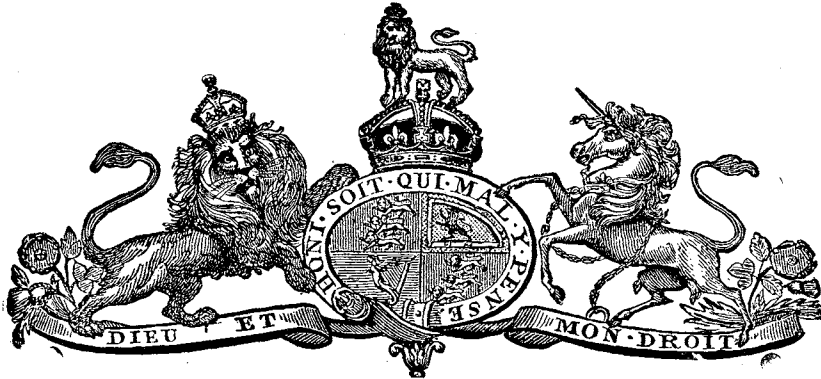


T A S M A N I A.



1924.

ANNO QUARTO DECIMO
 GEORGII V. REGIS
 No. 61.

ANALYSIS.

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AN ACT to amend "The Local Government Act, 1906."
 [31 March, 1924.]

A.D.
 1924.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1 This Act may be cited as "The Local Government Act, 1924." Short title.

6d.]

Local Government.

A.D. 1924.

Amendment of
Principal Act by
addition of new
Part IXA.6 Ed. VII. No.
31.

2 "The Local Government Act, 1906," is hereby amended by inserting therein after Part IX. thereof the following new Part IXA. :—

"PART IXA.

"TITLE—PURCHASE AND DISTRIBUTION OF ELECTRICAL ENERGY.

"Division I.—*Interpretation.*

Interpretation.

"141a In this Part unless the context otherwise requires—

"Installation" means the provision, placing, fixing, and applying to any premises of all such material, appliances, contrivances, and things as are necessary or used for enabling electrical energy to be available, used, or measured thereon :

"The Department" means the Hydro-Electric Department :

"The General Manager" means the chief executive officer for the time being of the Department :

"Works" includes all such buildings, plant, machinery, materials, appliances, contrivances, and things as are necessary or used for, or in connection with, the transmission, measurement, supply, or utilisation of electrical energy.

"Division II.—*Purchase of Electrical Energy.*Power to council
to contract for
supply of electrical
energy.

"141b It shall be lawful for any council from time to time to enter into a contract with the Minister controlling the Department or other the person for the time being authorised to enter into contracts on behalf of the Department for the purchase and supply of electrical energy, in bulk, for the purposes of this Part, upon such terms and conditions as may be mutually agreed upon between such parties.

Power to council
to use or sell
electrical energy.

"141c Any council may use and apply any electrical energy so purchased as aforesaid—

i. For lighting or power purposes : or

ii. For supplying the same to purchasers or consumers within the municipality.

Area to be defined.

"141d—(1) Before entering into any such contract as aforesaid, the council shall, by notice in the "Gazette," define the portion of the municipality within which it is intended that such electrical energy shall be used or made available for use, and such portion shall be called the "power area."

(2) The power area may in like manner from time to time be altered or increased.

Local Government.“ Division III.—*Distribution of Electrical Energy.*

A.D. 1924.

“ **141e**—(1) The council may from time to time erect, construct, and maintain all such works as may be necessary or desirable for the storage, use, distribution, and supply of electrical energy within the municipality ; and may, at the request of the consumer, undertake and carry out the installation of any premises upon such terms and conditions as the council may determine.

Power to construct works and effect installations.

(2) The works or undertakings authorised by this section shall be deemed to be permanent works or undertakings for the purposes of Section One hundred and ninety-one of this Act.

Works to be deemed permanent works.

“ **141f**—(1) The council may sell and supply electrical energy to any consumer within the municipality, upon such terms and conditions, and subject to such rates and scales of charges as may be prescribed.

Supply of electrical energy.

(2) All such rates and scales as aforesaid shall be approved by the General Manager before being applied by the council.

Scales of charges to be approved.

“ **141g** All works and installations carried out by a council under this Part shall be in conformity with a standard to be approved by the General Manager.

Works to be to standard of Department.

“ **141h**—(1) If any person to whom the council supplies electrical energy, or upon whose premises the council has made any such installation as aforesaid, shall make default in payment of any charge due to the council in respect thereof, the council may at any time discontinue such supply, and disconnect and remove any such installation.

Power to disconnect premises.

(2) In the event of the discontinuance of the supply of electrical energy to any premises, whether under the provisions of Subsection (1) hereof, or from other causes, the council may remove therefrom all wires, appliances, materials, and things which are the property of the council, and for that purpose any person acting under the authority of the council, may enter upon such premises at all reasonable times.

And remove appliances, &c.

(3) Any person wilfully obstructing or preventing any such removal as aforesaid, shall be guilty of an offence against this Act.

Obstruction an offence.

Penalty : Ten Pounds.

“ Division IV.—*Acquirement of and Entry upon Land.*

“ **141i** For the purposes of this Part the term “land” in Sections One hundred and thirty-nine and One hundred and forty of this Act shall be deemed to extend to and include any easement, right, privilege or incorporeal hereditament in respect of any land.

Land to include easement, &c.

“ **141j**—(1) A council may for the purposes of this Part, enter upon any lands and take levels and make surveys thereon, whether such council shall or shall not exercise the power conferred upon it to acquire such land or any right, power or privilege over or in respect thereof, and for that purpose may cut down trees, dig, cut, trench, and take up the soil thereof, and may place and erect pegs, posts, or other marks therein or thereon.

Power to enter lands and make surveys.

Local Government.

A.D. 1924.

Notice to be given.

(2) Before first entering upon any land under the provisions of Subsection (1) hereof, the council shall give not less than Three days notice in writing to the occupier of such land or the person having charge of the same, if any, of its intention so to enter.

Compensation to be paid.

(3) The council shall pay to all persons lawfully entitled thereto compensation for all damage done by it in the exercise of the powers conferred by this section.

“ Division V.—Rating Power.

Council to levy power rate in certain cases.

“**141k**—(1) If the total amount received by any council for electrical energy supplied to consumers shall at any time be insufficient to pay the moneys due to the Department under such contract as aforesaid, the council shall make and levy upon all properties within the power area such rate in the pound on the annual values of such properties as shown by the assessment roll as may be estimated to be sufficient to make up the deficiency: Provided, however, that the council may, in lieu of levying such rate, pay such deficiency as aforesaid out of the Municipal Fund, or pay any portion of such deficiency out of the Municipal Fund, and levy a rate as aforesaid estimated to be sufficient to make up the balance of such deficiency.

Governor may levy rate in certain cases.

(2) If at any time any moneys payable by a council to the Department under this Part shall be in arrear and unpaid for the space of Six months after such moneys became due, the Minister controlling the Department, or some person authorised in that behalf by him, may serve the council, in the manner provided by Subsection (1) of Section Two hundred and thirty-one of this Act, with a notice requiring it to pay all moneys then due to the Department within One month after the service thereof, and, in default of the payment of such moneys within the time last aforesaid, the Governor may, by proclamation, levy a rate as aforesaid estimated to be sufficient to provide for the whole of the moneys still remaining due by the council, together with the estimated cost of collecting such rate, and may empower a collector, to be named in such proclamation, to collect the same.

Powers of collector.

(3) A collector so appointed as aforesaid shall, in respect of such rate—

- i. Have all the powers and authority of a collector appointed by the council: and
- ii. Pay all moneys received by him to the General Manager.

Application of rate.

(4) Any moneys received by the General Manager under Subsection (3) hereof shall be applied by him:—

- i. In payment of the costs and expenses of making, levying, and collecting such rate: and
- ii. In payment of any moneys due to the department as aforesaid—

and the balance, if any, remaining after such payments shall be paid to the council.

Rate to be additional.

(5) Any rate levied under the provisions of this section shall be in addition to any other rate which the council may be empowered to make and levy under this Act.

Local Government.“ Division VI.— *Offences.*

A.D. 1924.

Offences.

“ **1411** Any person who—

- I. Without due authority, takes, uses, or diverts any electrical energy, the property of a council : or
- II. Being the owner or occupier of any premises, permits any other person to take, use, or divert any electrical energy the property of a council : or
- III. Without the authority of the council, connects any wire or other appliance for the transmission of electrical energy with any of the works belonging to the council : or
- IV. Breaks, throws down, removes, or damages any part of the works belonging to the council : or
- V. Having, accidentally or otherwise, broken down, removed, or damaged any part of such works, fails to report the same forthwith to the council—

shall be guilty of an offence against this Act.

Penalty : Twenty Pounds.

“ Division VII.— *By-laws.*

“ **141m** A council may, from time to time, subject to the provisions of this Act, make by-laws for any of the purposes of this Part, and in particular to provide for— By-laws.

- I. The persons by whom, and the manner in which, installations shall be kept in repair.
- II. Prohibiting the waste or misuse of electrical energy :
- III. The fixing of scales and rates of charges for electrical energy and for discriminating therein between different purposes for which any such energy is to be used :
- IV. The collection and payment of such charges :
- V. The inspection of premises and installations installed by the council and the reading of meters used in connection therewith :
- VI. Any other matter which the General Manager may approve.”

