

VICTORIA.



ANNO QUARTO

GEORGII QUINTI REGIS.

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No. 2491.

An Act to provide for the Construction and Management of an Electric Tramway in the Municipal District of Kew and certain adjoining Municipal Districts the Acquisition of a certain Horse Tramway and for other purposes.

[17th February, 1914.]

**W**HEREAS the Mayor Councillors and Burgesses of the Town of Preamble.  
Kew are desirous that authority should be granted for the acquisition of the horse tramway known as the Kew branch tramway and for the construction and management of a certain electric tramway in the municipal district of Kew and in part in certain adjoining municipal districts: And whereas the councils of the several municipalities of those municipal districts have agreed to the same: And whereas it is expedient to grant such authority and to make provision for the acquisition of the said horse tramway and for the control and management thereof and for the construction control management and operation of the said electric tramway and for the exercise of the powers conferred by this Act: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Kew Tramway Act 1914.*

Short title.

2. In

## Interpretation.

2. In this Act unless inconsistent with the context or subject-matter—

“Company” means the Melbourne Tramway and Omnibus Company Limited.

“Municipality” means the corporation of the Mayor Councillors and Burgesses of the Town of Kew and includes the council of the said municipality.

“Trust” means the Melbourne Tramways Trust constituted by *The Melbourne Tramway and Omnibus Company's Act 1883* and amendments.

“Undertaking” means all tramways under this Act constructed or in course of construction and all tramways acquired by the municipality and all lands acquired or held by and all buildings appurtenances rolling-stock machinery plant and horses acquired by or used by it in connexion with any of such tramways.

## Authority to construct tramways.

3. Notwithstanding anything in the *Tramways Act 1890*—

(a) the municipality may apply for and obtain an order or orders under the *Tramways Act 1890* authorizing the construction of electric tramways along all or any of the streets and roads mentioned in the Schedule to this Act or any part or parts thereof respectively; and

(b) all the powers authorities and provisions of Parts I. II. and III. of that Act shall extend and apply to the municipality in respect to the said streets and roads as fully and effectually as if the municipality had been empowered by that Act to obtain such order or orders.

## Schedule.

## Agreement.

4. The municipality shall purchase and the company shall sell to the municipality all the interest of the company in the branch tramway described as the Kew Branch in the First Schedule to *The Melbourne Tramway and Omnibus Company's Branches Act 1883* on the terms and subject to the conditions set out in an agreement made between the company of the one part and the municipality of the other part dated the twenty first day of November One thousand nine hundred and thirteen; which agreement is hereby confirmed.

## Powers of municipality.

5. Upon such purchase being completed—

(a) the said branch tramway and all rights therein of the Trust and of every corporation or body entitled to be represented thereon shall (without any further payment) vest in the municipality absolutely; and

(b) the

- (b) the municipality may maintain reconstruct alter use and operate the said branch tramway and for those purposes shall have and continue to have all the powers enjoyed by the company immediately before the completion of the purchase and all the powers which the municipality would have had if such branch tramway had been heretofore constructed by it under an order duly obtained for that purpose under the *Tramways Act 1890*.

Provided that if the municipality does not before the first day of July One thousand nine hundred and sixteen commence the construction of an electric tramway along the route of the said branch tramway the Trust shall be relegated to its position with respect to the said branch tramway and its rights shall be restored accordingly.

6. All fares tolls or charges which may be demanded and taken by the municipality in respect of any tramways under this Act shall be subject to alteration revision or modification by Act of Parliament at any time without the municipality being entitled to any compensation in consequence of such alteration revision or modification.

Power of Parliament to revise fares &c.

7. The municipality may purchase take hold sell hire lease exchange or dispose of land or any easement right power or privilege in over or affecting land also buildings sidings horses carriages harness machinery plant or other property of any kind whatsoever for any of the purposes of this Act.

Powers to purchase land &c.

8. The Trust shall not be in any way answerable for anything done or omitted to be done by the municipality under the provisions of this Act.

Trust.

9. The municipality shall upon completion or in anticipation of the completion of the purchase of the said branch tramway have all the same power to make by-laws as it would have had if it had originally been the promoter under the provisions of the *Tramways Act 1890* of the said branch tramway.

By-laws.

10. (1) The municipality without further authority than this Act may purchase produce supply and use electric energy for the purposes of any tramway which is or is intended to be constructed maintained used or operated by it.

Power to purchase and supply &c. electric energy.

(2) The municipality shall comply with all conditions specified in any Tramway Order obtained by it as to the laying or placing of electric wires and the guarding and maintaining of the same and with all regulations as to such purchase production supply and use made under the *Electric Light and Power Act 1896* or any amendment thereof in the same way and to the same extent as if it were an undertaker within the meaning of that Act.

11. (1) The

## Borrowing powers

11. (1) The purchase of the said branch tramway and the re-construction or alteration thereof and the construction of any tramway under section three hereof and the providing of any rolling-stock or plant for the purpose of any such tramway respectively shall be deemed permanent works and undertakings within the meaning of the *Local Government Act 1903*, but the borrowing power of the municipality under the said Act shall include and extend to the sum or sums expended or to be expended for the purposes of this Act in addition to the amount which the municipality has power to borrow under the authority of the said Act.

Provided that—

- (a) all borrowings under this section shall be subject to the approval of the Governor in Council ; and
- (b) the total amount which may be borrowed by virtue of this section shall not exceed Seventy thousand pounds.

(2) The council of the municipality not less than one month and not more than six months before proceeding to borrow moneys under this section shall publish in the *Government Gazette* and twice in some newspaper generally circulating in the municipal district notice of such intention to borrow, stating—

- (a) the amount of the principal moneys proposed to be borrowed ;
- (b) the rate of interest to be paid ;
- (c) the time or times and the place at which the moneys borrowed are to be repayable ;
- (d) the purposes for which the loan is to be applied ; and
- (e) the manner in which the loan is to be liquidated.

(3) Within one month after the publication of such notice any twenty persons whose names are on the municipal roll for the municipality may by writing under their hands delivered to the chairman or the clerk of the municipality together with the sum of Twenty pounds demand that the question whether or not the loan be incurred be submitted to a poll of the ratepayers of the municipality.

(4) For the purposes of such poll the provisions of sections three hundred and fifty-seven to three hundred and sixty-one of the *Local Government Act 1903* shall with such alterations and substitutions as are necessary extend and apply.

(5) If no such demand for a poll is made or if on such demand being made the ratepayers fail to forbid the municipality from proceeding with the loan the municipality may proceed with the same.

12. Until the electrification of the said branch tramway the municipality may use such motive power thereon as it thinks fit.

13. Nothing

Motive power  
authorized.

13. Nothing in this Act shall affect the liability of the company to pay to the Trust all moneys which the company is under an obligation to pay to the Trust nor shall render the municipality liable to pay such moneys or any part thereof. Saving.

14. (1) The hours to be worked by any person employed by the municipality on any tramway under this Act shall not exceed ninety-six hours in any fortnight, and the rate of wages to be paid by the municipality to such persons shall not be less than the following :— Hours of work and rates of pay.

For motormen at the rate of Forty-eight shillings per week of forty-eight hours ;

For conductors at the rate of Forty-five shillings per week of forty-eight hours ;

For all unskilled adult labour not less than Seven shillings per day of eight hours.

Any such person may work for the municipality overtime for special payment which shall not be less than time and a quarter for any hour so worked.

(2) Save as aforesaid the rate of wages to be paid to and the hours to be worked by all skilled workmen employed by the municipality on any such tramway shall be the recognised standard rate for the recognised hours. Wages and hours of skilled workmen.

Provided that where the rates of wages paid for the time being by the Prahran and Malvern Tramways Trust for any class of work are higher than those mentioned in this section the rates to be paid under this section for the same class of work shall be the same as those paid by that Trust.

15. Every contract entered into by the municipality with any person for the execution of any work or for furnishing materials for the municipality in connexion with any such tramway— Conditions in contracts of the municipality.

(a) shall contain a condition that the recognised standard rate of wages for the work performed for a maximum number of hours shall be paid by the contractor to his employes engaged in the carrying out of such contract ; and

(b) shall specify that in obtaining goods machinery or material for the service of the municipality substantial and effective preference shall be given by the municipality and the contractor to such goods machinery or material manufactured or produced in the Commonwealth.

16. (1) If a general tramway authority is hereafter constituted or authorized by Act of Parliament to have general powers of management and control of tramways within the City of Melbourne and suburbs thereof then subject to that Act the general tramway authority and Power to general tramway authority to acquire.  
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the municipality may with the consent of the Governor in Council enter into and carry into effect all such agreements as are necessary for the conveyance transfer or assignment to and vesting in the general tramway authority of the tramways and tramway undertaking under this Act or the general tramway authority may with the like consent acquire the said tramways and tramway undertaking compulsorily.

(2) In the case of compulsory acquisition the said tramways and tramway undertaking and all real and personal property whatsoever of the municipality relating thereto and all interests authorities rights powers and privileges of the municipality therein thereto or thereout shall without further or other conveyance transfer or assignment than this Act vest in the general tramway authority subject to any then outstanding liabilities obligations contracts and engagements of the municipality in respect thereto including any outstanding principal or any outstanding or future interest in respect of any loan raised by the municipality for the purposes of this Act.

(3) If any question arises as to whether any property or any interests authorities rights powers privileges liabilities contracts or engagements as aforesaid are vested in transferred to or imposed upon the general tramway authority the Governor in Council may by Order published in the *Government Gazette* finally and conclusively determine the same ; and for that purpose may adjust apportion and settle any matters or things as between the general tramway authority the municipality and all other persons or bodies of persons as he thinks equitable.

Section 3.

### SCHEDULE.

A tramway commencing in Victoria-street at the terminus of the present cable tramway of the Melbourne Tramway and Omnibus Company Limited ; thence proceeding over the Kew Bridge and its approaches along Barker's-road and High-street and Bulleen-road to the intersection of the last-mentioned street with Burke-road in the Cities of Richmond Collingwood and Hawthorn and the Town of Kew or one of them.

MELBOURNE:

By Authority : ALBERT J. MULLETT, Government Printer.