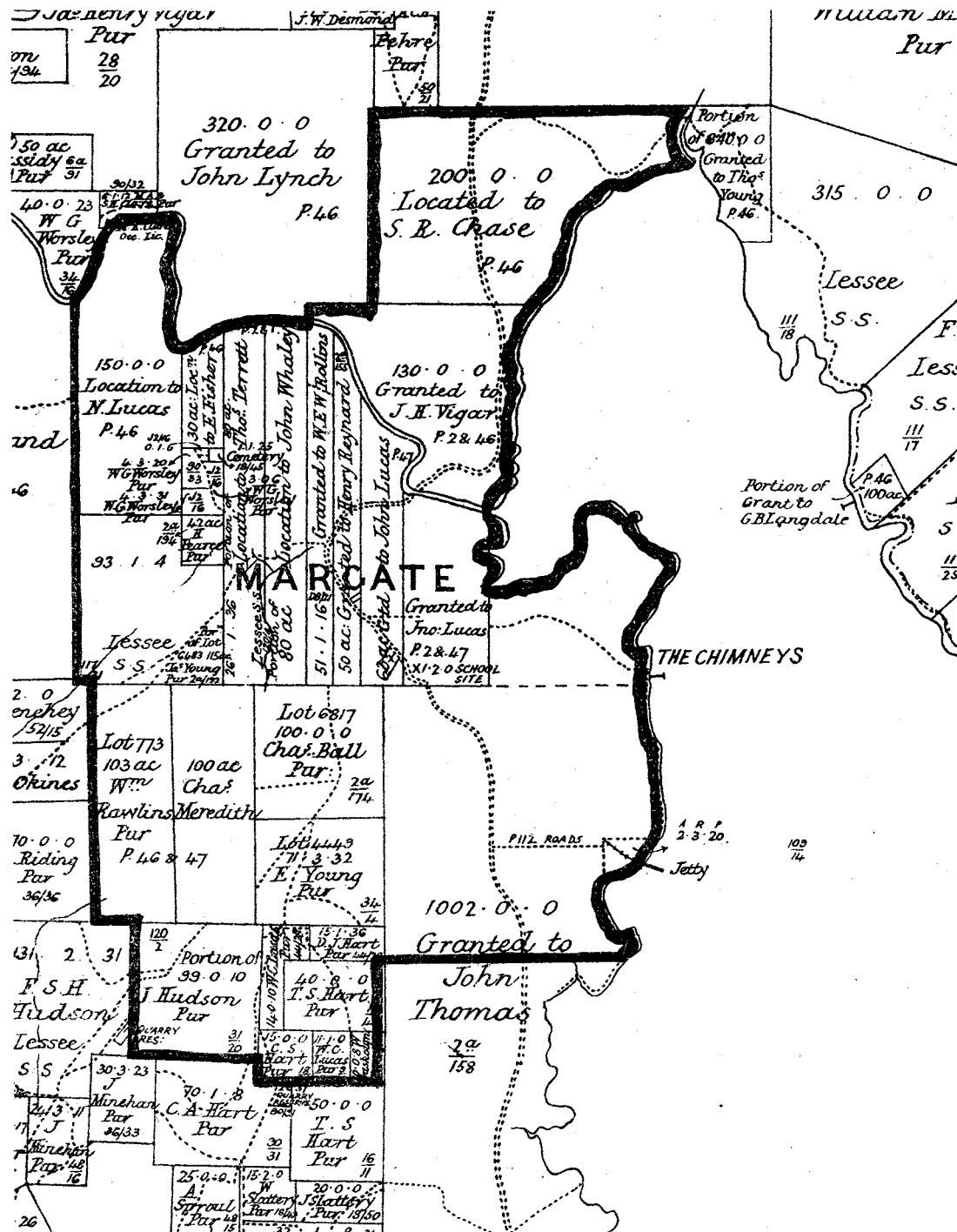


SNUG LIGHT AREA





MARGATE LIGHT AREA



CHANNEL LIGHT AREA

