

WESTERN AUSTRALIA.



ANNO PRIMO

GEORGI QUINTI REGIS,

XIII.

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No. 2 f 1911.

AN ACT relating to the acquisition by the City of Perth of the Works of the Perth Gas Company, Limited; and to transfer to and vest in the City of Perth the rights, powers, privileges, and authorities of the Company; and to authorise the Council of the City of Perth to borrow money for the purchase of the said Works.

[Assented to 19th January, 1911.]

**B**E 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:—

1. This Act may be cited as *The Perth Municipal Gas and Electric Lighting Act, 1911.* Short title.

2. In the construction of this Act unless the context otherwise indicates— Interpretation.

(a.) "The Company" means the Perth Gas Company, Limited.



notwithstanding the provisions contained in section four hundred and thirty-six of the Municipal Corporations Act, 1906.

power under Municipal Corporations Act, 1906.

6. Not less than seven days nor more than three months before any money is borrowed under the powers contained in this Act, a notice specifying the sum proposed to be borrowed shall be published in the *Government Gazette* and in a daily newspaper published in Perth.

Notice to be advertised before borrowing.

7. Within seven days after the first publication of such notice any twenty ratepayers within the Municipality may, in writing under their hands delivered to the Town Clerk, demand that the question whether or not such loan be incurred be submitted to the election of the ratepayers of the Municipality.

Ratepayers may demand a poll.

8. When any such demand has been made, the votes of such ratepayers shall be taken on a day to be fixed by the Mayor, not less than seven days nor more than twenty-eight days after the delivery of such demand, and such day shall be notified in some daily newspaper published in Perth, and on such day a poll shall be taken of all ratepayers who desire to forbid the proposed loan.

Date of poll to be advertised.

9. (1.) For the taking of such poll a special roll of ratepayers shall be prepared, revised, and authenticated within the times and in the manner hereinafter prescribed—

Votes of ratepayers, how taken.

- (a.) The Town Clerk shall cause a list to be prepared which shall contain the names of all persons whose names appear in the current year's rate book for the municipality as owners or occupiers of rateable land;
- (b.) The said list shall be available for inspection to any ratepayer at the Town Clerk's office not later than fourteen days before the date fixed for the holding of the poll;
- (c.) On or before the tenth day before the date fixed for the holding of the poll—
  - (i.) Any person who claims to be the owner or occupier of rateable land in the Municipality, and whose name does not appear upon such list, may apply to have his name inserted thereon. Such application shall be made in writing, delivered or sent through the post, addressed to the Town Clerk, and shall contain particulars of the land in respect of which the applicant claims to be a ratepayer;
  - (ii.) Any person whose name appears upon such list or who claims to have his name inserted thereon may object to any other person as not being

entitled to have his name retained thereon. Such objection shall be made in writing, delivered or sent by post, addressed to the Town Clerk. It shall be in duplicate, and shall specify the grounds upon which it is based, and it shall be the duty of the Town Clerk to post one copy thereof to the person objected to;

- (d.) The Council at a meeting to be held for that purpose before the date fixed for the holding of the poll, shall determine upon the validity of all such claims and objections, and shall make all corrections in the said list necessary to give effect to such determination. At least three days' notice of the date of such meeting shall be given by advertisement in a daily newspaper published in Perth. Any such meeting may be adjourned from time to time;
- (e.) The determination upon the validity of claims or objections shall be by the majority of those present at the meeting or adjourned meeting, and in case of an equal division, the Mayor or Chairman shall have a casting vote in addition to his deliberative vote;
- (f.) The Mayor or Chairman shall initial every addition or alteration in the list, and shall cause to be written at the foot or end thereof a certificate that the same has been revised and is correct with the date thereof. The Mayor or Chairman and not less than two other members of the Council shall severally sign such certificates, and the lists so revised and certified shall be the Special Roll of ratepayers hereinbefore referred to.

First schedule.

(2.) At the taking of such poll voting papers in the form in the First Schedule hereto shall be used, and the voter shall record his vote by signing his name thereon; and all the provisions contained in the Municipal Corporations Act, 1906, with reference to the taking of the poll at the election of a Mayor shall apply as nearly as may be.

Provided that each person whose name appears on the special roll shall be entitled to one vote only, and there shall be no voting in absence.

Power to Council to borrow if no poll demanded.

10. If no such demand is made as aforesaid that the question whether such loan be incurred be submitted to the election of the ratepayers, or if, on such demand being made, a majority of the persons whose names are on the special roll do not forbid the Council to proceed, the Council may proceed with such loan.

Method of borrowing.

11. All moneys borrowed by the Council under the powers contained in this Act shall be raised by the sale of debentures, and such debentures shall bear on the face of them a statement that the same are issued in pursuance of the powers conferred by this Act.

12. Such debentures shall be in the form in the Second Schedule hereto, and shall be numbered consecutively, beginning at the number one in arithmetical progression wherein the common difference is one, and each such debenture shall have annexed, for every payment of interest which becomes payable after the day on which such debenture is sold, a coupon bearing the same number as the debenture.

Form of debenture.  
Second schedule.

13. Whenever any money has been borrowed by the Council in pursuance of the powers conferred by this Act, and so long as any such money remains unpaid, then if the profits of the undertaking shall prove insufficient to pay the interest on the money so borrowed and owing, and also the amount provided by the said debentures to be set apart to form a sinking fund, the Council from time to time shall strike such special rate upon the annual value of all rateable land as shall be necessary to make up the deficiency.

Power to strike special rate.

14. (1.) All the provisions of the Municipal Corporations Act, 1906, with reference to making or striking the general rate, and levying and receiving the amount due in respect thereof, shall be incorporated with this Act, and shall be applicable to any special rate made or struck under this Act:

Incorporation of provisions of Municipal Corporations Act, 1906, with reference to striking the general rate.

Provided that in addition to the memorandum required to be made in the rate-book and initialled or signed by the Mayor ordering such rate to be struck, the Mayor may enter in the rate-book a statement in writing setting forth the circumstances which justify the striking of such rate, and initial or sign the same, and publish a copy thereof together with a copy of the memorandum aforesaid.

(2.) In any proceedings taken to enforce payment of the amount due in respect of any such special rate such statement, initialled or signed as aforesaid, shall be conclusive evidence that the Council was entitled to strike such rate.

15. Sections four hundred and forty-one, four hundred and forty-two, four hundred and forty-three, four hundred and fifty-one, four hundred and fifty-three, four hundred and fifty-four, four hundred and fifty-six, four hundred and fifty-seven, four hundred and fifty-eight, and four hundred and fifty-nine of the Municipal Corporations Act, 1906, shall be incorporated with this Act, and shall apply to all loans raised under this Act in the same manner as if such sections were herein re-enacted and in terms made applicable to this Act.

Incorporation of certain sections of the Municipal Corporations Act, 1906.

16. In the event of any default being made in payment of any principal money or interest of any loan raised under the powers conferred by this Act, the holder of any debenture in respect of

Power to appoint an official liquidator in case of default in payment of principal or interest.

which any such principal money or interest is overdue may apply to the Supreme Court by petition on behalf of himself and all other holders of debentures in respect of which a like default has been made, for the appointment of an official liquidator of the undertaking.

Powers of  
official liquidator.

17. An official liquidator, when so appointed, shall be entitled to take possession of the undertaking, and, subject to any order or direction which may be made by the Supreme Court, he shall have all the powers and authorities conferred by law upon an official liquidator appointed in the winding-up of a limited company, including a power of sale and the right to carry on the undertaking as a going concern pending the realisation thereof, and any person purchasing from the official liquidator shall have vested in him all the rights, powers, privileges, and authorities hereby conferred on the Municipality or intended so to be.

The undertaking to  
be the primary  
security for re-  
payment of loan.

18. The undertaking shall constitute the primary security for the repayment of all debentures, interest, and cost, but in the event of there being any deficiency on the sale and realisation thereof the official liquidator shall be entitled to sue for and recover from the Municipality the total amount of such deficiency.

Costs of purchase  
from the Company.

19. All the costs, charges, and expenses incurred by the Council in and about and incidental to the purchase from the Company shall be paid by the Council in the first instance out of the ordinary revenue of the Municipality, but shall be charged to and recouped by the moneys which the Council is authorised to borrow under this Act.

The First Schedule.

Section 9.

CITY OF PERTH.

I forbid the Council of the City of Perth from proceeding further with the loan under the Perth Municipal Gas and Electric Lighting Act, notice of which was published in the "Government Gazette" of the day of \_\_\_\_\_, 1911 .

(Signed) A.B.

The Second Schedule.

Section 12.

CITY OF PERTH.

No. \_\_\_\_\_ Debenture £ \_\_\_\_\_ .

Issued by the City of Perth under the provisions of the Perth Municipal Gas and Electric Lighting Act,  
Transferable by delivery.

This Debenture was issued by the City of Perth under the provisions of the above-named Act, and is to secure to the bearer a principal sum of £ \_\_\_\_\_, payable at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_. Interest at the rate of \_\_\_\_\_ per centum per annum on such principal sum is payable by equal half-yearly payments on the day of \_\_\_\_\_, and the \_\_\_\_\_ day of \_\_\_\_\_, and a Coupon is annexed for each payment which entitles the bearer of such Coupon thereto .

Such principal and interest are payable at \_\_\_\_\_, and are charged in accordance with the provisions of the above-named Act upon the undertaking as defined by the said Act and upon the Municipal revenue of the City of Perth, and are not otherwise secured.

Two pounds per centum on the amount of the loan will be invested every year. in accordance with the said Act, to form a sinking fund.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ .

(L.S.) A. B., Mayor.

C. D., Town Clerk.