



Western Australia.

ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. XXXVI.

AN ACT to amend the Goldfields Act, 1895.

[Assented to, 27th October, 1896.]

BE it enacted by the Queen'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 Goldfields Act Amendment Act, 1896, and shall be incorporated with the Goldfields Act, 1895. Short title.

2. IN this Act, unless the context otherwise requires,— Interpretation.

“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.

60° VICTORIÆ, No. 36.

Goldfields Act—Amendment.

Power to construct tramways and erect electric lines.

3. SUBJECT to the approval and consent, in writing, of the Minister, any person may enter upon any lands held under a gold-mining lease, claim, or authorised goldfield holding and break up the soil thereof, and

- (1.) Erect poles and posts thereon, and carry over-head, across, or along the same electric lines, and from time to time repair, alter, or remove the said poles and lines ;
- (2.) Make or construct any tramways on the surface of such lands, and from time to time repair, alter, or remove the same.

Permission to be subject to conditions and general regulations.

4. (1.) THE exercise of the powers mentioned in the foregoing section shall be subject to all such conditions and stipulations as the Minister shall impose, and subject also to such Regulations as may from time to time be prescribed by the Governor, and published in the *Government Gazette*, with regard to the following matters:—

- (a.) Securing the safety of the public from personal injury or from fire or otherwise ;
- (b.) Authorising and regulating inspection and inquiry from time to time by the Governor.

(2.) The contravention, non-performance, or non-observance of any conditions or stipulations imposed by the Minister as aforesaid shall be deemed an offence against this Act, and be punishable by fine, not exceeding Ten pounds for every day during which such contravention, non-performance, or non-observance shall continue.

(3.) The Governor may, by such Regulations as aforesaid, impose penalties not exceeding Fifty pounds in each case for the breach of any such Regulation.

Provision for protection of public telegraphs and telephones.

5. (1.) NO person shall, in the exercise of any of the powers under the authority of this Act, place or erect any electric line or do any other work for the supply of electricity, whereby any public telegraph or telephone line is or may be injured or injuriously affected, and every person acting under the authority of this Act, and his officers, agents, and servants, shall conform with such requirements, either general or special, as may from time to time be made by the General Superintendent of Telegraphs or other officer in charge of public telegraphs, for the purpose of preventing any such telegraph or telephone line from being injured or injuriously affected. In the event of any contravention of this section, or refusal or omission to conform to the requirements to be made as aforesaid, the person offending, his officers, agents, or servants, shall be liable to a fine not exceeding Ten pounds for

60° VICTORIÆ, No. 36.

Goldfields Act—Amendment.

every day during which such contravention, refusal, or omission continues, or if the telegraphic or telephonic communication is wilfully interrupted, not exceeding Ten pounds for every day on which such interruption continues, and in such latter case the General Superintendent of Telegraphs or his officers may lawfully do all such things as may be necessary to restore communication.

(2.) For the purposes of this section a telegraph or telephone line shall be deemed to be injuriously affected if telegraphic or telephonic communication by means of such line, whether through induction or otherwise, is affected by any electric line or works of the promoter or by any use made of such electric line or works.

6. ALL offences against this Act or any Regulations made hereunder, and all fines and penalties thereby respectively imposed, shall be prosecuted and recoverable, together with all costs of the proceedings, summarily before any two or more Justices of the Peace in Petty Sessions, in manner directed by the Ordinances and Acts regulating the performance of the duties of Justices out of sessions.

Offences and penalties, etc., to be prosecuted and recoverable summarily.

7. THE Goldfields Act, 1895, is hereby further amended as indicated in the following schedule.

Goldfields Act, 1895, to be further amended as in schedule.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Governor's Deputy.

60° VICTORIÆ, No. 36.

Goldfields Act—Amendment.

THE SCHEDULE.

In Section 4.—In the definition of “claim,” instead of the words “section thirty-five,” insert “section thirty-six.”

In the definition of “prescribed,” after the word “by,” insert “this Act or by the.”

In Section 10.—After the words “hereinafter conferred upon them,” in line three, omit the words “in Part IV. of this Act,” and insert “under this Act” in lieu thereof.

In Section 14.—Omit the words at the beginning of the section, “It shall be lawful for the Governor to appoint such persons as he may think fit to,” and insert instead thereof, “The Minister and every Warden, and all persons appointed for such purpose by the Minister, whether individually or in virtue of their offices, may.”

Add to the section, “This section shall be read and construed as if such last mentioned words had been originally inserted therein.”

In Section 38.—After the words in the 13th and 14th lines, “After the termination of the said inquiry” omit the words “and the decision of the Court of Mining Appeal hereinafter mentioned on any question raised by way of appeal (if any).”

In Section 42.—Instead of the words “Section thirty-five,” in the first line, insert “Section thirty-six.”

In Section 45.—After the words in the 20th line “upon which a forfeiture is recommended” omit the words “or in case of an appeal within a like period after the receipt by the Warden of the decision of the Court of Appeal.”

In Section 62.—Insert at the beginning of the section the words “Except in disputed applications for a lease or applications for the forfeiture of a lease or application for a lease.”