

THE ULVERSTONE LIGHTING ACT, 1908.

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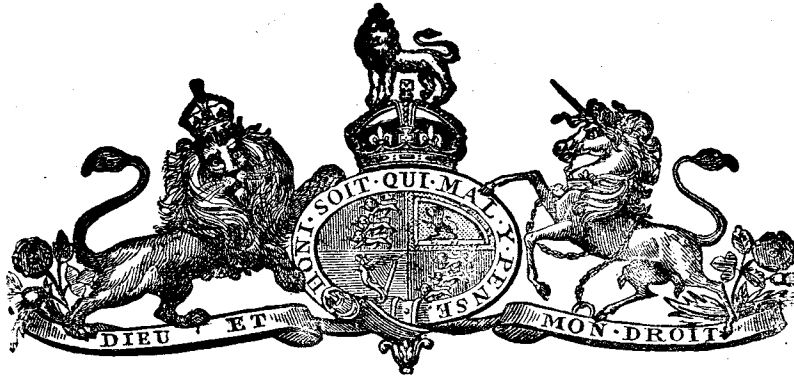
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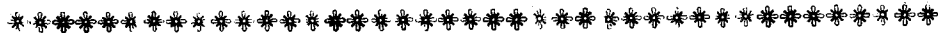


1908.

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EDWARDI VII. REGIS,

No. 50.



AN ACT to make provision for Lighting ^{A.D.} 1908.
the *Ulverstone* Light District by Gas or
Electricity. [14 *December*, 1908.]

WHEREAS the Warden, Councillors, and electors of the Municipality of *Leven* are desirous of providing for the lighting of the Town of *Ulverstone* by Gas or Electricity: PREAMBLE.

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 Ten parts, as follows:— Division of Act
- Part I.—Preliminary.
 - Part II.—District.
 - Part III.—Power of Council in Construction of Works.
 - Part IV.—Compensation for Damage done by Execution of Works.
 - Part V.—Supply of Gas or Electricity.
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PART I.

PRELIMINARY.

Short title.

2 This Act may be cited as "The *Ulverstone* Lighting Act, 1908," and shall be read as a part of "The Local Government Act, 1906."

Commencement of Act.

3 This Act shall commence and take effect on the Twenty-first day of *November*, One thousand nine hundred and eight.

Interpretation.

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

"Light District" means the *Ulverstone* Light District as hereafter defined, or any altered or increased area which may be defined as "The *Ulverstone* Light District" in manner hereafter provided :

"Council" shall mean the Municipal Council of *Leven* :

"Warden" shall mean the Warden of the Municipal Council of *Leven*, and includes an Acting-Warden :

"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 :

"Works" shall mean and include any buildings, plant, machinery, engines, dynamos, retorts, gasometers, gas meters, receivers, cisterns, drains, sewers, reservoirs, water-races, watercourses, 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 gas or electricity in accordance with the provisions of this Act :

"Landholder" extends to and includes any person whose name appears as the owner or occupier of any property situate within the district as the same is defined on the Assessment Roll :

"Person" shall include any corporate body or association :

"Assessment Roll" means so much of the Assessment Roll of the Municipality of *Leven* for the time being in force as comprises the property in the Light District as above defined :

"Property" means land or buildings and land and buildings :

"Rate" means a rate duly made under and for the purpose of this Act :

"Local Authority," when used in reference to any Municipality, shall mean the Municipal Council of such Municipality and any Local Committee or other Committee

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to whom may be delegated under any of the provisions of this Act the exercise of any of the functions reposed in the Council. A.D. 1908.

PART II.**DISTRICT.**

5 The area of land included within the limits defined and set forth in Schedule (2.) shall be and form the Light District. Light District.

PART III.**POWER OF COUNCIL IN CONSTRUCTION OF WORKS.**

6 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 purpose 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. Construction of works.

7 The Council is also hereby empowered to compulsorily purchase any land, and to compulsorily acquire any easements, which it may consider necessary for the purpose of this Act; 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. Purchase of land and acquisition of easements.

8 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 land 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.

9 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, and other works, 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 in Council, to dispose of any such works Construction of works and buildings, &c.

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by sale, lease, or otherwise, whenever it shall deem it advantageous so to do.

Council to give notice prior to first entry upon land.

10 Prior to the first entry upon any land by the Council for the purpose 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.

21 Vict. No. 11 incorporated.

11 "The Lands Clauses Act" shall, except as hereby expressly varied, be incorporated with this Act; but—

I. There shall not be incorporated with this Act the Sections and provisions of the said Act hereinafter mentioned; that is to say:—Section Eight, whereby it is provided that the capital is to be subscribed before the compulsory provisions are to be put in force; Section Nine, whereby it is provided that the Certificate of the Justices shall be evidence that the Capital has been subscribed:

II. In the construction of this Act, and of the said incorporated Act, this Act shall be deemed to be the Special Act, and the Council shall be deemed to be the promoter of the undertaking.

If compensation excessive, Council may give up land.

12 Where the Council gives notice of its intention to take land 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 references and award.

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

13 The Council may, 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 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.

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

14 The Council shall, before opening or breaking up any street without the Light District, given 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 Council 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, conductors, or other works,

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and then as soon as possible after the beginning of the work or the necessity for the same has arisen. A.D. 1908.

15 No street without the Light District 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 Council as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Council 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.

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.

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

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

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 it can be done shall make good such damage.

Council to do as little damage as may be

18 The Council shall make compensation, in manner hereinafter provided, to all parties 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, 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.

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

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

Persons damaged to make claim for compensation.

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Compensation,
how to be ascer-
tained.

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 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 for by "The Lands Clauses Act, 1857," 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. And 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.

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 Council by this Act previously to the service of such notice, such person shall not be entitled to compensation by reason of the exercise of any such notice unless he prefers his claim, in manner aforesaid, within Two 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 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 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.

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,

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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 cost 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.

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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 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 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 "The Lands Clauses Act."

26 Before commencing or undertaking any of the works authorised by this Act, the Council shall lay before the Governor in Council detailed plans, sections, and specifications of such works, and it shall be lawful for the Governor in Council thereupon to refer such plans, sections, and specifications to the Director of Public Works, or other competent person, who is hereby required to examine and consider the same, and fully report thereupon to the Governor in Council 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 of by the Governor in Council, and notice in writing of such approval received by the Council.

Before commencing work plans to be submitted for approval.

PART V.**SUPPLY OF GAS OR ELECTRICITY.**

27 If after the Council shall have constructed and erected the necessary works for the generation and transmission of electricity for lighting the area, any owner or occupier of any house, building,

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

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or other premises in the said area, within One hundred feet of any work for distributing the light or power, shall require a supply of gas or electricity 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.

Council may supply electricity for motive power, &c.

28 If the owner or occupier of any land or building in the said area, or in any other place at which the Council has erected the necessary works for supplying gas or electricity under the provisions of this Act, shall require a supply of gas or 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 gas or 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.

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 gas or 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.

30 The Council shall, before supplying any person with electricity, test the normal strength and electric force of the electricity supplied to him, if requested.

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

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 gas or 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, pipes, conductors, apparatus, or appliance whatsoever to be used in supplying or producing light from gas or electricity supplied by the Council.

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

32 Where several buildings are supplied with gas or 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 gas or electric light as they would have been liable to if each of such several buildings had been supplied with gas or electricity by a separate conductor.

Council may provide meters.

33 The Council may from time to time let for hire to any consumer of gas or motive power or electricity supplied by measure any meter or instrument for measuring the quantity of gas or energy or of electricity supplied and consumed at such rent in

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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 gas or electricity for lighting, motive power, or any other purpose. A.D. 1908.

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 gas or electricity 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 gas or electricity, or for the purpose of ascertaining the quantity of gas or electricity 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 any one hinders such person from entering or making such inspection, or effecting such removal, or if any one, 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. Officers of the Council may inspect meters.

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 gas or electricity 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. Notice of removal of or change in meter.

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, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy or other legal proceedings against or affecting the consumer of the gas or electricity, or the occupier of the premises or other person in whose possession the meters, conductors, fittings, instruments, and apparatus may be. Meters, &c., not liable to seizure.

Supply of Gas or Electricity to Districts beyond the Light District.

37 The Council may, at the request of the Local Authority of any Municipality adjoining the *Ulverstone* Light District, erect in such Municipality such works and machinery as may be necessary for supplying the inhabitants thereof with gas or electricity for producing light or for other purposes; and if the Council shall at Supply of electricity to places beyond the Light District.

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any time, at such request as aforesaid, construct and erect the necessary works for supplying gas or electricity to any place outside the Light District, and the owner or occupier of any house, or building, or other premises in such other place as aforesaid shall require a supply of gas or electricity 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.

Council may
make contracts
with Local
Authority.

38 The Council may from time to time make and enter into contracts with the Local Authority of any Municipality for erecting and maintaining gas or electric lamps in such Municipality, and supplying the same with light at such rate per lamp, and upon such other terms and conditions, as may be mutually agreed upon.

Interpretation
of the term
"Municipality."

39 Any Municipality adjoining a Municipality in which the Council shall erect works for supplying gas or electricity to the inhabitants thereof under the provisions of this Act shall be deemed to be a Municipality adjoining the Light District within the meaning of this Act.

Supply of light
outside area
boundaries.

40 The Council may, upon such terms and conditions as it thinks fit, cause a supply of gas or electricity for producing light or for other purposes to be brought to such places and Districts beyond the area 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.

Right of Council
to contract with
private person.

41 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.

Poll necessary.

42 The Council shall not enter into such agreement as lastly herein mentioned until after a poll has been taken of the Landholders within the Light District for the purpose of ascertaining whether the Council shall be permitted to make such agreement.

Agreement to be
open for
inspection.

43 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 Landholder may inspect the same and make copies of or extracts therefrom free of charge.

Provisions to
apply in taking
poll.

44 All necessary changes being made, the provisions of Sections Sixty-three, Sixty-four, and Sixty-five of this Act shall apply to the taking of every such poll.

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

45 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

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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 gas or electricity, the same authority shall extend to and may be used by any person acting by the direction of the Council, or under the authority of any such agreement as hereinbefore mentioned, and to all necessary agents, assistants, servants, workmen, means, and appliances of the Council or such person as aforesaid.

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PART VI.

POWER TO BORROW.

46 It shall be lawful for the Council to borrow, as herein provided, any sum or sums of money not exceeding in the whole Six thousand Pounds for the purpose of defraying the cost and expense of the construction and carrying out of the works authorised by this Act, or the payment of any such compensation as aforesaid; and it shall be lawful for the Governor in Council 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 Six thousand Pounds, as a Loan or Loans to the said Council for the purpose aforesaid; and such sum or sums of money shall be defrayed out of moneys to be provided by Parliament for that purpose.

Power to borrow money.

Governor in Council may grant Loan under 54 Vict. No. 30.

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 Six 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.

LIGHTING RATE.

47 The Council may, once or oftener in every year, make and levy a Light Rate or Light Rates, to be paid by the respective owners or occupiers of all property within the Light District, for the purposes of this Act on the assessed annual or capital value of such property, according to the Assessment Roll in force for the time being: Provided that such rate shall not exceed Four Pence in the Pound on the assessed annual value in any one year.

Council to fix Light Rate.

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PART VIII.

WASTE AND MISUSE OF GAS OR ELECTRICITY.

Electric service works to be kept in repair.

48 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 gas or electricity under the authority of this Act, the Council may cut off the supply of gas or 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.

Power to enter premises to inspect.

49 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 gas or electricity under the authority of this Act, in order to examine if there is any waste or misuse of such gas or electricity, and the condition or state of repair of the works by which such gas or electricity 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 the purposes aforesaid, the Council may cut off the supply of gas or electricity from such house or premises.

PART IX.

OFFENCES.

Penalty for obstructing Council.

50 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 more than Fifty Pounds.

Allowing persons not supplied to use the electricity.

51 Every owner or occupier of any premises supplied with gas or electricity under this Act who supplies to any other person, or wilfully permits him to take any of such gas or electricity 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 electricity, &c., without authority.

52 Every person who without due authority takes any gas or electricity 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.

53 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

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Council in that behalf, shall incur a penalty not exceeding Twenty Pounds. A.D. 1908.

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

55 Any person who breaks, throws down, or damages any pipe, electric line, or service, or any pillar, post, lamp, or other works belonging to the Council or under its control, and fails to forthwith report the same to the Council's Electrical Engineer, Inspector, or 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. Persons failing to report damage.

56 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.

57 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.

58 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 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.

59 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.

60 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 damaged.

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PART X.

BY-LAWS.

By-laws.

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

- i. For regulating the charges, terms, and conditions upon which gas or electricity shall be supplied to any person under the authority of this Act:
- ii. For regulating the description of conductors, wires, pipes, service, 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 conductors, wires, apparatus, pipes, or service:
- iii. 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:
- iv. 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 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 of 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.

By-law to be certified by Attorney-General or Solicitor-General.

62 No By-law to be made by the Council shall be of any force and effect until it has been certified by the Attorney-General or Solicitor-General not to be repugnant to this Act, nor to the general spirit or intendment of the laws in force in *Tasmania*, and published in the *Gazette*.

Poll to be taken before moneys borrowed.

63 The Council shall not proceed in the matter of borrowing any sum of money under the authority of Part VI. of this Act until and after a Poll has been taken of the Landholders within the Light District for the purpose of ascertaining whether the Council shall be permitted to proceed in the matter of borrowing such moneys. If at the taking of such Poll a less number than Two-thirds of the votes shall be in favour of the Council proceeding to borrow any sum of money under Part VI. of this Act, the Council shall not proceed to borrow any such money: Provided that, in the event of there not being the necessary number of votes recorded at such Poll in favour of the Council borrowing such money, the Council may, at any time after the expiration of Three months, cause another Poll of such owners

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and occupiers to be taken; and if at any such subsequent Poll the necessary number of votes is obtained, the Council may proceed to borrow the money. A.D. 1908.

64 Subject to the foregoing provision, upon the taking of any Poll as aforesaid, all proceedings shall be had and taken as nearly as may be as upon an election of Councillors of a Municipality, as the case may require, and every person who desires to vote shall be entitled to as many votes as the number of votes to which such person appears by the Assessment Roll to be entitled on the same scale of voting as applies to Municipalities, and the Ballot-papers to be used in the taking of every such Poll shall be in the form set forth in the Schedule to this Act. Method of taking Poll.

65 When the Council shall decide to take a Poll of the owners and occupiers as aforesaid, they shall cause an advertisement of such Poll to be inserted not less than Three times in a daily newspaper circulating in the District, and in Two consecutive numbers of the *Gazette*; and such advertisement shall contain the following particulars:— Notice of Poll.

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

SCHEDULES.

(1.)

DISTRESS WARRANT FOR LIGHT RATE.

Tasmania to wit.]

To X.Y., a Collector of the Light Rate for the Light District of Ulverstone,
"or some other fit person."

WHEREAS complaint has been made before [me] a Justice of the Peace that A.B. of _____ has not paid the sum of _____ payable by him in respect of certain property situate [describe property fully] by virtue of the Light Rate for the Light District of Ulverstone, made on or about the _____ day of _____, 19____, although the same has been duly demanded of him: And whereas it appears to me upon the oath of [the said X.Y.] a Collector of Light Rate for the said Light District, that the said sum of _____ has been duly demanded by him from the said A.B., and that the said A.B. has failed to pay the same for the space of _____ days after such demand made, and has not paid the same: And whereas the said A.B. having appeared before me in pursuance of a summons issued by [me] for that purpose, has not shown sufficient cause why the said sum of _____ should not be paid: [or, And whereas it has been proved to me upon oath that the said A.B. has been summoned to appear before [me] or such other Justice of the Peace as might now be here, to show cause why the said sum of _____ should not be paid, and the said A.B. has neglected to appear according to such summons, and has not shown any sufficient cause why the said sum of _____ has not been paid:] These are therefore to command you to forthwith make Distress of the Goods and Chattels of the said A.B. wheresoever the same

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may be found, and also of all Goods and Chattels found by you upon the said property to whomsoever the same may belong; and unless at any time within the space of [four] days after such Distress by you made the said sum of _____, and the sum of £ _____ for costs, making together the sum of £ _____ together with all costs, charges, and expenses attending upon such Distress and Sale, be paid to you, that you cause the said Goods and Chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said sum of £ _____, and also all costs, charges, and expenses attending upon such distress and sale, rendering to the said *A.B.* or other person whose Goods and Chattels are so distrained by you, as the case may be, the overplus; if any, on demand [*in case the Warrant is directed to some other person than the Collector, and the said sum of _____ you are hereby commanded to pay to (the said X.Y., the said Collector of Light Rate)*]; and if no sufficient Distress can be made of the Goods and Chattels of the said *A.B.*, or otherwise as aforesaid, that then you certify the same to me, together with this Warrant.

Given under my hand this _____ day of _____ 19 _____

Justice of the Peace.

(2.)

ULVERSTONE LIGHTING AREA.

The Light District shall be the Town of Ulverstone, proclaimed under "The Town Boards Act," 22nd May, 1888, comprising a tract of land on both sides of the River Leven, and bounded by that river, by Bass Straits, Lot 448 leased to H. B. B. Button, Lot 440 purchased by Andrew Risby, Lot 350 purchased by J. Thompson, F. M. Innes, and Abye Douglas, and Lot 638 leased to J. D. Jowett.

(3.)

BALLOT-PAPER.

FOR.

AGAINST.

If you are in favour of the proposed Loan you will strike out the word "Against," and if you are opposed to the proposed Loan you will strike out the word "For."

