

THE LOVETT LIGHTING ACT, 1914

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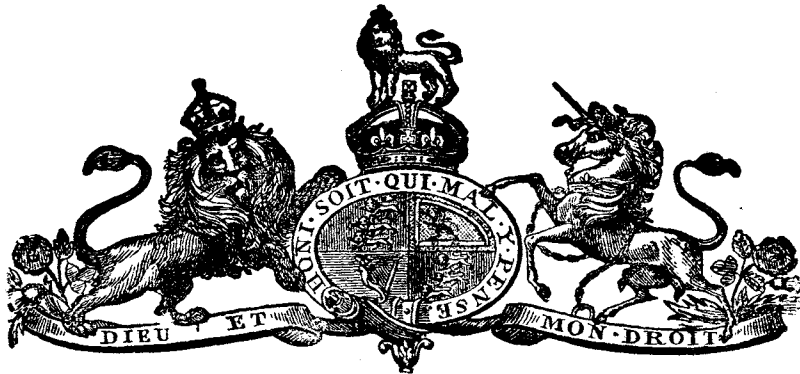
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TASMANIA



1914.

ANNO QUINTO

GEORGI V. REGIS.

No. 6.



AN ACT to make provision for Lighting a ^{A.D.} 1914.
Portion of the Municipality of Port Cygnet
by Electricity, and for other purposes.

[3 September, 1914.]

WHEREAS the Warden, councillors, and electors of the Municipality of Port Cygnet are desirous of providing for the lighting of the town of Lovett and portion of the municipality adjacent thereto by electricity :

PREAMBLE.

And whereas a poll of electors in the proposed Light District was formally taken at Lovett on the Twentieth day of November, One thousand nine hundred and thirteen, to decide whether or not the Council should take the necessary steps to borrow a sum of Two thousand Pounds for lighting purposes, and the question was decided in the affirmative, the votes being as follows :—Ninety-three in favour, and Six against.

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

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Division of Act.

1 This Act is divided into Ten parts, as follows :—

Part I.—Preliminary.

Part II.—District.

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

Part IV.—Compensation for Damage done in Execution of Works.

Part V.—Supply of Electrical Energy.

Part VI.—Power to Borrow.

Part VII.—Light Rate.

Part VIII.—Waste and Misuse of Electrical Energy.

Part IX.—Offences.

Part X.—By-laws.

PART I.

PRELIMINARY.

Title and incorporation.

2 This Act may be cited as “The Lovett Lighting Act, 1914,” and shall be read as part of, and be deemed to be incorporated with “The Local Government Act, 1906.”

Commencement of Act.

3 This Act shall commence and take effect on a day to be appointed by proclamation.

Interpretation.

4 In this Act, and in any by-laws or rules made thereunder, unless the context otherwise determines—

“Assessment roll” means so much of the annual values assessment roll of the municipality of Port Cygnet for the time being in force as comprises all properties in the Light District as hereinafter defined :

“Council” means the Municipal Council of the Municipality of Port Cygnet :

“Elector” means every person being a natural-born or naturalised subject of His Majesty, and whether male or female, of or above the age of Twenty-one years, whose name as the owner or occupier of any property within the Light District appears on the assessment roll :

“Electrical Energy” means and includes electrical current and electrical power :

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

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- “ Land ” includes any estate or interest (legal or equitable) in land, and any easement, right, power, or privilege over, in, or in connection with, land : A.D. 1914.
- “ Street ” extends to and includes any public and common highway, road, main road, lane, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place in the Light District :
- “ The Corporation ” means the Warden, councillors, and electors of the Municipality of Port Cygnet :
- “ Works ” means and includes any buildings, plant, machinery, engines, dynamos, retorts, receivers, tunnels, cisterns, drains, channels, sewers, weirs, dams, embankments, pumps, reservoirs, water-races, water-courses, water-powers, turbines, or other motive power, and all wires, pipes, lamps, posts, piers, supports, generators, conductors, communicators, accumulators, distributors, and all other machinery and apparatus which the Council shall from time to time use or deem to be necessary for the generation, transmission, supply, and utilisation of electrical energy, in accordance with the provisions of this Act.

PART II.

LIGHT DISTRICT.

5 The area of land shown in the plan in the schedule to this Act and in such plan surrounded by red boundary lines, shall be and form the Light District for the purposes of this Act; but the Council may from time to time, at the request of a Two-thirds majority of the electors within any area within the Municipality of Port Cygnet proposed to be added declare by special resolution that any such area shall be added to the Light District, and thereupon such area shall be included in and form part of the Light District; and every owner or occupier of property within the area so added, shall thenceforth be subject to the same liability to be rated as if the said area had originally formed part of the said Light District. District.

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PART III.

POWER OF COUNCIL IN CONSTRUCTION OF WORKS.

Diversion of
water.

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

To take, divert, and appropriate from the Agnes Rivulet, situate near Lovett, in the Municipality of Port Cygnet, at such a point or points distant approximately Five chains from the south-western angle of a pensioner's block of land, containing Nine acres and Eleven perches, in the name of I. Riley, all water flowing in the said rivulet, and to dam up the waters of the Agnes Rivulet to such a height as may be approved by the Minister, and to convey such waters by means of a pipe-line to a generating station proposed to be erected at a site to be fixed by the engineer in charge of the works.

General powers
for purposes of
diversion.

7 For the purpose of taking and diverting such waters as aforesaid, it shall be lawful for the Council to enter upon the Agnes Rivulet aforesaid, and upon the banks and bed thereof, and on and in any portion of the said banks and bed, and from bank to bank to construct and erect, and from time to time, if necessary, maintain, alter, and repair any dams, weirs, embankments, flumes, channels, races, works, accessories, and buildings for the purpose of such taking, diversion, and appropriation as aforesaid, and in order to give effect to the objects of this Act.

It shall be lawful for the Council to use for any of the purposes hereinafter specified all or any portion of water which the Council is hereby authorised to take, divert, and appropriate—

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

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8 The Council is hereby empowered to purchase, lease, or acquire, upon any terms or conditions it deems advisable, any land or any corporeal or incorporeal hereditaments, or any chattel or interest whatsoever which it deems advisable for the purposes of this Act, and which it may think proper to purchase, lease, or acquire, including any water-power and power-producing machinery and any rights and privileges accessory to the same; and the Council is also empowered to dispose of the same or any part thereof by sale, lease, or otherwise to any person or persons for any purpose whatsoever.

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Construction of works.

9 The Council is also hereby empowered to compulsorily purchase any land and to compulsorily acquire any rights and easements which it may consider necessary for the purposes of this Act and for the purpose of facilitating and effectuating any such purchase of land or acquisition of rights or easements, "The Lands Clauses Act" shall be incorporated with this Act, except as varied by this Act, and except Sections Eight and Nine of that Act; and in the construction of this Act and "The Lands Clauses Act" this Act shall be deemed to be the special Act, and the Council shall be deemed to be the promoter of the undertaking.

Purchase of land and acquisition of easements.

10 The Council is also empowered to dispose of any lands, rights, or easements compulsorily acquired, or any part thereof, by sale, lease, or otherwise, to any person or persons for any purpose whatever.

Power to dispose of land.

11 For the purposes of this Act it shall be lawful for the Council to enter upon any land, and to take levels of the same, and to set out such parts of such lands as the Council may think necessary, and to cut down trees, dig, cut, trench, and break up the soil of such land, and to remove all earth, stone, trees, or other things dug or obtained out of the same, and to use such materials in the construction and maintenance of the works authorised by this Act.

Entry upon land.

12 It shall be lawful for the Council from time to time to make, erect, construct, lay down, maintain, alter, or discontinue upon any land as the Council thinks necessary for the purposes of this Act, such works, and such buildings, machinery, apparatus, and appliances as the Council may think necessary for the purposes of this Act; and also to enter into any contract concerning the same that it may deem advisable; and also with the consent of the Governor to dispose of any such works by sale, lease, or otherwise, whenever it shall deem it advantageous so to do.

Construction of works and buildings, &c.

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

Council to give notice prior to first entry upon land.

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If compensation excessive Council may give up land.

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

Power to break up streets, &c., and to open drains.

15 The Council may, subject to the provisions of the Act of the Commonwealth of Australia, intituled "The Post and Telegraph Act, 1901," from time to time open and break up the soil and pavement of any street within the Light District and erect in and upon such streets and maintain and use for the purpose of transmitting electrical energy and from time to time alter and discontinue such machinery, lamps, posts, pipes, piers, supports, conductors, communicators, distributors, electric lines, buildings, apparatus, engines, and things, and all other works necessary and convenient for any of the purposes of this Act.

Streets, &c., broken up to be reinstated without delay.

16 Whenever the Council opens or breaks up any street, sewer, drain, or tunnel, under the authority of this Act, it shall with all convenient speed complete the work for which the same was broken up, and fill in the ground and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such street is so opened or broken up cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night.

PART IV.

COMPENSATION FOR DAMAGE DONE IN EXECUTION OF WORKS.

Council to do as little damage as may be.

17 In the exercise of the powers conferred by this Act, the Council shall do as little damage as can be, and in all cases where such can be done shall make good such damage.

Council to make compensation for damage done in execution of works.

18 The Council shall make compensation in manner hereinafter provided to all parties lawfully claiming any right to the use of any water taken or diverted or appropriated by the Council under the authority of this Act, or lawfully interested in any land, other than land purchased by the Council in or upon which any works may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the works under this Act,

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or otherwise by the execution by the Council of the powers hereby conferred, for all damage sustained by reason of the exercise as to such land or water of the powers vested in the Council by this Act.

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19 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Council and served upon the Council Clerk thereof, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the land or water in respect to which claim is preferred, and if any such person and the Council do not agree as to the amount of such compensation, the same and the application thereof, shall, except in the case hereinafter mentioned, be determined by arbitration in the manner provided for by "The Lands Clauses Act" in cases of disputed compensation, or at the option of either the Council or claimant, by a judge of the Supreme Court, upon either party giving Seven days' notice to the other after the delivery of such claim, and the amount of such compensation to be paid in such case shall be ascertained by the judge in such manner as he deems advisable, and subject to such conditions as such judge sees fit to impose. All costs of all proceedings taken under this Act before a judge shall be in his discretion as to the party by whom such costs shall be borne, and payment thereof may be enforced and recoverable by the party to whom such costs shall be payable, as in equity.

Persons damaged to make claim for compensation.

21 Vict. No. 11.

Compensation, how to be ascertained.

20 In determining such claims regard shall be had to any benefit which may be done or accrue to the claimant by or as the result of the provisions in this Act contained.

Regard to be had to any benefit which may accrue.

21 If the Council by notice in writing requires any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Council by this Act previously to the service of such notice, such person shall not be entitled to compensation for any damage sustained by reason of the exercise of any such powers unless he prefers his claim, in manner aforesaid, within Two months after service of such notice.

Persons not making claim when required to be barred.

22 If either party is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation to be paid to the owner or occupier of any land taken or occupied under the authority of this Act, or with the decision of the arbitrator or umpire appointed to determine the amount of compensation to be paid to any person claiming the right to use any of the water diverted or appropriated by the Council, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds Fifty Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to

Dissatisfied party may appeal to a judge of the Supreme Court.

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a judge of the Supreme Court, and may have the amount of compensation fixed by a judge of the said court in the manner herein-after provided.

Notice of appeal
to be given.

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

39 Vict. No. 19.

Award not to be
made a rule of
Court unless
judge determines
matter in dispute.

24 Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a rule of court, nor shall any proceedings other than the appeal be taken thereon, until a judge of the Supreme Court, by an order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Land acquired
under this Act not
subject to "The
Lands Clauses
Act."

25 No land acquired or held by the Council under the authority of this Act and used for the purposes of this Act shall, unless with the consent of the Governor, be subject to the operation of "The Lands Clauses Act," or any Act (except this Act) incorporating the whole or any portion of that Act.

Before commen-
cing work, plans
to be submitted
for approval.

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

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PART V.

SUPPLY OF ELECTRICAL ENERGY.

27 If after the Council shall have constructed and erected the necessary works for the generation and transmission of electrical energy for lighting the Light District, any owner or occupier of any house, building, or other premises in the said Light District within One hundred feet of any works for distributing electrical energy shall require a supply of electrical energy for producing light, such supply shall in every case be furnished by the Council at such charges as shall from time to time be fixed by the Council, in accordance with the provisions of this Act, or at a lump-sum price agreed upon by the occupier and Council.

Supply of electrical energy inside area at such charges as may be agreed.

28 If the owner or occupier of any land or building in the said Light District, or in any other place at which the Council has erected the necessary works for supplying electrical energy under the provisions of this Act, shall require a supply of electrical energy for motive power or for any purpose other than the production of light, the Council may from time to time as it thinks fit, furnish such supply of electrical energy to such owner or occupier at such charges and upon such terms and conditions as the Council shall from time to time prescribe.

Council may supply electrical energy for motive power, &c.

29 It shall be lawful for the Council from time to time to make such a rebatement as the Council shall think fit upon all moneys due and owing to the Council for electrical energy supplied under the provisions of this Act, and which shall be paid to the Council not later than Fourteen days after demand has been made for payment thereof.

Council may make a rebatement of charges.

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

Provision for testing.

31 It shall not be lawful for the Council to prescribe any special form of lamp or burner to be used by any persons to whom the Council shall supply electrical energy for lighting purposes, but only such contractors, builders, artisans, workmen, and other persons as are approved by the Council shall be employed by any person for the purpose of erecting or repairing any machinery, lamps, wires, pipes, conductors, apparatus, or appliance whatsoever to be used in supplying or producing light or power from electricity supplied by the Council.

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

32 Where several buildings are supplied with electrical energy by one common conductor, the respective owners or occupiers of such buildings shall be severally liable to the payment of the same

Where several premises supplied by one conductor, each to pay.

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charges for the supply of electrical energy as they would have been liable to if each of such several buildings had been supplied with electrical energy by a separate conductor.

Council may provide meters.

33 The Council may from time to time let for hire to any consumer of electrical energy supplied by measure, any meter or instrument for measuring the quantity of electrical energy supplied and consumed at such rent in money as shall from time to time be fixed by the Council, in accordance with the provisions of this Act; also, any conductors, fittings, and apparatus for the conveyance, reception, transformation, storage, or otherwise utilising electrical energy.

Officers of the Council may inspect meters.

34 Any person acting under the authority of the Council may at all reasonable times enter any house, buildings, or lands, to, through, or into which electrical energy is supplied by the Council by measure, in order to inspect the meters, instruments, wires, and apparatus for the measuring, conveyance, reception, or storage of electrical energy, or for the purpose of ascertaining the quantity of electrical energy supplied or consumed, and may from time to time enter any house, buildings, or lands for the purpose of removing any meter, instrument, wire, or apparatus the property of the Council; and if anyone hinders such person from entering or making such inspection, or effecting such removal, or if anyone, not being an officer or in the employ of the Council, in any manner injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not exceeding Five Pounds, in addition to the amount of damage or injury done.

Notice of removal or change in meter.

35 Every person requiring to remove or alter the position of any meter shall give Two days' notice, in writing, to that effect to the Council, who will cause a registration of the quantity of electrical energy used to be taken, and such removal or alteration to be made; and the expense of so doing shall be paid by such person, and no alteration shall be made but by or under the direction of an officer of the Council, nor until the permission of the Council has been obtained.

Meters, &c., not liable to seizure.

36 Such meters, instruments, conductors, fittings, and apparatus shall not be subject to distress for rent of the premises where the same are used, and shall not be attached or taken in execution under any process of any court of law or equity; and no person shall acquire any interest or property therein under or in pursuance of any adjudication, sequestration, or order in bankruptcy or other legal proceedings against or affecting the consumer of the electrical energy, or the occupier of the premises or other person in whose possession the meters, conductors, fittings, instruments, and apparatus may be.

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

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Supply of electrical energy outside area boundaries.

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

Right of Council to contract with private person.

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

Poll necessary.

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

Agreement to be open for inspection.

41 Wherever by this Act authority is given to the Council to enter upon any land or to break up streets or to do any act for the purposes of this Act in or relating to the construction, maintenance, or repair of the works or any part thereof, or the cutting off any supply of electrical energy, the same authority shall extend to and may be used by any person acting by direction of the Council, or under the authority of any such agreement as hereinbefore mentioned, and to all necessary agents, assistant servants, workmen, means, and appliances of the Council, or such person as aforesaid.

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

PART VI.

POWER TO BORROW.

42 Provided the Council shall have previously passed a special resolution for the purpose (whether before or after the commencement of this Act), it shall be lawful for the Council, on behalf of the Corporation, to borrow, under the provisions of "The Local Public Works Loans Act, 1890," upon the security of its revenues, any sum or sums of money not exceeding in the whole Two thousand Pounds, for the purpose of defraying the cost and expense of obtaining this Act and of or connected with the construction and carrying out of the works authorised by this Act, or the payment of any such compensation as aforesaid.

Power to borrow money.

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Governor may
grant loan to
Council.
54 Vict. No. 30.

43 Subject to the passing of such special resolution as aforesaid, it shall be lawful for the Governor to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money not exceeding in the whole the sum of Two thousand Pounds, as a loan or loans to the Council upon the security of all its revenues, for the purpose of defraying the costs and expenses mentioned in the immediately preceding section, and any such sum or sums of money shall be defrayed out of moneys to be provided by Parliament for that purpose: Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any such proposed works, nor the report of the Engineer-in-Chief thereon as provided in Section Two of the lastmentioned Act, but before any part of the said sum of Two thousand Pounds shall be advanced to the Council, plans and specifications of the proposed works, together with a report by the Engineer-in-Chief upon the necessity of such works, and probable cost thereof, the sufficiency of the plans and specifications and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in the said report, and that the works can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor.

PART VII.

LIGHT RATE.

Council to fix
light rate.

44 The Council may, once or oftener in every year, make and levy a light rate or light rates upon the annual value of all properties within the Light District, as shown by the assessment roll in force for the time being, for the purpose of providing for the payment of interest and any moneys required for a sinking fund in respect of any moneys borrowed under this Act, and also for the purpose of raising the necessary funds for carrying out the objects of this Act: Provided that such rate so to be made and levied shall not in any case exceed in any one year the sum of One Shilling in the Pound upon the annual value of the properties within the Light District.

Any such light rate shall be made upon and be payable by the persons who would be liable to be rated in respect of the properties included in the Light District if such rate were a general rate under "The Local Government Act, 1906," and shall be made and recoverable in the same manner as any such general rate.

If rate in arrear,
supply of
electrical energy
may be stopped.

45—(1) If any person liable to pay any amount of light rate neglects to pay the same within due time after the same has been lawfully demanded, the Warden may after Twenty-four hours' notice stop the electrical energy supplying the premises in respect

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of which such rate is payable by cutting off the wires to said premises, or by such other means as he may think fit, and the expense of cutting off the electrical energy may be recovered in the same manner as the light rate is recoverable. A.D. 1914.

(2) No person shall be liable to be imprisoned for non-payment of any light rate or charge for electrical energy, or any expenses of cutting off the electrical energy. No imprisonment for non-payment.

PART VIII.

WASTE AND MISUSE OF ELECTRICAL ENERGY.

46 If any person, when required by the Council, refuses to repair or neglects to keep in repair any of the works by which his premises are supplied with electrical energy under the authority of this Act, the Council may cut off the supply of electrical energy from such premises until such works are sufficiently repaired, and the Council may repair such works, and the cost of repairing the same shall be repaid to the Council by the person neglecting to repair the same, and may be recovered by the Council from such person in a summary way. Electric service works to be kept in repair.

47 The inspector or any other person acting under the authority of the Council may at any time, by night or by day, enter into any house or premises supplied with electrical energy under the authority of this Act, in order to examine if there is any waste or misuse of such electrical energy, and the condition or state of repair of the works, by which such electrical energy is supplied to such house or premises; and if such inspector or other person is at any such time refused admittance into such house or premises, for any of the purposes aforesaid, the Council may cut off the supply of electrical energy from such house or premises. Power to enter premises to inspect.

PART IX.

OFFENCES.

48 Every person who wilfully obstructs, hinders, or interrupts the Council, or any person acting under the authority of the Council in doing or performing any work by this Act authorised to be done or performed by the Council or in the exercise of any power or authority conferred on the Council, shall for every such offence incur a penalty of not more than Fifty Pounds. Penalty for obstructing Council.

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Allowing persons not supplied to use the electrical energy.

49 Every owner or occupier of any premises supplied with electrical energy under this Act, who supplies to any other person or wilfully permits him to take any of such electrical energy from any conductor, or pipe, or service, in or on such premises, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Taking electrical energy, &c., without authority.

50 Every person who without due authority takes any electrical energy from any pipe, wire, or conductor, or service, or other work belonging to the Council, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Attaching any conductor, &c., without authority.

51 Any person who makes any pipe, wire, or conductor to communicate with any pipe, wire or conductor, or service wires or other work belonging to the Council, without the authority of the Council in that behalf, shall incur a penalty not exceeding Twenty Pounds.

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

52 Any person who carelessly or accidentally breaks, throws down or damages any pipe, electric line or service, or any pillar, post, lamp, or other works whatsoever, belonging to the Council or under its control, shall forfeit and pay to the Council for the damage so done, by way of satisfaction, such sum of money as will compensate the Council therefor, which may be recovered by action in any court of competent jurisdiction.

Persons failing to report damage.

53 Any person who breaks, throws down, or damages any pipe, electric line, or service, or any pillar, post, lamp, or other works whatsoever, belonging to the Council or under its control, and fails to forthwith report the same to the Council Clerk, shall be liable to forfeit and pay to the Council a sum not exceeding Ten Pounds, in addition to the amount of damage, and such amount shall be recoverable in the same action as the claim for such damages.

Penalty for destroying or injuring works wilfully or maliciously.

54 If any person wilfully or maliciously destroys, injures, or damages, or attempts to destroy, injure, or damage, any conduit, pipe, wire, or apparatus, or any of the works constructed or erected under the authority of this Act, or wilfully or maliciously does any act calculated to render any part or parts of the machinery, or works of the Council unworkable or defective, or whereby any electrical energy is or may be lost, wasted, misused, destroyed, or interrupted in any way, he shall for every such offence, upon conviction, either forfeit and pay such sum of money, not exceeding Twenty Pounds, as to the adjudicating magistrate or justices shall seem meet, and also such further sum of money as shall appear to the magistrate or justices to be a reasonable compensation for any destruction, damage, or injury so done, or else he shall, at the discretion of the adjudicating magistrate or justices, be imprisoned for any term not exceeding Six months.

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- 55** Where the doing of any act or thing is made punishable by this Act, or by any by-law in force under the authority of this Act, with any penalty, fine or forfeiture, the causing, procuring, permitting, or suffering such Act or thing to be done shall be punishable in like manner. **A.D. 1914.**
Accessories to offences liable as principals.
- 56** All penalties for offences against this Act shall be applied to the use of the Council, and shall be paid to the Treasurer of the Council, and shall be carried to the credit of the Light Account. **Appropriation of penalties.**
- 57** Where no other mode is provided in this Act all fines and penalties under this Act, or under any by-law made in pursuance of this Act, may be recovered and enforced before any police magistrate, or before any Two or more justices, in the mode prescribed by "The Magistrates Summary Procedure Act." **Recovery of fines, penalties, &c.**
- 58** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act, or any Act incorporated herewith, or any by-law as aforesaid, which is recoverable in a summary way, may appeal against the same in the mode prescribed by "The Appeals Regulation Act." **Appeal.**
- 59** Every person convicted of any of the offences hereinbefore mentioned may be ordered to pay, in addition to the penalty attached to the offence, a sum equal to the value of the property damaged or destroyed by him in the act of committing the offence. **Persons convicted of offence may be ordered to pay sum of money equal to value of property.**

PART X.

BY-LAWS.

- 60**—(1) The Council shall have power from time to time to make, alter, modify, amend, or repeal by-laws for all or any of the following purposes:— **By-laws.**
- i. For regulating the charges, terms, and conditions upon which electrical energy shall be supplied to any person under the authority of this Act :
 - ii. For regulating the form, material, dimensions, description, and construction and arrangement of conductors, wires, pipes, service, and other apparatus by means of which electrical energy may be laid on, distributed, or supplied by the Council and for prohibiting the use of any other :
 - iii. As to any matter in connection with which the expression "prescribed" is used in this Act, or in respect to any purpose for which regulations are contemplated by this Act :

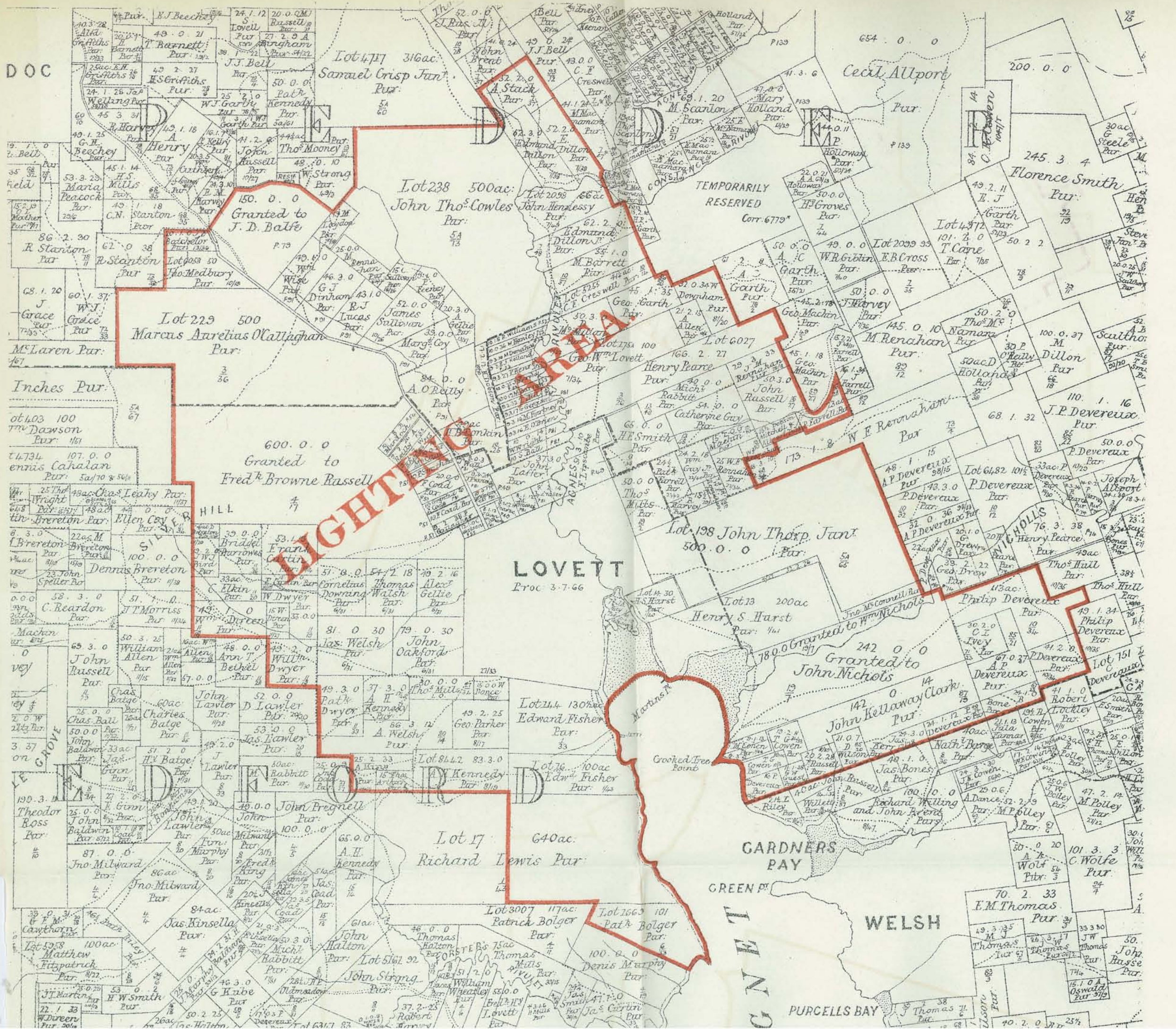
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A.D. 1914.

- iv. For prescribing and regulating all other matters and things which may be found to be necessary or convenient in connection with the supply of electrical energy under this Act :
- v. For preventing waste or misuse of electrical energy :
- vi. For preventing injury to any of the works or machinery or apparatus erected by or belonging to the Council for the generation or transmission of electrical energy :
- vii. Generally for the better effectuating any of the purposes of this Act in any matter not otherwise sufficiently provided for—

and to provide that any such by-law may be enforced by cutting-off the wire or conductor or service or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Council thinks proper.

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



DOC

Lot 477 316ac
Samuel Crisp Junr
Pur

Lot 238 500ac
John Tho Cowles
Pur

Lot 229 500
Marcus Aurelius O'Callaghan
Pur

600.0.0
Granted to
Fred & Browne Russell

LOVETT
Proc 3-7-66

Lot 198 John Thorp Junr
500.0.0
Pur

780.0.0
Granted to
John Nichols

Lot 17 640ac
Richard Lewis Par

GARDNERS
PAY

WELSH

PURCELLS BAY

RIGHT TO LIGHT

TEMPORARILY
RESERVED
Corr. 6779*

GREEN
POINT

Florence Smith
Pur

J.P. Devereux
Pur

Philip Devereux
Pur

Lot 151
Devereux

Lot 101
C. Wolfe
Pur

70.2.33
E.M. Thomas
Pur

Lot 330
John
Rasse
Pur

Lot 151
Oswald
Pur

Lot 101
Thomas
Pur

Lot 330
John
Rasse
Pur

Lot 101
Thomas
Pur

Lot 330
John
Rasse
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