



Western Australia

**Anglo-Persian Oil Company Limited's (Private)
Act 1919**

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Anglo-Persian Oil Company Limited's (Private) Act 1919

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Defined terms

Anglo-Persian Oil Company Limited's (Private) Act 1919

An Act to grant to the Anglo-Persian Oil Company, Limited, powers and provisions for the storage and supply of oil, and for other purposes.

Preamble

Whereas the construction of reservoirs and works as hereinafter provided, and the storage, supply, and distribution therein, therefrom, and thereby of oil and liquid fuel within the area hereinafter defined would be of public and local advantage: And whereas the Anglo-Persian Oil Company, Limited, duly formed and registered as a limited company under the Companies Acts in England, has acquired or is entitled to acquire Fremantle Town Lots Numbers 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1197, 1198, 1199, 1200, 1207, 1208, 1213, 1214, 1215, 1216, 1224, 1225, 1226, and 1227, and is willing and proposes at its own expense to construct and erect thereon the necessary reservoirs and works for the storage, supply, and distribution of oil and liquid fuel: And whereas it is desirable and expedient to grant to and confer upon the said Company the powers, rights, and privileges hereinafter appearing:

Be it therefore 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. Short title

This Act may be cited as the *Anglo-Persian Oil Company Limited's (Private) Act 1919*¹.

2. Interpretation

In this Act, unless the context otherwise requires, —

Company means the Anglo-Persian Oil Company, Limited, and shall include its assigns;

Undertaking means the storage, supply, and distribution of oil and liquid fuel within the limits herein mentioned, and the making and constructing of all works connected therewith, and all other works authorised by this Act, and the doing of all things necessary or convenient therefor, subject to the provisions of this Act;

Street includes any street, highway, lane, public road, thoroughfare, passage, footpath, pavement, or place within the area hereinafter defined;

Railway has the meaning defined by the *Government Railways Act 1904*;

Wharf includes any wharf, dock, quay, jetty, landing stage, or other landing place;

Works means all buildings, erections, reservoirs, works, plant, machinery, apparatus, pipes, mains, connections, and all other works connected with and incidental to the undertaking or by this Act or in any other way authorised to be constructed or undertaken by the Company;

Local Authority means within their respective jurisdictions the Mayor and Councillors of the Municipality of Fremantle², the Public Transport Authority of Western Australia, and the Fremantle Port Authority³.

[Section 3 amended by No. 31 of 2003 s. 142(2).]

3. Limits of the Act

The limits of this Act shall extend to and include the area within the boundaries of the Municipality of Fremantle² and also so much of the area of the lands and property vested in the Fremantle Port Authority³ as is contained within the boundaries described in the first paragraph of the Schedule to the *Fremantle*

*Harbour Trust Act 1902*⁴, and also so much of the area of the lands that belongs to, or is under the care, control, or management of, the Public Transport Authority of Western Australia as adjoins or abuts on the lands and property of the Fremantle Port Authority³ above described or lies between the same lands and property and the north-western and western boundaries of the Municipality of Fremantle².

[Section 3 amended by No. 31 of 2003 s. 142(3).]

4. Powers of Company

Subject to the provisions and within the limits of this Act, the Company may —

- (a) erect, construct, lay down, establish, and fix all necessary works and do and perform all such other acts and things as may be thought necessary for storing, supplying, and distributing oil and liquid fuel in or under any street, or in, on, or under any railway, or wharf;
- (b) open, break up, and interfere with any street, railway, or wharf, and any sewer, drain, or tunnel within or under any street, railway, or wharf, and may lay down and place in, on, or under any street, railway, or wharf, mains, conduits, service pipes, and other works for the supply and distribution of oil and liquid fuel, and also may from time to time repair, alter, or remove the same and, for the purposes aforesaid, may remove or use all earth and material in or under such street, railway, or wharf:

Provided that mains, conduits, and service pipes laid down or placed in or under any footpath shall only be laid down and placed across such footpath and not along the length thereof:

Provided also that the power to open, break up, or interfere with any railway or wharf shall not be exercised without the consent of the Minister administering the *Government Railways Act 1904*, or the

Fremantle Harbour Trust Act 1902, respectively, subject to such conditions as the Minister may deem expedient.

Provided also that all plans and specifications for the construction of the necessary works for storing and supplying or distributing in or under any street shall first be submitted to and approved of by the Minister for Works.

5. Notice to be served and plan deposited before breaking up streets, etc.

Before the Company proceeds to open, break up, or interfere with any street, railway, or wharf, sewer, drain, or tunnel it shall give to the local authority notice in writing of its intention so to do not less than 3 clear days before commencing such work, and shall, at the same time, deposit with the local authority a plan setting forth the extent to, and the manner in which, it proposes to carry out such work, and the time at which it is intended to commence the same, and (except as hereinafter provided) no street, railway, or wharf, sewer, drain, or tunnel shall be opened, broken up, or interfered with unless under the superintendence of the local authority and in accordance with the plan deposited as aforesaid: Provided always, that if no officer appointed by the local authority attends at the time fixed in such notice and remains during the opening, breaking up, or interference with any street, railway, or wharf, sewer, drain, or tunnel, the Company may perform the work specified in such notice and set out in such plan without such superintendence: Provided further that, in cases of emergency arising from accidents to or defects in the works necessitating the opening, breaking up of or interference with any street, railway, or wharf, sewer, drain, or tunnel, such accidents or defects may be repaired without previous notice and without the deposit of any plan, but such notice shall be given and such plan shall be deposited as soon as possible after the commencement of the work or the necessity for the same has arisen.

6. Streets, etc., broken up to be reinstated without delay

Whenever the Company opens, breaks up, or interferes with any street, railway, or wharf, sewer, drain, or tunnel it shall, with all convenient speed, complete the work and fill in the ground and reinstate and make good the same to the satisfaction of the local authority and carry away all rubbish occasioned by the work and, whilst any street, railway, or wharf shall be opened, broken up or interfered with, the Company shall cause the same to be properly guarded and sufficiently lighted for the warning of the public and shall, when and as required by the local authority, keep so much of any street, railway, or wharf as has been opened, broken up or interfered with in good repair for 6 months after replacing and making good the same.

7. Penalty for breaking up without notice or delay in reinstating

If the Company commits, permits, or suffers any act, delay, neglect, or omission contrary to the provisions of sections 5 and 6 it shall be guilty of an offence against this Act, and be liable to a penalty not exceeding \$10 for every such offence, and an additional penalty of \$2 for each day during which any such neglect, omission or delay shall continue after notice thereof by the local authority:

Provided that nothing in this section contained shall relieve the Company from liability in respect of the right of action or remedy of any person for any act, delay, neglect, or omission on the part of the Company contrary to the provisions of sections 5 and 6.

[Section 7 amended by No. 113 of 1965 s. 8.]

8. In cases of delay other parties may reinstate and recover expenses

If any such delay, neglect, or omission as aforesaid take place the local authority may cause the work so delayed, neglected, or

omitted, to be executed and performed, and all expenses so incurred shall be repaid to such local authority by the Company:

Provided that nothing in this section contained shall render it compulsory for the local authority to execute or perform any such work, or render it liable for delay, neglect, or failure so to do.

9. Company to make compensation for any damage

The Company shall do as little damage as may be in the execution of the powers conferred by this Act, and shall make compensation for any damage which may be done in the execution of such powers.

10. Power to local authority to alter situation of pipes, etc.

If at any time the local authority deems fit, necessary, or expedient to require the Company to raise, sink, or otherwise alter the situation of any works which shall have been erected, constructed, laid down or fixed contrary to any of the provisions of this Act, or in breach of any condition imposed by the Minister as provided in section 4, or for any other reason, then the Company shall, within 10 days next after being required so to do by notice in writing, raise, sink, or otherwise alter the situation of such works accordingly, and in default it shall be lawful for the local authority to cause such works to be so raised, sunk, or the situation thereof otherwise altered and the expenses thereof shall, if rendered necessary by reason of a breach by the Company of any of the provisions of this Act or of any such condition as aforesaid or any other default of the Company, be borne and paid by the Company and shall, in any other case, be borne and paid by the local authority: Provided that if, in raising, sinking, or otherwise altering the situation of any of the works for any reason other than a breach by the Company of any of the provisions of this Act, any injury shall be done to the same by any person employed by the local authority, compensation shall be made by the local authority to the Company for such injury.

11. Penalties

Any person who —

- (a) lays or causes to be laid any pipe to connect with any pipe belonging to the Company without the consent of the Company first had and obtained for that purpose; or
- (b) wilfully or by negligence removes, destroys, or damages any part of the works or other property of the Company; or
- (c) alters the index to any meter or other recording or measuring apparatus for registering the quantity of oil or liquid fuel supplied; or
- (d) erects or keeps erected any apparatus or fitting whereby oil or liquid fuel may be obtained from any part of the works of the Company without the consent in writing of the Company first had and obtained for that purpose;

shall be guilty of an offence against this Act and shall, without prejudice to any other right or remedy of the Company to recover damages, be liable to a penalty not exceeding \$10 for every such offence.

[Section 11 amended by No. 113 of 1965 s. 8.]

12. Damages for accidentally damaging works, etc.

Every person who unlawfully or wrongfully breaks, throws down, or damages any of the works the property of the Company or under its control, shall pay to the Company full compensation for such damage, which compensation may be recovered by the Company in any Court of competent jurisdiction.

13. Court in which proceedings to be taken

All penalties in respect of offences under this Act may be recovered in a Court of Summary Jurisdiction.

14. Payment in lieu of rates, etc.

The mains, service pipes, and other works of the Company in, on, or under any street shall be deemed to be rateable land, but in lieu of the provisions of the *Municipal Corporations Act 1906*⁵ relating to the valuation of land and the making of rates in respect thereof, the Company shall pay to the Council in each and every year after 31 December 1921 a sum equal to 1/8 per centum of the amount actually received by the Company for the sale of the oil and liquid fuel conveyed through the said service pipes during the 12 months ending 31 December immediately preceding, or the sum of \$200, whichever amount shall be the greater.

The amount to be payable by the Company under this section shall be paid by 2 half-yearly payments on 1 January and 1 July in each and every year, and shall be in full satisfaction and discharge of all rates, and rents, if any, payable to the Council in respect of such mains, service pipes, lands, buildings, and works of the Company used exclusively in connection with the storage, supply, and distribution of oil and liquid fuel.

In this section, *Council* means the mayor and councillors of the municipality of Fremantle².

[Section 14 amended by No. 113 of 1965 s. 8.]

15. Act to be deemed a Public Act

This Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others within the said State of Western Australia, without being specially pleaded.

16. Deposit

The money deposited by the Company with the Treasurer, in accordance with the Joint Standing Orders relating to Private Bills, shall be held by the Treasurer until completion of the work aforesaid and thereupon be returned to the Company.

[Section 16 amended by No. 8 of 1925 s.2.]

17. Voidance of Act on default of commencement of works

If the Company shall not commence, before 1 January 1922, any of the works authorised to be constructed or undertaken by the Company, this Act shall cease and determine.

Notes

- ¹ This is a compilation of the *Anglo-Persian Oil Company Limited's (Private) Act 1919* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and Assent year	Assent	Commencement
<i>Anglo-Persian Oil Company Limited's (Private) Act 1919</i>	(Private Act)	17 Dec 1919	17 Dec 1919
<i>Ministers' Titles Act 1925</i>	8 of 1925	24 Sep 1925	24 Sep 1925
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
Reprint of the <i>Anglo-Persian Oil Company Limited's (Private) Act 1919</i> as at 16 Aug 2002 (includes amendment listed above)			
<i>Public Transport Authority Act 2003</i> s. 142	31 of 2003	26 May 2003	1 Jul 2003 (see s. 2(1) and <i>Gazette</i> 27 Jun 2003 p. 2384)

- ² As at the date of this reprint the former Municipality of Fremantle is called the City of Fremantle.
- ³ Formerly referred to the Fremantle Harbour Trust Commissioners, the name of which was changed to the Fremantle Port Authority by the *Fremantle Harbour Trust Act Amendment Act 1952*. The Fremantle Port Authority continues under the *Port Authorities Act 1999*. The reference was changed under the *Reprints Act 1984* s. 7(3)(h).
- ⁴ The *Fremantle Harbour Trust Act 1902*, the citation of which was changed to *Fremantle Port Authority Act 1902*, was repealed by the *Port Authorities (Consequential Provisions) Act 1999*.
- ⁵ Now see the *Local Government Act 1995*.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
Company	2
Council.....	14
Local Authority.....	2
Railway	2
Street.....	2
Undertaking	2
Wharf.....	2
Works.....	2