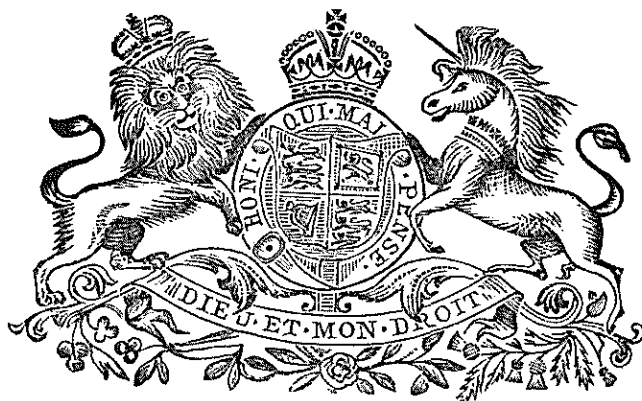


WESTERN AUSTRALIA.



ANNO QUINTO
GEORGII QUINTI REGIS,
LVI.

No. 29 of 1915.

AN ACT to vest in and impose on the Commissioner of Railways the powers and obligations of the Government under the Electric Light and Power Agreement Act, 1913, and to enable him to establish and maintain electric works and to supply electricity within defined areas, and for other relative purposes.

[Assented to 17th March, 1915.]

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:—

1. This Act may be cited as the *Government Electric Works Act*, 1914. Short title.

2. In this Act, subject to the context—

Interpretation.

“Commissioner” means the Commissioner of Railways;

“Electric Line” means and includes any wire 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, and any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.

“Electric Works” means and includes electric lines, meters, accumulators, fittings, and apparatus for the supply of electricity, and also any buildings, machinery, engines, or things of whatever description required to generate or supply electricity or to carry into effect the purposes of this Act;

“Government” means His Majesty’s Government of Western Australia;

“Minister” means the Minister for Railways;

“Street” means any square, court, alley, highway, lane, road, thoroughfare or public place or passage including any bridge, culvert, or other thing appurtenant thereto;

Powers, obligations, and rights under Electric Light and Power Agreement Act, 1913, vested in Commissioner.

3. (1.) The powers and obligations vested in or imposed on or purporting to be vested in or imposed on the Government by the Electric Light and Power Agreement Act, 1913, or the agreement set out in the Schedule to that Act, are hereby vested in and imposed on the Commissioner.

(2.) The Commissioner shall and may exercise and enforce on behalf of the Government all the rights of the Government under the said agreement.

Commissioner incorporated for purposes of this Act.

4. (1.) The Commissioner shall be deemed to be incorporated for the purposes of this Act, and for those purposes may hold lands and other property, and may sue and be sued, and shall have perpetual succession, and may use his official seal.

(2.) All property held or to be held or acquired for the purposes of this Act shall be vested in the Commissioner, and all such assurances shall be exercised as may be necessary for that purpose.

Power to establish and maintain electric works.

5. Subject to the Electric Light and Power Agreement Act, 1913, the Commissioner may, within such areas as may be from time to time defined by proclamation, but subject to the consent of the local authority having control in any such area—

(a) Establish electric works or acquire electric works by purchase or otherwise, and generate electricity, and sell or supply electricity and electric meters, fittings, or other apparatus for any lawful purpose to any person or local authority, or to any Government department or agency (State or Commonwealth);

(b) Maintain and carry on such electric works and the electric works mentioned in the Electric Light and Power Agreement Act, 1913;

(c) Make additions to and improvements in any such works as aforesaid:

Provided that no buildings or other works of a permanent character shall be erected, constructed, or acquired, and no land acquired for the purposes of this Act without the permission of the Minister.

6. For the purposes of this Act and of exercising and discharging the powers, rights, and obligations hereby conferred or imposed or made exercisable, the Commissioner may within the area aforesaid, by himself or by his servants or agents—

Incidental powers.

- (i.) For the purposes of this Act enter upon any land, street, or place, and survey and take levels thereof, and dig, fell, remove, and carry away from the land any earth, stone, gravel, sand, or other soil or timber or trees required to be used in constructing or maintaining any electric line or works;
- (ii.) Set up or lay down and maintain any necessary electric line or works upon, over, under or through any land or any shore of the sea, street, stream, or water, and at any time alter or remove any such line or works and break, excavate, and remove any soil to the extent and depth required for placing, altering, or removing any such line or works:

Provided that every 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 land, shore, street, or water shall not be obstructed more than is necessary for the purposes of this Act;

- (iii.) Cause any electric line or lamp to be supported by affixing or annexing the same to or against any part of a house, building, or other structure:

Provided that any line, if aerial, and any lamp shall be at least eighteen feet from the surface of the earth on which the house, building, or other structure is situate;

Provided, also, that if the owner of the house, building, or other structure shall rebuild or alter the same, the electric line or lamp shall be removed, and if so required affixed to the new structure, at the cost of the Commissioner;

- (iv.) Cut down or lop such trees, bushes, and branches as in his opinion obstruct any electric line;
- (v.) For any of the aforesaid purposes break up any street, and open and alter the position of any pipe, sewer, drain or tunnel within or under any street, and alter the position of any wires (not being wires belonging to the Postmaster General or the Commonwealth) over or under any street;
- (vi.) Erect in or on any land or street pillars, poles, standards, lamps, and other things necessary for the purpose of supplying or conveying electricity;

(vii.) Do all such acts and things as he shall reasonably consider necessary for any of the purposes of this Act, and as the Governor shall by Order in Council, published in the *Gazette*, approve.

Notice before
breaking up
streets in
certain cases.

7. (1.) Before the Commissioner proceeds to break up any street or to open or alter the position of any sewer, drain, or tunnel, or of any wires, he shall give to the person or local or other authority under whose control or management the same may be, notice in writing of his intention so to do not less than three clear days before beginning the work, except in cases of emergency arising from defects in any of the electric lines or works, in which cases the notice shall be given as soon as practicable: Provided that when the interference with the street, sewer, drain, tunnel, or wires is required for the purpose of connecting any branch electric line to a main which has been previously laid or provided, one clear day's notice shall be sufficient.

(2.) Before the Commissioner proceeds to exercise any of the other powers conferred by paragraphs (1.) to (vi.) of the last preceding section, a like notice shall be given by the Commissioner to the local authority, or the owner or occupier of the land or premises in respect of which such power is to be exercised.

Streets, etc.,
broken up to be
reinstated.

8. When the Commissioner has broken up any street or opened or altered the position of any sewer, drain, tunnel, or wires for the purpose of executing any work, he shall, with all practicable speed, complete such work and fill in the ground, and re-instate or make good the street, sewer, drain, tunnel, or wires so broken up, opened, or altered in position, and carry away any earth, rubbish, or obstruction arising from his operations; and until such operations are completed and the foregoing provisions complied with, the Commissioner shall take reasonable precautions for the prevention of accidents by causing every opening, heap of earth or rubbish, or other obstruction to be fenced and guarded, and to be well and sufficiently lighted at night-time.

The Commissioner shall indemnify and keep indemnified each and every local authority of and from all actions, claims, proceedings, loss, damage, costs, and expenses for which any such local authority may be liable or responsible or be proceeded against by reason of any acts done or omitted to be done by the Commissioner or his servants or persons on his behalf under this Act or in connection with any of the matters herein referred to.

Application of
Public Works
Act, 1902.

9. Any electric works authorised by or under this Act shall be deemed to be public works within the meaning of the Public Works Act, 1902, and the Commissioner shall be deemed to be a Minister of the Crown authorised to undertake, construct, and provide a public work within the meaning of that Act, and such Act shall, subject to this Act, apply to and in respect of him accordingly, and for the purposes of this Act the Commissioner may exercise any such powers as are by the aforesaid Act vested

in the Minister for Works for the construction and maintenance of public works.

10. In the exercise of the powers conferred by this Act, the Commissioner shall do as little damage as possible, and shall make adequate compensation to all local authorities and persons interested for any damages sustained by them by reason of the exercise of such powers.

Commissioner to make good all damage done.

11. All compensation and damages payable by the Commissioner for anything done or taken under or for the purposes of this Act shall be recoverable by action in any Court of competent jurisdiction: Provided that compensation for land permanently taken under the Public Works Act, 1902, shall be assessed, determined, and recovered as provided in that Act, and not otherwise.

Assessment and recovery of damages and compensation.

12. Except in so far as he is by this Act or by any contract expressly charged with the duty of supplying electricity to any person or local or other authority, it shall not be incumbent on the Commissioner to supply any such person or authority with electricity.

Commissioner not bound to supply electricity except in so far as he is bound by this Act or by contract so to do.

13. (1.) The Commissioner may, subject to the provisions of this and the Electric Light and Power Agreement Act, 1913, make, with the approval of the Governor, by-laws for carrying out this Act, and in particular may, by such by-laws, provide for all or any of the following matters and purposes, that is to say—

By-laws.

- (i.) The construction, due management, maintenance, repair, use, and protection of the electric works or lines the property of the Commissioner;
- (ii.) Preventing and remedying the waste, misuse, or undue consumption of electricity generated by the Commissioner;
- (iii.) Prescribing scales of charges for electricity supplied, and the minimum quantity to be charged for, and the rent for the use of meters, fittings, and other apparatus;
- (iv.) Providing for the recovery by action or summary proceeding of any such charges;
- (v.) Providing for the recovery of any such charges by distress in the same manner as rent is recoverable, and for making such charges a charge on any premises in respect of which they have been incurred, and for the registration and enforcement of any such charge;
- (vi.) Prohibiting any alteration of or interference with any meter, fittings, or other apparatus without the consent of the Commissioner and prohibiting the sale, without the consent of the Commissioner, by any person or authority of any electricity supplied;

- (vii.) Enabling the Commissioner to repair meters, fittings, or other apparatus used in connection with the supply of electricity by the Commissioner to any person or authority, and enabling the Commissioner to recover the costs of such repairs from any person or authority by or to whom the same are respectively owned or let;
- (viii.) The inspection of all meters, fittings, and apparatus;
- (ix.) Prohibiting the performance of work in connection with electric line or works or any meter, fittings, or other apparatus used for the supply of electricity under this Act, except by persons employed or holding licenses granted by the Commissioner, and providing for the issue of such licenses, and fixing the conditions thereof and the fees to be paid therefor;
- (x.) Imposing a penalty not exceeding twenty pounds for the breach of any by-law.

Notice and
commencement
of action.

14. (1.) No action shall be maintainable against the Commissioner for any cause, unless the action is commenced within twelve months after its cause shall have arisen.

(2.) No such action shall be commenced until one month after a notice, in writing, is given to the Commissioner stating the cause of action and the name and address of the party about to sue.

Plaintiff in actions
for personal in-
juries to submit
to examination.

15. No action shall lie or be brought or continued against the Commissioner in respect of any injury to the person, unless the person injured submits himself to examination by a medical practitioner or medical practitioners appointed by the Commissioner at all such reasonable times as the Commissioner may require.

Limit of
liability.

16. No damages exceeding two thousand pounds shall be recoverable in any action against the Commissioner in respect of loss of life or injury to the person.

Receipts and
expenditure.

17. (1.) All moneys received for the sale or supply of electricity or meters, fittings, or other apparatus under this Act, and otherwise accruing to the Commissioner from or in connection with any electric works, shall be paid into the Public Account, and except as otherwise provided, form part of the Consolidated Revenue Fund.

(2.) All expenditure incurred under or for the purposes of this Act, including all costs of administration and all contributions to funds for the replacement or insurance of property and to reserve funds, and all interest, instalments of principal, or contributions to sinking funds in respect of borrowed money, shall

be defrayed out of moneys to be appropriated by Parliament for the purposes of this Act.

18. (1.) The Commissioner shall, once in every three months, cause to be prepared a quarterly Electric Works Account, showing the total gross receipts accruing from the electric works during the period covered by the account, and the total expenditure upon the working, management, and maintenance during the same period.

Quarterly Electric
Works Account.

(2.) Such account shall also show the gross cost of the acquisition or construction of all electric works vested in the Commissioner.

(3.) All such accounts shall be published in the *Gazette*, and shall be laid before Parliament.

19. (1.) All the provisions of the Government Railways Act, 1904, and of all by-laws, regulations, orders in council, and proclamations relating to officers and servants of the Department of Government Railways are incorporated with this Act, and shall apply to all employees on or connected with electrical works controlled by the Commissioner under any Act, and such employees shall be officers and servants of the said Department, which is hereby extended to include all such electrical works.

Employees.

(2.) The provisions of the Industrial Arbitration Act, 1912, relating to Government Railways and Government Railway Workers are hereby extended to the said electrical works and to the employees thereon or connected therewith.

20. No rate, tax, or assessment shall be made, charged, or levied on any electrical works or line, or on any land resumed or taken or acquired for any of the purposes of this Act.

Exemption from
rates and taxes.