

FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING.

7° GEO. VI., No. XXI.

No. 26 of 1943.

AN ACT to amend section two of the Fremantle Municipal Tramways and Electric Lighting Act, 1903-1937, and to add two new sections, to stand as section two A and section two B.

[Assented to 25th October, 1943.]

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

Short title.

1. This Act may be cited as the *Fremantle Municipal Tramways and Electric Lighting Act Amendment Act, 1943*, and shall be read as one with the Fremantle Municipal Tramways and Electric Lighting Act, 1903-1937, hereafter referred to as the principal Act.

Amendment
of s. 2 of
principal Act.

2. Section two of the principal Act is amended—

(a) by adding at the end of paragraph (e) the following “or for supplying electricity in bulk;”

(b) by adding at the end of the section a further proviso as follows:—

Provided further, that for all of the purposes of this and the principal Act the

municipality of North Fremantle shall be and as from the commencement of the principal Act shall be deemed to have been an adjoining municipality. Except as hereinbefore provided, the phrase "adjoining municipality or road board" shall mean a municipality or road board the boundary of which actually adjoins a boundary of the city of Fremantle (formerly known as the municipality of Fremantle) or the municipality of East Fremantle at the commencement of this Act, and shall not include any municipality, road board, or road district or any portion of any municipality, road board, or road district which becomes united or amalgamated with any adjoining municipality or road board as defined in this section.

3. New sections are inserted in the principal Act after section two. New sections.

2A. All or any of the powers conferred upon the city of Fremantle and on the municipality of East Fremantle by the preceding section shall be and as from the commencement of the principal Act shall be deemed to have been lawfully exercised by the Fremantle Municipal Tramways and Electric Lighting Board (hereinafter referred to as the Board). All works, acts, and things and all contracts, agreements, and engagements heretofore commenced, executed, entered into, or performed by the Board under or purporting to be under the provisions of the preceding section are hereby validated, ratified, and confirmed, and such contracts, agreements, and engagements shall be deemed to have been lawfully made and the parties thereto, including the Board, shall in all respects be legally bound thereby. Nothing herein contained shall affect in any manner whatsoever the rights, privileges and remedies of any municipality, road board or person not being a party to any such contract, agreement or engagement. Validation of Board's actions under section 2 of principal Act.

2B. (1) For the purpose of the supply of electricity to the municipality of North Fremantle the Board and the said municipality may (subject to Authorisation of conveying of electricity across river.

the consent and approval of the Minister for Works) convey electricity across or partly across the Swan river, and may erect necessary works and lay cables, whether under water or overhead, and whether on or attached to any existing or new bridge or structure.

(2) For the purpose of the performance or the completion of any contract made or purported to be made under paragraph (e) of section two of the principal Act, the Board shall be and shall be deemed to have been empowered to convey electricity through, over, or across the territory of any other municipality or road board and to do and erect all works necessary and incidental thereto.

(3) Expenditure of funds heretofore or hereafter incurred by the Board or the said municipality of North Fremantle, as the case may be, with respect to the conveying of electricity, the erection of any such works, or the laying of cables or any work necessary or incidental thereto is authorised, ratified, and validated by this Act.

(4) In the event of any dispute or difference arising between the Board and the Municipality of North Fremantle in regard to the supply of electricity to the municipality, or to the price, terms or conditions of such supply, the same shall be referred to and settled by arbitrators under the provisions of the Arbitration Act, 1895, and such arbitrators shall be the Electricity Advisory Committee appointed under the Electricity Act whose majority decision shall constitute the award.

Citation of
principal Act.

4. The principal Act as amended by this Act may be cited as the Fremantle Municipal Tramways and Electric Lighting Act, 1903-1943.