

under the control of the Commissioner, and the waste, misuse, or undue or unauthorised consumption of power.

Penalties. **37.** Imposing a penalty for any breach of any regulation, and imposing different penalties in case of successive breaches. But no such penalty shall exceed fifty pounds.

Daily penalties. Imposing a daily penalty for any breach of any regulation, But no such penalty shall exceed five pounds per day.

Expenses. **38.** Providing that in addition to a penalty any expense incurred by the Commissioner in consequence of a breach of any regulation, or in the execution of work directed by this Act to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

Interest. **39.** Prescribing that moneys payable to the Commissioner under this Act shall carry interest if not duly paid; fixing the rate of such interest.

Charge on land for moneys due. **40.** Providing as an additional remedy that any moneys due to the Commissioner under this Act for water or power or any other thing supplied to or provided in relation to any land or for any costs and expenses incurred by the Commissioner and repayable by the owner or occupier of any land, together with all interest as prescribed on such moneys, costs, and expenses, shall be a charge on such land, and for the enforcement of such charges by sale, forfeiture, or otherwise of such land.

Generally. **41.** Generally for carrying into effect the purposes of this Act in respect of any matter not herein provided for or insufficiently provided for, and as to which the Governor in Council, by Order, permits regulations to be made.

13 Geo. V.
No. 20.
THE WATER
POWER ACT
OF 1922.

An Act to make better provision for the Utilization of Water for the purpose of generating and providing Electrical Energy and Water Power, and for purposes incidental thereto and consequent thereon.

[ASSENTED TO 14TH OCTOBER, 1922.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as "*The Water Power Act of 1922.*"

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2. Subparagraph (b) of paragraph (i.) of subsection ^{Amendment} one of section fourteen, and section sixty-two, of **The* ^{of 1 Geo. V.} *Rights in Water and Water Conservation and Utilization* ^{No. 25.} *Act of 1910*” are repealed.

3. In this Act, unless the context otherwise indicates, ^{Interpreta-} the following terms have the meanings respectively ^{tion.} assigned to them, that is to say:—

“Authorised officer”—An officer of a Hydraulic ^{Authorised} Authority authorised by it either generally ^{officer.} or for any particular purpose under this Act ;

“Channel”—Any ditch, channel, race, aqueduct, ^{Channel.} trench, conduit, tunnel, sluice, fluming, or line of pipes ;

“Conductor”—Any cable, wire, or other apparatus ^{Conductor.} for transmitting, distributing, or supplying power : the term includes any coating, covering, tube, pipe, casing, or insulator enclosing, surrounding, or supporting the same or any part thereof ;

“Construct” includes provide, set up, dig, excavate, ^{Construct.} erect, lay down, or place : the power or duty to construct includes the power or duty to maintain when constructed ; and correlatives have the like meaning ;

“Electrical energy”—Electric current, electric ^{Electrical} light, and electrical power ; ^{energy.}

“Hydraulic Authority”—The Minister representing ^{Hydraulic} the Crown, or a Water Power Board, autho- ^{Authority.} rised in every case by an Order in Council under this Act ;

“Machinery”—Any machine, machinery, instru- ^{Machinery.} ment, apparatus, or appliance for carrying into effect any of the objects authorised by this Act ;

“Meter”—Any instrument, apparatus, or appliance ^{Meter.} for measuring and ascertaining the quantity of water or the quantity of electrical energy as the case may require ;

“Minister”—The Secretary for Public Works or ^{Minister.} other Minister of the Crown for the time being charged with the administration of this Act ;

* 1 Geo. V. No. 25, *supra*, page 3578.

Order in Council.	“Order in Council” or “Order”—An Order in Council made or purporting to be made under or for the purposes of this Act ;
Person.	“Person” includes corporation, company, association, syndicate, firm, partnership, and local authority ;
Pipe.	“Pipe”—A main, main-pipe, pipe, stop-cock, water-cock, syphon, hydrant, plug, branch, or other apparatus used for or in connection with water ;
Post.	“Post”—Any post, pole, pillar, pilaster, tower, or other aboveground structure or contrivance for carrying, supporting, or suspending any conductor or channel ;
Power.	“Power”—Electrical energy and water power or either of them ;
Prescribed.	“Prescribed”—Prescribed by this Act ;
Regulations.	“Regulations”—Regulations made under the authority of this Act ;
Road.	“Road”—Any highway, bridge, road, street, public place, lane, footway, square, court, alley, or passage, whether a thoroughfare or not, and any public wharf or jetty : the term, when necessary, includes the roadway or pavement of a road ;
Stream.	“Stream”—A river, creek, brook, spring, waterway, watercourse, or other water : The term includes the bed of a river, creek, watercourse, or channel in which water flows either ordinarily, intermittently, or occasionally ;
This Act.	“This Act”—This Act and all Regulations and Orders made thereunder ;
Undertaking.	“Undertaking” includes all works and operations necessary and incidental to the carrying into effect the objects of a Hydraulic Authority : the term includes so much of the Hydraulic Authority’s business as relates to the undertaking concerned ;
Water Power Area.	“Water Power Area” or “Area”—A Water Power Area constituted under this Act ;
Water Power Board.	“Water Power Board” or “Board”—A Water Power Board constituted under this Act ;

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“Works”—Any waterworks, reservoir, stream, Works.
culvert, channel, weir, well, tank, water, land,
generating works, line, station, dam, post,
conductor, pipe, machinery, building, structure,
plant, instrument, fitting, apparatus, or appli-
cance of any description whatsoever necessary
or proper for the purposes of the undertaking
or of this Act, and all matters and things
connected with any works or appurtenant
thereto.

4. Subject to this Act, the Governor in Council Hydraulic
may from time to time by Order in Council authorise— Authorities
under this
Act.
- (a) The Minister representing the Crown, for any
locality in Queensland other than a Water
Power Area for which a Water Power Board
has been constituted and is acting ; or
- (b) A Water Power Board constituted under this
Act, for a Water Power Area ;

to be and act as a Hydraulic Authority under and for
the purposes of this Act.

5. (1.) The Governor in Council may, from time to Powers
time by Order in Council, authorise the Minister to be and granted to
act as the Hydraulic Authority for any defined locality Minister.
within Queensland, whether constituted a Water Power
Area or not.

Thereupon the Minister representing the Crown and
acting under the said Order may and shall have, enjoy,
exercise, perform, and be subject to all the powers,
authorities, duties, and obligations conferred or imposed
upon a Board under this Act, and the provisions of this
Act relating to Boards so far as the same are applicable
shall apply accordingly.

For such purpose he shall cause proper accounts to
be opened and kept of all moneys received and expended,
including loan moneys (if any) for the purposes of the
respective undertakings concerned.

(2.) Nothing in this Act contained shall be construed Undertaking
so as to constitute any business or undertaking carried on of the
by the Minister under this Act a State enterprise within Minister not
the meaning or for any of the purposes of **“The State to be a State
Enterprises Act of 1918.”* enterprise.

* 9 Geo. V. No. 20, *supra*, page 8591.

Creation of
Water Power
Area, &c.

6. (1.) The Governor in Council may, from time to time by Order in Council—

- (i.) Constitute any defined part of Queensland wherein is located the whole or any part of any stream, lake, or other source of supply wherefrom or whereby water is or may be utilised for the generation, storage, use, or supply of power a Water Power Area under such name as is declared by the Order ;
- (ii.) Unite two or more Areas into one Area ;
- (iii.) Divide an Area into two or more Areas ;
- (iv.) Alter the boundaries of an Area by including in an Area part of another Area and excluding it from the latter ;
- (v.) Include in an Area an outlying district ;
- (vi.) Abolish an Area ;
- (vii.) Adjust any financial or other matters in his opinion requiring adjustment by reason of any Order.

Notice.

(2.) If it is made to appear to the Governor in Council that it is expedient to exercise any of the powers conferred by this section, the Minister shall publish a notice stating the intention of the Governor in Council to exercise such power.

Every such notice shall be published in the *Gazette* and in some newspaper generally circulating in the locality.

The last day on which such notice is published in the *Gazette* shall be deemed to be the day of the publication thereof.

The Minister may cause such inquiry as he thinks fit to be made into the matter of any objection to the exercise of such power which is received by him within three months after the day of publication of the notice.

If within the said three months no sufficient cause is shown to the Governor in Council why the power proposed to be exercised should not be exercised, the Governor in Council may exercise such power.

Provisions to
be contained
in Order in
Council.

(3.) Every Order constituting an Area shall—

- (a) Define the boundaries of the Area ;
- (b) Describe generally the scheme proposed to be carried out and the principal works proposed to be constructed ;

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- (c) State the sources from which the water supply is to be obtained, and, if deemed necessary, the quantity of water to be taken from each of such sources within a given time, when there are more than one, and the seasons at which it is to be taken ;
- (d) Contain such provisions as according to the nature and circumstances of each scheme the Governor in Council thinks fit ;
- (e) State whether it is proposed to grant an Order to a Water Power Board or whether it is proposed that the Minister should be and act as the Hydraulic Authority for the Area.

(4.) Where two or more Areas are constituted and it is proposed that a supply of water for each Area shall be obtained from the same source, the Order shall, in the case of each Area, contain, in addition to the matters hereinbefore set forth, a statement of the whole proposed scheme of which the works of each Area form part and, if deemed necessary, of the respective quantities or proportions of water which may be taken within a given time from the source for the purposes of each Area.

Where
several Areas
with
common
headworks.

7. (1.) The Governor in Council may, from time to time by Order in Council, constitute a Water Power Board to be and act as the Hydraulic Authority for any specified Water Power Area.

Constitution
of Water
Power
Boards.

The Order shall—

- (a) Define the mode of the constitution of the Board ;
- (b) If necessary, make provision for the adjustment of assets and liabilities as between the Minister and the Board, or as between several Boards.

(2.) A Water Power Board shall be constituted in such one of the modes following as the Governor in Council from time to time by Order declares :—

- (a) By the appointment of a Local Authority or Joint Local Authority or a Water Authority having jurisdiction within the Area or some part thereof to be the Water Power Board ;
- (b) By the appointment of the members of the Board by the Governor in Council ;

- (c) By the election of the members of the Board by the electors of the Area entitled to the parliamentary franchise ;
- (d) By the election as aforesaid of some members and the appointment of other members of the Board.

(3.) When some or all the members of the Board are to be elected, the Order shall prescribe the time and mode of election, the term of office of each member, not exceeding three years, and the time at which he shall go out of office, and make provision for the filling-up of vacancies and for all other matters incident to the office of member : Provided that no elector at any such election shall have more than one vote.

(4.) Every Board shall be a body corporate with perpetual succession and a common seal for so long as its Area is in existence, and shall, under its corporate name, be capable in law of suing and being sued, and of doing and suffering all such other acts and things as corporations may by law do and suffer.

A change in the mode of constitution of a Board shall not affect its continuity as a body corporate.

Loans to
Boards.

8. (1.) Subject to this Act, the Treasurer may, from time to time, advance to a Board out of any moneys appropriated by Parliament for that purpose such sums of money on loan as are required for the construction of any works which under this Act the Board is authorised to construct.

Every such loan shall be for a period of thirty years from the date of the first advance in respect thereof, and shall bear interest at a rate per centum per annum to be fixed by the Governor in Council, and shall be liquidated by the payment to the Treasurer by the Board, on the first days of January and July respectively in every year, of such sum as will enable the said loan with interest at the said rate to be repaid within the said period, and such sums shall continue to be payable until the total amount of the said loan together with the interest accruing thereon have been so paid.

In each case the loan shall be advanced by instalments as the works are constructed to the satisfaction of the Treasurer.

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(2.) Notwithstanding anything contained in this Act or any other Act, the Treasurer may, from time to time—

- (a) Make any adjustment which he considers Adjustments by Treasurer. necessary to be made with respect to the term or terms of any loan or loans to the Board, or the calculation of interest thereon, or with respect to any other matter requiring adjustment ;
- (b) Permit the Board to pay off the whole or any Prepayments of loan moneys. portion of the moneys advanced at any time before they become due, and in such case the Board shall be entitled to a proportionate rebate of interest to be adjusted by the Treasurer.

(3.) In the months of February and August respectively in every year, the Treasurer shall cause to be Half-yearly statement of arrears to be published. published in the *Gazette* a statement showing, with respect to the Board, the amount of money which is then overdue and in arrear, and also the total of the principal sum then remaining unpaid.

If thereafter on the thirtieth day of April or the thirty-first day of October respectively any part of such money so overdue and in arrear remains unpaid, the Power to enforce the payment of arrears. Treasurer may, by notification in the *Gazette*, appoint a receiver to collect on his behalf and pay to the Treasury all or any moneys from time to time due and owing to the Board to the amount stated in such notification.

Thereupon such receiver shall, from the date stated in such notification, until the amount aforesaid has been collected, be the only person legally entitled to receive the revenues of the Board, and shall have all the powers of the Board with respect to the making, collection, and recovery of charges and other moneys, and shall be deemed for the purposes of this section to be a public accountant within the meaning of **The Audit Act of 1874*” or any Act amending or in substitution for that Act.

9. For the temporary accommodation of a Board, Board may obtain bank overdraft. it may obtain advances by overdraft of current account in any bank or banks upon the credit of its funds, but so

* 38 Vic. No. 12, *supra*, page 74.

that the principal moneys owing on overdraft do not at any time exceed a sum to be fixed by the Governor in Council.

Surveys, &c.

10. The Minister may, at any time and from time to time, by his officers, servants, and agents, enter upon any land and make surveys and take levels, and do such other acts as appear necessary for the purpose of acquiring information prior to the constitution of any Area or the issue or granting of any Order, and otherwise for carrying out any of the purposes or objects of this Act.

Before entry is made upon any occupied land, at least seven days' notice in writing shall be given by pre-paid post letter, addressed to the occupier of the land, and such occupier shall be entitled to compensation for any loss of or damage to any growing crop occasioned by any such entry or act as aforesaid.

Save as aforesaid, no action shall lie on account of any such entry or act.

Provisions
as to
business of
Hydraulic
Authorities.
Schedule.

11. The provisions set forth in the Schedule to this Act shall be applicable to the business, property, works, and undertakings of Hydraulic Authorities.

Any of the provisions of the said Schedule may from time to time be altered or added to by the Governor in Council by an Order, and the Schedule as so altered or added to shall thereupon become the Schedule to this Act.

Regulations.

12. (1.) The Governor in Council may, from time to time, make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give full effect to this Act, providing for and supplying such omission or insufficiency, and, without prejudice to the foregoing powers, providing for all or any of the matters following, that is to say :—

Mode of
action.

(i.) The manner of doing or performing any act or thing under or for the purposes of this Act, and the time when or within which it shall be done or performed ;

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- (ii.) Forms of books, documents, instruments, ^{Forms.} applications, and writings, and the conditions stipulations, reservations, and exceptions that shall be inserted or that shall be implied in leases and other instruments ;
- (iii.) The mode of proof of matters required to be ^{Evidence.} proved under or for the purposes of this Act, and for facilitating such proof ;
- (iv.) Securing the safety of the public from personal ^{Safety.} injury or from fire shock or otherwise ;
- (v.) Requiring and regulating the employment by ^{Metallic returns.} Hydraulic Authorities in the use of electric energy of insulated or uninsulated metallic returns ;
- (vi.) The precautions to be taken by Hydraulic ^{Electrolytic action, &c.} Authorities for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes, structures, or substances, and for minimising, so far as is reasonably practicable, injurious interference with the electric wires, lines, and apparatus of other parties and the currents therein ;
- (vii.) Providing for appeals by Hydraulic Authorities ^{Appeals.} to the Governor in Council on the ground that compliance with any regulation will involve unreasonable expense or unreasonably prejudice the commercial prospects of the undertaking, and for the hearing of such appeals by an arbitrator appointed by the Governor in Council and prescribing the powers, authorities, and duties of the arbitrator with respect thereto ;
- (viii.) Providing for the settlement by the Governor ^{Disputes.} in Council or by an arbitrator appointed by him of questions, differences, or disputes between Hydraulic Authorities and other parties arising out of the regulations ;
- (ix.) Making provision as to the costs and expenses ^{Costs, &c.} of or incidental to any such appeals or proceedings for the settlement of questions, differences, or disputes ; and prescribing reasonable fees to be paid in connection with such appeals and proceedings ;

Penalties.

- (x.) Prescribing reasonable penalties not exceeding fifty pounds for breaches of the regulations.
- (2.) Any such regulations may—
- (a) Prescribe a date or different dates for the coming into operation of any such regulations or of any portion thereof;
 - (b) Prescribe any Area or Areas within which any such regulations or any portion thereof shall operate;
 - (c) Provide that any such regulations or any portion thereof shall apply to undertakings generally or to undertakings of any prescribed class or classes or any particular undertaking;
 - (d) Require that any matters or things prescribed shall be executed or done in such manner as is directed or approved by the Governor in Council or the Minister, whether generally or for any class of cases or in any particular case.
- (3.) The regulations shall, upon publication in the *Gazette*, have the same force as if they were enacted in this Act and shall be judicially noticed, and shall not be questioned in any proceeding whatsoever.
- (4.) A copy of all such regulations shall be laid before Parliament within fourteen days from the publication thereof if Parliament is then sitting, and, if it is not then sitting, within fourteen days from the commencement of the next session.

Effect of Orders.

13. (1.) Every Order shall be judicially noticed, and shall have the same effect as if the provisions thereof were included in this Act.

Alteration of Orders.

(2.) Any Order may be rescinded or varied by the Governor in Council by a subsequent Order.

Amendment of Orders.

Without limiting the generality of the foregoing provision, the Governor in Council may, for the purpose of making better provision for the safety of the public, from time to time by Order amend or rescind any condition contained in any Order, and prescribe further or other conditions; and the original Order shall thereupon be deemed to be amended accordingly, but unless expressly so provided by the amending Order such amendment shall not affect any liability or penalty incurred prior to the date of such amendment, or any proceeding or remedy which might have been had in relation thereto.

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(3.) An Order shall not be questioned on account of any non-compliance with any of the matters required by this Act as preliminary to such Order. Formal defects.

Any misnomer, inaccurate description, or omission in an Order shall not in any wise suspend or impair the operation of this Act with respect to the matter so mis-described or omitted.

14. Where no penalty is prescribed for any breach of this Act, the offender shall be liable to a penalty not exceeding fifty pounds. Where no penalty prescribed.

All penalties imposed under this Act may be recovered by complaint in a summary way under **The Justices Acts, 1886 to 1909.* Penalties, how recovered.

THE SCHEDULE.

PART I.—PROVISIONS RELATING TO THE PROCEEDINGS AND BUSINESS OF BOARDS.

1. (1.) The first meeting of the Board shall be held at such time and place as the Governor in Council appoints. First meeting.

(2.) The Board shall hold an annual meeting, and such other meetings for the transaction of business as are necessary for properly executing its powers and performing its duties under this Act. Meetings.

(3.) All meetings of the Board other than a meeting of the Board sitting in a Committee of the Whole shall be open to the public.

2. (1.) At the first meeting of the Board in every year, or at some adjournment of the meeting, the members present shall choose one of the members to be Chairman of the Board, who shall hold office until the election of a new Chairman in the next following year, except as hereinafter provided. Chairman.

(2.) If within one month of the time appointed for the election of a Chairman no Chairman is elected, the Governor in Council may appoint one of the members to be Chairman.

(3.) If the Chairman resigns his office of Chairman or member, or his office becomes vacated, the Board shall choose a member to be Chairman in his stead, who shall hold office during the remainder of the period aforesaid.

(4.) If the Chairman is one of the members going out of office at the time of any election or appointment of members, the Board may appoint a member, who is not one of the members then going out of office, to act as Chairman during the interval that elapses between the conclusion of the election or the time of the appointment and the first meeting of the Board after the election or appointment.

* 50 Vic. No. 17 and Amending Acts, *supra*, pages 1132 *et seq.*

Chairman's
duty.

3. The Chairman shall take precedence in all matters connected with the Board, and shall be its principal executive officer.

He shall preside at every meeting of the Board at which he is present, and if he is absent from any meeting another member shall be chosen as Chairman during the absence of the Chairman from that meeting.

Deputy
Chairman.

4. If the Chairman is at any time temporarily absent from the Area, or if he is ill, the Board may, if it thinks fit, appoint one of its members to act as Deputy Chairman during the time of such absence or illness.

The Deputy Chairman, while so acting, and until the Chairman returns to the Area, or notifies the secretary in writing under his hand of the fact of his recovery from illness, may do all acts which the Chairman, as such, might do.

Office.

5. The Board shall appoint and occupy as its public office such convenient premises as the Board may select.

Officers.

6. (1.) The Board from time to time may appoint a secretary, and such engineers, surveyors, inspectors, collectors, clerks, and other officers and servants as may be necessary.

It may out of its funds pay to its officers such salaries and allowances as it may determine.

(2.) The Board may from time to time appoint a bailiff or bailiffs for the purpose of levying moneys due to the Board by distress and sale.

A bailiff so appointed shall have power and authority to sell by public auction any goods and chattels seized under warrant of distress without taking out a license as an auctioneer,

(3.) Except in the case of any officer or servant who is appointed by the Board under a special agreement in writing containing the terms and conditions of service and employment, all officers and servants of the Board shall hold office during the pleasure of the Board.

(4.) The Chairman may discontinue the employment of any officer or servant of the Board whenever in his opinion the services of such officer or servant are no longer required in connection with any of the works or business of the Board: Provided that the Chairman shall report the matter at the next meeting of the Board thereafter.

(5.) Notwithstanding anything hereinbefore contained, the Chairman shall have the power from time to time to employ any officer or servant for any temporary purpose, and fix his emolument, whenever in his opinion it is necessary so to do for the purpose of expediting the business of the Board, and at any time to dispense with the services of any such temporary officer or servant.

Security by
officers
entrusted
with
moneys.

7. Within three months after the appointment of any officer entrusted by the Board with the custody or control of moneys by virtue of his office, the Board shall take sufficient security from the State Insurance Commissioner for the faithful execution of such office by such officer.

If upon the expiration of that period such security has not been taken, the office of such officer shall forthwith be vacated.

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8. The Chairman may suspend from office any officer of the Board who, in his opinion, is guilty of misconduct or neglect, and may, if necessary, temporarily appoint another officer in his place :

Chairman
may suspend
officers.

Provided that, at the next meeting of the Board after the suspension, the Chairman shall report the matter to the Board ; and if the officer so suspended is dismissed by the Board, no salary or allowances shall be due or paid to him from the date of his suspension.

Every officer so temporarily appointed shall hold office and receive remuneration (which shall in no case exceed that paid to the officer or servant so suspended) only until the Board decides whether the person suspended shall be reinstated, or whether he shall be dismissed and a successor appointed in his stead.

9. If an officer of the Board fails, when required by the Board so to do—

Officers
failing to
render
accounts or
to pay
balance and
deliver over
property of
Board.

- (a) To render accounts of any money received by him for or on behalf of the Board, and of his dealings with it ; or
- (b) To produce and deliver up the vouchers and receipts relating to the money in his possession or power ; or
- (c) To pay the balance of the money when so required ; or
- (d) To deliver up to the Board or to any person appointed by it to receive the same, within five days after being so required, all papers and writings, property, matters, and things in his possession or power relating to the execution of this Act or belonging to the Board ;

any police magistrate may, upon complaint, hear and determine the matter in a summary way, and may order the officer to render such accounts, or to pay over the balance owing by him, or to deliver up all such vouchers, receipts, papers, writings, property, matters, and things, and to pay the costs of the proceedings. If such officer neglects or refuses to obey such order, he may, by any justice, be committed to prison for any period not exceeding six months.

10. If any officer has—

Officers
answerable
for
negligence
and
misfeasance.

- (i.) Misapplied or retained or become liable or accountable for any moneys or property of the Board ; or
- (ii.) Has exacted or accepted, on account of anything done by virtue of his office or in relation to any matters to be done under this Act, any fee or reward other than the salary or allowance allowed by the Board, or has been or is in any wise concerned or interested in any bargain or contract made by the Board ; or
- (iii.) Has been guilty of any neglect, breach of duty, or misfeasance in the discharge of his office or in relation to any matters to be done under this Act ;

a Judge of the Supreme Court may, on the summons of the Board, inquire into the conduct of such officer, and may order him to repay any moneys or restore any property so misapplied or retained, or for which he has become liable or accountable, together with interest at such rate as the Judge thinks just, and to pay such sum of money to the Board by way of penalty or compensation as the Judge thinks fit.

Such inquiry shall for all purposes be deemed to be and have the effect of the trial of an action, including the right to a jury.

As to
proceedings
against
officer.

11. All proceedings by the Board under this Act against an officer may be had and taken and enforced against such officer after he has ceased to hold his office.

No such proceedings against an officer shall deprive the Board of any remedy which it might otherwise have against a surety of that officer.

Quorum.

12. (1.) No business shall be transacted at any meeting of the Board unless a majority of the whole number of members for the time being prescribed by the Order constituting the Board are present when such business is transacted.

(2.) All powers vested in the Board may be exercised by the majority of the members present at a meeting duly held, and all questions shall be decided by a majority and by open voting.

(3.) Upon every question the chairman shall have a vote, and if the numbers are equally divided he shall have a second or casting vote.

(4.) At all meetings, save as herein otherwise provided, all members present shall vote.

(5.) If a member refuses to vote, his vote shall be counted for the negative.

Acting as
member
where
interested.

13. No member shall vote or take part in debate with respect to any matter in which he has, directly or indirectly, by himself or his partners, any pecuniary interest.

Every member who knowingly offends against this section shall be liable to a penalty not exceeding fifty pounds.

Adjourn-
ment of
meeting.

14. The members present at a meeting may, from time to time, adjourn the meeting.

If a quorum is not present within half an hour after the time appointed for a meeting, the members present, or the majority of them, or any one member if only one is present, or the secretary if no member is present, may adjourn the meeting to any time not later than fourteen days from the date of such adjournment:

Provided that nothing herein contained shall be construed to prevent the adjournment of any meeting to a later hour of the same day on which such meeting was appointed to be held.

Notices of
meetings.

15. Notices of any meeting or adjourned meeting (other than of a meeting adjourned to a later hour of the same day on which such meeting was held or was appointed to be held or to the day or second day following the day on which such meeting was held) shall be in writing, and shall be delivered at or sent by post or otherwise to the usual place of business (if any) within the Area, or at or to the place of abode, of each of the members two clear days at least previous to the time of meeting.

Every such notice shall specify the time of meeting, and in case of a special meeting shall specify the object thereof.

1922.

Water Power Act.

No business shall be transacted at any special meeting except such as is stated in the notice of the meeting.

16. A resolution of the Board shall not be revoked or altered unless notice of the intention to propose the revocation or alteration is given to each of the members seven days at least before holding the meeting at which the revocation or alteration is to be proposed. Resolutions, how revoked or altered.

If the number of members present at that meeting is not greater than the number present when such resolution was adopted, the resolution shall not be revoked or altered unless the revocation or alteration is determined upon by an absolute majority of all the members.

17. Any member may resign his office by writing under his hand addressed to the Chairman, and such resignation shall be complete from the time when it is received by the Chairman. Resignations.

18. If any member refuses or neglects to act or to attend any duly convened meeting of the Board, all lawful acts and proceedings of the Board shall be as valid and effectual as if they had been done or authorised by the full Board. Absence or refusal to act.

19. (1.) The Board may, from time to time—

Committees.

- (a) Appoint out of its number committees, either for general or special purposes ;
- (b) Delegate to a committee power to do any act or hold any inquiry ;
- (c) Fix the quorum of a committee.

(2.) Every committee may, from time to time, appoint one of the members to be Chairman of the committee.

(3.) Every committee shall report to the Board.

(4.) A committee may meet from time to time, and may adjourn from place to place, as they think proper.

But no business shall be transacted at a meeting of the committee unless the quorum of members (if any) fixed by the Board or, if no quorum is fixed, two members at the least are present.

(5.) At meetings of a committee if the Chairman is not present one of the members present shall be appointed Chairman.

(6.) All questions shall be determined by a majority of the votes of the members present, including the Chairman; and, if the numbers are equally divided, he shall have a second or casting vote.

20. No proceedings of the Board or of any committee thereof or of any person acting as Chairman shall be invalidated by reason of any defect in the appointment or election or of any disqualification of any member, or by reason of there being any vacancy in the number of members at the time of such proceedings. Proceedings validated.

21. The Board and every committee appointed by it shall cause entries of all the proceedings of the Board or of the committee, as the case may be, with the names of the members present at each meeting and of the names of the members voting upon any question for the decision of which a division is called, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the secretary under the superintendence of the Chairman. Minutes of proceedings.

Every such entry shall be signed by the Chairman at the meeting next succeeding the meeting at which such proceeding has taken place.

Such books shall be open to inspection by any member or creditor of the Board.

Every person having the custody of any such book who does not, on the reasonable demand of any member or creditor, permit such inspection shall be liable to a penalty not exceeding five pounds.

Safe custody
of books, &c.

22. (1.) The secretary shall be responsible for the safe custody of all books of account, agreements, receipts, vouchers, and other books, papers, and writings belonging to or relating to the business of the Board.

He shall make a record of the same in obedience to the direction of the Auditor-General, and shall not destroy or mutilate any of them without his sanction in writing previously obtained.

Loss or
destruction
of records.

(2.) Whenever any book of account, agreement, receipt, voucher, or other paper or writing belonging to or relating to the business of the Board is destroyed or lost, the Governor in Council may, by Order, direct all such acts and things to be done as he thinks best for repairing the loss, and may declare any copy of any such book, agreement, receipt, voucher, or other paper or writing to be valid and effectual for all purposes, and may, if necessary, define the time during which such copy shall remain in force.

Contracts,
and effect
thereof.

23. The Board may enter into contracts, and every such contract may be made, varied, or discharged as follows, that is to say,—

- (i.) A contract, which if made between private persons would by law be required to be in writing and under seal, may be made in writing and under the common seal of the Board, and may be varied or discharged in the same manner ;
- (ii.) A contract, which if made between private persons would by law be required to be in writing signed by the parties to be charged therewith, may be made in writing, signed by the Chairman or two of the members acting by the direction and on behalf of the Board, and may be varied or discharged in the same manner ;
- (iii.) A contract, which if made between private persons would by law be valid, although not reduced in writing, may be made without writing by the Chairman or two of the members acting by the direction and on behalf of the Board, and may be varied or discharged in the same manner.

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding on the Board and all other parties thereto, their successors, executors, or administrators, as the case may be ; and in case of default in the execution of any such contract, either by the Board or by any other party thereto, such actions may be maintained and such damages and costs recovered by or against the Board, or other parties failing in the execution thereof, as might have been maintained and recovered had the same contracts been made between private persons only.

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24. The Board may, for such sum of money or other consideration as it thinks fit, compound with any person who has entered into any contract with the Board, or by or against whom any action or other proceeding may be or has been brought against or by the Board, for any cause whatsoever. Compound-
ing
breaches of
contract, &c.

25. Except in cases of emergency, before any contract for the execution of any work or the furnishing of any goods or materials to the amount of two hundred pounds or upwards is entered into by the Board, fourteen days' notice at least shall be given in some newspaper generally circulating in the Area, expressing the purpose of such contract, and inviting any person willing to undertake the same to make proposals for that purpose to the Board. Notice
calling for
proposals.

The Board may accept the proposal which on a view of all the circumstances appears to it to be most advantageous, and may take security for the due performance of every such contract, or the Board may decline to accept any such proposal.

26. The Board may authorise the Chairman or any officer of the Board to do any of the acts, matters, and things which the Board is by this Act empowered or required to do; and the Chairman or such authorised officer shall thereupon have and exercise all the powers hereby conferred on the Board; and all such acts, matters, and things, when done under such authority, shall be as valid and effectual as if they had been done by the Board. Board may
delegate
powers.

27. (1.) The Board may appear before any court or in any legal proceeding by its secretary, or by an authorised officer; and the secretary or such officer shall be at liberty to institute and carry on any proceeding which the Board is authorised to institute and carry on under this Act. Board may
appear in
Court by
secretary or
other officer.

The secretary or such officer shall be reimbursed all damages, costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything contained in this provision.

(2.) If any person against whom the Board has any claim or demand under this Act takes the benefit of any Act for the relief of insolvent debtors, the secretary, in all proceedings against the estate of such insolvent or under any adjudication or act of insolvency against such insolvent, may represent the Board and act in its behalf in all respects. Insolvent
debtors.

28. Every order, summons, notice, or other such document requiring authentication by the Board shall be sufficiently authenticated without the seal of the Board if signed by the Chairman, or by the secretary, or by an authorised officer. Authentica-
tion of
documents.

29. The accounts of the Board shall be audited from time to time by an officer of the Department of the Auditor-General. Audit of
accounts.

PART II.—POWERS AND DUTIES OF HYDRAULIC AUTHORITIES.

30. Subject to any express stipulations or conditions contained in the Order, the following provisions shall be applicable to every undertaking of a Water Power Board constituted for a Water Power Area.

Construction of works without delay.

(1.) The Board shall, as soon as may be after the issue of the Order, commence the construction of the works authorised, and prosecute the same to completion without delay or intermission unless hindered or prevented by some unforeseen cause.

Governor in Council may authorise inspection of works, and may require alterations or additions thereto.

(2.) During the construction of the works and after the completion thereof, the Governor in Council shall be at liberty to direct any engineer or other person to inspect the works or any of them; and upon or after such inspection may require that such additions, alterations, or repairs shall be made by the Board as, in the opinion of the Governor in Council, are necessary or desirable for the utility and safety of the undertaking or in the public interest.

All such additions, alterations, or repairs shall be made in a manner to be approved by an officer appointed for the purpose by the Governor in Council.

Minister may assume possession of works if Board guilty of inexcusable delay.

(3.) In the event of any unreasonable or inexcusable delay by the Board in the construction of the works, or if, after the completion of the works in whole or in part so that the whole or any complete part or section of such works may be used for the purposes of supplying power, the Board, for a period of thirty days, fails without reasonable excuse to supply such power, the Minister may take possession and assume the management of the works, and, if he thinks fit, complete the same and supply the power, charging the Board with all outlay and expenditure which may be entailed, and crediting the Board with all earnings and receipts.

In any such case there shall be paid by the Board to the Minister, and by the Minister to the Board, the balance from time to time found to be due from the one to the other of them, the accounts being computed and rendered at intervals of not less than six months; or the Minister may restore the possession of the works to the Board on such terms and conditions as he thinks fit.

Appeal to Supreme Court from Minister.

(4.) If the Minister exercises the powers vested in him by the last preceding subsection the Board may apply to the Supreme Court as hereinafter provided.

Every such application shall be heard and determined by a Judge of the Supreme Court in a summary way; and such application shall be limited to the question whether there has been such unreasonable or inexcusable delay, or such failure to supply power as aforesaid, as to justify the exercise of such powers by the Minister or any of them.

The Judge shall, in such manner as he thinks fit, hear and receive evidence, either oral or by affidavit, as to the matters upon which his decision is sought; and any order made by the Judge shall set forth whether in his opinion the power conferred by the last preceding subsection was rightly exercised; and every such order shall be final and conclusive on the Minister and the Board.

In all other respects the procedure and practice in force for the time in the Supreme Court shall apply to all proceedings authorised by this provision.

Minister may give notice of intention to permanently retain works.

(5.) If the Board for the period of one year after the Minister has taken possession as aforesaid, fails to repay all sums of public money which have been expended in or towards completing the works and the equipment thereof, and all sums of public money which have been expended on the repair or management of the works or in connection therewith in excess of the receipts therefrom, it shall

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be lawful for the Minister, at any time after the expiration of that year, to give three months' notice to the Board that he intends to retain the undertaking permanently as Government property.

On the publication of an Order, at any time after the expiration of the said three months, to the effect that possession has been taken as aforesaid and will be permanently retained by the Government, the said works, and all plant, equipments, and appurtenances belonging thereto, shall, unless a satisfactory arrangement is in the meantime made between the Minister and the Board, become and be absolutely vested in the Crown without any conveyance or transfer whatsoever, and the Minister may carry on the undertaking as the Hydraulic Authority.

31. (1.) Subject to this Act, the Hydraulic Authority, and all persons, authorised by it either generally or specially, may construct all works and do all acts and things considered necessary for constructing, maintaining, altering, repairing, working, managing, and using the undertaking and the supply and sale of power authorised by its Order; and, without limiting the generality of this power, may exercise, construct, and do all or any of the undermentioned powers, authorities, works, acts, and things, namely:—

- (i.) Enter upon and continue the generation and provision of power, and the supply and sale thereof, and the manufacture of all subsidiary products, by any process, art, or invention now or hereafter to be known or used : Generation power, and supply of power.
- (ii.) Take, divert, intercept, store, and use water in or coming from any stream, lake, or other source of water, and alter the course of any stream : Use of water.

Raise or lower the level of or dredge, deepen, or widen, any stream, lake, or other source of water; remove therefrom, or from the bed or banks of the same, weeds and other growth, driftwood, logs, trees, branches, and other timber, rock, sand, stone, and gravel or other obstructions, and dispose of the same towards recouping the cost of removal :

Construct works for the preservation of the bed and banks of any lake or stream from erosion or floods or other damage or injury from any cause :

Construct works across any stream :

Provided that nothing herein shall authorise the Hydraulic Authority to interfere with the banks, bed, or stream of any tidal water at any place subject to tidal influence without the consent of the Governor in Council :

- (iii.) Under and subject to *"The Public Works Land Resumption Acts, 1906-1917,"* take, purchase, rent, exchange, contract for the use of, or otherwise provide such land as it deems necessary, and for that purpose the Hydraulic Authority shall be deemed to be a constructing authority within the meaning of that Act : Taking and use of land.

Any land so acquired, which is no longer required for the purposes of the undertaking, may be sold or leased at the best price or rent that can be obtained for the same :

* 6 Edw. VII. No. 14 and Amending Acts, *supra*, pages 8211 and 8362.

Special leases of Crown land.

(iv.) Under and subject to **"The Land Act of 1910"* and its several amendments, apply for and hold special leases of land from the Crown :

Entry upon and occupation of land, roads, &c., and construction of works.

(v.) Enter upon any road or land under its control and make surveys and take levels, and set out parts of any work and break up the soil, and open and break up any sewer, drain, or tunnel in or under any road, and construct works and carry out all necessary operations, and erect fences, and remove or use any earth, trees, timber, material, and other things in, on, or under the road or land, and where necessary carry on blasting operations :

Construct posts, lamp-irons, lamps, and other apparatus in and upon any road or such land, or against any structure abutting on any road or any such land :

Construct in, on, or under any road, or under any railway or tramway, or in, on, through, across, over, or under any land, pipes, streams, channels, syphons, and other works, and repair, alter, discontinue, or remove any of them :

Dig trenches and drains, and fix meters, mains, and pipes, and put stopcocks, syphons, plugs, or branches from such pipes in, under, across, and along any road or such land, and also, with the consent of the owners or occupiers thereof, in, under, across, and along any structure, premises, or land in such manner as it thinks fit :

Roads, &c., of access.

Provide and construct all roads, bridges, tramways, or other means of access and transit necessary for the construction and maintenance of the works; and all such buildings, engines, stations, machinery, piers, wharves, roads, bridges, approaches, and other works in connection with the undertaking as may be thought necessary :

Erect and fix any machinery necessary for securing to any structure, premises, or land a proper and sufficient supply of power, or for measuring and ascertaining the extent of such supply :

Tramways, &c.

(vi.) With the approval of the Governor in Council, construct, acquire, purchase, contract for the use of, work, maintain, and manage—

(a) Any tramway ;

(b) Any coal-mine ;

(c) Any quarry ;

(d) Any gravel pit :

Any such tramway may be constructed, worked, and managed in, upon, across, over, or under any road, reserve, or navigable stream :

The Hydraulic Authority may use and employ upon any such tramway locomotive engines propelled by steam or other locomotive power and rolling-stock to be drawn and propelled thereby :

* 1 Geo. V. No. 15, *supra*, page 8775.

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(vii.)—

(a) Temporarily place on any part of any road any posts, conductors, machinery, pipes, fittings, apparatus, appliances, or other things during or in preparation for the construction of any works: Provided that such things shall not be so placed as unnecessarily to obstruct traffic or the drainage of any road, and that no more of the same shall be so placed than are reasonably necessary for the works as the works proceed :

Temporary occupation of land, roads, &c.

(b) Enter upon any land vested in the Crown, and whether or not held from the Crown under any form of tenure, and occupy it temporarily, and take therefrom stone, gravel, earth, and other materials; deposit thereon any such material; form and use temporary roads thereon; manufacture bricks or other materials thereon; erect workshops, sheds, and other buildings of a temporary nature thereon; and also fell timber and use and carry away the same :

Provided that compensation shall be paid by the Hydraulic Authority to the Crown or any persons occupying Crown land who are injuriously affected by the exercise of the powers conferred by this provision :

The Hydraulic Authority shall pay for all timber taken from Crown land the same royalties as may be charged under the laws in force relating to the taking of timber from such land :

(viii.) Cause notice to be given to the owner or occupier of any land to remove any tree which in the opinion of the Hydraulic Authority is likely, by falling or otherwise, to obstruct or interfere with the efficient supply of power; and in default of such removal cause the tree to be removed; but such owner or occupier may recover the amount of any cost or damage incurred or suffered by such removal :

Remove or cause to be removed overhanging tree.

(ix.) Instal motors, electric wires, electric lamps, and other fittings and equipment in public or private buildings, works, dwellings, and other places, and charge rent for the use thereof, or accept payment therefor by instalments :

Instal motors, electric wires, &c., in public or private buildings.

(x.) Supply and sell power, and recover charges and other moneys due in respect of the same :

Supply and sale of power.

Contract with any person for the supply of power to him or to any structure, premises, or land of which he is the owner or occupier, in such manner and under such stipulations as the Hydraulic Authority thinks proper :

Enter into contracts with local authorities for the supply and sale to them of power in bulk; and such local authorities may distribute such power to consumers either as agents of the Hydraulic Authority or on their own behalf on such terms and conditions as may be agreed upon :

- Outlying consumers.** (xi.) With the approval of the Minister, make such arrangements as it may deem expedient to consumers, either individually or collectively, whose point of consumption is within an outlying district, for the erection and maintenance of transmission lines, and supply of power whether in bulk or otherwise :
- Purchase of power.** (xii.) Purchase power in bulk from any person authorised to sell the same :
- Establish or assist other industries dependent on electric energy.** (xiii.) With the consent of the Governor in Council, establish or assist in the establishment of electro-chemical, electro-metallurgical, or other industries which may be dependent upon or more effectually prosecuted by the use of electric energy ; and do all things which it deems necessary to encourage such industries within the Area :
- Act as agents to manufacturers of electric fittings and equipment.** (xiv.) Purchase from or act as agents for the manufacturers of motors, fittings, machinery, and all other equipment for the use of power as applied to industrial, domestic, and other purposes ; and sell either for cash or on terms, or lease with or without purchasing clauses, such motors, fittings, machinery, and equipment to consumers of power.
- No action, &c.** (2.) No compensation shall be payable in respect of any diminution of the quantity of water in any stream by reason of any works of the Hydraulic Authority.

Save as by this Act is expressly provided with respect to the payment of compensation, or expenses, no action, indictment, information, or other proceedings shall be commenced, presented, prosecuted, or maintained against the Crown or the Minister or the Hydraulic Authority or any other person for or in respect of any alleged obstruction of the navigation of, or deprivation of access to, or diminution of the quantity of water in any stream by reason of the execution of any work authorised by this Act, or for or in respect of any damages, loss, or expenses occasioned or alleged to be occasioned or in anywise whatsoever arising from the exercise of any of the powers under this Act.

Provisions as to breaking up roads, &c. **32.** (1.) The Hydraulic Authority shall, not less than seven clear days before proceeding to open or break up any road, sewer, drain, or tunnel, give to the local authority, or other authority having control thereof, notice in writing of the intention to open or break up the same, except in cases of emergency arising from accidents to or defects in any of the works, in which case such notice shall be given as soon as possible after the beginning of the work, or after the necessity for, it has arisen.

Roads, &c., not to be broken up except under superintendence. (2.) A road, sewer, drain, or tunnel shall not, except in such cases of emergency as aforesaid, be opened or broken up except under the superintendence of the local authority or other authority having control thereof, or its officer, and according to a plan, if any, proposed by the local authority or other authority or its officer within the three days next after the receipt of the notice, or, in case of a difference respecting such plan, then according to a plan approved by a police magistrate sitting in petty sessions.

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The police magistrate may, on the application of the local authority or other authority or its officer, require the Hydraulic Authority to make such temporary or other provision as he thinks necessary for guarding against any interruption of traffic or sewerage or drainage during the execution of any works which interfere with the road, sewer, drain, or tunnel.

(3.) Provided that—

- (i.) If the officer aforesaid, after such notice has been duly served, fails to attend at the time fixed for the opening or breaking up of the road, sewer, drain, or tunnel ; or
 - (ii.) If no plan for opening or breaking up the same is proposed by the local authority or other authority or its officer ; or
 - (iii.) If it or he refuses or neglects to superintend the work ;
- the Hydraulic Authority may perform the work specified in the notice without such superintendence.

But, if a difference respecting the plan proposed has arisen, then the Hydraulic Authority shall not commence the work until such plan has been approved by a police magistrate as aforesaid.

(4.) When a Hydraulic Authority opens or breaks up any road, sewer, drain, or tunnel, it shall—

- (i.) With all convenient speed complete the work for which it is broken up, and fill in the ground, and reinstate and make good the road, sewer, drain, or tunnel, so opened or broken up, and carry away the rubbish occasioned by the operations ;
- (ii.) At all times, while the road, sewer, drain, or tunnel is so opened or broken up, cause the same to be fenced and guarded, and cause a light sufficient for the warning of passengers to be set up and maintained against or near such road, sewer, drain, or tunnel, where the same is open or broken up, every night during which the same is continued open or broken up ; and
- (iii.) Keep the road, sewer, drain, or tunnel which has been so opened or broken up in good repair for three months after replacing and making good the same, and for any further time, not being more than twelve months in the whole, during which the soil broken up continues to subside.

(5.) If a Hydraulic Authority—

- (i.) Opens or breaks up a road, sewer, drain, or tunnel without giving such notice as aforesaid, or in a manner different from that which has been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid when so required, except in the cases in which the Hydraulic Authority is authorised to perform such works without any superintendence or notice ; or
- (ii.) Makes any delay in completing any such work, or in filling in the ground, or reinstating and making good the road, sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned by the operations ; or
- (iii.) Neglects to cause the place where the road, sewer, drain, or tunnel has been opened or broken up to be fenced, guarded, and lighted as hereinbefore prescribed ; or

- (iv.) Neglects to keep the road, sewer, drain, or tunnel in repair for the space of three months next after the same is made good, or such further time as aforesaid ;

reasonable compensation shall be made to the local authority or other authority and to every interested person for any damage actually sustained by it or him in consequence of any such act, delay, or neglect.

Local authority may reinstate works and recover expenses.

(6.) In any case where the Hydraulic Authority is bound by this Act to reinstate and make good any road, sewer, drain, or tunnel opened or broken up by it, the local authority or other authority, after notice in writing to the Hydraulic Authority of its intention so to do, may itself execute such work.

The reasonable expenses of executing such work, including in such expenses a sum of five per centum of the actual cost of the work for expenses of supervision, shall be paid to the local authority or other authority by the Hydraulic Authority ; and such expenses may be recovered in a summary way by complaint before any police magistrate.

Upon the receipt of such notice as aforesaid, the Hydraulic Authority shall no longer be liable to pay any sum by way of compensation as in the last preceding subsection provided in respect of any omission to execute any such work.

Restriction on breaking up of railways and tramways or altering position of roads.

33. Nothing in this Act shall authorise or empower a Hydraulic Authority to break up any railway or tramway, or to alter the position of any road, without the consent of the authority, company, or person in whom such railway or tramway is vested, or having control of such road, unless in pursuance of special powers in that behalf inserted in the Order, or with the written consent of the Governor in Council.

The Governor in Council shall not in any case insert any such special powers in any Order, or give any such consent, until notice has been given to such authority, company, or person, by advertisement or otherwise as the Governor in Council may direct, and until an opportunity to object has been given to such authority, company, or person.

Altering position of sewer, &c., by Hydraulic Authority.

34. Subject to this Act, the Hydraulic Authority may alter the position of any sewer, drain, pipe, or wire, or any public work being in or under any road which may interfere with the exercise of its powers under this Act, on making or securing such compensation to the local authority or other authority or person concerned, and on complying with such conditions as to the mode of making such alterations as may before the commencement of such alterations be agreed upon between the Hydraulic Authority and the local authority or other authority or person concerned, or, in case of difference, as may be determined in manner prescribed by the Order, or, if no such manner is prescribed, as may be determined by arbitration.

Such alterations shall be made in such a manner as to interfere as little as possible with the works so altered, and so as to afford to the public and to every person entitled to use the same an equal use and convenience as before such alteration.

Altering position of works of Hydraulic Authority.

35. Any local authority or other authority, company, or person may in like manner alter the position of any works of a Hydraulic Authority, being in or under any road, which may interfere with the lawful exercise of any powers vested in such local authority, or other

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authority, company, or person in relation to such road, subject to the like provisions, conditions, and restrictions as are in the last preceding section contained with reference to the alteration of the position of any works by a Hydraulic Authority.

36. A local authority or other authority, company, or person shall, not less than two clear days before proceeding to open or break up any road, sewer, drain, or tunnel, or any part thereof, within ten feet of any of the works of any Hydraulic Authority, give to the Hydraulic Authority notice in writing of the intention to open or break up the same, except in case of emergency, in which case such notice shall be given as soon as possible after the beginning of the work or after the necessity for it has arisen.

Any local authority or other authority, company, or person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds.

37. (1.) The Hydraulic Authority, in constructing its works in any road—

(i.) Under any crossing-place at the intersection of two or more roads, shall construct the same at a depth of not less than three feet below the surface of the roadway, or at such other depth as is prescribed in the Order :

(ii.) The carriage-way of which has been covered with wood blocking, asphalt, or concrete shall so construct the same as not to unduly interfere with such wood blocking, asphalt, or concrete, and shall not construct any work transversely across or under any part of such road so covered without the permission of the local authority so to do.

(2.) The situation of every work constructed contrary to the foregoing provision shall be altered by the Hydraulic Authority at its own expense within ten days after notice in writing from the local authority so to do.

(3.) If after the Hydraulic Authority has constructed its works in any road the local authority desires to cover any part of such road with wood blocking or asphalt or concrete, the Hydraulic Authority shall, within ten days next after being required by notice in writing from the local authority so to do, at its own expense, alter the situation of any of such works in accordance with the notice.

(4.) If the Hydraulic Authority makes default in complying with the requirements of any notice in pursuance of this section, the local authority may itself comply with such requirements, and may recover the expense of so doing from the Hydraulic Authority, by complaint in a summary way before any police magistrate.

38. (1.) The Hydraulic Authority, after giving fourteen days' notice in writing to the occupier, may enter upon any private land, not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to any residence erected on such land than one hundred yards, and occupy such land for so long as may be necessary for the construction or repair of any works, and use the same for any of the following purposes, namely :—

(i.) Constructing, building, or putting any machinery thereon ;

(ii.) Taking earth or soil therefrom ;

- (iii.) Depositing soil thereon ;
- (iv.) Obtaining material therefrom for the construction or repair of any of the works ;
- (v.) Forming roads to, from, or along any of the works.

In exercise of such powers the Hydraulic Authority and persons authorised or employed by it may deposit, and also manufacture and work, upon such lands, materials of every kind used in constructing the said works, and take from such land any timber, and dig and take from such land any clay, stone, gravel, or other material found thereon, and useful and proper for executing any of the works, and for the purposes aforesaid may erect upon such land any workshops, sheds, and other buildings of a temporary nature.

Appeal to
police
magistrate.

(2.) The owner or occupier of such land may, within seven days after receiving such notice, and after giving notice to the Hydraulic Authority of his intention so to do, apply to any police magistrate, who may thereupon summon the Hydraulic Authority to appear before a police magistrate at a time and place to be named in the summons.

If it appears to the police magistrate that the use proposed to be made of the said land is unreasonable and unnecessary, or that other neighbouring lands are more fitting to be used for the purpose proposed, the police magistrate may order that the land in question shall not be occupied or used in the manner proposed.

If it appears to the police magistrate that the use proposed to be made of the said land is reasonable and necessary he may in like manner order that the said land may be occupied and used, or material taken therefrom, in such manner and to such extent only and subject to such limitations and restrictions as he thinks fit ; and all persons concerned shall be bound by any such order.

Not to
interfere
with
quarries, &c.

(3.) No material or stone or slate quarry or brickfield, being at the time of the proposed entry used or worked for purposes of business or profit, shall be used or taken by the Hydraulic Authority under the powers hereinbefore conferred.

Compensa-
tion.

(4.) Compensation shall be paid to any person for the value of timber or other material taken, or for any damage done by the use and occupation of such land by the Hydraulic Authority, or by the exercise by it of the powers conferred by this section.

Hydraulic
Authority to
do as little
damage as
may be.

39. In the exercise of its powers in relation to the execution of works under this Act, the Hydraulic Authority shall do as little damage as may be.

Daily
penalty
during
escape of
water or
electric
current after
notice.

40. (1.) The Hydraulic Authority shall not at any time cause or permit any escape or leakage of water or electric current from any works constructed by or belonging to it.

In the event of any such escape or leakage, the Hydraulic Authority shall forthwith, after notice of the fact from the local authority or other authority concerned or any officer thereof, effectually stop and prevent such overflow, escape, or leakage.

If the Hydraulic Authority makes default in so doing within eight hours after the receipt of such notice, it shall be liable to a penalty

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not exceeding ten pounds for every day during which such overflow, escape, or leakage continues after the expiration of such period of eight hours.

(2.) For the purpose of ascertaining whether any water or electric current is escaping or leaking from the works of the Hydraulic Authority, the local authority or other authority concerned may cause the ground to be dug up, and the works of the Hydraulic Authority to be examined :

Provided that the local authority or other authority before proceeding with such digging and examination shall give at least eight hours' notice to the Hydraulic Authority of the time and place at which such work will be carried out.

If, upon examination, it is found that water or electric current is so escaping or leaking, the expense incurred in such digging and examination shall be borne by the Hydraulic Authority, and, moreover, the Hydraulic Authority shall be subject to the like obligations of repairing and reinstating the road or place disturbed, and for any delay or misfeasance or nonfeasance therein, as are hereinbefore provided with respect to works broken up by it for the purpose of constructing works therein.

41. Any compensation payable by the Hydraulic Authority to any person by reason of the exercise of any powers conferred by this Act (except the taking of land under and subject to **"The Public Works Land Resumption Acts, 1906-1917"*) shall be such sum as may be agreed upon by and between the parties, or as, in the case of dispute, may be fixed by a police magistrate upon summons.

Every police magistrate shall have jurisdiction to hear and determine the matter of such dispute, and to grant such costs as in his opinion are just and reasonable.

Any party may appeal to the Supreme Court from the whole or any part of an order of a police magistrate under this section.

Every such appeal shall be by way of rehearing, and shall be heard and determined in the same manner, including the right to a jury, and if the matter of such dispute had been the subject-matter of an action in such Court.

42. When any matter is by this Act directed to be determined by arbitration, such matter shall be determined by an arbitrator to be appointed by the Governor in Council on the application of either party, after notice to the other party, and the expenses of the arbitration shall be borne and paid as the arbitrator directs.

Save as aforesaid, the provisions of the †*"Interdict Act of 1867"* relating to arbitration shall, so far as the same are applicable, apply to every such arbitration.

43. (1.) A Hydraulic Authority may from time to time make by-laws with respect to all or any matters for which By-laws are by its Order permitted to be made.

(2.) A By-law may impose a penalty for any breach thereof, and may also impose different penalties in case of successive breaches. But no such penalty shall exceed twenty pounds.

* 6 Edw. VII. No. 14 and Amending Acts, *supra*, pages 8211 and 8362.

† 31 Vic. No. 11, *supra*, page 2387.

A By-law may also impose a daily penalty for any breach thereof. But no such penalty shall exceed two pounds per day.

A By-law may provide that in addition to a penalty any expense incurred by the Hydraulic Authority in consequence of a breach of such By-law, or in the execution of work directed by the By-law to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

(3.) A By-law may require any work or thing to be executed or done of such materials, within such time, or in such manner, as may be directed or approved in any particular case by the Hydraulic Authority, or any authorised officer or other person, and may require works to be executed only by qualified and licensed persons.

(4.) A By-law may authorise the Hydraulic Authority, or any authorised officer, to pull down, remove, or alter any work, structure, material, or thing erected or being in breach of any By-law, and to recover all expenses incurred in so doing. The exercise of this authority shall not relieve any person from liability to any penalty incurred by reason of such breach.

(5.) A By-law may leave any matter or thing to be from time to time determined, applied, dispensed with, prohibited, or regulated by the Hydraulic Authority, or by any authorised officer either generally or for any classes of cases, or in any particular case.

(6.) A By-law may provide for the issue or making of licenses, registrations, or permits to or with respect to persons and property, and for the payment of reasonable license, registration, and permit fees.

(7.) A By-law may provide for the payment of reasonable fees for inspections and other services by officers of the Hydraulic Authority.

(8.) A By-law may apply to a specified part only of the Area.

To be approved by Governor in Council. (9.) Every proposed By-law shall be submitted for the approval of the Governor in Council, and if approved by him shall be published in the *Gazette*, and thereupon such By-law shall have the force of law.

Repeal of By-laws. (10.) A By-law or part of a By-law may be repealed by the Governor in Council by Order.

Printed copies to be kept. (11.) The Hydraulic Authority shall cause printed copies of all By-laws to be kept at its office, and to be sold at a reasonable charge to any person applying for the same.

PART III.—SALE AND SUPPLY OF POWER.

Charges for power. 44. (1.) The Hydraulic Authority shall not, in making any agreements for a supply of power, show any undue preference to any person, but, save as aforesaid, it may make such charges for the supply of power as may be agreed upon, not exceeding the maximum price from time to time imposed by or in pursuance of the Order.

Obligation to supply power. (2.) When power is supplied by the Hydraulic Authority in any part of its Area to private persons for reward, then, except in so far as is otherwise provided by the Order, every person within that part of the Area shall, on application, be entitled to a supply on the same terms on which any other person in that part of the Area is entitled under similar circumstances to a corresponding supply.

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45. The Hydraulic Authority shall, before supplying any person with power, construct suitable apparatus at some testing place, for the purpose of testing the strength of the power supplied by it.

The Minister may from time to time appoint a person to test the strength of the power supplied or to be supplied by the Hydraulic Authority.

46. After conductors have been constructed under this Act for the supply of power in any road or part thereof, the Hydraulic Authority shall cause a notice thereof to be published in a daily newspaper circulating in the district affected.

Apparatus for testing.
Notice of erection of conductors to be advertised.

47. (1.) Any owner or occupier of any premises or part thereof who wishes to be supplied with power, and has paid or tendered to the Hydraulic Authority any charge in respect of such power prescribed to be paid in advance, may open the ground and construct a service conductor between and to communicate with the conductors and posts of the Hydraulic Authority, and carry and run power therein and thereon, having first obtained the consent of the owners and occupiers of such ground.

Service conductors laid by owners or occupiers.

(2.) Before any service conductor is made to communicate with the conductors of the Hydraulic Authority, the person intending to construct such conductor shall give two days' notice to the Hydraulic Authority of the day and hour when such conductor is intended to be made to communicate with the conductors of the Hydraulic Authority. Every such conductor shall be so made to communicate under the superintendence and according to the directions of an authorised officer. Such conductor shall be of a strength and material approved by an authorised officer.

(3.) All parts of the service conductor constructed to connect with the conductors of the Hydraulic Authority shall be supplied by the Hydraulic Authority at cost price to any person requiring the same, at his request and cost.

(4.) Any such owner or occupier may open or break up so much of the road, or of any sewer or drain therein, as is between the conductors of the Hydraulic Authority and his premises for any such purpose as aforesaid, doing as little damage as may be, and making compensation to the local authority or other authority or person concerned for any damage done in the execution of any such work :

Provided that every such owner or occupier desiring to open or break up any road, 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 the same, and to the same penalties for any delay in regard thereto, as the Hydraulic Authority in like case is subject to under this Act.

(5.) Any person who has constructed any service conductor, or who has become the proprietor thereof, may remove the same after having first given six days' notice in writing to the Hydraulic Authority of his intention to do so, and of the time of such proposed removal.

Service conductor removable upon giving notice.

Every such person shall make compensation to the Hydraulic Authority for any injury or damage to its conductors or works which may be caused by such removal.

No conductor to be fixed to service conductor without Hydraulic Authority's consent.

48. Except with the previous consent of the Hydraulic Authority, the owner or occupier of any premises supplied with power, or any consumer of power, or any other person, shall not affix or cause or permit to be affixed any conductor, wire, or apparatus to a conductor by which power is supplied, or make any alteration in any such conductor, or in any apparatus connected therewith.

Any person who acts in any respect in contravention of this provision shall be liable to a penalty not exceeding five pounds, without prejudice to the right of the Hydraulic Authority to recover damages from him in respect of any injury done to its property, and without prejudice to its right to recover from him the value of any power wasted, misused, or unduly consumed.

Supply of meters and conductors.

49. The Hydraulic Authority shall let for hire, to any consumer of power, any meter and any conductors and apparatus for the conveyance, reception, and storage of power, for such remuneration in money as may be agreed upon between the Hydraulic Authority and the consumer, which shall be recoverable in the manner hereinafter mentioned.

Consumers, when to provide meters.

50. (1.) Every person who has agreed with the Hydraulic Authority for a supply of power shall at his own expense, unless he hires a meter from the Hydraulic Authority, provide a meter, and keep and maintain the same in correct working order to the satisfaction of an authorised officer.

Any such person who, after having been required by the Hydraulic Authority so to do, neglects or refuses to provide such meter shall for every such day during which such neglect or refusal continues be liable to a penalty not exceeding two pounds.

Repairs to meters.

(2.) In the event of any repairs being required to such meter, notice in writing shall immediately be given by such person to the Hydraulic Authority, and a registration of the quantity of power used shall be taken before such repairs are effected.

Any such person who fails to give such notice of any repairs required for such meter shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding two pounds for each day (if more than one) that such meter remains unrepaired.

If any such person refuses or delays to have such meter properly repaired and put in correct working order after having been required by an authorised officer so to do, the Hydraulic Authority may shut off the supply of power from the premises of such person until such meter has been properly repaired and certified by an authorised officer to be in correct working order.

Meters not to be moved without notice.

(3.) Any such person requiring to remove or alter the position of any meter provided by him shall give six days' notice in writing to that effect to the Hydraulic Authority, and a registration of the quantity of power used shall be taken before such removal or alteration is made.

Any person who removes or alters the position of, or in any way interferes with, any meter without giving such notice as aforesaid, shall be liable to a penalty 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 Hydraulic Authority.

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(4.) Any electrician or other person who fixes or refixes any meter upon any premises supplied with power by the Hydraulic Authority, without having first obtained a certificate from the Hydraulic Authority that the said meter has been examined and found in correct working order, shall be liable to a penalty not exceeding five pounds.

Meters to be certified.

51. No fittings shall be fixed on the premises of any person supplied with power nor remain thereon except in accordance with by-laws of the Hydraulic Authority or regulations under this Act.

Conditions under which fittings may be fixed in buildings.

If the Hydraulic Authority is satisfied that the fittings on any premises have not been fixed or are not maintained in accordance with such by-laws or regulations, or are in such a condition that it is or would be dangerous to supply power by means of such fittings, the Hydraulic Authority may refuse or may discontinue the supply of power, and may withhold the supply till it is satisfied that the by-laws or regulations have been complied with, or that it is no longer dangerous to supply the same.

When the Hydraulic Authority withholds the supply of power under this provision, it shall forthwith report to the Minister the circumstances under which the supply is withheld, and the Minister may, upon application made by the person requiring the supply or the Hydraulic Authority, appoint some person or persons to inquire into the circumstances of the case.

If the Minister is satisfied that the supply of power was wrongfully withheld, the Hydraulic Authority shall be liable to a penalty not exceeding fifty pounds, which may be imposed by the Minister.

52. If any person supplied with power by the Hydraulic Authority—

Protection of power against misuse, &c.

(i.) Wrongfully does, or causes or permits to be done, anything in contravention of this Act, or wrongfully fails to do anything which under this Act ought to be done, for the prevention of the waste, misuse, or undue consumption of power, the Hydraulic Authority may (without prejudice to any remedy against him in respect thereof) cut off the power supplied to him, and may cease to supply him with power as long as the cause of injury remains or is not remedied :

(ii.) Wilfully or negligently causes or suffers any conductor or other apparatus to be out of repair, or to be so used or contrived that the power supplied to him by the Hydraulic Authority is or is likely to be wasted, misused, or unduly consumed, he shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding two pounds for each day (if more than one) during which such offence continues.

53. (1.) If any person supplied with power or with any meter or fittings by a Hydraulic Authority neglects to pay to it the charges due from him for such supply, or any money due to it for the hire or fixing of such meter or fittings, or any expenses lawfully incurred by it in cutting off the power from the premises of such person, the

Recovery of charges, &c.

Hydraulic Authority may recover the sum so due in any court of competent jurisdiction, and the remedy of the Hydraulic Authority under this provision shall be in addition to its other remedies for the recovery of such sum.

Hydraulic Authority may cut off supply when charges unpaid.

(2.) If any person neglects to pay any charge for power or any other sum due from him to a Hydraulic Authority in respect of the supply of power to him, the Hydraulic Authority may cut off the supply, and may, until such charge or other sum, and any expenses incurred by it in cutting off the supply of power, are fully paid, but no longer, discontinue the supply of power to such person.

(3.) If any such person refuses or neglects, for twenty-one days after demand made, to pay to the Board the sum of money then due, the Hydraulic Authority may, by warrant under its hand, direct an authorised officer to levy such sum of money by distress and sale of the goods and chattels of the person so refusing or neglecting, rendering the surplus (if any) to such person after the necessary charges of making such distress and sale are first deducted.

Incoming tenants not liable to pay for power not paid for by former tenant.

54. If a person supplied with power leaves the premises where such power has been supplied to him without paying the charges due from him for such supply, the Hydraulic Authority shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Power to enter premises.

55. Any authorised officer may enter any premises to, through, or into which power is or has been supplied for the purpose of—

- (a) Inspecting any meters, conductors, machinery, apparatus, or works belonging to the Hydraulic Authority or connected with the measuring, conveyance, reception, storage, or consumption of power; and repairing, renewing, or altering the same;
- (b) Measuring or ascertaining the quantity or extent of power supplied or consumed, or to examine if there is any waste or misuse of power;
- (c) Removing any works of the Hydraulic Authority in any case in which a supply of power is no longer required, or the Hydraulic Authority is authorised to take away and cut off the supply of power from the premises.

But the Hydraulic Authority shall be bound to repair all damage caused by such entry, inspection, or removal.

If such officer at any such time is refused admittance into such dwelling-house or premises for the purpose aforesaid, or is prevented from making such examination as aforesaid, the Hydraulic Authority may cut off the power supplied by it from such house or other premises.

Any person who hinders any such officer from entering or making such inspection or effecting such removal shall be liable to a penalty not exceeding five pounds.

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But, except with the consent of a justice of the peace, this power of entry shall be exercised only between the hours of eight in the forenoon and five in the afternoon.

56. Meters, conductors, machinery, and apparatus, when the property of the Hydraulic Authority, constructed or being in or upon any premises, shall not be subject to distress for rent of the premises where the same are used, or are, or to be attached or taken in execution under any warrant or other process of any court, or in any proceedings in insolvency, or other legal proceedings against or affecting the consumer of the power or the occupier of the premises or other the person in whose possession the meters, conductors, machinery, and apparatus may be.

Meters, &c.,
not liable to
distress or
process.

57. No person who is a consumer of power supplied or sold by the Hydraulic Authority shall have any claim against the Hydraulic Authority in the event of any failure of the supply of such power through accident, drought, or other unavoidable cause.

No claim in
case of
accidental
failure of
power.

PART IV.—MISCELLANEOUS PROVISIONS.

58. No judge of any court and no justice shall be disqualified from adjudicating in any case or from making any order by reason only of his being liable to pay for power supplied under this Act.

Liability to
charges for
power not to
disqualify
judge from
adjudicating.

59. (1.) Any notice, order, process, or other document under this Act required or authorised to be given or served to or upon any person may be served—

Service of
notice, &c.

- (i.) By delivering the same to such person; or
- (ii.) By leaving the same at his usual or last known place of abode; or
- (iii.) By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode.

(2.) Any such document, if addressed to the owner or occupier of land, may be served by delivering the same or a true copy thereof to some person on the land, or, if there is no person on the land who can be so served, by fixing the same on some conspicuous part of the land.

(3.) Except as is hereinafter provided, when a notice is required to be given to a person whose name and address are unknown, the notice may be served by publishing it in some newspaper generally circulating in the locality three times at intervals of not less than one week between any two publications.

(4.) Any notice, order, or document required to be given to or served on the owner or occupier of any land may, if the name of the owner or occupier is not known, be addressed to him by the description of the "owner" or "occupier" of the land in question (naming them) without further name or description.

(5.) Any document may be served on a Board—

- (i.) By delivering the same to the secretary; or
- (ii.) By forwarding the same by post in a prepaid letter addressed to the secretary.

Absent and
unknown
owners.

60. (1.) If any owner of land is absent from Queensland a complaint or summons may be served upon him, or notice may be given to him by delivering it or posting it in a registered letter to his agent in Queensland.

(2.) If the name or address of an owner and the name and address of the agent in Queensland of such owner are also unknown, a complaint or summons may be served upon him or notice may be given to him by publishing it once in some newspaper generally circulating in the locality.

(3.) A judgment or order for the payment of any moneys due may be given by any Court against an owner whose name is not known to the Hydraulic Authority, under the designation of "the owner" of the land in question without stating his name, on proof by the Chairman or secretary that the name of such owner is unknown, and that service of the complaint or summons was made in manner hereinbefore provided.

Plans and
documents
to be
property of
Hydraulic
Authority.

61. Applications, plans, and other documents delivered at the office of the Hydraulic Authority or to any officer thereof in pursuance of this Act shall, on delivery, become the property of the Hydraulic Authority.

Injuring
works, &c.

62. Any person who—

- (i.) Constructs or causes to be constructed any work or thing to communicate with any work belonging to the Hydraulic Authority without its consent ; or
- (ii.) Fraudulently or by negligence injures, removes, or suffers to be injured any works belonging to the Hydraulic Authority ; or
- (iii.) Alters the index to any meter ; or
- (iv.) Prevents any meter from duly registering the extent of power supplied ; or
- (v.) Fraudulently abstracts any power of the Hydraulic Authority ;

shall, without prejudice to any other right or remedy for the protection of the Hydraulic Authority or the punishment of the offender, be liable to a penalty not exceeding fifty pounds, and the Hydraulic Authority may in addition thereto recover the full amount of any damage done.

In any case in which any person has been guilty of any offence under paragraphs (ii.), (iii.), (iv.), or (v.) hereof, the Hydraulic Authority may also, until the matter complained of has been remedied, but no longer, discontinue the supply of power to the person so offending, notwithstanding any contract previously existing.

Destroying
or injuring
works.

63. Any person who, without lawful excuse (the proof whereof shall lie upon him)—

- (a) Destroys, injures, or damages, or attempts to destroy, injure, or damage any of the works constructed under this Act ; or
- (b) Does any act calculated to render any parts or part of the machinery or works of the Hydraulic Authority unworkable or defective, or whereby any power is or may be lost, wasted, misused, destroyed, or interrupted in any way ;

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shall be liable to a penalty not exceeding one hundred pounds or to be imprisoned for any term not exceeding six months, and in addition the Hydraulic Authority may recover the full amount of any damage done.

64. (1.) Any person who, except under the authority of an Act ^{Interfering} or by the authority of the Hydraulic Authority (the proof of which ^{with works.} shall be upon him)—

- (a) Takes up, removes, demolishes, or otherwise interferes with any works of the Hydraulic Authority ; or
- (b) Wilfully injures any work or thing the property of the Hydraulic Authority, or does any act by which the supply of power may be obstructed or injured ; or
- (c) Knowingly erects or places any structure or any obstruction, annoyance, or encroachment in, upon, over, or under any works of the Hydraulic Authority ;

shall be liable to a penalty not exceeding fifty pounds, and in addition to a daily penalty not exceeding five pounds for each day on which such offence is committed after notice by the Hydraulic Authority, and in addition the Hydraulic Authority may recover the full amount of any damage done.

(2.) Nothing herein contained shall extend to prevent or impede the maintenance, repair, or renewal of any structure under which any work of the Hydraulic Authority has been constructed, but so nevertheless that the same does not injure or obstruct such work.

(3.) The Hydraulic Authority may, at the expense of the offender, cause any structure erected in contravention of this section to be altered, pulled down, or otherwise dealt with as it thinks fit.

65. Any person who wilfully hinders or obstructs any officer, workman, or servant of the Hydraulic Authority in the lawful performance of any duty under this Act, or in any way causes or procures such hindrance or obstruction to take place, shall be liable to a penalty not exceeding twenty pounds, and shall in addition pay to the Hydraulic Authority the full amount of the damage which it has sustained by reason of such hindrance or obstruction. ^{Obstructing Hydraulic Authority's officers, &c.}

66. (1.) The Hydraulic Authority, by its authorised officers, may, in the exercise of its jurisdiction under this Act over the water under its control, or for the purpose of preventing the improper use or waste of water to its detriment, enter upon any land and take such measures as may be thought fit for the conservation and regulation of such water and for its preservation from pollution, and for the protection of the bed, banks, channels, and works over or within which it flows or is contained, and may interfere summarily to prevent the undue, excessive, or illegal use, diversion, pollution, or waste of such water or interference with such bed, banks, channels, or works ; and it shall not be necessary for the Hydraulic Authority to obtain an injunction or other order of a court to entitle it to make such entry or to take such measures. ^{Right of entry to prevent interference with watercourse.}

(2.) The Hydraulic Authority shall be entitled to institute and maintain, by any authorised officer, any proceeding in any court of justice, whether such proceeding is for any civil remedy or for the recovery or enforcement of any penalty, against any person or ^{Board entitled to institute proceedings.}

*Water Power Act.*13 GEO. V. No. 20, 1922.

corporation for illegally diverting, taking, or polluting the water under its control, or for unlawfully interfering with the bed, banks, or channels of any lake or stream, or any works of the Hydraulic Authority.

(3.) In such proceedings it shall not be necessary for the Hydraulic Authority to show that the Hydraulic Authority or any person has sustained damage by such diversion, taking, pollution, use, wasting, or interference, nor that the Hydraulic Authority is a riparian owner or otherwise entitled to the use or to the protection of the lake, stream, works, or water in question.

(4.) But the Hydraulic Authority shall be entitled to judgment in its favour if it is proved that the water has been illegally diverted or taken or polluted or improperly used or wasted, or that the bed, banks, channels, or works have been unlawfully interfered with.

(5.) And the Hydraulic Authority shall in the discretion of the court be entitled to the costs and expenses of the proceedings against the defendant.

WORKS, SUGAR.

See SUGAR.

WORKERS.

See LABOUR.

WORKERS' HOMES.

See LABOUR.
