

Legislative Council.

No. , 1904.

A BILL

To enable the Council of the Borough of the Glebe to light the streets and public and private places of the said borough with the Electric Light, and to supply electricity within or without the limits of the said borough; to levy rates and make charges in respect of such lighting and supply; and for the purposes aforesaid to purchase electric power, to acquire land, and to acquire or construct works; to borrow money; and to exercise all powers necessary for any of the purposes aforesaid; and to enable other municipalities to participate in the benefits of such supply; to amend the Municipalities Act, 1897; and for other purposes consequent thereon, or incidental thereto.

[MR. HUMPHERY;—19 *October*, 1904.]

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

Preliminary.

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Short title.

1. This Act may be cited as the "Borough of the Glebe Electric Lighting Act," and shall be read subject to the provisions of the Federal Post and Telegraph Act, 1901.

Interpretation.

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

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"borough" means the borough of the Glebe as constituted in pursuance of the Municipalities Act, 1897, or as the same may hereafter be constituted;

"council" means the council of the borough;

"electricity" means electricity, electric current, or any like agency;

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

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"private purposes" means any purposes whatever to which electricity may for the time being be applicable (not being public purposes), except the transmission of any telegram or telephonic message;

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"public purposes" means lighting any place or building belonging to or subject to the control of the council, or any street in the borough.

"public work" means any work carried out by or under the supervision of or on account of the State Government, or any department of such Government, or State Minister of the Crown.

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"street" means any square, court, alley, highway, lane, road, thoroughfare, or public passage or place;

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"works" means and includes electric lines, meters, accumulators, transformers, fittings, and apparatus for the supply of electricity, also any buildings, machinery, engines, matters or things of whatever description required to generate or supply electricity, and to carry into effect the purposes of this Act.

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General

General powers of council.

3. It shall be lawful for the council to generate, or acquire by purchase or otherwise, and supply, subject to such regulations and conditions as may be approved of by the Governor, electricity for any public or private purposes, or for any public purposes and any private purposes within the limits of the borough: Provided that electricity may be supplied outside the said limits in manner hereinafter set forth.

Council may supply electricity.

4. The council, for the purpose of generating and supplying electricity, may use all or any lands now vested in them for any purpose, and may purchase, lease, acquire, and hold all other lands, and construct, purchase, and acquire all works, and purchase and acquire all interests in and licenses for the use of any patented or protected processes, inventions, machinery, apparatus, methods, and other things, and enter into all contracts, appoint officers and servants and generally do all acts and things which they may deem necessary or desirable for the purpose of such generation and supply.

General powers of council.

5. It shall be lawful, with the approval of the Governor, for the council to sell or exchange any lands acquired under the authority of this Act, or to lease the same upon such terms and conditions as to the council may seem meet.

Power to sell, exchange, or lease lands.

6. The council may use the ordinary corporate funds for the purpose of obtaining plans, estimates, and reports as to the cost of purchasing, leasing, acquiring, and constructing works for the generation and supply of electricity: Provided that in the event of such works being proceeded with such preliminary expenditure shall be charged to a special account of the council to be called the electric light account.

Corporate funds may be used for preliminary expenses.

Loans.

7. The council may, for the purpose of constructing or acquiring works for the generation and supply of electricity, borrow moneys by way of loan in manner provided by the one hundred and fifty-eighth section of the Municipalities Act, 1897, notwithstanding that such purpose may not be a purpose incidental to the making, carrying on, or completing of any permanent improvements within the municipality, or that the security for the repayment of such loan may be other than is provided in the said section:—

Special loans for lands and works.

(1) The security for such loan may be all or any general or special rates or rate which the council is authorised to levy with or without any security expressly referred to in the said section of the Municipalities Act, 1897, and any works to be constructed or acquired out of the proceeds of such loan, and any lands to be acquired out of the proceeds of such loan, or otherwise.

(2)

- (2) A separate account shall be kept of all moneys received and expended on account of such loan, and it shall not be lawful to expend any such moneys in the maintenance or repair of or for current expenses connected with such works, or for any purpose other than the construction or acquisition of such works, and the acquisition, in pursuance of this Act, of any lands upon which the same, or any part thereof, are constructed or are to be constructed: Provided always that such loan may be lawfully charged with the payment of interest due thereon during the course of construction of such works. 5
- (3) All lands or works to be acquired or constructed out of the proceeds of such loan shall be vested in the body corporate of the borough. 10

Rates.

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Electric light rate.

8. The council may make and levy an annual rate in manner provided in the one hundred and forty-third section of the Municipalities Act, 1897, upon all ratepayers in the borough for the purpose of supplying electricity for public purposes within the borough, and for the acquisition of electricity and for the purchase, construction and maintenance of works in connection with the supply of electricity for public or private purposes in pursuance of this Act: Provided that such rate shall not exceed sixpence in the pound in any one year. 20

Separate account to be kept.

9. A separate account, to be called the "electric light account," shall be kept of all moneys received from electric light rates, and in respect of the supply of electricity and otherwise in pursuance of this Act, all which money shall be charged as follows:— 25

- (1) With such sums (to be transferred to an interest and sinking fund account) as shall be sufficient to satisfy the interest and principal sums payable on any loan raised under the authority of this Act. 30
- (2) With the cost of maintaining the works in good repair, and all the expenses connected with generating and supplying electricity as herein provided.
- (3) With any surplus remaining thereafter, which surplus the council is hereby empowered to retain to the credit of the electric light account, or transfer to the credit of the general municipal fund. 35

Special powers and duties of council.

Power to break up streets and open drains.

10. The council may, subject to the provisions of this Act, open and break up the soil and pavement of any street, and may open and break up any sewers, drains, or tunnels, within or under such streets, 40

streets, and may construct proper subways and drains, and may lay down and place under or over any street any electric lines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid may remove and use all earth and materials in
5 and under such streets, and may in any such streets erect any pillars, standards, lamps, and other works, and do all other acts which it may from time to time reasonably deem necessary for supplying electricity, and may lay any electric line, branch, or other apparatus
10 place or building for the purpose of lighting the same, and provide and set up any apparatus necessary for securing thereto a complete supply of electricity, and for measuring and ascertaining the extent of such supply: Provided that nothing herein shall authorise or empower the council to lay down or place any electric line or other works into,
15 through, against, or in any place or building, or land not dedicated to public use without the consent of the owners and occupiers thereof, except that the council may at any time make entry and lay or place any new electric line or fittings instead of an existing electric line or of existing fittings in any position wherein any electric line or fittings
20 shall have been lawfully laid down or placed, and may repair or alter any electric line or fittings so laid down or placed.

11. Subject to the provisions of this Act—

(1) the council may alter the position of any pipes, wires, sewers, drains, or tunnels, being under any street or place, which
25 may interfere with the exercise of its powers under this Act, on previously making or securing such compensation to the owners of such pipes, wires, sewers, drains, or tunnels, and on complying with such conditions, as to the mode of making such alterations, as may before the commencement of such
30 alterations be agreed upon between the council and such owners, or in case of difference as may be determined by arbitration;

Power to alter position of pipes, wires, &c.

(2) any person or public authority lawfully competent so to do, may in like manner alter the position of any electric line or
35 works of the council, being under or over any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such person or authority, in relation to such street or place, subject to the like provisions, conditions, and restrictions as are in the first subsection of
40 this section contained.

**12. When the council opens or breaks up the road or pavement of any street, or any sewer, drain, or tunnel, it shall, with all possible speed complete the work for which the same shall have been opened or broken up, and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken
up**

Streets, &c., to be reinstated.

up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such road or pavement shall be so opened or broken up cause the same to be fenced and guarded, and shall at night time 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. 5

Protection to telegraph and telephone lines and other public works.

13. The council shall not, in the exercise of the powers conferred by this Act, construct, lay down, or place any works for the supply of electricity whereby any public work is or may be injuriously affected. And the council shall conform with such reasonable requirements, either general or special, as may from time to time be made by the Secretary for Public Works for the purpose of preventing any such public work from being injuriously affected by the works of the council, and, on failure to conform with the said requirements, or any of them, the Secretary for Public Works may forthwith remove any works of the council for the supply of electricity by which any public work is or may be injuriously affected. Any difference which arises between the Secretary for Public Works and the council with respect to any requirements so made shall be determined by arbitration. In the event of any contravention of this section by the council, the council shall be liable to a fine not exceeding *ten* pounds for every day during which such contravention continues. 15

Notices, &c.

Notice of works with plan to be served on the Secretary for Public Works and Railway Commissioners.

14. One month at least before commencing the execution of any works which involve the placing of works in, under, along, or across any street, highway, or public bridge, on which any railway or tramway line may be (not being repairs to or renewals of then existing works of which the character and positions are not altered), the council shall serve upon the Secretary for Public Works and Railway Commissioners of New South Wales, or leave at their respective offices addressed to them, notices describing the proposed works, and the gauge of any electric line and the current and potential to be carried, together with a plan of the proposed works showing the position of the said works and the mode in which the works are intended to be executed and the manner in which it is intended that the street, highway, or bridge shall be interfered with, and shall at the request of the Secretary for Public Works or Railway Commissioners, made at any time, give them such further information with reference to the works as they may desire. If any works are commenced before the requirements of this section have been complied with, the Secretary for Public Works may cause the said works to be removed, and the council shall be liable to a penalty not exceeding *fifty* pounds, which may be recovered before any stipendiary magistrate in a summary way. 35 40 45

15. (1) When any work for the supply of electricity proposed to be done by the council involves or is likely to involve an alteration, either temporary or permanently, to or interferes, or is likely to interfere, in any way with any pipes, sewers, drains, or tunnels 5 belonging to the Metropolitan Board of Water Supply and Sewerage, or to the Australian Gas Company, or to or with any pipes, sewers, drains, or tunnels connected therewith, and provision is not otherwise made by enactment or agreement or otherwise with respect to such alteration or interference, or with respect to giving notice thereof to 10 the secretary of the said board, or manager of the said company, or to the expenses thereof or incidental thereto, the following provisions shall apply :—

Provision when work to be done involves alteration to or interference with existing pipes, sewers, drains, or tunnels.

15 (a) The council shall give to the secretary of such board or the manager of such company, as the case may be, not less than seven nor more than fourteen days' previous notice in writing of the time and place at which the work will be begun, and of the nature of the alteration or interference involved or likely to be involved.

20 (b) Before the expiration of seven days, after the notice is given, the said secretary or manager may give the council a counter notice, either stating his intention himself to make or requiring the council to make under his supervision, and to the satisfaction of himself or his agents, such alteration as he deems necessary or expedient to be made in consequence 25 of the proposed work.

30 (c) If such secretary or manager by his counter notice states that it is his intention himself to make such alteration, he may make the same himself or by his agent, servant, or contractor, and the council shall pay all reasonable expenses incurred by him of and incidental thereto and the amount of any loss or damage sustained by him in consequence thereof.

35 (d) If the said secretary or manager by such counter notice requires the council to make such alteration, the council shall at its own expense make the same under the supervision and to the entire satisfaction of the said secretary or manager or his agent, servant, or contractor, and the council shall pay to the said secretary or manager all reasonable expenses incurred by him of and incidental to such supervision and also the amount of any loss or damage sustained by him 40 in consequence of the alteration.

45 (e) If the said secretary or manager fails to give a counter notice or if, having undertaken himself to make the alteration, he or his agents fail to make the alteration within a reasonable time, the council may make the alteration, but such alteration shall be made to the entire satisfaction of the said secretary or manager or his agents. (f)

Penalty.

(f) If the council fail to serve on the said secretary or manager the notice required by this section with respect to any work, or begins to do the work specified in the notice before the expiration of seven days after the notice is given, the council shall be liable to pay a penalty not exceeding *ten* pounds for every day during which the work is continued without the sanction in writing of the said secretary or manager, and the council may, at the expense of the said secretary or manager, remove such work. 5

(g) If the council fail to comply with the reasonable requirements of the said secretary or manager under this section, they shall be liable to a penalty not exceeding *ten* pounds for every day during which such failure continues. 10

(2) Nothing in this section shall subject the council to a penalty for omitting to comply with any requirements of the said secretary or manager, or for executing without previous notice any work if the court having cognisance of the case is satisfied that any such requirement was unreasonable, or that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency. 15 20

(3) Nothing in this section shall compel the said secretary or manager to alter the position of, or to interfere in any way with, any pipes, drains, sewers, or tunnels, if the circumstances of the case render such alteration or interference objectionable.

Compensation for damage.

16. In the exercise of its powers under this Act, the council shall cause as little detriment and inconvenience, and do as little damage as possible, and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount of such compensation in case of difference to be determined by arbitration or action at law at the election of the party aggrieved: Provided that the council may in all cases be at liberty to set up by way of defence or in mitigation of damages, as the case may be, that the person claiming compensation has by his own act, neglect, or default caused or contributed to the damages in respect of which he claims to be compensated. 25 30 35

Power to contract for the supply of electricity and fittings.

17. The council may from time to time enter into any contract with any person for supplying with electricity any place or building, or for providing any person with electric lines, burners, meters, lamps, or other fittings and things, and for the repair thereof in such manner and upon such terms as to charges, place, and mode of payment and otherwise in security of the Council as shall be agreed upon. 40

Council may let meter.

18. The council may let any meter for ascertaining the quantity of electricity consumed or supplied, and any fittings thereto, for such remuneration and on such terms in respect of the repair of such meter and fittings, and for securing the safety and return thereof to 45 the

the council as may be agreed upon between the hirer and the council, and such remuneration shall be recoverable in the same manner as charges due to the council for electricity.

19. The council shall at all times keep a meter on hire to
5 any consumer in proper order for correctly registering the quantity of electricity supplied, and in default of the council so doing the consumer shall not be liable to pay remuneration for the use of the same during such time as such default continues.

Council to keep meters in repair.

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

Meter not to be interfered with, and connections not to be made by unauthorised persons.

20 21. The register of the meter used for ascertaining the quantity
of electricity supplied by the council shall be prima facie evidence of such quantity.

Register of meter to be prima facie evidence.

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

Council not to prescribe manner of using electricity.

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

Obligation to supply electricity.

24. If any person neglect to pay any electric light rate or any
40 charge for electricity, or any other sum due to the council in respect of or incidental to the supply of electricity to such person, the council may without notice cut off his supply of electricity, and for that purpose may cut or disconnect any electric line or other work through which electricity may be supplied, and may, until such charge or other
45 sum, together with any expenses incurred by the council in cutting off such supply of electricity as aforesaid is fully paid, but no longer, discontinue the supply of electricity to such person.

Power to cut off supply.

Injuring works with intent to cut off supply.

25. Any person who unlawfully and maliciously cuts or injures any electric line or work erected in pursuance of this Act with intent to cut off any supply of electricity shall be guilty of felony and be liable to be kept in penal servitude for any term not exceeding *three* years, or to be imprisoned with or without hard labour for any term not exceeding *one* year, but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provision of this Act, or under any other Act, or at common law, so that no person be punished twice for the same offence. 5

Stealing electricity.

26. Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity provided in pursuance of this Act shall be guilty of simple larceny and punishable accordingly. 10

Penalties.

Penalty for removing electric line, &c.

27. Any person who wilfully and unlawfully removes, destroys, or damages any electric line, or any pillar, post, lamp, meter, or other work connected with or relating to the supply of electricity by the council in pursuance of this Act, or who wilfully and unlawfully extinguishes any of the public lamps or lights maintained by the council in pursuance of this Act, or wastes or wilfully and wrongfully uses any of the electricity supplied by the council in pursuance of this Act shall for each such offence forfeit to the council a sum not exceeding *five* pounds in addition to the amount of damage done. 15 20

Penalty for breaking electric lines, &c.

28. Any person who carelessly or accidentally breaks, throws down, or damages any electric line, or any pillar, post, lamp, or other work belonging to the council or under its control shall forfeit and pay such sum of money by way of satisfaction to the council for the damages done, not exceeding *twenty-five* pounds, as two justices of the peace sitting in petty sessions shall think reasonable: Provided that this section shall not affect any other remedy. 25 30

Penalty for tampering with meters, &c.

29. Any person who wilfully, or fraudulently, or by culpable negligence injures or suffers to be injured any electric line or any meter or fittings belonging to the council, or alters the index to any meter, or prevents any meter from duly registering the quantity of electricity supplied, or fraudulently abstracts, consumes, or uses electricity supplied by the council shall, without prejudice to any other right or remedy for the protection of the council or the punishment of the offender, for every such offence forfeit to the council a sum not exceeding *twenty-five* pounds in addition to the amount of damage. 35 40

Supply of electricity may also be cut off.

30. In any case in which any person has been convicted of wilfully or fraudulently injuring or suffering to be injured any electric line, or any meter or fittings belonging to the council, or altering the index

index to any meter, or preventing any meter from duly registering the quantity of electricity supplied, the council may also, until the matter complained of has been remedied, but no longer, discontinue the supply of electricity to the person so offending, notwithstanding
5 any contract previously existing.

31. The existence of artificial means for causing such alteration or prevention, or for abstracting, consuming, or using electricity supplied by the council when the meter is in the possession of the consumer, shall be prima facie evidence that such alteration, prevention,
10 abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Evidence that meter has been tampered with.

Right to enter and inspect.

32. Any officer appointed by the council in that behalf may at all reasonable times enter any place or building to which electricity is
15 or has been supplied by the council in pursuance of this Act for the purpose of inspecting and testing the electric lines, meters, accumulators, transformers, fittings, works, and apparatus for the supply of electricity belonging to the council, and of ascertaining the quantity of electricity consumed or supplied, or (where a supply of electricity is
20 no longer required, or where the council is authorised to take away and cut off the supply of electricity from any premises) for the purpose of removing any electric lines, accumulators, fittings, works, or apparatus belonging to the council, repairing all damage caused by such entry, inspection, or removal.

Power to enter premises and inspect or remove fittings, &c.

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Legal.

33. Where any electric lines, meters, accumulators, transformers, fittings, works, or apparatus belonging to the council are placed in or upon any place or building (not being in the possession of the council), for the purpose of supplying electricity in pursuance of
30 this Act, such electric lines, meters, accumulators, transformers, fittings, works, or apparatus shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy against the person in whose possession
35 the same may be: Provided that nothing in this section shall affect any distress or execution lawfully made or issued upon or against the council.

Council's fittings not to be subject to distress, execution, &c.

34. All actions or other proceedings against the council, its officers, agents, or servants for anything done or reasonably supposed
40 to have been done in pursuance of this Act shall be commenced within twelve months after the matter complained of was committed and

Limitation of action against the council.

and not otherwise; and notice in writing of any such action or proceedings, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the proceeding; and in every such proceeding the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such proceeding if tender of sufficient amends shall have been made before the same was commenced, or if a sufficient sum of money shall have been paid into court after such commencement by or on behalf of the defendant, together with costs incurred up to that time. And if a verdict shall pass for the defendant, or the plaintiff shall become non-suit or discontinue such proceeding, or if upon demurrer or otherwise judgment shall be given against the plaintiff the defendant shall recover his costs and have the like remedy for the same as any defendant has by law in other cases.

Arbitrations.

35. Any arbitration in pursuance of this Act shall be by a single arbitrator and shall be conducted in accordance with and subject to the provisions of the Arbitration Act 1892, and for the purposes of reference to arbitration thereunder this Act shall be deemed to be a submission between the parties within the meaning of the same. The arbitrator shall in every case have power to direct how and by whom the cost of the reference and award shall be paid.

Sums recovered to go to electric light account.

36. All fines, forfeitures, or other sums recovered by the council in pursuance of this Act shall be carried to the credit of the electric light account, and all costs in relation thereto shall be charged to the electric light account.

Regulations and by-laws.

Governor may make regulations for securing safety of public.

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

Council may make by-laws, &c.

38. The council may for the purposes of this Act, but subject nevertheless to any regulations made by the Governor as herein provided, make all such by-laws, and do all such other necessary matters and things as may be necessary for carrying out the objects of this Act. And the council may by any such by-laws fix the maximum penalty for every offence against such by-laws: that no by-laws made as aforesaid shall have any force unless they have been first approved of by the Governor.

Outside

Outside municipalities.

39. It shall be lawful for the council to supply electricity outside the limits of the borough and within the limits of any borough or municipal district near to or adjoining the borough of the Glebe, and for such purpose to exercise within such limits as aforesaid any power conferred upon it by this Act (other than the power to make and levy an electric light rate) subject, however, to the following provisions :—

Council may extend operations into other municipalities with consent.

- 10 (1) The aforesaid powers shall not be exercised within the limits of any such borough or municipal district except with the consent of the council thereof (which consent it is hereby empowered to give), and upon such terms and conditions as may be mutually agreed upon.
- 15 (2) The supply of electricity for the purpose of lighting any place, building, or street belonging to or subject to the control of the council of such borough or municipal district shall, for the purposes of this Act, be deemed to be a supply for private purposes or use, and all provisions of this Act in such behalf shall extend and apply thereto.
- 20 (3) The council of such borough or municipal district shall, for the purposes of this section, have power to enter into all such contracts, and to levy all such rates, as it is by law empowered to enter into or levy in respect of a supply of gas.

Saving.

25 40. Nothing in this Act—

Savings.

- 30 (1) shall authorise or enable the council, its officers, agents, or servants to transmit any telegram or telephonic message, or to perform any of the incidental services of receiving, collecting, or delivering telegrams or telephonic messages, or give to the council, its officers, agents, or servants any power, authority, or facility of any kind whatever in connection with such transmission or performance as aforesaid.
- 35 (2) shall exempt the council or its operations in pursuance of this Act from the provisions of any general Act relating to the supply of electricity which may be passed in this or any future session of Parliament, or entitle the council to compensation from the public revenue by reason of the provisions of such general Act being made applicable to and
- 40 binding upon the council.

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The first part of the document is a letter from the Secretary of the State Department to the Secretary of the War Department. The letter is dated October 10, 1918, and is addressed to the Secretary of the War Department, Washington, D.C.

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(3)

The second part of the document is a letter from the Secretary of the War Department to the Secretary of the State Department. The letter is dated October 10, 1918, and is addressed to the Secretary of the State Department, Washington, D.C.

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Legislative Council.

No. , 1904.

A BILL

To allow Ministers and Members in charge of a Bill to speak in both Houses of Parliament, and to amend the Constitution Act.

[MR. WISE;—26 October, 1904.]

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

5 **1.** This Act may be cited as the "Constitution Act Amendment Act of 1904." Short title.

10 **2.** "Executive Councillor" means Executive Councillor as defined in Part IV of the Constitution Act of 1902; "Member in charge of a Bill" means a Member who has obtained leave to introduce a Bill; "Member of the Legislative Council" and "Member of the Legislative Assembly" mean respectively Member for the time being of such Council or Assembly. Definitions.

Ministers may speak but not vote in either House.

3. Any Executive Councillor who is not a Member of the Legislative Assembly may take part in the sittings of the Legislative Assembly, and any Executive Councillor who is not a Member of the Legislative Council may take part in the sittings of the Legislative Council.

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Member in charge of a Bill may speak in both Houses.

4. Any Member of the Legislative Council in charge of a Bill which has passed the Legislative Council and been read a first time in the Legislative Assembly, and any Member of the Legislative Assembly in charge of a Bill which has passed the Legislative Assembly and been read a first time in the Legislative Council, may respectively take part in the sittings of the Assembly or the Council on any subsequent stage of the proceedings of the said Assembly or Council in respect of the said Bill, whether in the House or in Committee.

Proviso in case of unavoidable absence.

5. If a Member in charge of a Bill is, in the case of a Legislative Councillor in the opinion of the President of the Council, and in the case of a Member of the Legislative Assembly in the opinion of the Speaker prevented by any reasonable cause from being present at any sitting of the Assembly or Council in which, by virtue of this Act, he would be entitled to take part any other Member may, for the purposes of that sitting, be deemed to be Member in charge of the Bill within the meaning of this Act: Provided that such other Member shall, if a Member of the Legislative Council, present to the Speaker a certificate under the hand of the President of the Council that he represents the Member in charge of such Bill, and if a Member of the Legislative Assembly shall present to the President a certificate to similar effect under the hand of the Speaker.

Rights and liabilities of Members in House not their own.

6. An Executive Councillor and a "Member in charge of a Bill," within the meaning of this Act, taking part in the sittings of a House of which he is not a Member shall—

(a) be entitled to all the rights and privileges of a Member of the said House in respect of all things said or done by him in the course of such sitting; and

(b) be subject to the Standing and Sessional Orders of such House while taking part in such sitting, and be liable to any penalties in respect of breaches of the said orders during such sitting, and to any such penalties which, by the said orders, may be imposed or received subsequent to the said sitting; and

(c) have the same right to speak in any debate whether in the House or in Committee, as any Member of such House. But shall not be entitled to give any vote in such House.

[3d.]