

Legislative Council.

1918.

A BILL

To authorise the Maitland Gaslight Company (Limited) to supply electricity in the places in which it is authorised to supply gas, and to amend the Maitland Gas Act of 1874, and the Maitland Gaslight Act Amendment Act, 1897; and for other purposes incidental thereto.

WHEREAS by the Maitland Gas Act of 1874 it Preamble.
was enacted that the several persons therein particularly mentioned or referred to should be and they were thereby incorporated by the name of "The Maitland Gaslight Company (Limited)" (hereinafter called the company) for the purpose of lighting and supplying the towns of East and West Maitland with gas, and for
the

the purposes and with the powers and subject to the provisions and conditions in the said Act contained: And whereas by the Maitland Gaslight Act Amendment Act, 1897, the company was empowered inter alia to carry on the business of the company authorised by its deed of settlement or by the Maitland Gas Act of 1874 outside the boundaries and limits of the towns of West Maitland and East Maitland: And whereas the company is desirous of generating and supplying electricity in the places in which it is authorised to supply gas: And whereas it is expedient that the company should be authorised so to extend its said business and should have such powers as are incidental thereto: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as "Maitland Gas and Electricity (Amendment) Act, 1918," and shall be read with the Maitland Gas Act of 1874 hereinafter referred to as the Principal Act and the Maitland Gaslight Act Amendment Act, 1897.

Amendment of title of Principal Act.

2. Section one of the Principal Act is amended by inserting after the word "Gas" the words "and Electricity."

Interpretation.

3. Section two of the Principal Act is amended by inserting at the end thereof the following words namely:—

"Electricity" shall mean electricity in the form of current, light, power, or in any other form, or any like agency.

"Electric line" means a wire or wires, conductor, or other means used or intended to be used for the purpose of applying, conveying, transmitting, or distributing electricity, and any casing, coating, tube, pipe, or insulator wholly or partly enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.

"Public

“Public Work” means any work carried out by or under the supervision of or on account of the Government or any department of the Government or Minister of the Crown.

5 “Works” means and includes electric lines, meters, accumulators, fittings, and apparatus for the supply of electricity, also any buildings, machinery, engines, plant, matters or things of whatever description, required, used, or intended to be used, to generate or supply
10 electricity.

4. The following section is inserted next after section six of the Principal Act :—

15 6A. It shall be lawful for the company to generate and supply electricity for any public or private purposes or for any public purposes and any private purposes in any place or places in which at the commencement of this Act it is authorised to supply gas.

20 5. Section twenty-two of the Principal Act is amended as follows :—

(a) By adding after the words “sewers water-courses pipes” the words “electric lines subways accumulators.”

25 (b) By adding after the words “lamps lamp irons” the words “standards electric lines.”

(c) By adding after the words “dig and sink trenches” the word “subways.”

30 (d) By adding after the words “to lay mains” the words “electric lines.”

(e) By adding after the words “from such mains” the words “electric lines.”

35 (f) By adding the word “over” after the word “under” wherever the same occurs in the said section.

(g) By adding after the words “siphons plugs” the words “standards electric lines.”

6. Section twenty-three of the Principal Act is amended as follows :—

40 (a) By adding after the word “gas” where the same first occurs in the said section the words “or electricity or gas and electricity.”

(b)

Power to generate and supply electricity.

Amendment of s. 22 of Principal Act.

Amendment of s. 23 of Principal Act.

- (b) By adding after the word "gas" wherever else the same occurs in the said section the words "or electricity."
- (c) By adding after the words "furnish any pipe" the words "electric line." 5
- (d) By adding after the words "any main pipe" and also after the words "any new main" the words "or electric line."
- (e) By adding after the words "removing any such pipe" and also after the words "company for 10 such pipe" the words "electric line."
- (f) By adding after the words "place or lay any pipe" the words "wire or electric line."
- (g) By adding after the words "with any main pipe" the words "electric line." 15
- (h) By adding after the words "burner or burners" the words "or apparatus."
- (i) By adding after the word "burning" the words "or in use."
- (j) By adding after the words "machinery pipes 20 burners" the words "standards electric wires."

Amendment
of s. 24 of
Principal
Act.

7. Section twenty-four of the Principal Act is amended by adding after the word "burner" the words "electric line."

Amendment
of ss. 26
and 28 of
Principal
Act.

8. Sections twenty-six and twenty-eight of the 25 Principal Act are amended by adding after the word "gas" wherever the same occurs in the said sections the words "or electricity" and by adding in section twenty-six after the words "such demand as aforesaid" the words "and to enter therein and remove therefrom 30 any apparatus of the company."

9. The following sections are added after section twenty-nine of the Principal Act, namely:—

Protection to
telegraph and
telephone
lines and
other public
works.
No. 10, 1906,
s. 17.

30. The company shall not, in the exercise of the 35 powers conferred by this Act, or any Act amending the same, construct, lay down, or place any works for the supply of electricity whereby any public telegraph or telephone line or other public work is or may be injuriously affected. And the company and its agents shall conform with such reasonable 40 requirements,

5 requirements, either general or special, as may
from time to time be made by the Postmaster-
General or Secretary for Public Works or the
Railway Commissioners for the purpose of pre-
venting any such telegraph or telephone line or
10 other public work from being injuriously affected
by the works of the company; and on failure to
conform with the said requirements, or any of
them, the Postmaster-General or Secretary for
Public Works or the Railway Commissioners may
15 forthwith remove any works of the company for
the supply of electricity by which any public tele-
graph or telephone line or other public work is or
may be injuriously affected. Any difference which
arises between the Postmaster-General or Secretary
for Public Works or the Railway Commissioners and
the company shall be determined by arbitration.
In the event of any contravention of this section by
the company or its agents, the company shall be
20 liable to a fine not exceeding *ten* pounds for every
day during which such contravention continues, or
if the telegraphic or telephonic communication is
wilfully interrupted not exceeding *ten* pounds for
every day on which such interruption continues.
25 For the purpose of this section a telegraph or tele-
phone line, or other public line, shall be deemed to be
injuriously affected if telegraphic or telephonic com-
munication by means of such line, whether through
induction or otherwise, is affected by any electric
30 line or work of the company, or by any use made of
such electric line or work.

31. One month at least before commencing the
execution of any works which involve the placing
of works in, under, along, or across any street, high-
35 way, or public bridge on which any telegraph,
telephone, or railway line may be (not being repairs
to or renewals of then existing works of which the
character and positions are not altered), the company
or its agents shall serve upon the Secretary for Public
40 Works, the Railway Commissioners, and Postmaster-
General and such other person or corporation as the
Secretary

Notice of
works with
plan to be
served on
Postmaster-
General.
No. 10, 1906,
s. 18.

Secretary for Public Works or the Railway Commissioners may, by writing under his or their hand addressed to the company, require to be notified, or leave at their respective offices addressed to them notices describing the proposed works, and the gauge of any electric line and the current and potential to be carried, together with a plan of the proposed works showing the position of the said works and the mode in which the works are intended to be executed, and the manner in which it is intended that the street, highway, or bridge shall be interfered with, and shall at the request of the Secretary for Public Works, the Railway Commissioners, or Postmaster-General, made at any time, give them such further information with reference to the works as they may desire. If any works are commenced before the requirements of this section have been complied with, the Secretary for Public Works, the Railway Commissioners, or Postmaster-General may cause the said works to be removed, and the company shall be liable to a penalty not exceeding *fifty* pounds, which may be recovered before any police magistrate in a summary way.

Governor
may make
regulations
for securing
safety of
public.

No. 10, 1906,
s. 20.

32. The Governor may make regulations to be observed during the construction, alteration, repair or maintenance of works for securing the safety of persons and private or public property from injury from fire or otherwise, and may in those regulations impose any penalty not exceeding *one hundred* pounds for any breach of the same, which penalties may be recovered in a summary way before any police magistrate.

Power to let
meters.

Ibid. s. 22.

33. The company may let any meter for ascertaining the quantity of electricity consumed or supplied, and any fittings thereto, for such remuneration, and on such terms in respect of the repair of such meter and fittings, and for securing the safety and return thereof to the company as the company may appoint, and such remuneration and other moneys payable under the terms agreed upon shall be recoverable in the same manner as charges due to the company for electricity.

34.

5 34. The company shall do all things reasonable to keep all meters on hire to any consumer in proper order for correctly registering the quantity of electricity supplied, and in default of the company so doing, the consumer shall not be liable to pay remuneration for the use of the same during such time as such default continues.

Company to keep meters in repair. No. 10, 1906, s. 23.

10 35. Every meter used for ascertaining the quantity of electricity supplied by the company shall, during the continuance of such supply and until all charges in respect thereof have been paid, be under the control of the company, whether such meter be the property of the company or not, and no person shall be at liberty to cut, connect, tap, fix, alter, remove, 15 or tamper with any electric line, lamp, meter, or fittings used in connection with the supply of electricity by the company unless authorised in writing by the company or its agents duly authorised in that behalf: Provided that nothing in this section shall affect the lawful exercise of any power in 20 that behalf vested in any competent person or public authority.

Meter, &c., not to be interfered with. *Ibid.* s. 24.

25 36. The register of the meter used for ascertaining the quantity of electricity supplied by the company shall be prima facie evidence of such quantity.

Register of meter evidence. *Ibid.* s. 25.

30 37. The company shall not be entitled to prescribe any special form of lamp or burner to be used by any person, or in any way to control or interfere with the manner in which electricity supplied by it in pursuance of this Act is used: Provided always that no person shall be at liberty to use any form of lamp or burner, or to use the electricity supplied to him for any purposes, or to deal with it in any manner so as to unduly or improperly interfere with 35 the supply of electricity to any other person; and if any dispute or difference as to the matters aforesaid arises between the company and any person entitled to be supplied with electricity in pursuance of this Act, such dispute or difference shall be 40 determined by arbitration.

Company not to prescribe manner of using electricity. *Ibid.* s. 26.

No prefer-
ence.
No. 10, 1906,
s. 37.

38. Where a supply of electricity is provided in any locality for private purposes, all persons within such locality shall on application be entitled to a supply on the same terms as the terms on which any other person in such locality is under similar 5 circumstances entitled to a corresponding supply.

Injuring
works with
intent to cut
off supply.
Ibid. s. 29.

39. Any person who unlawfully and maliciously cuts or injures any electric line or work erected in pursuance of this Act, with intent to cut off any supply of electricity, shall be guilty of felony, and 10 be liable to be kept in penal servitude for any term not exceeding three years, or to be imprisoned with or without hard labour for any term not exceeding one year; but nothing in this section shall exempt a person in respect of any offence which is punish- 15 able under any other provision of this Act, or under any other Act, or at common law, so that no person be punished twice for the same offence.

Stealing
electricity.
Ibid. s. 30.

40. Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, 20 or uses any electricity provided in pursuance of this Act or any Act amending the same, shall be guilty of simple larceny, and punishable accordingly.

Penalty for
removing
electric lines,
&c.
Ibid. s. 31.

41. Any person who wilfully and unlawfully removes, destroys, or damages any electric line, 25 or any pillar, post, lamp, meter, or other works connected with or relating to the supply of electricity by the company in pursuance of this Act, or who wilfully and unlawfully extinguishes any of the public lamps or lights maintained by the 30 company in pursuance of this Act, or wastes, or wilfully and wrongfully uses any of the electricity supplied by the company in pursuance of this Act, shall, for each such offence, forfeit to the company a sum not exceeding *fifty* pounds in addition to the 35 amount of damage done.

Penalty for
breaking
electric line,
&c.
Ibid. s. 32.

42. Any person who carelessly or accidentally breaks, throws down, or damages any electric line, or any pillar, post, lamp, or other works belonging to the company, or under its control, shall forfeit 40 and pay such sum of money by way of satisfaction to

to the company for the damage done, not exceeding *fifty* pounds, as a police magistrate shall think reasonable: Provided that this section shall not affect any other remedy.

5 43. Any person who wilfully or fraudulently, or by culpable negligence, injures, or suffers to be injured, any electric line or any meter, fittings, or works belonging to the company, or alters the index to any meter, or prevents any meter from duly registering the quantity of electricity supplied by the company, shall, without prejudice to any other right or remedy for the protection of the company or the punishment of the offender, for every such offence, forfeit to the company a sum not exceeding *twenty-five* pounds in addition to the amount of damage.

10 44. In any case in which any person has been convicted of wilfully or fraudulently injuring, or suffering to be injured, any electric line or any meter, fittings, or works belonging to the company or altering the index to any meter, or preventing any meter from duly registering the quantity of electricity supplied, the company may also, until the matter complained of has been remedied, but no longer, discontinue the supply of electricity to the person so offending, notwithstanding any contract previously existing.

15 45. The existence of artificial means for causing such alteration or prevention, or for abstracting, consuming, or using electricity supplied by the company when the meter is under the custody or control of the consumer, shall be *prima facie* evidence that such alteration, prevention, abstraction, or consumption (as the case may be) was within the knowledge of the consumer.

20 46. Any officer appointed by the company in that behalf may, at all reasonable times, enter any place or building to which electricity is or has been supplied by the company, in pursuance of this Act, or any Act amending the same, for the purpose of inspecting and testing the electric lines, meters, accumulators, fittings, apparatus, and works for the

supply of electricity belonging to the company, and of ascertaining the quantity of electricity consumed or supplied, or, where a supply of electricity is no longer required, or where the company is authorised to take away and cut off the supply of electricity 5
from any premises, for the purpose of removing any electric lines, accumulators, fittings, apparatus, or works belonging to the company, and repairing all damage caused by such entry, inspection, or removal. 10

Limitation of actions.
No. 10, 1906,
s. 38.

47. All actions or other proceedings against the company, its officers, agents, or servants, for anything done or reasonably supposed to have been done in pursuance of this Act, shall be commenced within twelve months after the matter complained 15
of was committed and not otherwise; and notice in writing of any such action or proceedings and of the cause thereof shall be given to the defendant one month at least before the commencement of the proceeding; and in every such proceeding the 20
defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such proceeding if tender of such sufficient amends shall have been made before the 25
same was commenced, or if a sufficient sum of money shall have been paid into a court after such commencement by or on behalf of the defendant, together with costs as between party and party incurred up to that time. And if a verdict shall 30
be entered for the defendant, or the plaintiff shall become nonsuit or discontinue such proceeding, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his costs and have the like remedy for the 35
same as any defendant has in law in like cases.

Procedure for recovery of penalties, &c.
Ibid. s. 40.

48. Whenever by any section of this Act any person is made liable to any fine or forfeiture or to pay any sum of money, whether as compensation or in any other way, and the mode of recovering 40
such fine, forfeiture, or sum is not specified, the same 01
same

5 same may be recovered before any police magis-
trate, together with such costs as he may see fit to
grant. And all sums of money ordered by any such
magistrate to be paid, and all costs and expenses
awarded by such magistrate may be recovered and
enforced by distress and sale of the goods and
chattels of the person ordered to pay the same;
and in default of sufficient distress such person shall
10 be liable, in the event of the conviction being for
an offence under this Act, to be imprisoned with or
without hard labour for any term not exceeding
three months, unless such money, costs, or expenses
be sooner paid: Provided that nothing in this
section shall prevent proceedings for the recovery
15 of any fine, forfeiture, or sum as aforesaid being
taken in any other court of competent jurisdiction
when the amount sought to be recovered exceeds
ten pounds.

20 49. In any case in which any summary conviction
has been had, or any order for the payment of
money has been made in pursuance of this Act
before any police magistrate, the defendant may
appeal to the court of quarter sessions. The pro-
visions of the Justices Act, 1902, and any Act or
25 Acts amending the same, in respect of appeals from
summary convictions thereunder, shall apply and
extend to all appeals under this section, and shall
be observed in the making of every such appeal,
and all proceedings thereupon.

30 50. The company shall not without the consent
of the Governor exercise for the purpose of gener-
ating or supplying electricity any of the powers by
this Act conferred on it unless the company shall
within a period of three years from the first day of
35 January, one thousand nine hundred and nineteen,
have commenced to carry on in the towns of East
and West Maitland the business of generating and
supplying electricity.

40 **10.** Section three of the Maitland Gaslight Act
Amendment Act, 1897, is amended as follows:—

(a) By adding after the figures "1874" the words
"or by any Act or Acts amending the same."

(b)

Appeals.
No. 10, 1906,
s. 42.

Supply of
electricity
to be
commenced
within three
years.

Amendment
of s. 3 of Act
of 1897.

Maitland Gas and Electricity (Amendment).

(b) By adding after the words "the said Act" the words "or Acts."

(c) By adding after the words "consumption of gas" the words "or electricity."

Amendment of s. 5 of Act of 1897.

11. Section five of the Maitland Gaslight Act 5
Amendment Act, 1897, is amended by adding after the
word "six" the words "six A"; by striking out the
word "and" before the words "twenty-eight" and by
adding after the words "twenty-eight" the words "and
thirty to fifty, both inclusive." 10