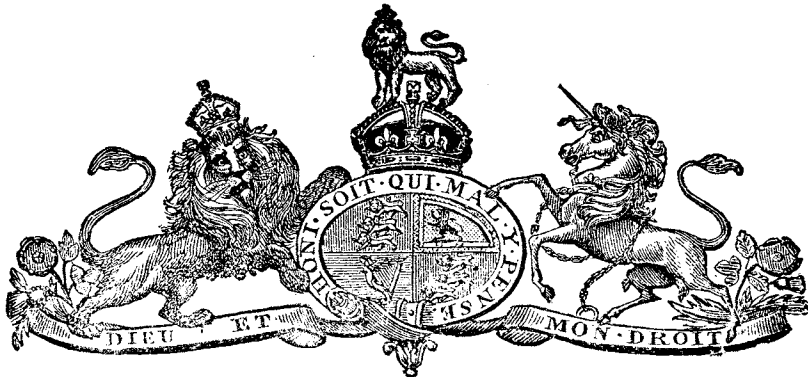


TASMANIA.



1930

ANNO VICESIMO PRIMO

GEORGII V. REGIS.

No. 38.

ANALYSIS.

1. Short title.
2. Repeal.
3. Interpretation.
4. Power to Commission to acquire undertakings.
5. Transfer of obligations.
6. Power to Governor to proclaim repeal of Lighting Acts.
7. Power to local authority to levy lighting rate.

AN ACT to authorise the Hydro-Electric Commission to acquire and take over any Municipal Lighting Undertakings, and the Obligations of any Municipal Council in relation thereto, and to empower the Governor to determine the Operation of certain enactments relating to such Undertakings. [23 December, 1930.]

A.D.
1930.

BE it 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 may be cited as "The Local Authorities Lighting Act, 1930." Short title.

*Local Authorities Lighting.***A.D. 1930.**

Repeal.

Interpretation.

2 The Acts enumerated in Schedule (1) hereto are hereby repealed.

3 In this Act, unless the contrary intention appears—

“Agreement” means an agreement entered into by a local authority with the Hydro-Electric Commission as provided by Section Four of this Act and includes an agreement of the like nature made in pursuance of the Rural Districts Electrical Undertakings Act, 1928 :

“Lighting Act” means any Act passed for the purpose of authorising any local authority to initiate, instal, establish, or maintain any undertaking for the lighting of any town or place within its municipality, or to borrow or raise any sum of money for, or in relation to, such purpose :

“Local authority” means the municipal council of any municipality as the representative of the corporation of such municipality :

“Municipality” includes a city :

“The Commission” means the Hydro-Electric Commission :

“Undertaking” means any installation, scheme, or work undertaken, acquired, or maintained by any local authority under the authority of its Lighting Act for the supply of electrical energy in any part of its municipality.

Power to
Commission to
acquire under-
takings.

4—(1) It shall be lawful for the Commission to acquire and take over from any local authority all or any of its undertakings upon such terms and subject to such conditions as may be agreed in each case between the Commission and such local authority.

(2) All agreements entered into by the Commission with any local authority in anticipation of the passing of this Act and for the purpose of giving effect to any of its objects shall be deemed to have been made under and for the purposes of this Act, and shall have the same effect as if made after its commencement.

Transfer of
obligations.

5—(1) Upon the Commission certifying to the Treasurer that the undertaking of any local authority has been taken over as provided by this Act—

- i. The amount of any sinking fund existing in respect of any loan from the State raised by the local authority for the purposes of its Lighting Act shall be applied by the Treasurer as at the date of such taking over of the undertaking for or towards the redemption of such loan :
- ii. The balance of every such loan as aforesaid, after the application of such sinking fund as hereinbefore provided, shall be transferred and debited in the books of the Treasury to the account of the Commission in such manner as the Treasurer may direct :

Local Authorities Lighting.

- iii. Upon any such transfer as aforesaid, all obligation and liability of the local authority in respect of such loan shall cease and determine, and the local authority shall be responsible only for such contributions and payments as may be provided by its agreement with the Commission. A.D. 1930.

(2) The Treasurer may make such entries and adjustments from time to time in his books as he may deem necessary for giving effect to the provisions of this section.

6—(1) Upon the taking over of the undertaking of any local authority under this Act, the Governor, by proclamation, may declare that any Lighting Act under the authority of which such undertaking was acquired, initiated, extended, or maintained shall cease to have effect and be repealed, and, upon the publication of such proclamation in the Gazette, the Acts specified therein shall be deemed to be repealed as from the date of such publication. Power to Governor to proclaim repeal of Lighting Acts.

(2) Any such proclamation may be in the form in Schedule (2) hereto or to the like effect and a copy thereof shall be appended to the first annual volume of Statutes printed and issued by the Government Printer after the making of such proclamation in each case, but the non-observance of this provision shall not affect the validity or effect of any such proclamation.

7—(1) Where by any Lighting Act a local authority is empowered to levy a rate for the purposes of such Act within or in respect of any area defined in such Act, or under the provisions thereof, such local authority, upon and after the repeal of such Act, by or under the provisions of this Act, may make and levy such rate for the purposes and in manner hereinafter provided. Power to local authority to levy lighting rate.

(2) For the purposes of any such rate as aforesaid—

- i. The area defined by or under the Lighting Act shall be the area within which the rate shall be leviable :
- ii. The area may be increased by the local authority at any time by special resolution passed in accordance with the provisions of the Local Government Act, 1906, and such increase shall take effect from the publication of such resolution in the Gazette :
- iii. The rate shall be payable in respect of all property within such area as aforesaid at such times and in such manner as may be declared in the public notification by the local authority of the making thereof, and shall be made, and be recoverable, and shall be payable by the like persons in respect of property within the area as any other rate levied by the local authority :
- iv. The amount of any such rate in respect of any one year shall not exceed an amount equal to Two Shillings in the Pound on the annual value of the property within the area as shown by the assessment roll in force when such rate is made :

Local Authorities Lighting.

A.D. 1930.

v. The power of rating as hereinbefore provided may be exercised, and the proceeds of such rate applied, for the purpose of defraying the whole or any part of the moneys which the local authority is required by the agreement to make to the Commission in respect of the matters thereby provided.

(3) The provisions of this section shall apply to every local authority which has entered into an agreement for the taking over of its undertaking as provided by the Rural Districts Electrical Undertakings Act, 1928.

19 Geo. V. No. 4.
20 Geo. V. No. 68.

SCHEDULES.

(1)

ACTS REPEALED.

Regnal Year and Number of Act.	Title of Act.	Municipality Affected.
3 Ed. VII. No. 44 8 Ed. VII. No. 49 and 9 Ed. VII. No. 16 2 Geo. V. No. 57 12 Geo. V. No. 30 16 Geo. V. No. 18	The Longford Lighting Act, 1903 The Longford Lighting Amendment Act, 1908 The Longford Lighting Loan Act, 1911 The Longford Lighting Loan Act, 1921 The Longford Lighting Act, 1925	Longford
4 Ed. VII. No. 35 8 Ed. VII. No. 26	The Deloraine Lighting Act, 1904 The Deloraine Lighting Act, 1908	Deloraine
18 Geo. V. No. 39	The Westbury Lighting Act, 1927	Westbury
18 Geo. V. No. 88	The Evandale Lighting Act, 1927	Evandale

*Local Authorities Lighting.*ACTS REPEALED—*continued.*

A.D. 1930.

Regnal Year and Number of Act.	Title of Act.	Municipality Affected.
18 Geo. V. No. 63 20 Geo. V. No. 92	The Esperance Lighting Act, 1927 The Esperance Lighting Act, 1929	Esperance
4 Geo. V. No. 32 6 Geo. V. No. 18 15 Geo. V. No. 74 16 Geo. V. No. 80 18 Geo. V. No. 90 20 Geo. V. No. 95	The Franklin Lighting Act, 1913 The Franklin Lighting Amendment Act, 1915 The Franklin Lighting Act, 1925 The Franklin Lighting Act, 1926 The Franklin Lighting Act, 1927 The Franklin Lighting Act, 1929	Huon
16 Geo. V. No. 61 17 Geo. V. No. 17 18 Geo. V. No. 92	The Sheffield Lighting Act, 1925 The Railton Lighting Act, 1926 The West Kentish Lighting Act, 1927	Kentish
14 Geo. V. No. 21 14 Geo. V. No. 41 20 Geo. V. No. 14	The Kingborough Lighting Act, 1923 The Kingborough Lighting Act, 1924 The Kingborough Lighting Act, 1929	Kingborough
8 Ed. VII. No. 50 4 Geo. V. No. 35 9 Geo. V. No. 58 12 Geo. V. No. 35 14 Geo. V. No. 19 16 Geo. V. No. 60 17 Geo. V. No. 63 18 Geo. V. No. 70 20 Geo. V. No. 48	The Ulverstone Lighting Act, 1908 The Ulverstone Lighting Amendment Act, 1913 The Ulverstone Lighting Amendment Act, 1918 The Ulverstone Lighting Act, 1921 The Ulverstone Lighting Act, 1923 The Ulverstone Lighting Act, 1925 The Ulverstone Lighting Act, 1926 The Ulverstone Lighting Act, 1927 The Ulverstone Lighting Act, 1929	Leven
14 Geo. V. No. 71 18 Geo. V. No. 67 19 Geo. V. No. 17	The Penguin Lighting Act, 1924 The Penguin Lighting Act, 1927 The Penguin Lighting Act, 1928	Penguin
5 Geo. V. No. 37 10 Geo. V. No. 27 18 Geo. V. No. 79 20 Geo. V. No. 88	The Wynyard Lighting Act, 1914 The Wynyard Lighting Amendment Act, 1919 The Wynyard Lighting Act, 1927 The Wynyard Lighting Act, 1929	Table Cape

Local Authorities Lighting.

A.D. 1930.

(2)

A PROCLAMATION.

* Here insert
name of municipality or municipalities if more
than one.

Whereas by virtue of the provisions of the Local Authorities Lighting Act 1930 the Governor in Council is empowered by proclamation to declare that certain Acts shall cease to have effect and be repealed in certain cases: And whereas the undertaking(s) of the Municipality of* has been taken over by the Hydro-Electric Commission as provided by the said Act: Now therefore I Sir JAMES O'GRADY Knight Commander of the Most Distinguished Order of St. Michael and St. George Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia in Council by virtue of the powers vested in me by the said Act do by this my proclamation declare that the several Acts enumerated in the schedule to this proclamation shall cease to have effect and shall be repealed as from the publication hereof in the Gazette.

Given under my hand at Hobart in the said State this
day of 19

Governor.

Schedule.

ACTS REPEALED.

Regnal Year and Number of Act.	Title of Act.	Municipality Affected.