

T A S M A N I A.



1895.

ANNO QUINQUAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 45.

see 59 Vic private Act this Vol

AN ACT to make better provision for the A.D. 1895.
Supply of Light to the City of *Hobart* and
its Suburbs. [24 October, 1895.]

WHEREAS it is desirable to make better provision for the supply PREAMBLE.
of Light to the City of *Hobart* and its Suburbs :

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

1 This Act is divided into Fifteen Parts, as follows :— Division of Act.

- Part I.—Title and Interpretation.
- Part II.—Power to use Water.
- Part III.—Construction of Works.
- Part IV.—Compensation for damage done by execution of Works.
- Part V.—Supply of Electricity.
- Part VI.—Protection of Public Electric Telegraph and Telephone Lines.
- Part VII.—Lighting Rate.
- Part VIII.—Power to borrow Money.
- Part IX.—Light Accounts.
- Part X.—Poll of Citizens.
- Part XI.—Waste or Misuse of Electricity.
- Part XII.—Offences.
- Part XIII.—Officers.
- Part XIV.—By-laws.
- Part XV.—Miscellaneous.

Hobart Light.

A.D. 1895.

PART I.

TITLE AND INTERPRETATION.

Short title.

2 This Act may be cited as "The *Hobart* Light Act, 1896."

Commencement of Act.

3 This Act shall commence and take effect on the First day of *January*, 1896.

Interpretation.

4 In this Act, unless the context otherwise determines—"City" or "the said City" means the City of *Hobart* :"Council" means the Municipal Council of the City of *Hobart* :"The Corporation" means the Corporation of the Mayor, Aldermen, and Citizens of the City of *Hobart* :

"Street" extends to and includes any public and common highway, road, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place :

"Persons" includes Corporations :

"Waterworks" extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, tunnels, feeders, drains, channels, cuts, floodgates, sluices, conduits, filters, troughs, dams, embankments, pumps, culverts, pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act :

"Works," when used in reference to the generation, transmission, or supply of Electricity, shall mean and include all wires, 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, and supply of Electricity in accordance with the provisions of this Act :

"Local Authority," when used in reference to any Municipality, or Town, or Road District adjoining the City of *Hobart*, shall mean the Municipal Council or Board or Trustees of such Municipality or Town or Road District :

"Person" shall include bodies corporate.

Corporation empowered to carry Act through Council.

5 The Corporation is hereby empowered to carry this Act into execution, and to exercise the several powers hereby conferred upon it through the Council.**PART II.**

POWER TO USE WATER.

Purposes for which water may be taken.

6 It shall be lawful for the Corporation to use, for any of the purposes hereinafter specified, all or any portion of water which the Corporation is authorised by any previous Act to divert and appropriate for any purpose therein mentioned ; viz. :—(1.) To work any machinery that may be erected by the Corporation for generating and transmitting electricity for the purpose of lighting the City of *Hobart* and other places, and the buildings therein, with Electric Light :

(2.) To work any machinery that may be erected by the Corporation for generating and transmitting electricity for the

Hobart Light.

purpose of supplying the inhabitants of the City of *Hobart* and its suburbs with electricity, for producing light, or for motive power, or for any other purpose. A.D. 1895.

Provided always that all such water as aforesaid which shall be used for the purposes of this Act shall be returned to the reservoir or other place from which it shall be taken, or into which it would have otherwise been diverted for the purposes of any such previous Act as aforesaid.

PART III.

CONSTRUCTION OF WORKS.

7 The Corporation is hereby empowered to compulsorily purchase any Land and to compulsorily acquire any easements which the Council may consider to be necessary for the purposes of this Act; and for the purpose of facilitating and effectuating any such purchase of land or acquisition of 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. Purchase of land and acquisition of easements.

8 For the purposes of this Act it shall be lawful for the Corporation to enter upon any land, and to take levels of the same, and to set out such parts of such land as the Council thinks 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.

9 It shall be lawful for the Corporation, from time to time, to make, erect, construct, lay down, maintain, alter, or discontinue upon any land purchased by the Corporation under the provisions of this Act, or upon any land now vested in the Corporation, such waterworks and such buildings, machinery, and other works, apparatus, and appliances as the Council may think necessary for the purposes of this Act. Construction of waterworks and buildings, &c.

10 Prior to the first entry upon any land by the Corporation for the purposes of this Act, not less than Seven days' notice of the intention of the Corporation 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.

11 The Corporation is hereby empowered to maintain, alter, or discontinue for the purposes of this Act any existing waterworks or other works now under the control and management of the Council, as the Council may from time to time think proper, in the same manner as any waterworks or other works constructed under the authority of this Act; and all the powers and provisions of this Act relating to waterworks shall equally apply to such existing waterworks or other works. Provisions of Act to apply to existing waterworks.

12 The Corporation may, from time to time, open and break up the soil and pavement of any streets within the City of *Hobart* and the suburbs thereof, and may open and break up any sewers, drains, or drains. Power to break up streets, &c., and to open drains.

Hobart Light.

A.D. 1895.

tunnels within or under such streets, and, subject to the provisions of this Act, may from time to time erect or lay down in and upon or under such streets, and may maintain and from time to time alter and discontinue, such pipes, machinery, lamps, posts, piers, wires, 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.

Notice to be served on persons, if any, having control of streets without the City.

13 The Corporation shall, before opening or breaking up any street without the City, give to the persons, if any, under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of the intention of the Corporation to open or break up the same not less than Three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as possible after the beginning of the work or the necessity for the same has arisen.

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

14 No street without the City shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons, if any, having the control or management thereof, or of their officer, and according to such plan as is approved of by such persons or their officer, or in case of any difference respecting such plan then according to such plan as may be determined by Two Justices: Provided, that if the persons having such control or management as aforesaid and their officer fail to attend at the time fixed for the opening of any such street after having had such notice of the intention of the Corporation as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Corporation may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets not to be broken up except under superintendence of persons having control of same.

15 Whenever the Corporation 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 cause any settlement of the trenches which may appear from time to time within Twelve months of the execution of the works in any street to be made good with sound and suitable material at least of equal quality to that displaced, and shall remove any ridges left therein so as to permanently leave the level of the street the same as before the commencement of the work, 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. Provided, that the local authority may execute any such re-instatement or repairs as mentioned in this Section, and recover the cost thereof from the Corporation if the Corporation has neglected, after receiving Seven days' notice from such local authority, to effect the same.

Laying of electric lines, &c. near gas or water-pipes, or other electric lines.

16—(1.) Where the Corporation requires to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any main-pipe, siphon, electric line, or other work belonging to any gas or electric supply company has been lawfully placed, or where any gas or electric supply company require to dig or sink any trench for laying down or constructing any

Hobart Light.

new mains or pipes (other than service pipes) or other works near to which any lines or works of the Corporation have been lawfully placed, the Corporation or such Gas or Electric Supply Company (as the case may be) in this Section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to such Gas or Electric Supply Company, or to the Corporation (as the case may be), in this Section referred to as "owners," not less than Three days' notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main-pipe, siphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owner thereof, repair any damage that may be done thereto.

A.D. 1895.

(2.) Where the operators find it necessary to undermine, but not alter the position of any pipe, electric line, or work, they shall temporarily support the same in position during the execution of their works, and before completion provide a suitable and proper foundation for the same where so undermined.

(3.) Where the operators (being the Corporation) lay an electric line crossing or liable to touch any mains, pipes, lines, or services belonging to any gas or electric supply company, the conducting portion of such electric line shall be effectively insulated in a manner approved by the Postmaster-General, and the Corporation shall not, except with the consent of the gas or electric supply company (as the case may be), and of the Postmaster-General, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or, except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

(4.) Any question or difference which may arise under this Section shall be determined by arbitration.

(5.) If the operators make default in complying with any of the requirements or restrictions of this Section they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding Ten Pounds for every such default, and to a daily penalty not exceeding Five Pounds. Provided that the operators shall not be subject to any such penalty if the Court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions of this Section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the main-pipe, siphon, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

PART IV.**COMPENSATION FOR DAMAGE DONE BY EXECUTION OF WORKS.**

17 In the exercise of the powers conferred by this Act the Corporation shall do as little damage as can be, and in all cases where it can be done, shall provide other watering-places, drains, and channels for Corporation to do as little damage as may be.

Hobart Light.

A.D. 1895.

the use of adjoining lands, in place of any such as are taken away or interrupted by the Corporation.

Corporation to make compensation for damage done by execution of works.

18 The Corporation 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 Corporation under the authority of this Act, or lawfully interested in any land, other than land purchased by the Corporation, in or upon which any waterworks may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act, or otherwise by the execution by the Corporation 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 Corporation by this Act.

Persons damaged to make claim for compensation.

19 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Council, and served upon the Town Clerk, 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 water or land in respect of which the claim is preferred; and if any such person and the Council do not agree as to the amount of such compensation, the same, and the application thereof, shall, except in the cases hereinafter mentioned, be determined by arbitration in the manner provided by *The Lands Clauses Act* in cases of disputed compensation.

Compensation how to be ascertained.

Regard to be had to any benefit which may accrue.

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.

Persons not making claim when required to be barred.

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 Corporation by this Act previously to the service of such notice, such person shall not be entitled to compensation for any damage sustained by reason of the exercise of any such powers previously to the service of such notice, unless he prefers his claim, in manner aforesaid, within Three months after service of such notice.

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

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 Corporation, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds One hundred Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a Judge of the Supreme Court, and may have the amount of compensation fixed by a Judge of the said Court, in the manner hereinafter provided.

Procedure upon appeal.

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

Hobart Light.

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 case 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 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.

A.D. 1895.

36 Vict. No. 19.

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 until a Judge of the Supreme Court, by an Order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Award not to be made a Rule of Court until Judge determines matter in dispute.

25 Where any claim for compensation involves damage alleged to have been sustained by reason of the taking or diversion or appropriation of any water and the right of the claimant in or to such water is disputed by the Council, if the Council within Fourteen days after the service of the notice of the claim gives notice to the claimant that his right in or to such water is disputed, then such claim shall not be determined by arbitration, but shall be determined by an action in the Supreme Court to be brought by the claimant against the Corporation for damages or upon an issue agreed to between the claimant and the Corporation.

Compensation for diverting water to be ascertained by action in the Supreme Court.

26 Every such action shall be commenced within Three months after the service on the claimant of such notice as aforesaid that his right is disputed, and not afterwards.

Action to be commenced within Three months.

27 The Corporation may from time to time and at all times hereafter pay and make good to the owners and occupiers of all lands and buildings, and to every person whomsoever, all loss, costs, and charges, sums of money, damages, and expenses whatsoever, and for all injury of what nature or kind soever, as well immediate as consequential, which such owners or occupiers or other persons may suffer, incur, pay, expend, or be put to by reason or in consequence of the failure or giving way of any of the waterworks of the Corporation under this Act.

Compensation for damage done by failure of the works.

PART V.

SUPPLY OF ELECTRICITY.

1. *Supply of Electricity within the City.*

28 If after the Corporation shall have constructed and erected the necessary works for the generation and transmission of electricity for lighting the City of *Hobart*, any owner or occupier of any house,

Supply of electric light inside City at such charges as may be agreed.

Hobart Light.

A.D. 1895.

building, or other premises in the said City shall require a supply of electricity for producing light, such supply shall in every case be furnished by the Corporation at such charges as shall from time to time be fixed by the Council in accordance with the provisions of this Act.

Council may supply electricity for motive power, &c.

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

Council may make a rebate-ment of charges.

30 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 Corporation for electricity supplied under the provisions of this Act, and which shall be paid to the Council not later than Fourteen days after demand has been made for payment thereof.

Provision for testing.

31 The Corporation shall, before supplying any person with electricity, put up and erect suitable apparatus at some testing-place for the purpose of testing the normal strength and electro-motive force of the electricity supplied to him; the said apparatus and the position of the said testing-place to be approved by the Superintendent of Telegraphs, or any other person appointed by the Governor in Council.

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

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

Where several premises supplied by one conductor each to pay.

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

(2.) *Supply of Electricity to Districts beyond the City.*

Supply of electricity to places beyond the City.

34—(1.) The Corporation may, at the request of the local authority of any Municipality, or Town, or Road District adjoining the City of *Hobart*, erect in such Municipality, or Town, or Road District such works and machinery as may be necessary for supplying the inhabitants thereof with electricity for producing light or for other purposes; and if the Corporation shall at any time, at such request as aforesaid, construct and erect the necessary works for supplying electricity to any place outside the City of *Hobart*, and the owner or occupier of any house, or building, or other premises in such other place as aforesaid shall require a supply of electricity for producing light, such supply

Hobart Light.

shall in every case be furnished by the Corporation at such charges as shall from time to time be fixed by the Council in accordance with the provisions of this Act. A.D. 1895.

(2.) The Corporation may from time to time make and enter into contracts with the local authority of any Municipality, or Town, or Road District for erecting and maintaining electric lamps in such Municipality, or Town, or Road District, and supplying the same with light at such rate per lamp, and upon such other terms and conditions as may be mutually agreed upon.

(3.) Any Municipality, or Town, or Road District adjoining a Municipality, or Town, or Road District in which the Corporation shall erect works for supplying electricity to the inhabitants thereof under the provisions of this Act shall be deemed to be a Municipality, or Town, or Road District adjoining the City of *Hobart* within the meaning of this Act.

PART VI.

PROTECTION OF PUBLIC ELECTRIC TELEGRAPH AND TELEPHONE LINES.

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

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

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

Consent of Postmaster-General to be obtained.

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

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

Hobart Light.

A.D. 1895.

Postmaster-General may approve.

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

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

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

Works to be in accordance with plans.

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

Corporation liable in damages.

41 If the Corporation make default in complying with any of the requirements or restrictions of this Act, they shall make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof.

Wires, &c. to be erected in accordance with Rules of Board of Trade.

42 The Postmaster-General may require the Corporation to erect their wires, conductors, communicators, distributors, electric lines, or other apparatus in accordance with the rules and regulations applying to electric light and power wires as issued by the *London Board of Trade*, or such modification thereof as may be approved and sanctioned by the Governor in Council.

Penalty.

43 In the event of any contravention of or wilful non-compliance by the Corporation or their agents with any of the provisions of this Part of this Act, the Corporation shall be liable on conviction to a penalty not exceeding Ten Pounds for every day during which such contravention or non-compliance continues, or, if the telegraphic communication is wilfully interrupted, not exceeding Fifty Pounds for every day on which such interruption continues.

Penalty not to be incurred in certain cases.

44 Nothing in this Part of this Act shall subject the Corporation or their agents to a penalty if they satisfy the Court having cognizance of the case that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency, and that they forthwith served on the postmaster or officer in charge of the post or telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice.

When line to be deemed to be injuriously affected.

45 For the purposes of this Act, a telegraphic or telephonic line belonging to or under the control of the Government shall be deemed to be injuriously affected by a work if telegraphic or telephonic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work or by any use made of such work.

Hobart Light.

PART VII.

A.D. 1895.

LIGHTING RATE.

46 In order to provide for the payment of the interest from time to time accruing due upon any moneys borrowed under the authority of this Act and for the purpose of providing such Sinking Fund as is hereinafter mentioned for the purpose of constructing any works or purchasing and erecting any machinery for generating and transmitting Electricity in accordance with the provisions of this Act, the Council shall once in every year make and levy a Lighting Rate to be paid by the respective owners or occupiers of all houses, buildings, or other premises within the City.

Council to fix Lighting Rate in respect of buildings within the City.

47 Every such Lighting Rate as aforesaid shall be deemed to be a Municipal Rate, and may be of an amount not exceeding the sum of Ten Pence for every Pound of the assessed annual value of every house, building, or other premises within the City according to the Assessment Roll in force for the time being.

Rate not to exceed Ten Pence per Pound of the annual value.

48 Upon the making of any Lighting Rate under this Act, a notice signed by the Mayor and not less than Five Aldermen, specifying the amount in the pound of the rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*; and upon any such notice being so published, the rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same according to the annual value of such property as ascertained and determined by the Assessment Roll then in force for the City; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the rate, or the sums which according to such rate such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

Upon making Rate notice of same to be given.

49 If any person liable as herein provided to pay any amount of Lighting Rate or charges neglects to pay the same within due time after the same has been lawfully demanded, the Mayor may, after Twenty-four hours' notice, stop the current of electricity supplying the premises in respect of which such rate or charges is payable, by cutting off the wires to such premises, or by such other means as he may think fit, and the amount of Lighting Rate due from such person, together with the expense of cutting off the Electricity, may be recovered in the same manner as any Municipal Rate is recoverable.

If Rate not paid Mayor may stop current of electricity.

50 No person shall be liable to be imprisoned for non-payment of any expenses of Lighting Rate or charge for Electricity supplied under the provisions of this Act.

No imprisonment for non-payment of rate or charges.

PART VIII.

POWER TO BORROW MONEY.

51 It shall be lawful for the Corporation, for the purposes of diverting and appropriating water under the provisions of this Act, and purchasing land, and constructing, purchasing, erecting, and maintaining and managing waterworks, machinery, buildings, and appliances

Power to borrow money.

Hobart Light.

A.D. 1895.

for the supply of Electricity in accordance with the provisions of this Act, to borrow on mortgage any sums not exceeding Fifty thousand Pounds sterling, and to make and grant mortgages of the revenue arising from the Electric Light Rate levied under this Act in security of the payment of the money so borrowed and interest thereon.

Part of
57 Vict. No. 11
to be applicable
to mortgages
under this Act.

52 The provisions of "The *Hobart Corporation Act, 1893*," relating to mortgages of rates shall, subject to the provisions of this Act, be applicable to mortgages to be granted under the authority of this Act.

Power to borrow
money after
having paid
previous loan.

53 If after having borrowed any sum of money which the Corporation is empowered to borrow under the authority of this Act, or any part thereof, the Corporation pays off the same, it shall be lawful for the Corporation again to borrow the amount so paid off, and so from time to time; and the provisions of "The *Hobart Corporation Act, 1893*," relating to mortgages of rates shall, subject to the provisions of this Act, be applicable to mortgages to be granted under the authority of this Act.

Governor in
Council may
guarantee interest
on the loan.

54 In order to facilitate the borrowing by the Corporation of any sum of money which the Corporation is authorised to borrow as aforesaid, it shall be lawful for the Governor in Council to guarantee the payment of interest at a rate not exceeding Four Pounds per annum for every Hundred Pounds upon the sum borrowed, or any part thereof, to the lenders: Provided always, that in every such case, and so far as the Governor in Council in consequence of such guarantee advances and pays any sum of money to any such lender, all moneys so paid shall be, and the same are hereby declared to be, a first or primary charge upon the rates and charges to be received by the Council under the authority of this Act.

Previous
mortgages may
be exchanged.

55 The holder of any valid subsisting mortgage issued under any previous Act which empowers the Council or the Corporation to borrow money may, if the Council approves, exchange the same for mortgages of equal amount to be issued under the authority of this Act upon such terms and conditions as may be agreed upon between the holders of such mortgage and the Council.

Where any mortgage is exchanged as aforesaid no Stamp Duty shall be payable upon the issue of such new mortgage, but the same shall be endorsed by a Collector of Stamp Duty as "not liable to Stamp Duty," if the Collector shall be satisfied that such new mortgage is not liable to Stamp Duty; and if such new mortgage is issued not being endorsed as aforesaid, or not being duly stamped, such mortgage shall be null and void.

Trustees may
invest in such
loans.

56 It shall be lawful for the Trustees for the time being of any Bank for Savings in *Tasmania*, now or hereafter to be established, and the Trustees of any "Certified Friendly Society" under "The Friendly Societies Act," to advance and lend to the Council, upon the security aforesaid, any sum of money which the Corporation is authorised to borrow as aforesaid, anything in any Act to the contrary notwithstanding.

Savings Banks
may invest in
such loans.

57 It shall be lawful for the Trustees for the time being of any Bank for Savings in *Tasmania* now established, or hereafter to be established, to advance and lend to the Council, upon the security aforesaid, any part of the sum, not exceeding Ten thousand Pounds sterling, which the Corporation is authorised to borrow under this Act,

Hobart Light.

anything in the Act of Council of the 12th *Victoria*, No. 1, to the contrary notwithstanding. A.D. 1895.

58 Notwithstanding anything hereinbefore contained, the Corporation may borrow under the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money which the Corporation is by this Act authorised to borrow for any of the purposes of this Act.

Money may be borrowed under provisions of "The Local Public Works Loans Act, 1890."

PART IX.

LIGHT ACCOUNT.

Hobart Light Account.

59 The Treasurer of the Corporation shall keep a separate and distinct account, to be called "The *Hobart* Light Account," of the proceeds of all rates and all moneys received and paid under the powers and provisions of this Act which relate to the lighting of the City of *Hobart* and the supply of electricity; and all rates and moneys received by the Council or the Treasurer under such powers and provisions shall be carried to the credit of the said account, and, subject to the provisions hereinafter contained authorising the appropriation to other purposes of the balance of any surplus moneys standing to the credit of the said account, shall be appropriated and applied to the purposes of lighting the City of *Hobart* with electric light and supplying electricity to the inhabitants of the said City in accordance with the provisions of this Act, including the purchase of any land taken under the provisions of this Act for the purposes aforesaid, and the payment of any compensation payable under the said powers and provisions of this Act.

Electric Light Account to be kept.

Sinking Fund.

60 It shall be lawful for the Council, and it is hereby required, annually to set apart out of the proceeds of any Lighting Rate levied under the authority of this Act a sum not less than One Pound nor exceeding Five Pounds per centum per annum on the amount of all moneys raised and borrowed under the authority of this Act for the purpose of creating a Sinking Fund, and such Sinking Fund shall be from time to time applicable to the redemption of mortgages representing such moneys as aforesaid, and to no other purpose whatsoever.

Sinking Fund to be established.

61 If after providing for the payment of all interest payable upon any money borrowed under the provisions of this Act, and defraying the cost of maintaining such machinery, works, and appliances as shall be provided by the Corporation for generating and supplying electricity, and also providing for the Sinking Fund as hereinbefore mentioned, any balance shall remain on "The Light Account," such balance shall be applied annually in reduction of "The Lighting Rate" for the following year.

Appropriation of Lighting Rate and charges.

Hobart Light.

A.D. 1895.

PART X.

POLL OF CITIZENS.

Poll of citizens to be taken.

62 Notwithstanding anything hereinbefore contained, the Council shall not proceed to construct or perform any of the works aforesaid until and after the citizens of the City of *Hobart* have, by a majority of Two-thirds of the votes at a poll to be taken for that purpose, as hereinafter provided, consented to the Council carrying out the said works ; and at the taking of such poll every citizen who desires to vote shall be entitled to as many votes as the number of votes to which such citizen appears by the Roll to be entitled to exercise at an election of Aldermen for the City of *Hobart*.

Notice to be published.

63 When the Council shall decide to take a poll of the citizens as aforesaid, they shall cause a notice of such poll to be inserted not less than Twelve times in the newspapers published daily in the City of *Hobart*, and in two consecutive numbers of the *Gazette* ; and such notice shall contain the following particulars :—

- I. The time and place of such election :
- II. The works proposed to be constructed or performed by the Council :
- III. The estimated cost of such works.

Procedure.

64 Subject to the foregoing provisions, all proceedings upon the taking of any such poll as aforesaid shall be had and taken as nearly as may be as upon an election of Aldermen, as the case may require.

PART XI.

WASTE OR MISUSE OF ELECTRICITY.

Electric service works to be kept in repair.

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

Penalty for obstructing Council.

66 The Superintendent of Waterworks, or any other person acting under the authority of the Council, may at any time by night or by day enter into any house or premises supplied with electricity under the authority of this Act, in order to examine if there is any waste or misuse of such electricity and the condition or state of repair of the pipes or works by which such electricity is supplied to such house or premises ; and if such Superintendent of Waterworks or other person is at any such time refused admittance into such house or premises for the purpose aforesaid, or is prevented from making such examination as aforesaid, the Council may cut off the supply of electricity from such house or premises.

Hobart Light.

PART XII.

A.D. 1895.

OFFENCES.

- 67** Every person who wilfully obstructs, hinders, or interrupts the Council, or any person acting under the authority of the Council, in doing or performing any work by this Act authorised to be done or performed by the Council, or in the exercise of any power or authority by this Act conferred on the Council, shall for every such offence incur a penalty of not less than Ten Pounds nor more than Fifty Pounds. Power to enter premises to inspect.
- 68** Every owner or occupier of any premises supplied with Electricity under this Act who supplies to any other person, or wilfully permits him to take any of such Electricity from any conductor, accumulator, or wire, or other vessel or apparatus in or on such premises, unless he is a person supplied with Electricity by the Corporation from the waterworks, and the pipes or conductors belonging to him are, without his default, out of repair, shall for every such offence incur a penalty not exceeding Twenty Pounds. Allowing person not supplied to use the electricity.
- 69** Every person who, without due authority, takes any Electricity from any wire or conductor or other work belonging to the Corporation, shall for every such offence incur a penalty not exceeding Twenty Pounds. Taking electricity, &c. without authority.
- 70** Any person who makes any pipe or wire or conductor to communicate with any wire or conductor of the Corporation, without the authority of the Council in that behalf, shall incur a penalty not exceeding Twenty Pounds. Attaching any pipe, &c. without authority.
- 71** 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. Accessories to offences liable as principals.
- 72** All penalties for offences against this Act shall be applied to the use of the Corporation, and shall be paid to the Treasurer of the Corporation, and shall be carried to the credit of the Electric Light Account. Appropriation of penalties.
- 73** 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 or Stipendiary Magistrate, or before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*. Recovery of fines, penalties, &c.
19 Vict. No. 8.
- 74** 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.
- 75** 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. Person convicted of offence may be ordered to pay sum of money equal to value of property damaged.

Hobart Light.

A.D. 1895.

PART XIII.**OFFICERS.**

Appointment of officers.

76 The Council may from time to time appoint and employ an Engineer and a Superintendent of Waterworks and such other Officers and other persons as the Council thinks necessary and proper for the execution of the powers vested in the Council by this Act; and, subject to the provisions of this Act, the provisions of "The *Hobart Corporation Act, 1893*," or any Amendment thereof, relating to officers and their accountability shall be applicable to all officers and other persons appointed or employed under this Act, and shall be incorporated with this Act.

Powers conferred on Council to extend to officers duly authorised.

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

PART XIV.**BY-LAWS.**

By-laws.

78 The Council shall have power from time to time to make, alter, modify, amend, or repeal By-laws for the following purposes:—

For regulating the charges, terms, and conditions upon which Electricity shall be supplied to any person under the authority of this Act:

For regulating the description of conductors, wires, and other apparatus by means of which Electricity may be laid on, distributed, or supplied by the Council, and for prohibiting the use of any other description of pipes, conductors, wires, or apparatus:

For regulating all other matters and things which may be found to be necessary or proper in connection with the supply of Electricity under this Act:

For preventing injury to any of the works or machinery or apparatus erected by the Council for the generation or transmission of electricity:

And otherwise 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 pipe, or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Council thinks proper.

Subject to the provisions of this Act, the provisions of "The *Hobart Corporation Act, 1893*," relating to By-laws made under that Act shall be applicable to the By-laws made under this Act.

Hobart Light.

A.D. 1895.

PART XV.

MISCELLANEOUS.

79 No person shall be disqualified from acting as a Judge, Justice of the Peace, Juror, or otherwise in any proceeding under this Act, or any Act incorporated therewith, by reason only of his being a Citizen of the City of *Hobart*, or by reason of his being liable to any rate or charge for Electricity supplied under this Act, or of his premises being supplied, or being so situated as to be capable of being supplied, with Electricity under this Act.

Interest in execution of Act not to be a disqualification.

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

Land acquired under this Act not subject to *Lands Clauses Act*.

81 Subject to the provisions of this Act, all the provisions of "The *Hobart Corporation Act, 1893*," or any Amendment thereof, which relate to the making, levying, and recovery of rates, shall be applicable to all rates to be made and levied under this Act.

Applies provisions of 57 Vict. No. 11 relating to rates.

82 The like proceedings may be had for recovering and enforcing the payment of any charges payable by any person to the Corporation for the supply of Electricity by the Council under this Act as may be had for recovering and enforcing any rate payable under this Act.

Charges for lighting how to be recovered.

83 No rate made or levied under the provisions of this Act shall be payable in respect of any land which shall be assessed under the provisions of "The *Hobart Corporation Act, 1893*," upon the basis of its capital value.

No rate to be payable in respect of certain properties.

84 All sums of money payable by any person for electricity supplied by the Corporation under the provisions of this Act shall be a debt due from such person to the Corporation, and shall be recoverable by the Corporation from such person in any Court of competent jurisdiction, as well as by any other mode provided by this Act.

Moneys payable for electricity to be recoverable in any Court of competent jurisdiction.

