

**ELECTRICITY.**

1° AND 2° GEO. VI., No. XLV.

No. 45 of 1937.

**AN ACT** relating to the establishment and control of electricity generating stations and to the transmission, distribution, and use of electricity; to repeal the Electric Lighting Act, 1892, and its amendments; and for other purposes incidental thereto.

[Assented to 18th January, 1938.]

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

- Short title      1. (1.) This Act may be cited as the *Electricity Act, 1937.*  
                   (2.) The Acts specified in the Schedule are repealed.
- Interpretation      2. In this Act, subject to the context—  
                   “Committee” means the Electricity Advisory Committee as constituted under this Act.  
                   “Concessionaire” means any person to whom a concession has been granted by a local authority under the provisions of this Act, and includes

an "undertaker" supplying electricity under the provisions of the Electric Lighting Act, 1892, and its amendments.

"Consumer" means any person to whom electricity is supplied.

"Distribution works" means any works, including lines, poles, switches, and transformers and all other apparatus for the purpose of distributing electricity to consumers either direct from any generating station or from any transmission works.

"Electric works" includes any works for the generation, transmission, and distribution of electricity, or for any of such purposes, and any work or thing pertaining thereto.

"Electric fitting" means any apparatus which uses or consumes electricity or is used as a means of connection therefor, but shall not include any fitting or apparatus used by the Railway Department for communication or safe working purposes.

"Generating station" means any machinery, plant, or appliances utilised for the purpose of generating electricity, including the site on which the same are situated and all buildings and appurtenances belonging thereto.

"Linking up scheme" means a scheme whereby electricity is supplied in bulk by a supply authority to one or more supply authorities for distribution to consumers, or for the interchange of power between supply authorities.

"Local authority" means the council of a municipality or a board of a road district.

"Public authority" means any authority controlling any service such as roads, bridges, water supply, sewerage, or drainage, and any service or utility for the benefit of the public.

"Service apparatus" means all apparatus (including lines, poles, leads, switches and meters) for the purpose of conveying electricity from any distribution works to any point where a consumer uses or intends to use any electric fitting.

"Street" includes any square, court, alley, highway, lane, thoroughfare or public place or passage.

“Supply authority” means the local authority where the local authority itself supplies electricity under this Act or under the provisions of the Electric Lighting Act, 1892, and its amendments or an “undertaker” supplying electricity under that Act or a concessionaire supplying electricity under this Act.

“Transmission works” means any main line, and all poles, switches, transformers, and apparatus pertaining thereto for the purpose of conveying electricity from a generating station to any distribution works.

Administra-  
tion.

3. (1.) This Act shall be administered by a Minister of the Crown appointed by the Governor for that purpose.

(2.) Whenever in this Act it is provided that any question shall be referred to the Minister for determination, the Minister shall, before coming to any decision on the question, obtain the advice of the Committee in the prescribed manner.

*Electricity Advisory Committee.*

Constitution  
of Electricity  
Advisory  
Committee.

See N.S.W.  
42 of 1935.  
s. 35.

4. (1.) There shall be a committee, which shall be called the Electricity Advisory Committee.

(2.) The Committee shall consist of three members, to be appointed by the Governor.

(3.) Subject as hereinafter mentioned, no person shall be qualified for appointment as a member unless he be either a corporate member of the Institution of Electrical Engineers, London, or of the Institution of Engineers of Australia.

(4.) If in the opinion of the Governor no person can be found qualified to be a member under subsection (3), or if there is no qualified person willing to be a member, then the Governor may appoint some other person who in the opinion of the Governor is sufficiently well versed in the theory and practice of electrical engineering to be a member of the Committee

(5.) Each member shall hold office during the pleasure of the Governor.

(6.) The Governor may appoint one of the members of the Committee to be chairman, and such member shall hold office until a further appointment of a chairman is made by the Governor.

(7.) Any two members of the Committee shall form a quorum for the transaction of business. If at any meeting at which there are only two members present there is an equal division of opinion on any question, further deliberation on the question shall be deferred to the next full meeting of the Committee.

(8.) The Committee may, with the approval of the Minister, and shall, if the Minister so requests, co-opt any person or persons for the determination or consideration of any matter with which the Committee may from time to time be dealing under this Act.

(9.) The members of the Committee shall be paid such travelling expenses as may be from time to time allowed by the Governor, and the same are hereby charged on Consolidated Revenue.

5. It shall be the duty of the Committee—

- (a) to exercise such powers and perform such duties as are specifically conferred by or imposed on it by this Act;
- (b) to consider such matters concerning the generation and supply of electricity in the State as may be referred to it by the Minister, and to furnish reports to and advise the Minister thereon;
- (c) to devise schemes for co-ordinating (having regard to efficiency and economy and the future progress of the State) the supply of electricity throughout the State and in particular parts of the State, and to furnish the Minister with details of such schemes;
- (d) to consider the advisability of amending the law relating to the generation, transmission, supply, and use of electricity, and to report thereon to the Minister and to submit in outline a draft of any legislation (including regulations, by-laws, and the like) necessary to give effect to the report;
- (e) to carry out such functions of an advisory character as may be prescribed.

Powers of  
Electricity  
Advisory  
Committee.  
See N.S.W.  
42 of 1935.  
s. 35.

Local authorities empowered to generate electricity, etc.  
Compare 55 Vic., No. 33, ss. 3, 4, 5, 6, 9, 10, 17.

6. Subject to the provisions of this Act a local authority may—

- (a) establish and maintain generating stations in its district, and supply or combine with any other local authority in the generation, supply, and distribution of electricity, either within the limits of its district or within the limits of the combined districts of the said local authorities;
- (b) grant a sole concession to a concessionaire upon such terms and conditions (subject to section fourteen) as the local authority may think fit, enabling the concessionaire to exercise the powers of the local authority under the preceding paragraph (a) in the whole or such part of the district of the local authority as may be specified: provided that no such concession shall be for a period greater than twenty-one years from the date thereof;
- (c) for the purpose of this Act buy or otherwise acquire freehold and leasehold lands and, with the approval of the Governor, sell or exchange lands of either freehold or leasehold tenure, or lease any lands of any tenure belonging to the local authority for any term not exceeding twenty-one years in possession at such rent and on such terms and conditions as the local authority thinks fit;
- (d) for the purposes of this Act acquire patent rights, licenses, apparatus, machinery, appliances and things;
- (e) in the exercise of the foregoing powers use all the powers conferred on it by its local governing Act relating to the carrying out of works and undertakings, including but without limiting the generality of this authority power to use its corporate funds and to borrow money in the same manner as if the local governing body were carrying out an authorised work within the meaning of its local governing Act.

Supply authority to make compensation for damage done.  
55 Vic., 33, s. 39.

7. (1.) In the exercise of the powers conferred by this Act the supply authority shall—

- (a) cause as little detriment and inconvenience and do as little damage as possible;

(b) make full compensation to all persons interested for all damage sustained by them in consequence of the exercise of such powers.

(2.) The provisions of the Public Works Act, 1902, and its amendments shall apply to the compulsory taking of any lands by a local authority for the purpose of this Act, and compensation shall in default of agreement between the parties be assessed, determined, and recovered as provided in that Act, and not otherwise, and, subject thereto, any dispute or difference as to the amount or application of the compensation payable in respect of any damage done by a supply authority in the exercise of its powers under this Act shall be referred to a single arbitrator, if the parties concur in the appointment of a single arbitrator, and if they do not so concur, then to two arbitrators, one to be appointed by the supply authority and the other by the other party interested, and the provisions of the Arbitration Act, 1895, shall apply to every such arbitration as if it were a submission under that Act.

8. (1.) After the commencement of this Act no person shall—

(a) construct or establish any generating station; or

(b) instal any additional main generating unit, or construct or extend any transmission works

without the consent of the Minister in writing and in accordance with any conditions or stipulations which may be specified in such consent.

Penalty: Five hundred pounds.

(2.) Any person or supply authority using any generating station or any transmission works which have been established or constructed in contravention of this section shall be liable to a penalty not exceeding fifty pounds for each day during which the same are used.

(3.) Nothing in this section shall be deemed to prevent any person—

(a) from generating electricity solely for his own private use and not for sale; or

(b) from selling electricity supplied to him by a supply authority to any premises owned by him, if such electricity is sold only to his tenants occupying such premises and at prices not in excess of the prescribed charges.

No further generating stations to be erected except under this Act.

Compare N.S.W. 42 of 1935, s. 37.

Crossing the territory of local authority with transmission lines.

9. (1.) A local authority may with the consent of the Minister and shall, if required by the Minister, grant a license to any supply authority authorising the construction and maintenance of transmission works within the district of the local authority.

(2.) Any such license may be for a term not exceeding twenty-one years.

(3.) The supply authority shall make compensation to the local authority for all damage done to any works of the local authority in the exercise of its license under this section, and if the supply authority and the local authority cannot agree as to the amount of damage payable, the question shall be submitted to the determination of a single arbitrator, if the parties concur in the appointment of a single arbitrator, but if they do not so concur, then to two arbitrators, one to be appointed by each party, and the provisions of the Arbitration Act, 1895, shall apply in the same manner as if the question in dispute had been submitted to arbitration pursuant to a submission under that Act.

Local authorities, etc., to furnish plans of proposed works to Minister.

10. (1.) Any person desiring to carry out any works in respect of which the approval of the Minister is necessary under section eight shall make application to the Minister, and shall furnish such preliminary plans, specifications, estimates, and technical details of the proposed works as may be prescribed.

(2.) No local authority shall incur expenditure in excess of the sum of fifty pounds in connection with the preparation and completion of such preliminary plans, specifications, estimates, and technical details without the consent of the Minister.

(3.) On receipt of such preliminary plans, specifications, estimates, and technical details the Minister shall refer the same to the Committee, which shall examine the same and report thereon to the Minister.

Advisory Committee to report.

11. (1.) After examining any scheme the Committee shall determine the price or prices to be paid for electricity purchased in bulk by one supply authority from another for subsequent sale by retail by the former.

(2.) In fixing the amount to be charged the Committee shall take into consideration—

(a) the following items of cost incurred or to be incurred at the generating station or proposed generating station, based on the cost per kilowatt hour generated:—

- (i) management and administration;
- (ii) the cost of fuel;
- (iii) Wages, stores, oil, water, and other necessities;
- (iv) maintenance of plant;
- (v) transmission;
- (vi) capital charges, including interest, depreciation, and obsolescence;

(b) maximum demand.

(3.) If the scheme is approved by the Minister the supply authority shall not charge prices for electricity supplied in bulk in excess of the prices determined by the Committee without the consent of the Minister.

12. Where a supply authority which generates electricity supplies electricity in bulk under any linking-up scheme, then for the purpose of measuring the supply from the supplier to any local authority, the bulk supply shall be metered at a point to be mutually agreed upon, and in default of agreement, to be determined by the Minister.

Method of  
metering bulk  
supplies.

13. (1.) A local authority desirous of combining with another local authority or authorities in the establishment of a generating station, or in the carrying out of transmission or distribution works and the supply of electricity in their combined districts, may give notice to that effect to the other local authority.

Joint  
schemes.

(2.) If any two or more local authorities agree on any such joint scheme, the capital cost of the establishment of the generating station, transmission, and distribution works, and all works in connection therewith, shall be apportioned on an equitable basis between the local authorities concerned, and in the event of their not being able to reach an agreement as to the proper apportionment of the capital cost, the same shall be decided by the Minister.



(3.) The total distribution costs of electricity generated at any generating station established under a combined scheme shall be borne by the local authorities in such proportion as they may agree, and in default of agreement the proportion payable by each shall be determined by the Minister.

(4.)—

- (a) A local authority desiring to treat for a supply of electricity in bulk for transmission to and distribution within its district may give notice to that effect to a supply authority in the district of any local authority which adjoins its district.
- (b) If the parties cannot come to any agreement as to such supply or as to the terms and conditions of such supply, the local authority desiring the supply may apply to the Minister for a determination therein.
- (c) The Minister shall determine whether it is practicable and economical for the supply authority to give such supply and the terms and conditions of supply, and the supply authority shall be bound by such determination as if the supply authority had specifically agreed thereto.

Standard  
form of  
concession.

14. (1.) For the purpose of this Act the Governor may from time to time, with the advice of the Committee, prescribe a standard form of contract to be made between local authorities and concessionaires.

(2.) Every contract made between a local authority and a concessionaire shall be in accordance with such standard form, and such form shall not be varied except with the approval of the Governor on the advice of the Committee.

*General Powers and Obligations of Supply Authorities.*

General  
powers.  
55 Vic., No.  
33, ss. 11, 12,  
and 13.

15. Every supply authority may, subject to the provisions hereinafter contained, exercise the following powers:—

- (a) to enter upon any land, street, or place and survey and take levels thereof;

- (b) to open and break up the soil, surface, or pavement of the several streets and bridges within the limits to be supplied with electricity, and any sewers, drains, or tunnels within or under such streets or bridges, and carry out and instal transmission and distribution works under, over, along, or across any street, bridge, shore of the sea, stream or water: provided that any electric line crossing above the surface of any street or of any water commonly used for navigation shall be at least twenty feet from the surface, and that the free use of any street, bridge, shore, stream, or water shall not be obstructed more than is necessary for the purpose of this Act;
- (c) from time to time repair, alter, or remove any such works;
- (d) for all or any such purposes to remove and use all materials in, under, or over such streets and bridges;
- (e) to carry out and instal any transmission or distribution works in any place, or in, against or through any building for the purpose of supplying the same, or any other place or building, with electricity, and set up any service apparatus necessary for securing thereto a complete supply of electricity, and for measuring and ascertaining the extent of such supply: provided that any line of aerial and any lamp shall be at least eighteen feet from the surface of the earth on which the building is situate: provided also, that if the owner of the building shall rebuild or alter the same, any work attached to the building shall be removed so far as necessary to enable such rebuilding or alteration and, if so required, affixed to the new building at the cost of the supply authority;
- (f) generally do all other acts which the supply authority from time to time deems necessary in connection with the supply of electricity.

Provided that—

- (i) the supply authority shall not erect or instal any distribution works and apparatus for distribution in or against any building or on any land, with-

out the consent of the owners and occupiers thereof, but nothing in this proviso shall preclude the supply authority from entering such building or land and carrying out, erecting, and installing new distribution works and apparatus for distribution to replace any distribution works and apparatus for distribution already lawfully carried out and installed, or to repair or alter any such distribution works and apparatus for distribution;

(ii) before the supply authority proceeds to open or break up any street, bridge, sewer, drain, or tunnel the supply authority shall give to any public authority affected under whose control or management the same or any part of the same or any works on, under, or above the same may be placed at least three clear days' notice in writing of their intention so to do, except—

(a) in cases of emergency arising from defects in any of the transmission or distribution works of the supply authority, in which case such notice shall be given with all reasonable dispatch after the beginning of the work or the necessity for the same has arisen; and

(b) in cases where the work to be carried out consists of the connection of any distribution works to any transmission works which have been previously laid or erected, when one clear day's notice in writing shall be sufficient;

(iii) no such street, bridge, sewer, drain or tunnel shall be opened up or broken up (except in the case of emergency), except under the superintendence of the public authority having the control or management thereof, or its officer, and according to such plan as shall be approved of by the public authority or its officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by a single arbitrator to be appointed by the parties, or if the parties cannot concur in the appointment of a single arbitrator, then to two arbitrators, one to be appointed by each party, and the arbitrator or arbitrators so appointed may on application of the public authority affected require the

supply authority to make such temporary or other works as the arbitrator or arbitrators may deem necessary for guarding against any interruption of the works of the public authority so affected, and the matters so referred to the arbitrator or arbitrators shall be deemed to be a submission under the Arbitration Act, 1895, and the provisions of that Act shall apply accordingly: provided that, if the public authority or its officer fails to attend at the time fixed for the opening or breaking up of any such street, bridge, sewer, drain, or tunnel after notice as provided by this section, or shall not propose any plan for breaking up or opening up the same, or shall refuse or neglect to superintend the operation, then the supply authority may perform the work specified in the notice without the superintendence of the public authority or its officer.

16. When a supply authority does any works in the exercise of the powers of the supply authority under this Act which damage or affect the works of any public authority the supply authority shall—

Supply authority to reinstate works of any public authority.

55 Vic., No. 33, s. 14.

- (a) with all possible speed complete the works of the supply authority, reinstate and make good the damage done to the works of such public authority and remove all spoil and rubbish occasioned thereby;
- (b) cause a light sufficient for the warning of passengers to be set up or maintained at night against or near the works of the supply authority in any street, and keep the same fenced and guarded until compliance with the obligations specified in the preceding paragraph;
- (c) keep any streets which have been broken up or disturbed on the course of the works in good repair for three months after reinstating and make good any damage done to the same, and for such further time, not exceeding twelve months in all, as the streets shall continue to subside.

17. If a supply authority makes default in observing any of the obligations imposed on the supply authority under the preceding provisions the supply authority responsible shall forfeit to any public authority whose property is damaged a sum not exceeding ten pounds

Penalty on default.

55 Vic., No. 33, s. 15.

for every such breach, and a further sum of five pounds for each day during which any such default continues after notice thereof in writing, but nothing herein contained shall be deemed to interfere with any remedies at law which such public authority may have against the supply authority by reason of or in connection with such default.

Interference  
with works of  
public auth-  
orities and  
*vice versa.*

55 Vic., No.  
33, s. 16.

18. (1.)—

- (a) Subject to the provisions of this Act and to any regulations or by-laws made under this Act, where a supply authority in the exercise of the powers conferred by this Act deems it necessary to alter the position of any works of any public authority in any street or place, the supply authority shall give notice to the public authority affected, specifying the nature of the alteration desired.
- (b) If the parties cannot agree as to the necessity for the alteration or as to any other matters pertaining to the proposed alteration, the same shall be referred to a single arbitrator, if the parties concur in the appointment of a single arbitrator, but if they do not so concur, then to two arbitrators, one to be appointed by each party, and the provisions of the Arbitration Act, 1895, shall apply as if the matters in dispute were the subject of a submission under that Act.
- (c) The supply authority shall make or secure to the public authority affected such compensation and expenses as may be reasonably necessary for compensating such public authority in respect of the alteration of the position of works and the re-establishment of the works in such other position as may be agreed on, or in default of agreement, be settled by arbitration in manner aforesaid.

(2.) Any public authority which in the exercise of its powers deems it necessary to alter the position of any transmission or distribution works of a supply authority in any street or place may give notice to the supply authority, specifying the nature of the alteration desired and the provisions of paragraphs (b) and (c) of the preceding subsection shall apply, with the necessary modifications.

19. The supply authority may let any meter for ascertaining the quantity of electricity consumed or supplied and any service apparatus or electric fittings for such remuneration and on such terms in respect of the repair of such meter apparatus or fittings, and assuring the safety and return thereof as may be prescribed for that particular part of the State in which the meter apparatus or fittings are used.

Supply authority may let meters and apparatus.

55 Vic., No. 33, s. 24.

20. (1.) Subject to this Act the supply authority may from time to time enter into any contract with any person for supplying electricity to any public or private building, or providing any person with service apparatus or electric fittings and for the repair thereof.

Power to contract to supply electricity.

55 Vic., No. 33, s. 17.

(2.) The supply authority may from time to time enter into any contract with any public authority having the control of the streets within the limits of the area in which the supply authority is authorised, to supply electricity for the lighting of any such streets or of any public building or place with electricity, and for providing any such public authority with service apparatus and electric fittings for such purposes, and for the repair thereof, in such manner and upon such conditions as shall be agreed upon between the parties.

21. In any case where any person has wilfully or fraudulently damaged or tampered with or suffered to be damaged or tampered with any distribution works or service apparatus belonging to the supply authority, or altered the index of any meter, or prevented any meter from duly registering the quantity of electricity supplied, the supply authority may until any damage or interference has been remedied, but no longer, discontinue the supply of electricity to the premises of the consumer.

Power to cut off supply in case of illegal or fraudulent interference with works.

55 Vic., No. 33, s. 35.

22. (1.) Any officer appointed by the supply authority in writing may at all reasonable times enter any place or building in which electricity is or has been supplied by the supply authority, but shall first produce his written appointment to the occupier or other person for the time being in charge of the premises.

Officers may enter premises.

55 Vic., No. 33, s. 37.

(2.) Such officer may on entry—

- (a) inspect and test all distribution works and all service apparatus and electric fittings for the supply or use of electricity belonging to

the supply authority, for the purpose of ascertaining the quantity of electricity consumed or supplied;

- (b) Where the supply authority is authorised to cut off the supply of electricity, remove any service apparatus or electric fittings belonging to the supply authority, subject, however, to the obligation of the supply authority to make good all damage caused by such removal.

Service apparatus, etc., of supply authority not subject to distraint.  
55 Vic., No. 33, s. 38.

23. No distribution works or service apparatus or electric fittings belonging to the supply authority in any place or building (not in the possession of the supply authority), and which are used for the purpose of supplying or in connection with the supply of electricity, shall be taken in execution under any process of a court of law.

*Specific Obligation of Supply Authority.*

Duties of supply authority.

24. (1.) A supply authority shall—

- (a) be under an obligation to maintain all service apparatus belonging to or under the control of the supply authority, which may be on any consumer's premises, in a safe and fit condition for supplying electricity;
- (b) in supplying electric energy to a consumer's terminals, take all due precautions so as to avoid the risk of fire or other damage on the premises;
- (c) from the time when the supply authority commences to supply electricity through any distributing main, keep up a supply sufficient for the use of all consumers for the time being entitled to be supplied from that main, and, in the case of continuous current, shall constantly maintain the supply without change of polarity;
- (d) declare the system pressure and/or frequency at which the supply authority proposes to supply electricity at the terminals of the consumer, and constantly maintain the pressure within the limit of plus or minus six per

centum and the frequency within the limit of plus or minus two and a half per centum;

(2.) If any supply authority fails to comply with the obligations imposed on it by any of the preceding paragraphs (a) to (d) inclusive, any person aggrieved may make a complaint thereof to the Minister, who may in his discretion refer the same to the Committee, which shall have power to assess any damages accruing to the person aggrieved by reason thereof, but no such assessment shall exceed in any one case the sum of fifty pounds (£50): provided that nothing herein contained shall preclude any person suffering any damages from pursuing any other legal remedy which he may have against the supply authority in regard to the breach of any of such obligations.

25. (1.) The Governor may make regulations for the purpose of this Act for any of the following purposes:—

*Regulations.*  
55 Vic., No.  
83, s. 7.

- (a) the limit within which and the conditions under which a supply of electricity by a supply authority is to be compulsory or permissive;
- (b) securing a regular and sufficient supply of electricity by supply authorities;
- (c) securing the safety of the public from personal injury and the property of the public from damage by fire or otherwise;
- (d) subject to existing contracts, the limitation of the prices to be charged by supply authorities in respect of the supply of electricity and the rent and sale of service apparatus and electric fittings;
- (e) authorising inspection and inquiry from time to time by the Committee;
- (f) the examination, qualifications, and licensing of electrical workers and contractors or special classes of electrical workers and contractors (including cinematograph operators who operate plants electrically supplied with a pressure of not less than 100 volts);
- (g) the enforcement of the due performance of the duties of any concessionaire in relation to the supply of electricity by the imposition of penalties or otherwise;



- (h) for the prevention of radio interference; authorising inspection of premises in any part of the State from which radio interference is or is suspected of being caused;
- (i) for the inspection, passing, and branding by inspectors appointed under this Act of service apparatus and electric fittings (whether installed or first put into use before or after the commencement of this Act); forbidding the supply of electricity to and the use of any such apparatus and fittings which fail to pass the prescribed test or are unbranded, or have not been inspected, and prescribing the fees to be charged in connection with any such inspection; providing for the withdrawal of approval of any type, description, or class of electrical apparatus, fitting, or thing suggested or designed for use for purposes of or for connection to any electrical installation;
- (j) prescribing standards for electrical wires and cables and for the materials used in the manufacture of electrical appliances, fittings, and things used in connection with any electric supply;
- (k) the fees to be charged for any services performed or rendered by the Committee or by any officer or authority pursuant to this Act or the regulations or by-laws made thereunder;
- (l) prescribing the form and basis of charging for electricity by a supply authority and the methods to be adopted in fixing such charges, and prescribing times for revising the same;
- (m) prohibiting interference by unauthorised persons with any electric work, service apparatus, or electric fitting;
- (n) conferring upon any supply authority the power to refuse or discontinue the supply of electricity where the conditions of such supply may be dangerous to life, health, or property, and regulating the exercise of such power;
- (o) requiring the periodical inspection by a supply authority of all electric works installed in, on, over, or under any public or private premises;

- (p) the safety of persons employed in or about generating stations or in the installation of electric works;
- (q) prescribing standards for the voltages to be maintained by persons operating generating stations at the terminals of consumers, and prescribing standards and rules for the installation of electric works, service apparatus, and electric fittings;
- (r) generally in regard to any other matters in connection with the supply of electricity by a supply authority;
- (s) imposing penalties not exceeding fifty pounds for any breach of such regulations;

(2.) Such regulations may be either general or restricted to the whole or any part of the area of some particular local authority or authorities, and, except where the context of subsection (1) specifically requires, may be of general application throughout the State and apply generally to and incidental to the generation and use of electricity throughout the State.

26. (1.) A local authority may with the approval of the Minister make by-laws to have effect within the limits of its district—

By-laws.  
55 Vic., 33.  
s. 8.

- (a) for the purpose of securing the safety of the public and preventing damage to property;
- (b) prescribing a penalty not exceeding fifty pounds for any breach thereof.

(2.) Before approving the by-laws the Minister shall be satisfied on the certificate of the Committee that the same do not conflict with the electrical wiring rules as made and adopted by the Standards Association of Australia.

(3.) By-laws may be made by a local authority under the provisions of subsection (1) of this section in addition to or as supplemental to regulations made by the Governor on the same subject, but in the event of any inconsistency between the former regulations and the latter, the latter shall prevail.

*Inspectors and Inspection of Works.*

Inspectors.

27. (1.) The Minister may appoint inspectors for the purpose of this Act, who shall have power—

- (a) to inspect electric works and service apparatus; and for that purpose at reasonable times to enter all generating stations and premises where electricity is supplied or consumed; and
- (b) to exercise such other authorities and duties as may from time to time be prescribed.

(2.) The powers of every such inspector shall extend throughout the State to and in relation to all electric works and service apparatus by whomsoever operated, controlled, or used (including the Crown).

Special qualifications for inspection of generating stations.

28. No inspector shall be entitled to inspect generating stations, transmission works, or distribution works unless he has the prescribed qualifications and holds a special certificate in that behalf under the regulations.

Inspectors may require dangerous work to be remedied.

29. An inspector, after having made an inspection, may by notice in writing forbid the use of any electric works or service apparatus which in the opinion of the inspector—

- (a) is not constructed in accordance with the provisions of this Act or the regulations made thereunder, or in accordance with the provisions of any other Act applying thereto or the regulations or by-laws made thereunder; or
- (b) is dangerous,

until such time as the same has been put in such a condition as to conform to the requirements of the Act or regulations made thereunder and to obviate any danger arising from the use thereof.

Installation must be passed before supply.

30. A supply authority shall not supply any premises with electricity unless and until all service apparatus has been inspected by an inspector under this Act and passed by him as being in a safe condition for use and as being in accordance with this Act and the regulations made thereunder.

31. (1.) If an inspector forbids the use of any electric works or service apparatus or installation under this Act any person aggrieved may appeal in the prescribed manner to the Minister.

Right of appeal.

(2.) The decision of the Minister shall be final.

*General.*

32. If any consumer neglects to pay any rent due to a supply authority or the price of or charges in respect of any service apparatus or electric fittings for the space of fourteen days next after demand of the amount due shall have been left at the premises supplied, or sent by post to the last known address of the consumer, the supply authority may cut off the supply of electricity, and until all moneys due on such account, together with any expenses incurred, have been paid, may discontinue the supply of electricity to the consumer.

Power to cut off supply.

55 Vic., No. 33, s. 18.

33. (1.) If a consumer does anything or suffers anything to be done, or omits to do anything whereby electricity escapes from any electric line laid in, over, or along any street or land before it reaches the meter on the premises of the consumer, the supply authority may—

Powers where electricity wasted or misused.

55 Vic., No. 33, s. 19.

- (a) disconnect any such electric line and cease to supply the consumer with electricity so long as the cause of the escape is not remedied; and
- (b) recover the amount of all loss which is sustained in the premises by complaint before any two justices of the peace.

(2.) The remedies under this section shall be in addition to any other remedies in that behalf.

34. (1.) Where the contract between the supply authority and any consumer for the supply of electricity or the supply of service apparatus or electric fittings has expired or determined, the supply authority may enter the premises and disconnect and take away all service apparatus and electric fittings belonging to the supply authority.

Power to remove appliances.

55 Vic., No. 33, s. 20.

(2.) All damage to property of whatever description occasioned by such removal shall be made good at the expense of the supply authority occasioning the removal.

Incoming tenant must be supplied although outgoing tenant in arrears.

55 Vic., 33, s. 21.

35. Whenever any consumer shall leave the premises where electricity has been supplied to him without paying the rent and all charges due by him for or in connection with such supply, the supply authority shall not be entitled to require from the next incoming tenant or occupier of such premises the payment of the arrears left unpaid by the former consumer, unless the incoming tenant or occupier has undertaken with the former consumer to pay or exonerate him from the payment of such arrears.

Supply authority to keep meter in order.

55 Vic., 33 s. 25.

36. The supply authority shall at all times keep all meters on hire to any consumer in proper order for correctly registering the quantity of electricity supplied, and in default of so doing the consumer shall not be liable to pay rent or other consideration for the use of the same during such time as the default continues.

Control of meters and fittings.

55 Vic., 33, s. 26.

37. (1) Every meter used for ascertaining the quantity of electricity supplied by a supply authority shall during the continuance of such supply, and until all charges in respect thereof have been paid, be under the sole control of the supply authority, whether the meter be the property of the supply authority or not.

(2.) No person shall cut, connect, tap, fix, alter, or remove any service apparatus or electric fittings used in connection with the supply of electricity by a supply authority unless authorised in writing by the supply authority.

(3.) Nothing in this section shall affect the lawful exercise of any power in that behalf vested in any competent person under the provisions of this Act or the regulations or by-laws made under this Act or lawful exercise of any power by any public authority.

Meter record to be *prima facie* evidence.

55 Vic., 33, s. 27.

38. (1.) The register of the meter or other device used for ascertaining the quantity of electricity supplied shall be *prima facie* evidence of the quantity of electricity used.

(2.) The supply authority shall have the right to test any such meter at any time, and if the meter fails to register or registers incorrectly the account of the consumer for electricity for the premises in respect of which

such meter is installed for the period since the last account was rendered, may be adjusted, at the option of the supply authority, on the basis of—

- (a) any test performed under the abovementioned provisions; or
- (b) the account rendered to the consumer in respect of such premises for the corresponding period of the previous year; or
- (c) the account for the last preceding period in respect of such premises, with a reasonable adjustment thereof for any known variations in the demand; or
- (d) the test certificate of the meter as hereinafter provided.

(3.) (a) Subject as hereinafter provided, the consumer shall be entitled on payment of the testing fee of five shillings (5s.) to demand a test of any meter used for ascertaining the quantity of electricity supplied to him.

Any test performed under the provisions of this section may at the option of the consumer or other person requiring the test be performed on the basis of a comparison of the working of the meter under consideration with any other meter which has been certified by any tester approved by the Minister to be effective, or may be made on the basis of testing the meter under consideration by a testing laboratory approved by the Minister, but in the latter case, in lieu of the fee of five shillings hereinbefore prescribed, the person requiring the test shall pay such fee (not exceeding three guineas) as may be prescribed.

(b) If it is found on testing that the meter is not more than two per centum fast, the testing fee shall be retained by the supply authority.

(c) If the meter is found to be more than two per centum fast, the testing fee shall be refunded to the consumer, and a rebate, based on the result of the test, shall be made on the last account rendered to the consumer and on the current account up to the date when the meter is removed or readjusted.

(4.) Meters shall be considered correct if on testing they are found to register within two per centum of the correct registration.

(5.) All outstanding accounts between the consumer and the supply authority shall be paid before the test is made.

Apparatus.  
55 Vic., 33,  
s. 28.

39. (1.) The supply authority shall not be entitled—
- (a) to insist on the use of any special form of service apparatus or electric fitting by any person; or
  - (b) to control or interfere with the manner in which electricity supplied by the supply authority in pursuance of this Act is used.

Provided that—

- (i) no person shall be at liberty to use any form of service apparatus or electric fitting, or to use electricity supplied to him for any purpose, or to deal with such electricity in such manner as to unduly or improperly interfere with the supply of electricity to any other person;
- (ii) where electricity is supplied at a cheaper rate or concession rate for any particular use or purpose, no person shall, with intent to obtain such electricity at such cheaper or concession rate, use the electricity for any other use or purpose for which a higher rate or charge is made.

(2.) If any dispute or difference as to the matters aforesaid (save the provisions of paragraph (ii) of the proviso to subsection (1) of this section) arises between a supply authority and any person entitled to be supplied with electricity in pursuance of this Act, such dispute or difference shall be referred to a single arbitrator if the parties concur in the appointment of a single arbitrator, but if they do not so concur then the dispute shall be referred to two arbitrators, one to be appointed by each party to the dispute, and the provisions of the Arbitration Act, 1895, shall apply to any such arbitration as if it were a submission under that Act.

Uniform  
charges and  
zoning.  
Compare  
55 Vic., 33,  
s. 29.

40. (1.) The Minister may create zones in any district which is being supplied or which it is proposed to supply with electricity by any supply authority, and may from time to time alter the boundaries of such zones.

(2.) It shall be unlawful for any supply authority to make a charge against any person for the supply of electricity exceeding the standard charge made by the supply authority to all other persons in the same zone for electricity supplied for the particular use or purpose for which such first-mentioned person requires to obtain a supply of electricity.

41. There shall be no obligation on the supply authority to supply electricity where the supply of electricity would necessitate an extension of the existing distribution system of the supply authority.

Obligation to supply.

42. Subject to the express provisions of this Act, whenever any person is liable to pay any sum of money by way of compensation or damages or for costs or expenses of any examination or inquiry, or in relation to any matter or thing concerning the repairing or reinstating of any loss or damage done by any such person, the same may be recovered summarily before any two justices, and the justices dealing with the matter shall assess and determine the sum of money payable, and the provisions of the Justices Act, 1902-1936, shall apply in relation to any such assessment.

Damages may be assessed by justices.  
55 Vic., 33, s. 61.

43. Whenever by the provisions of this Act it is provided that any sum of money shall be forfeited and paid by a supply authority or by any person under this Act, then such sum may, if no other method of recovery is specified under this Act, be recovered on complaint made before any two justices of the peace.

Method of recovering forfeitures.  
55 Vic., 33, s. 62.

44. Where electricity is supplied within the limits of the district of any local authority, and a supply of gas by any gas company is also authorised within such limits or any part thereof by any Act under the provisions of which such gas company is under any general or limited obligation to supply gas on demand, the Minister may on application of the gas company inquire into the circumstances of the case, and if he is satisfied that any specified part of the area comprised within such limits is sufficiently supplied with electricity, and that the supply of gas in such specified part has ceased to be remunerative to the gas company, and that it is just that the gas company should be relieved from its obligation to supply gas

Power for the Minister to relieve gas company from obligation to supply gas in certain cases.  
55 Vic. 33, s. 41.



upon demand, the Minister may in his discretion make an order relieving the gas company from such obligation within such specified part of such area, either wholly or in part, and upon such terms and conditions as he may think proper, and from and after the date of such order the gas company shall be so relieved accordingly. All expenses in connection with any such inquiry shall be borne and paid by the gas company upon whose application the order or inquiry was made.

*Offences and Penalties.*

Illegal interference with works, etc.  
55 Vic., 33,  
s. 32.

45. Any person who—

- (a) wilfully and unlawfully removes, destroys, or damages any electric works connected with or relating to the supply of electricity by a supply authority in pursuance of this Act, or of any Act repealed by this Act; or
- (b) wilfully and unlawfully extinguishes any public lamps or lights maintained by a supply authority in pursuance of this Act or of any Act repealed by this Act; or
- (c) wastes or wilfully and wrongfully uses any electricity supplied by a supply authority under this Act or under any Act repealed by this Act,

shall for each such offence be liable to a penalty not exceeding five pounds, and the court may in addition to any penalty imposed order the offender to pay to the supply authority the amount of any damage done or a sum equal to the value of any electricity wasted or wrongfully used.

Obtaining supply under false name.  
55 Vic., 33,  
s. 23.

46. Any person who obtains a supply of electricity from the supply authority under the name of any other person shall, unless he proves that such supply was obtained without any intent to defraud, be liable to a penalty not exceeding ten pounds.

Unauthorised use.  
55 Vic., 33,  
s. 23.

47. (1.) Where electricity is supplied to a consumer, and the quantity supplied is not ascertained by a meter, any person who uses any electric fitting other than such as has been provided or approved of by a supply authority, or of larger dimensions or consuming capacity

than such person has contracted to pay for, or who uses electricity for a longer time or in greater quantities than he has contracted to pay for, or who otherwise improperly uses such electricity, or who contrary to the provisions of this Act supplies any other person with any electricity supplied to him, shall be liable to forfeit and pay to the supply authority a penalty not exceeding five pounds for every such offence, and also to the sum of forty shillings for every day during which the offence shall continue.

(2.) The supply authority may cut off the supply of electricity from the premises of the person so offending, notwithstanding any contract which may have been previously entered into.

48. Any person who fraudulently alters or negligently damages any service apparatus, or who does anything which affects the efficiency of any such service apparatus, or who fraudulently abstracts, consumes, or uses electricity supplied by the supply authority shall, without prejudice to any other right or remedy for the protection of the supply authority or punishment of the offender for every such offence, be liable to pay to the supply authority a penalty not exceeding twenty-five pounds, and in addition the court may order the offender to pay the supply authority the amount of damage sustained by the supply authority by reason of the wrongful act of the offender.

Fraudulent alteration of meter, etc.  
55 Vic., 33, s. 34.

49. No person shall obstruct, hinder or delay any inspector appointed under this Act in the exercise of any powers or duties conferred or imposed on him under this Act or the regulations or by-laws made thereunder.

Hindering inspection.

Penalty: Fifty pounds.

50. Any person who carelessly or accidentally damages any electric works belonging to or under the control of the supply authority shall forfeit and pay by way of satisfaction to the supply authority for the damage done a sum not exceeding fifty pounds (£50): provided that this section shall not affect any other remedy which the supply authority may have at law in respect of such damage.

Summary remedy for damage to electric works.  
55 Vic., 33, s. 33.

General  
penalty.

51. Any person who by act or omission commits a breach of any of the provisions of this Act for which no penalty is specifically provided, commits an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

s. (2).

**THE SCHEDULE.**

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The Electric Lighting Act, 1892 .. .. .	55 Vic., 33.
The Electric Lighting Amendment Act, 1905 ..	No. 7 of 1905.
The Electric Lighting Act Amendment Act, 1931 ..	No. 54 of 1931.

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