ANNO QUADRAGESIMI QUINTO ET QUADRAGESIMO
SEXTO

VICTORIÆ REGINÆ.

A.D. 1882.


Private Act.

An Act to authorise and empower "The South Australian Electric Company, Limited," to supply and convey Electricity to Corporations and private persons, to be used for the various purposes for which Electricity is now or may be hereafter used.

[Assented to, November 17th, 1882.]

WHEREAS a Joint Stock Company, under the name of "The South Australian Electric Company, Limited," has been lately registered and incorporated under "The Companies Act, 1864," with the objects (amongst others) to supply electricity and to manufacture and sell electric and other machines for the purpose of electric lighting, motive power, and for all other works and businesses of every description for which electricity now is or at any time hereafter may be used, and to supply therewith any Corporation or person: And whereas the authority of Parliament is requisite to enable the Company to carry out the objects for which it has been formed, in such manner as will be most beneficial to the general public and to the Company, and it is therefore desirable to confer on the Company all rights, powers, privileges, and immunities necessary or convenient for the construction of the said works—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as "The South Australian Electric Company's Act, 1882."

2. Except
2. Except so far as the same shall be inconsistent herewith, there shall be incorporated with this Act "The Lands Clauses Consolidation Act."

3. The following words and expressions in this Act, and in the sections herewith incorporated, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction —

The expression "the Company" shall mean "The South Australian Electric Company, Limited":

The expression "street" shall mean any street, road, square, footpath, or place, lane, alley, or thoroughfare, whether public or private:

The expression "the street authority" shall mean the persons having the control or management of the street or road in respect of which such expression shall be used:

The expression "electric rate" shall include any rent, reward, or payment to be made to the Company for the supply of electricity or electric machines for the purpose of electric lighting, motive power, torpedoes, and all other works and businesses of every description for which electricity now is, or at any time hereafter may be, used:

The word "building" shall include places of public worship or public amusement, public institutions, public or private offices, houses, manufactories, shops, courts, gardens, and yards.

4. The limits of this Act shall extend to and include the whole of the Province of South Australia.

5. Subject to the provisions of this Act, it shall be lawful for the Company from time to time to construct and maintain such electric works and apparatus, and such buildings, with approaches thereto, upon the lands belonging to the Company, and to do all and such other acts and things as they shall think necessary for supplying the inhabitants within the limits of this Act with electricity and electric machines, and to supply such electricity upon such terms as shall be agreed upon between the Company and the persons or corporations supplied therewith, and to manufacture, sell, and dispose of electric and other machines in such manner as the Company may think proper.

6. The Company, under such superintendence as hereinafter specified, and subject to the provisions hereinafter contained, may open and break up the soil and pavement of any streets within the limits of this Act, and lay down thereunder pipes, wire conduits, and other works, and may also place along or across such streets wire conduits, pipes, and other works, and from time to time repair, alter, or remove the above works; and, for the purposes aforesaid, may remove...
remove and use all earth and materials in and under such streets; and they may, over, along, or across any such streets, stretch and maintain any wire or cord, and erect any masts or posts for supporting any such cord or wire, or erect any pillars, lamps, and other works, and do all other acts which the Company shall, from time to time, deem necessary for supplying electricity to the inhabitants within the limits of this Act; and it shall also be lawful for the Company to lay any main or branch wire into or against any building for the purpose of lighting the same or any other building, and to provide and set up against any building any apparatus necessary for securing to any other building a proper and complete supply of electricity: Provided that every cord or wire of any such line, if above the surface, crossing any road or street, be placed at least sixteen feet from the ground; and that the free use and enjoyment of any road or street over, along, across, or underneath which any such cord or wire, or line of communication, may pass, be not hindered or obstructed further than is absolutely necessary for the proper construction and repair of any such line of communication: Provided also that nothing herein contained shall authorise the Company to break open any sewer or underground drain: And provided also that the Company shall not erect any masts or posts, or stretch any wire or cord from any mast or post, without having previously obtained permission so to do from the Superintendent of Telegraphs, municipal or street authorities, or other officer for the time being having the control and management of the Government Telegraph Department: And provided also that the Company shall, whenever requested so to do, by an order in writing under the hand of the Superintendent of Telegraphs, municipal or street authorities, or other officer as aforesaid, take down and remove any masts, posts, wire, or cord which they may have erected.

7. Before the Company proceed to open or break up any street, they shall give to the street authority notice in writing of their intention to open or break up the same, not less than seven clear days before beginning such work, except in cases of emergency arising from defects in any of the wires or other works, and then within twenty-four hours after the beginning of the work or the necessity for the same have arisen; and also except for the purpose of connecting service-wires to mains which have been previously laid, and in such cases one clear day’s notice shall be sufficient.

8. No such street shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the street authority, and according to such plan as shall be approved of by such persons or their officer; and at the reasonable costs, charges, and expenses in all respects of the said Company, or in case of any difference respecting such plan, then according to such plan as shall be determined by two Justices; and such Justices may, on the application of the street authority, require the Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution
45° & 46° VICTORIÆ, PRIVATE ACT.

The South Australian Electric Company's Act.—1882.

execution of any works: Provided always, that if the street authority fail to attend at the time fixed for the opening of such street, after having had such notice of the Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the Company may perform the work specified in such notice without the superintendence of such street authority.

9. When the Company open or break up the road or pavement of any street they shall, with all possible speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement so opened or broken up, and carry away the rubbish occasioned thereby, and deposit the same wherever the street authorities may direct, 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 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, every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

10. If the Company open or break up any street without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required (except in the cases in which the Company are hereby authorised to perform such works without any superintendence or notice), or if the Company make any delay in completing any such work or in filling in the ground, or reinstateing or making good the road or pavement, so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the street authority in respect of which such default is made a sum not exceeding Ten Pounds for every such offence; and they shall forfeit an additional sum of Five Pounds for each day during any such delay as aforesaid shall continue after they shall have received notice thereof.

11. If any such delay or omission as aforesaid take place, the street authority having the control or management of the street in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such street authority by the Company, and such expenses may be recoverable in the same manner as damages are recoverable under this Act.

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

13. The Company may from time to time enter into any contract with any person for lighting or supplying with electricity any public or private building, or for providing any person with wires, burners, meters, or lamps, and other electric fittings and things, and for the repairs thereof, and may also from time to time enter into any contract with any Corporation or District Council within the limits of this Act, for lighting the streets of any city, town, village, and township, or any of them, with electricity, and for providing any such Corporation or Council or persons with lamps, lamp-posts, burners, and wires, and other electric fittings and things for such purpose, and for the repairs thereof, in such manner and upon such terms as shall be agreed upon between the Company and the said Corporation, or Corporations, or District Council, or other persons.

14. The clerk, engineer, or other officer or servant, duly appointed for the purpose by the Company, may, at all reasonable times between the hours of eight a.m. and ten p.m., enter any building or place lighted with electricity supplied by the Company, in order to inspect the machines, lamps, wires, fittings, and works for producing or regulating the supply of electricity, and for the purpose of ascertaining the quantity of electricity consumed or supplied. And if any person hinder such officer or servant as aforesaid from entering and making such inspection as aforesaid, at any reasonable time, he shall, for every such offence, forfeit to the Company a sum not exceeding Five Pounds.

15. If any person supplied with electricity by virtue of this Act neglect to pay the rent due to the Company for the same, the Company (having first demanded the amount due) may, after the expiration of forty-eight hours, stop the electricity from entering the premises of such person by cutting off the service-wire or other works, or by such means as the Company shall think fit, and recover the rent due from such person, if less thanTwenty Pounds, together with the expenses of cutting off the electricity, and the costs of recovering the rent, in the same manner as any damages, for the recovery of which no special provision is made, are recoverable under this Act; or if the rent so due amount to Twenty Pounds or upwards, the Company may recover the same, together with the expenses of cutting off the electricity, by action in any Court of competent jurisdiction.

16. In all cases in which the Company are authorised to cut off and take away the electricity from any building or premises, under the provisions of this Act, the Company, their agents, or workmen, after giving twenty-four hours' previous notice to the occupier, may enter such building or premises, between the hours of nine of the forenoon
45° & 46° VICTORIÆ, PRIVATE ACT.

The South Australian Electric Company's Act—1882.

Undue use of electricity.

17. Every person who shall lay or cause to be laid any wires or other works to communicate with any wire or electrical works belonging to the Company without their consent, or shall use any burner, wire, or other work other than such as has been provided or approved of by the Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use or burn such electricity, or shall supply any other person with any part of the electricity supplied to him by the Company, shall forfeit to the Company the sum of Five Pounds for every such offence, and also the sum of Forty Shillings for every day such wire or other works shall so remain, or such works or burners shall be so used, or such excess be so committed or continued, or such supply furnished; and the Company may take off the electricity from the building and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

Penalty for fraudulently using the electricity of the Company.

18. Every person who shall wilfully remove, destroy, or damage any wire, pillar, post, lamp, or other work of the Company for supplying electricity, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the electricity supplied by the Company, shall, for each such offence, forfeit to the Company any sum not exceeding Five Pounds, in addition to the amount of damage done.

Penalty for wilfully damaging wires.

19. Every person who shall wilfully or carelessly break, throw down, or damage any wire, pillar, lamp, lamp-post, lamp-iron, or other apparatus belonging to the Company, or under their control, shall pay such sum of money by way of satisfaction to the Company for the damage done as any two Justices shall think reasonable.

Satisfaction for carelessly damaging wires.

20. No person shall fit up any apparatus or fittings whereby electricity shall be obtained from any main, or wire, or circuit of the Company without the consent in writing of the secretary or other officer first obtained for that purpose.

Fittings not to be connected with circuit without previous consent.

21. Nothing in this Act contained shall be deemed to affect any right, title, or interest of Her Majesty, Her heirs, or successors.

Saving of rights.

22. Subject to the provisions of "The Companies Act, 1864," the Company shall be governed by, and its affairs shall be administered in accordance with, the rules and regulations contained in the Articles of Association which have been adopted by the Company, and duly and lawfully registered by the Registrar of Companies under that Act, or such rules and regulations as may hereafter be adopted, in addition to such rules and regulations, or in substitution thereof, or of any part thereof.

Company to be governed by Articles of Association.

23. At
23. At any time after the expiration of ten years, or at the expiration of every three years after the said ten years, from the time of the passing of this Act, it shall be lawful for the Government to purchase the said works and undertakings, or when the works or any part thereof are within the limits of any municipality, for the Government or the council of such municipality to purchase the whole or such portions of such works as shall be within such municipality, at a price to be determined as follows, that is to say:—Two arbitrators shall be appointed by the Government or Corporation, and two arbitrators by the Company, and all matters relating to such purchase shall be submitted to the decision of such arbitrators, and in all other respects such arbitration shall be conducted in accordance with and under and subject to "The Railways Clauses Consolidation Act," No. 7 of 1847: Provided that the Government or Corporation shall not be compelled to abide by the event of the award if the Government or Corporation shall give to the Company one month’s notice in writing to that effect, and thereupon the Company shall be at liberty to carry on and work the said works and undertakings: And provided also that the Government or Corporation shall pay all costs of the reference and award, and all costs and charges incidental thereto.

24. All powers by this Act given to the said Company shall cease to be exercisable at the expiration of ten years from the passing of this Act, unless the said Company obtain a renewal thereof from the said Parliament of South Australia for another ten years, and at the expiration of the said renewed ten years, and so on, at the expiration of every succeeding ten years, until the said Parliament shall refuse to grant any further extension.

25. The Company shall, within one year from the passing of this Act, commence the works hereby authorised to be done, unless prevented by lawful authority, and shall, within such year, construct and maintain such works and apparatus, and lay down or erect such wires and cords as shall be necessary for supplying the inhabitants residing on each side of one or more of the streets in the City of Adelaide with electricity, so that in the aggregate such wires or cords shall extend over at least one mile of a street or streets in the said city; and if, upon the expiration of such one year, the Company shall not have commenced to carry out and perform the said works as aforesaid, then the powers by this Act granted shall cease to be exercisable.

26. Nothing in this Act contained shall be deemed to imply any agreement or undertaking on the part of the Parliament not to grant powers, similar to those granted by this Act, to any other person or Corporation.

27. 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 province, without being specially pleaded.

28. This
Commencement of Act.

28. This Act shall take effect from the first day of September, one thousand eight hundred and eighty-two.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.