

## TASMANIA.

## THE PENGUIN LIGHTING ACT, 1924.

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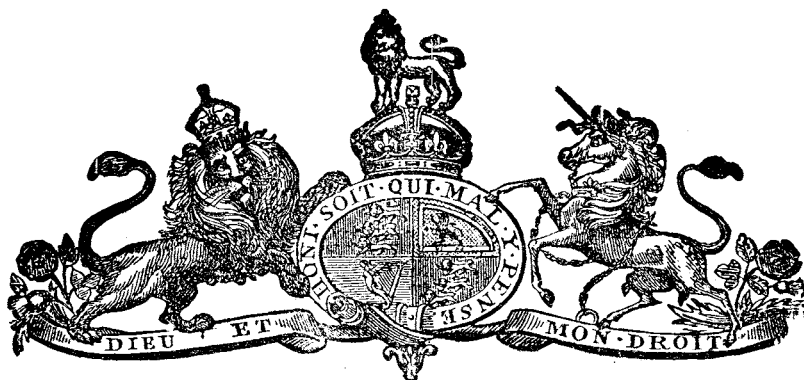
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## T A S M A N I A.



1924.

ANNO QUARTO DECIMO

GEORGII V. REGIS.

No. 71.

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

A.D.  
1924.

[4 April, 1924.]

WHEREAS the Warden, councillors, and electors of the Municipality of Penguin are desirous of providing for the lighting of the Town of Penguin and other portions of the 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 follow:—

Division of Act

Part I.—Preliminary. (Sections 1-5.)

Part II.—Construction of Works and Acquisition of Lands. (Sections 6-14.)

Part III.—Compensation. (Sections 15-23.)

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 51-64.)  
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## PART I.

## PRELIMINARY.

- Title.**           **2** This Act may be cited as “The Penguin Lighting Act, 1924,” and shall be read as part of, and deemed to be incorporated with, “The Local Government Act, 1906.”
- Commencement**   **3** This Act shall commence and take effect on the First day of May, One thousand nine hundred and twenty-four.
- 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 Penguin, for the time being in force, as comprises the properties in the light district as defined by this Act :
- “Consumer” shall mean and include every owner or occupier of premises which are, or are about to be, supplied with electricity by the Council, and also any other person to whom electricity is supplied by the Council :
- “Council” means the Council of the Municipality of Penguin :
- “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 light district appears on the assessment roll :
- “Electricity” means and includes electrical current and electrical power, and any substitute therefor :
- “Installation” shall mean and include all conductors, wire, and other apparatus and appliances whatsoever to be used in supplying electricity as provided by this Act for the production of light or motive power, or for heating, cooking, or other purposes; and shall also mean and include the supplying and fixing in position of all such conductors, wires, and other apparatus and appliances; and shall also mean any conductors, wires, and other such apparatus when fixed in position :
- “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 :

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“Landholder” extends to and includes any person whose name appears in the assessment roll as the owner or occupier of any property situate within the light district: A.D. 1924.

“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:

“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:

“Works” means and includes any buildings, plant, machinery, engines, dynamos, retorts, receivers, tunnels, turbines, or other motive powers, and 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 transmission, supply, and utilisation of electrical energy in accordance with the provisions of this Act.

**5** The area of land included within the limits defined and set forth in the schedule to this Act shall be and form the Penguin Light District, but the Council may from time to time take a poll of the electors of any area within the Municipality of Penguin proposed to be added to the light district to decide whether or not such area shall be added to the light district. If Two-thirds of the votes taken at any such poll shall be in the affirmative, then the Council may, by special resolution, declare 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. Light district.

## PART II.

## CONSTRUCTION OF WORKS AND ACQUISITION OF LANDS.

**6** The Council is hereby empowered to purchase, lease, or acquire, upon any terms and 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. Purchase of land.

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Acquisition of  
land.

**7** The Council is hereby empowered to compulsorily purchase or acquire 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 right or easements, "The Lands Clauses Act" shall be incorporated with this Act (except as varied by this Act), 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.

Disposal of land

**8** The Council is also empowered to dispose of any lands, rights, or easements purchased or acquired under the provisions of this Act or any part thereof by sale, lease, or otherwise to any person or persons for any purpose.

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 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.

**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 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 in Council) to dispose of any such works, by sale, lease, or otherwise, whenever it shall deem it advantageous to do so.

Notice prior to  
entry.

**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 such land for the purposes of this Act.

Power to give up  
land if  
compensation  
excessive.

**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.

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**13** The Council may from time to time open and break up the soil and pavement of any street within the light district, or within the Municipality of Penguin, and erect in and upon such streets, and maintain, 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.

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Power to break up streets.

**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, fill in the ground, and reinstate and make good the street, drain, or tunnel so 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 light sufficient for the warning of passengers to be set up and kept against the same every night.

Reinstatement of streets.

## PART III.

## COMPENSATION.

**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 it can be done, shall make good such damage.

Council to do as little damage as can be.

**16** The Council shall make compensation in the 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 of the powers vested in the Council by this Act.

Council to make 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 by "The Lands Clauses Act, 1857," in cases of disputed compensation, or at the option of either

Persons damaged to make claim.

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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.

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 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.

Dissatisfied party may appeal to judge.

**20** If either party is dissatisfied with the award of the arbitrators or 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 arbitrators 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 umpire exceeds Fifty Pounds, may appeal from the award of the arbitrator or 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.

**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 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,



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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 intention to appeal.

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**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 the 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 not subject to "The Lands Clauses Act."

## PART IV.

## SUPPLY OF ELECTRICITY.

**24** If, after the Council shall have constructed and erected the necessary works, or otherwise arranged for the transmission of electricity for lighting the light district, any occupier of any house, building, or premises in the said district within One hundred feet of any work of the Council for distributing the light or power, with the consent of the owner thereof, shall require a supply of electricity 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; and such charges or lump sum as aforesaid, together with the cost of laying on or connecting such supply, shall be deemed to be expenses within the meaning of "The Local Government Act, 1906," and be recoverable in the manner therein prescribed.

Supply of electric light inside area at such charges as may be agreed.

**25** If the owner or occupier of any land or building in the light district, or in any other place at which the Council has erected the necessary or arranged for works for supplying electricity under the provisions of this Act, shall require a supply of electricity 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 electricity 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 electricity for motive power, &amp;c.

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Power to make rebate and charge interest.

**26** It shall be lawful for the Council from time to time to make a rebatement as the Council shall think fit upon all moneys due and owing to the Council for electricity supplied under the provisions of this Act; it shall also be lawful for the Council to charge and recover interest at the rate of Six Pounds per centum per annum upon all such moneys as shall not be paid within Two calendar months of the same becoming due and payable to the Council under any of the provisions of this Act.

Provision for testing.

**27** The Council shall, before supplying any person with electricity, test the normal strength and electric force of the electricity supplied to him, if requested.

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

**28** 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 electricity 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 works, installations, or apparatus, or appliances whatsoever to be used in supplying or producing light from electricity supplied by the Council.

Where several premises supplied by one conductor each to pay.

**29** Where several buildings are supplied with electricity by one common conductor, the respective owners, occupiers, or consumers, of such buildings shall be severally liable to the payment of the same charges for the supply of electric light as they would have been liable to if each of such several buildings had been supplied with electricity by a separate conductor.

Council may provide meters.

**30** The Council may from time to time let for hire to any consumer of electricity or motive power supplied by measure any meter or instrument for measuring the quantity of electricity 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 electricity for lighting, motive power, or any other purpose.

Officers of the Council may inspect meters.

**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 electricity is supplied by the Council by measure, in order to inspect the meters, works, installations, and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may from time to time enter any house, buildings, or lands for the purpose of removing any works, installation, meter, 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 in the employ of the Council, in any manner injures or interferes with any meter placed for the purpose herein

Interfering with meters,

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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. A.D. 1924.

**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 electricity 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 of or change in meter.

**33** The Council may, if it think fit, at the request of the owner, at such charges and costs as the Council may determine, provide and erect any installation on or in any land or buildings within the light district. The Council may, if it think fit, arrange for the cost of any installation or part thereof being paid by instalments, with interest on any unpaid amount at the rate of Ten Pounds per centum per annum extending over any period not exceeding Five years. In every case the applicant must deposit an amount not less than Ten per centum of the cost of the installation before the work is commenced. Installation.

**34** The Council will, allowing for reasonable wear and tear, maintain any installation in good and efficient order, but any breakages of lamps, fittings, shades, or other parts of any installation shall be a charge upon, and shall be recoverable from, the consumer. The cost of any alterations to an installation necessitated by an alteration to, or removal of, the building in which it is contained shall be paid by the owner of the property upon such alterations being made. Maintenance of installation.

**35** Every installation shall remain the property of the Council until paid for in full. The Council may, if it think fit, enter and remove any installation being the property of the Council and meter from any property wherein, in its opinion, it has been, or is likely to be, subjected to any special risk of injury, or where the same has not been used for any length of time, or not used to the earning value of Three Shillings per quarter, and may remove the meter at any time for repair or overhaul. Ownership of installation and right to remove.

**36** No installation shall be used unless the same has been inspected and passed by an officer of the Council, and no alteration or any installation or increase in the number of candle-power of lamps shall be made without the consent of an officer of the Council. Installation not to be altered without consent.

**37** For the purpose of testing, overhauling, or repairing any works, installation, or meters, the Council's officers may, on giving notice, temporarily cut off the supply of electricity from any premises or from any part of the light district. In the event of any Power to cut off supply for testing, &c., and for default in payment.

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serious leakage being discovered, the Council may, without notice, so cut off the supply of electricity until such leakage is efficiently stopped. If any consumer shall make default in payment of any rate or moneys payable by him to the Council howsoever under the provisions of this Act, the Council may, after giving Forty-eight hours' notice to the consumer, cut off the supply of electricity from the premises in respect of which such rate or other money is payable by cutting off the wires to the said premises, or by such other means as it may think fit, but without prejudice to any other right of the Council to recover such moneys or otherwise.

Council not responsible for proper execution of work or stoppage of supply.

**38** The Council shall not be responsible for the proper execution of any work done on any consumer's property, nor for any loss or damage which may be occasioned by fire or any accident arising from any installation. The Council shall not be liable for any loss or damage due or arising out of any stoppage in the supply of electricity under Section Forty of this Act, or caused by accident, break-down of works, flood, drought, strikes, industrial unrest, public disorder, Government restrictions, failure of supplies, or other reasonable cause.

Meters, &c., not liable to seizure

**39** No works, installations, meters, or apparatus being the property of the Council, or on or in respect of which any moneys are due and unpaid to the Council, shall 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, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other person in whose possession the meters, conductors, fittings, instruments, and apparatus may be.

Supply of electricity outside district.

**40** The Council may, upon such terms and conditions as it thinks fit, cause a supply of electricity for producing light 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.

Power to contract or supply.

**41** It shall be lawful for the Council from time to time to agree with the Government of Tasmania for the construction, working, and maintenance of the works, for the generation, transmission, supply, and utilisation of electricity, or for the supply of electricity for the purposes of this Act, from works erected or constructed, upon such terms and conditions in all respects as the Council shall see fit, for a period not exceeding Twenty-one years.

Council's authority to extend to agents.

**42** 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, mainten-

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ance, or repair of the works or of any part thereof, or the cutting-off any supply of electricity, 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.

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## PART V.

## POWER TO BORROW.

**43** It shall be lawful for the Council, on behalf of the Warden, councillors, and electors of the Municipality of Penguin, to borrow under the provisions of "The State Loans to Local Bodies Act, 1921," any sum or sums of money not exceeding in the whole Two thousand five hundred Pounds, for the purpose of carrying out the objects of this Act.

Council may borrow £2500.  
12 Geo. V. No. 23.

**44** The sum of money payable by the Council as an annual contribution towards a sinking fund in respect of any moneys borrowed under this Act shall be an amount equal to Two Pounds per centum of the money so borrowed.

Sinking fund.

**45** It shall be lawful for the Treasurer to borrow, raise, and receive a total sum not exceeding Two thousand five hundred Pounds for the purposes of this Act.

Treasurer authorised to raise £2500.

## PART VI.

## POLLS.

**46** Subject to the provisions of this Act, upon the taking of any poll under this Act 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 person 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 Local Government Act, 1906," or as near thereto as the circumstances permit.

Method of taking poll.

**47** When the Council shall decide to take a poll of the owners and occupiers as aforesaid, it shall cause an advertisement of such poll to be inserted not less than Three times in a daily news-

Notice of poll.

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paper circulating in the district, and in One number of the "Gazette"; and such advertisement shall contain such of the following particulars as are applicable:—

- 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 :
- v. The parties to any proposed agreement :
- vi. Where and when any proposed agreement may be inspected :
- vii. Particulars of any area proposed to be added to the light district.

## PART VII.

## LIGHTING RATE.

Light rate.

**48** It shall be lawful for the Council to make and levy, once in every year or oftener, a light rate or rates, to be paid by the respective owners or occupiers of all properties within the light district, and such rate or rates shall be made, levied, and recovered in the same manner as other rates made and levied by the Council: Provided that such rate shall not in any One year exceed the sum of Two Shillings in the pound on the assessed annual value of the properties so rated.

## PART VIII.

## WASTE AND MISUSE.

Electric service works to be kept in repair.

**49** 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 electricity under the authority of this Act, the Council may cut off the supply of electricity 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.

Power to enter premises to inspect.

**50** 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 electricity under the authority of this Act in order to examine if there is any waste or misuse of such electricity, and the condition or state of repair of the works by which such electricity is supplied to such house or premises; and

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if such inspector or other person is at any such time refused admittance into such house or premises for the purposes aforesaid, the Council may cut off the supply of electricity from such house or premises. A.D. 1924.

## PART IX.

## OFFENCES AND LEGAL PROCEEDINGS.

**51** Every person who 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. Penalty for obstructing Council.

**52** Every consumer, owner, or occupier of any premises supplied with electricity under this Act who supplies to any other person, or wilfully permits him to take, any of such electricity from any installation 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 the electricity.

**53** Every person who, without authority, takes any electricity from any installation, wire, or service or other work belonging to the Council shall, for every such offence, incur a penalty not exceeding Twenty Pounds. Taking electricity, &c., without authority.

**54** Any person who makes any wire or conductor to communicate with any installation, 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.

**55** If any person wilfully or maliciously destroys, injures, or damages, or attempts to destroy, injure, or damage, any installation, meter, 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 meters, installations, machinery, or works of the Council unworkable or defective, or whereby any electricity is or may be lost, wasted, or 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.

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

**56** Any person who carelessly or accidentally breaks, throws down, or damages any installation, meter, electric line, or service, or any pillar, post, lamp, or other works 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.

Persons failing  
to report.

**57** Any person who breaks, throws down, or damages any installation, electric line or service, or any pillar, post, lamp, or other works belonging to the Council or under its control, and fails to forthwith report the same to the Council's electrical engineer, inspector, or 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.

Failure to report  
breakage, &c.

**58** Any consumer who fails to forthwith report to the Council's electrical engineer, inspector, or council clerk any breakage or damage to any installation, meter, or works of the Council upon any premises occupied by him shall incur a penalty not exceeding Ten Pounds.

Accessories to  
offences liable as  
principals.

**59** 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.

**60** 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.

**61** 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 or stipendiary magistrate, or before Two or more justices of the peace, in the mode prescribed by "The Justices' Procedure Act, 1919."

Appeal.

**62** 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 manner prescribed by "The Appeals' Regulation Act."

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

**63** 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.

Recovery of  
moneys.

**64** In addition to any other remedy of the Council or manner in this Act provided, all moneys which shall be payable or owing to the Council for electricity supplied or for work and labour done,



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or materials provided, or goods sold and delivered, for the purposes of supplying electricity or in relation to or exercise of any of the powers of the Council under this Act, and any other moneys payable to the Council under the provisions of this Act, shall be recoverable by the Council in an action for debt in any court of competent jurisdiction, or in a summary way before a police magistrate or Two or more justices of the peace in petty sessions assembled.

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## 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 electricity shall be supplied to any person under the authority of this Act :
- ii. For regulating the form, material, dimensions, description, and construction and arrangements of installations, meters, conductors, wires, service, and other apparatus by means of which electricity 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 electricity under this Act :
- v. For preventing waste or misuse of electricity :
- vi. For preventing injury to any of the works, installations, meters, or machinery or apparatus, erected by or belonging to the Council for the generation or transmission of electricity :
- vii. For regulating the terms of erection and provision of installations :

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VIII. For carrying into full effect all or any of the provisions of any contract or agreements entered into by the Council under the provisions of this Act :

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 "The Local Government Act, 1906," relating to by-laws, shall be applicable to by-laws under this Act.

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## SCHEDULE.

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### BOUNDARIES OF LIGHT DISTRICT.

On the west commencing at a point being the north-western angle of land selected by Long and Walton southerly along the western boundary of the last-mentioned land to the New Pine-road Deviation thence by the New Pine-road deviation to the southern boundary of land now or formerly owned or occupied by one William Russell thence on the south by the said southern boundary-line easterly to the south-eastern angle of the lastmentioned land thence by an imaginary straight line easterly to the north-western angle of land selected by one T. Giblin thence by the northern boundary of the lastmentioned land and by a straight line in continuation thereof to the eastern boundary of land selected by one T. B. Scurrah and now or formerly owned or occupied by General Wilson thence on the east along the eastern boundary of the lastmentioned land northerly to the sea coast and thence on the north-west along the sea coast to the point of commencement.