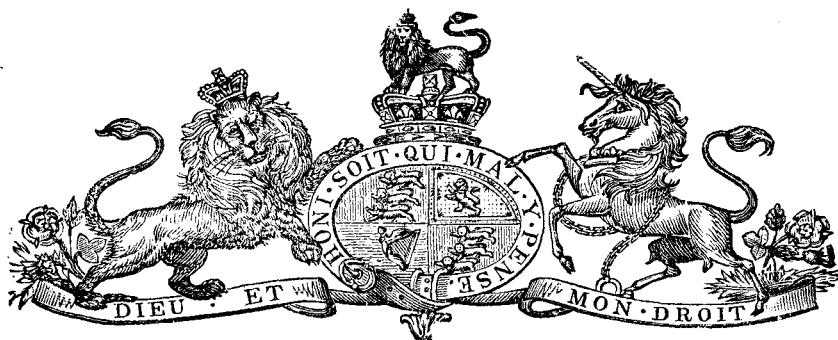


T A S M A N I A.



1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ.



AN ACT to enable *Percy John Edward Fowler*, of *Zeehan*, to construct, maintain, and work the necessary Machinery and Appliances for generating and transmitting Electricity, and supplying the same to any Person or Company, at and near *Zeehan*.

A.D. 1898.

[29 October, 1898.]

WHEREAS *Percy John Edward Fowler*, of *Zeehan*, in *Tasmania*, Newspaper Proprietor, is desirous of acquiring the right to construct, maintain, and work the necessary Machinery and Appliances for generating and transmitting Electricity to any Person or Company at or near *Zeehan* aforesaid :

PREAMBLE.

And whereas it would be conducive to the development of the mining operations, and for the benefit of the inhabitants of the said Town of *Zeehan* and its vicinity, that the powers and authorities herein contained should be conferred upon the said *Percy John Edward Fowler* upon the terms and conditions hereinafter mentioned :

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 may be cited for all purposes as “ The *Zeehan* Electric Light and Power Act, 1898.”

Short title.

2 In this Act and in any By-law made under it, save where there is something in the context inconsistent therewith, the following words [*Private*.]

Interpretation.

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and expressions shall have and include the following meanings attached thereto respectively :—

- “Area of supply” shall mean and include the Town of *Zeehan* and the vicinity thereof, and all other portions of the County of *Montagu*, in *Tasmania*, within a radius of Five miles from the Post Office in the Town of *Zeehan* :
- “Conductor” shall mean and include cable, wire, or other apparatus for transmitting electrical power :
- “Conduit” shall mean and include the pipes or wires by means of which the main supply of electricity is supplied to any town, mine, property, or person :
- “Crown Land” shall mean and include any land or lands in the Colony of *Tasmania* which are or may become vested in the Crown, and includes all lands of the Crown which are or may be occupied for pastoral or mining or other purposes under any lease or licence issued in pursuance of any Act of the Parliament of *Tasmania* :
- “Electricity” shall mean and include electricity, electric current, or any like agency :
- “Electric Line” means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric currents :
- “First lessee” means any person entitled to occupy any land previously leased under the authority of any Act of the Parliament of *Tasmania* :
- “*Gazette*” means *The Hobart Gazette* :
- “Governor” means the Governor for the time being of the Colony of *Tasmania*, with the advice of the Executive Council :
- “Local Authority” means the Municipal Council, Road Trust, Town Board, or body of persons or person having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street ; but if the same shall not be used in respect of any street it shall mean the Town Board or body corporate having the local government of any City, Town, or District in which any of the works hereby authorised may be situate, or, in default of any such Local Authority, the Commissioner of Crown Lands :
- “Machinery” means any appliance for carrying into effect any of the objects authorised by this Act :
- “Meter” means any instrument, apparatus, or appliance for measuring and ascertaining the quantity of motive power or electricity used or supplied to any person :
- “Minister” means the Minister of Lands and Works for the time being of the Colony of *Tasmania* :
- “Owner” means the person for the time being in actual receipt of or entitled to receive the rents and profits of any house, manufactory, or building of whatsoever kind, or any land :
- “Person” includes Corporation, Company, Association, Syndicate, Partnership, or Local Authority :

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- “Private Lands” means any land which shall have been granted by the Crown in fee simple, or by lease for a longer term than Ninety-nine years, to any person : A.D. 1898.
- “Projector” means the before-named *Percy John Edward Fowler*, his executors, administrators, or assigns :
- “Property” means lands or buildings, and land and buildings :
- “Street” means any public and common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or public way, place, or passage, or any railway or tramway :
- “Town” means any settlement, camp, or collection of houses, whether proclaimed as a town or not, and situate within the area of supply :
- “Works” means and includes electric lines, and also all machinery, buildings, engines, cables, poles for carrying cables and wires, and other works of what kind soever which are from time to time necessary, or used for effectuating the purposes of this Act.

3 It shall be lawful for the Projector, subject to the provisions of this Act— Authority to work machinery, &c.

To work any machinery that may be erected by the Projector for generating, making, and transmitting electricity for the purpose of supplying light to the towns, streets, mines, and buildings within the area of supply :

To work any machinery that may be erected by the Projector for generating, making, and transmitting electricity for the purpose of supplying the inhabitants of the area of supply with electricity for any purpose :

To work any machinery that may be erected by the Projector for drawing or propelling trams, carriages, and other vehicles in, over, along, and upon the streets of any of the towns or public or private lands within the area of supply :

To work any machinery that may be erected by the Projector for the purpose of executing or exercising any of the powers, functions, duties, or authorities now or hereinafter vested in or imposed on the Projector :

To supply any mines or batteries within the area of supply with electric motive power for winding, pumping, working, or any other purpose :

To make, generate, and transmit electricity for the purpose of telferage, or for working any electrical appliance or machine to which electricity can be applied.

4 It shall be lawful for the Projector, under the supervision of the Local Authority, from time to time to place and maintain conduits, electric lines, leads, wires, cables, or conductors necessary for conveying the electricity to be supplied by him under, over, along, or across any street or open public reserve within the area of supply, and may place and maintain posts in, upon, or over such street or open public reserve, and may at any time alter or remove the same. Power to construct lines with consent of Local Authority.

5 Before proceeding to construct any electric line or works under the powers contained in this Act, the Projector shall give notice in writing signed by the said Projector or his agent, to the Local Authority, Notice of laying electric mains, &c. to be given to

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Local Authority.
Provision for
cases of emer-
gency.

or to their clerk or surveyor, within the area of supply, of the Projector's intention to do so: Provided always that, in cases of emergency arising from defects in the electric lines or works, the Projector shall be at liberty to begin to repair the same without giving such notice, and in all such cases like notice in writing shall be given by the Projector to such Local Authority or their clerk or surveyor as soon as may be convenient after the beginning of such repairs.

Compensation
for damage.

6 In the exercise of the powers in relation to the execution of the works given him under this Act, the Projector shall cause as little detriment and inconvenience and do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation in case of difference to be determined by arbitration in the mode prescribed in *The Lands Clauses Act*.

Projector em-
powered to take
and sell land.

7 The Projector is hereby empowered to acquire, purchase, and take on lease, sell, or exchange any land which the Projector may consider to be necessary for the purposes of this Act.

21 Vict. No. 11
incorporated.

8 *The Lands Clauses Act* shall, except as hereby expressly varied, be incorporated with this Act, but there shall not be incorporated with this Act the Eighth and Ninth Sections of *The Lands Clauses Act*; and in the construction of this Act and the said incorporated Act this Act shall be deemed to be the special Act, and the said Projector shall be deemed to be the Promoter of the undertaking, subject to the provisions of this Act.

Lease of Crown
lands may be
granted.

9 It shall be lawful for the Minister, with the consent of the Governor, to grant to the Projector from time to time, for any term not exceeding Thirty years, at a rental to be fixed by the Minister, a lease of any Crown lands that the Projector may consider necessary for the purposes of this Act, subject to such covenants and conditions as the Minister may think fit.

Effect of lease.

10 Every such lease as aforesaid shall, subject to the provisions of Section Seventeen, operate and take effect merely as a licence to the Projector to construct and maintain the works hereby contemplated, and shall not confer any right or title to any mines or minerals.

Protection to
rights of first
lessee.

11 In case any such lease as aforesaid comprises any Crown land previously leased, then such lease shall not affect the rights of the first lessee, except so far as may be necessary for carrying out the objects of such lease, and the first lessee may accordingly exercise all powers conferred upon him in respect of the land previously leased: Provided that he shall not carry on mining or other operations upon any land comprised in the said lease in such a way as to damage the work of the Projector.

Notice to first
lessee of intention
to construct
works.

12 In case any such lease shall comprise any Crown land previously leased, then the Projector shall, not less than Seven days before commencing any work, serve upon the first lessee a notice indicating with all reasonable accuracy, by means of a plan or otherwise, the proposed course, direction, or situation of the said works.

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13 The Projector may, for the purpose merely of surveying and taking levels, after giving not less than Twenty-four hours' nor more than Seven days' notice to the owner or first lessee, enter upon any private or Crown land without the previous consent of any person.

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Projector may enter after notice.

14 Before any works shall be constructed or done by the Projector under or in pursuance of any lease granted to him under this Act through, over, or upon any land previously leased, the first lessee shall be paid by the Projector such compensation, if any, as shall be determined by agreement between the first lessee and the Projector; and if such compensation shall not be fixed by agreement within One month after the service of the notice mentioned in Section Twelve, then such compensation, if any, shall be determined by arbitration in the mode prescribed in *The Lands Clauses Act*.

Compensation to first lessee.

15 It shall be lawful for the Projector and all persons by him authorised, after not less than Two nor more than Seven days' notice to the occupier or occupiers, to enter upon any lands, not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and to occupy the said lands so long as may be necessary for the construction or repair of any works authorised by this Act, or of the accommodation works connected therewith hereinafter mentioned, and to use the same for any of the following purposes; that is to say—

Power to take temporary possession of land.

For the purpose of constructing, building, or putting thereon any machinery :

For the purpose of taking earth or soil by cuttings therefrom :

For the purpose of depositing soil thereon :

For the purpose of obtaining materials therefrom for the construction or repair of the works or such accommodation works as aforesaid ; or

For the purpose of forming roads thereon to or by the side of the said works.

And in the exercise of such powers it shall be lawful for the Projector and all other persons employed therein to deposit and also to manufacture and work upon such lands materials of every kind used in constructing the said works ; and also to cut and take from any such lands any timber ; and also to dig and take from or out thereof any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the said works or any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature, or any steam-engines or other machinery : Provided always, that nothing in this Act contained shall exempt the Projector from an action for nuisance or other injury, if any, done in the exercise of the powers hereby conferred to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid.

Provided also, that no stone or slate quarry or brickfield, or other like place which at the time of the passing of this Act shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the Projector, either wholly or in part, for any of the purposes hereinbefore mentioned.

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Compensation to be made for temporary occupation.

16 In any of the cases aforesaid, where the Projector shall take temporary possession of lands by virtue of the powers herein granted, it shall be incumbent on him, within One month after his entry upon such lands, upon being required to do so, to pay the occupier of the said lands the value of any crop or dressing that may be destroyed or injured thereon, as well as full compensation for any other damage which he may sustain by reason of the Projector so taking possession of his lands.

Materials from Crown lands.

17 The Projector may from time to time, for the purposes of this Act, dig and use clay, stone, and other materials upon any Crown lands, and carry away the same ; and may fell and remove all timber which in the opinion of the Projector it may be necessary to remove for the safety of the works hereby contemplated, notwithstanding anything contained in Section Ten of this Act : Provided, that full compensation shall, in the case of Crown land belonging to the first lessee, be made to all parties interested in such land for the damage done under this Section ; and such compensation shall be settled by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

Compensation.

Before roads interfered with others to be substituted.

18 If in the exercise of the powers hereby granted it be found necessary to cross-cut through, raise, sink, or use any part of any street so as to render it impassable for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the Projector shall, before the commencement of any such operations, cause a street to be made to the satisfaction of the Local Authority, instead of the street to be interfered with.

Period for restoration of roads interfered with.

19 If the road so interfered with can be restored compatibly with the due completion of any works authorised under this Act, the same shall be restored to as good a condition as it was in at the time when the same was first interfered with by the Projector, or as near thereto as may be ; and if such road cannot be so restored, the Projector shall cause the new or substituted road, or some other sufficient substituted road, to be put into a permanently substantial condition, equally convenient as the former road, or as near thereto as circumstances will allow ; and the former road shall be restored, or the substituted road put into such condition as aforesaid, as the case may be, with all reasonable expedition.

Persons not making claim barred.

20 If the Projector by notice in writing require any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Projector 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 previously to the service of such notice, unless he prefers his claim in the manner aforesaid within Six months after service of such notice.

Penalty for obstructing construction of works.

21 Every person who shall wilfully obstruct any person acting under the authority of the Projector in setting out the line of any works undertaken under the authority of this Act, or pull up or

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remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or destroy or injure any works undertaken as aforesaid, shall incur a penalty not exceeding Five Pounds for every such offence. A.D. 1898.

22 The Projector may, upon giving Seven days' notice in writing to the local authority of his intention so to do, open and break up, under the supervision of the Local Authority or their authorised officer, the soil and pavement of any street in any town or other place within the area of supply, and may open and break up any sewers, drains, or tunnels within or under such street, and lay down and place within the said limits conduits, service pipes, and other works and engines, and erect posts or poles, and stretch and put conduits and wires thereon, and carry and run electricity or any motive-power on and through such conduits and wires, and from time to time repair, or alter, or remove the same, and, for the purposes aforesaid, remove and use all earth and materials in and under such streets, and do all other acts which the Projector shall from time to time deem necessary for supplying light or motive-power by electricity to the property, mines, persons, or inhabitants of the area of supply : Provided, that if the Local Authority or their authorised officer refuse or neglect to supervise the operations referred to in this Section, the Projector may perform the work specified in the notice herein mentioned without the supervision of such Local Authority or their authorised officer. Power to open streets, &c.

23 In cases of emergency arising from defects in the conduits, machinery, or works of the Projector, the Projector may proceed to exercise any of the powers referred to in the last preceding Section before such notice has been given, or before such period has expired ; but, in case such notice has not been already given, the same shall be given as soon as possible after the commencement of the work or the necessity for the same has arisen. Provision for cases of emergency.

24 When the Projector shall open or break up the soil or pavement of any street, or any sewer, drain, or tunnel, he shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain, or tunnel so opened or broken, and carry away the rubbish occasioned thereby to the satisfaction of the Local Authority or their authorised officer ; and shall at all times, whilst any such road or pavement shall be so open or broken up, cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. Reinstatement of streets, &c.

25 The Projector shall cause any settlement of the trenches which may appear from time to time within Twelve months of the execution of any works in any street to be made good with sound and suitable material at least of equal quantity to that displaced, and shall remove any ridges left therein so as to permanently leave the level of the street the same as before the commencement of the work : Provided, that the Local Authority may execute any such reinstatement or repairs as mentioned in this Section, and recover the cost thereof from the Pro- Settlement of trenches to be made good.

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jector if he has neglected, after receiving Seven days' notice from such Local Authority, to effect the same.

Projector not to injure any Government line of telegraphic or telephonic communication.

26 The Projector shall not, in the exercise of any of the powers conferred by this Act, lay down any electric line, or do any other work for the supply of electricity, whereby any telegraphic or telephonic line belonging to or under the control of the Government is or may be injuriously affected.

Consent of Postmaster-General to be obtained.

27 The Projector shall not proceed to erect or lay down any wire, conductor, communicator, distributor, electric line, or other electric apparatus without the approval of the Postmaster-General having been previously obtained as hereinafter provided; and if the said Postmaster-General is at any time of opinion that any telegraphic or telephonic wire is or may be injuriously affected by such wire, conductor, communicator, distributor, electric line, or other apparatus, or that the same is likely to become dangerous to the public safety or a public nuisance, the said Postmaster-General may, by notice in writing, require the Projector to remove such wire, conductor, communicator, distributor, electric line, or other apparatus, or any portion thereof; and if the Projector do not within Ten days after service on him of such written notice remove the same, the said Postmaster-General may remove the same, and recover the expense of such removal from the Projector in a summary manner.

Notice to be given to Postmaster-General of intention to execute works.

28 One month before commencing the execution of any works under the authority of this Act (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered), the Projector shall serve a notice on the Postmaster-General, describing the proposed works, together with a plan of the works, showing the mode or position in which such works are intended to be executed, and shall, upon being required to do so by the Postmaster-General, give him any such further information in relation thereto as he may desire.

Postmaster General may approve.

29 The Postmaster-General may, in his discretion, approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove of the same, and may give notice of such approval or disapproval to the Projector.

If Postmaster-General does not disapprove within One month works may be executed.

30 If the Postmaster-General fail to give any such notice of approval or disapproval to the Projector within One month after the service of the notice upon him, he shall be deemed to have approved such works and plan.

Works to be in accordance with plans.

31 Notwithstanding anything in this Act contained, the Projector shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is deemed to have been approved by the Postmaster-General as above mentioned; but where any such works, description, and plan are so approved or to be deemed to be approved, the Projector may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Act.

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- 32** If the Projector make default in complying with any of the requirements or restrictions of this Act, he shall make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof. A.D. 1898.
Projector liable in damages.
- 33** The Postmaster-General may require the Projector to erect his wires, conductors, communicators, distributors, electric lines, and other apparatus in accordance with the Rules and Regulations applying to electric light and power-wires as issued by the *London* Board of Trade, or such modification thereof as may be approved and sanctioned by the Governor in Council. Wires, &c. to be in accordance with Rules of Board of Trade.
- 34** In the event of any contravention of or wilful non-compliance by the Projector or his agents with any of the provisions of the Eight preceding Sections of this Act, the Projector shall be liable on conviction to a penalty not exceeding Ten Pounds for every day during which such contravention or non-compliance continues, or, if the telegraphic communication is wilfully interrupted, not exceeding Twenty Pounds for every day on which such interruption continues. Penalty.
- 35** Nothing in the Nine preceding Sections of this Act shall subject the Projector or his agents to a penalty if he satisfies the Court having cognisance of the case that an immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that he forthwith served on the Postmaster or officer in charge of the post or telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice. Penalty not to be incurred in certain cases.
- 36** For the purposes of this Act, a telegraphic or telephonic line, belonging to or under the control of the Government, shall be deemed to be injuriously affected by a work if telegraphic or telephonic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work or by any use made of such work. Where line to be deemed to be injuriously affected.
- 37** If at any time the Projector is dissatisfied with anything done by the Postmaster-General under the alleged authority of this Act, the Projector may appeal to a Judge of the Supreme Court, who shall determine whether the particular power claimed by the Postmaster-General is conferred upon him by this Act, and whether the manner in which the same has been exercised is reasonable and proper for the purpose for which it is conferred, and such Judge may make such order as he shall deem necessary to secure a proper exercise of such power. Projector may appeal to Judge of Supreme Court.
- 38** The Projector may generate and supply, let, hire, and sell to any Local Authority or to any person, mine, building, or property within the area of supply electric power or electricity for lighting purposes or for motive power, and may make charges for the supply of electric power or electricity, and may enter into any contract with the Local Authority for the area of supply or any part thereof for such supply for public purposes, upon such terms and for such price as may be mutually agreed upon, and also may contract with any person for the supply of electricity for private purposes upon such terms and conditions as in this Act contained, or as may be mutually agreed upon. Projector may supply electricity for streets and houses.

[*Private.*]

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Testing.

39 The Projector shall, before supplying any Local Authority, person, mine, or building with electric power or electricity, put up and erect suitable apparatus at some testing place for the purpose of testing the normal strength, and electric power, and motive force of the power supplied by him; and the Minister or Local Authority may from time to time appoint a person to test the strength and electric power of the motive force to be supplied by the Projector.

Projector may let meters.

40 The Projector may let for hire to any consumer of electricity supplied by measure any meter or instrument for measuring the quantity of electricity supplied and consumed, and any conduits and apparatus for the conveyance, reception, and storage of the electricity, for such remuneration in money as may be agreed upon between the Projector and the consumer, which shall be recoverable in the manner hereinafter mentioned.

Meters not distrainable.

41 Such meters, instruments, conduits, and apparatus shall not be subject to distress for rent or rates or taxes of the premises where the same are used, or to 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 the person in whose possession the meters, conduits, instruments, and apparatus may be.

Meter to be supplied and maintained by consumer.

42 Every person who shall have agreed with the Projector for the supply of electricity by measure shall, at his own expense, unless he hire a meter from the Projector, in which case such meter must be to the satisfaction of the consumer, provide a meter, and keep and maintain the same in good working condition to the satisfaction of such officer as may be appointed by the Projector; and in the event of any repairs being required to such meter, notice in writing shall be immediately given by such person to the Projector, and a registration of the quantity used shall be taken before such repairs are effected.

Notice of removal, &c. of meter.

43 Every person requiring to remove or alter the position of any meter shall give Six days' notice in writing to that effect to the Projector, and a registration of the quantity of electricity shall be taken before such removal or alteration is made.

Penalty for neglect to provide meter.

44 If any person who under the provisions hereinbefore contained ought to provide any meter, neglect or refuse to provide such meter, after having been required by the Projector so to do, he shall, for every such day during which such neglect or refusal continues, forfeit a sum not exceeding Two Pounds.

Penalty for neglect to give notice of repairs of meters.

45 If any person who has provided any meter as aforesaid fail to give the notice hereinbefore required of any repairs required for such meter, he shall forfeit a sum not exceeding Five Pounds, and a further sum not exceeding Two Pounds for each day (if more than one) that such meter remains unrepaired.

Electricity may be shut off if meter not in order.

46 If any person refuse or delay to have such meter properly repaired and put in correct working order after having been required by any officer of the Projector so to do, the Projector may shut off the

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supply of electricity from the premises of such person, either by cutting the conduits or service pipe, or otherwise, until such meter shall have been properly repaired and certified by some officer of the Projector to be in proper working order.

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47 If any person fix or refix any meter upon any premises supplied with electric power by the Projector without having first obtained a certificate from the Projector that the said meter has been examined and found in correct working order, he shall forfeit a sum not exceeding Five Pounds.

Penalty for fixing uncertified meter.

If any person remove or alter the position of, or in any way interfere with, any meter without giving such notice as aforesaid, he shall for every such offence forfeit a sum not exceeding Five Pounds over and above the damage which he may be found liable to pay in any action at law at the suit of the Projector.

Penalty for removing meter without notice.

48 The Projector or his officers may enter any house, building, mine, or property to, through, or into which electricity is supplied by the Projector by measure in order to inspect the meters, instruments, conduits, 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, building, or lands for the purpose of removing any meter, instrument, conduit, or apparatus the property of the Projector; and if any person hinders any such officer from entering or making such inspection or effecting such removal, he shall for each offence be liable to a penalty not exceeding Five Pounds, but, except with the consent of a Justice of the Peace, this power of entry shall be exercised only between the hours of Nine in the forenoon and Four in the afternoon.

Power to officers of Projector to inspect meter.

49 After conduits or wires have been laid and erected and put up under the authority of this Act for the supply of electric power or light to any street or part thereof, the Projector shall cause a notice thereof to be published in a newspaper circulating in any Town within the area of supply.

Notice that conduits laid.

50 Any owner or occupier of any dwelling-house or part of a dwelling-house, mine, building, or property within the area of supply, who shall wish to have electricity brought into his premises, and shall have paid in advance or tendered to the Projector the charge in respect of such electricity by this Act directed to be paid, may, with the consent of the Projector first had and obtained, open the private land between the conduits of the Projector, or erect poles and put wires and conductors thereon between and to communicate with the conduit poles and wires of the Projector, and carry and run electricity therein and thereon, having first obtained the consent of the owners and occupiers of such private land.

Conduits laid by owners or occupiers.

51 Before any conduit or wire is made to communicate with the conduit or wires of the Projector, the person intending to lay such conduit or put up poles and wires shall give Two days' notice to the Projector of the day and hour when such conduit or wire is intended to be made to communicate with the conduits or wires of the Projector; and every such conduit or wire shall be so made to communicate under the superintendence and according to the directions of the Surveyor or

Communication with conduits of Projector to be made under the superintendence of surveyor.

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other officer appointed for that purpose by the Projector, and shall be of a strength and material approved by such surveyor or other officer. The conductor, communicator, distributor, conduits or wires put up to connect with the conduits or wires of the Projector shall be supplied by the Projector at cost price to any person requiring the same at his request and costs.

Service conduits may be removed after giving notice.

52 Any person who shall have laid down any conduit wire or other works, or who shall have become the proprietor thereof, may remove the same after having first given Six days' notice in writing to the Projector of his intention to do so, and of the time of such proposed removal; and every such person shall make compensation to the Projector for any injury or damage to his conduits, wires, or works which may be caused by such removal.

Power to break up pavements.

53 Any such owner or occupier may open or break up so much of the street or pavement (if any), or any sewer or drain therein, as shall be between the conduits of the Projector and his house, mine, buildings, or property, for any such purposes as aforesaid (doing as little damage as may be, and making compensation to the Local Authority for any such damage done in the execution of any such work).

Provided always, that every such owner or occupier desiring to break up any street or pavement, or any sewer or drain therein, shall be subject to the same necessity of giving previous notice, and shall be subject to the same control, restrictions, and obligations in and during the time of breaking up the same, and also reinstating same, and to the same penalties for any delay in regard thereto, as the Projector is subject to under the provisions of this Act.

Protection of the motive power; in case of any breach of this part of this Act, motive power may be cut off.

54 If any person, supplied with electricity by the Projector, wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of waste, misuse, or undue consumption of electricity, the Projector may, without prejudice to any remedy against him in respect thereof, cut off any of the conduits or wires by or through which electricity is supplied to him or for his use, and may cease to supply him with electricity as long as the cause of injury remains or is not remedied.

Penalty for waste of motive power.

55 If any person supplied with electricity by the Projector wilfully or negligently causes or suffers any conduit or other apparatus to be out of repair, or to be so used or contrived that the electricity supplied to him by the Projector is or is likely to be wasted, misused, or unduly consumed, he shall for every such offence be liable to a penalty not exceeding Twenty-five Pounds, and a further sum not exceeding Five Pounds for each day (if more than one) that such offence continues.

Penalty for destroying works, &c.

56 If any person shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage, any conduit, pipe, wire, or apparatus, or any of the works constituted under the authority of this Act, or wilfully and maliciously do any act calculated to render any part or parts of the machinery or works of the Projector unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, destroyed, or interrupted in any way, he shall be deemed

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guilty of a felony, and be liable to imprisonment, with or without hard labour, for any term not exceeding Two years. A. D. 1898.

57 It shall not be lawful for the owner or occupier of any house, mine, buildings, or property supplied with electricity by the Projector, or any consumer of the electricity of the Projector, or any other person, to affix, or cause or permit to be affixed, any conduit, wire, or apparatus to a conduit or wire belonging to or used by such owner, or occupier, consumer, or any other person, or to make any alteration in any such communication, or conduit, or wire, or in any apparatus connected therewith, without the consent in every such case of the Projector; and if any person acts in any respect in contravention of the provisions of this Section he shall for every such offence be liable to a penalty not exceeding Five Pounds; and the Projector may, in addition, recover damages in respect of any injury done to his property, and the value of any electricity used, wasted, misused, or unduly consumed.

No conduit, &c. to be fixed to consumer's conduit, &c. without permission of Projector.

58 No electric main or conductor shall be used for the supply of electricity, and no electric photometer shall be used for ascertaining the illuminating power of electric light, and no electric meter shall be used for ascertaining the quantity of electricity supplied by the Projector, unless the said main, conductor, photometer, and meter respectively shall be of a pattern approved in writing by the Superintendent of Telegraphs.

Electric conductor photometers and meters.

59 No continuous electric current shall be supplied by the Projector beyond the transformer to any electric line, main, or cable having an electro-motive force of more than Three hundred volts from the secondary terminals of the transformer, and no alternating current shall be so supplied having an electro-motive force of more than One hundred and fifty volts from such terminals.

Potential of current.

Provided that, if in the opinion of the Projector it is deemed necessary, for the purpose of carrying into effect the provisions of this Act, to employ beyond the transformer a higher tension of electricity than the said Three hundred volts in the case of a continuous current, or the said One hundred and fifty volts in the case of an alternating current, a written notice of the same containing a statement of the extent of the proposed increase of electro-motive power shall be served on the Superintendent of Telegraphs, who may, within Fourteen days from receipt of such notice, give to the Projector notice in writing of the necessary precautions to be taken and things to be done by the Projector in order to secure the safety of the public, which said precautions (if any) shall be taken, and the terms of such last-mentioned notice (if any shall be given within the time named) shall in all respects be complied with by the Projector before he shall supply a continuous electric current of higher electro-motive force than Three hundred volts, or an alternating electric current of higher electro-motive force than One hundred and fifty volts.

For every breach of any of the provisions of this Section the Projector shall be liable to a penalty not exceeding Two hundred and fifty Pounds, to be recovered in a summary manner before any two Justices of the Peace; and every agent or workman of the Projector who shall knowingly and wilfully authorise or permit such a breach shall be liable to the like penalty, to be recovered in the manner hereinbefore provided.

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No form of lamp
or burner to be
prescribed.

60 It shall not be lawful for the Projector to prescribe any special form of lamp or burner to be used by any person, or in any way to control or interfere with the manner in which electricity supplied by the Projector is used. Provided, that no person shall be at liberty to use any form of lamp or burner, or to use the electricity supplied by the Projector for any purpose, or to deal with it in any manner so as to unduly and improperly interfere with the supply of electricity supplied to any other person by the Projector.

Inspection of
premises supplied
with electricity.

61 The Surveyor or other person appointed for that purpose by the Projector may, between the hours of Nine o'clock in the forenoon and Four o'clock in the afternoon, enter into any house or premises supplied with electricity by the Projector in order to examine if there be any waste or misuse of electricity, and if such Surveyor or other person at any such time be refused admittance into such dwelling-house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the Projector may turn off the electricity supplied by him from such house or other premises.

Where several
houses supplied
by one conduit,
each to pay.

62 Where several houses or parts of houses, buildings, or mines, in the separate occupation of several persons, are supplied by one common conduit or wire, or where electricity is supplied to courts, alleys, and rights-of-way by conduit or otherwise, the several owners or occupiers of such houses or parts of houses, buildings, or mines, or of the several houses or parts of houses in every court, alley, or right-of-way, shall be 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 houses or parts of houses, buildings, or mines had been supplied with electricity from the works of the Projector by a separate conduit or wire.

Projector may
make charges.

63 The Projector is hereby authorised to make such charges for the supply of electricity as may be agreed upon by him and the persons to whom such electricity is supplied by the Projector, provided that in no case will the charge exceed One Shilling and Sixpence per unit.

Charges to be
recoverable from
occupier.

64 The charges for electricity, and all sums due to the Projector under this Act, shall be paid by and be recoverable, summarily before any Two Justices of the Peace, or as a debt in any other Court of competent jurisdiction, from the occupier of the premises or the person requiring, receiving, or using the supply of electricity.

Recovery of
charges.

65 If any person refuse or neglect to pay on demand to the Projector any charge or sum due to the Projector under this Act, the Projector may stop the electricity from flowing or going into or on the premises in respect of which such charge or sum is payable by cutting off the conduit or wire to such premises by such means as the Projector shall think fit; and the Projector may sue for and recover the charge or sum due from such person, with costs, and with the expenses of cutting off the electricity.

Minister or local
authority may
purchase works.

66 It shall be lawful for the Minister, with the approval of Parliament, or for the Town Board or other local governing body for the time being of the Town of *Zeehan*, at any time after the expiration of Twenty-one years from the passing of this Act, by notice in writing,

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to require the Projector to sell at the expiration of Six months from the giving of such notice, and the Projector shall accordingly sell to the Crown or to the Town Board or other local governing body aforesaid, the whole or any part of the lands, machinery, and works then belonging to the Projector, and which shall have been acquired, made, or erected under the authority of this Act, and all rights, privileges, powers, and advantages connected therewith or appurtenant thereto.

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67 The amount of compensation to be paid to the Projector upon the purchase of the lands, machinery, and works, rights, privileges, powers, and advantages comprised in such notice, shall not exceed the actual cost of such land and of the *bonâ fide* construction of such machinery and works, with an amount added equal to Twenty Pounds per centum on such cost.

Compensation upon purchase of works.

68 If the parties cannot agree upon the sum to be paid as the purchase money of the lands, machinery, and works, the question shall be referred to the determination of Five arbitrators, Two of whom shall be appointed by the purchaser and Two of whom shall be appointed by the Projector, and the Fifth arbitrator shall be appointed by the Four other arbitrators.

If parties cannot agree as to amount of compensation question to be referred to arbitration.

69 If the Projector fails or refuses to appoint Two arbitrators for the purpose aforesaid within a period of One month after having received notice in writing from the purchaser so to do, it shall be lawful for the purchaser to appoint Two arbitrators to act with the Two arbitrators already appointed by the purchaser, and such Four arbitrators shall appoint a Fifth arbitrator, and the Five arbitrators so appointed, or a majority of them, shall determine the purchase money to be paid.

If parties do not agree upon arbitrators.

70 If any vacancy shall occur among the arbitrators before they have fixed such purchase money as aforesaid, such vacancy shall be filled up by the appointment of another arbitrator by the same authority by which the arbitrator whose place has become vacant was appointed.

Vacancy in arbitrators, how filled up.

71 For the purpose of ascertaining the actual cost of the construction work under this Act, the Projector shall from year to year submit to the Auditor-General accounts and proper vouchers of all construction works, and upon computing the amount of compensation to be paid to the Projector in the event of the purchase as aforesaid, the amount of the accounts as passed by the Auditor-General shall be deemed to be the actual cost of the construction of the works.

Accounts of cost of construction to be submitted to Auditor-General.

72 The accounts of the Projector in and about the construction of the said works shall be subject to all the provisions of *The Audit Act, 1883*, in the same manner in all respects as if such accounts had been specifically mentioned therein.

Accounts of construction subject to 52 Vict. No. 43.

73 Whenever by this Act authority is conferred upon the Projector to enter upon any land for the purpose of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall extend to all persons acting by direction of the Projector, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

Entry by Agents.

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Penalties, &c. to be summarily recovered before Two Justices.

74 All offences against this Act or any By-law made hereunder, and all penalties and sums of money imposed or made payable by this Act, shall be heard, determined, and recovered in a summary way by any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and all penalties recovered by any such By-law shall be paid to the Projector.

Appeal.

75 Any person summarily convicted of any offence against this Act or any By-law made hereunder, or who feels himself aggrieved by any Order made by any Justices of the Peace under this Act or any By-law made hereunder, may appeal against the conviction in the mode prescribed by *The Appeals Regulation Act*.

Power to award costs.

76 In all proceedings whatever for the recovery of any charges or sums of money under this Act, and in all other proceedings before Justices of the Peace in pursuance of this Act, it shall be lawful for the Justice or Justices, in his or their discretion, to award and order that the defendant shall pay such costs as to such Justice or Justices of the Peace shall seem just and reasonable in that behalf. And in case where such Justice or Justices of the Peace, instead of making an order as aforesaid, shall dismiss the information or complaint, it shall be lawful for him or them, in his or their discretion, to award and order to the defendant such costs as to such Justice or Justices of the Peace shall seem just and reasonable; and the sums so allowed for costs shall in all cases be specified in the order made against the defendant or in the order of dismissal as aforesaid; and the same shall be recoverable in the same manner and under the same warrants as any penalty or sum of money adjudged to be paid in and by such order is recoverable; and in cases where there is no such penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of goods and chattels of the party ordered to pay the same: Provided, that no imprisonment for non-compliance with any order for payment of any money or charges due to the Projector shall be imposed.

Persons under Act entitled to notice of action.

77 No action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action, and of the cause thereof, is given to the defendant One month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued; and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence, and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time; and if a verdict passes for the defendant, or if the plaintiff becomes nonsuit or discontinues such action, or, if upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon.

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78 If through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this Act, any damage to any conduit, main, pipe, wire, or other property of the Projector shall have been committed by such person, he shall be liable to make good such damage in addition to any penalty that may be imposed upon him under this Act.

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Damage to be made good in addition to penalty.

79 Any notice required by this Act, or any by-law or regulation made hereunder, to be served on or given to any owner or occupier of any building, property, mine, or premises, or to any person, may be in writing or printed, or may be partly in writing and partly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such building, property, mine, or premises, or left with some inmate apparently over the age of Fourteen years living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted on some conspicuous part of such building, property, mine, or premises; and any notice required to be served or given in respect of any street may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street or the portion thereof affected by the notice.

Notices.

80 Any notice required to be given by the Projector under this Act shall be sufficient if signed by the Projector or by his Secretary or Solicitor.

Signature of notices.

81 It shall be lawful for the Projector at any time after the passing hereof, to assign, transfer, convey, and release to any company duly incorporated for that purpose, or to any person or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon him by this Act, together with all or any of the lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by him under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release the said company, person or persons, their officers, agents, and servants, may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations, penalties, and forfeitures to which the Projector or his officers, agents, or servants would have been entitled or subject had no such assignment, transfer, conveyance, and release been completed: Provided however, that nothing herein contained shall prejudice or affect any rights accrued, actions or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the Projector before the completion of the said assignment, transfer, conveyance, and release.

Rights, powers, &c. under this Act may be assigned, &c. to incorporated company, &c.

82 Upon the completion of any such assignment, transfer, conveyance, or release as is hereinbefore mentioned, this Act shall be read so that whenever the word "Projector" occurs it shall be omitted and the name of the company, person or persons who shall be the assignee or transferee shall be read and taken to be inserted in its place.

How Act to be read on completion of assignment, &c.

[Private.]

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Projector may
make By-laws.

83 Subject to the provisions of this Act, the Projector may from time to time make, alter, and repeal By-laws—

For regulating the form of contract to be entered into with the Projector and any other person, and generally for carrying into effect the purposes of this Act:

As to supplying electricity :

For determining the time at which any charge for electricity shall be payable, and whether in advance or not :

For regulating the form, material, dimensions, construction, and arrangement of pipes, conductors, conduits, wires, and other works supplying electricity from the pipes, conduits, or wires of the Projector to adjacent premises, the time of executing and the notices to be given for such works, the superintendence thereof, the making good and replacing ground which may be displaced in the course of such works, and for inspecting all works or appliances at reasonable times, whether situate within any building or otherwise :

For regulating the construction, disposition, custody, and inspection of meters :

For preventing the waste or misuse of electricity supplied by the Projector :

For preventing the use, directly or indirectly, of electricity supplied by the Projector by persons unauthorised by the Projector :

For preventing persons from wilfully breaking, injuring, or interfering with any conduit, lock, cock, valve, engine, or work belonging to the Projector, and from doing any other wilful act whereby the electricity supplied by the Projector may be wasted.

By-laws to be
approved and
published.

84 Every such By-law shall, after approval by the Governor, and after such approval has been signified to the Projector, be by him published at least once in the *Gazette*; and no such By-law shall have any force or effect until it has been published in the *Gazette*, and every such By-law shall, when so published, be binding upon and be observed by all persons, and shall be sufficient to justify all persons acting under the same.

By-laws to be laid
before Parlia-
ment.

85 All By-laws made by the Projector under this Act shall be laid before both houses of Parliament within Fourteen days of the making thereof if Parliament is in Session, and if not, then within Fourteen days after the commencement of the next Session.

Penalties in
By-laws.

86 The Projector, by the By-laws to be made by him, may, subject to the approval of the Governor, impose such reasonable penalties as he shall think fit, not exceeding Ten Pounds, for each breach of such By-law or any of them.

Evidence of
By-law.

87 The production of the *Gazette* containing any such By-law shall in any action at law or suit in equity, or any arbitration, or any proceeding in any Court, be *prima facie* evidence that such By-law as it is printed in such *Gazette* has been duly made and published as hereinbefore provided.

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88—(1.) Before commencing to construct any works authorised by this Act, the Projector shall register with the Registrar under “The Companies Act, 1869,” and shall publish in the *Hobart Gazette*, the name and place of abode or business of the person who for the time being carries on the business of the Projector in *Tasmania*, and also the situation of the office in *Tasmania* of the Projector, and shall in like manner upon any change of such person, or in the situation of such office, register and publish the same, and such person shall be deemed to be the agent, and such office to be the registered office of the Projector.

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Projector to have registered office.

(2.) The name of the style or firm under which the Projector is carrying on business, and that such office is his registered office under this Act, shall appear and be stated in a conspicuous manner on the outside of such registered office.

(3.) Any Bill in equity, writ, summons, notice, order, or other document relating to the works authorised by this Act, or to any matters herein mentioned, or to the privileges or liabilities of the Projector hereunder, may be served upon the Projector by delivering the same to his agent, or by leaving the same at his registered office, or by sending the same in a prepaid and registered letter addressed to the Projector at such office.

(4.) If the Projector shall at any time transfer or assign his rights, privileges, and authorities under this Act, or any of them, to a company incorporated and registered in *Tasmania* under “The Companies Act, 1869,” the preceding provisions of this Section shall not extend or apply to such company.

89 The Projector shall within Six months after the passing of this Act place on fixed deposit in some bank in *Hobart*, to be approved of by the Minister in the name of the Treasurer of the Colony, the sum of Five hundred Pounds, as a security for the due commencement and construction of part of the works authorised by this Act; and if the Projector does not commence the construction of the said works in a *bonâ fide* manner to the satisfaction of the Minister before the First day of *July*, One thousand eight hundred and ninety-nine, and expend upon the said works the sum of One thousand five hundred Pounds before the First day of *July*, One thousand nine hundred, the said sum of Five hundred Pounds and the interest accrued thereon shall be forfeited to Her Majesty and shall become part of the Consolidated Revenue Fund of the Colony.

Security to be given for completion of the work.

Provided, that if the Projector shall within Six months after the passing of this Act expend upon the said works to the satisfaction of the Minister the sum of One thousand five hundred Pounds, then the Projector shall not be required to make the deposit of Five hundred Pounds as aforesaid; and a notice in writing under the hand of the Minister that such sum of One thousand five hundred Pounds has been expended to his satisfaction shall be deemed sufficient to exonerate the Projector from his liability to make such deposit as is hereinbefore mentioned.

90 Upon the expenditure of the sum of One thousand five hundred Pounds to the satisfaction of the Minister, the said sum of Five hundred Pounds shall, if deposited, be repaid to the Projector, and until such sum is repaid to the Projector he shall be entitled to receive, unless such sum is forfeited as aforesaid, interest thereon as from the day of deposit.

Deposit to be repaid.

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91 If the said works authorised by this Act or some part thereof are not commenced, and the construction thereof continued according to the provisions of this Act, and the sum of Two thousand Pounds is not expended upon the said works or a part thereof before the First day of *January*, One thousand nine hundred and one, or if the Projector shall fail to carry out the objects and purposes of this Act to the satisfaction of the Minister certified under his hand, or, if the Projector shall fail to deposit the said sum of Five hundred Pounds as hereinbefore mentioned, if required under the foregoing provisions, then the powers, authorities, and privileges conferred by this Act upon the Projector, and any lease granted by the Crown or any person to the Projector, shall cease and be void.

Extension.

92 Notwithstanding anything in this Act contained, it shall be lawful for the Governor, on the Address of both Houses of Parliament, to extend the time for completion of the works authorised by this Act.