

THE WYNYARD LIGHTING ACT, 1914

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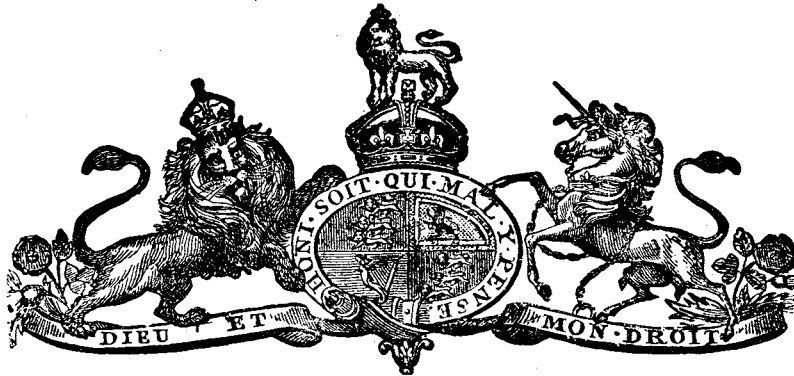
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T A S M A N I A



1914.

ANNO QUINTO

GEORGII V. REGIS.

No. 37.



AN ACT to make provision for Lighting the
Wynyard Lighting District by Electricity.
[6 February, 1915.]

A.D.
1914.

WHEREAS the Warden, councillors, and electors of the Municipality of Table Cape are desirous of providing for the lighting of the Town of Wynyard, and portion 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 follows:—

Division of Act.

Part I.—Preliminary.

Part II.—District.

Part III.—Power of Council in Construction of Works.

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PART I.

PRELIMINARY.

Short title.

2 This Act may be cited as "The Wynyard Lighting Act, 1914," and shall be read as part of "The Local Government Act, 1906."

Commencement of Act.

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

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 Table Cape, for the time being in force, as comprises the properties in the Light District as defined in this Act :

"Council" means the Council of the Municipality of Table Cape :

"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 :

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

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

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

"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 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 generation, transmission, supply, and utilisation of electrical energy in accordance with the provisions of this Act.

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PART II.

DISTRICT.

District.

5 The Light District shall be and include all that part of the Municipality of Table Cape situate within the boundaries described as follows:—Beginning at Bass Strait at a point opposite the Mount Hicks-road, from this point to the Mount Hicks-road, by that road to its intersection with the Burnie-Flowerdale railway line, by that railway line to its intersection with Dodgin-street, by Dodgin-street to Kingsmill-street, by Kingsmill-street to York-street, by York-street to the River Inglis, by the River Inglis to Bass Strait, along Bass Strait to the point of commencement; and also any area added to the Light District at any time by the Council by special resolution at the request of Two-thirds of the electors within the area proposed to be added, and every owner or occupier of property within the area so added shall be subject to the same liability as if the said area had originally formed part of the Light District.

PART III.

POWER OF COUNCIL IN CONSTRUCTION OF WORKS.

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

Diversion of water,
if required.

- I. To take, divert, and appropriate from Camp Creek, within the Municipality of Table Cape, all the water flowing in the said creek at a point about Seven miles distant from the town of Wynyard, and to dam up the waters at that point to such height as may be required, and to convey such waters by means of a pipe-line to a generating station proposed to be erected, if necessary, on land now being purchased by the Council from the Crown and situate on the banks of Camp Creek, or at such other point as may be decided :
- II. To enter upon Camp Creek and upon the banks and bed thereof, and on and in any portion of the said banks and bed, and from bank to bank, to construct and erect, and from time to time, if necessary, maintain, alter, and repair any dams, weirs, embankments, flumes, channels, races, works, accessories, and buildings for the purpose of such taking, diversion, and appropriation as aforesaid, and in order to give effect to the objects of this Act :

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

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

Construction of works.

7 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 ; and the Council is also empowered to dispose of the same or any part thereof by sale, lease, or otherwise, to any person or persons for any purpose whatsoever.

Purchase of land and acquisition of easements.

8 The Council is hereby empowered to compulsorily purchase any land, and to compulsorily acquire any rights and easements which it may consider necessary for the purpose 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, 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.

9 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.

Entry upon land.

10 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.

11 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

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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. A.D. 1914.

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

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

14 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 Table Cape, 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. Power to break up streets, &c.

15 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 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.

PART IV.

COMPENSATION FOR DAMAGE DONE BY EXECUTION OF WORKS.

16 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.

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Council to make compensation.

17 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 or water of the powers vested in the Council by this Act.

Persons damaged to make claim.

18 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 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.

19 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.

20 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.

21 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 dis-

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satisfied party, when the amount of compensation awarded by the arbitrators or umpire exceeds Fifty Pounds, may appeal from the award of the arbitrators 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. A.D. 1914.

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

23 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.

24 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."

25 Before commencing or undertaking any of the works authorised by this Act, the Council shall lay before the Governor detailed plans, sections, and specifications of such works, and it shall be lawful for the Governor thereupon to refer such plans, sections, and specifications to the State Engineer-in-Chief, or other competent person, who is hereby required to examine and consider the same, and fully report thereupon to the Governor with reference to the probable expense, practicability, and nature of such works, and no such works shall be undertaken until the same shall have been approved of by the Governor and notice in writing of such approval received by the Council. Before commencing work plans to be submitted for approval.

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PART V.

SUPPLY OF ELECTRICITY.

Supply of electricity in Light District at such charges as may be agreed on.

26 If after the Council shall have constructed and erected the necessary works for the generation and transmission of electricity for lighting the Light District, any owner or occupier of any house, building, or other premises in the said Light District, within One hundred feet of any work for distributing electricity, 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 the Council.

Council may supply electricity for motive power, &c.

27 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 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 make a rebate.

28 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 electricity 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.

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

Form of lamp, &c., not to be prescribed, but contractors, workmen, &c., to be approved.

30 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 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 persons supplied by one conductor each to pay.

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

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32 The Council may, from time to time, let for hire to any consumer of electricity 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.

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Council may provide meters.

33 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 to the Council by measure, in order to inspect the meters, instruments, wires, 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 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 named herein, 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

34 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 the 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 or change in meter.

35 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 electricity, 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.

36 The Council may, upon such terms and conditions as it thinks fit, cause a supply of electricity for lighting, motive power, or for other purposes, to be brought to such places and districts beyond the Light District as the Council sees fit, upon the application of any owners or occupiers of houses, buildings, or other premises in any such place or district.

Supply of electricity outside light district.

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Right of Council
to contract with
private person.

37 It shall be lawful for the Council from time to time to agree with any person for the construction, working, and maintenance of the works, or such part thereof as the Council may think proper, for a period not exceeding Twenty-one years.

Poll necessary.

38 The Council shall not enter into such agreement as is mentioned in the last preceding section hereof until a poll has been taken in the prescribed manner of the electors within the Light District, for the purpose of ascertaining whether the Council shall be permitted to make such agreement.

Agreement to
be open for
inspection.

39 At least One week before and until after the closing of such poll, the terms of the agreement proposed to be entered into shall be available for inspection at the office of the Council, and any such elector may inspect the same and make copies of or extracts therefrom free of charge.

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

40 Wherever by this Act authority is given to the Council to enter upon any land or to break up streets or to do any act for the purposes of this Act in or relating to the construction, maintenance, or repair of the works or 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.

PART VI.

POWER TO BORROW.

Power to borrow.

41 It shall be lawful for the Council to borrow as herein provided, any sum or sums of money not exceeding in the whole Six thousand Pounds for the purpose of defraying the cost and expenses of the construction and carrying out of the works authorised by this Act, or the payment of any such compensation as aforesaid ; and it shall be lawful for the Governor in Council to grant, in accordance with the provisions of " The Local Public Works Loans Act, 1890," any sum or sums of money, not exceeding in the whole the sum of Six thousand Pounds, as a loan or loans to the said Council for the purposes aforesaid ; and each such sum or sums of money shall be defrayed out of moneys provided by Parliament for that purpose :

Governor may
grant loan.

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Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any such proposed works, nor the report of the Engineer-in-Chief thereon, as provided in Section Two of the lastmentioned Act ; but before any part of the said sum of Six thousand Pounds shall be advanced to the Council plans and specifications of the proposed works, together with a report by the Engineer-in-Chief upon the necessity of such works and probable cost thereof, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in the said report, and that the works can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor. A.D. 1914.

42 The Council shall not proceed in the matter of borrowing any sum of money under the authority of this Act until after a poll has been taken of the electors within the Light District for the purpose of ascertaining whether the Council shall be permitted to proceed to borrow such moneys. If at the taking of such a poll a less number than Two-thirds of the votes recorded shall be in favour of the Council proceeding to borrow, the Council shall not borrow : Provided that in the event of there not being the necessary number of votes recorded at such poll in favour of the Council borrowing such money, the Council may, at any time after the expiration of Three months cause another poll to be taken, and if at any such subsequent poll the necessary number of votes is recorded in favour of the Council borrowing, the Council may proceed to borrow the money. Poll to be taken before money borrowed.

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

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

- 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.

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PART VII.

LIGHT RATES.

Light rate.

45 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 Sixpence in the Pound on the assessed annual value of the properties so rated.

If rates, &c., in arrear supply may be cut off.

46 If any person liable to pay any amount payable under the provisions of this Act neglects to pay the same within due time after the same has been lawfully demanded, the Council may, after Twenty-four hours' notice, stop the electricity supplying the premises in respect of which such amount is payable by cutting off the wires to the said premises, or by such other means as it may think fit, and the expense of cutting off the electricity may be recovered in the same manner as the light rate is recoverable.

PART VIII.

WASTE AND MISUSE OF ELECTRICITY.

Service works to be kept in repair.

47 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 in a summary way.

Power to enter premises to inspect.

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

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PART IX.

OFFENCES.

- 49** Every person who wilfully obstructs, hinders, or interrupts the Council, or any person acting under the authority of the Council, in doing or performing any work by this Act authorised to be done or performed by the Council, or in the exercise of any power or authority by this Act conferred on the Council, shall for every such offence incur a penalty not exceeding Fifty Pounds. Penalty for obstructing Council.
- 50** Every 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 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 electricity.
- 51** Every person who without due authority takes any electricity 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 electricity, &c., without authority
- 52** Any person who makes any pipe, wire, or conductor to communicate with any pipe, wire, or conductor, or service pipes or other work belonging to the Council without the authority of the Council in that behalf, shall for every such offence incur a penalty not exceeding Twenty Pounds. Attaching conductor, &c.
- 53** 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 line or service, &c., to pay compensation.
- 54** 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 pay a penalty not exceeding Ten Pounds in addition to the amount of damage. Persons failing to report damage.
- 55** 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 electricity is or may be lost, wasted or misused, destroyed, or interrupted in any way, he Penalty for destroying or injuring works wilfully or maliciously.

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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 offence liable.

56 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.

57 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, &c.

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

PART X.

BY-LAWS.

By-laws.

59—(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 arrangement of 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:

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- vi. For preventing injury to any of the works or machinery or apparatus erected by or belonging to the Council for the generation or transmission of electricity : A.D. 1914.
- vii. Generally for the better effectuating any of the purposes of this Act in any matter not otherwise sufficiently provided for ;
- and to provide that any such by-law may be enforced by cutting of the wire or conductor or service, or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Council thinks proper.

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

SCHEDULE.**BALLOT-PAPER.**

Yes.

No.

If you are in favour of the Council borrowing Six thousand Pounds to provide for lighting the Light District, you will place a cross, thus ×, opposite the word "Yes." If you are opposed to the Council proceeding in the matter, you will place a cross, thus ×, opposite the word "No."

