

51° VICTORIÆ, 1888.

A BILL

To enable Alfred Harold Ayers, George Hubbard Henry, and Frederick William Parsons, and their assigns, to do all necessary acts and things for and to facilitate and regulate the supply of Electricity for lighting and other purposes, within the city and suburbs of Sydney, and certain other cities and towns and their respective suburbs, within the Colony of New South Wales.

WHEREAS it is expedient to encourage the use and facilitate and regulate the supply of electricity for lighting and other purposes in the city of Sydney and suburbs thereof, the city of Newcastle and suburbs thereof, the city of Bathurst and suburbs thereof, the town of Maitland and suburbs thereof, and the town of Parramatta and suburbs thereof, and for that purpose to confer all necessary powers and protection upon certain persons willing to undertake the cost of the introduction of such supply, and hereinafter named as the undertakers. Be it therefore enacted by the Queen'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:—

1. This Act may be cited for all purposes as the "New South Wales Electric Light and Power Act."

Interpretation clause.

2. In this Act, unless the context otherwise requires—
- The expression “the undertakers” means Alfred Harold Ayers, of two hundred and five Clarence-street, in the city of Sydney, agent and importer; George Hubbard Henry, of the same place, agent and importer; and Frederick William Parsons, of the Victoria Arcade, in the city of Sydney aforesaid, broker, and their executors, administrators, and assigns. 5
- The expression “the area of operations” means the areas now or at any time hereafter included in the boundaries of the several cities, towns, and municipalities enumerated in the first column of the Schedule to this Act annexed. 10
- The expression “the local authority” means as respects each district set forth in the first column of the said Schedule the authority mentioned opposite to that district in the second column of the said Schedule, and such Schedule shall be of the same validity as if enacted in the body of this Act. In the event of any portion of any such district or area of operations being by law under the control or management of any authority or person other than the authority mentioned in the said Schedule, the expression “local authority” shall apply to and mean such authority or person. 15 20
- The expression “electricity” means electricity, electric current, or any like agency.
- The expression “electric line” means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, covering, tube, pipe, or insulator, enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity. 25 30
- The expression “works” means and includes electric lines, also any buildings, machinery, engines, works, matters, or things of whatever description required to supply electricity and to carry into effect the object of the undertakers under this Act. 35
- The expression “street,” includes any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place, within the area of operations.
- The expression “telegraph” means and includes telegraphs, telephones, or any other apparatus for transmitting messages or other communications by means of electric signals. 40
- The expression “telegram” means any message or other communication transmitted or intended for transmission by telegraph.
- The expression “post” means a post, pole, standard, stay, or strut, or other above ground contrivance for carrying, suspending, or supporting electric lines or lamps connected therewith. 45
- The expression “public purposes” means lighting any street, or lighting or supplying electricity to any place belonging to or subject to the control of the local authority, or any church or registered place of public worship, or any hall or building belonging to or subject to the control of any public authority. 50
- “Private purposes” shall include any other purposes whatever, not being “public purposes” to which electricity may for the time being be applicable. 55

General powers of undertakers.

3. The undertakers may supply electricity subject to and in accordance with the provisions of this Act, and for the purpose of such supply may acquire such lands by agreement, construct such works, acquire

acquire such licenses for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things, and generally do all such acts and things as may be necessary and incidental to such supply.

5 4. The undertakers, under such superintendence as is herein- after specified, may open and break up the soil and pavement of any street or streets within the area of operations, and lay down and place within the same area electric lines and other works, and for the purposes aforesaid may remove and use all earth and materials in and
10 under such street or streets, and they may repair or alter any electric line or works so laid down.

Power to break up streets and lay down lines, &c.

5. The undertakers may at any time, with the consent of the local authority, but not otherwise, place and maintain electric lines over, along, or across any street within the area of operations,
15 and may place and maintain posts in, upon, or over any street within the said area, and may at any time alter or remove the same, and for the purposes aforesaid may under such superintendence as is hereinafter specified open or break up the soil or pavement of any such street. Provided always that where any electric line has been placed
20 above ground by the undertakers, the Supreme Court or any Judge thereof, upon complaint made, and on being satisfied that such electric line is or is likely to become dangerous to the public safety may, notwithstanding any such consent as aforesaid, make an order directing and authorizing the removal of such electric line by such person, and
25 upon such terms as may seem fit.

Power to erect lines above ground with consent of local authority.

6. The undertakers shall, not less than seven clear days before proceeding to open or break up any street in accordance with the powers conferred on them by this Act, give notice in writing of their intention to open or break up the same to the local authority, or
30 to their clerk or surveyor. Provided always that in cases of emergency arising from defects in the electric lines or works, the undertakers shall be at liberty to begin to open or break up such street without giving such notice, and in all such cases notice in writing shall be given by the undertakers to the local authority, or to
35 their clerk or surveyor, as soon as may be convenient after the beginning of such work.

Notice of breaking up streets to be given to local authority.

Provision for cases of emergency.

7. The undertakers shall not, except in cases of emergency, open or break up any street, except under the superintendence of the local authority, or of their officer, and according to such plan as shall
40 be approved of by such local authority, or their officer, and if any dispute or difference arise between the undertakers and such local authority, or their officer, as to such plan, such dispute or difference shall be determined by arbitration. Provided always that if such local authority, or their officer, fail to attend at the time fixed for the
45 opening or breaking up of any such street, after having such notice of the intention of the undertakers as aforesaid, or shall not propose any plan for opening or breaking up such street, or shall neglect or refuse to superintend the opening or breaking up of such street, the undertakers shall be at liberty to carry out the work specified in
50 such notice without the superintendence of the local authority, or their officer, and in such manner as they shall deem expedient.

Restriction on breaking up streets.

8. The undertakers shall upon opening or breaking up the soil or pavement of any street complete with all convenient speed the work which necessitated the breaking up of such street, and shall fill in the
55 ground and re-instate and make good the road or pavement so broken up, and shall carry away the rubbish occasioned by the breaking up of such street, and shall at all times while any such street shall continue open or broken up cause the same to be properly guarded, and shall every night during which such street shall continue open or broken
up

Undertakers to re-instate streets broken up without delay.

up cause a light sufficient for the warning of passengers to be set up and maintained against or near that part of such street as shall continue open or broken up, and shall keep the road or pavement so broken up as aforesaid in good repair for not less than three months after they have re-instated and made good the same, and for such further time, if any, not exceeding twelve months as the soil so broken up shall continue to subside. 5

Penalty on undertakers for non-compliance with requirement of Act.

9. If the undertakers fail or neglect to comply with any of the provisions of the three last preceding sections of this Act or make any delay in completing the work and repairs in the last preceding section mentioned, they shall forfeit to the local authority of the street in respect of which such default shall have been made a sum not exceeding *five* pounds for every such offence, and they shall also forfeit an additional sum not exceeding *five* pounds for each day during which any such delay shall continue after notice in writing thereof shall have been given to them by such local authority or their officer. 10 15

Local authority may reinstate at expense of undertakers in case of delay.

10. If the undertakers make any such default or delay as aforesaid, the local authority of the street in respect of which such default or delay shall have been made may cause the work so delayed or omitted to be executed, and may recover the expense of executing the same from the undertakers in addition to any penalty hereinbefore provided. 20

Power to alter position of pipes and wires already laid on terms.

11. The undertakers may, subject to the provisions of this Act, alter the position of any pipes or wires being under any street authorized to be broken up by them, which may interfere with the exercise of their powers under this Act, on previously making or securing such compensation to the owners of such pipes or wires, and on complying with such conditions as to the mode of making such alterations as may be before the commencement of such alterations be agreed upon between the undertakers and owners, or in case of difference as may be determined by arbitration; and any local or other public authority or person may in like manner alter the position of any electric lines or works of the undertakers, being under any such street as aforesaid which may interfere with the lawful exercise of any powers vested in such authority or person in relation to such street, subject to the like conditions or restrictions as are in this section contained with reference to the alteration of the position of any pipes or wires by the undertakers. 25 30 35

Reciprocal power to other persons to move works of undertakers.

Compensation for damage.

12. In the exercise of the powers in relation to the execution of works given them under this Act the undertakers shall cause as little detriment and inconvenience and do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation in case of difference to be determined by arbitration. 40 45

Undertakers may prescribe special form of lamp or burner.

Restriction on use by consumers or other persons.

13. The undertakers shall be entitled to prescribe a special form of lamp or burner to be used by any local authority or person, but shall not otherwise control or interfere with the manner in which electricity supplied by them under this Act is used. Provided always that no local authority or person shall be at liberty to cut, connect, tap, or fix any mains, wires, cables, lamps, or fittings used by any local authority or person in connection with the supply of electricity, unless authorized in writing by the undertakers; and provided also that no local authority or person shall be at liberty to use the electricity supplied to them for any purposes, or to deal with it in any manner so as to unduly or improperly interfere with the supply of electricity supplied to any other local authority or person by the undertakers, and if any dispute or difference arises between the undertakers 50 55

undertakers and any local authority or person entitled to be supplied with electricity under this Act as to the matters aforesaid, such dispute or difference shall be determined by arbitration.

14. Where a supply of electricity is provided in any part of the area of operation for private purposes, any person within that part of the said area shall on application be entitled to a supply on the same terms on which any other person in the same part of such area is entitled under similar circumstances to a corresponding supply: Provided always that nothing in this Act shall be construed so as to compel the undertakers to supply electricity to a greater number of persons in any part of such area than can be conveniently and properly supplied from the electric lines and works placed and maintained in such area by the undertakers; and any dispute or difference arising between the undertakers and any company or private person as to the matters aforesaid, shall be determined by arbitration.

Obligation on undertakers to supply electricity.

Subject to capacity of works.

15. The undertakers shall not in making any agreements for a supply of electricity show any undue preference to any local authority or person, but save as aforesaid, they may make such charges for the supply of electricity as may be agreed upon.

Charges for electricity.

16. If any local authority or person supplied with electricity or with any works by the undertakers neglects to pay to the undertakers the charges due for such electricity of the rent or money due to the undertakers for the hire or fixing of such works, or any expense lawfully incurred by the undertakers in cutting off the supply of electricity from the premises of such authority or person or any other sum due, the undertakers may recover the sum so due in like manner as a fine or forfeiture under this Act.

Recovery of charges, &c.

17. If any local authority or person neglect to pay any charge for electricity, or any other sum due from them to the undertakers in respect of the supply of electricity to such authority or person, the undertakers may cut off such supply, and for that purpose may cut or disconnect any electric line or other works through which electricity may be supplied, and may, until such charge or other sum, together with any expenses incurred by the undertakers in cutting off such supply of electricity as aforesaid are fully paid, but no longer, discontinue the supply of electricity to such local authority or person.

Power to cut off supply in case of non-payment.

18. Any officer appointed by the undertakers may at all reasonable times enter any premises to which electricity is or has been supplied by the undertakers in order to inspect, clean, repair, and keep in order the works, lamps, or burners belonging to the undertakers, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where a supply of electricity is no longer required, or where the undertakers are authorized to take away and cut off the supply of electricity from any premises for the purpose of removing any works belonging to the undertakers, provided that the undertakers shall repair or make good all damage caused by such entry, inspection, or removal, or be liable for any expense incurred by the owner of such premises in repairing such damage, and such expense shall be recoverable as in the case of a fine or forfeiture under this Act.

Power to enter premises.

19. Where any works belonging to the undertakers are placed in or upon any premises not being in the possession of the undertakers for the purpose of supplying electricity under this Act, such works shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor shall they be liable to be taken in execution under any process of a Court of Law or Equity, or any proceedings in Bankruptcy against the company or person in whose possession the same may be.

Works of undertakers exempt from distress.

Penalty for damage
caused to works.

20. Any person who shall carelessly or accidentally throw down, break, or damage any pillar, lamp, or works belonging to the undertakers or under their control, shall forfeit a sum of money by way of satisfaction to the undertakers for the damage done not exceeding *ten* pounds.

Stealing electricity.

21. Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes or uses any electricity, shall be guilty of larceny, and punishable accordingly.

Injuring works with
intent to cut off
supply.

22. Any person who unlawfully or maliciously cuts or injures any electric line or works with intent to cut off any supply of electricity shall be guilty of felony, and be liable to be kept in penal servitude for any term not exceeding *five* years, or to be imprisoned with or without hard labour for any term not exceeding *two* years, but nothing in this section shall exempt any person from any proceeding for any offence which is punishable 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.

Protection of
Postmaster-General.

23. The undertakers shall not in the exercise 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 line of the Postmaster-General is or may be injuriously affected, and before any such electric line is laid down or work is done within ten yards of any part of a telegraph line of the Postmaster-General (other than repairs or the laying of connections with mains where the direction of the electric lines so laid down crosses the line of the Postmaster-General at right angles at the point of shortest distance, and continues the same for a distance of six feet on each side of such point), the undertakers or their agents, not more than twenty-eight nor less than seven days before commencing such work, shall give written notice to the Postmaster-General, specifying the course and nature of the work, including the gauge of any electric lines, and the undertakers and their agents shall conform with such reasonable requirements, either general or special, as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphs of the Postmaster-General from being injuriously affected by the said work. Any difference which arises between the Postmaster-General and the undertakers or their agents with respect to any requirements so made shall be determined by arbitration. In the event of any contravention of or wilful non-compliance with this section by the undertakers or their agents, the undertakers shall be liable to a fine 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: Provided that nothing in this section shall subject the undertakers or their agents to a fine under this section, 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 sub-postmaster of the postal 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. For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic 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.

Saving privileges of
Postmaster-General.

24. Nothing in this Act shall affect the privileges conferred by law upon the Postmaster-General, or authorize or enable the undertakers to transmit any telegram or to perform any of the incidental services of receiving, collecting, or delivering telegrams.

25. Where, by this Act, any fine or forfeiture is imposed, or expenses or compensation made payable, such fine, forfeiture, expenses, or compensation may be recovered as civil debts, and where the amount sued for does not exceed the sum of *ten* pounds in any Court of Petty Sessions, and where it does exceed that amount, then in the District Court or Supreme Court as may be expedient. Recovery of fines, &c.

26. Any arbitration herein directed shall be to some engineer or other person agreed upon by the parties as single arbitrator, and this Act shall be deemed to be the document authorizing the reference within the meaning of the fourth section of the Act thirty-first Victoria, number fifteen, intituled "*An Act to make Arbitration more effectual*," and the reference shall be subject and pursuant to that Act. The arbitrators shall in every case have power to direct how and by whom the costs of the reference and award shall be paid. Arbitrations.

27. Nothing in this Act shall limit or interfere with the rights of any owner, or lessee or occupier of any mines or minerals lying under or adjacent to any street along or across which any electric line or works shall be placed or laid down to work such mines or minerals. Rights of owners of minerals.

28. Nothing in this Act shall exempt the undertakers from the provisions of any general Act relating to the supply of electricity which may be passed in this or any other Session of Parliament. Provision as to general Acts applicable hereto.

COLUMN I.		SCHEDULE.		COLUMN II.	
City of Sydney	Municipal Council of Sydney	
Municipality of Ashfield	Municipal Council of Ashfield	
Municipality of Alexandria	Municipal Council of Alexandria	5
Municipality of Auburn	Municipal Council of Auburn	
Municipality of Balmain	Municipal Council of Balmain	
Municipality of Botany	Municipal Council of Botany	
Municipality of Burwood	Municipal Council of Burwood	
Municipality of Camperdown	Municipal Council of Camperdown	10
Municipality of Canterbury	Municipal Council of Canterbury	
Municipality of Concord	Municipal Council of Concord	
Municipality of Darlington	Municipal Council of Darlington	
Municipality of Five Dock	Municipal Council of Five Dock	
Municipality of The Glebe	Municipal Council of The Glebe	15
Municipality of Hunter's Hill	Municipal Council of Hunter's Hill	
Municipality of Hurstville	Municipal Council of Hurstville	
Municipality of Kogarah	Municipal Council of Kogarah	
Municipality of Leichhardt	Municipal Council of Leichhardt	
Municipality of Marrickville	Municipal Council of Marrickville	20
Municipality of Manly	Municipal Council of Manly	
Municipality of Macdonaldtown	Municipal Council of Macdonaldtown	
Municipality of Newtown	Municipal Council of Newtown	
Municipality of North Willoughby	Municipal Council of North Willoughby	
Municipality of Petersham	Municipal Council of Petersham	25
Municipality of Paddington	Municipal Council of Paddington	
Municipality of Redfern	Municipal Council of Redfern	
Municipality of Ryde	Municipal Council of Ryde	
Municipality of Rookwood	Municipal Council of Rookwood	
Municipality of Randwick	Municipal Council of Randwick	30
Municipality of Strathfield	Municipal Council of Strathfield	
Municipality of St. Peter's	Municipal Council of St. Peter's	
Municipality of St. Leonards	Municipal Council of St. Leonards	
Municipality of St. Leonards (East)	Municipal Council of St. Leonards (East)	35
Municipality of Victoria	Municipal Council of Victoria	
Municipality of West Botany	Municipal Council of West Botany	
Municipality of Woollahra	Municipal Council of Woollahra	
Municipality of Waterloo	Municipal Council of Waterloo	
Municipality of Waverley	Municipal Council of Waverley	40
City of Newcastle	Municipal Council of Newcastle	
Municipality of Adamstown	Municipal Council of Adamstown	
Municipality of Carrington	Municipal Council of Carrington	
Municipality of Hamilton	Municipal Council of Hamilton	
Municipality of Lambton	Municipal Council of Lambton	
Municipality of Merewether	Municipal Council of Merewether	45
Municipality of Plattsburg	Municipal Council of Plattsburg	
Municipality of Newcastle	Municipal Council of Newcastle	
Municipality of Wickham	Municipal Council of Wickham	
Municipality of Wallsend	Municipal Council of Wallsend	50
Municipality of Waratah	Municipal Council of Waratah	
City of Bathurst	Municipal Council of Bathurst	
Municipality of Bathurst		
Town of Maitland	Municipal Council of West Maitland	
Municipality of West Maitland		
Municipality of East Maitland	Municipal Council of East Maitland	55
Municipality of Morpeth	Municipal Council of Morpeth	
Town of Parramatta	Municipal Council of Parramatta	
Municipality of Parramatta		
Municipality of Granville	Municipal Council of Granville	
Municipality of Prospect	Municipal Council of Prospect	60
Municipality of Sherwood	Municipal Council of Sherwood	

Legislative Council.

52^o VICTORIÆ, 1888.

A BILL

To enable Alfred Harold Ayers, George Hubbard Henry, and Frederick William Parsons, and their assigns, to do all necessary acts and things for and to facilitate and regulate the supply of Electricity for lighting and other purposes, within the city and suburbs of Sydney, and certain other cities and towns and their respective suburbs, within the Colony of New South Wales.

(As amended and agreed to in Select Committee.)

WHEREAS it is expedient to encourage the use and facilitate and regulate the supply of electricity for lighting and other purposes in the city of Sydney and suburbs thereof, the city of Newcastle and suburbs thereof, the city of Bathurst and suburbs thereof, the town of Maitland and suburbs thereof, and the town of Parramatta and suburbs thereof, and for that purpose to confer all necessary powers and protection upon certain persons willing to undertake the cost of the introduction of such supply, and hereinafter named as the ~~undertakers~~ **promoters**. Be it therefore enacted by the Queen'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:—

1. This Act may be cited for all purposes as the "New South Wales Electric Light and Power Act."

c 126—

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Interpretation clause.

2. In this Act, unless the context otherwise requires—

- The expression “the ~~undertakers~~ promoters” means Alfred Harold Ayers, of two hundred and five, Clarence-street, in the city of Sydney, agent and importer; George Hubbard Henry, of the same place, agent and importer; and Frederick William Parsons, of the Victoria Arcade, in the city of Sydney aforesaid, broker, and their executors, administrators, and assigns. 5
- The expression “the area of operations” means the areas now or at any time hereafter included in the boundaries of the several cities, towns, and municipalities enumerated in the first column of the Schedule to this Act annexed. 10
- The expression “the local authority” means as respects each district set forth in the first column of the said Schedule the authority mentioned opposite to that district in the second column of the said Schedule, and such Schedule shall be of the same validity as if enacted in the body of this Act. In the event of any portion of any such district or area of operations being by law under the control or management of any authority or person other than the authority mentioned in the said Schedule, the expression “local authority” shall apply to and mean such authority or person. 15 20
- The expression “electricity” means electricity, electric current, or any like agency.
- The expression “electric line” means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, covering, tube, pipe, or insulator, enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity. 25 30
- The expression “works” means and includes electric lines, also any buildings, machinery, engines, works, matters, or things of whatever description required to supply electricity and to carry into effect the object of the ~~undertakers~~ promoters under this Act. 35
- The expression “street,” includes any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place, within the area of operations.
- The expression “telegraph” means and includes telegraphs, telephones, or any other apparatus for transmitting messages or other communications by means of electric signals. 40
- The expression “telegram” means any message or other communication transmitted or intended for transmission by telegraph.
- The expression “post” means a post, pole, standard, stay, or strut, or other above ground contrivance for carrying, suspending, or supporting electric lines or lamps connected therewith. 45
- The expression “public purposes” means lighting any street, or lighting or supplying electricity to any place belonging to or subject to the control of the local authority, or any church or registered place of public worship, or any hall or building belonging to or subject to the control of any public authority. 50
- The expression “private purposes” shall include any other purposes whatever, not being “public purposes” to which electricity may for the time being be applicable. 55

General powers of promoters.

3. The ~~undertakers~~ promoters may supply electricity subject to and in accordance with the provisions of this Act, and for the purpose of ~~such supply may~~ supplying such electricity acquire such lands by agreement,

agreement, construct such works, acquire such licenses for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things, and generally do all such acts and things as may be necessary and incidental to such supply.

5 4. The ~~undertakers,~~ **promoters**, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of any street ~~or streets~~ within the area of operations, and lay down and place within the same area electric lines and other works, and for the purposes aforesaid may remove and use all earth and materials in and
10 under such street ~~or streets~~, and they may repair or alter any electric line or works so laid down.

Power to break up streets and lay down lines, &c.

5. The ~~undertakers~~ **promoters** may at any time, with the consent of the local authority, and under such superintendence as is hereinafter specified but not otherwise, place and maintain electric lines
15 over, along, or across any street within the area of operations, and may place and maintain posts in, upon, or over any such street ~~within the said area~~, and may at any time alter or remove the same, and for the purposes aforesaid ~~may under such superintendence as is hereinafter specified~~ open or break up the soil or pavement of any such
20 street. Provided always that where any electric line has been placed above ground by the ~~undertakers,~~ **promoters**, the Supreme Court or any Judge thereof, upon complaint made, and on being satisfied that such electric line is or is likely to become dangerous to the public safety may, notwithstanding any such consent as aforesaid, make an
25 order directing and authorizing the removal of such electric line by such person, and upon such terms as to such Court or Judge may seem fit.

Power to erect construct lines above ground with consent of local authority.

6. The ~~undertakers,~~ **promoters**, shall, not less than seven clear days before proceeding to open or break up any street in accordance
30 with the powers conferred on them by this Act, give notice in writing of their intention to open or break up the same to the local authority, or to their clerk or surveyor. Provided always that in cases of emergency arising from defects in the electric lines or works, the ~~undertakers,~~ **promoters**, shall be at liberty to begin to open or break up
35 such street without giving such notice, and in all such cases notice in writing shall be given by the ~~undertakers~~ **promoters** to the local authority, or to their clerk or surveyor, as soon as may be convenient after the beginning of such work.

Notice of breaking up streets to be given to local authority.

Provision for cases of emergency.

7. The ~~undertakers~~ **promoters** shall not, except in cases of
40 emergency, open or break up any street, except under the superintendence of the local authority, or of their officer, and according to such plan as shall be approved of by such local authority, or their officer, and if any dispute or difference arise between the ~~undertakers~~ **promoters** and such local authority, or their officer, as to such plan,
45 such dispute or difference shall be determined by arbitration. Provided always that if such local authority, or their officer, fail to attend at the time fixed for the opening or breaking up of any such street, after having such notice of the intention of the ~~undertakers~~ **promoters** as aforesaid, or shall not propose any plan for opening or breaking
50 up such street, or shall neglect or refuse to superintend the opening or breaking up of such street, the ~~undertakers~~ **promoters** shall be at liberty to carry out the work specified in such notice without the superintendence of the local authority, or their officer, and in such manner as they shall deem expedient.

Restriction on breaking up streets.

55 8. The ~~undertakers~~ **promoters** shall upon opening or breaking up the soil or pavement of any street complete with all convenient speed the work which necessitated the breaking up of such street, and shall fill in the ground and reinstate and make good the road or pavement so broken up, and shall carry away the rubbish occasioned by the breaking up of such

~~Undertakers~~ **Promoters** to reinstate streets broken up without delay.

such street, and shall at all times while any such street shall continue open or broken up cause the same to be properly guarded, and shall every night during which such street shall continue open or broken up cause a light sufficient for the warning of passengers to be set up and maintained against or near that part of such street as shall continue open or broken up, and shall keep the road or pavement so broken up as aforesaid in good repair for not less than three months after they have reinstated and made good the same, and for such further time, if any, not exceeding twelve months as the soil so broken up shall continue to subside. 5 10

Penalty on ~~undertakers~~ promoters for non-compliance with requirement of Act.

9. If the ~~undertakers~~ promoters fail or neglect to comply with any of the provisions of the ~~three~~ last four preceding sections of this Act or make any delay in completing the work and repairs in the last preceding section mentioned, they shall forfeit to the local authority of the street in respect of which such default shall have been made a sum not exceeding *five* pounds for every such offence, and they shall also forfeit an additional sum not exceeding *five* pounds for each day during which any such delay shall continue after notice in writing thereof shall have been given to them by such local authority or their officer. 15

Local authority may reinstate at expense of ~~undertakers~~ promoters in case of delay.

10. If the ~~undertakers~~ promoters make any such default or delay as aforesaid, the local authority of the street in respect of which such default or delay shall have been made may cause the work so delayed or omitted to be executed, and may recover the expense of executing the same from the ~~undertakers~~ promoters in addition to any penalty forfeiture hereinbefore provided. 20 25

Power to alter position of pipes and wires already laid on terms.

11. The ~~undertakers~~ promoters may, subject to the provisions of this Act, alter the position of any pipes or wires being under any street authorized to be broken up by them, which may interfere with the exercise of their powers under this Act, on previously making or securing such compensation to the owners of such pipes or wires, and on complying with such conditions as to the mode of making such alterations as may before the commencement of such alterations be agreed upon between the ~~undertakers~~ promoters and owners, or in case of difference as may be determined by arbitration; and any local or other public authority or person may in like manner alter the position of any electric lines or works of the ~~undertakers~~, promoters, being under any such street as aforesaid which may interfere with the lawful exercise of any powers vested in such authority or person in relation to such street, subject to the like conditions or restrictions as are in this section contained with reference to the alteration of the position of any pipes or wires by the ~~undertakers~~ promoters. 30 35 40

Reciprocal power to other persons to move works of ~~undertakers~~ promoters.

Compensation for damage.

12. In the exercise of the powers in relation to the execution of works given them under this Act the ~~undertakers~~ promoters shall cause as little detriment and inconvenience and do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation in case of difference to be determined by arbitration. Provided always that the compensation, if any, which may be awarded against the promoters upon such arbitration shall, in addition to all other remedies for the recovery of the same, be a first charge upon all rates and charges made by the promoters for, and all property of the promoters used in, upon, and in connection with the supply of electricity for lighting and other purposes under this Act. 45 50

~~Undertakers~~ Promoters may prescribe special form of lamp or burner.

Restriction on use by consumers or other persons.

13. The ~~undertakers~~ promoters shall be entitled to prescribe a special form of lamp or burner to be used by any local authority or person, but shall not otherwise control or interfere with the manner in which electricity supplied by them under this Act is used. Provided always that no local authority or person shall be at liberty to cut, connect, tap, 55

tap, or fix any mains, wires, cables, lamps, or fittings used by any local authority or person in connection with the supply of electricity, unless authorized in writing by the ~~undertakers~~ promoters; and provided also that no local authority or person shall be at liberty to use the
 5 electricity supplied to them for any purposes, or to deal with it in any manner so as to unduly or improperly interfere with the supply of electricity supplied to any other local authority or person by the ~~undertakers~~, promoters, and if any dispute or difference arises between the ~~undertakers~~ promoters and any local authority or person entitled to be
 10 supplied with electricity under this Act as to the matters aforesaid, such dispute or difference shall be determined by arbitration.

14. Where a supply of electricity is provided in any part of the area of operations for private purposes, any person within that part of the said area shall on application be entitled to a supply on the same
 15 terms on which any other person in the same part of such area is entitled under similar circumstances to a corresponding supply: Pro- Subject to capacity of works.
 20 vided always that nothing in this Act shall be construed so as to compel the ~~undertakers~~ promoters to supply electricity to a greater number of persons in any part of such area than can be conveniently and properly supplied from the electric lines and works placed and maintained in
 25 such area by the ~~undertakers~~ promoters; and any dispute or difference arising between the ~~undertakers~~ promoters and any company or private person as to the matters aforesaid, shall be determined by arbitration.

15. The ~~undertakers~~ promoters shall not in making any agree- Charges for electricity.
 25 ments for a supply of electricity show any undue preference to any local authority or person, but save as aforesaid, they may make such charges for the supply of electricity as may be agreed upon.

16. If any local authority or person supplied with electricity or
 30 with any works by the ~~undertakers~~ promoters neglects to pay to the ~~undertakers~~ promoters the charges due for such electricity of the rent or money due to the ~~undertakers~~ promoters for the hire or fixing of such works, or any expense lawfully incurred by the ~~undertakers~~ promoters in cutting off the supply of electricity from the premises of such authority or person or any other sum due, the ~~undertakers~~ promoters may recover
 35 the sum so due in like manner as a fine or forfeiture under this Act.

17. If any local authority or person neglect to pay any charge for
 40 electricity, or any other sum due from them to the ~~undertakers~~ promoters in respect of the supply of electricity to such authority or person, the ~~undertakers~~ promoters may cut off such supply, and for that purpose
 45 may cut or disconnect any electric line or other works through which electricity may be supplied, and may, until such charge or other sum, together with any expenses incurred by the ~~undertakers~~ promoters in cutting off such supply of electricity as aforesaid are fully paid, but no longer, discontinue the supply of electricity to such local authority or
 50 person.

18. Any officer appointed by the ~~undertakers~~ promoters may at all
 55 reasonable times enter any premises to which electricity is or has been supplied by the ~~undertakers~~ promoters in order to inspect, clean, repair, and keep in order the works, lamps, or burners belonging to the ~~undertakers~~, promoters, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where a supply of electricity is no longer required, or where the ~~undertakers~~ promoters are authorized to take away and cut off the supply of electricity from any premises for the purpose of removing any works belonging to the ~~undertakers~~, promoters,
 60 provided that the ~~undertakers~~ promoters shall repair or make good all damage caused by such entry, inspection, or removal, or be liable for any expense incurred by the owner of such premises in repairing such damage, and such expense shall be recoverable as in the case of a fine or forfeiture under this Act.

Works of
undertakers
promoters exempt
from distress.

19. Where any works belonging to the ~~undertakers~~ promoters are placed in or upon any premises not being in the possession of the ~~undertakers~~ promoters for the purpose of supplying electricity under this Act, such works shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor shall they be liable to be taken in execution under any process of a Court of Law or Equity, or any proceedings in Bankruptcy against the company or person in whose possession the same may be. 5

Penalty for damage
caused to works.

20. Any person who shall carelessly or accidentally throw down, break, or damage any pillar, lamp, or works belonging to the ~~undertakers~~ promoters or under their control, shall forfeit a sum of money by way of satisfaction to the ~~undertakers~~ promoters for the damage done not exceeding *ten* pounds. 10

Stealing electricity.

21. Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes or uses any electricity, shall be guilty of larceny, and punishable accordingly. 15

Injuring works with
intent to cut off
supply.

22. Any person who unlawfully ~~or~~ and maliciously cuts or injures any electric line or works with intent to cut off any supply of electricity shall be guilty of felony, and be liable to be kept in penal servitude for any term not exceeding *five* years, or to be imprisoned with or without hard labour for any term not exceeding *two* years, but nothing in this section shall exempt any person from any proceeding for any offence which is punishable 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. 20 25

Protection of
Postmaster-
General telegraph
and telephone
lines.

23. The ~~undertakers~~ promoters shall not in the exercise of the powers conferred by this Act lay down any electric line, or do any other work for the supply of electricity whereby any telegraph or telephone line of the ~~Postmaster-General~~ is or may be injuriously affected, and before any such electric line is laid down or work is done within ten yards of any part of a ~~telegraph~~ such line of the ~~Postmaster-General~~ (other than repairs or the laying of connections with mains where the direction of the electric lines so laid down crosses the ~~such~~ line of the ~~Postmaster-General~~ at right angles at the point of shortest distance, and continues the same for a distance of six feet on each side of such point), the ~~undertakers~~ promoters or their agents, not more than twenty-eight nor less than seven days before commencing such work, shall give written notice to the ~~Postmaster-General~~ Superintendent of Telegraphs, specifying the course and nature of the work, including the gauge of any electric lines, and the ~~undertakers~~ promoters and their agents shall conform with such reasonable requirements, either general or special, as may from time to time be made by the ~~Postmaster-General~~ Superintendent of Telegraphs for the purpose of preventing any telegraphs of the ~~Postmaster-General~~ such lines from being injuriously affected by the said work. Any difference which arises between the ~~Postmaster-General~~ Superintendent of Telegraphs and the ~~undertakers~~ promoters or their agents with respect to any requirements so made shall be determined by arbitration. In the event of any contravention of or wilful non-compliance with this section by the ~~undertakers~~ promoters or their agents, the ~~undertakers~~ promoters shall be liable to a fine not exceeding *ten* pounds, for every day during which such contravention or non-compliance continues, or if the telegraphic or telephonic communication is wilfully interrupted, not exceeding *fifty* pounds for every day on which such interruption continues: Provided that nothing in this section shall subject the ~~undertakers~~ promoters or their agents to a fine under this section, 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~~ sent to the postmaster 30 35 40 45 50 55

~~postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done~~ the Superintendent of Telegraphs by telegram or letter a notice of the execution thereof, stating the reason for executing the same without previous notice. For the purposes of

5 this section a telegraph or telephone line of the Postmaster-General 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.

10 24. No continuous electric current shall be supplied by the Potential of promoters to any electric line, main, or cable having an electro-motive current. force of more than three thousand volts for the arc electric light, and of more than three hundred volts for the incandescent electric light, and no alternating current shall be so supplied having an electro-motive
15 force of more than one thousand volts; provided that if in the opinion of the promoters it is deemed necessary, for the purpose of carrying into effect the provisions of this Act, to employ a higher tension of electricity than the said three thousand volts, three hundred volts, or one thousand volts respectively, a written notice of the same containing
20 a statement of the extent of the proposed increase of electro-motive force shall be served on the Superintendent of Telegraphs, who shall give the promoters notice in writing of the necessary precautions to be taken and things to be done by the promoters in order to secure the safety of the public, which said precautions shall be taken and things
25 shall be done by the promoters before they shall supply a higher tension of electricity than the said three thousand volts, three hundred volts, or one thousand volts respectively as aforesaid. For every breach of any of the provisions of this section the promoters shall be liable to a penalty not exceeding five hundred pounds, to be recovered
30 in a summary manner before any two Justices of the Peace; and every director, manager, or officer of the promoters who shall knowingly and wilfully authorize or permit the same to be done, shall be liable to a like penalty, to be recovered in the manner hereinbefore provided.

24. 25. Nothing in this Act shall affect the privileges conferred by
35 law upon the Postmaster-General, or authorize or enable the ~~undertakers~~ promoters to transmit any telegram or to perform any of the incidental services of receiving, collecting, or delivering telegrams. Saving privileges of Postmaster-General.

25. 26. If the promoters or any local authority or person commit a
breach of any of the provisions of this Act for which no fine or forfeiture
40 is otherwise provided, they or he shall be liable to a forfeiture not Fine for breach of conditions not otherwise provided for. exceeding ten pounds for every such breach.

27. Where, by this Act, any fine or forfeiture is imposed, or
expenses or compensation made payable, such fine, forfeiture, expenses,
or compensation may be recovered as civil debts, and ~~where the~~
45 amount sued for does not exceed the sum of ten pounds in any Court of Petty Sessions, and where it does exceed that amount, then in the District Court or Supreme Court as may be expedient. Recovery of fines, &c.

26. 28. Any arbitration herein directed shall be to some engineer
or other person agreed upon by the parties as single arbitrator, and
50 this Act shall be deemed to be the document authorizing the reference within the meaning of the fourth section of the Act thirty-first Victoria, number fifteen, intituled "*An Act to make Arbitration more effectual*," and the reference shall be subject and pursuant to that Act. The arbitrators shall in every case have power to direct how
55 and by whom the costs of the reference and award shall be paid. Arbitrations.

27. 29. Nothing in this Act shall limit or interfere with the rights
of any owner, or lessee or occupier of any mines or minerals lying under
or adjacent to any street along or across which any electric line or
works shall be placed or laid down to work such mines or minerals. Rights of owners of minerals.

60 28. 30. Nothing in this Act shall exempt the ~~undertakers~~ promoters from the provisions of any general Act relating to the supply of electricity which may be passed in this or any other Session of Parliament. Provision as to general Acts applicable hereto.

SCHEDULE.

COLUMN I.	COLUMN II.	
City of Sydney	Municipal Council of Sydney	
Municipality of Ashfield	Municipal Council of Ashfield	
Municipality of Alexandria... ..	Municipal Council of Alexandria	5
Municipality of Auburn	Municipal Council of Auburn	
Municipality of Balmain	Municipal Council of Balmain	
Municipality of Botany	Municipal Council of Botany	
Municipality of Burwood	Municipal Council of Burwood	
Municipality of Camperdown	Municipal Council of Camperdown	10
Municipality of Canterbury	Municipal Council of Canterbury	
Municipality of Concord	Municipal Council of Concord	
Municipality of Darlington... ..	Municipal Council of Darlington	
Municipality of Five Dock	Municipal Council of Five Dock	
Municipality of The Glebe	Municipal Council of The Glebe	15
Municipality of Hunter's Hill	Municipal Council of Hunter's Hill	
Municipality of Hurstville	Municipal Council of Hurstville	
Municipality of Kogarah	Municipal Council of Kogarah	
Municipality of Leichhardt... ..	Municipal Council of Leichhardt	
Municipality of Marrickville	Municipal Council of Marrickville	20
Municipality of Manly	Municipal Council of Manly	
Municipality of Macdonaldtown	Municipal Council of Macdonaldtown	
Municipality of Newtown	Municipal Council of Newtown	
Municipality of North Willoughby	Municipal Council of North Willoughby	
Municipality of Petersham	Municipal Council of Petersham	25
Municipality of Paddington	Municipal Council of Paddington	
Municipality of Redfern	Municipal Council of Redfern	
Municipality of Ryde	Municipal Council of Ryde	
Municipality of Rookwood	Municipal Council of Rookwood	
Municipality of Randwick	Municipal Council of Randwick	30
Municipality of Strathfield	Municipal Council of Strathfield	
Municipality of St. Peter's	Municipal Council of St. Peter's	
Municipality of St. Leonards	Municipal Council of St. Leonards	
Municipality of St. Leonards (East)	Municipal Council of St. Leonards (East)	
Municipality of Victoria	Municipal Council of Victoria	35
Municipality of West Botany	Municipal Council of West Botany	
Municipality of Woollahra	Municipal Council of Woollahra	
Municipality of Waterloo	Municipal Council of Waterloo	
Municipality of Waverley.	Municipal Council of Waverley	
City of Newcastle	Municipal Council of Newcastle	40
Municipality of Adamstown	Municipal Council of Adamstown	
Municipality of Carrington... ..	Municipal Council of Carrington	
Municipality of Hamilton	Municipal Council of Hamilton	
Municipality of Lambton	Municipal Council of Lambton	
Municipality of Merewether	Municipal Council of Merewether	45
Municipality of Plattsburg... ..	Municipal Council of Plattsburg	
Municipality of Newcastle	Municipal Council of Newcastle	
Municipality of Wickham	Municipal Council of Wickham	
Municipality of Wallsend	Municipal Council of Wallsend	
Municipality of Waratah	Municipal Council of Waratah	50
City of Bathurst	} Municipal Council of Bathurst	
Municipality of Bathurst		
Town of Maitland	} Municipal Council of West Maitland	
Municipality of West Maitland		
Municipality of East Maitland	Municipal Council of East Maitland	55
Municipality of Morpeth... ..	Municipal Council of Morpeth	
Town of Parramatta... ..	} Municipal Council of Parramatta	
Municipality of Parramatta		
Municipality of Granville		
Municipality of Prospect	Municipal Council of Prospect	60
Municipality of Sherwood	Municipal Council of Sherwood	