

AUSTRALASIAN RIGHTS PURCHASE BILL.

SCHEDULE of Amendments referred to in Message of 1st November, 1893.

- Page 3, clause 2, line 30. *Omit "s" from "lands"*
- Page 3, clause 2. *After line 34 insert "Secretary to the Telegraph Service means
" the chief officer or acting chief officer for the time being of the
" Government Telegraph Department"*
- Page 4, clause 3, line 8. *After "and" insert "other works and"*
- Page 4, clause 4, lines 18 to 21. *Omit "in accordance with a plan numbered A1 now
" deposited with the Minister at the General Post Office, Sydney, a copy
" whereof is comprised in the Schedule to this Act"*
- Page 4, clause 4, line 22. *After "line" insert "in accordance with this Act"*
- Page 4, clause 4, line 26. *Omit "or hereafter to be vested in, or imposed on"*
- Page 4, clause 5, line 31. *After "Sydney" insert "by the course indicated in the
" Schedule to this Act"*
- Page 5, clause 5. *At end of clause add "Provided also that before the construction
" of any dam across the Colo River or the Grose River is commenced, a
" complete plan and section of such dam containing such particulars as
" may be required by the Minister of Works shall be submitted to the
" said Minister, and his approval thereto shall be obtained before any
" such dam shall be commenced or proceeded with."*
- Page 5, clause 6, line 19. *Omit "eight" insert "nine"*
- Page 5, clause 7, line 38. *Omit "enter upon and"*
- Page 5, clause 7, line 39. *Omit "an" insert "any"*
- Page 5, clause 7, line 42. *After "line" insert "plant"*
- Page 5, clause 7, line 43. *Omit "down" insert "or placed"*
- Page 7, clause 10, lines 15 and 16. *Omit "within one month after their entry upon
" such land" insert "subject to the other provisions of this Act"*
- Page 7. *After clause 11 insert new clause to stand as clause 12.*
- Page 7, clause ~~12~~ 13, line 36. *Before "construction" omit "or"*
- Page 7, clause ~~12~~ 13, line 36. *After "construction" insert "or use"*
- Page 7, clause ~~12~~ 13, line 37. *Before "construction" omit "or"*
- Page 7, clause ~~12~~ 13, line 37. *After "construction" insert "or use"*
- Page 9, clause ~~26~~ 27, line 30. *Omit "Government" insert "Governor"*
- Page 9, clause ~~26~~ 27, lines 31 and 32. *Omit "Superintendent of Telegraphs" insert
" Secretary to the Telegraph Service"*
- Page 9, clause ~~26~~ 27, line 38. *After "same" insert "and the projectors shall pay to
" the Electrical Examiner such salary or fees as the Governor shall
" from time to time direct"*
- Page 9, clause ~~26~~ 27, line 42. *Omit "Superintendent of Telegraphs" insert "Secretary
" to the Telegraph Service"*
- Page 11, clause ~~36~~ 37, lines 32 and 33. *Omit "Superintendent of Telegraphs" insert
" Secretary to the Telegraph Service"*
- Page 11, clause ~~36~~ 37, line 37. *Omit "Superintendent of Telegraphs" insert "Secretary
" to the Telegraph Service"*
- Page 11, clause ~~36~~ 37, lines 40 and 41. *Omit "Superintendent of Telegraphs" insert
" Secretary to the Telegraph Service"*
- Page 11, clause ~~36~~ 37, lines 53 and 54. *Omit "Superintendent of Telegraphs" insert
" Secretary to the Telegraph Service"*
- Page 13, Schedule, line 25. *After "Schedule" insert "showing routes of cable line"*
- Page 13, Schedule, line 26. *Omit "All those cable lines shown on plans A and B,"*
- Page 13, Schedule, line 37. *Omit "and shown on plan B," insert "as more particularly
" indicated on two plans already deposited by the projectors with the
" Minister at the General Post Office, Sydney, and marked by him for
" identification"*

The first of these is the fact that the...

...the second is the fact that the...

...the third is the fact that the...

...the fourth is the fact that the...

...the fifth is the fact that the...

...the sixth is the fact that the...

...the seventh is the fact that the...

...the eighth is the fact that the...

...the ninth is the fact that the...

...the tenth is the fact that the...

...the eleventh is the fact that the...

...the twelfth is the fact that the...

...the thirteenth is the fact that the...

...the fourteenth is the fact that the...

...the fifteenth is the fact that the...

...the sixteenth is the fact that the...

...the seventeenth is the fact that the...

...the eighteenth is the fact that the...

...the nineteenth is the fact that the...

...the twentieth is the fact that the...

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 27 September, 1893. }*

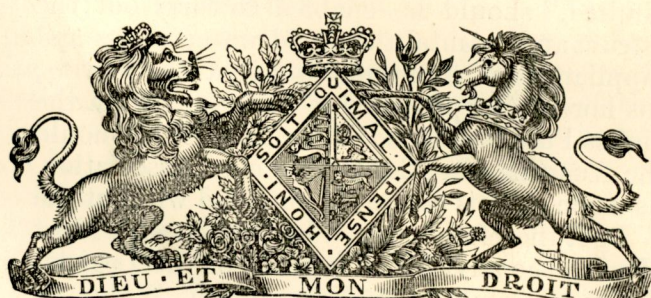
*F. W. WEBB,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 1st November, 1893. }*

*ADOLPHUS P. CLAPIN,
Acting Clerk of the Parliaments.*

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

An Act to authorise "The Australasian Rights Purchase Association, Limited," a Company registered in Melbourne, in the Colony of Victoria, under the "Companies Acts," or their licensees or assigns, to take and divert water for mechanical power from the Colo River and the Grose River by means of channels returning to the stream again; and also to construct and work the plant requisite for generating electricity and transmitting it to the city of Sydney and to any other places along the main cable line.

WHEREAS the said "The Australasian Rights Purchase Association, Limited," is desirous of acquiring the right to take and divert water for any of the purposes hereinafter set forth and mentioned from the Colo River and the Grose River by means of channels returning
5 to the stream again; and also to construct, erect, maintain, and work any water-works and other works, plant, and appliances that may be required for making and generating electricity and transmitting it to the city of Sydney and to any other towns or places along the main cable line; and also to erect poles to carry wires across or along streets,
10 and across Crown lands or private lands of any tenure above the surface, or of conducting wires beneath the surface of any such streets or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea; and also to construct, erect, maintain, and work any water-works and other
15 works, plant, and appliances for the purpose of executing, exercising,
51—A

Preamble.

OR

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

Australasian Rights Purchase.

or carrying out any of the powers, functions, duties, or authorities by this Act to be vested in or imposed on the said "The Australasian Rights Purchase Association, Limited," or its licensees or assigns; and also to make, generate, and transmit electricity for all or any of
 5 the purposes above-mentioned; and also to enter upon any Crown lands or private lands of any tenure in the locality of the said works or along the main cable line or any branch thereof or therefrom for any purposes connected with the carrying out of the objects of this Act or any of them; and also to make, alter, and repeal by-laws for carrying
 10 into effect any of the purposes mentioned in this Act and regulating the working thereof: And whereas it would be for the benefit of the Colony of New South Wales that the said "The Australasian Rights Purchase Association, Limited," should be enabled to carry out the above objects, and to construct and maintain the said water-works and
 15 other works, plant, and appliances as aforesaid, and that the powers, authorities, and concessions hereinafter proposed to be conferred on the said "The Australasian Rights Purchase Association, Limited," should be granted to the said "The Australasian Rights Purchase Association, Limited:" And whereas such objects cannot be obtained without the
 20 authority of Parliament: 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 as the "Australasian Rights Purchase Short title.
 25 Act."

2. In this Act and in any by-law to be made under it, save Interpretation. where there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively—

30 "Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, or pipes, by means of which the main supply of water or water-power is derived.

"Crown lands" shall mean and include Crown lands as defined by the "Crown Lands Act of 1884."

35 "Electric line" means a cable or wire or conductor or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, tube, pipe, or insulator surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose
 40 of conveying, transmitting, or distributing electricity.

"Electricity" shall mean electricity, electric current, electric force, electric power, or the like agency.

"Gazette" means the New South Wales *Government Gazette*.

45 "Governor" means the Governor with the advice of the Executive Council.

"Local Authority" means the municipal council, municipality, borough, or municipal district, road trust, or the person or body of persons or body corporate having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect
 50 of any particular street it shall mean the municipal council, municipality, borough, or municipal district or body corporate having the local government of any city, town, or district in which any of the water-works or other works or plant hereby authorised may be situate, or in default of any
 55 such local authority shall mean the Minister for Lands for the time being.

"Main

Australasian Rights Purchase.

- “Main cable line” means the main electric line between any of the water-works of the projectors and the city of Sydney.
- “Meter” means any instrument, apparatus, or appliance for measuring or ascertaining the quantity of electricity used or supplied to any person.
- 5 “Minister” means the Postmaster-General for the time being of the Colony of New South Wales.
- “Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any property.
- 10 “Person” includes corporation, company, association, syndicate, partnership, and also local authority as above defined.
- “Plant” means and includes electric lines, meters, accumulators, poles, fittings, and apparatus or appliances for the supply, transmission, and distribution of electricity; also any machinery, engines, buildings, matters, or things of whatever description required to generate, supply, transmit, or distribute electricity, and to carry into effect the purposes of this Act.
- 15 “Pole” means a pole, post, standard, stay, or strut, or other above-ground contrivance for carrying, suspending, or supporting electric lines.
- “Print” includes any legible method, other than handwriting, of expressing or denoting words, letters, and figures.
- “Private lands” means any lands, other than Crown lands, as above defined.
- 25 “Projectors” means “The Australasian Rights Purchase Association, Limited,” incorporated in the Colony of Victoria, and its assigns; and also the successors or assigns of such assigns, and includes licensees where the context admits.
- 30 “Property” means lands- or buildings, and land and buildings as the context may require.
- “Street” means any public or common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or public way, place, or passage.
- 35 “Secretary to the Telegraph Service” means the chief officer or acting chief officer for the time-being of the Government Telegraph Department.
- “Town” means any settlement, camp, or collection of houses, whether proclaimed as a town or not.
- 40 “Water-works” means and includes all reservoirs, wells, cisterns, tanks, dams, weirs, flumes or races, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduits, conduit-pipes, pipe-breaks, steam engines, and other engines, water-wheels, penstocks, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act in connection directly or indirectly with the creation, application, or maintenance of water power.
- 45

3. It shall be lawful for the projectors, and they are hereby authorised and empowered to take, divert, and appropriate water, as approved by the Minister from time to time, for any of the purposes set forth and mentioned in this Act, from the Colo River and the Grose River, by means of channels, returning to the stream again, the point of intake of the channel in respect of the Colo River, being about four and three quarter miles in a direct line above what is known as the First Rapid, and the outlet of the channel being a point about a quarter of a mile below the said First Rapid and the point of intake of the channel in respect of the Grose River, being about one mile and a-half in a direct line above the junction of the Grose River and

Power to divert water.

Australasian Rights Purchase.

and Burrell Creek and the outlet of the channel, being about half a mile below the junction of the Grose River and Burrell Creek, and from time to time to enter upon either of the rivers aforesaid, and upon the banks and beds thereof, and to construct and erect and maintain on and in any portion of the banks or beds of or near to or alongside of the said rivers or either of them between the points of intake and return as aforesaid, and at a distance of not more than one chain from the centre of the channel on either side, any water-works and **other works and** plant for the purposes of such taking, diversion, appropriation, and utilisation of the water of the rivers aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.

4. It shall be lawful for the said projectors to use all or any of the waters aforesaid, as approved of by the Minister, for any of the purposes hereinafter specified:—

To work any machinery that may be erected by the projectors for generating, making, and transmitting electricity to the city of Sydney, ~~in accordance with a plan numbered A-1 now deposited with the Minister at the General Post Office, Sydney, a copy whereof is comprised in the Schedule to this Act,~~ and to any other towns or places along the main cable line in accordance with this Act.

To work any machinery that may be erected by the projectors for the purpose of executing or exercising any subsidiary powers, functions, duties, or authorities hereby vested in, or imposed on ~~or hereafter to be vested in, or imposed on~~ the projectors.

5. The projectors are hereby empowered to construct, erect, maintain, and work any water-works, and other works and plant that may be required for making and generating electricity and transmitting it to the city of Sydney **by the course indicated in the Schedule to this Act,** and to any other towns or places along the main cable line. And also to erect poles to carry wires across or along streets, and across Crown lands or private lands of any tenure above the surface, or to conduct wires beneath the surface of any such streets, or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea. And also to construct, erect, maintain, and work any water-works, and other works and plant for the purpose of executing, exercising, or carrying out any of the powers, functions, duties, or authorities by this Act vested in or imposed on the said projectors. And also to make, generate, and transmit electricity for all or any of the purposes before mentioned. And also to enter upon any Crown lands or private lands of any tenure in the locality of any water-works or other works, or along the main cable line, or any branch thereof or therefrom for any purpose connected with the objects of this Act, or any of them: Provided that the power to distribute electricity within any city, town, or place shall be subject to the written consent of the local authority: Provided further that the said projectors

shall within three months after the passing of this Act commence, and within three years after the passing hereof bring the said works into practical operations to the satisfaction of the Minister. And the said company shall within two months from the passing of this Act deposit with the Colonial Treasurer the sum of five thousand pounds, which sum shall be held by him as a Trust Fund, and in default of the payment of such deposit within the said period the rights and concessions provided for under this Act shall be forfeited. And in the event of the said works not being so commenced or completed as herein provided, it shall be lawful for the Governor to order such sum

to

Purposes for which water may be taken.

Power to construct works.

Proviso.

Australasian Rights Purchase.

to be forfeited to Her Majesty and to become part of the Consolidated Revenue Fund. But after the completion of the said works and the satisfaction of the Minister as aforesaid, the said sum of five thousand pounds shall be returned to the said projectors: **Provided also that**
 5 **before the construction of any dam across the Colo River or the Grose River is commenced, a complete plan and section of such dam containing such particulars as may be required by the Minister of Works shall be submitted to the said Minister, and his approval thereto shall be obtained before any such dam shall be commenced or proceeded with.**

10 6. The Minister for Lands may grant to the projectors from time to time for any term not exceeding fifteen years at a rental to be appraised by the Local Land Board, a lease of any Crown lands that may be reasonably necessary in the opinion of the Minister for Lands for the purposes of this Act, subject to such covenants, terms, and
 15 conditions as the Minister for Lands may think fit. And every such lease as aforesaid may embrace the bed or any part of the bed of any river, stream, or creek contiguous to the water-works and other works contemplated by this Act. And every such lease as aforesaid shall subject to the provisions of section eight ~~nine~~
 20 operate and take effect merely as a license to the said projectors to construct and maintain the water-works and other works and plant hereby contemplated, and shall not confer any right or title to any mines or minerals. And with regard to the mode of transfer thereof every such lease shall be considered as subject to the provisions of the
 25 Crown Lands Acts and Regulations.

Lease of Crown lands may be granted.

7. The projectors under such superintendence as is hereinafter specified may open and break up the soil and pavement of any street within the area of operations, and lay down and place within the same area electric lines and other necessary works and plant, and for the
 30 purposes aforesaid may remove and use all earth and materials in and under any such street, and they may in any such street erect any poles, pillars, or lamps, and do all other acts which the projectors shall from time to time deem necessary or expedient for supplying electricity to the inhabitants of the said area: **Provided always that nothing**
 35 **herein shall authorise or empower the projectors to lay down or place any electric line or other works against any building without the consent of the owners and occupiers thereof, except that the projectors may, without any such consent, at any time enter upon and lay or place any new electric line, plant, or works in the place of ~~an~~ any existing**
 40 **electric line, plant, or works in any position wherein any electric line, plant, or work has been already lawfully laid or placed in pursuance of this Act, and may repair or alter any such electric line, plant, or works so laid down or placed.** Before the projectors proceed to open or break up any street they shall give to the local authority notice in writing of their
 45 intention 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 electric lines, plant, or other works, and then shall give such notice so soon as possible after the beginning of the work or after the necessity for the same shall have arisen. No such
 50 street shall, except in cases of emergency, be opened or broken up except under the superintendence of the local authority or of the officer of the local authority, and according to such plan as shall be approved of by such local authority or officer, or in case of any difference respecting such plan as shall be determined by two Justices:
 55 **Provided always that if the local authority or the officer of the local authority fail to attend at the time fixed for the opening or breaking up of any such street after due notice of the projectors' intention having been given as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the**
 operation,

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

Notice to be given to local authority before breaking up street.

Street not to be broken up except under the superintendence of local authority unless in case of emergency or of their failing to attend.

Australasian Rights Purchase.

- operation, the projectors may perform the work referred to in such notice without the superintendence of such local authority or officer. When the projectors open or break up the road or pavement of any street they shall, with all convenient speed, complete the work for
 5 which the same shall be broken up, and fill in the ground and re-instate and make good the road or pavement so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any road or pavement shall be so opened or broken up, cause the same to be properly guarded, and cause a light sufficient for the
 10 warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the
 15 same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up continues to subside. If the projectors open or break up any street without giving such notice as aforesaid or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in
 20 which the projectors are hereby authorised to perform such work without any superintendence or notice, or if the projectors make any delay in completing any such work or in filling in the ground or reinstating and making good the road or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they
 25 neglect to cause the place where such road or pavement has been broken up to be properly guarded and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the local authority of the street in respect of which such
 30 default is made a sum not exceeding *five* pounds for every such offence, and they shall forfeit an additional sum of not exceeding *five* pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof. If any such delay or omission as aforesaid take place, the local authority of the street in
 35 respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such local authority by the projectors.
8. It shall be lawful for the projectors, after giving such notice
 40 as hereinafter provided, to enter upon any land, not being a garden, orchard, or plantation, attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and to occupy the said land so long as may be necessary for the construction or repair of any water-works and other works, plant, and appliances authorised
 45 by this Act, or of any necessary accommodation works, and to use the same for any of the following purposes, that is to say:—
- For the purpose of constructing, building, or putting thereon any temporary accommodation works, plant, and buildings necessary in carrying out any of the provisions of this Act.
- 50 For the purpose of temporarily depositing plant thereon, or for putting any plant together or setting same up.
- For the purpose of forming temporary roads thereon.
- Provided always that nothing in this Act contained shall exempt the projectors from an action for nuisance or other injury, if any, done in
 55 the exercise of the powers hereby conferred to the property of any person other than the person whose land shall be so taken or used for any of the purposes aforesaid: Provided also that no stone or slate quarry, brickfield, or other like place which, at the time of the passing of this Act, shall be commonly worked or used for getting materials therefrom

Streets broken up to be reinstated without delay.

Penalty for delay in reinstating streets.

In case of delay local authority may reinstate and recover the expense.

Power to take temporary possession of land.

Australasian Rights Purchase.

therefrom for the purpose of selling or disposing of the same, shall be taken or used by the projectors, either wholly or in part, for any of the purposes hereinbefore mentioned.

9. The projectors may, subject to the provisions of the Crown Materials from Crown lands.
 5 Lands Acts and Regulations for the time being in force, from time to time for the purposes of this Act fall timber, and use and carry away the same, and dig, remove, and use clay, stone, and other materials upon and from any Crown lands; and may fall all timber either on Crown lands or private lands which, in the opinion of the projectors,
 10 it may be necessary to remove for the construction or safety of the water-works or other works or plant hereby contemplated, notwithstanding anything contained in section six of this Act.

10. In any of the cases aforesaid, where the projectors shall take Compensation to be made for temporary occupation.
 temporary possession of land by virtue of the powers herein granted,
 15 it shall be incumbent on the projectors ~~within one month after their entry upon such land,~~ **subject to the other provisions of this Act,** upon being required to do so, to pay the occupier of the said land full compensation for any damage which he may sustain by reason of the projectors so taking possession of his land.

20 11. Prior to the first entry upon any private land by the projectors for any of the purposes of this Act not less than seven days' Projectors to give notice prior to entering.
 notice of the intention of the projectors to enter shall be given by the projectors to the owner and occupier, if any, but no notice shall be necessary previous to any subsequent entry by the projectors upon
 25 such land for any of the purposes of this Act.

12. Nothing in this Act contained or implied shall exempt the Projectors liability.
 projectors from liability for damages to any person who may be maimed or injured, or to the personal representatives of any person who may be killed by any accident arising out of the construction,
 30 erection, or use of any of the water-works or other works or plant, or appliances, the construction, erection, or use whereof is hereby authorised subject nevertheless to the ordinary rules of law with regard to contributory negligence.

12. 13. The projectors shall make compensation to all persons Persons damaged to be compensated.
 35 whose property shall be damaged or injuriously affected by the erection ~~or construction or use~~ of any of the water-works, or other works or plant or appliances, the erection ~~or construction or use~~ of which is hereby authorised. And any person claiming under this Act any compensation against the projectors, under this section or any other
 40 section of this Act, shall prefer his claim by notice in writing addressed to the projectors at the principal office of the projectors in New South Wales, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the
 45 nature of the title or interest of such claimant in or to the property or possession, or thing in respect of which the claim is preferred; and if any such person and the projectors 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.

50 13. 14. Nothing in this Act shall be construed as giving to the projectors or their officers or servants any right to enter upon or erect works upon any land, works, or erections vested in the Railway Commissioners, save and except with the written consent of the Railway Commissioners through their Secretary, first had and obtained, such
 55 consent not to be capriciously or vexatiously withheld. Projectors not to enter upon lands vested in Railway Commissioners without written consent.

14. 15. If the projectors, by notice in writing, require any person Persons not making claim barred.
 to make claim for compensation for any damage occasioned previously to the service of such notice by the exercise of any powers conferred on the projectors by this Act, such person shall not be entitled to compensation

Australasian Rights Purchase.

compensation for any damage sustained previously to the service of such notice by reason of the exercise of any such powers unless he prefers his claim, in the manner aforesaid, within six months after service of such notice.

5 ~~15.~~ 16. Any arbitration in pursuance of this Act shall be by two Arbitrations.
arbitrators or their umpire, and shall be conducted in accordance
with, and subject to, the provisions of the "Arbitration Act, 1892;"
and for the purposes of arbitration thereunder this Act shall be deemed
to be an instrument or document between the parties within the
10 meaning of the same. The arbitrators or umpire shall in every case
have power to direct how and by whom the cost of the reference and
award shall be paid.

~~16.~~ 17. Every person who shall wilfully obstruct any person acting Penalty for
under the authority of the projectors in setting out the line of any obstructing con-
struction of works,
15 works, or constructing, erecting, maintaining, or repairing any plant, &c.
water-works, or other works undertaken under authority of this Act,
or who shall wilfully pull up or remove any poles or stakes driven
into the ground for the purpose of setting out the line of, or con-
structing, erecting, maintaining, or repairing such plant, water-works,
20 or other works, or destroy or injure any plant or water-works or other
works, in process of erection or construction, or undertaken as afore-
said, shall incur a penalty not exceeding ten pounds for every such
offence.

~~17.~~ 18. The projectors may supply and sell electricity to any person, Projectors may
25 upon such terms and conditions as by this Act provided. supply and sell
electricity.

~~18.~~ 19. Any meter let for hire to any consumer of electricity, and Meters not
any electric line and any plant appurtenant to such meter or electric distrainable, &c.
line shall not be subject to distress for rent of the premises where the
same are used, or to be attached or taken in execution under any
30 process of any court of law or equity, or under or in pursuance of any
adjudication, sequestration, or order in bankruptcy or insolvency, or
other legal proceedings against or affecting the consumer of the
electricity, or the occupier of the premises or other the person in
whose possession, or apparent possession, or order and disposition, the
35 meter, electric line, or plant may be.

~~19.~~ 20. If any plumber or other person fix or refix any meter upon Penalty for fixing
any premises supplied with electricity by the projectors without uncertified meter.
having first obtained a certificate from the projectors that the said
meter has been examined and found in correct working order, he shall
40 forfeit a sum not exceeding ten pounds.

~~20.~~ 21. If any person remove or alter the position of or in any way For removing meter
interfere with any meter without giving six days notice in writing to without notice.
that effect to the projectors, he shall for each such offence forfeit a
sum not exceeding ten pounds.

45 ~~21.~~ 22. The officers of the projectors may enter any property, to, Power to officers of
through, or into which electricity is supplied by the projectors by projectors to inspect
measure, in order to inspect the meters, plant, and apparatus for the meters.
measuring, conveyance, reception, or storage of electricity, or for the
purpose of ascertaining the quantity of electricity supplied or con-
50 sumed, and may from time to time enter any property for the purpose
of removing any meter, plant, or apparatus, the property of the
projectors, and if any person hinder any such officer from entering or
making such inspection, or effecting such removal, he shall for each
such offence be liable to a penalty not exceeding five pounds; but,
55 except with the consent of a Justice, this power of entry shall be
exercised only between the hours of nine in the forenoon and four in
the afternoon.

~~22.~~ 23. If any person supplied with electricity by the projectors Penalty for waste
wilfully or knowingly causes or suffers any meter, electric line, or of motive power.
60 other apparatus to be out of repair, he shall for every such offence be
liable to a penalty not exceeding ten pounds. 23.

Australasian Rights Purchase.

23. 24. If any person, whether supplied with electricity by the projectors or not, shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage, any conduit, electric line, meter, pole, plant, or water-works, or any other works, Penalty for destroying works, &c.
 5 constructed under the authority of this Act, or wilfully and maliciously do or connive at any act calculated to render any part or parts of the conduits, electric lines, meters, poles, plant, or water-works, or any other works unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, diverted, unduly used, stolen, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment with or without hard labour for any term not exceeding two years, without prejudice to any other rights of the projectors for damages in respect of the wrong committed.

24. 25. It shall not be lawful for any person to affix or cause or No wire to be fixed without permission of projectors.
 15 permit to be affixed any electric line or apparatus to any electric line or apparatus of the projectors, or to make any alteration in any existing communications or in any apparatus connected therewith, without the consent in every such case of the projectors: And if any person acts in any respect in contravention of the provisions of this section he shall, for every such offence, be liable to a penalty not exceeding five pounds, without prejudice to the right of the projectors to recover damages in respect of any injury done to their plant, and without prejudice to the right of the projectors to recover the value of any electricity wasted, misused, or unduly consumed.

25. 26. The projectors are hereby authorised to make such charges, Projectors may make charges.
 rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the projectors, such charges not to exceed the rate of one shilling per unit English Board of Trade standard.

30. 26. 27. The ~~Government~~ **Governor** may appoint a competent and Government
 impartial person, to be approved of in writing by the ~~Superintendent of Telegraphs~~ **Secretary to the Telegraph Service** to be Electrical Governor may appoint Electrical Examiner.
 Examiner, who shall have power to test from time to time the normal strength of the current of electricity supplied by the projectors, and who shall examine any electric line, or plant, or any other electrical apparatus or works; and the projectors may be represented at such testing or examination, but shall not be entitled to interfere with the same; and the projectors shall pay to the Electrical Examiner such salary or fees as the Governor shall from time to time direct. The Electrical Examiner to report.
 40 Electrical Examiner shall, within four days of the day on which the testing or examination was completed by him, deliver to the said ~~Superintendent of Telegraphs~~ **Secretary to the Telegraph Service** a report in writing of such testing and of such examination, and shall deliver a copy thereof to the projectors, and such report shall be receivable in
 45 evidence. No electric main or conductor shall be used for the supply of electricity, and no electric photometer shall be used for ascertaining the illuminating power of electric light, and no electric meter shall be Electric pattern of mains, conductors, photometers, and meters.
 used for ascertaining the quantity of electricity supplied by the projectors, unless the said main, conductor, photometer, or meter,
 50 respectively, shall be of a pattern approved of in writing by the Governor.

27. 28. The charges, rates, and tolls for electricity and all sums due Rates to be recoverable from occupier.
 to the projectors under this Act shall be paid by and be recoverable from the person requiring, receiving, or using the supply of electricity.

55. 28. 29. If any person refuse or neglect to pay on demand to the Recovery of rates and charges.
 projectors any charge, rate, toll, or sum due to the projectors under this Act, the projectors may stop the electricity from flowing or going into or on the property in respect of which such charge, rate, toll, or sum is payable, by cutting off the electric line to such property,
 60 and the projectors may sue for and recover the charge, rate, toll, or sum due from such person, with costs.

Australasian Rights Purchase.

29. 30. Wherever by this Act authority is conferred on the projectors to enter upon any property for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any water-works, and other works, plant, and appliances, the same authority shall extend to all persons acting by direction of the projectors, and to all necessary agents, assistants, servants, and workmen. Entry by agents.

30. 31. 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 such fine, forfeiture, or sum is not specified, the same may be recovered before any Stipendiary Magistrate or Police Magistrate, or before two Justices. And all sums of money ordered by any such Stipendiary Magistrate or Police Magistrate or Justices to be paid, and all costs and expenses awarded by any such Stipendiary Magistrate or Police Magistrate or Justices may be recovered and enforced by distress and sale of the goods and chattels of the person ordered to pay the same: Provided that nothing in this section shall prevent proceedings for the recovery 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: Provided further that nothing in this Act contained shall exempt any wrongdoer from prosecution, fine, or imprisonment, under any public Act or Acts now or hereafter to be in force. Procedure for recovery of penalties, &c.

31. 32. In any case in which any summary conviction has been had or any order for the payment of any money by way of fine, forfeiture, or otherwise has been made in pursuance of this Act before any Stipendiary Magistrate or Police Magistrate or Justices, the defendant may appeal to the Court of Quarter Sessions. The provisions of the "Criminal Law Amendment Act of 1883" 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. Appeals from summary convictions, &c.

32. 33. No action shall lie for anything done in pursuance of this Act, unless notice in writing of such action and of the cause thereof is given to the defendant one month at least before the commencement of the action, and such action is commenced within three months after the cause of action has accrued, and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time. And if a verdict passes for the defendant, or if the plaintiff becomes non-suit or discontinues such action, or if, upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon. Persons under Act entitled to notice of action.

33. 34. If any person shall commit any damage or injury to any plant or water-works, or other property of the projectors, through any neglect or default, in respect of which damage, injury, neglect, or default such person shall incur any penalty, he shall be liable to make good such damage or injury, and the amount of damages in respect of such damage or injury shall, in case of dispute, be determined by the Stipendiary Magistrate, Police Magistrate, or Justices by whom the party incurring such penalty shall have been convicted. Damages to be made good in addition to penalty.

Australasian Rights Purchase.

34. 35. Any notice required by this Act, or any by-law or regulation made thereunder, to be served on or given to any owner or occupier of any property, or to any person, may be in writing or print, or partly in writing and partly in print, and the signature to any such notice shall be sufficient if in print. And it shall be sufficient for all purposes of this Act, unless this Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such property, or left with some inmate, apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted in some conspicuous part of such property; and any notice required to be served or given in respect of any street may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street or the portion thereof affected by the notice.

35. 36. Any notice required to be given by the projectors under this Act shall be sufficient if given or if it purports to be given by or on behalf of the projectors or by their solicitors or by their managing director, chairman of directors, business manager, or secretary.

36. 37. The projectors shall not in the exercise of the powers conferred by this Act lay down any electric line or plant, or do any other work for the supply of electricity whereby any Government telegraph or telephone line 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 any Government telegraph or telephone line (other than repairs or the laying of connections with mains, where the direction of the electric lines so laid down crosses such line 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 projectors or their agents, not more than twenty-eight, nor less than seven days before commencing such work, shall give a written notice to the Superintendent of Telegraphs, Secretary to the Telegraph Service specifying the course and nature of the work, including the gauge of any electric lines to be used, and the projectors and their agents shall conform with such reasonable requirements, either general or special, as may from time to time be made by the Superintendent of Telegraphs Secretary to the Telegraph Service for the purpose of preventing any such Government telegraph or telephone line from being injuriously affected by the said work. Any difference which arises between the Superintendent of Telegraphs Secretary to the Telegraph Service and the projectors 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 projectors or their agents, the projectors 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 to a fine not exceeding fifty pounds for every day on which such interruption continues: Provided that nothing in this section shall subject the projectors 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 sent to the Superintendent of Telegraphs Secretary to the Telegraph Service by telegram or letter, a notice of the execution thereof, stating the reason for having executed the same without previous notice. For the purposes of this section, a Government telegraph or telephone line shall be deemed to be injuriously affected by a work of the projectors 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, any dispute with regard thereto to be settled by arbitration.

Notices.

Signature of notices.

Protection of telegraph and telephone lines.

Any difference with Superintendent of Telegraphs Secretary to the Telegraph Service to be submitted to arbitration.

Penalty for contravention or non-compliance.

AUSTRALASIAN RIGHTS PURCHASE BILL.

SCHEDULE of Amendments referred to in Message of 1st November, 1893.

- Page 3, clause 2, line 30. *Omit "s" from "lands"*
- Page 3, clause 2. *After line 34 insert "Secretary to the Telegraph Service means
" the chief officer or acting chief officer for the time being of the
" Government Telegraph Department"*
- Page 4, clause 3, line 8. *After "and" insert "other works and"*
- Page 4, clause 4, lines 18 to 21. *Omit "in accordance with a plan numbered A1 now
" deposited with the Minister at the General Post Office, Sydney, a copy
" whereof is comprised in the Schedule to this Act"*
- Page 4, clause 4, line 22. *After "line" insert "in accordance with this Act"*
- Page 4, clause 4, line 26. *Omit "or hereafter to be vested in, or imposed on"*
- Page 4, clause 5, line 31. *After "Sydney" insert "by the course indicated in the
" Schedule to this Act"*
- Page 5, clause 5. *At end of clause add "Provided also that before the construction
" of any dam across the Colo River or the Grose River is commenced, a
" complete plan and section of such dam containing such particulars as
" may be required by the Minister of Works shall be submitted to the
" said Minister, and his approval thereto shall be obtained before any
" such dam shall be commenced or proceeded with."*
- Page 5, clause 6, line 19. *Omit "eight" insert "nine"*
- Page 5, clause 7, line 38. *Omit "enter upon and"*
- Page 5, clause 7, line 39. *Omit "an" insert "any"*
- Page 5, clause 7, line 42. *After "line" insert "plant"*
- Page 5, clause 7, line 43. *Omit "down" insert "or placed"*
- Page 7, clause 10, lines 15 and 16. *Omit "within one month after their entry upon
" such land" insert "subject to the other provisions of this Act"*
- Page 7. *After clause 11 insert new clause to stand as clause 12.*
- Page 7, clause ~~12~~ 13, line 36. *Before "construction" omit "or"*
- Page 7, clause ~~12~~ 13, line 36. *After "construction" insert "or use"*
- Page 7, clause ~~12~~ 13, line 37. *Before "construction" omit "or"*
- Page 7, clause ~~12~~ 13, line 37. *After "construction" insert "or use"*
- Page 9, clause ~~26~~ 27, line 30. *Omit "Government" insert "Governor"*
- Page 9, clause ~~26~~ 27, lines 31 and 32. *Omit "Superintendent of Telegraphs" insert
" Secretary to the Telegraph Service"*
- Page 9, clause ~~26~~ 27, line 38. *After "same" insert "and the projectors shall pay to
" the Electrical Examiner such salary or fees as the Governor shall
" from time to time direct"*
- Page 9, clause ~~26~~ 27, line 42. *Omit "Superintendent of Telegraphs" insert "Secretary
" to the Telegraph Service"*
- Page 11, clause ~~36~~ 37, lines 32 and 33. *Omit "Superintendent of Telegraphs" insert
" Secretary to the Telegraph Service"*
- Page 11, clause ~~36~~ 37, line 37. *Omit "Superintendent of Telegraphs" insert "Secretary
" to the Telegraph Service"*
- Page 11, clause ~~36~~ 37, lines 40 and 41. *Omit "Superintendent of Telegraphs" insert
" Secretary to the Telegraph Service"*
- Page 11, clause ~~36~~ 37, lines 53 and 54. *Omit "Superintendent of Telegraphs" insert
" Secretary to the Telegraph Service"*
- Page 13, Schedule, line 25. *After "Schedule" insert "showing routes of cable line"*
- Page 13, Schedule, line 26. *Omit "All those cable lines shown on plans A and B,"*
- Page 13, Schedule, line 37. *Omit "and shown on plan B," insert "as more particularly
" indicated on two plans already deposited by the projectors with the
" Minister at the General Post Office, Sydney, and marked by him for
" identification"*

THE UNIVERSITY OF CHICAGO
LIBRARY

1911

1912

1913

1914

1915

1916

1917

1918

1919

1920

1921

1922

1923

1924

1925

1926

1927

1928

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 27 September, 1893. }*

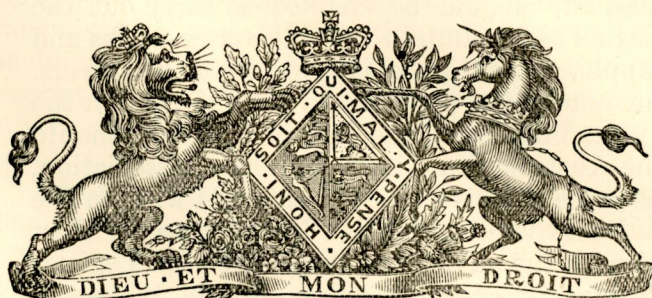
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 1st November, 1893. }*

ADOLPHUS P. CLAPIN,
Acting Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

An Act to authorise "The Australasian Rights Purchase Association, Limited," a Company registered in Melbourne, in the Colony of Victoria, under the "Companies Acts," or their licensees or assigns, to take and divert water for mechanical power from the Colo River and the Grose River by means of channels returning to the stream again; and also to construct and work the plant requisite for generating electricity and transmitting it to the city of Sydney and to any other places along the main cable line.

WHEREAS the said "The Australasian Rights Purchase Association, Limited," is desirous of acquiring the right to take and divert water for any of the purposes hereinafter set forth and mentioned from the Colo River and the Grose River by means of channels returning
5 to the stream again; and also to construct, erect, maintain, and work any water-works and other works, plant, and appliances that may be required for making and generating electricity and transmitting it to the city of Sydney and to any other towns or places along the main cable line; and also to erect poles to carry wires across or along streets,
10 and across Crown lands or private lands of any tenure above the surface, or of conducting wires beneath the surface of any such streets or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea; and also to construct, erect, maintain, and work any water-works and other
15 works, plant, and appliances for the purpose of executing, exercising,
51—A or

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

Australasian Rights Purchase.

or carrying out any of the powers, functions, duties, or authorities by this Act to be vested in or imposed on the said "The Australasian Rights Purchase Association, Limited," or its licensees or assigns; and also to make, generate, and transmit electricity for all or any of the purposes above-mentioned; and also to enter upon any Crown lands or private lands of any tenure in the locality of the said works or along the main cable line or any branch thereof or therefrom for any purposes connected with the carrying out of the objects of this Act or any of them; and also to make, alter, and repeal by-laws for carrying into effect any of the purposes mentioned in this Act and regulating the working thereof: And whereas it would be for the benefit of the Colony of New South Wales that the said "The Australasian Rights Purchase Association, Limited," should be enabled to carry out the above objects, and to construct and maintain the said water-works and other works, plant, and appliances as aforesaid, and that the powers, authorities, and concessions hereinafter proposed to be conferred on the said "The Australasian Rights Purchase Association, Limited," should be granted to the said "The Australasian Rights Purchase Association, Limited:" And whereas such objects cannot be obtained without the authority of Parliament: 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 as the "Australasian Rights Purchase Short title.
25 Act."

2. In this Act and in any by-law to be made under it, save Interpretation. where there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively—

30 "Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, or pipes, by means of which the main supply of water or water-power is derived.

"Crown lands" shall mean and include Crown lands as defined by the "Crown Lands Act of 1884."

35 "Electric line" means a cable or wire or conductor or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, tube, pipe, or insulator surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.

40 "Electricity" shall mean electricity, electric current, electric force, electric power, or the like agency.

"Gazette" means the New South Wales *Government Gazette*.

45 "Governor" means the Governor with the advice of the Executive Council.

"Local Authority" means the municipal council, municipality, borough, or municipal district, road trust, or the person or body of persons or body corporate having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any particular street it shall mean the municipal council, municipality, borough, or municipal district or body corporate having the local government of any city, town, or district in which any of the water-works or other works or plant hereby authorised may be situate, or in default of any such local authority shall mean the Minister for Lands for the time being.

"Main

Australasian Rights Purchase.

- “Main cable line” means the main electric line between any of the water-works of the projectors and the city of Sydney.
- “Meter” means any instrument, apparatus, or appliance for measuring or ascertaining the quantity of electricity used or supplied to any person.
- “Minister” means the Postmaster-General for the time being of the Colony of New South Wales.
- “Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any property.
- “Person” includes corporation, company, association, syndicate, partnership, and also local authority as above defined.
- “Plant” means and includes electric lines, meters, accumulators, poles, fittings, and apparatus or appliances for the supply, transmission, and distribution of electricity; also any machinery, engines, buildings, matters, or things of whatever description required to generate, supply, transmit, or distribute electricity, and to carry into effect the purposes of this Act.
- “Pole” means a pole, post, standard, stay, or strut, or other above-ground contrivance for carrying, suspending, or supporting electric lines.
- “Print” includes any legible method, other than handwriting, of expressing or denoting words, letters, and figures.
- “Private lands” means any lands, other than Crown lands, as above defined.
- “Projectors” means “The Australasian Rights Purchase Association, Limited,” incorporated in the Colony of Victoria, and its assigns; and also the successors or assigns of such assigns, and includes licensees where the context admits.
- “Property” means lands— or buildings, and land and buildings as the context may require.
- “Street” means any public or common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or public way, place, or passage.
- “Secretary to the Telegraph Service” means the chief officer or acting chief officer for the time-being of the Government Telegraph Department.
- “Town” means any settlement, camp, or collection of houses, whether proclaimed as a town or not.
- “Water-works” means and includes all reservoirs, wells, cisterns, tanks, dams, weirs, flumes or races, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduits, conduit-pipes, pipe-breaks, steam engines, and other engines, water-wheels, penstocks, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act in connection directly or indirectly with the creation, application, or maintenance of water power.
3. It shall be lawful for the projectors, and they are hereby authorised and empowered to take, divert, and appropriate water, as approved by the Minister from time to time, for any of the purposes set forth and mentioned in this Act, from the Colo River and the Grose River, by means of channels, returning to the stream again, the point of intake of the channel in respect of the Colo River, being about four and three quarter miles in a direct line above what is known as the First Rapid, and the outlet of the channel being a point about a quarter of a mile below the said First Rapid and the point of intake of the channel in respect of the Grose River, being about one mile and a-half in a direct line above the junction of the Grose River and

Power to divert water.

Australasian Rights Purchase.

and Burrell Creek and the outlet of the channel, being about half a mile below the junction of the Grose River and Burrell Creek, and from time to time to enter upon either of the rivers aforesaid, and upon the banks and beds thereof, and to construct and erect and maintain on and in any portion of the banks or beds of or near to or alongside of the said rivers or either of them between the points of intake and return as aforesaid, and at a distance of not more than one chain from the centre of the channel on either side, any water-works and other works and plant for the purposes of such taking, diversion, appropriation, and utilisation of the water of the rivers aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.

4. It shall be lawful for the said projectors to use all or any of the waters aforesaid, as approved of by the Minister, for any of the purposes hereinafter specified:—

To work any machinery that may be erected by the projectors for generating, making, and transmitting electricity to the city of Sydney, ~~in accordance with a plan numbered A-1 now deposited with the Minister at the General Post Office, Sydney, a copy whereof is comprised in the Schedule to this Act, and to any other towns or places along the main cable line in accordance with this Act.~~

To work any machinery that may be erected by the projectors for the purpose of executing or exercising any subsidiary powers, functions, duties, or authorities hereby vested in, or imposed on ~~or hereafter to be vested in, or imposed on~~ the projectors.

5. The projectors are hereby empowered to construct, erect, maintain, and work any water-works, and other works and plant that may be required for making and generating electricity and transmitting it to the city of Sydney ~~by the course indicated in the Schedule to this Act, and to any other towns or places along the main cable line.~~ And also to erect poles to carry wires across or along streets, and across Crown lands or private lands of any tenure above the surface, or to conduct wires beneath the surface of any such streets, or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea. And also to construct, erect, maintain, and work any water-works, and other works and plant for the purpose of executing, exercising, or carrying out any of the powers, functions, duties, or authorities by this Act vested in or imposed on the said projectors. And also to make, generate, and transmit electricity for all or any of the purposes before mentioned. And also to enter upon any Crown lands or private lands of any tenure in the locality of any water-works or other works, or along the main cable line, or any branch thereof or therefrom for any purpose connected with the objects of this Act, or any of them: Provided that the power to distribute electricity within any city, town, or place shall be subject to the written consent of the local authority: Provided further that the said projectors

shall within three months after the passing of this Act commence, and within three years after the passing hereof bring the said works into practical operations to the satisfaction of the Minister. And the said company shall within two months from the passing of this Act deposit with the Colonial Treasurer the sum of five thousand pounds, which sum shall be held by him as a Trust Fund, and in default of the payment of such deposit within the said period the rights and concessions provided for under this Act shall be forfeited. And in the event of the said works not being so commenced or completed as herein provided, it shall be lawful for the Governor to order such sum

to

Purposes for which water may be taken.

Power to construct works.

Proviso.

Australasian Rights Purchase.

to be forfeited to Her Majesty and to become part of the Consolidated Revenue Fund. But after the completion of the said works and the satisfaction of the Minister as aforesaid, the said sum of five thousand pounds shall be returned to the said projectors: **Provided also that**
 5 before the construction of any dam across the Colo River or the Grose River is commenced, a complete plan and section of such dam containing such particulars as may be required by the Minister of Works shall be submitted to the said Minister, and his approval thereto shall be obtained before any such dam shall be commenced or proceeded with.

- 10 6. The Minister for Lands may grant to the projectors from time to time for any term not exceeding fifteen years at a rental to be appraised by the Local Land Board, a lease of any Crown lands that may be reasonably necessary in the opinion of the Minister for Lands for the purposes of this Act, subject to such covenants, terms, and
 15 conditions as the Minister for Lands may think fit. And every such lease as aforesaid may embrace the bed or any part of the bed of any river, stream, or creek contiguous to the water-works and other works contemplated by this Act. And every such lease as aforesaid shall subject to the provisions of section eight nine
 20 operate and take effect merely as a license to the said projectors to construct and maintain the water-works and other works and plant hereby contemplated, and shall not confer any right or title to any mines or minerals. And with regard to the mode of transfer thereof every such lease shall be considered as subject to the provisions of the
 25 Crown Lands Acts and Regulations.

Lease of Crown lands may be granted.

7. The projectors under such superintendence as is hereinafter specified may open and break up the soil and pavement of any street within the area of operations, and lay down and place within the same area electric lines and other necessary works and plant, and for the
 30 purposes aforesaid may remove and use all earth and materials in and under any such street, and they may in any such street erect any poles, pillars, or lamps, and do all other acts which the projectors shall from time to time deem necessary or expedient for supplying electricity to the inhabitants of the said area: **Provided always that nothing**
 35 herein shall authorise or empower the projectors to lay down or place any electric line or other works against any building without the consent of the owners and occupiers thereof, except that the projectors may, without any such consent, at any time ~~enter upon and~~ lay or place any new electric line, plant, or works in the place of ~~an~~ any existing
 40 electric line, plant, or works in any position wherein any electric line, plant, or work has been already lawfully laid or placed in pursuance of this Act, and may repair or alter any such electric line, plant, or works so laid ~~down~~ or placed. Before the projectors proceed to open or break up any street they shall give to the local authority notice in writing of their
 45 intention 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 electric lines, plant, or other works, and then shall give such notice so soon as possible after the beginning of the work or after the necessity for the same shall have arisen. No such
 50 street shall, except in cases of emergency, be opened or broken up except under the superintendence of the local authority or of the officer of the local authority, and according to such plan as shall be approved of by such local authority or officer, or in case of any difference respecting such plan as shall be determined by two Justices:

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

Notice to be given to local authority before breaking up street.

Street not to be broken up except under the superintendence of local authority unless in case of emergency or of their failing to attend.

- 55 **Provided always that** if the local authority or the officer of the local authority fail to attend at the time fixed for the opening or breaking up of any such street after due notice of the projectors' intention having been given as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation,

Australasian Rights Purchase.

- operation, the projectors may perform the work referred to in such notice without the superintendence of such local authority or officer. When the projectors open or break up the road or pavement of any street they shall, with all convenient speed, complete the work for
- 5 which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any road or pavement shall be so opened or broken up, cause the same to be properly guarded, and cause a light sufficient for the
- 10 warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the
- 15 same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up continues to subside. If the projectors open or break up any street without giving such notice as aforesaid or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in
- 20 which the projectors are hereby authorised to perform such work without any superintendence or notice, or if the projectors make any delay in completing any such work or in filling in the ground or reinstating and making good the road or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they
- 25 neglect to cause the place where such road or pavement has been broken up to be properly guarded and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the local authority of the street in respect of which such
- 30 default is made a sum not exceeding *five* pounds for every such offence, and they shall forfeit an additional sum of not exceeding *five* pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof. If any such delay or omission as aforesaid take place, the local authority of the street in
- 35 respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such local authority by the projectors.
8. It shall be lawful for the projectors, after giving such notice
- 40 as hereinafter provided, to enter upon any land, not being a garden, orchard, or plantation, attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and to occupy the said land so long as may be necessary for the construction or repair of any water-works and other works, plant, and appliances authorised
- 45 by this Act, or of any necessary accommodation works, and to use the same for any of the following purposes, that is to say :—
- For the purpose of constructing, building, or putting thereon any temporary accommodation works, plant, and buildings necessary in carrying out any of the provisions of this Act.
- 50 For the purpose of temporarily depositing plant thereon, or for putting any plant together or setting same up.
- For the purpose of forming temporary roads thereon.
- Provided always that nothing in this Act contained shall exempt the projectors from an action for nuisance or other injury, if any, done in
- 55 the exercise of the powers hereby conferred to the property of any person other than the person whose land shall be so taken or used for any of the purposes aforesaid: Provided also that no stone or slate quarry, brickfield, or other like place which, at the time of the passing of this Act, shall be commonly worked or used for getting materials therefrom

Streets broken up to be reinstated without delay.

Penalty for delay in reinstating streets.

In case of delay local authority may reinstate and recover the expense.

Power to take temporary possession of land.

Australasian Rights Purchase.

therefrom for the purpose of selling or disposing of the same, shall be taken or used by the projectors, either wholly or in part, for any of the purposes hereinbefore mentioned.

9. The projectors may, subject to the provisions of the Crown Materials from Crown lands.
- 5 Lands Acts and Regulations for the time being in force, from time to time for the purposes of this Act fall timber, and use and carry away the same, and dig, remove, and use clay, stone, and other materials upon and from any Crown lands; and may fall all timber either on Crown lands or private lands which, in the opinion of the projectors,
- 10 it may be necessary to remove for the construction or safety of the water-works or other works or plant hereby contemplated, notwithstanding anything contained in section six of this Act.
10. In any of the cases aforesaid, where the projectors shall take temporary possession of land by virtue of the powers herein granted, Compensation to be made for temporary occupation.
- 15 it shall be incumbent on the projectors ~~within one month after their entry upon such land,~~ subject to the other provisions of this Act, upon being required to do so, to pay the occupier of the said land full compensation for any damage which he may sustain by reason of the projectors so taking possession of his land.
- 20 11. Prior to the first entry upon any private land by the projectors for any of the purposes of this Act not less than seven days' notice of the intention of the projectors to enter shall be given by the projectors to the owner and occupier, if any, but no notice shall be necessary previous to any subsequent entry by the projectors upon
- 25 such land for any of the purposes of this Act.
12. Nothing in this Act contained or implied shall exempt the Projectors projectors from liability for damages to any person who may be liability. maimed or injured, or to the personal representatives of any person who may be killed by any accident arising out of the construction,
- 30 erection, or use of any of the water-works or other works or plant, or appliances, the construction, erection, or use whereof is hereby authorised subject nevertheless to the ordinary rules of law with regard to contributory negligence.
12. 13. The projectors shall make compensation to all persons Persons damaged to be compensated.
- 35 whose property shall be damaged or injuriously affected by the erection or construction or use of any of the water-works, or other works or plant or appliances, the erection or construction or use of which is hereby authorised. And any person claiming under this Act any compensation against the projectors, under this section or any other
- 40 section of this Act, shall prefer his claim by notice in writing addressed to the projectors at the principal office of the projectors in New South Wales, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the
- 45 nature of the title or interest of such claimant in or to the property or possession, or thing in respect of which the claim is preferred; and if any such person and the projectors 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.
- 50 13. 14. Nothing in this Act shall be construed as giving to the projectors or their officers or servants any right to enter upon or erect works upon any land, works, or erections vested in the Railway Commissioners, save and except with the written consent of the Railway Commissioners through their Secretary, first had and obtained, such
- 55 consent not to be capriciously or vexatiously withheld. Projectors not to enter upon lands vested in Railway Commissioners without written consent.
14. 15. If the projectors, by notice in writing, require any person Persons not making claim barred. to make claim for compensation for any damage occasioned previously to the service of such notice by the exercise of any powers conferred on the projectors by this Act, such person shall not be entitled to compensation

Australasian Rights Purchase.

compensation for any damage sustained previously to the service of such notice by reason of the exercise of any such powers unless he prefers his claim, in the manner aforesaid, within six months after service of such notice.

5 ~~15.~~ 16. Any arbitration in pursuance of this Act shall be by two Arbitrations.
arbitrators or their umpire, and shall be conducted in accordance
with, and subject to, the provisions of the "Arbitration Act, 1892;"
and for the purposes of arbitration thereunder this Act shall be deemed
to be an instrument or document between the parties within the
10 meaning of the same. The arbitrators or umpire shall in every case
have power to direct how and by whom the cost of the reference and
award shall be paid.

~~16.~~ 17. Every person who shall wilfully obstruct any person acting Penalty for
under the authority of the projectors in setting out the line of any obstructing con-
15 works, or constructing, erecting, maintaining, or repairing any plant, struction of works,
water-works, or other works undertaken under authority of this Act, &c.
or who shall wilfully pull up or remove any poles or stakes driven
into the ground for the purpose of setting out the line of, or con-
structing, erecting, maintaining, or repairing such plant, water-works,
20 or other works, or destroy or injure any plant or water-works or other
works, in process of erection or construction, or undertaken as afore-
said, shall incur a penalty not exceeding ten pounds for every such
offence.

~~17.~~ 18. The projectors may supply and sell electricity to any person, Projectors may
25 upon such terms and conditions as by this Act provided. supply and sell
electricity.

~~18.~~ 19. Any meter let for hire to any consumer of electricity, and Meters not
any electric line and any plant appurtenant to such meter or electric drainable, &c.
line shall not be subject to distress for rent of the premises where the
same are used, or to be attached or taken in execution under any
30 process of any court of law or equity, or under or in pursuance of any
adjudication, sequestration, or order in bankruptcy or insolvency, or
other legal proceedings against or affecting the consumer of the
electricity, or the occupier of the premises or other the person in
whose possession, or apparent possession, or order and disposition, the
35 meter, electric line, or plant may be.

~~19.~~ 20. If any plumber or other person fix or refix any meter upon Penalty for fixing
any premises supplied with electricity by the projectors without uncertified meter.
having first obtained a certificate from the projectors that the said
meter has been examined and found in correct working order, he shall
40 forfeit a sum not exceeding ten pounds.

~~20.~~ 21. If any person remove or alter the position of or in any way For removing meter
interfere with any meter without giving six days notice in writing to without notice.
that effect to the projectors, he shall for each such offence forfeit a
sum not exceeding ten pounds.

45 ~~21.~~ 22. The officers of the projectors may enter any property, to, Power to officers of
through, or into which electricity is supplied by the projectors by projectors to inspect
measure, in order to inspect the meters, plant, and apparatus for the meters.
measuring, conveyance, reception, or storage of electricity, or for the
purpose of ascertaining the quantity of electricity supplied or con-
50 sumed, and may from time to time enter any property for the purpose
of removing any meter, plant, or apparatus, the property of the
projectors, and if any person hinder any such officer from entering or
making such inspection, or effecting such removal, he shall for each
such offence be liable to a penalty not exceeding five pounds; but,
55 except with the consent of a Justice, this power of entry shall be
exercised only between the hours of nine in the forenoon and four in
the afternoon.

~~22.~~ 23. If any person supplied with electricity by the projectors Penalty for waste
wilfully or knowingly causes or suffers any meter, electric line, or of motive power.
60 other apparatus to be out of repair, he shall for every such offence be
liable to a penalty not exceeding ten pounds. 23.

Australasian Rights Purchase.

23. 24. If any person, whether supplied with electricity by the projectors or not, shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage, any conduit, electric line, meter, pole, plant, or water-works, or any other works, 5 constructed under the authority of this Act, or wilfully and maliciously do or connive at any act calculated to render any part or parts of the conduits, electric lines, meters, poles, plant, or water-works, or any other works unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, diverted, unduly used, stolen, or inter- 10 rupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment with or without hard labour for any term not exceeding two years, without prejudice to any other rights of the projectors for damages in respect of the wrong committed.

Penalty for destroy-
ing works, &c.

24. 25. It shall not be lawful for any person to affix or cause or 15 permit to be affixed any electric line or apparatus to any electric line or apparatus of the projectors, or to make any alteration in any existing communications or in any apparatus connected therewith, without the consent in every such case of the projectors: And if any person acts in any respect in contravention of the provisions of 20 this section he shall, for every such offence, be liable to a penalty not exceeding five pounds, without prejudice to the right of the projectors to recover damages in respect of any injury done to their plant, and without prejudice to the right of the projectors to recover the value of any electricity wasted, misused, or unduly consumed.

No wire to be fixed
without permission
of projectors.

25. 26. The projectors are hereby authorised to make such charges, 25 rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the projectors, such charges not to exceed the rate of one shilling per unit English Board of Trade standard.

Projectors may
make charges.

30 26. 27. The ~~Government~~ Governor may appoint a competent and impartial person, to be approved of in writing by the Superintendent of Telegraphs, Secretary to the Telegraph Service to be Electrical Examiner, who shall have power to test from time to time the normal strength of the current of electricity supplied by the projectors, and 35 who shall examine any electric line, or plant, or any other electrical apparatus or works; and the projectors may be represented at such testing or examination, but shall not be entitled to interfere with the same; and the projectors shall pay to the Electrical Examiner such salary or fees as the Governor shall from time to time direct. The 40 Electrical Examiner shall, within four days of the day on which the testing or examination was completed by him, deliver to the said Superintendent of Telegraphs Secretary to the Telegraph Service a report in writing of such testing and of such examination, and shall deliver a copy thereof to the projectors, and such report shall be receivable in 45 evidence. No electric main or conductor shall be used for the supply of electricity, and no electric photometer shall be used for ascertaining the illuminating power of electric light, and no electric meter shall be used for ascertaining the quantity of electricity supplied by the projectors, unless the said main, conductor, photometer, or meter, 50 respectively, shall be of a pattern approved of in writing by the Governor.

Government
Governor may
appoint Electrical
Examiner.

Electrical Examiner
to report.

Electric pattern of
mains, conductors,
photometers, and
meters.

27. 28. The charges, rates, and tolls for electricity and all sums due 55 to the projectors under this Act shall be paid by and be recoverable from the person requiring, receiving, or using the supply of electricity.

Rates to be recover-
able from occupier.

28. 29. If any person refuse or neglect to pay on demand to the projectors any charge, rate, toll, or sum due to the projectors under this Act, the projectors may stop the electricity from flowing or going into or on the property in respect of which such charge, rate, toll, or sum is payable, by cutting off the electric line to such property, 60 and the projectors may sue for and recover the charge, rate, toll, or sum due from such person, with costs.

Recovery of rates
and charges.

Australasian Rights Purchase.

29. 30. Wherever by this Act authority is conferred on the projectors to enter upon any property for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any water-works, and other works, plant, and appliances, the same authority shall extend to all persons acting by direction of the projectors, and to all necessary agents, assistants, servants, and workmen. Entry by agents.

30. 31. 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 such fine, forfeiture, or sum is not specified, the same may be recovered before any Stipendiary Magistrate or Police Magistrate, or before two Justices. And all sums of money ordered by any such Stipendiary Magistrate or Police Magistrate or Justices to be paid, and all costs and expenses awarded by any such Stipendiary Magistrate or Police Magistrate or Justices may be recovered and enforced by distress and sale of the goods and chattels of the person ordered to pay the same: Provided that nothing in this section shall prevent proceedings for the recovery 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: Provided further that nothing in this Act contained shall exempt any wrongdoer from prosecution, fine, or imprisonment, under any public Act or Acts now or hereafter to be in force. Procedure for recovery of penalties, &c.

31. 32. In any case in which any summary conviction has been had or any order for the payment of any money by way of fine, forfeiture, or otherwise has been made in pursuance of this Act before any Stipendiary Magistrate or Police Magistrate or Justices, the defendant may appeal to the Court of Quarter Sessions. The provisions of the "Criminal Law Amendment Act of 1883" 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. Appeals from summary convictions, &c.

32. 33. No action shall lie for anything done in pursuance of this Act, unless notice in writing of such action and of the cause thereof is given to the defendant one month at least before the commencement of the action, and such action is commenced within three months after the cause of action has accrued, and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time. And if a verdict passes for the defendant, or if the plaintiff becomes non-suit or discontinues such action, or if, upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon. Persons under Act entitled to notice of action.

33. 34. If any person shall commit any damage or injury to any plant or water-works, or other property of the projectors, through any neglect or default, in respect of which damage, injury, neglect, or default such person shall incur any penalty, he shall be liable to make good such damage or injury, and the amount of damages in respect of such damage or injury shall, in case of dispute, be determined by the Stipendiary Magistrate, Police Magistrate, or Justices by whom the party incurring such penalty shall have been convicted. Damages to be made good in addition to penalty.

Australasian Rights Purchase.

34. 35. Any notice required by this Act, or any by-law or regulation made thereunder, to be served on or given to any owner or occupier of any property, or to any person, may be in writing or print, or partly in writing and partly in print, and the signature to any such notice shall be sufficient if in print. And it shall be sufficient for all purposes of this Act, unless this Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such property, or left with some inmate, apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted in some conspicuous part of such property; and any notice required to be served or given in respect of any street may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street or the portion thereof affected by the notice.

35. 36. Any notice required to be given by the projectors under this Act shall be sufficient if given or if it purports to be given by or on behalf of the projectors or by their solicitors or by their managing director, chairman of directors, business manager, or secretary.

36. 37. The projectors shall not in the exercise of the powers conferred by this Act lay down any electric line or plant, or do any other work for the supply of electricity whereby any Government telegraph or telephone line 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 any Government telegraph or telephone line (other than repairs or the laying of connections with mains, where the direction of the electric lines so laid down crosses such line 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 projectors or their agents, not more than twenty-eight, nor less than seven days before commencing such work, shall give a written notice to the Superintendent of Telegraphs, **Secretary to the Telegraph Service** specifying the course and nature of the work, including the gauge of any electric lines to be used, and the projectors and their agents shall conform with such reasonable requirements, either general or special, as may from time to time be made by the Superintendent of Telegraphs **Secretary to the Telegraph Service** for the purpose of preventing any such Government telegraph or telephone line from being injuriously affected by the said work. Any difference which arises between the Superintendent of Telegraphs **Secretary to the Telegraph Service** and the projectors 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 projectors or their agents, the projectors 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 to a fine not exceeding fifty pounds for every day on which such interruption continues: Provided that nothing in this section shall subject the projectors 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 sent to the Superintendent of Telegraphs **Secretary to the Telegraph Service** by telegram or letter, a notice of the execution thereof, stating the reason for having executed the same without previous notice. For the purposes of this section, a Government telegraph or telephone line shall be deemed to be injuriously affected by a work of the projectors 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, any dispute with regard thereto to be settled by arbitration.

Notices.

Signature of notices.

Protection of telegraph and telephone lines.

Any difference with Superintendent of Telegraphs **Secretary to the Telegraph Service** to be submitted to arbitration.**Penalty for contravention or non-compliance.**

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 27 September, 1893. }*

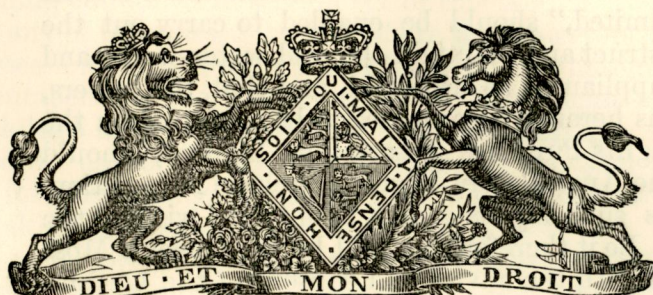
*F. W. WEBB,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, October, 1893. }*

Acting Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

An Act to authorise "The Australasian Rights Purchase Association, Limited," a Company registered in Melbourne, in the Colony of Victoria, under the "Companies Acts," or their licensees or assigns, to take and divert water for mechanical power from the Colo River and the Grose River by means of channels returning to the stream again; and also to construct and work the plant requisite for generating electricity and transmitting it to the city of Sydney and to any other places along the main cable line.

WHEREAS the said "The Australasian Rights Purchase Association, Limited," is desirous of acquiring the right to take and divert water for any of the purposes hereinafter set forth and mentioned from the Colo River and the Grose River by means of channels returning
5 to the stream again; and also to construct, erect, maintain, and work any water-works and other works, plant, and appliances that may be required for making and generating electricity and transmitting it to the city of Sydney and to any other towns or places along the main
10 cable line; and also to erect poles to carry wires across or along streets, and across Crown lands or private lands of any tenure above the surface, or of conducting wires beneath the surface of any such streets or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea; and also to construct, erect, maintain, and work any water-works and other
15 works, plant, and appliances for the purpose of executing, exercising,
51—A or

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

Australasian Rights Purchase.

or carrying out any of the powers, functions, duties, or authorities by this Act to be vested in or imposed on the said "The Australasian Rights Purchase Association, Limited," or its licensees or assigns; and also to make, generate, and transmit electricity for all or any of the purposes above-mentioned; and also to enter upon any Crown lands or private lands of any tenure in the locality of the said works or along the main cable line or any branch thereof or therefrom for any purposes connected with the carrying out of the objects of this Act or any of them; and also to make, alter, and repeal by-laws for carrying into effect any of the purposes mentioned in this Act and regulating the working thereof: And whereas it would be for the benefit of the Colony of New South Wales that the said "The Australasian Rights Purchase Association, Limited," should be enabled to carry out the above objects, and to construct and maintain the said water-works and other works, plant, and appliances as aforesaid, and that the powers, authorities, and concessions hereinafter proposed to be conferred on the said "The Australasian Rights Purchase Association, Limited," should be granted to the said "The Australasian Rights Purchase Association, Limited:" And whereas such objects cannot be obtained without the authority of Parliament: 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 as the "Australasian Rights Purchase Act."

2. In this Act and in any by-law to be made under it, save where there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively—

"Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, or pipes, by means of which the main supply of water or water-power is derived.

"Crown lands" shall mean and include Crown lands as defined by the "Crown Lands Act of 1884."

"Electric line" means a cable or wire or conductor or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, tube, pipe, or insulator surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.

"Electricity" shall mean electricity, electric current, electric force, electric power, or the like agency.

"Gazette" means the New South Wales *Government Gazette*.

"Governor" means the Governor with the advice of the Executive Council.

"Local Authority" means the municipal council, municipality, borough, or municipal district, road trust, or the person or body of persons or body corporate having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any particular street it shall mean the municipal council, municipality, borough, or municipal district or body corporate having the local government of any city, town, or district in which any of the water-works or other works or plant hereby authorised may be situate, or in default of any such local authority shall mean the Minister for Lands for the time being.

"Main

Australasian Rights Purchase.

- “Main cable line” means the main electric line between any of the water-works of the projectors and the city of Sydney.
- “Meter” means any instrument, apparatus, or appliance for measuring or ascertaining the quantity of electricity used or supplied to any person.
- 5 “Minister” means the Postmaster-General for the time being of the Colony of New South Wales.
- “Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any property.
- 10 “Person” includes corporation, company, association, syndicate, partnership, and also local authority as above defined.
- “Plant” means and includes electric lines, meters, accumulators, poles, fittings, and apparatus or appliances for the supply, transmission, and distribution of electricity; also any machinery, engines, buildings, matters, or things of whatever description required to generate, supply, transmit, or distribute electricity, and to carry into effect the purposes of this Act.
- 15 “Pole” means a pole, post, standard, stay, or strut, or other above-ground contrivance for carrying, suspending, or supporting electric lines.
- 20 “Print” includes any legible method, other than handwriting, of expressing or denoting words, letters, and figures.
- “Private lands” means any lands, other than Crown lands, as above defined.
- 25 “Projectors” means “The Australasian Rights Purchase Association, Limited,” incorporated in the Colony of Victoria, and its assigns; and also the successors or assigns of such assigns, and includes licensees where the context admits.
- 30 “Property” means lands- or buildings, and land and buildings as the context may require.
- “Street” means any public or common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or public way, place, or passage.
- 35 “Secretary to the Telegraph Service” means the chief officer or acting chief officer for the time-being of the Government Telegraph Department.
- “Town” means any settlement, camp, or collection of houses, whether proclaimed as a town or not.
- 40 “Water-works” means and includes all reservoirs, wells, cisterns, tanks, dams, weirs, flumes or races, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduits, conduit-pipes, pipe-breaks, steam engines, and other engines, water-wheels, penstocks, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act in connection directly or indirectly with the creation, application, or maintenance of water power.
- 45
3. It shall be lawful for the projectors, and they are hereby Power to divert water.
 50 authorised and empowered to take, divert, and appropriate water, as approved by the Minister from time to time, for any of the purposes set forth and mentioned in this Act, from the Colo River and the Grose River, by means of channels, returning to the stream again, the point of intake of the channel in respect of the Colo River, being about four and three quarter miles in a direct line above what is known as the First Rapid, and the outlet of the channel being a point about a quarter of a mile below the said First Rapid and the point of intake of the channel in respect of the Grose River, being about one mile and a-half in a direct line above the junction of the Grose River and

Australasian Rights Purchase.

and Buralow Creek and the outlet of the channel, being about half a mile below the junction of the Grose River and Buralow Creek, and from time to time to enter upon either of the rivers aforesaid, and upon the banks and beds thereof, and to construct and erect and maintain on and in any portion of the banks or beds of or near to or alongside of the said rivers or either of them between the points of intake and return as aforesaid, and at a distance of not more than one chain from the centre of the channel on either side, any water-works and **other works and plant** for the purposes of such taking, diversion, appropriation, and utilisation of the water of the rivers aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.

4. It shall be lawful for the said projectors to use all or any of the waters aforesaid, as approved of by the Minister, for any of the purposes hereinafter specified:—

To work any machinery that may be erected by the projectors for generating, making, and transmitting electricity to the city of Sydney, ~~in accordance with a plan numbered A-1 now deposited with the Minister at the General Post Office, Sydney, a copy whereof is comprised in the Schedule to this Act,~~ and to any other towns or places along the main cable line in accordance with this Act.

To work any machinery that may be erected by the projectors for the purpose of executing or exercising any subsidiary powers, functions, duties, or authorities hereby vested in, or imposed on ~~or hereafter to be vested in, or imposed on~~ the projectors.

5. The projectors are hereby empowered to construct, erect, maintain, and work any water-works, and other works and plant that may be required for making and generating electricity and transmitting it to the city of Sydney **by the course indicated in the Schedule to this Act**, and to any other towns or places along the main cable line. And also to erect poles to carry wires across or along streets, and across Crown lands or private lands of any tenure above the surface, or to conduct wires beneath the surface of any such streets, or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea. And also to construct, erect, maintain, and work any water-works, and other works and plant for the purpose of executing, exercising, or carrying out any of the powers, functions, duties, or authorities by this Act vested in or imposed on the said projectors. And also to make, generate, and transmit electricity for all or any of the purposes before mentioned. And also to enter upon any Crown lands or private lands of any tenure in the locality of any water-works or other works, or along the main cable line, or any branch thereof or therefrom for any purpose connected with the objects of this Act, or any of them: Provided that the power to distribute electricity within any city, town, or place shall be subject to the written consent of the local authority: Provided further that the said projectors shall within three months after the passing of this Act commence, and within three years after the passing hereof bring the said works into practical operations to the satisfaction of the Minister. And the said company shall within two months from the passing of this Act deposit with the Colonial Treasurer the sum of five thousand pounds, which sum shall be held by him as a Trust Fund, and in default of the payment of such deposit within the said period the rights and concessions provided for under this Act shall be forfeited. And in the event of the said works not being so commenced or completed as herein provided, it shall be lawful for the Governor to order such sum

Purposes for which water may be taken.

Power to construct works.

Proviso.

to

Australasian Rights Purchase.

- to be forfeited to Her Majesty and to become part of the Consolidated Revenue Fund. But after the completion of the said works and the satisfaction of the Minister as aforesaid, the said sum of five thousand pounds shall be returned to the said projectors: **Provided also that**
- 5 **before the construction of any dam across the Colo River or the Grose River is commenced, a complete plan and section of such dam containing such particulars as may be required by the Minister of Works shall be submitted to the said Minister, and his approval thereto shall be obtained before any such dam shall be commenced or proceeded with.**
- 10 6. The Minister for Lands may grant to the projectors from time to time for any term not exceeding fifteen years at a rental to be appraised by the Local Land Board, a lease of any Crown lands that may be reasonably necessary in the opinion of the Minister for Lands for the purposes of this Act, subject to such covenants, terms, and
- 15 conditions as the Minister for Lands may think fit. And every such lease as aforesaid may embrace the bed or any part of the bed of any river, stream, or creek contiguous to the water-works and other works contemplated by this Act. And every such lease as aforesaid shall subject to the provisions of section eight ~~nine~~
- 20 operate and take effect merely as a license to the said projectors to construct and maintain the water-works and other works and plant hereby contemplated, and shall not confer any right or title to any mines or minerals. And with regard to the mode of transfer thereof every such lease shall be considered as subject to the provisions of the
- 25 Crown Lands Acts and Regulations.
7. The projectors under such superintendence as is hereinafter specified may open and break up the soil and pavement of any street within the area of operations, and lay down and place within the same area electric lines and other necessary works and plant, and for the
- 30 purposes aforesaid may remove and use all earth and materials in and under any such street, and they may in any such street erect any poles, pillars, or lamps, and do all other acts which the projectors shall from time to time deem necessary or expedient for supplying electricity to the inhabitants of the said area: **Provided always that nothing**
- 35 **herein shall authorise or empower the projectors to lay down or place any electric line or other works against any building without the consent of the owners and occupiers thereof, except that the projectors may, without any such consent, at any time enter upon and lay or place any new electric line, plant, or works in the place of ~~an~~ any existing**
- 40 **electric line, plant, or works in any position wherein any electric line, plant, or work has been already lawfully laid or placed in pursuance of this Act, and may repair or alter any such electric line, ~~plant~~, or works so laid down or placed.** Before the projectors proceed to open or break up any street they shall give to the local authority notice in writing of their
- 45 intention 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 electric lines, plant, or other works, and then shall give such notice so soon as possible after the beginning of the work or after the necessity for the same shall have arisen. No such
- 50 street shall, except in cases of emergency, be opened or broken up except under the superintendence of the local authority or of the officer of the local authority, and according to such plan as shall be approved of by such local authority or officer, or in case of any difference respecting such plan as shall be determined by two Justices:
- 55 **Provided always that if the local authority or the officer of the local authority fail to attend at the time fixed for the opening or breaking up of any such street after due notice of the projectors' intention having been given as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation,**

Lease of Crown lands may be granted.

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

Notice to be given to local authority before breaking up street.

Street not to be broken up except under the superintendence of local authority unless in case of emergency or of their failing to attend.

Australasian Rights Purchase.

operation, the projectors may perform the work referred to in such notice without the superintendence of such local authority or officer.

- When the projectors open or break up the road or pavement of any street they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any road or pavement shall be so opened or broken up, cause the same to be properly guarded, and cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up continues to subside.
- If the projectors open or break up any street without giving such notice as aforesaid or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in which the projectors are hereby authorised to perform such work without any superintendence or notice, or if the projectors make any delay in completing any such work or in filling in the ground or reinstating and making good the road or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be properly guarded and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the local authority of the street in respect of which such default is made a sum not exceeding *five* pounds for every such offence, and they shall forfeit an additional sum of not exceeding *five* pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof. If any such delay or omission as aforesaid take place, the local authority of the street in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such local authority by the projectors.

Streets broken up to be reinstated without delay.

Penalty for delay in reinstating streets.

In case of delay local authority may reinstate and recover the expense.

8. It shall be lawful for the projectors, after giving such notice as hereinafter provided, to enter upon any land, not being a garden, orchard, or plantation, attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and to occupy the said land so long as may be necessary for the construction or repair of any water-works and other works, plant, and appliances authorised by this Act, or of any necessary accommodation works, and to use the same for any of the following purposes, that is to say:—

Power to take temporary possession of land.

- For the purpose of constructing, building, or putting thereon any temporary accommodation works, plant, and buildings necessary in carrying out any of the provisions of this Act.

- For the purpose of temporarily depositing plant thereon, or for putting any plant together or setting same up.

For the purpose of forming temporary roads thereon.

- Provided always that nothing in this Act contained shall exempt the projectors from an action for nuisance or other injury, if any, done in the exercise of the powers hereby conferred to the property of any person other than the person whose land shall be so taken or used for any of the purposes aforesaid: Provided also that no stone or slate quarry, brickfield, or other like place which, at the time of the passing of this Act, shall be commonly worked or used for getting materials therefrom

Australasian Rights Purchase.

therefrom for the purpose of selling or disposing of the same, shall be taken or used by the projectors, either wholly or in part, for any of the purposes hereinbefore mentioned.

9. The projectors may, subject to the provisions of the Crown Materials from Crown lands.
- 5 Lands Acts and Regulations for the time being in force, from time to time for the purposes of this Act fall timber, and use and carry away the same, and dig, remove, and use clay, stone, and other materials upon and from any Crown lands; and may fall all timber either on Crown lands or private lands which, in the opinion of the projectors,
- 10 it may be necessary to remove for the construction or safety of the water-works or other works or plant hereby contemplated, notwithstanding anything contained in section six of this Act.
10. In any of the cases aforesaid, where the projectors shall take Compensation to be made for temporary occupation.
- 15 temporary possession of land by virtue of the powers herein granted, it shall be incumbent on the projectors ~~within one month after their entry upon such land,~~ subject to the other provisions of this Act, upon being required to do so, to pay the occupier of the said land full compensation for any damage which he may sustain by reason of the projectors so taking possession of his land.
- 20 11. Prior to the first entry upon any private land by the projectors for any of the purposes of this Act not less than seven days' Projectors to give notice prior to entering. notice of the intention of the projectors to enter shall be given by the projectors to the owner and occupier, if any, but no notice shall be necessary previous to any subsequent entry by the projectors upon
- 25 such land for any of the purposes of this Act.
12. Nothing in this Act contained or implied shall exempt the Projectors liable for damages for negligence.
- projectors from liability for damages to any person who may be maimed or injured, or to the personal representatives of any person who may be killed by any accident arising out of the construction,
- 30 erection, or use of any of the water-works or other works or plant, or appliances, the construction, erection, or use whereof is hereby authorised subject nevertheless to the ordinary rules of law with regard to contributory negligence.
12. 13. The projectors shall make compensation to all persons Persons damaged to be compensated.
- 35 whose property shall be damaged or injuriously affected by the erection ~~or construction or use~~ of any of the water-works, or other works or plant or appliances, the erection ~~or construction or use~~ of which is hereby authorised. And any person claiming under this Act any compensation against the projectors, under this section or any other
- 40 section of this Act, shall prefer his claim by notice in writing addressed to the projectors at the principal office of the projectors in New South Wales, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the
- 45 nature of the title or interest of such claimant in or to the property or possession, or thing in respect of which the claim is preferred; and if any such person and the projectors 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.
- 50 13. 14. Nothing in this Act shall be construed as giving to the projectors or their officers or servants any right to enter upon or erect works upon any land, works, or erections vested in the Railway Commissioners, save and except with the written consent of the Railway Commissioners through their Secretary, first had and obtained, such
- 55 consent not to be capriciously or vexatiously withheld. Projectors not to enter upon lands vested in Railway Commissioners without written consent.

14. 15. If the projectors, by notice in writing, require any person Persons not making claim barred. to make claim for compensation for any damage occasioned previously to the service of such notice by the exercise of any powers conferred on the projectors by this Act, such person shall not be entitled to compensation

Australasian Rights Purchase.

compensation for any damage sustained previously to the service of such notice by reason of the exercise of any such powers unless he prefers his claim, in the manner aforesaid, within six months after service of such notice.

5 15. 16. Any arbitration in pursuance of this Act shall be by two arbitrators or their umpire, and shall be conducted in accordance with, and subject to, the provisions of the "Arbitration Act, 1892;" and for the purposes of arbitration thereunder this Act shall be deemed to be an instrument or document between the parties within the
10 meaning of the same. The arbitrators or umpire shall in every case have power to direct how and by whom the cost of the reference and award shall be paid.

16. 17. Every person who shall wilfully obstruct any person acting under the authority of the projectors in setting out the line of any
15 works, or constructing, erecting, maintaining, or repairing any plant, water-works, or other works undertaken under authority of this Act, or who shall wilfully pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of, or constructing, erecting, maintaining, or repairing such plant, water-works,
20 or other works, or destroy or injure any plant or water-works or other works, in process of erection or construction, or undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

17. 18. The projectors may supply and sell electricity to any person,
25 upon such terms and conditions as by this Act provided.

18. 19. Any meter let for hire to any consumer of electricity, and any electric line and any plant appurtenant to such meter or electric line shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any
30 process of any court of law or equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy or insolvency, or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other the person in whose possession, or apparent possession, or order and disposition, the
35 meter, electric line, or plant may be.

19. 20. If any plumber or other person fix or refix any meter upon any premises supplied with electricity by the projectors without having first obtained a certificate from the projectors that the said meter has been examined and found in correct working order, he shall
40 forfeit a sum not exceeding ten pounds.

20. 21. If any person remove or alter the position of or in any way interfere with any meter without giving six days notice in writing to that effect to the projectors, he shall for each such offence forfeit a sum not exceeding ten pounds.

21. 22. The officers of the projectors may enter any property, to, through, or into which electricity is supplied by the projectors by measure, in order to inspect the meters, plant, and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may from time to time enter any property for the purpose
50 of removing any meter, plant, or apparatus, the property of the projectors, and if any person hinder any such officer from entering or making such inspection, or effecting such removal, he shall for each such offence be liable to a penalty not exceeding five pounds; but,
55 except with the consent of a Justice, this power of entry shall be exercised only between the hours of nine in the forenoon and four in the afternoon.

22. 23. If any person supplied with electricity by the projectors wilfully or knowingly causes or suffers any meter, electric line, or
60 other apparatus to be out of repair, he shall for every such offence be liable to a penalty not exceeding ten pounds.

Australasian Rights Purchase.

23. 24. If any person, whether supplied with electricity by the projectors or not, shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage, any conduit, electric line, meter, pole, plant, or water-works, or any other works, Penalty for destroying works, &c.
- 5 constructed under the authority of this Act, or wilfully and maliciously do or connive at any act calculated to render any part or parts of the conduits, electric lines, meters, poles, plant, or water-works, or any other works unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, diverted, unduly used, stolen, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment with or without hard labour for any term not exceeding two years, without prejudice to any other rights of the projectors for damages in respect of the wrong committed.
24. 25. It shall not be lawful for any person to affix or cause or No wire to be fixed without permission of projectors.
- 15 permit to be affixed any electric line or apparatus to any electric line or apparatus of the projectors, or to make any alteration in any existing communications or in any apparatus connected therewith, without the consent in every such case of the projectors: And if any person acts in any respect in contravention of the provisions of
- 20 this section he shall, for every such offence, be liable to a penalty not exceeding five pounds, without prejudice to the right of the projectors to recover damages in respect of any injury done to their plant, and without prejudice to the right of the projectors to recover the value of any electricity wasted, misused, or unduly consumed.
- 25 25. 26. The projectors are hereby authorised to make such charges, Projectors may make charges.
- rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the projectors, such charges not to exceed the rate of one shilling per unit English Board of Trade standard.
- 30 26. 27. The ~~Government~~ **Governor** may appoint a competent and Government Governor may appoint Electrical Examiner.
- impartial person, to be approved of in writing by the ~~Superintendent of Telegraphs~~ **Secretary to the Telegraph Service** to be Electrical Examiner, who shall have power to test from time to time the normal strength of the current of electricity supplied by the projectors, and
- 35 who shall examine any electric line, or plant, or any other electrical apparatus or works; and the projectors may be represented at such testing or examination, but shall not be entitled to interfere with the same; and the projectors shall pay to the **Electrical Examiner** such salary or fees as the **Governor** shall from time to time direct. The Electrical Examiner to report.
- 40 Electrical Examiner shall, within four days of the day on which the testing or examination was completed by him, deliver to the said ~~Superintendent of Telegraphs~~ **Secretary to the Telegraph Service** a report in writing of such testing and of such examination, and shall deliver a copy thereof to the projectors, and such report shall be receivable in
- 45 evidence. No electric main or conductor shall be used for the supply of electricity, and no electric photometer shall be used for ascertaining the illuminating power of electric light, and no electric meter shall be used for ascertaining the quantity of electricity supplied by the projectors, unless the said main, conductor, photometer, or meter, Electric pattern of mains, conductors, photometers, and meters.
- 50 respectively, shall be of a pattern approved of in writing by the **Governor**.
27. 28. The charges, rates, and tolls for electricity and all sums due to the projectors under this Act shall be paid by and be recoverable from the person requiring, receiving, or using the supply of electricity. Rates to be recoverable from occupier.
- 55 28. 29. If any person refuse or neglect to pay on demand to the projectors any charge, rate, toll, or sum due to the projectors under this Act, the projectors may stop the electricity from flowing or going into or on the property in respect of which such charge, rate, toll, or sum is payable, by cutting off the electric line to such property, Recovery of rates and charges.
- 60 and the projectors may sue for and recover the charge, rate, toll, or sum due from such person, with costs.

Australasian Rights Purchase.

29. 30. Wherever by this Act authority is conferred on the projectors to enter upon any property for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any water-works, and other works, plant, and appliances, the same authority shall extend to all persons acting by direction of the projectors, and to all necessary agents, assistants, servants, and workmen. Entry by agents.

30. 31. 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 such fine, forfeiture, or sum is not specified, the same may be recovered before any Stipendiary Magistrate or Police Magistrate, or before two Justices. And all sums of money ordered by any such Stipendiary Magistrate or Police Magistrate or Justices to be paid, and all costs and expenses awarded by any such Stipendiary Magistrate or Police Magistrate or Justices may be recovered and enforced by distress and sale of the goods and chattels of the person ordered to pay the same: Provided that nothing in this section shall prevent proceedings for the recovery 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: Provided further that nothing in this Act contained shall exempt any wrongdoer from prosecution, fine, or imprisonment, under any public Act or Acts now or hereafter to be in force. Procedure for recovery of penalties, &c.

31. 32. In any case in which any summary conviction has been had or any order for the payment of any money by way of fine, forfeiture, or otherwise has been made in pursuance of this Act before any Stipendiary Magistrate or Police Magistrate or Justices, the defendant may appeal to the Court of Quarter Sessions. The provisions of the "Criminal Law Amendment Act of 1883" 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. Appeals from summary convictions, &c.

32. 33. No action shall lie for anything done in pursuance of this Act, unless notice in writing of such action and of the cause thereof is given to the defendant one month at least before the commencement of the action, and such action is commenced within three months after the cause of action has accrued, and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time. And if a verdict passes for the defendant, or if the plaintiff becomes non-suit or discontinues such action, or if, upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon. Persons under Act entitled to notice of action.

33. 34. If any person shall commit any damage or injury to any plant or water-works, or other property of the projectors, through any neglect or default, in respect of which damage, injury, neglect, or default such person shall incur any penalty, he shall be liable to make good such damage or injury, and the amount of damages in respect of such damage or injury shall, in case of dispute, be determined by the Stipendiary Magistrate, Police Magistrate, or Justices by whom the party incurring such penalty shall have been convicted. Damages to be made good in addition to penalty.

Australasian Rights Purchase.

34. 35. Any notice required by this Act, or any by-law or regulation made thereunder, to be served on or given to any owner or occupier of any property, or to any person, may be in writing or print, or partly in writing and partly in print, and the signature to any such notice shall be sufficient if in print. And it shall be sufficient for all purposes of this Act, unless this Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such property, or left with some inmate, apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted in some conspicuous part of such property; and any notice required to be served or given in respect of any street may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street or the portion thereof affected by the notice.

Notices.

35. 36. Any notice required to be given by the projectors under this Act shall be sufficient if given or if it purports to be given by or on behalf of the projectors or by their solicitors or by their managing director, chairman of directors, business manager, or secretary.

Signature of notices.

36. 37. The projectors shall not in the exercise of the powers conferred by this Act lay down any electric line or plant, or do any other work for the supply of electricity whereby any Government telegraph or telephone line 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 any Government telegraph or telephone line (other than repairs or the laying of connections with mains, where the direction of the electric lines so laid down crosses such line 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 projectors or their agents, not more than twenty-eight, nor less than seven days before commencing such work, shall give a written notice to the Superintendent of Telegraphs, Secretary to the Telegraph Service specifying the course and nature of the work, including the gauge of any electric lines to be used, and the projectors and their agents shall conform with such reasonable requirements, either general or special, as may from time to time be made by the Superintendent of Telegraphs Secretary to the Telegraph Service for the purpose of preventing any such Government telegraph or telephone line from being injuriously affected by the said work. Any difference which arises between the Superintendent of

Protection of telegraph and telephone lines.

Telegraphs Secretary to the Telegraph Service and the projectors 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 projectors or their agents, the projectors 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 to a fine not exceeding fifty pounds for every day on which such interruption continues: Provided that nothing in this section shall subject the projectors 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 sent to the Superintendent of Telegraphs Secretary to the Telegraph Service by telegram or letter, a notice of the execution thereof, stating the reason for having executed the same without previous notice. For the purposes of this section, a Government telegraph or telephone line shall be deemed to be injuriously affected by a work of the projectors 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, any dispute with regard thereto to be settled by arbitration.

Any difference with Superintendent of Telegraphs Secretary to the Telegraph Service to be submitted to arbitration.

Penalty for contravention or non-compliance.

Australasian Rights Purchase.

- 37- 38. It shall be lawful for the projectors at any time after the passing of this Act to assign, transfer, convey, and release to any company duly incorporated for that purpose, or to any person or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, or any of such rights, powers, authorities, privileges, liabilities, and obligations, together with all or any of the lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the water-works, plant, and other works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release, such company, person, or persons, their officers, agents, and servants may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations, penalties, and forfeitures to which the projectors or their officers, agents, or servants would have been entitled or subject had such assignment, transfer, conveyance, and release not been effected: Provided, however, that nothing herein contained shall prejudice or affect any rights accrued, or any actions or proceedings taken against the projectors, or obligations or liabilities incurred by or imposed on the projectors, or any offences, penalties, or forfeitures committed or incurred by the projectors before the completion of the said assignment, transfer, conveyance, and release, all of which shall remain unaffected.
- 25 38. 39. Subject to the provisions of this Act the projectors may from time to time make, alter, and repeal by-laws:—
- For regulating the form of contract to be entered into by the projectors with any other person for the supply of electricity:
- For regulating the form of any other contract to be entered into by the projectors under this Act:
- For regulating the mode of supplying electricity:
- For determining the time at which any charge for electricity shall be payable, and whether in advance or not:
- For regulating the form, material, dimensions, construction, and arrangement of electric lines, plant, and other works, the making good and replacing pavements, streets, and ground which may be displaced in the course of the erection or repair of any plant or works, and for inspecting all water-works and other works, plant, or appliances at reasonable times, whether situate within any building or otherwise:
- For regulating the construction, disposition, custody, and inspection of meters:
- For preventing the use, directly or indirectly, by persons unauthorised by the projectors, of electricity supplied by the projectors:
- For preventing persons from wilfully breaking, injuring, or interfering with any plant or water-works, or other works or appliances belonging to the projectors, and from doing any other wilful act whereby the electricity supplied by the projectors may be wasted or stolen.
39. 40. Every such by-law shall, after approval by the Governor, and after such approval has been signified to the projectors, be by them published at least once in the *Gazette*, and no such by-law shall have any force or effect until it has been published in the *Gazette*, and every such by-law shall, when so published, be binding upon, and be observed by all persons, and shall be sufficient to justify all persons acting under the same.
40. 41. The production of the *Gazette* containing any such by-law shall in any action at law or suit in equity, or any arbitration or any proceeding

Rights, powers, &c.,
under this Act may
be assigned, &c.

Projectors may
make by-laws.

By-laws to be
approved and
published.

Evidence of by-law.

Australasian Rights Purchase.

proceeding in any Court be *prima facie* evidence that such by-law as it is printed in such *Gazette* has been duly made and published as hereinbefore provided.

- 41- 42. It shall be lawful for the Minister, with the consent of the
 5 Governor, at any time after the expiration of fifteen years from the
 coming into force of this Act, to give the projectors notice of the
 intention of the Crown to resume any land comprised in any lease
 which shall have been granted under the authority of this Act, and
 of the intention of the Crown to purchase the whole of the land,
 10 water-works, and other works, plant, and appliances belonging to the
 projectors which shall have been acquired, made, constructed, or
 erected under the authority of this Act, and the amount of compen-
 sation to be paid to the projectors upon such resumption and purchase
 by the Crown shall be the amount of the actual *bonâ fide* cost of
 15 acquisition, construction, and erection of the said land, water-works,
 and other works, plant and appliances, with an amount added equal to
 two years' net profit on the working of the concern calculated on the
 basis of the last preceding five years' returns.

Government may
resume.

- 42- 43. No power herein appearing to be granted to the projectors
 20 shall be deemed to be, or shall be exercisable until the projectors shall
 be a company, registered, and carrying on business in New South
 Wales, within the meaning of the Companies Acts, and if and when the
 projectors shall cease to be so registered every such power shall forth-
 with cease and determine.

Powers only exercis-
able on and during
registration of
Company in New
South Wales.

25 SCHEDULE SHOWING ROUTES OF CABLE LINES.

- ~~All these cable lines shown on plans A and B,~~ Starting at the Colo River at a
 point known as the generating station, being held as special lease under application of
 Walter Harcourt Palmer; thence in a southerly direction to a point on the Grose
 River applied for as a special lease by W. H. Masters and Ross K. Macartney; thence
 30 in an easterly direction to the town of Richmond; thence northerly (completing the
 circuit in a direct line) from Richmond to the point of commencement; thence from
 Richmond easterly through the town of Windsor along the Windsor Road through the
 parishes of St. Matthew, Nelson, Gidleigh, Castle Hill, and Toongabbie to the town of
 Parramatta (completing the circuit); thence by the Old Parramatta-Richmond Road
 35 through the parishes of Prospect, Rooty Hill, and Londonderry to Richmond; thence
 from Parramatta along the Parramatta Road to the city of Sydney, with branch main
 cable lines to all the Municipalities *en route*, and ~~shown on plan B~~ as more particularly
 indicated on two plans already deposited by the projectors with the Minister
 at the General Post Office, Sydney, and marked by him for identification.

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 27 September, 1893. }*

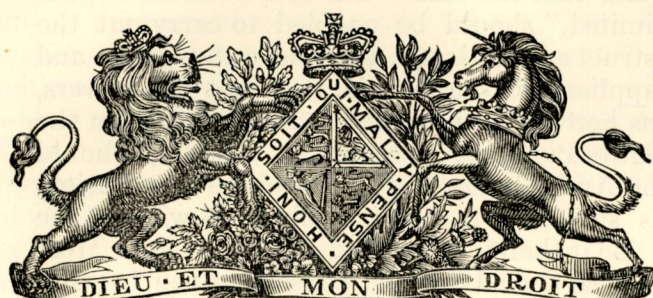
*F. W. WEBB,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, October, 1893. }*

Acting Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

An Act to authorise "The Australasian Rights Purchase Association, Limited," a Company registered in Melbourne, in the Colony of Victoria, under the "Companies Acts," or their licensees or assigns, to take and divert water for mechanical power from the Colo River and the Grose River by means of channels returning to the stream again; and also to construct and work the plant requisite for generating electricity and transmitting it to the city of Sydney and to any other places along the main cable line.

WHEREAS the said "The Australasian Rights Purchase Association, Limited," is desirous of acquiring the right to take and divert water for any of the purposes hereinafter set forth and mentioned from the Colo River and the Grose River by means of channels returning
5 to the stream again; and also to construct, erect, maintain, and work any water-works and other works, plant, and appliances that may be required for making and generating electricity and transmitting it to the city of Sydney and to any other towns or places along the main
10 cable line; and also to erect poles to carry wires across or along streets, and across Crown lands or private lands of any tenure above the surface, or of conducting wires beneath the surface of any such streets or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea; and also to construct, erect, maintain, and work any water-works and other
15 works, plant, and appliances for the purpose of executing, exercising,
51—A or

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

Australasian Rights Purchase.

or carrying out any of the powers, functions, duties, or authorities by this Act to be vested in or imposed on the said "The Australasian Rights Purchase Association, Limited," or its licensees or assigns; and also to make, generate, and transmit electricity for all or any of the purposes above-mentioned; and also to enter upon any Crown lands or private lands of any tenure in the locality of the said works or along the main cable line or any branch thereof or therefrom for any purposes connected with the carrying out of the objects of this Act or any of them; and also to make, alter, and repeal by-laws for carrying into effect any of the purposes mentioned in this Act and regulating the working thereof: And whereas it would be for the benefit of the Colony of New South Wales that the said "The Australasian Rights Purchase Association, Limited," should be enabled to carry out the above objects, and to construct and maintain the said water-works and other works, plant, and appliances as aforesaid, and that the powers, authorities, and concessions hereinafter proposed to be conferred on the said "The Australasian Rights Purchase Association, Limited," should be granted to the said "The Australasian Rights Purchase Association, Limited:" And whereas such objects cannot be obtained without the authority of Parliament: 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 as the "Australasian Rights Purchase Act."

2. In this Act and in any by-law to be made under it, save where there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively—

"Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, or pipes, by means of which the main supply of water or water-power is derived.

"Crown lands" shall mean and include Crown lands as defined by the "Crown Lands Act of 1884."

"Electric line" means a cable or wire or conductor or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, tube, pipe, or insulator surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.

"Electricity" shall mean electricity, electric current, electric force, electric power, or the like agency.

"Gazette" means the New South Wales *Government Gazette*.

"Governor" means the Governor with the advice of the Executive Council.

"Local Authority" means the municipal council, municipality, borough, or municipal district, road trust, or the person or body of persons or body corporate having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any particular street it shall mean the municipal council, municipality, borough, or municipal district or body corporate having the local government of any city, town, or district in which any of the water-works or other works or plant hereby authorised may be situate, or in default of any such local authority shall mean the Minister for Lands for the time being.

"Main

Australasian Rights Purchase.

- “Main cable line” means the main electric line between any of the water-works of the projectors and the city of Sydney.
- “Meter” means any instrument, apparatus, or appliance for measuring or ascertaining the quantity of electricity used or supplied to any person.
- 5 “Minister” means the Postmaster-General for the time being of the Colony of New South Wales.
- “Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any property.
- 10 “Person” includes corporation, company, association, syndicate, partnership, and also local authority as above defined.
- “Plant” means and includes electric lines, meters, accumulators, poles, fittings, and apparatus or appliances for the supply, transmission, and distribution of electricity; also any machinery, engines, buildings, matters, or things of whatever description required to generate, supply, transmit, or distribute electricity, and to carry into effect the purposes of this Act.
- 15 “Pole” means a pole, post, standard, stay, or strut, or other above-ground contrivance for carrying, suspending, or supporting electric lines.
- 20 “Print” includes any legible method, other than handwriting, of expressing or denoting words, letters, and figures.
- “Private lands” means any lands, other than Crown lands, as above defined.
- 25 “Projectors” means “The Australasian Rights Purchase Association, Limited,” incorporated in the Colony of Victoria, and its assigns; and also the successors or assigns of such assigns, and includes licensees where the context admits.
- 30 “Property” means lands— or buildings, and land and buildings as the context may require.
- “Street” means any public or common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or public way, place, or passage.
- 35 “Secretary to the Telegraph Service” means the chief officer or acting chief officer for the time-being of the Government Telegraph Department.
- “Town” means any settlement, camp, or collection of houses, whether proclaimed as a town or not.
- 40 “Water-works” means and includes all reservoirs, wells, cisterns, tanks, dams, weirs, flumes or races, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduits, conduit-pipes, pipe-breaks, steam engines, and other engines, water-wheels, penstocks, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act in connection directly or indirectly with the creation, application, or maintenance of water power.
- 45
3. It shall be lawful for the projectors, and they are hereby
 50 authorised and empowered to take, divert, and appropriate water, as approved by the Minister from time to time, for any of the purposes set forth and mentioned in this Act, from the Colo River and the Grose River, by means of channels, returning to the stream again, the point of intake of the channel in respect of the Colo River,
 55 being about four and three quarter miles in a direct line above what is known as the First Rapid, and the outlet of the channel being a point about a quarter of a mile below the said First Rapid and the point of intake of the channel in respect of the Grose River, being about one mile and a-half in a direct line above the junction of the Grose River and

Power to divert water.

Australasian Rights Purchase.

and Burrell Creek and the outlet of the channel, being about half a mile below the junction of the Grose River and Burrell Creek, and from time to time to enter upon either of the rivers aforesaid, and upon the banks and beds thereof, and to construct and erect and maintain on and in any portion of the banks or beds of or near to or alongside of the said rivers or either of them between the points of intake and return as aforesaid, and at a distance of not more than one chain from the centre of the channel on either side, any water-works and other works and plant for the purposes of such taking, diversion, appropriation, and utilisation of the water of the rivers aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.

4. It shall be lawful for the said projectors to use all or any of the waters aforesaid, as approved of by the Minister, for any of the purposes hereinafter specified:—

To work any machinery that may be erected by the projectors for generating, making, and transmitting electricity to the city of Sydney, ~~in accordance with a plan numbered A 1 now deposited with the Minister at the General Post Office, Sydney, a copy whereof is comprised in the Schedule to this Act,~~ and to any other towns or places along the main cable line in accordance with this Act.

To work any machinery that may be erected by the projectors for the purpose of executing or exercising any subsidiary powers, functions, duties, or authorities hereby vested in, or imposed on ~~or hereafter to be vested in, or imposed on~~ the projectors.

5. The projectors are hereby empowered to construct, erect, maintain, and work any water-works, and other works and plant that may be required for making and generating electricity and transmitting it to the city of Sydney by the course indicated in the Schedule to this Act, and to any other towns or places along the main cable line. And also to erect poles to carry wires across or along streets, and across Crown lands or private lands of any tenure above the surface, or to conduct wires beneath the surface of any such streets, or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea. And also to construct, erect, maintain, and work any water-works, and other works and plant for the purpose of executing, exercising, or carrying out any of the powers, functions, duties, or authorities by this Act vested in or imposed on the said projectors. And also to make, generate, and transmit electricity for all or any of the purposes before mentioned. And also to enter upon any Crown lands or private lands of any tenure in the locality of any water-works or other works, or along the main cable line, or any branch thereof or therefrom for any purpose connected with the objects of this Act, or any of them: Provided that the power to distribute electricity within any city, town, or place shall be subject to the written consent of the local authority: Provided further that the said projectors shall within three months after the passing of this Act commence, and within three years after the passing hereof bring the said works into practical operations to the satisfaction of the Minister. And the said company shall within two months from the passing of this Act deposit with the Colonial Treasurer the sum of five thousand pounds, which sum shall be held by him as a Trust Fund, and in default of the payment of such deposit within the said period the rights and concessions provided for under this Act shall be forfeited. And in the event of the said works not being so commenced or completed as herein provided, it shall be lawful for the Governor to order such sum to

Purposes for which water may be taken.

Power to construct works.

Proviso.

Australasian Rights Purchase.

to be forfeited to Her Majesty and to become part of the Consolidated Revenue Fund. But after the completion of the said works and the satisfaction of the Minister as aforesaid, the said sum of five thousand pounds shall be returned to the said projectors: **Provided also that**
 5 before the construction of any dam across the Colo River or the Grose River is commenced, a complete plan and section of such dam containing such particulars as may be required by the Minister of Works shall be submitted to the said Minister, and his approval thereto shall be obtained before any such dam shall be commenced or proceeded with.

10 6. The Minister for Lands may grant to the projectors from time to time for any term not exceeding fifteen years at a rental to be appraised by the Local Land Board, a lease of any Crown lands that may be reasonably necessary in the opinion of the Minister for Lands for the purposes of this Act, subject to such covenants, terms, and
 15 conditions as the Minister for Lands may think fit. And every such lease as aforesaid may embrace the bed or any part of the bed of any river, stream, or creek contiguous to the water-works and other works contemplated by this Act. And every such lease as aforesaid shall subject to the provisions of section eight ~~eight~~ **nine**
 20 operate and take effect merely as a license to the said projectors to construct and maintain the water-works and other works and plant hereby contemplated, and shall not confer any right or title to any mines or minerals. And with regard to the mode of transfer thereof every such lease shall be considered as subject to the provisions of the
 25 Crown Lands Acts and Regulations.

Lease of Crown lands may be granted.

7. The projectors under such superintendence as is hereinafter specified may open and break up the soil and pavement of any street within the area of operations, and lay down and place within the same area electric lines and other necessary works and plant, and for the
 30 purposes aforesaid may remove and use all earth and materials in and under any such street, and they may in any such street erect any poles, pillars, or lamps, and do all other acts which the projectors shall from time to time deem necessary or expedient for supplying electricity to the inhabitants of the said area: **Provided** always that nothing
 35 herein shall authorise or empower the projectors to lay down or place any electric line or other works against any building without the consent of the owners and occupiers thereof, except that the projectors may, without any such consent, at any time ~~enter upon and~~ lay or place any new electric line, plant, or works in the place of ~~an~~ **any** existing
 40 electric line, plant, or works in any position wherein any electric line, plant, or work has been already lawfully laid or placed in pursuance of this Act, and may repair or alter any such electric line, **plant**, or works so laid ~~down~~ **or placed**. Before the projectors proceed to open or break up
 any street they shall give to the local authority notice in writing of their
 45 intention 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 electric lines, plant, or other works, and then shall give such notice so soon as possible after the beginning of the work or after the necessity for the same shall have arisen. No such
 50 street shall, except in cases of emergency, be opened or broken up except under the superintendence of the local authority or of the officer of the local authority, and according to such plan as shall be approved of by such local authority or officer, or in case of any difference respecting such plan as shall be determined by two Justices:

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

Notice to be given to local authority before breaking up street.

Street not to be broken up except under the superintendence of local authority unless in case of emergency or of their failing to attend.

55 **Provided** always that if the local authority or the officer of the local authority fail to attend at the time fixed for the opening or breaking up of any such street after due notice of the projectors' intention having been given as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the
 operation,

Australasian Rights Purchase.

- operation, the projectors may perform the work referred to in such notice without the superintendence of such local authority or officer. When the projectors open or break up the road or pavement of any street they shall, with all convenient speed, complete the work for
- 5 which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any road or pavement shall be so opened or broken up, cause the same to be properly guarded, and cause a light sufficient for the
- 10 warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the
- 15 same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up continues to subside. If the projectors open or break up any street without giving such notice as aforesaid or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in
- 20 which the projectors are hereby authorised to perform such work without any superintendence or notice, or if the projectors make any delay in completing any such work or in filling in the ground or reinstating and making good the road or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they
- 25 neglect to cause the place where such road or pavement has been broken up to be properly guarded and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the local authority of the street in respect of which such
- 30 default is made a sum not exceeding five pounds for every such offence, and they shall forfeit an additional sum of not exceeding five pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof. If any such delay or omission as aforesaid take place, the local authority of the street in
- 35 respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such local authority by the projectors.
8. It shall be lawful for the projectors, after giving such notice
- 40 as hereinafter provided, to enter upon any land, not being a garden, orchard, or plantation, attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and to occupy the said land so long as may be necessary for the construction or repair of any water-works and other works, plant, and appliances authorised
- 45 by this Act, or of any necessary accommodation works, and to use the same for any of the following purposes, that is to say :—
- For the purpose of constructing, building, or putting thereon any temporary accommodation works, plant, and buildings necessary in carrying out any of the provisions of this Act.
- 50 For the purpose of temporarily depositing plant thereon, or for putting any plant together or setting same up.
- For the purpose of forming temporary roads thereon.
- Provided always that nothing in this Act contained shall exempt the projectors from an action for nuisance or other injury, if any, done in
- 55 the exercise of the powers hereby conferred to the property of any person other than the person whose land shall be so taken or used for any of the purposes aforesaid: Provided also that no stone or slate quarry, brickfield, or other like place which, at the time of the passing of this Act, shall be commonly worked or used for getting materials therefrom

Streets broken up to be reinstated without delay.

Penalty for delay in reinstating streets.

In case of delay local authority may reinstate and recover the expense.

Power to take temporary possession of land.

Australasian Rights Purchase.

therefrom for the purpose of selling or disposing of the same, shall be taken or used by the projectors, either wholly or in part, for any of the purposes hereinbefore mentioned.

9. The projectors may, subject to the provisions of the Crown Materials from Crown lands.
 5 Lands Acts and Regulations for the time being in force, from time to time for the purposes of this Act fall timber, and use and carry away the same, and dig, remove, and use clay, stone, and other materials upon and from any Crown lands; and may fall all timber either on Crown lands or private lands which, in the opinion of the projectors,
 10 it may be necessary to remove for the construction or safety of the water-works or other works or plant hereby contemplated, notwithstanding anything contained in section six of this Act.

10. In any of the cases aforesaid, where the projectors shall take temporary possession of land by virtue of the powers herein granted, Compensation to be made for temporary occupation.
 15 it shall be incumbent on the projectors ~~within one month after their entry upon such land,~~ **subject to the other provisions of this Act,** upon being required to do so, to pay the occupier of the said land full compensation for any damage which he may sustain by reason of the projectors so taking possession of his land.

20 11. Prior to the first entry upon any private land by the projectors for any of the purposes of this Act not less than seven days' notice of the intention of the projectors to enter shall be given by the projectors to the owner and occupier, if any, but no notice shall be necessary previous to any subsequent entry by the projectors upon
 25 such land for any of the purposes of this Act. Projectors to give notice prior to entering.

12. Nothing in this Act contained or implied shall exempt the projectors from liability for damages to any person who may be Projectors liable for damages for negligence.
 maimed or injured, or to the personal representatives of any person who may be killed by any accident arising out of the construction,
 30 erection, or use of any of the water-works or other works or plant, or appliances, the construction, erection, or use whereof is hereby authorised subject nevertheless to the ordinary rules of law with regard to contributory negligence.

12. 13. The projectors shall make compensation to all persons Persons damaged to be compensated.
 35 whose property shall be damaged or injuriously affected by the erection ~~or~~ construction or use of any of the water-works, or other works or plant or appliances, the erection ~~or~~ construction or use of which is hereby authorised. And any person claiming under this Act any compensation against the projectors, under this section or any other
 40 section of this Act, shall prefer his claim by notice in writing addressed to the projectors at the principal office of the projectors in New South Wales, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the
 45 nature of the title or interest of such claimant in or to the property or possession, or thing in respect of which the claim is preferred; and if any such person and the projectors 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.

50 ~~13.~~ 14. Nothing in this Act shall be construed as giving to the projectors or their officers or servants any right to enter upon or erect works upon any land, works, or erections vested in the Railway Commissioners, save and except with the written consent of the Railway Commissioners through their Secretary, first had and obtained, such
 55 consent not to be capriciously or vexatiously withheld. Projectors not to enter upon lands vested in Railway Commissioners without written consent.

14. 15. If the projectors, by notice in writing, require any person to make claim for compensation for any damage occasioned previously to the service of such notice by the exercise of any powers conferred on the projectors by this Act, such person shall not be entitled to compensation Persons not making claim barred.

Australasian Rights Purchase.

compensation for any damage sustained previously to the service of such notice by reason of the exercise of any such powers unless he prefers his claim, in the manner aforesaid, within six months after service of such notice.

5 15. 16. Any arbitration in pursuance of this Act shall be by two arbitrators or their umpire, and shall be conducted in accordance with, and subject to, the provisions of the "Arbitration Act, 1892;" and for the purposes of arbitration thereunder this Act shall be deemed to be an instrument or document between the parties within the
10 meaning of the same. The arbitrators or umpire shall in every case have power to direct how and by whom the cost of the reference and award shall be paid.

Arbitrations.

16. 17. Every person who shall wilfully obstruct any person acting under the authority of the projectors in setting out the line of any
15 works, or constructing, erecting, maintaining, or repairing any plant, water-works, or other works undertaken under authority of this Act, or who shall wilfully pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of, or constructing, erecting, maintaining, or repairing such plant, water-works,
20 or other works, or destroy or injure any plant or water-works or other works, in process of erection or construction, or undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

Penalty for obstructing construction of works, &c.

17. 18. The projectors may supply and sell electricity to any person,
25 upon such terms and conditions as by this Act provided.

Projectors may supply and sell electricity.

18. 19. Any meter let for hire to any consumer of electricity, and any electric line and any plant appurtenant to such meter or electric line shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any
30 process of any court of law or equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy or insolvency, or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other the person in whose possession, or apparent possession, or order and disposition, the
35 meter, electric line, or plant may be.

Meters not distrainable, &c.

19. 20. If any plumber or other person fix or refix any meter upon any premises supplied with electricity by the projectors without having first obtained a certificate from the projectors that the said meter has been examined and found in correct working order, he shall
40 forfeit a sum not exceeding ten pounds.

Penalty for fixing uncertified meter.

20. 21. If any person remove or alter the position of or in any way interfere with any meter without giving six days notice in writing to that effect to the projectors, he shall for each such offence forfeit a sum not exceeding ten pounds.

For removing meter without notice.

45 21. 22. The officers of the projectors may enter any property, to, through, or into which electricity is supplied by the projectors by measure, in order to inspect the meters, plant, and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may from time to time enter any property for the purpose
50 of removing any meter, plant, or apparatus, the property of the projectors, and if any person hinder any such officer from entering or making such inspection, or effecting such removal, he shall for each such offence be liable to a penalty not exceeding five pounds; but,
55 except with the consent of a Justice, this power of entry shall be exercised only between the hours of nine in the forenoon and four in the afternoon.

Power to officers of projectors to inspect meters.

22. 23. If any person supplied with electricity by the projectors wilfully or knowingly causes or suffers any meter, electric line, or
60 other apparatus to be out of repair, he shall for every such offence be liable to a penalty not exceeding ten pounds.

Penalty for waste of motive power.

Australasian Rights Purchase.

23. 24. If any person, whether supplied with electricity by the projectors or not, shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage, any conduit, electric line, meter, pole, plant, or water-works, or any other works, 5 constructed under the authority of this Act, or wilfully and maliciously do or connive at any act calculated to render any part or parts of the conduits, electric lines, meters, poles, plant, or water-works, or any other works unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, diverted, unduly used, stolen, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment with or without hard labour for any term not exceeding two years, without prejudice to any other rights of the projectors for damages in respect of the wrong committed.
24. 25. It shall not be lawful for any person to affix or cause or 15 permit to be affixed any electric line or apparatus to any electric line or apparatus of the projectors, or to make any alteration in any existing communications or in any apparatus connected therewith, without the consent in every such case of the projectors: And if any person acts in any respect in contravention of the provisions of 20 this section he shall, for every such offence, be liable to a penalty not exceeding five pounds, without prejudice to the right of the projectors to recover damages in respect of any injury done to their plant, and without prejudice to the right of the projectors to recover the value of any electricity wasted, misused, or unduly consumed.
25. 26. The projectors are hereby authorised to make such charges, rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the projectors, such charges not to exceed the rate of one shilling per unit English Board of Trade standard. Projectors may make charges.
30. 27. The **Government Governor** may appoint a competent and impartial person, to be approved of in writing by the **Superintendent of Telegraphs, Secretary to the Telegraph Service** to be **Electrical Examiner**, who shall have power to test from time to time the normal strength of the current of electricity supplied by the projectors, and 35 who shall examine any electric line, or plant, or any other electrical apparatus or works; and the projectors may be represented at such testing or examination, but shall not be entitled to interfere with the same; and the projectors shall pay to the **Electrical Examiner** such salary or fees as the **Governor** shall from time to time direct. The 40 **Electrical Examiner** shall, within four days of the day on which the testing or examination was completed by him, deliver to the said **Superintendent of Telegraphs Secretary to the Telegraph Service** a report in writing of such testing and of such examination, and shall deliver a copy thereof to the projectors, and such report shall be receivable in 45 evidence. No electric main or conductor shall be used for the supply of electricity, and no electric photometer shall be used for ascertaining the illuminating power of electric light, and no electric meter shall be used for ascertaining the quantity of electricity supplied by the projectors, unless the said main, conductor, photometer, or meter, 50 respectively, shall be of a pattern approved of in writing by the **Governor**. Government Governor may appoint Electrical Examiner.
27. 28. The charges, rates, and tolls for electricity and all sums due to the projectors under this Act shall be paid by and be recoverable from the person requiring, receiving, or using the supply of electricity. Electric pattern of mains, conductors, photometers, and meters.
55. 28. 29. If any person refuse or neglect to pay on demand to the projectors any charge, rate, toll, or sum due to the projectors under this Act, the projectors may stop the electricity from flowing or going into or on the property in respect of which such charge, rate, toll, or sum is payable, by cutting off the electric line to such property, 60 and the projectors may sue for and recover the charge, rate, toll, or sum due from such person, with costs. Rates to be recoverable from occupier.
29. 29. If any person refuse or neglect to pay on demand to the projectors any charge, rate, toll, or sum due to the projectors under this Act, the projectors may stop the electricity from flowing or going into or on the property in respect of which such charge, rate, toll, or sum is payable, by cutting off the electric line to such property, and the projectors may sue for and recover the charge, rate, toll, or sum due from such person, with costs. Recovery of rates and charges.

Australasian Rights Purchase.

29. 30. Wherever by this Act authority is conferred on the projectors to enter upon any property for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any water-works, and other works, plant, and appliances, the same authority shall extend to all persons acting by direction of the projectors, and to all necessary agents, assistants, servants, and workmen.

Entry by agents.

30. 31. 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 such fine, forfeiture, or sum is not specified, the same may be recovered before any Stipendiary Magistrate or Police Magistrate, or before two Justices. And all sums of money ordered by any such Stipendiary Magistrate or Police Magistrate or Justices to be paid, and all costs and expenses awarded by any such Stipendiary Magistrate or Police Magistrate or Justices may be recovered and enforced by distress and sale of the goods and chattels of the person ordered to pay the same: Provided that nothing in this section shall prevent proceedings for the recovery 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: Provided further that nothing in this Act contained shall exempt any wrongdoer from prosecution, fine, or imprisonment, under any public Act or Acts now or hereafter to be in force.

Procedure for recovery of penalties, &c.

31. 32. In any case in which any summary conviction has been had or any order for the payment of any money by way of fine, forfeiture, or otherwise has been made in pursuance of this Act before any Stipendiary Magistrate or Police Magistrate or Justices, the defendant may appeal to the Court of Quarter Sessions. The provisions of the "Criminal Law Amendment Act of 1883" 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.

Appeals from summary convictions, &c.

32. 33. No action shall lie for anything done in pursuance of this Act, unless notice in writing of such action and of the cause thereof is given to the defendant one month at least before the commencement of the action, and such action is commenced within three months after the cause of action has accrued, and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time. And if a verdict passes for the defendant, or if the plaintiff becomes non-suit or discontinues such action, or if, upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon.

Persons under Act entitled to notice of action.

33. 34. If any person shall commit any damage or injury to any plant or water-works, or other property of the projectors, through any neglect or default, in respect of which damage, injury, neglect, or default such person shall incur any penalty, he shall be liable to make good such damage or injury, and the amount of damages in respect of such damage or injury shall, in case of dispute, be determined by the Stipendiary Magistrate, Police Magistrate, or Justices by whom the party incurring such penalty shall have been convicted.

Damages to be made good in addition to penalty.

Australasian Rights Purchase.

34. 35. Any notice required by this Act, or any by-law or regulation made thereunder, to be served on or given to any owner or occupier of any property, or to any person, may be in writing or print, or partly in writing and partly in print, and the signature to any such notice shall be sufficient if in print. And it shall be sufficient for all purposes of this Act, unless this Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such property, or left with some inmate, apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted in some conspicuous part of such property; and any notice required to be served or given in respect of any street may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street or the portion thereof affected by the notice.

Notices.

35. 36. Any notice required to be given by the projectors under this Act shall be sufficient if given or if it purports to be given by or on behalf of the projectors or by their solicitors or by their managing director, chairman of directors, business manager, or secretary.

Signature of notices.

36. 37. The projectors shall not in the exercise of the powers conferred by this Act lay down any electric line or plant, or do any other work for the supply of electricity whereby any Government telegraph or telephone line 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 any Government telegraph or telephone line (other than repairs or the laying of connections with mains, where the direction of the electric lines so laid down crosses such line 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 projectors or their agents, not more than twenty-eight, nor less than seven days before commencing such work, shall give a written notice to the Superintendent of Telegraphs, Secretary to the Telegraph Service specifying the course and nature of the work, including the gauge of any electric lines to be used, and the projectors and their agents shall conform with such reasonable requirements, either general or special, as may from time to time be made by the Superintendent of Telegraphs Secretary to the Telegraph Service for the purpose of preventing any such Government telegraph or telephone line from being injuriously affected by the said work. Any difference which arises between the Superintendent of Telegraphs Secretary to the Telegraph Service and the projectors 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 projectors or their agents, the projectors 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 to a fine not exceeding fifty pounds for every day on which such interruption continues: Provided that nothing in this section shall subject the projectors 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 sent to the Superintendent of Telegraphs Secretary to the Telegraph Service by telegram or letter, a notice of the execution thereof, stating the reason for having executed the same without previous notice. For the purposes of this section, a Government telegraph or telephone line shall be deemed to be injuriously affected by a work of the projectors 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, any dispute with regard thereto to be settled by arbitration.

Protection of telegraph and telephone lines.

Any difference with Superintendent of Telegraphs Secretary to the Telegraph Service to be submitted to arbitration.

Penalty for contravention or non-compliance.

Australasian Rights Purchase.

- 37- 38. It shall be lawful for the projectors at any time after the passing of this Act to assign, transfer, convey, and release to any company duly incorporated for that purpose, or to any person or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, or any of such rights, powers, authorities, privileges, liabilities, and obligations, together with all or any of the lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the water-works, plant, and other works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release, such company, person, or persons, their officers, agents, and servants may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations, penalties, and forfeitures to which the projectors or their officers, agents, or servants would have been entitled or subject had such assignment, transfer, conveyance, and release not been effected: Provided, however, that nothing herein contained shall prejudice or affect any rights accrued, or any actions or proceedings taken against the projectors, or obligations or liabilities incurred by or imposed on the projectors, or any offences, penalties, or forfeitures committed or incurred by the projectors before the completion of the said assignment, transfer, conveyance, and release, all of which shall remain unaffected.
- 25 38. 39. Subject to the provisions of this Act the projectors may from time to time make, alter, and repeal by-laws:—
- Rights, powers, &c.,
under this Act may
be assigned, &c.
- Projectors may
make by-laws.
- For regulating the form of contract to be entered into by the projectors with any other person for the supply of electricity :
 - For regulating the form of any other contract to be entered into by the projectors under this Act :
 - For regulating the mode of supplying electricity :
 - For determining the time at which any charge for electricity shall be payable, and whether in advance or not :
 - For regulating the form, material, dimensions, construction, and arrangement of electric lines, plant, and other works, the making good and replacing pavements, streets, and ground which may be displaced in the course of the erection or repair of any plant or works, and for inspecting all water-works and other works, plant, or appliances at reasonable times, whether situate within any building or otherwise :
 - For regulating the construction, disposition, custody, and inspection of meters :
 - For preventing the use, directly or indirectly, by persons unauthorised by the projectors, of electricity supplied by the projectors :
 - For preventing persons from wilfully breaking, injuring, or interfering with any plant or water-works, or other works or appliances belonging to the projectors, and from doing any other wilful act whereby the electricity supplied by the projectors may be wasted or stolen.
39. 40. Every such by-law shall, after approval by the Governor, and after such approval has been signified to the projectors, be by them published at least once in the *Gazette*, and no such by-law shall have any force or effect until it has been published in the *Gazette*, and every such by-law shall, when so published, be binding upon, and be observed by all persons, and shall be sufficient to justify all persons acting under the same.
- By-laws to be
approved and
published.
40. 41. The production of the *Gazette* containing any such by-law shall in any action at law or suit in equity, or any arbitration or any proceeding
- Evidence of by-law.

Australasian Rights Purchase.

proceeding in any Court be *prima facie* evidence that such by-law as it is printed in such *Gazette* has been duly made and published as hereinbefore provided.

41. 42. It shall be lawful for the Minister, with the consent of the
 5 Governor, at any time after the expiration of fifteen years from the
 coming into force of this Act, to give the projectors notice of the
 intention of the Crown to resume any land comprised in any lease
 which shall have been granted under the authority of this Act, and
 of the intention of the Crown to purchase the whole of the land,
 10 water-works, and other works, plant, and appliances belonging to the
 projectors which shall have been acquired, made, constructed, or
 erected under the authority of this Act, and the amount of compen-
 sation to be paid to the projectors upon such resumption and purchase
 by the Crown shall be the amount of the actual *bonâ fide* cost of
 15 acquisition, construction, and erection of the said land, water-works,
 and other works, plant and appliances, with an amount added equal to
 two years' net profit on the working of the concern calculated on the
 basis of the last preceding five years' returns.

Government may
resume.

42. 43. No power herein appearing to be granted to the projectors
 20 shall be deemed to be, or shall be exercisable until the projectors shall
 be a company, registered, and carrying on business in New South
 Wales, within the meaning of the Companies Acts, and if and when the
 projectors shall cease to be so registered every such power shall forth-
 with cease and determine.

Powers only exercis-
able on and during
registration of
Company in New
South Wales.

25 SCHEDULE SHOWING ROUTES OF CABLE LINES.

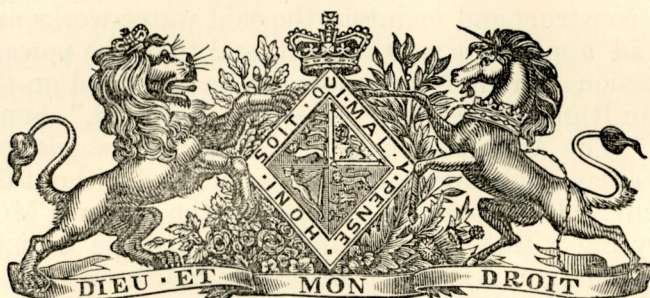
- ~~All these cable lines shown on plans A and B,~~ Starting at the Colo River at a
 point known as the generating station, being held as special lease under application of
 Walter Harcourt Palmer; thence in a southerly direction to a point on the Grose
 River applied for as a special lease by W. H. Masters and Ross K. Macartney; thence
 30 in an easterly direction to the town of Richmond; thence northerly (completing the
 circuit in a direct line) from Richmond to the point of commencement; thence from
 Richmond easterly through the town of Windsor along the Windsor Road through the
 parishes of St. Matthew, Nelson, Gidleigh, Castle Hill, and Toongabbie to the town of
 Parramatta (completing the circuit); thence by the Old Parramatta-Richmond Road
 35 through the parishes of Prospect, Rooty Hill, and Londonderry to Richmond; thence
 from Parramatta along the Parramatta Road to the city of Sydney, with branch main
 cable lines to all the Municipalities *en route*, and ~~shown on plan B~~ as more particularly
 indicated on two plans already deposited by the projectors with the Minister
 at the General Post Office, Sydney, and marked by him for identification.

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 27 September, 1893. }*

*F. W. WEBB,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

An Act to authorise "The Australasian Rights Purchase Association, Limited," a Company registered in Melbourne, in the Colony of Victoria, under the "Companies Acts," or their licensees or assigns, to take and divert water for mechanical power from the Colo River and the Grose River by means of channels returning to the stream again; and also to construct and work the plant requisite for generating electricity and transmitting it to the city of Sydney and to any other places along the main cable line.

WHEREAS the said "The Australasian Rights Purchase Association, Limited," is desirous of acquiring the right to take and divert water for any of the purposes hereinafter set forth and mentioned from the Colo River and the Grose River by means of channels returning
5 to the stream again; and also to construct, erect, maintain, and work any water-works and other works, plant, and appliances that may be required for making and generating electricity and transmitting it to the city of Sydney and to any other towns or places along the main cable line; and also to erect poles to carry wires across or along streets,
10 and across Crown lands or private lands of any tenure above the surface, or of conducting wires beneath the surface of any such streets or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea; and also to construct, erect, maintain, and work any water-works and other
15 works, plant, and appliances for the purpose of executing, exercising,

Preamble.

Australasian Rights Purchase.

or carrying out any of the powers, functions, duties, or authorities by this Act to be vested in or imposed on the said "The Australasian Rights Purchase Association, Limited," or its licensees or assigns; and also to make, generate, and transmit electricity for all or any of the purposes above-mentioned; and also to enter upon any Crown lands or private lands of any tenure in the locality of the said works or along the main cable line or any branch thereof or therefrom for any purposes connected with the carrying out of the objects of this Act or any of them; and also to make, alter, and repeal by-laws for carrying into effect any of the purposes mentioned in this Act and regulating the working thereof: And whereas it would be for the benefit of the Colony of New South Wales that the said "The Australasian Rights Purchase Association, Limited," should be enabled to carry out the above objects, and to construct and maintain the said water-works and other works, plant, and appliances as aforesaid, and that the powers, authorities, and concessions hereinafter proposed to be conferred on the said "The Australasian Rights Purchase Association, Limited," should be granted to the said "The Australasian Rights Purchase Association, Limited:" And whereas such objects cannot be obtained without the authority of Parliament: 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 as the "Australasian Rights Purchase Act." Short title.

2. In this Act and in any by-law to be made under it, save where there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively— Interpretation.

"Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, or pipes, by means of which the main supply of water or water-power is derived.

"Crown lands" shall mean and include Crown lands as defined by the "Crown Lands Act of 1884."

"Electric line" means a cable or wire or conductor or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, tube, pipe, or insulator surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.

"Electricity" shall mean electricity, electric current, electric force, electric power, or the like agency.

"Gazette" means the New South Wales *Government Gazette*.

"Governor" means the Governor with the advice of the Executive Council.

"Local Authority" means the municipal council, municipality, borough, or municipal district, road trust, or the person or body of persons or body corporate having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any particular street it shall mean the municipal council, municipality, borough, or municipal district or body corporate having the local government of any city, town, or district in which any of the water-works or other works or plant hereby authorised may be situate, or in default of any such local authority shall mean the Minister for Lands for the time being.

"Main cable line" means the main electric line between any of the water-works of the projectors and the city of Sydney.

"Meter"

Australasian Rights Purchase.

- “Meter” means any instrument, apparatus, or appliance for measuring or ascertaining the quantity of electricity used or supplied to any person.
- 5 “Minister” means the Postmaster-General for the time being of the Colony of New South Wales.
- “Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any property.
- “Person” includes corporation, company, association, syndicate, partnership, and also local authority as above defined.
- 10 “Plant” means and includes electric lines, meters, accumulators, poles, fittings, and apparatus or appliances for the supply, transmission, and distribution of electricity; also any machinery, engines, buildings, matters, or things of whatever description required to generate, supply, transmit, or distribute electricity, and to carry into effect the purposes of this
- 15 Act.
- “Pole” means a pole, post, standard, stay, or strut, or other above-ground contrivance for carrying, suspending, or supporting electric lines.
- 20 “Print” includes any legible method, other than handwriting, of expressing or denoting words, letters, and figures.
- “Private lands” means any lands, other than Crown lands, as above defined.
- 25 “Projectors” means “The Australasian Rights Purchase Association, Limited,” incorporated in the Colony of Victoria, and its assigns; and also the successors or assigns of such assigns, and includes licensees where the context admits.
- “Property” means lands or buildings, and land and buildings as the context may require.
- 30 “Street” means any public or common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or public way, place, or passage.
- “Town” means any settlement, camp, or collection of houses, whether proclaimed as a town or not.
- 35 “Water-works” means and includes all reservoirs, wells, cisterns, tanks, dams, weirs, flumes or races, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduits, conduit-pipes, pipe-breaks, steam engines, and other engines, water-wheels, penstocks, buildings, and
- 40 other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act in connection directly or indirectly with the creation, application, or maintenance of water power.

3. It shall be lawful for the projectors, and they are hereby
 45 authorised and empowered to take, divert, and appropriate water, as
 approved by the Minister from time to time, for any of the purposes
 set forth and mentioned in this Act, from the Colo River and the
 Grose River, by means of channels, returning to the stream again,
 the point of intake of the channel in respect of the Colo River,
 50 being about four and three quarter miles in a direct line above what
 is known as the First Rapid, and the outlet of the channel being a point
 about a quarter of a mile below the said First Rapid and the point of
 intake of the channel in respect of the Grose River, being about one
 mile and a-half in a direct line above the junction of the Grose River
 55 and Burralow Creek and the outlet of the channel, being about half
 a mile below the junction of the Grose River and Burralow Creek,
 and from time to time to enter upon either of the rivers aforesaid, and
 upon the banks and beds thereof, and to construct and erect and main-
 60 tain on and in any portion of the banks or beds of or near to or
 alongside

Australasian Rights Purchase.

alongside of the said rivers or either of them between the points of intake and return as aforesaid, and at a distance of not more than one chain from the centre of the channel on either side, any water-works and plant for the purposes of such taking, diversion, appropriation, and utilisation of the water of the rivers aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.

4. It shall be lawful for the said projectors to use all or any of the waters aforesaid, as approved of by the Minister, for any of the purposes hereinafter specified:—

Purposes for which water may be taken.

To work any machinery that may be erected by the projectors for generating, making, and transmitting electricity to the city of Sydney, in accordance with a plan numbered A 1 now deposited with the Minister at the General Post Office, Sydney, a copy whereof is comprised in the Schedule to this Act, and to any other towns or places along the main cable line.

To work any machinery that may be erected by the projectors for the purpose of executing or exercising any subsidiary powers, functions, duties, or authorities hereby vested in, or imposed on or hereafter to be vested in, or imposed on the projectors.

5. The projectors are hereby empowered to construct, erect, maintain, and work any water-works, and other works and plant that may be required for making and generating electricity and transmitting it to the city of Sydney, and to any other towns or places along the main cable line. And also to erect poles to carry wires across or along streets, and across Crown lands or private lands of any tenure above the surface, or to conduct wires beneath the surface of any such streets, or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea. And also to construct, erect, maintain, and work any water-works, and other works and plant for the purpose of executing, exercising, or carrying out any of the powers, functions, duties, or authorities by this Act vested in or imposed on the said projectors. And also to make, generate, and transmit electricity for all or any of the purposes before mentioned. And also to enter upon any Crown lands or private lands of any tenure in the locality of any water-works or other works, or along the main cable line, or any branch thereof or therefrom for any purpose connected with the objects of this Act, or any of them: Provided that the power to distribute electricity within any city, town, or place shall be subject to the written consent of the local authority: Provided further that the said projectors shall within three months after the passing of this Act commence, and within three years after the passing hereof bring the said works into practical operations to the satisfaction of the Minister. And the said company shall within two months from the passing of this Act deposit with the Colonial Treasurer the sum of five thousand pounds, which sum shall be held by him as a Trust Fund, and in default of the payment of such deposit within the said period the rights and concessions provided for under this Act shall be forfeited. And in the event of the said works not being so commenced or completed as herein provided, it shall be lawful for the Governor to order such sum to be forfeited to Her Majesty and to become part of the Consolidated Revenue Fund. But after the completion of the said works and the satisfaction of the Minister as aforesaid, the said sum of five thousand pounds shall be returned to the said projectors.

Power to construct works.

Proviso.

6. The Minister for Lands may grant to the projectors from time to time for any term not exceeding fifteen years at a rental to be appraised

Lease of Crown lands may be granted.

Australasian Rights Purchase.

- appraised by the Local Land Board, a lease of any Crown lands that may be reasonably necessary in the opinion of the Minister for Lands for the purposes of this Act, subject to such covenants, terms, and conditions as the Minister for Lands may think fit. And every
- 5 such lease as aforesaid may embrace the bed or any part of the bed of any river, stream, or creek contiguous to the water-works and other works contemplated by this Act. And every such lease as aforesaid shall subject to the provisions of section eight
- 10 operate and take effect merely as a license to the said projectors to construct and maintain the water-works and other works and plant hereby contemplated, and shall not confer any right or title to any mines or minerals. And with regard to the mode of transfer thereof every such lease shall be considered as subject to the provisions of the Crown Lands Acts and Regulations.
- 15 7. The projectors under such superintendence as is hereinafter specified may open and break up the soil and pavement of any street within the area of operations, and lay down and place within the same area electric lines and other necessary works and plant, and for the purposes aforesaid may remove and use all earth and materials in and
- 20 under any such street, and they may in any such street erect any poles, pillars, or lamps, and do all other acts which the projectors shall from time to time deem necessary or expedient for supplying electricity to the inhabitants of the said area: Provided always that nothing herein shall authorise or empower the projectors to lay down or place
- 25 any electric line or other works against any building without the consent of the owners and occupiers thereof, except that the projectors may, without any such consent, at any time enter upon and lay or place any new electric line, plant, or works in the place of an existing electric line, plant, or works in any position wherein any electric line,
- 30 plant, or work has been already lawfully laid or placed in pursuance of this Act, and may repair or alter any such electric line or works so laid down. Before the projectors proceed to open or break up any street they shall give to the local authority notice in writing of their intention to open or break up the same not less than three clear days
- 35 before beginning such work, except in cases of emergency arising from defects in any of the electric lines, plant, or other works, and then shall give such notice so soon as possible after the beginning of the work or after the necessity for the same shall have arisen. No such street shall, except in cases of emergency, be opened or broken up
- 40 except under the superintendence of the local authority or of the officer of the local authority, and according to such plan as shall be approved of by such local authority or officer, or in case of any difference respecting such plan as shall be determined by two Justices: Provided always that if the local authority or the officer of the local
- 45 authority fail to attend at the time fixed for the opening or breaking up of any such street after due notice of the projectors' intention having been given as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the projectors may perform the work referred to in such
- 50 notice without the superintendence of such local authority or officer. When the projectors open or break up the road or pavement of any street they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and restate and make good the road or pavement so opened or broken up,
- 55 and carry away the rubbish occasioned thereby, and shall at all times, whilst any road or pavement shall be so opened or broken up, cause the same to be properly guarded, and cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up
- every
- Power to break up streets and lay down electric lines, &c.
- Notice to be given to local authority before breaking up street.
- Street not to be broken up except under the superintendence of local authority unless in case of emergency or of their failing to attend.
- Streets broken up to be reinstated without delay.

Australasian Rights Purchase.

every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up continues to subside.

If the projectors open or break up any street without giving such notice as aforesaid or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in which the projectors are hereby authorised to perform such work without any superintendence or notice, or if the projectors make any delay in completing any such work or in filling in the ground or reinstating and making good the road or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be properly guarded and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the local authority of the street in respect of which such default is made a sum not exceeding *five* pounds for every such offence, and they shall forfeit an additional sum of not exceeding *five* pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof. If any such delay or omission as aforesaid take place, the local authority of the street in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such local authority by the projectors.

Penalty for delay in reinstating streets.

In case of delay local authority may reinstate and recover the expense.

8. It shall be lawful for the projectors, after giving such notice as hereinafter provided, to enter upon any land, not being a garden, orchard, or plantation, attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and to occupy the said land so long as may be necessary for the construction or repair of any water-works and other works, plant, and appliances authorised by this Act, or of any necessary accommodation works, and to use the same for any of the following purposes, that is to say :—

Power to take temporary possession of land.

For the purpose of constructing, building, or putting thereon any temporary accommodation works, plant, and buildings necessary in carrying out any of the provisions of this Act.

For the purpose of temporarily depositing plant thereon, or for putting any plant together or setting same up.

For the purpose of forming temporary roads thereon.

Provided always that nothing in this Act contained shall exempt the projectors from an action for nuisance or other injury, if any, done in the exercise of the powers hereby conferred to the property of any person other than the person whose land shall be so taken or used for any of the purposes aforesaid : Provided also that no stone or slate quarry, brickfield, or other like place which, at the time of the passing of this Act, shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the projectors, either wholly or in part, for any of the purposes hereinbefore mentioned.

9. The projectors may, subject to the provisions of the Crown Lands Acts and Regulations for the time being in force, from time to time for the purposes of this Act fall timber, and use and carry away the same, and dig, remove, and use clay, stone, and other materials upon and from any Crown lands ; and may fall all timber either on Crown lands or private lands which, in the opinion of the projectors, it may be necessary to remove for the construction or safety of the water-works or other works or plant hereby contemplated, notwithstanding anything contained in section six of this Act.

Materials from Crown lands.

Australasian Rights Purchase.

10. In any of the cases aforesaid, where the projectors shall take temporary possession of land by virtue of the powers herein granted, it shall be incumbent on the projectors within one month after their entry upon such land, upon being required to do so, to pay the occupier of the said land full compensation for any damage which he may sustain by reason of the projectors so taking possession of his land. Compensation to be made for temporary occupation.
11. Prior to the first entry upon any private land by the projectors for any of the purposes of this Act not less than seven days' notice of the intention of the projectors to enter shall be given by the projectors to the owner and occupier, if any, but no notice shall be necessary previous to any subsequent entry by the projectors upon such land for any of the purposes of this Act. Projectors to give notice prior to entering.
12. The projectors shall make compensation to all persons whose property shall be damaged or injuriously affected by the erection or construction of any of the water-works, or other works or plant or appliances, the erection or construction of which is hereby authorised. And any person claiming under this Act any compensation against the projectors, under this section or any other section of this Act, shall prefer his claim by notice in writing addressed to the projectors at the principal office of the projectors in New South Wales, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the property or possession, or thing in respect of which the claim is preferred; and if any such person and the projectors 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. Persons damaged to be compensated.
13. Nothing in this Act shall be construed as giving to the projectors or their officers or servants any right to enter upon or erect works upon any land, works, or erections vested in the Railway Commissioners, save and except with the written consent of the Railway Commissioners through their Secretary, first had and obtained, such consent not to be capriciously or vexatiously withheld. Projectors not to enter upon lands vested in Railway Commissioners without written consent.
14. If the projectors, by notice in writing, require any person to make claim for compensation for any damage occasioned previously to the service of such notice by the exercise of any powers conferred on the projectors by this Act, such person shall not be entitled to compensation for any damage sustained previously to the service of such notice by reason of the exercise of any such powers unless he prefers his claim, in the manner aforesaid, within six months after service of such notice. Persons not making claim barred.
15. Any arbitration in pursuance of this Act shall be by two arbitrators or their umpire, and shall be conducted in accordance with, and subject to, the provisions of the "Arbitration Act, 1892;" and for the purposes of arbitration thereunder this Act shall be deemed to be an instrument or document between the parties within the meaning of the same. The arbitrators or umpire shall in every case have power to direct how and by whom the cost of the reference and award shall be paid. Arbitrations.
16. Every person who shall wilfully obstruct any person acting under the authority of the projectors in setting out the line of any works, or constructing, erecting, maintaining, or repairing any plant, water-works, or other works undertaken under authority of this Act, or who shall wilfully pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of, or constructing, erecting, maintaining, or repairing such plant, water-works, or other works, or destroy or injure any plant or water-works or other works, Penalty for obstructing construction of works, &c.

Australasian Rights Purchase.

works, in process of erection or construction, or undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

17. The projectors may supply and sell electricity to any person, Projectors may supply and sell electricity.
 5 upon such terms and conditions as by this Act provided.

18. Any meter let for hire to any consumer of electricity, and any electric line and any plant appurtenant to such meter or electric line shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any Meters not distrainable, &c.
 10 process of any court of law or equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy or insolvency, or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other the person in whose possession, or apparent possession, or order and disposition, the
 15 meter, electric line, or plant may be.

19. If any plumber or other person fix or refix any meter upon any premises supplied with electricity by the projectors without having first obtained a certificate from the projectors that the said meter has been examined and found in correct working order, he shall Penalty for fixing uncertified meter.
 20 forfeit a sum not exceeding ten pounds.

20. If any person remove or alter the position of or in any way interfere with any meter without giving six days notice in writing to that effect to the projectors, he shall for each such offence forfeit a sum not exceeding ten pounds. For removing meter without notice.

21. The officers of the projectors may enter any property, to, through, or into which electricity is supplied by the projectors by measure, in order to inspect the meters, plant, and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may from time to time enter any property for the purpose of removing any meter, plant, or apparatus, the property of the projectors, and if any person hinder any such officer from entering or making such inspection, or effecting such removal, he shall for each such offence be liable to a penalty not exceeding five pounds; but, Power to officers of projectors to inspect meters.
 30 except with the consent of a Justice, this power of entry shall be exercised only between the hours of nine in the forenoon and four in the afternoon.

22. If any person supplied with electricity by the projectors wilfully or knowingly causes or suffers any meter, electric line, or Penalty for waste of motive power.
 40 other apparatus to be out of repair, he shall for every such offence be liable to a penalty not exceeding ten pounds.

23. If any person, whether supplied with electricity by the projectors or not, shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage, any conduit, Penalty for destroying works, &c.
 45 electric line, meter, pole, plant, or water-works, or any other works, constructed under the authority of this Act, or wilfully and maliciously do or connive at any act calculated to render any part or parts of the conduits, electric lines, meters, poles, plant, or water-works, or any other works unworkable or defective, or whereby any electricity is or
 50 may be lost, wasted, misused, diverted, unduly used, stolen, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment with or without hard labour for any term not exceeding two years, without prejudice to any other rights of the projectors for damages in respect of the wrong committed.

24. It shall not be lawful for any person to affix or cause or permit to be affixed any electric line or apparatus to any electric line or apparatus of the projectors, or to make any alteration in any existing communications or in any apparatus connected therewith, without the consent in every such case of the projectors: And if No wire to be fixed without permission of projectors.
 55 any

Australasian Rights Purchase.

any person acts in any respect in contravention of the provisions of this section he shall, for every such offence, be liable to a penalty not exceeding five pounds, without prejudice to the right of the projectors to recover damages in respect of any injury done to their plant, and without prejudice to the right of the projectors to recover the value of any electricity wasted, misused, or unduly consumed.

25. The projectors are hereby authorised to make such charges, rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the projectors, such charges not to exceed the rate of one shilling per unit English Board of Trade standard.

Projectors may make charges.

26. The Government may appoint a competent and impartial person, to be approved of in writing by the Superintendent of Telegraphs, to be Electrical Examiner, who shall have power to test from time to time the normal strength of the current of electricity supplied by the projectors, and who shall examine any electric line, or plant, or any other electrical apparatus or works; and the projectors may be represented at such testing or examination, but shall not be entitled to interfere with the same. The Electrical

Government may appoint Electrical Examiner.

27. The Electrical Examiner shall, within four days of the day on which the testing or examination was completed by him, deliver to the said Superintendent of Telegraphs a report in writing of such testing and of such examination, and shall deliver a copy thereof to the projectors, and such report shall be receivable in evidence. No electric main or

Electrical Examiner to report.

28. No electric conductor shall be used for the supply of electricity, and no electric photometer shall be used for ascertaining the illuminating power of electric light, and no electric meter shall be used for ascertaining the quantity of electricity supplied by the projectors, unless the said main, conductor, photometer, or meter, respectively, shall be of a pattern

Electric conductors, photometers, and meters.

29. approved of in writing by the Governor.

30. The charges, rates, and tolls for electricity and all sums due to the projectors under this Act shall be paid by and be recoverable from the person requiring, receiving, or using the supply of electricity.

Rates to be recoverable from occupier.

31. If any person refuse or neglect to pay on demand to the projectors any charge, rate, toll, or sum due to the projectors under this Act, the projectors may stop the electricity from flowing or going into or on the property in respect of which such charge, rate, toll, or sum is payable, by cutting off the electric line to such property, and the projectors may sue for and recover the charge, rate, toll, or sum due from such person, with costs.

Recovery of rates and charges.

32. Wherever by this Act authority is conferred on the projectors to enter upon any property for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any water-works, and other works, plant, and appliances, the same authority shall extend to all persons acting by direction of the projectors, and to all necessary agents, assistants, servants, and workmen.

Entry by agents.

33. 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 such fine, forfeiture, or sum is not specified, the same may be recovered before any Stipendiary Magistrate or Police Magistrate, or before two Justices. And all sums of money ordered by any such Stipendiary Magistrate or Police Magistrate or Justices to be paid, and all costs and expenses awarded by any such Stipendiary Magistrate or Police Magistrate or Justices may be recovered and enforced by distress and sale of the goods and chattels of the person ordered to pay the same: Provided that nothing in this section shall prevent proceedings for the recovery of any fine, forfeiture, or sum as aforesaid being taken in any other Court of competent jurisdiction when the amount sought to be

Procedure for recovery of penalties, &c.

Australasian Rights Purchase.

recovered exceeds ten pounds: Provided further that nothing in this Act contained shall exempt any wrongdoer from prosecution, fine, or imprisonment, under any public Act or Acts now or hereafter to be in force.

5 31. In any case in which any summary conviction has been had or any order for the payment of any money by way of fine, forfeiture, or otherwise has been made in pursuance of this Act before any Stipendiary Magistrate or Police Magistrate or Justices, the defendant may appeal to the Court of Quarter Sessions. The provisions of the
10 "Criminal Law Amendment Act of 1883" 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.

Appeals from summary convictions, &c.

15 32. No action shall lie for anything done in pursuance of this Act, unless notice in writing of such action and of the cause thereof is given to the defendant one month at least before the commencement of the action, and such action is commenced within three months after the cause of action has accrued, and in any such action the defendant may plead the general issue, and give this Act and the
20 special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that
25 time. And if a verdict passes for the defendant, or if the plaintiff becomes non-suit or discontinues such action, or if, upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant
30 has by law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon.

Persons under Act entitled to notice of action.

33. If any person shall commit any damage or injury to any
35 plant or water-works, or other property of the projectors, through any neglect or default, in respect of which damage, injury, neglect, or default such person shall incur any penalty, he shall be liable to make good such damage or injury, and the amount of damages in respect of such damage or injury shall, in case of dispute, be determined by the
40 Stipendiary Magistrate, Police Magistrate, or Justices by whom the party incurring such penalty shall have been convicted.

Damages to be made good in addition to penalty.

34. Any notice required by this Act, or any by-law or regulation made thereunder, to be served on or given to any owner or occupier of any property, or to any person, may be in writing or print,
45 or partly in writing and partly in print, and the signature to any such notice shall be sufficient if in print. And it shall be sufficient for all purposes of this Act, unless this Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode
50 or business, or is served on the owner or occupier of such property, or left with some inmate, apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted in some conspicuous part of such property; and any notice required to be served or given in respect of
55 any street may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street or the portion thereof affected by the notice.

Notices.

Australasian Rights Purchase.

35. Any notice required to be given by the projectors under this Act shall be sufficient if given or if it purports to be given by or on behalf of the projectors or by their solicitors or by their managing director, chairman of directors, business manager, or secretary. Signature of notices.

5 36. The projectors shall not in the exercise of the powers conferred by this Act lay down any electric line or plant, or do any other work for the supply of electricity whereby any Government telegraph or telephone line is or may be injuriously affected; and before any such electric line is laid down, or work is done within ten yards
10 of any part of any Government telegraph or telephone line (other than repairs or the laying of connections with mains, where the direction of the electric lines so laid down crosses such line 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 projectors or their agents, not
15 more than twenty-eight, nor less than seven days before commencing such work, shall give a written notice to the Superintendent of Telegraphs, specifying the course and nature of the work, including the gauge of any electric lines to be used, and the projectors and their agents shall conform with such reasonable requirements, either general
20 or special, as may from time to time be made by the Superintendent of Telegraphs for the purpose of preventing any such Government telegraph or telephone line from being injuriously affected by the said work. Any difference which arises between the Superintendent of
25 requirements so made shall be determined by arbitration. In the event of any contravention of or wilful non-compliance with this section by the projectors or their agents, the projectors 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
30 communication is wilfully interrupted to a fine not exceeding fifty pounds for every day on which such interruption continues: Provided that nothing in this section shall subject the projectors 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
35 avoid an accident, or otherwise was a work of emergency, and that they forthwith sent to the Superintendent of Telegraphs by telegram or letter, a notice of the execution thereof, stating the reason for having executed the same without previous notice. For the purposes of this section, a Government telegraph or telephone line shall be deemed to
40 be injuriously affected by a work of the projectors 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, any dispute with regard thereto to be settled by arbitration.

45 37. It shall be lawful for the projectors at any time after the passing of this Act to assign, transfer, convey, and release to any company duly incorporated for that purpose, or to any person or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, or any of
50 such rights, powers, authorities, privileges, liabilities, and obligations, together with all or any of the lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the water-works,
55 plant, and other works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release, such company, person, or persons, their officers, agents, and servants may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations,

Rights, powers, &c.,
under this Act may
be assigned, &c.

Protection of
telegraph and
telephone lines.

Any difference with
Superintendent of
Telegraphs to be
submitted to
arbitration.

Australasian Rights Purchase.

obligations, penalties, and forfeitures to which the projectors or their officers, agents, or servants would have been entitled or subject had such assignment, transfer, conveyance, and release not been effected: Provided, however, that nothing herein contained shall prejudice or

5 affect any rights accrued, or any actions or proceedings taken against the projectors, or obligations or liabilities incurred by or imposed on the projectors, or any offences, penalties, or forfeitures committed or incurred by the projectors before the completion of the said assignment, transfer, conveyance, and release, all of which shall remain unaffected.

- 10 38. Subject to the provisions of this Act the projectors may Projectors may make by-laws. from time to time make, alter, and repeal by-laws:—

For regulating the form of contract to be entered into by the projectors with any other person for the supply of electricity :

- 15 For regulating the form of any other contract to be entered into by the projectors under this Act :

For regulating the mode of supplying electricity :

For determining the time at which any charge for electricity shall be payable, and whether in advance or not :

- 20 For regulating the form, material, dimensions, construction, and arrangement of electric lines, plant, and other works, the making good and replacing pavements, streets, and ground which may be displaced in the course of the erection or repair of any plant or works, and for inspecting all water-
- 25 works and other works, plant, or appliances at reasonable times, whether situate within any building or otherwise :

For regulating the construction, disposition, custody, and inspection of meters :

- 30 For preventing the use, directly or indirectly, by persons unauthorised by the projectors, of electricity supplied by the projectors :

- For preventing persons from wilfully breaking, injuring, or interfering with any plant or water-works, or other works or appliances belonging to the projectors, and from doing any other wilful act whereby the electricity supplied by the projectors may be wasted or stolen.
- 35

39. Every such by-law shall, after approval by the Governor, By-laws to be approved and published. and after such approval has been signified to the projectors, be by them published at least once in the *Gazette*, and no such by-law shall have any force or effect until it has been published in the *Gazette*,
- 40 and every such by-law shall, when so published, be binding upon, and be observed by all persons, and shall be sufficient to justify all persons acting under the same.

40. The production of the *Gazette* containing any such by-law Evidence of by-law. shall in any action at law or suit in equity, or any arbitration or any
- 45 proceeding in any Court be *prima facie* evidence that such by-law as it is printed in such *Gazette* has been duly made and published as hereinbefore provided.

41. It shall be lawful for the Minister, with the consent of the Government may resume. Governor, at any time after the expiration of fifteen years from the
- 50 coming into force of this Act, to give the projectors notice of the intention of the Crown to resume any land comprised in any lease which shall have been granted under the authority of this Act, and of the intention of the Crown to purchase the whole of the land, water-works, and other works, plant, and appliances belonging to the
- 55 projectors which shall have been acquired, made, constructed, or erected under the authority of this Act, and the amount of compensation to be paid to the projectors upon such resumption and purchase by the Crown shall be the amount of the actual *bond fide* cost of acquisition, construction, and erection of the said land, water-works, and

Australasian Rights Purchase.

and other works, plant and appliances, with an amount added equal to two years' net profit on the working of the concern calculated on the basis of the last preceding five years' returns.

42. No power herein appearing to be granted to the projectors shall be deemed to be, or shall be exercisable until the projectors shall be a company, registered, and carrying on business in New South Wales, within the meaning of the Companies Acts, and if and when the projectors shall cease to be so registered every such power shall forthwith cease and determine.

Powers only exercisable on and during registration of Company in New South Wales.

10

SCHEDULE.

All those cable lines shown on plans A and B, starting at the Colo River at a point known as the generating station, being held as special lease under application of Walter Harcourt Palmer; thence in a southerly direction to a point on the Grose River applied for as a special lease by W. H. Masters and Ross K. Macartney; thence in an easterly direction to the town of Richmond; thence northerly (completing the circuit in a direct line) from Richmond to the point of commencement; thence from Richmond easterly through the town of Windsor along the Windsor Road through the parishes of St. Matthew, Nelson, Gidleigh, Castle Hill, and Toongabbie to the town of Parramatta (completing the circuit); thence by the Old Parramatta-Richmond Road through the parishes of Prospect, Rooty Hill, and Londonderry to Richmond; thence from Parramatta along the Parramatta Road to the city of Sydney, with branch main cable lines to all the Municipalities *en route*, and shown on plan B.

[1s.]

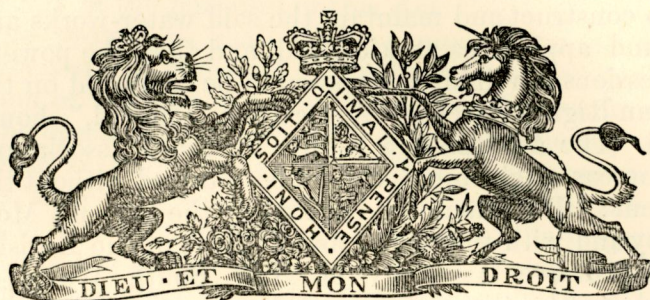
Sydney: Charles Potter, Government Printer.—1893.

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 27 September, 1893. }*

*F. W. WEBB,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

An Act to authorise "The Australasian Rights Purchase Association, Limited," a Company registered in Melbourne, in the Colony of Victoria, under the "Companies Acts," or their licensees or assigns, to take and divert water for mechanical power from the Colo River and the Grose River by means of channels returning to the stream again; and also to construct and work the plant requisite for generating electricity and transmitting it to the city of Sydney and to any other places along the main cable line.

WHEREAS the said "The Australasian Rights Purchase Association, Limited," is desirous of acquiring the right to take and divert water for any of the purposes hereinafter set forth and mentioned from the Colo River and the Grose River by means of channels returning
5 to the stream again; and also to construct, erect, maintain, and work any water-works and other works, plant, and appliances that may be required for making and generating electricity and transmitting it to the city of Sydney and to any other towns or places along the main cable line; and also to erect poles to carry wires across or along streets,
10 and across Crown lands or private lands of any tenure above the surface, or of conducting wires beneath the surface of any such streets or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea; and also to construct, erect, maintain, and work any water-works and other
15 works, plant, and appliances for the purpose of executing, exercising,
51—A or

Australasian Rights Purchase.

or carrying out any of the powers, functions, duties, or authorities by this Act to be vested in or imposed on the said "The Australasian Rights Purchase Association, Limited," or its licensees or assigns; and also to make, generate, and transmit electricity for all or any of the purposes above-mentioned; and also to enter upon any Crown lands or private lands of any tenure in the locality of the said works or along the main cable line or any branch thereof or therefrom for any purposes connected with the carrying out of the objects of this Act or any of them; and also to make, alter, and repeal by-laws for carrying into effect any of the purposes mentioned in this Act and regulating the working thereof: And whereas it would be for the benefit of the Colony of New South Wales that the said "The Australasian Rights Purchase Association, Limited," should be enabled to carry out the above objects, and to construct and maintain the said water-works and other works, plant, and appliances as aforesaid, and that the powers, authorities, and concessions hereinafter proposed to be conferred on the said "The Australasian Rights Purchase Association, Limited," should be granted to the said "The Australasian Rights Purchase Association, Limited:" And whereas such objects cannot be obtained without the authority of Parliament: 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 as the "Australasian Rights Purchase Short title.
25 Act."

2. In this Act and in any by-law to be made under it, save Interpretation.
where there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively—

30 "Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, or pipes, by means of which the main supply of water or water-power is derived.

"Crown lands" shall mean and include Crown lands as defined by the "Crown Lands Act of 1884."

35 "Electric line" means a cable or wire or conductor or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, tube, pipe, or insulator surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.

40 "Electricity" shall mean electricity, electric current, electric force, electric power, or the like agency.

"Gazette" means the New South Wales *Government Gazette*.

45 "Governor" means the Governor with the advice of the Executive Council.

"Local Authority" means the municipal council, municipality, borough, or municipal district, road trust, or the person or body of persons or body corporate having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any particular street it shall mean the municipal council, municipality, borough, or municipal district or body corporate having the local government of any city, town, or district in which any of the water-works or other works or plant hereby authorised may be situate, or in default of any such local authority shall mean the Minister for Lands for the time being.

60 "Main cable line" means the main electric line between any of the water-works of the projectors and the city of Sydney.

"Meter"

Australasian Rights Purchase.

- “Meter” means any instrument, apparatus, or appliance for measuring or ascertaining the quantity of electricity used or supplied to any person.
- 5 “Minister” means the Postmaster-General for the time being of the Colony of New South Wales.
- “Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any property.
- “Person” includes corporation, company, association, syndicate, partnership, and also local authority as above defined.
- 10 “Plant” means and includes electric lines, meters, accumulators, poles, fittings, and apparatus or appliances for the supply, transmission, and distribution of electricity; also any machinery, engines, buildings, matters, or things of whatever description required to generate, supply, transmit, or distribute electricity, and to carry into effect the purposes of this Act.
- 15 “Pole” means a pole, post, standard, stay, or strut, or other above-ground contrivance for carrying, suspending, or supporting electric lines.
- 20 “Print” includes any legible method, other than handwriting, of expressing or denoting words, letters, and figures.
- “Private lands” means any lands, other than Crown lands, as above defined.
- 25 “Projectors” means “The Australasian Rights Purchase Association, Limited,” incorporated in the Colony of Victoria, and its assigns; and also the successors or assigns of such assigns, and includes licensees where the context admits.
- “Property” means lands or buildings, and land and buildings as the context may require.
- 30 “Street” means any public or common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or public way, place, or passage.
- “Town” means any settlement, camp, or collection of houses, whether proclaimed as a town or not.
- 35 “Water-works” means and includes all reservoirs, wells, cisterns, tanks, dams, weirs, flumes or races, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduits, conduit-pipes, pipe-breaks, steam engines, and other engines, water-wheels, penstocks, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act in connection directly or indirectly with the creation, application, or maintenance of water power.
- 40
3. It shall be lawful for the projectors, and they are hereby
 45 authorised and empowered to take, divert, and appropriate water, as approved by the Minister from time to time, for any of the purposes set forth and mentioned in this Act, from the Colo River and the Grose River, by means of channels, returning to the stream again, the point of intake of the channel in respect of the Colo River,
 50 being about four and three quarter miles in a direct line above what is known as the First Rapid, and the outlet of the channel being a point about a quarter of a mile below the said First Rapid and the point of intake of the channel in respect of the Grose River, being about one mile and a-half in a direct line above the junction of the Grose River
 55 and Burralow Creek and the outlet of the channel, being about half a mile below the junction of the Grose River and Burralow Creek, and from time to time to enter upon either of the rivers aforesaid, and upon the banks and beds thereof, and to construct and erect and maintain on and in any portion of the banks or beds of or near to or
 alongside

Power to divert
water.

Australasian Rights Purchase.

alongside of the said rivers or either of them between the points of intake and return as aforesaid, and at a distance of not more than one chain from the centre of the channel on either side, any water-works and plant for the purposes of such taking, diversion, appropriation, and utilisation of the water of the rivers aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.

4. It shall be lawful for the said projectors to use all or any of the waters aforesaid, as approved of by the Minister, for any of the purposes hereinafter specified:—

Purposes for which water may be taken.

To work any machinery that may be erected by the projectors for generating, making, and transmitting electricity to the city of Sydney, in accordance with a plan numbered A 1 now deposited with the Minister at the General Post Office, Sydney, a copy whereof is comprised in the Schedule to this Act, and to any other towns or places along the main cable line.

To work any machinery that may be erected by the projectors for the purpose of executing or exercising any subsidiary powers, functions, duties, or authorities hereby vested in, or imposed on or hereafter to be vested in, or imposed on the projectors.

5. The projectors are hereby empowered to construct, erect, maintain, and work any water-works, and other works and plant that may be required for making and generating electricity and transmitting it to the city of Sydney, and to any other towns or places along the main cable line. And also to erect poles to carry wires across or along streets, and across Crown lands or private lands of any tenure above the surface, or to conduct wires beneath the surface of any such streets, or any such Crown lands or private lands, and also across, along, under, or over any river, stream, or creek, or any bay, harbour, or inlet of the sea. And also to construct, erect, maintain, and work any water-works, and other works and plant for the purpose of executing, exercising, or carrying out any of the powers, functions, duties, or authorities by this Act vested in or imposed on the said projectors. And also to make, generate, and transmit electricity for all or any of the purposes before mentioned. And also to enter upon any Crown lands or private lands of any tenure in the locality of any water-works or other works, or along the main cable line, or any branch thereof or therefrom for any purpose connected with the objects of this Act, or any of them: Provided that the power to distribute electricity within any city, town, or place shall be subject to the written consent of the local authority: Provided further that the said projectors shall within three months after the passing of this Act commence, and within three years after the passing hereof bring the said works into practical operations to the satisfaction of the Minister. And the said company shall within two months from the passing of this Act deposit with the Colonial Treasurer the sum of five thousand pounds, which sum shall be held by him as a Trust Fund, and in default of the payment of such deposit within the said period the rights and concessions provided for under this Act shall be forfeited. And in the event of the said works not being so commenced or completed as herein provided, it shall be lawful for the Governor to order such sum to be forfeited to Her Majesty and to become part of the Consolidated Revenue Fund. But after the completion of the said works and the satisfaction of the Minister as aforesaid, the said sum of five thousand pounds shall be returned to the said projectors.

Power to construct works.

Proviso.

6. The Minister for Lands may grant to the projectors from time to time for any term not exceeding fifteen years at a rental to be appraised

Lease of Crown lands may be granted.

Australasian Rights Purchase.

appraised by the Local Land Board, a lease of any Crown lands that may be reasonably necessary in the opinion of the Minister for Lands for the purposes of this Act, subject to such covenants, terms, and conditions as the Minister for Lands may think fit. And every such lease as aforesaid may embrace the bed or any part of the bed of any river, stream, or creek contiguous to the water-works and other works contemplated by this Act. And every such lease as aforesaid shall subject to the provisions of section eight operate and take effect merely as a license to the said projectors to construct and maintain the water-works and other works and plant hereby contemplated, and shall not confer any right or title to any mines or minerals. And with regard to the mode of transfer thereof every such lease shall be considered as subject to the provisions of the Crown Lands Acts and Regulations.

- 15 7. The projectors under such superintendence as is hereinafter specified may open and break up the soil and pavement of any street within the area of operations, and lay down and place within the same area electric lines and other necessary works and plant, and for the purposes aforesaid may remove and use all earth and materials in and under any such street, and they may in any such street erect any poles, pillars, or lamps, and do all other acts which the projectors shall from time to time deem necessary or expedient for supplying electricity to the inhabitants of the said area: Provided always that nothing herein shall authorise or empower the projectors to lay down or place any electric line or other works against any building without the consent of the owners and occupiers thereof, except that the projectors may, without any such consent, at any time enter upon and lay or place any new electric line, plant, or works in the place of an existing electric line, plant, or works in any position wherein any electric line, plant, or work has been already lawfully laid or placed in pursuance of this Act, and may repair or alter any such electric line or works so laid down. Before the projectors proceed to open or break up any street they shall give to the local authority notice in writing of their intention 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 electric lines, plant, or other works, and then shall give such notice so soon as possible after the beginning of the work or after the necessity for the same shall have arisen. No such street shall, except in cases of emergency, be opened or broken up except under the superintendence of the local authority or of the officer of the local authority, and according to such plan as shall be approved of by such local authority or officer, or in case of any difference respecting such plan as shall be determined by two Justices: Provided always that if the local authority or the officer of the local authority fail to attend at the time fixed for the opening or breaking up of any such street after due notice of the projectors' intention having been given as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the projectors may perform the work referred to in such notice without the superintendence of such local authority or officer. When the projectors open or break up the road or pavement of any street they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any road or pavement shall be so opened or broken up, cause the same to be properly guarded, and cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up every

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

Notice to be given to local authority before breaking up street.

Street not to be broken up except under the superintendence of local authority unless in case of emergency or of their failing to attend.

Streets broken up to be reinstated without delay.

Australasian Rights Purchase.

every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up continues to subside.

If the projectors open or break up any street without giving such notice as aforesaid or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in which the projectors are hereby authorised to perform such work without any superintendence or notice, or if the projectors make any delay in completing any such work or in filling in the ground or reinstating and making good the road or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be properly guarded and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the local authority of the street in respect of which such default is made a sum not exceeding *five* pounds for every such offence, and they shall forfeit an additional sum of not exceeding *five* pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof. If any such delay or omission as aforesaid take place, the local authority of the street in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such local authority by the projectors.

Penalty for delay in reinstating streets.

In case of delay local authority may reinstate and recover the expense.

8. It shall be lawful for the projectors, after giving such notice as hereinafter provided, to enter upon any land, not being a garden, orchard, or plantation, attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and to occupy the said land so long as may be necessary for the construction or repair of any water-works and other works, plant, and appliances authorised by this Act, or of any necessary accommodation works, and to use the same for any of the following purposes, that is to say :—

Power to take temporary possession of land.

For the purpose of constructing, building, or putting thereon any temporary accommodation works, plant, and buildings necessary in carrying out any of the provisions of this Act.

For the purpose of temporarily depositing plant thereon, or for putting any plant together or setting same up.

For the purpose of forming temporary roads thereon.

Provided always that nothing in this Act contained shall exempt the projectors from an action for nuisance or other injury, if any, done in the exercise of the powers hereby conferred to the property of any person other than the person whose land shall be so taken or used for any of the purposes aforesaid: Provided also that no stone or slate quarry, brickfield, or other like place which, at the time of the passing of this Act, shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the projectors, either wholly or in part, for any of the purposes hereinbefore mentioned.

9. The projectors may, subject to the provisions of the Crown Lands Acts and Regulations for the time being in force, from time to time for the purposes of this Act fall timber, and use and carry away the same, and dig, remove, and use clay, stone, and other materials upon and from any Crown lands; and may fall all timber either on Crown lands or private lands which, in the opinion of the projectors, it may be necessary to remove for the construction or safety of the water-works or other works or plant hereby contemplated, notwithstanding anything contained in section six of this Act.

Materials from Crown lands.

Australasian Rights Purchase.

10. In any of the cases aforesaid, where the projectors shall take temporary possession of land by virtue of the powers herein granted, it shall be incumbent on the projectors within one month after their entry upon such land, upon being required to do so, to pay the occupier of the said land full compensation for any damage which he may sustain by reason of the projectors so taking possession of his land. Compensation to be made for temporary occupation.
11. Prior to the first entry upon any private land by the projectors for any of the purposes of this Act not less than seven days' notice of the intention of the projectors to enter shall be given by the projectors to the owner and occupier, if any, but no notice shall be necessary previous to any subsequent entry by the projectors upon such land for any of the purposes of this Act. Projectors to give notice prior to entering.
12. The projectors shall make compensation to all persons whose property shall be damaged or injuriously affected by the erection or construction of any of the water-works, or other works or plant or appliances, the erection or construction of which is hereby authorised. And any person claiming under this Act any compensation against the projectors, under this section or any other section of this Act, shall prefer his claim by notice in writing addressed to the projectors at the principal office of the projectors in New South Wales, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the property or possession, or thing in respect of which the claim is preferred; and if any such person and the projectors 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. Persons damaged to be compensated.
13. Nothing in this Act shall be construed as giving to the projectors or their officers or servants any right to enter upon or erect works upon any land, works, or erections vested in the Railway Commissioners, save and except with the written consent of the Railway Commissioners through their Secretary, first had and obtained, such consent not to be capriciously or vexatiously withheld. Projectors not to enter upon lands vested in Railway Commissioners without written consent.
14. If the projectors, by notice in writing, require any person to make claim for compensation for any damage occasioned previously to the service of such notice by the exercise of any powers conferred on the projectors by this Act, such person shall not be entitled to compensation for any damage sustained previously to the service of such notice by reason of the exercise of any such powers unless he prefers his claim, in the manner aforesaid, within six months after service of such notice. Persons not making claim barred.
15. Any arbitration in pursuance of this Act shall be by two arbitrators or their umpire, and shall be conducted in accordance with, and subject to, the provisions of the "Arbitration Act, 1892;" and for the purposes of arbitration thereunder this Act shall be deemed to be an instrument or document between the parties within the meaning of the same. The arbitrators or umpire shall in every case have power to direct how and by whom the cost of the reference and award shall be paid. Arbitrations.
16. Every person who shall wilfully obstruct any person acting under the authority of the projectors in setting out the line of any works, or constructing, erecting, maintaining, or repairing any plant, water-works, or other works undertaken under authority of this Act, or who shall wilfully pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of, or constructing, erecting, maintaining, or repairing such plant, water-works, or other works, or destroy or injure any plant or water-works or other works, Penalty for obstructing construction of works, &c.

Australasian Rights Purchase.

works, in process of erection or construction, or undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

17. The projectors may supply and sell electricity to any person, Projectors may supply and sell electricity.
 5 upon such terms and conditions as by this Act provided.

18. Any meter let for hire to any consumer of electricity, and any electric line and any plant appurtenant to such meter or electric line shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any Meters not distrainable, &c.
 10 process of any court of law or equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy or insolvency, or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other the person in whose possession, or apparent possession, or order and disposition, the
 15 meter, electric line, or plant may be.

19. If any plumber or other person fix or refix any meter upon any premises supplied with electricity by the projectors without having first obtained a certificate from the projectors that the said meter has been examined and found in correct working order, he shall Penalty for fixing uncertified meter.
 20 forfeit a sum not exceeding ten pounds.

20. If any person remove or alter the position of or in any way interfere with any meter without giving six days notice in writing to that effect to the projectors, he shall for each such offence forfeit a sum not exceeding ten pounds. For removing meter without notice.

21. The officers of the projectors may enter any property, to, through, or into which electricity is supplied by the projectors by measure, in order to inspect the meters, plant, and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may from time to time enter any property for the purpose of removing any meter, plant, or apparatus, the property of the projectors, and if any person hinder any such officer from entering or making such inspection, or effecting such removal, he shall for each such offence be liable to a penalty not exceeding five pounds; but, Power to officers of projectors to inspect meters.
 30 except with the consent of a Justice, this power of entry shall be exercised only between the hours of nine in the forenoon and four in the afternoon.

22. If any person supplied with electricity by the projectors wilfully or knowingly causes or suffers any meter, electric line, or other apparatus to be out of repair, he shall for every such offence be liable to a penalty not exceeding ten pounds. Penalty for waste of motive power.

23. If any person, whether supplied with electricity by the projectors or not, shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage, any conduit, electric line, meter, pole, plant, or water-works, or any other works, constructed under the authority of this Act, or wilfully and maliciously do or connive at any act calculated to render any part or parts of the conduits, electric lines, meters, poles, plant, or water-works, or any other works unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, diverted, unduly used, stolen, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment with or without hard labour for any term not exceeding two years, without prejudice to any other rights of the projectors for damages in respect of the wrong committed. Penalty for destroying works, &c.
 45
 50

24. It shall not be lawful for any person to affix or cause or permit to be affixed any electric line or apparatus to any electric line or apparatus of the projectors, or to make any alteration in any existing communications or in any apparatus connected therewith, without the consent in every such case of the projectors: And if No wire to be fixed without permission of projectors.
 55
 any

Australasian Rights Purchase.

any person acts in any respect in contravention of the provisions of this section he shall, for every such offence, be liable to a penalty not exceeding five pounds, without prejudice to the right of the projectors to recover damages in respect of any injury done to their plant,
 5 and without prejudice to the right of the projectors to recover the value of any electricity wasted, misused, or unduly consumed.

25. The projectors are hereby authorised to make such charges, Projectors may make charges. rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the
 10 projectors, such charges not to exceed the rate of one shilling per unit English Board of Trade standard.

26. The Government may appoint a competent and impartial Government may appoint Electrical Examiner. person, to be approved of in writing by the Superintendent of Telegraphs, to be Electrical Examiner, who shall have power
 15 to test from time to time the normal strength of the current of electricity supplied by the projectors, and who shall examine any electric line, or plant, or any other electrical apparatus or works; and the projectors may be represented at such testing or examination, but shall not be entitled to interfere with the same. The Electrical
 20 Examiner shall, within four days of the day on which the testing or examination was completed by him, deliver to the said Superintendent of Telegraphs a report in writing of such testing and of such examination, and shall deliver a copy thereof to the projectors, and such report shall be receivable in evidence. No electric main or
 25 conductor shall be used for the supply of electricity, and no electric photometer shall be used for ascertaining the illuminating power of electric light, and no electric meter shall be used for ascertaining the quantity of electricity supplied by the projectors, unless the said main, conductor, photometer, or meter, respectively, shall be of a pattern
 30 approved of in writing by the Governor. Electric conductors, photometers, and meters.

27. The charges, rates, and tolls for electricity and all sums due Rates to be recoverable from occupier. to the projectors under this Act shall be paid by and be recoverable from the person requiring, receiving, or using the supply of electricity.

28. If any person refuse or neglect to pay on demand to the Recovery of rates and charges. projectors any charge, rate, toll, or sum due to the projectors under this Act, the projectors may stop the electricity from flowing or going into or on the property in respect of which such charge, rate, toll, or sum is payable, by cutting off the electric line to such property, and the projectors may sue for and recover the charge, rate, toll, or
 40 sum due from such person, with costs.

29. Wherever by this Act authority is conferred on the Entry by agents. projectors to enter upon any property for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any water-works, and other works, plant, and appliances, the same authority
 45 shall extend to all persons acting by direction of the projectors, and to all necessary agents, assistants, servants, and workmen.

30. Whenever, by any section of this Act, any person is made Procedure for recovery of penalties, &c. 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 such
 50 fine, forfeiture, or sum is not specified, the same may be recovered before any Stipendiary Magistrate or Police Magistrate, or before two Justices. And all sums of money ordered by any such Stipendiary Magistrate or Police Magistrate or Justices to be paid, and all costs and expenses awarded by any such Stipendiary Magistrate or Police
 55 Magistrate or Justices may be recovered and enforced by distress and sale of the goods and chattels of the person ordered to pay the same: Provided that nothing in this section shall prevent proceedings for the recovery of any fine, forfeiture, or sum as aforesaid being taken in any other Court of competent jurisdiction when the amount sought to be
 51—B recovered

Australasian Rights Purchase.

recovered exceeds ten pounds: Provided further that nothing in this Act contained shall exempt any wrongdoer from prosecution, fine, or imprisonment, under any public Act or Acts now or hereafter to be in force.

5 31. In any case in which any summary conviction has been had or any order for the payment of any money by way of fine, forfeiture, or otherwise has been made in pursuance of this Act before any Stipendiary Magistrate or Police Magistrate or Justices, the defendant may appeal to the Court of Quarter Sessions. The provisions of the
10 "Criminal Law Amendment Act of 1883" 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.

Appeals from summary convictions, &c.

15 32. No action shall lie for anything done in pursuance of this Act, unless notice in writing of such action and of the cause thereof is given to the defendant one month at least before the commencement of the action, and such action is commenced within three months after the cause of action has accrued, and in any such action the defendant may plead the general issue, and give this Act and the
20 special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that
25 time. And if a verdict passes for the defendant, or if the plaintiff becomes non-suit or discontinues such action, or if, upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant
30 has by law in other cases; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon.

Persons under Act entitled to notice of action.

33. If any person shall commit any damage or injury to any
35 plant or water-works, or other property of the projectors, through any neglect or default, in respect of which damage, injury, neglect, or default such person shall incur any penalty, he shall be liable to make good such damage or injury, and the amount of damages in respect of such damage or injury shall, in case of dispute, be determined by the
40 Stipendiary Magistrate, Police Magistrate, or Justices by whom the party incurring such penalty shall have been convicted.

Damages to be made good in addition to penalty.

34. Any notice required by this Act, or any by-law or regula-
tion made thereunder, to be served on or given to any owner or occupier of any property, or to any person, may be in writing or print,
45 or partly in writing and partly in print, and the signature to any such notice shall be sufficient if in print. And it shall be sufficient for all purposes of this Act, unless this Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode
50 or business, or is served on the owner or occupier of such property, or left with some inmate, apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted in some conspicuous part of such property; and any notice required to be served or given in respect of
55 any street may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street or the portion thereof affected by the notice.

Notices.

Australasian Rights Purchase.

35. Any notice required to be given by the projectors under this Act shall be sufficient if given or if it purports to be given by or on behalf of the projectors or by their solicitors or by their managing director, chairman of directors, business manager, or secretary. Signature of notices.

5 36. The projectors shall not in the exercise of the powers conferred by this Act lay down any electric line or plant, or do any other work for the supply of electricity whereby any Government telegraph or telephone line is or may be injuriously affected; and before
10 any such electric line is laid down, or work is done within ten yards of any part of any Government telegraph or telephone line (other than repairs or the laying of connections with mains, where the direction of the electric lines so laid down crosses such line 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 projectors or their agents, not
15 more than twenty-eight, nor less than seven days before commencing such work, shall give a written notice to the Superintendent of Telegraphs, specifying the course and nature of the work, including the gauge of any electric lines to be used, and the projectors and their agents shall conform with such reasonable requirements, either general
20 or special, as may from time to time be made by the Superintendent of Telegraphs for the purpose of preventing any such Government telegraph or telephone line from being injuriously affected by the said work. Any difference which arises between the Superintendent of
25 Telegraphs and the projectors 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 projectors or their agents, the projectors 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
30 communication is wilfully interrupted to a fine not exceeding fifty pounds for every day on which such interruption continues: Provided that nothing in this section shall subject the projectors 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
35 avoid an accident, or otherwise was a work of emergency, and that they forthwith sent to the Superintendent of Telegraphs by telegram or letter, a notice of the execution thereof, stating the reason for having executed the same without previous notice. For the purposes of this section, a Government telegraph or telephone line shall be deemed to
40 be injuriously affected by a work of the projectors 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, any dispute with regard thereto to be settled by arbitration.

45 37. It shall be lawful for the projectors at any time after the passing of this Act to assign, transfer, convey, and release to any company duly incorporated for that purpose, or to any person or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, or any of
50 such rights, powers, authorities, privileges, liabilities, and obligations, together with all or any of the lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the water-works,
55 plant, and other works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release, such company, person, or persons, their officers, agents, and servants may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations,

Australasian Rights Purchase.

obligations, penalties, and forfeitures to which the projectors or their officers, agents, or servants would have been entitled or subject had such assignment, transfer, conveyance, and release not been effected: Provided, however, that nothing herein contained shall prejudice or

5 affect any rights accrued, or any actions or proceedings taken against the projectors, or obligations or liabilities incurred by or imposed on the projectors, or any offences, penalties, or forfeitures committed or incurred by the projectors before the completion of the said assignment, transfer, conveyance, and release, all of which shall remain unaffected.

10 38. Subject to the provisions of this Act the projectors may Projectors may make by-laws. from time to time make, alter, and repeal by-laws:—

For regulating the form of contract to be entered into by the projectors with any other person for the supply of electricity :

15 For regulating the form of any other contract to be entered into by the projectors under this Act :

For regulating the mode of supplying electricity :

For determining the time at which any charge for electricity shall be payable, and whether in advance or not :

20 For regulating the form, material, dimensions, construction, and arrangement of electric lines, plant, and other works, the making good and replacing pavements, streets, and ground which may be displaced in the course of the erection or repair of any plant or works, and for inspecting all water-works and other works, plant, or appliances at reasonable times, whether situate within any building or otherwise :

25 For regulating the construction, disposition, custody, and inspection of meters :

For preventing the use, directly or indirectly, by persons unauthorised by the projectors, of electricity supplied by the projectors :

30 For preventing persons from wilfully breaking, injuring, or interfering with any plant or water-works, or other works or appliances belonging to the projectors, and from doing any other wilful act whereby the electricity supplied by the projectors may be wasted or stolen.

35 39. Every such by-law shall, after approval by the Governor, and after such approval has been signified to the projectors, be by them published at least once in the *Gazette*, and no such by-law shall have any force or effect until it has been published in the *Gazette*, By-laws to be approved and published.

40 and every such by-law shall, when so published, be binding upon, and be observed by all persons, and shall be sufficient to justify all persons acting under the same.

40. The production of the *Gazette* containing any such by-law Evidence of by-law. shall in any action at law or suit in equity, or any arbitration or any

45 proceeding in any Court be *prima facie* evidence that such by-law as it is printed in such *Gazette* has been duly made and published as hereinbefore provided.

41. It shall be lawful for the Minister, with the consent of the Government may resume. Governor, at any time after the expiration of fifteen years from the

50 coming into force of this Act, to give the projectors notice of the intention of the Crown to resume any land comprised in any lease which shall have been granted under the authority of this Act, and of the intention of the Crown to purchase the whole of the land, water-works, and other works, plant, and appliances belonging to the

55 projectors which shall have been acquired, made, constructed, or erected under the authority of this Act, and the amount of compensation to be paid to the projectors upon such resumption and purchase by the Crown shall be the amount of the actual *bonâ fide* cost of acquisition, construction, and erection of the said land, water-works, and

Australasian Rights Purchase.

and other works, plant and appliances, with an amount added equal to two years' net profit on the working of the concern calculated on the basis of the last preceding five years' returns.

42. No power herein appearing to be granted to the projectors shall be deemed to be, or shall be exercisable until the projectors shall be a company, registered, and carrying on business in New South Wales, within the meaning of the Companies Acts, and if and when the projectors shall cease to be so registered every such power shall forthwith cease and determine.

Powers only exercisable on and during registration of Company in New South Wales.

10

SCHEDULE.

- All those cable lines shown on plans A and B, starting at the Colo River at a point known as the generating station, being held as special lease under application of Walter Harcourt Palmer; thence in a southerly direction to a point on the Grose River applied for as a special lease by W. H. Masters and Ross K. Macartney; thence in an easterly direction to the town of Richmond; thence northerly (completing the circuit in a direct line) from Richmond to the point of commencement; thence from Richmond easterly through the town of Windsor along the Windsor Road through the parishes of St. Matthew, Nelson, Gidleigh, Castle Hill, and Toongabbie to the town of Parramatta (completing the circuit); thence by the Old Parramatta-Richmond Road through the parishes of Prospect, Rooty Hill, and Londonderry to Richmond; thence from Parramatta along the Parramatta Road to the city of Sydney, with branch main cable lines to all the Municipalities *en route*, and shown on plan B.

Sydney: Charles Potter, Government Printer.—1893.

[1s.]

