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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

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## A BILL

To amend the Government Railways Act, 1912, the Government Railways (Appeals) Act, 1916, the Government Railways (Amendment) Act, 1916, the Government Railways (Further Amendment) Act, 1916, and the Workmen's Compensation Act, 1916; to authorise the Railway Commissioners to open stores on railway construction works, and for that purpose to amend certain Acts; to provide for the payment of the value of accrued leave to discharged railway employees; to provide for the method of electing members of the Railway Superannuation Board and the Railway Appeals Board; to remove certain forfeitures incurred under the first-mentioned Act; to authorise the Railway Commissioners to sell electricity; and for purposes connected therewith.

**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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Government Railways (Amendment) Act, 1921." Short title.

(2) In this Act the expression "the Principal Act" means the Government Railways Act, 1912, as amended by the Government Railways (Appeals) Act, 1916, the Government Railways (Amendment) Act, 1916, and the Government Railways (Further Amendment) Act, 1916.

(3) This Act shall be read with the Principal Act.

*Amendments of Principal Act.*

**2.** The Principal Act is amended as follows:—

Amendments  
of Principal  
Act.

(i) Subsection one of section five is amended by adding after the words "New South Wales" where secondly occurring the following:—  
"One of such Assistant Commissioners shall be the person chosen by the registered industrial unions of employees of the Commissioners."

(ii) Section 10c is repealed.

(iii) Section

(1) On the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and twenty-\_\_\_\_\_, section 20B shall be repealed, and thereupon the Secretary for Public Works shall have the same powers and be subject to the same duties and obligations in regard to the construction of railways and tramways as if the said section had never been passed, but nothing herein shall affect the liability of the Commissioners for anything done or omitted by them prior to this section taking effect.

(2) Upon this section taking effect the Governor may from time to time direct that any persons named by him, who at the time of this section taking effect were employed by the \_\_\_\_\_ the

the Commissioners in connection with the survey or construction of railways or tramways, shall be transferred to the Department of Public Works, and thereupon such persons shall be transferred accordingly, and shall become subject to the Acts regulating employment in the Public Service.

(3) Notwithstanding anything in the last subsection contained, all permanent officers of the Commissioners so transferred from the Commissioners shall be entitled to continue to contribute under the superannuation provisions of the Government Railways Act, 1912, and Acts amending the same, and to enjoy all the benefits conferred by the said Act on officers of the Railway Commissioners to which they would have been entitled had this section not been passed, and shall not be required to contribute to the Superannuation Fund under the Superannuation Act, 1916, and Acts amending the same.

(4) No such permanent officer shall, by reason only of his being transferred to the Public Service, be reduced in pay, rank, or grade, or suffer any other disability, and such permanent officers shall be entitled to the same concessions in regard to railway travelling as they enjoyed prior to this section taking effect.

(5) Service of any such transferred officer with the Railway Commissioners shall count for all purposes as service in the Public Service, and his service in the Public Service, after transfer hereunder, shall count as service with the Commissioners for the purpose of superannuation and other benefits to which he may become entitled under the Government Railways Act, 1912.

(6) Provided always that the rights of such transferred officers to recreation and extended leave of absence shall be governed by the Acts regulating the Public Service and not by this Act.

(iv)

- (iv) Section sixty-one is repealed and the following section is substituted therefor :—

61. Whenever, upon or about any railway, or any works, building, or place of any kind whatsoever used or connected with any railway, any such accident as hereinafter specified takes place in the course of working such railway, namely,—

- (a) any accident attended with loss of life to any person ; or
- (b) any collision where one of the trains is a passenger train ; or
- (c) any passenger train or portion thereof accidentally leaving the rails ;

the Commissioners shall—

- (d) cause the earliest information to be forwarded to the Minister ; and
- (e) appoint such officer or officers as they may think fit to hold an inquiry into the matter ; and
- (f) as soon as practicable after such inquiry send to the Minister full information of the accident and the report of such officers.

- (v) Section sixty-nine is amended by adding thereto after the word “persons” the words “one at least of whom shall be a member of some industrial union of employees of the said Commissioners belonging to the trade or calling concerned.”

- (vi) Subsection one of section seventy is amended—

- (a) by omitting the words “and every officer so appointed shall hold office during pleasure only,” and by adding the following :—“No approved applicant for employment shall be appointed until he produces proof of his membership of a bona fide trade union” ;
- (b) by adding at the end of subsection three the following words :—“but nothing herein shall prevent any such officer from becoming

Lord

Lord Mayor of the city of Sydney or mayor of any city or municipal council or president of any shire council, nor affect his right to receive any emoluments attached to any such office."

- (vii) Section seventy-five is amended by adding the following at the end thereof:—"No such certificate shall be given until reasonable notice has been given by the Commissioners in at least one daily newspaper circulating in the metropolitan district of the fact that applications for the said position will be received."
- (viii) Subsection two of section seventy-six is amended by omitting all words after "Commissioners" and substituting therefor the words "against whose decision he may appeal to the Appeal Board."
- (ix) Section seventy-eight is repealed.
- (x) Section eighty-two is amended as follows:—
  - (i) By adding at the end of paragraph (c) the words "or may direct that any increment of salary be withheld from such officer for any period not exceeding twelve months, provided that when any increment of salary is withheld under this section the officer concerned shall at the end of the period during which such increment is withheld be restored to the salary and grade he would have received and occupied respectively if such increment had not been withheld."
  - (ii) By adding the following:—
    - (2) Misconduct for the purpose of this section shall be deemed to refer only to such conduct in relation to an officer's official duties, and to conduct which interferes or is calculated to interfere with the proper discharge of such duties, or which renders or is calculated to render an officer unfit to discharge such duties or to sustain the responsibilities of his position.
- (xi)

- (xi) Section eighty-seven is amended by adding the following paragraph at the end of subsection two :—
- (2A) If any member of the board—
- (a) ceases to be an officer, or
  - (b) is convicted of any criminal offence, or
  - (c) becomes of unsound mind, or
  - (d) absents himself without leave from three consecutive meetings of the board,
- his office shall thereupon become vacant.
- (xii) The following paragraph is added to section 100A :—
- Any employee of the Commissioners who resigns, or retires, or whose services are dispensed with otherwise than for an offence shall be entitled to be paid for all leave of absence accrued to him, and for the purpose of this section such leave of absence shall, in the case of annual leave, be deemed to accrue from month to month at the rate of one-twelfth of the annual leave such employee would be entitled to, and in the case of extended leave shall be deemed to accrue at the rate of one-twentieth of one month for every year of service completed, and in the event of the death of any employee the value of all leave accrued to him at the time of his death shall be paid to or for the benefit of any person or persons dependent on him as the Commissioners may direct.
- (xiii) The proviso to section 100A is amended by omitting all words after “entitled” in the second paragraph and by substituting therefor the words “to elect to receive a day’s pay or to add such day to his annual leave.”
- (xiv) Section 100B is amended by omitting the words “he was receiving at the date of the injury” and substituting therefor the words “payable from time to time for the class of work he was engaged upon at the time of the injury.”

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The following paragraph is added :—

“ Provided that where it is alleged that such injury was caused by the gross negligence or wilful or wrongful act of such officer the matter shall be determined at an inquiry by a committee to be appointed by the Railway Commissioners at which the officer so injured shall have the right to be present and be represented.”

(xv) Paragraph (b) of section one hundred and nine is amended as follows :— Amendment of the term “ officer.”

- (i) by inserting after the words “ duplication works ” the words “ or in or about any coal-mine controlled by the Railway Commissioners ” ;
- (ii) by adding at the end thereof the following words :—“ nor persons appointed to temporarily occupy the positions of officers who have enlisted for active service in the late war :

Provided that any person appointed to temporarily occupy the position of any officer who has enlisted for active service in the late war between Great Britain and Germany shall be entitled, on application in the prescribed manner to the board, within one year from the commencement of the Government Railways (Amendment) Act, 1921, to a refund of the deductions (if any) made from his salary and emoluments under this Part, together with interest at the rate prescribed on the amounts of such deductions from the dates when they were respectively made.” Certain temporary officers entitled to refund.

(xvi) (1) Section one hundred and ten is repealed and the following section substituted therefor :— Repeal of s. 110 of the Principal Act.

110. The board shall consist of seven persons, Substituted section. namely,—three officers appointed by the Governor for a term of five years; three officers elected for a term of three years, of whom two shall be elected by and chosen from the officers in the railway service, and one by The superannuation board. and

and from the officers in the tramway service, under regulations made under this Part of this Act; and the Chief Commissioner, who shall ex officio be chairman of the board.

If any member of the board—

- (a) ceases to be an officer, or
- (b) is convicted of any criminal offence, or
- (c) becomes of unsound mind, or
- (d) absents himself without leave from three consecutive meetings of the board,

his office shall thereupon become vacant.

Any vacancy in the board shall be filled by appointment or election as aforesaid, as the case may be. Any person elected shall hold office for the unexpired term of office of the person whose vacancy he fills.

(2) This amendment shall take effect on the day of \_\_\_\_\_, on which day the present board is hereby dissolved.

- (xvii) Section one hundred and fourteen is amended Amendment of s. 114. by adding the following paragraph:—

In the case of any temporary officer who is under this Act entitled to a pension, the service of such officer prior to the first day of January, one thousand nine hundred and seventeen, shall be reckoned as service for the purposes of computing his pension under this section, and the provisions of section one hundred and fifteen of this Act shall apply to such officer as if the abovementioned date were mentioned therein in lieu of the first day of October, one thousand nine hundred and ten.

- (xviii) Section one hundred and sixteen is repealed. Repeal of s 116 of Principal Act.

- (xix) Section one hundred and seventeen is amended by adding—

- (c) If, before payment of the gratuity, such officer dies, the gratuity shall be payable to his widow, or if he does not leave a widow to his personal representatives, to be administered as part of his estate. (xx)

- (xx) Section one hundred and twenty-two is amended by omitting the words " after service for fifteen years or longer."
- (xxi) Section one hundred and twenty-six is amended by the addition of the following :— Amendment  
of s. 126.
- " When any officer, who has so transferred any such policy, leaves the service, the board shall, on the repayment by him of the amount of the premiums paid by it on such policy, cause the policy to be retransferred to such officer.
- If such officer is unable or unwilling to repay such amount, the board may surrender the policy to the insurance company with which it was effected, and from the moneys received as the result of such surrender may reimburse itself to the extent of the amount of the premiums paid by it, together with interest thereon, at the rate of three and a half per centum per annum from the respective dates of payment, and shall hand over the balance (if any) to such officer."
- (xxii) Section one hundred and thirty is amended by omitting the words " forty shillings " and substituting therefor the words " ten pounds."
- (xxiii) Paragraph one of the Second Schedule to the Principal Act is repealed and the following is substituted therefor :—
1. The position of—
    - (a) Prime Minister of the Commonwealth of Australia or of Premier of any State of the Commonwealth held for one year ;
    - (b) President of the Senate, Speaker of the House of Representatives, President of the Legislative Council, or Speaker of the Legislative Assembly in any State of the Commonwealth held for three years ;
    - (c) Cabinet Minister of the Commonwealth of Australia, or any State thereof, held for three years in the aggregate :
- Provided that the said amendment shall not apply to the persons holding any of such offices in the Commonwealth, or any other State thereof, unless the Commonwealth or such State shall have accorded the like privileges to persons holding the like offices in this State.

**3.** The following new sections are added :—

20c. (1) The Commissioners may, in connection with the construction of any lines of railway, carry on stores for the supply of goods to the workmen and other persons engaged upon such work. Power to carry on stores.

(2) Notwithstanding anything to the contrary contained in any Act, all sums of money due by such persons to the Commissioners for goods supplied by them may be deducted from the wages or salaries of such persons.

32A. In any action brought against the Commissioners to recover damages or compensation in respect of loss or injury to any passenger's luggage, the court or jury shall not find or assess nor shall judgment be given for or entered for the plaintiff for a greater amount of money than ten pounds in respect of the whole of such luggage unless the owner of such luggage has, previous to entering on his journey, or if he is not travelling by the same train, previous to the departure of the train carrying such luggage, declared the value of such luggage to be greater than ten pounds and has paid an insurance charge, which shall in no case exceed for every one hundred miles or part of one hundred miles of the proposed transit, a sum equal to one shilling for every ten pounds of the value so declared. ✓

40A. The annual report of the Railway Commissioners shall give particulars of the number of appeals made to the Appeals Board and to the Railway Commissioners, and the nature of the punishment appealed against, and shall state the number of successful and unsuccessful appeals respectively. Annual report.

41A. Any person authorised by the Chief Commissioner of Railways and Tramways or by the Director-General of Public Works, may enter any land with any assistants and any horses and vehicles, and do therein such things as may be necessary for the purpose of making surveys and taking levels in relation to land proposed to be acquired, or works proposed to be constructed, and staking and setting out such surveys. Surveys of land.  
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In the exercise of such powers such persons shall do as little damage as possible, and, if required, shall pay compensation to the owner of the land for any damage caused by them.

63A. Whenever inquiry into any accident referred to in Part VI of this Act is directed to be made by any person or persons other than a District Court Judge, magistrate or coroner, a representative of the employees selected by such of the industrial unions of the employees of the Railway Commissioners as the Minister may consider to be directly concerned in the inquiry shall be appointed as one of the persons to hold such inquiry.

Inquiries under Part VI.

63B. In all cases of inquiries into accidents under Part VI the industrial unions to which the employees affected by such inquiry belong shall be entitled to be represented and to examine witnesses and address the court.

Representation of unions on inquiries.

64A. Before any by-law affecting officers of the Commissioners is made, a copy thereof shall be forwarded to the industrial union or unions of employees affected thereby, which shall be given an opportunity of making representations thereon to the Minister.

By-laws affecting employees.

84A. All employees of the Commissioners who were dismissed from the service by reason of their having taken part in a strike in the year one thousand nine hundred and seventeen and who did not thereafter apply to again be employed by the Commissioners shall be entitled to receive a refund of all moneys paid by them to the Government Railways Superannuation Account or deducted from their salaries for that purpose.

Refund of superannuation contributions to certain persons.

93A. (1) If an officer is without his consent transferred to another position or is reduced to a lower position in the service or deprived of his privileges, holidays, or increment in salary or punished in any other way or warned, cautioned or reprimanded, he may appeal to the board.

Appeals.

93B. Every appeal, whether to the board or to the Commissioners, shall, unless hearing is commenced within

Appeals.

within thirty days from the date of such appeal being lodged, be deemed to have been decided in favour of the appellant.

125A. All employees of the Railway Commissioners who were dismissed from their employment by reason of having taken part in a strike in the year one thousand nine hundred and seventeen shall, upon re-employment, be deemed to be and to have been reinstated in all their rights and privileges under this Act as if such dismissal had not taken place :

Reinstatement of certain employees.

Provided that the period between dismissal and reinstatement shall not count as service for any purpose :

Provided further that where any such employee has received a payment equal to the amount of his contributions to the Railway Superannuation Fund, such refund shall be deducted from his salary in such manner as the Governor may direct.

128A. No moneys payable to any employee of the Commissioners shall under any circumstances become payable to the Master in Lunacy by reason of such officer becoming of unsound mind or incapable of managing his affairs if such officer has any person wholly or partially dependent upon him, but in that case any such moneys shall be paid to such person or to the parent or guardian of such person if such person be under any disability.

Money not to be paid to Master in Lunacy.

128B. Any officer who succeeds in a claim for compensation made against the Railway Commissioners under the Workmen's Compensation Act, 1916, or any Act amending the same, and who dies or retires from the service as a result of the accident in respect of which the claim was made, shall not be entitled to receive a pension or a gratuity under this Act, but shall be entitled to the refund provided for in section thirteen of the Workmen's Compensation Act, 1916.

Claims under Workmen's Compensation Act, 1916.

**4.** The Public Works Act, 1912, is amended as follows :—

(a) The following section is inserted next after section four of the said Act :—

4A. The provisions of this Act relating to the acquisition of land shall also apply to the acquisition of an easement or right to use the subsoil or under-surface of land, whether such easement or right is acquired separately from or together with any land.

(b) Section thirty-seven is amended by the omission of the words "such authority" and substituting therefor the words "the Minister."

(c) Section one hundred and thirty-eight is amended by adding thereto the following :—

Provided that where an easement beneath the surface or a right of using the subsoil or under-surface of any land is taken, such easement or right shall not be deemed part of a house, or other building, or manufactory.

**5.** The following is added to the Principal Act :—

## PART XI.

### POWER TO SELL ELECTRICITY.

147. In this Part—

"Electricity" means electricity, electric current, or any like agency.

"Electric line" means a wire or wires, conductor or other means used or intended to be used for the purpose of applying, conveying, transmitting, or distributing electricity, and any casing, coating, tube, pipe, or insulator wholly or partly enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.

"Governor" means the Governor with the advice of the Executive Council.

"Private

- “ Private purposes ” means any purposes whatever to which electricity may for the time being be applicable (not being public purposes) except the transmission of any telegram or telephonic message.
- “ Public purposes ” means lighting any place or building belonging to or subject to the control of the Commissioners or any street.
- “ Public work ” means any work carried out by or under the supervision of or on account of the Government or any department of the Government or Minister of the Crown.
- “ Street ” means any square, court, alley, highway, lane, road, thoroughfare, or public place or passage.
- “ Works ” means and includes electric lines, meters, accumulators, fittings, and apparatus for the supply of electricity, also any buildings, machinery, engines, plant, matters, or things of whatever description required, used, or intended to be used, to generate or supply electricity, and to carry into effect the purposes of this Act.

148. It shall be lawful for the Commissioners to generate and supply electricity for any public or private purposes, or for any public purposes and any private purposes.

Com-  
mis-  
sioners may  
supply  
electricity.

149. The Commissioners, for the purpose of generating and supplying electricity, may use all or any lands now vested in them for any purpose, and may purchase, lease, acquire, and hold all other lands, and construct, purchase, and acquire all works, and purchase and acquire all interests in and licenses for the use of any patented or protected processes, inventions, machinery, apparatus, methods, and other things, and enter into all contracts, appoint officers and servants, and generally do all acts and things which they may deem necessary or desirable for the purpose of such generation and supply.

General  
powers of  
Commis-  
sioners.

150. It shall be lawful, with the approval of the Governor, for the Commissioners to sell or exchange any lands acquired under the authority of this Act, or to lease the same upon such terms and conditions as to the Commissioners may seem meet.

Power to sell, exchange, or lease lands.

151. The Commissioners may open and break up the soil and pavement of any street, and open and break up any sewers, drains, or tunnels within or under such streets, and may construct subways and drains, and may lay down and place under or over any street any electric lines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid may remove and use all earth and materials in and under such streets, and may in any such street erect any posts, pillars, standards, lamps, and other works, and do all other acts which they may from time to time reasonably deem necessary for supplying electricity, and may lay any electric line, branch, or other apparatus from any main or branch electric line into, through, or against any place or building for the purpose of lighting the same, and provide and set up any works in their opinion necessary for securing thereto a complete supply of electricity, and for measuring and ascertaining the extent of such supply: Provided that nothing herein shall authorise or empower the Commissioners to construct or place any works into, through, against, or in any place, building, or land not dedicated to public use without the consent of the owners and occupiers thereof, except that the Commissioners may at any time make entry, and construct and place any new works instead of such works as shall have been lawfully constructed or placed, and may repair or alter any works so constructed or placed.

Power to break up streets, and to open drains.

152. Subject to the provisions of this Act—

- (i) The Commissioners may alter the position of any pipes, wires, sewers, drains, or tunnels being made under any street or place which may interfere with the exercise of their powers under this Act on previously making

Power to alter position of pipes, wires, &c.

or

or securing such compensation to the owners of such pipes, wires, sewers, drains, or tunnels, and on complying with such conditions as to the mode of making such alterations as may before the commencement of such alterations be agreed upon between the Commissioners and such owners, or in case of difference as may be determined by arbitration.

- (ii) Any person or public authority lawfully competent so to do may in like manner alter the position of any works of the Commissioners being under or over any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such person or authority in relation to such street or place, subject to the like provisions, conditions, and restrictions as are in the first subsection of this section contained.

153. When the Commissioners open or break up the road or pavement of any street, or any sewer, drain, or tunnel, they shall with all possible speed complete the work for which the same shall have been opened or broken up, and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such road or pavement shall be so opened or broken up cause the same to be fenced and guarded, and shall at night-time cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up.

Streets, &c.,  
to be  
reinstated.

154. The Commissioners shall not, in the exercise of the powers conferred by this Act, construct, lay down, or place any works for the supply of electricity whereby any public work is or may be injuriously affected. And the Commissioners and their agents shall conform with such reasonable requirements, either general or special, as may from time to time be

Protection to  
telegraph and  
telephone  
lines and  
other public  
works.

be made by the Secretary for Public Works for the purpose of preventing any such telegraph or telephone line or other public work from being injuriously affected by the works of the Commissioners, and on failure to conform with the said requirements, or any of them, the Secretary for Public Works may forthwith remove any works of the Commissioners for the supply of electricity by which any public work is or may be injuriously affected. Any difference which arises between the Secretary for Public Works and the Commissioners or their agents with respect to any requirements so made shall be determined by arbitration.

155. One month at least before commencing the execution of any works which involve the placing of works in, under, along, or across any street, highway, or public bridge on which any telegraph, telephone, or railway line may be (not being repairs to or renewals of then existing works of which the character and positions are not altered), the Commissioners shall serve upon the Secretary for Public Works, the Metropolitan Board of Water Supply and Sewerage, the Australian Gaslight Company, and such other person or corporation as the Secretary for Public Works may by writing under his hand addressed to the Commissioners require to be notified, or leave at their respective offices addressed to them, notices describing the proposed works, and the gauge of any electric line and the current and potential to be carried, together with a plan of the proposed works showing the position of the said works and the mode in which the works are intended to be executed and the manner in which it is intended that the street, highway, or bridge shall be interfered with, and shall at the request of the Secretary for Public Works, made at any time, give him such further information with reference to the works as he may desire.

Notice of works with plan to be served.

156. In the exercise of their powers under this Act the Commissioners shall cause as little detriment

Compensation for damage.

and inconvenience and do as little damage as possible, and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount of such compensation in case of difference to be determined by arbitration or action at law at the election of the party aggrieved: Provided that the Commissioners may in all cases be at liberty to set up by way of defence or in mitigation of damages, as the case may be, that the person claiming compensation has by his own act, neglect, or default caused or contributed to the damages in respect of which he claims to be compensated.

157. The Governor may make regulations to be observed during the construction, alteration, repair, or maintenance of works for securing the safety of persons and private or public property from injury from fire or otherwise, and may in those regulations impose any penalty not exceeding *one hundred* pounds for any breach of the same, which penalties may be recovered in a summary way before any stipendiary magistrate.

Governor may make regulations for securing safety of public.

158. The Commissioners may from time to time enter into any contract with any person for supplying with electricity any place or building, or for providing any person with electric lines, burners, meters, lamps, or other fittings and things, and for the repair thereof, in such manner and upon such terms as to charges, place, and mode of payment and otherwise in security of the Commissioners as shall be agreed upon.

Power to contract for the supply of electricity and fittings.

159. The Commissioners may let any meter for ascertaining the quantity of electricity consumed or supplied and any fittings thereto, for such remuneration and on such terms in respect of the repair of such meter and fittings, and for securing the safety and return thereof to the Commissioners as may be agreed upon between the hirer and the Commissioners, and such remuneration and other moneys payable under the terms agreed upon shall be recoverable in the same manner as charges due to the Commissioners for electricity.

Commissioners may let meter.

160.

160. The Commissioners shall do all things reasonable to keep all meters on hire to any consumer in proper order for correctly registering the quantity of electricity supplied, and in default of the Commissioners so doing the consumer shall not be liable to pay remuneration for the use of the same during such time as such default continues.

Commissioners to keep meters in repair.

161. Every meter used for ascertaining the quantity of electricity supplied by the Commissioners shall, during the continuance of such supply and until all charges in respect thereof have been paid, be under the sole control of the Commissioners, whether such meter be the property of the Commissioners or not, and no person shall be at liberty to cut, connect, tap, fix, alter, remove, or tamper with any electric line, lamp, meter, or fittings used in connection with the supply of electricity by the Commissioners unless authorised in writing by the Commissioners or their agents duly authorised in that behalf: Provided that nothing in this section shall affect the lawful exercise of any power in that behalf vested in any competent person or public authority.

Meter not to be interfered with and connections not to be made by unauthorised persons.

162. The register of the meter used for ascertaining the quantity of electricity supplied by the Commissioners shall be prima facie evidence of such quantity.

Register of meter to be prima facie evidence.

163. The Commissioners shall not be entitled to prescribe any special form of lamp or burner to be used by any person, or in any way to control or interfere with the manner in which electricity supplied by it in pursuance of this Act is used: Provided always that no person shall be at liberty to use any form of lamp or burner, or to use the electricity supplied to him for any purposes, or to deal with it in any manner so as to unduly or improperly interfere with the supply of electricity to any other person, and if any dispute or difference as to the matters aforesaid arises between the Commissioners and any person entitled to be supplied with electricity in pursuance of this Act, such dispute or difference shall be determined by arbitration.

Commissioners not to prescribe manner of using electricity.

164. Where a supply of electricity is provided in any locality for private purposes, all persons within such locality shall on application be entitled to a supply on the same terms as the terms on which any other person in such locality is, under similar circumstances, entitled to a corresponding supply.

Obligation to supply electricity.

165. If any person neglect to pay any charge for electricity, or any other sum due to the Commissioners in respect of or incidental to the supply of electricity to such person, the Commissioners may without notice cut off his supply of electricity, and for that purpose may cut, disconnect, or remove any works, and may, until such charge or other sum, together with any expenses incurred by the Commissioners in cutting off such supply of electricity as aforesaid is fully paid, but no longer, discontinue the supply of electricity to such person.

Power to cut off supply.

166. Any person who unlawfully and maliciously cuts or injures any electric line or work erected in pursuance of this Act, with intent to cut off any supply of electricity, shall be guilty of felony, and be liable to be kept in penal servitude for any term not exceeding three years, or to be imprisoned, with or without hard labour, for any term not exceeding one year; but nothing in this section shall exempt a person in respect of any offence which is punishable under any other provision of this Act, or under any other Act, or at common law, so that no person be punished twice for the same offence.

Injuring works with intent to cut off supply.

167. Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity provided in pursuance of this Act, shall be guilty of simple larceny and punishable accordingly.

Stealing electricity.

168. Any person who wilfully and unlawfully removes, destroys, or damages any electric line or any pillar, post, lamp, meter, or other works connected with or relating to the supply of electricity by the Commissioners in pursuance of this Act, or who

Penalty for removing electric line, &c.

who wilfully and unlawfully extinguishes any of the public lamps or lights maintained by the Commissioners in pursuance of this Act, or wastes, or wilfully and wrongfully uses any of the electricity supplied by the Commissioners in pursuance of this Act, shall for each such offence forfeit to the Commissioners a sum not exceeding *fifty* pounds in addition to the amount of damage done.

169. Any person who carelessly or accidentally breaks, throws down, or damages any electric line, or any pillar, post, lamp, or other works belonging to the Commissioners, or under their control, shall forfeit and pay such sum of money by way of satisfaction to the Commissioners for the damage done not exceeding *fifty* pounds as a stipendiary magistrate shall think reasonable: Provided that this section shall not affect any other remedy.

Penalty for breaking electric lines, &c.

170. Any person who wilfully or fraudulently, or by culpable negligence, injures or suffers to be injured, any electric line, or any meter, fittings, or works belonging to the Commissioners, or alters the index to any meter, or prevents any meter from duly registering the quantity of electricity supplied, or fraudulently abstracts, consumes, or uses electricity supplied by the Commissioners, shall, without prejudice to any other right or remedy for the protection of the Commissioners, or the punishment of the offender, for every such offence forfeit to the Commissioners a sum not exceeding *twenty-five* pounds in addition to the amount of damage.

Penalty for tampering with meter, &c.

171. In any case in which any person has been convicted of wilfully or fraudulently injuring, or suffering to be injured, any electric line, or any meter, fittings, or works belonging to the Commissioners, or altering the index to any meter, or preventing any meter from duly registering the quantity of electricity supplied, the Commissioners may also until the matter complained of has been remedied, but no longer, discontinue the supply of electricity to the person so offending, notwithstanding any contract previously existing.

Supply of electricity may also be cut off.

172. The existence of artificial means for causing such alteration or prevention, or for abstracting, consuming, or using electricity supplied by the Commissioners when the meter is under the custody or control of the consumer, shall be prima facie evidence that such alteration, prevention, abstraction, or consumption (as the case may be) was within the knowledge of the consumer.

Evidence that meter has been tampered with.

173. Any officer appointed by the Commissioners in that behalf may, at all reasonable times, enter any place or building to which electricity is or has been supplied by the Commissioners in pursuance of this Act for the purpose of inspecting and testing the electric lines, meters, accumulators, fittings, apparatus, and works for the supply of electricity belonging to the Commissioners, and of ascertaining the quantity of electricity consumed or supplied or, where a supply of electricity is no longer required, or where the Commissioners are authorised to take away and cut off the supply of electricity from any premises, for the purpose of removing any electric lines, accumulators, fittings, apparatus, or works belonging to the Commissioners, and repairing all damage caused by such entry, inspection, or removal.

Power to enter premises and inspect or remove fittings, &c.

174. Where any electric lines, meters, accumulators, fittings, apparatus, or works belonging to the Commissioners are placed in or upon any place or building (not being in the possession of the Commissioners) for the purpose of supplying electricity in pursuance of this Act, such electric lines, meters, accumulators, fittings, apparatus, or works shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy against the person in whose possession the same may be: Provided that nothing in this section shall affect any distress or execution lawfully made or issued upon or against the Commissioners.

Commissioners' fittings not to be subject to distress, execution, &c.

175. All actions or other proceedings against the Commissioners, their officers, agents, or servants, for anything done or reasonably supposed to have been done in pursuance of this Act, shall be commenced within twelve months after the matter complained of was committed and not otherwise; and notice in writing of any such action or proceedings, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the proceeding; and in every such proceeding the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such proceeding if tender of such sufficient amends shall have been made before the same was commenced, or if a sufficient sum of money shall have been paid into a court after such commencement by or on behalf of the defendant, together with costs as between party and party incurred up to that time. And if a verdict shall be entered for the defendant, or the plaintiff shall become non-suited or discontinue such proceeding, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his costs and have the like remedy for the same as any defendant has in law in like cases.

Limitation of action against the Commissioners.

176. Any arbitration in pursuance of this Act shall be conducted in accordance with and subject to the provisions of the Arbitration Act of 1892, and for the purposes of reference to arbitration thereunder this Act shall be deemed to be a submission between the parties within the meaning of the same. The arbitrator shall in every case have power to direct how and by whom the cost of the reference and award shall be paid.

Arbitration.

177. All fines, forfeitures, or other sums recovered by the Commissioners in pursuance of this Act shall be carried to the credit of the electric light account.

Sums recovered to go to electric light account.

178. In any case in which any summary conviction has been had, or any order for the payment of money

Appeals from summary convictions, &c.

money has been made, in pursuance of this Act, before any stipendiary magistrate, the defendant may appeal to the Court of Quarter Sessions.

179. The Commissioners may under Part VII of the Principal Act, but subject nevertheless to any regulations made by the Governor as herein provided, make all such by-laws and do all such other necessary matters and things as may be necessary for carrying out the objects of this Act.

180. The Commissioners shall not supply electricity within any municipality or shire without the consent of the council thereof (which consent such council is hereby empowered to give) and upon such terms and conditions as may be mutually agreed upon.

181. The council of a municipality or shire may contract with the Commissioners for a supply of electricity to such council and upon such terms and conditions as may be agreed upon.

*Amendment of the Workmen's Compensation Act, 1916.*

6. (1) The following section is inserted next after section five of the abovementioned Act :—

5A. A workman shall not be entitled to compensation under and also independently of this Act :  
Provided—

- (1) that nothing in this Act shall affect any civil liability of an employer when the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible; and
- (2) that, in the case of death or permanent incapacity, any workman who succeeds in his claim for compensation under this Act shall also be entitled to a refund of the amount of any contributions or deductions made by him, or out of his salary or wages, and paid to any superannuation account under any other Act, with interest thereon at the rate of four per centum per annum from the respective dates when such contributions or deductions were made.

(2) Paragraph (c) of subsection two of section five and the proviso to section thirteen of the same Act are repealed.