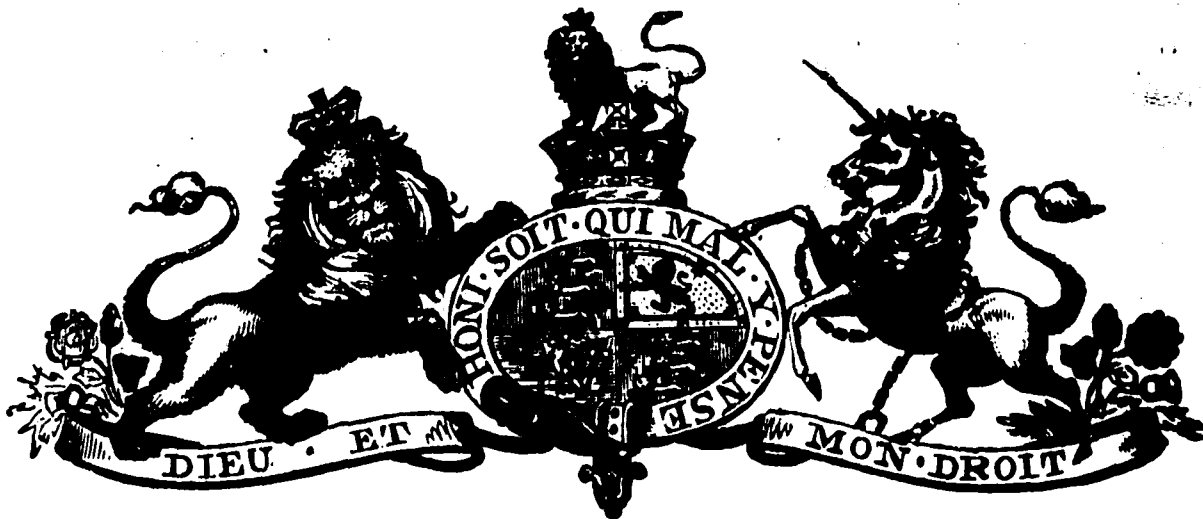


VICTORIA.



ANNO QUARTO

# GEORGII QUINTI REGIS.

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No. 2484.

An Act to provide for the Construction and Management of certain Electric Tramways in the Municipal Districts of Brunswick and Coburg and for other purposes.

[17th February, 1914.]

**W**HEREAS the Mayor Councillors and Citizens of the City of Brunswick and the Mayor Councillors and the Burgesses of the Town of Coburg are desirous that authority should be granted for the construction and management of certain electric tramways in the municipal districts of Brunswick and Coburg: And whereas it is expedient to grant such authority and to make provision for the constitution and incorporation of a Trust to construct control manage and operate such electric tramways and to exercise such further powers as are conferred on it by this Act: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Preamble.

1. This Act may be cited as the *Brunswick and Coburg Tramways Act 1914.*

Short title.

2. In this Act unless inconsistent with the context or subject-matter—

Interpretation.

No. 2294 s. 3.

“City of Brunswick” means the Mayor Councillors and Citizens of the City of Brunswick.

“Minister” means the Minister of the Crown for the time being administering the Department of Public Works.

“Municipalities”

"Municipalities" means the City of Brunswick and the Town of Coburg.

"Town of Coburg" means the Mayor Councillors and the Burgesses of the Town of Coburg.

"Trust" means the Brunswick and Coburg Tramways Trust.

"Undertaking" means all tramways constructed or in course of construction by or which may be or become vested in the Trust and all lands acquired or held by and all buildings appurtenances rolling-stock machinery plant and horses acquired or used by it in connexion with any of such tramways.

Conference of  
municipalities.

3. Where in this Act any power is conferred or duty imposed upon a conference of the councils of the municipalities such power may be exercised or duty performed at a meeting consisting of not less than half of the total number of the members of all the councils of the municipalities sitting and voting together and by a majority of the members present at the meeting; and such meeting shall elect one of the members to be chairman thereof and he shall have a casting vote in addition to his vote as a member.

*The Brunswick and Coburg Tramways Trust.*

Trust incorporated.  
No. 2294 s. 4.

4. For the purpose of carrying this Act into execution there shall be a body corporate by the name of the Brunswick and Coburg Tramways Trust and such body corporate by that name shall have perpetual succession and a common seal and may sue and be sued and shall have power to purchase take hold sell mortgage lease take on lease exchange or dispose of land or property for any of the purposes of this Act.

Constitution of  
Trust.

5. The Trust shall consist of five members—two of whom shall be members of and elected by the council of the City of Brunswick and two of whom shall be members of and elected by the council of the Town of Coburg and a fifth member who shall be and is hereinafter referred to as "The Chairman."

Election of  
chairman.

6. (1) The chairman shall be elected by a conference of the councils of the municipalities.

Vacancy in office of  
chairman.  
Ib. s. 6.

(2) In case of a vacancy in the office of the chairman the same shall be filled by the election of some person by a conference of the councils of the municipalities.

(3) If some person is not elected as chairman in manner aforesaid within one month after the date of the election of the last of the other members of the Trust or within one month after such vacancy occurs the Minister shall by writing under his hand appoint some person to be such chairman and shall signify such appointment to the Trust in writing and such appointment shall be as effective as if the said person had been elected chairman by a conference of the councils of the municipalities and such chairman shall be deemed to have been elected on the date of his appointment.

(4) The

(4) The chairman if a member of any of such councils shall immediately on his election or appointment as chairman cease to be a member of any such councils.

7. (1) Subject to this Act the chairman shall hold office for four years from the date of his election and shall be eligible for re-election unless disqualified under any of the provisions of this Act. Tenure.

(2) The chairman shall cease to be a member of the Trust—

Chairman ceasing to hold office.

- (a) if he becomes a member of the council of any of the municipalities ;
- (b) if his estate is sequestrated under any Act of Parliament relating to insolvency ;
- (c) if he assigns his estate for the benefit of his creditors ;
- (d) if he becomes of unsound mind or permanently incapacitated for performing his duties ; or
- (e) if he resigns his position of chairman by writing under his hand addressed to the Trust.

(3) If any member of the Trust (other than the chairman)—

Other members ceasing to hold office.

- (a) while being a member of the council by which he was elected thereto also becomes a member of the council of any other of the municipalities ;
- (b) vacates his seat in the council by which he was elected and is not re-elected a member of such council at the election consequent upon or occurring at the same time as such vacancy ; or
- (c) resigns his seat on the Trust by writing under his hand addressed to the chairman,

No. 2294 s. 7.

he shall cease to be a member of the Trust and his place shall be filled by the council by which he was elected and his successor shall hold office for the balance of the term for which he was elected.

(4) If the chairman or any other member absents himself from three consecutive meetings of the Trust without the leave of the Trust he shall cease to be a member thereof.

Absence from meetings.  
Ib. s. 9.

8. No person holding any office or place of profit under or in the gift of the Trust or concerned or participating in any manner whether directly or indirectly in any contract with the Trust or in any work to be done under the authority of the Trust or in the profit of any such contract or work shall be capable of being or continuing a member of the Trust.

Disqualification for membership on ground of interest  
See No. 1893 s. 53.

Provided that no such person shall be disqualified from being or continuing a member of the Trust by reason of—

- (a) being beneficially interested in any newspaper in which the Trust inserts advertisements ; or
- (b) being a shareholder or member of any incorporated company consisting of more than twenty persons which has entered into any contract with or done any work under the authority of the Trust.

9. (1) The

Term of office  
of members.  
No. 2294 s. 8.

9. (1) The members of the Trust (other than the chairman) shall hold office for two years and shall be eligible for re-election unless disqualified under any of the provisions of this Act.

(2) For the purposes of this section the first and each succeeding period of two years shall be reckoned as and from the date of the first meeting of the Trust and the corresponding date in each such period thereafter.

First meeting of  
Trust.  
See No. 1197 s. 21.

10. The members of the Trust elected at the first election under this Act or the major part of them shall hold their first meeting at a time and place to be appointed by the Minister by notice in the *Government Gazette*; and on and after the day so notified the Trust shall be deemed to be duly and legally constituted as a corporation in pursuance of this Act.

Quorum.  
No. 2294 s. 10.

11. (1) At any meeting of the Trust a quorum shall consist of a majority of the members thereof for the time being assigned to the Trust.

Chairman to preside.

(2) The chairman shall preside at every meeting of the Trust at which he is present; and in case of a vacancy in the office of chairman or in his absence some other member of the Trust shall be chosen by the members present at any meeting to preside thereat.

Equality of votes.

(3) If there is an equal number of votes upon any question the chairman presiding at the meeting shall have a second or casting vote in addition to his vote as a member of the Trust; but if there is an equality of votes in the election of a temporary chairman it shall be decided by lot which of the members of the Trust having an equal number of votes shall be chairman.

Questions to be  
decided by  
majority.

(4) Save as otherwise expressly provided, at every meeting of the Trust all questions shall be determined by the votes of a majority of the members present, and all members of the Trust present shall vote.

### *Powers and Duties of Trust.*

Authority to Trust  
to obtain order  
to construct  
tramways.

12. (1) Notwithstanding anything in the *Tramways Act 1890* the Trust may apply for and obtain an order or orders under the said Act—

First Schedule.

(a) to make construct control manage and operate four feet eight and one-half inch gauge electric tramways in the lines and upon the roads and streets described in the First Schedule to this Act;

(b) to

(b) to construct a tramway to connect the said tramways if the council or councils in whose municipal district or districts the Trust proposes to construct such connecting tramway consent to such construction.

(2) The whole or any part of such tramways shall have a double or single track as the Trust may determine; and the Trust may at any time convert any single track or portion thereof into a double track.

Single or double track to be at the option of the Trust.

(3) Subject to and for the purposes of this Act the Trust shall have and may exercise the rights powers and privileges of a municipal council under the *Tramways Act* 1890; and the provisions of Parts I. II. and III. of the *Tramways Act* 1890 shall so far as applicable and with such substitutions and modifications as are necessary extend and apply to the Trust accordingly.

Application of *Tramways Act* 1890.

(4) In section three of the *Tramways Act* 1890 the word "Brunswick" is hereby repealed.

Amendment of No. 1148 s. 3.

**13. (1)** The Trust without further authority than this Act may—

Powers of Trust. No. 2299 s. 5.

purchase produce supply and use electric energy for the purpose of any tramway which is or is intended to be constructed maintained used or operated by it, and

upon such terms and conditions as are agreed upon between the Trust and any municipality along the roadway upon which the tramway runs supply to such municipality electric light for the purpose of lighting such roadway.

(2) The Trust shall comply with all conditions specified in any Tramway Order obtained by it as to the laying or placing of electric wires and the guarding or maintaining of the same and with all regulations as to such purchase production supply and use made under the *Electric Light and Power Act* 1896 or any amendment thereof in the same way and to the same extent as if it were an undertaker within the meaning of that Act.

**14. (1)** The tramway of the Town of Coburg situate in Sydney-road in the municipal district of Coburg and known as the "Coburg Horse Tram" and all land acquired or held by and all buildings and appurtenances rolling-stock machinery plant and horses acquired or used by the said town in connexion with such tramway shall as from the day of the first meeting of the Trust vest in the Trust absolutely and all the rights powers and privileges of the Town of Coburg in respect to such tramway shall as from the date of the said meeting cease and determine.

Coburg horse tram to vest in Trust.

(2) There shall within twelve months of such vesting be paid by the Trust to the Town of Coburg a sum of money equal to the net actual cost (including cost of purchase) to that town of the said tramway and of all the said land buildings appurtenances rolling-stock machinery plant and horses from the date of the acquirement under the *Tramways Act* 1890 of such tramway by the Town of Coburg to the date of vesting thereof in the Trust and in the event of any disagreement as to the sum to be so paid such sum shall be determined by arbitration under the *Arbitration Act* 1910.

Payment by Trust to Town of Coburg.

**15. (1)** Subject

Powers of Trust in  
respect of  
tramways.  
No. 2294 s. 16.

15. (1) Subject to this Act the Trust shall have full power and authority to control manage and operate all tramways for the time being constructed by or vested in it and to do all acts matters and things incidental thereto or for carrying out the powers and authorities conferred by this Act.

By-laws.

(2) The Trust shall have all the powers of a promoter under the provisions of the *Tramways Act* 1890 to make by-laws.

Right of Parliament  
to revise fares &c.

16. All fares tolls or charges which may be demanded and taken by the Trust in respect of any tramways under this Act shall be subject to alteration revision or modification by Act of Parliament at any time without the Trust being entitled to any compensation in consequence of such alteration revision or modification.

Compulsory taking  
of land.  
No. 2338 s. 2.

17. The Trust with the consent of the Governor in Council may take land compulsorily for its works and undertaking or for any of the purposes of this Act.

Trust to make full  
compensation for  
land taken  
compulsorily &c.  
Ib. s. 3.

18. (1) The Trust shall make to the owners of and all persons interested in any lands taken in pursuance of the provisions hereof or injuriously affected by such taking full compensation for the value of the lands so taken and for all damage sustained by such owners and other persons by reason of the exercise of the powers conferred on the Trust by this Act.

(2) The amount of such compensation shall be ascertained and determined in accordance with the provisions of Part XXXVII. of the *Local Government Act* 1903.

(3) The said Part is hereby incorporated with this Act and so far as is consistent with the tenor hereof the said Part shall be construed as one with this Act and shall take effect with regard to all works and undertakings for which under this Act the Trust is authorized to take land.

(4) For the purposes of this Act the following expressions in the said Part shall unless the context otherwise requires bear the respective meanings hereafter assigned to them (that is to say):—

“Municipality” “Council” and “Council of such Municipality” shall mean and be read as the Brunswick and Coburg Tramways Trust.

“The Special Act” shall mean this Act.

Trust to keep part  
of roadway in  
repair where  
tramway laid.  
No. 2294 s. 18.

19. (1) The Trust shall maintain and keep in good condition and repair with such materials and in such manner as a conference of the councils of the municipalities determines and to the satisfaction of such conference so much of the road whereon any tramway belonging to it is laid as lies between the outermost rails of the tramway and also so much of the road as extends eighteen inches beyond such outermost rails.

(2) The

(2) The materials of any road opened or broken up by the Trust in the construction or maintenance of the tramways may be used by it in reconstructing the road so far as the same are applicable to that purpose and all material not so used shall belong to the municipality in whose municipal district the road or part of the road from which it was obtained is situated.

20. For the purpose of making forming laying down maintaining repairing or renewing the tramways to be constructed by or constructed by or vested in it the Trust may from time to time alter the position of any sewer or drain or any mains or pipes for the supply of gas or water subject to the same restrictions as are imposed upon the Melbourne Tramway and Omnibus Company Limited by section eighteen of *The Melbourne Tramway and Omnibus Company's Act 1883* except that the engineer to be appointed in case of any disagreement under subsection (2) of that section shall be an engineer appointed by the Minister.

Power to alter gas  
and water mains.  
No. 2294 s. 24.

47 Vict. No. 765.

#### Financial.

21. The Trust may lodge at interest on fixed deposit or otherwise as may be deemed most advantageous by it in any one or more of the banks carrying on business in the City of Melbourne the whole or any portion of the moneys to be borrowed by it or which may from time to time be received by it.

Power to lodge  
loan moneys on  
deposit.  
No. 2294 s. 19.

22. The Trust without affecting the generality of the powers contained in this Act may—

Additional power  
of Trust.  
Ib. s. 20.

- (a) lend moneys on mortgage;
- (b) enter into contracts with any person or corporation;
- (c) expend moneys for the purpose of promoting the earnings of the undertaking; and
- (d) establish a fund to provide for any of its employes incapacitated by sickness or accident and to pay gratuities or retiring allowances to any of its employes.

23. (1) The Trust—

- (a) may with the consent of a conference of the councils of the municipalities lease the undertaking for such period and upon such terms as the Trust determines; and
- (b) shall if and when so required by such a conference lease the said undertaking to such person or corporation and for such period and on such terms as the conference directs or approves.

Power to  
lease tramways.  
Ib. s. 22.

(2) No such lease shall have any force or effect until the Governor in Council approves thereof.

24. In the event of the undertaking being leased by the Trust the rent to be received therefrom after payment of interest and sinking fund in respect of any moneys borrowed by the Trust and the contribution to the renewal reserve fund and the expenses of the Trust shall be distributed between the municipalities in the same manner as is provided in this Act for the distribution of the balance of revenue.

Distribution of  
rent.  
Ib. s. 23.

25. All



Interest.  
No. 2338 s. 7.

**25.** All interest paid or payable by the Trust in respect of any moneys expended or incidental to the construction of any tramway during the period of construction thereof shall be deemed to be part of the cost of constructing such tramway.

Expenditure of  
moneys for  
construction.  
Ib. s. 8.

**26.** (1) The Trust may expend moneys or join with any municipality or municipalities in the expenditure of moneys for the construction improvement or widening of any street or road upon or along which any tramway (which the Trust is authorized to construct) is being or is intended to be constructed.

(2) Any moneys so expended or contributed shall be deemed to be part of the cost of the permanent way of such tramway within the meaning of this Act.

Expenses of Orders  
in Council.  
No. 2294 s. 27.

**27.** The Trust may pay all costs and expenses incurred by it in relation to obtaining any Order in Council in respect of any tramways under this Act or in connexion with the obtaining of this Act or in any way arising thereout and such moneys shall be deemed to be capital expenditure on account of the tramways in respect of which such payments are made.

Power to borrow  
on overdraft.  
Ib. s. 28.

**28.** The Trust may from time to time borrow any sum or sums not exceeding Ten thousand pounds in the whole by the way of overdraft from any bank or banks and for the purpose of repaying the same may borrow moneys as provided in this Act.

Power to borrow  
on debentures.  
Ib. s. 29.

**29.** (1) Subject to this Act and with the consent of the Governor in Council and for the purpose of doing any of the acts matters or things which the Trust is by this or any other Act or by any Order in Council authorized or required to do or which are incidental thereto the Trust may from time to time and to such extent as it thinks fit borrow moneys upon the security of the undertaking and upon the credit of the municipalities but so that the moneys so borrowed shall not at any one time exceed One hundred thousand pounds.

Second Schedule.

(2) For the purpose of securing the repayment of any moneys so borrowed and the interest thereon the Trust may issue debentures in the form or to the effect of the Second Schedule to this Act.

(3) Such borrowing shall not be deemed an exercise of the borrowing powers conferred upon the municipalities or any of them by the Local Government Acts.

(4) The



(4) The Trust not less than one month and not more than six months before proceeding to borrow moneys under this section shall publish in the *Government Gazette* and twice in some newspaper generally circulating in the municipal districts of the municipalities notice of such intention to borrow, stating—

- (a) the amount of the principal moneys proposed to be borrowed ;
- (b) the rate of interest to be paid ;
- (c) the time or times and the place at which the moneys borrowed are to be repayable ;
- (d) the purposes for which the loan is to be applied ; and
- (e) the manner in which the loan is to be liquidated.

(5) Within one month after the publication of such notice any twenty persons whose names are on the municipal roll for any of the municipalities may by writing under their hands delivered to the chairman or the clerk of the municipality together with the sum of Twenty pounds demand that the question whether or not the loan be incurred be submitted to a poll of the ratepayers of the municipality.

(6) For the purpose of such poll —

- (a) the provisions of sections three hundred and fifty-seven to three hundred and sixty-one of the *Local Government Act* 1903 shall with such alterations and substitutions as are necessary extend and apply ; and
- (b) sections three hundred and fifty-seven to three hundred and sixty of and the Eighteenth Schedule to the said Act shall be read and construed as if for the words “council” or “council of the shire of” wherever occurring therein there were substituted the words “Brunswick and Coburg Tramways Trust.”

(7) Unless at a poll as aforesaid of the ratepayers of any of the municipalities the Trust is forbidden to proceed with the loan the Trust may proceed with the same.

30. (1) If default is made in payment of the principal money or interest due in respect of any debenture issued in pursuance of this Act the Supreme Court upon the petition of the holder or holders of any debenture so issued may appoint some person or persons not exceeding three to be a receiver or receivers of the general rates of the municipalities named in such debenture.

Remedy for  
debenture-holders.  
No. 2294 s. 30.

(2) Such

(2) Such receiver or receivers shall thereupon have the same rights and powers and shall perform the same duties (including a duty to apply any moneys or proceeds according to the same respective priorities as between all debenture-holders) as if the said debentures issued in pursuance of this Act had been to the full amount thereof debentures issued by each of such municipalities and in pursuance of the ordinary borrowing powers conferred upon them respectively by Subdivision two of Division one of Part XIV. of the *Local Government Act 1903* and so as to take priority over any moneys borrowed by any of such municipalities respectively at any dates subsequent to the borrowing by the Trust in respect of which such debentures issued and as if the said receiver or receivers had been appointed under section three hundred and eighty-five of the said Act.

(3) Nothing herein contained shall be construed—

- (a) as rendering applicable to any purpose other than the repayment of the said debentures issued in pursuance of this Act any part of any sinking fund constituted by the Trust or any part of any other moneys or property of the Trust; or
- (b) as lessening or prejudicing any other right or remedy of any holder of any debenture issued in pursuance of this Act.

Power for Melbourne  
Tramways Trust  
and trustees  
generally to invest  
in debentures.

Nos. 1421, 1841,  
1954.

31. Any debenture issued by the Trust shall be deemed—

- (a) to be a debenture issued by a city or town within the meaning and for the purposes of section twenty-two of the *Trusts Act 1896*; and
- (b) to be a debenture issued by a municipality within the meaning of section two of the *Melbourne Tramways Trust Act 1903* and to be included amongst the debentures in which under section two of the *Melbourne Tramways Trust Amendment Act 1904* the Melbourne Tramways Trust may lawfully invest and re-invest any of the moneys forming part of its sinking fund in such section referred to.

Trust to prepare  
annual balance-  
sheet &c.

No. 2294 s. 32.

32. The Trust shall—

- (a) as soon as conveniently may be after the thirtieth day of September in each year make up a balance-sheet showing its assets and liabilities as on such date together with its revenue and expenditure for the year or period ending thereon; and
- (b) for the like period prepare a statement showing the car mileage run in each municipal district and the amount of the maintenance and renewal reserve funds and the manner in which such funds are invested or secured and what (if any) moneys have been paid or are payable during such period to the Trust by the municipalities in pursuance of any of the provisions of this Act; and
- (c) immediately thereafter forward a copy of such balance-sheet and statement to each of the municipalities.

33. (1) The

33. (1) The Trust shall apply the revenue to be derived from the undertaking other than income arising from the investment of its renewal reserve fund—

Application  
of revenue.  
No. 2294 s. 33.

- (a) in paying or providing for the interest and sinking fund in respect of any moneys borrowed by it;
- (b) in paying the expenses of controlling managing operating and maintaining the undertaking and the other outgoings by this Act authorized including such contribution to a maintenance reserve fund as the Trust thinks expedient;
- (c) in establishing a renewal reserve fund for the purpose of providing for the renewal of any part of the undertaking but not exceeding in any year two and a half per cent. of the estimated cost of such renewal as the Trust thinks proper.

(2) The balance of such revenue (if any) shall be divided between the municipalities in proportion to the car mileage run on the said tramways constructed by or vested in the Trust in their respective municipal districts during the year ending on the thirtieth day of September in which such revenue has been earned.

Balance of revenue.

(3) For the purpose of this and the last preceding section the car mileage run on any tramway or part of a tramway along a street or road forming the common boundary between the municipalities shall be deemed to be run in the respective districts of such municipalities in the proportion which the frontage of each of such municipalities to such tramway bears to the total of such frontages.

Car mileage.

(4) In the event of such revenue being insufficient to pay or provide for the moneys referred to in paragraphs (a) or (b) of sub-section (1) of this section any deficiency therein shall be made good to the Trust by the municipalities in proportion to the car mileage run upon the said tramways in their respective municipal districts during the year ending on the thirtieth day of September in which such moneys are payable.

Deficiency of  
revenue to be  
made good by  
municipalities  
Ib. s. 34.

(5) In the event of the said revenue from the said tramways in any year being insufficient to provide a renewal reserve fund of an amount which the Trust thinks proper (within the limits prescribed by paragraph (c) of sub-section (1) of this section) the Trust shall notwithstanding the provisions of the said paragraph (c) be entitled in any subsequent year or years and before any distribution of profits to deduct from the revenue of any such year or years such sum or sums as are necessary to make up such deficiency together with the interest which in the opinion of the Trust would have been earned on the amount thereof had the same been provided in each year.

Renewal reserve  
fund.  
Ib. s. 35.

(6) In the event of either of the municipalities paying or becoming liable to pay any moneys to the Trust under the provisions of this section such moneys shall be repaid by the Trust to such municipalities respectively in priority to and before dividing the balance of revenue as provided in this section.

Repayment of  
deficiency in  
revenue.  
Ib. s. 36.

34. In

Proportionate  
contribution by  
municipalities.  
No. 2294 s. 37.

**34.** In the event of either of the municipalities paying or being called upon to pay any moneys secured by any debenture issued by the Trust such municipality shall be entitled to contribution from the other of the municipalities in proportion to their respective capital interests as defined by this Act.

Division of surplus  
assets if Trust  
dissolved.  
Ib. s. 38.

**35.** In the event of the dissolution of the Trust any surplus assets shall be divided amongst the municipalities in proportion to their respective capital interests in the undertaking of the Trust.

Indemnity to Trust.  
Ib. s. 39.

**36.** Each of the municipalities shall be liable to indemnify the Trust against any capital loss in the proportion which its capital interest (as defined in this Act) bears to the total capital cost of the undertaking of the Trust.

Capital interest of  
municipalities  
defined.  
Ib. s. 40.

**37.** Whenever it becomes necessary for any purpose to determine the capital interest which either of the municipalities has in the undertaking of the Trust the following provisions shall apply:—

- (a) As to any tramway or part of a tramway constructed by the Trust wholly within the municipal district of either of such municipalities that municipality shall be deemed to have a capital interest to the extent of the cost of the permanent way and overhead equipment thereof including the cost of any alterations to sewers and water or gas mains or pipes electric light or telephone wires cables or apparatus incidental to such construction.
- (b) As to any tramway or part of a tramway constructed by the Trust along any street or road forming the common boundary of the municipalities each of them shall have a capital interest in the cost of the permanent way and overhead equipment thereof in the proportion which the frontage of each of such municipalities to such tramway bears to the total of such frontages.
- (c) Each municipality shall have a capital interest in the land buildings machinery feeders rolling-stock plant and furniture and the maintenance and renewal funds in the proportion which the total car mileage credited to it by the Trust bears to the total car mileage run on the tramways for the time being constructed by or vested in the Trust.
- (d) To the capital interest of each municipality as above defined there shall be added such sum as is allocated to it by the Trust in respect of outgoings during the period of construction of any tramway in such municipality and not included herein; and in respect of the cost of purchasing under this Act any tramway and any lands buildings appurtenances rolling-stock machinery plant or horses in connexion therewith.

*Settlement*

*Settlement of Disputes.*

38. In the event of any difference arising between any of the municipalities and the Trust as to any matter (whether arising out of the construction of this Act or not) relating to the carrying out of the provisions of the same or touching and relating to the fulfilment and exercise of the obligations duties powers privileges or authorities of the Trust or the municipalities or any of them such difference shall be referred to the Minister who is hereby authorized and empowered to entertain inquire into and decide upon the same and for that purpose to exercise all the powers privileges and authorities which are conferred upon him by section seven hundred and twenty-three of the *Local Government Act* 1903 in the case of a difference between two or more municipalities and the decision of the Minister with regard to such difference shall be final and may be made a Rule of the Supreme Court.

Provision for  
settling disputes.  
No. 2294 s. 45.

No. 1893 s. 723.

*Hours of Work and Wages.*

39. (1) The hours to be worked by any person employed by the Trust on the tramways shall not exceed ninety-six hours in any fortnight and the rate of wages to be paid by the Trust to such persons shall not be less than the following:—

Hours of work  
and rates of pay.  
No. 2294 ss. 46, 47.

For motormen at the rate of Forty-eight shillings per week of forty-eight hours;

For conductors at the rate of Forty-five shillings per week of forty-eight hours;

For all unskilled adult labour not less than Seven shillings per day of eight hours.

Any such person may work for the Trust overtime for special payment which shall not be less than time and a quarter for any hour so worked.

(2) Save as aforesaid the rate of wages to be paid to and the hours to be worked by all skilled workmen employed by the Trust shall be the recognised standard rate for the recognised hours.

Wages and hours  
of skilled workmen.

Provided that where the rates of wages paid for the time being by the Prahran and Malvern Tramways Trust for any class of work are higher than those mentioned in this section the rates to be paid under this section for the same class of work shall be the same as those paid by that Trust.

*Conditions in Contracts.*

40. Every contract entered into by the Trust with any person for the execution of any work or for furnishing materials for the Trust—

Conditions in  
contracts of the  
Trust.

(a) shall contain a condition that the recognised standard rate of wages for the work performed for a maximum number of hours shall be paid by the contractor to his employes engaged in the carrying out of such contract; and

Ib. s. 48.

(b) shall

- (b) shall specify that in obtaining goods machinery or material for the service of the Trust substantial and effective preference shall be given by the Trust and the contractor to such goods machinery or material manufactured or produced in the Commonwealth.

*Acquisition of Undertaking.*

Power of general  
tramway authority  
to acquire.

41. (1) If a general tramway authority is hereafter constituted or authorized by Act of Parliament to have general powers of management and control of tramways within the City of Melbourne and suburbs thereof then subject to that Act the general tramway authority and the Trust may with the consent of the Governor in Council enter into and carry into effect all such agreements as are necessary for the conveyance transfer or assignment to and vesting in the general tramway authority of the tramways and tramway undertaking under this Act or the general tramway authority may with the like consent acquire the said tramways and tramway undertaking compulsorily.

(2) In the case of compulsory acquisition the said tramways and tramway undertaking and all real and personal property whatsoever of the Trust relating thereto and all interests authorities rights powers and privileges of the Trust therein thereto or thereout shall without further or other conveyance transfer or assignment than this Act vest in the general tramway authority subject to any then outstanding liabilities obligations contracts and engagements of the Trust in respect thereto including any outstanding principal or any outstanding or future interest in respect of any loan raised by the Trust for the purposes of this Act.

(3) If any question arises as to whether any property or any interests authorities rights powers privileges liabilities contracts or engagements as aforesaid are vested in transferred to or imposed upon the general tramway authority the Governor in Council may by Order published in the *Government Gazette* finally and conclusively determine the same, and for that purpose may adjust apportion and settle any matters or things as between the general tramway authority the Trust and any municipality and all other persons or bodies of persons as he thinks equitable.

## SCHEDULES.

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### FIRST SCHEDULE.

Section 12.

(1) An electric tramway commencing at Moreland-road at its intersection with Sydney-road, in the municipal district of Coburg, and proceeding northerly along Sydney-road to Baker-street, in the municipal district of Coburg.

(2) An electric tramway commencing at the intersection of Rathdown and Park streets, in the municipal district of Brunswick, and proceeding westward along Park-street to Lygon-street, and thence northward along Lygon-street to Albion-street, and thence eastward along Albion-street to Holmes-street; thence northerly along Holmes-street and Nicholson-street to Bell-street, in the municipal district of Coburg.

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### SECOND SCHEDULE.

Section 29

### THE BRUNSWICK AND COBURG TRAMWAYS TRUST.

#### TRANSFERABLE BY DELIVERY.

*Under the authority of the Brunswick and Coburg Tramways Act 1914.*

This Debenture entitles the bearer to the sum of \_\_\_\_\_ pounds  
 on the \_\_\_\_\_ day of \_\_\_\_\_ with interest thereon in the  
 meantime at the rate of \_\_\_\_\_ per centum per annum payable half-yearly on the  
 \_\_\_\_\_ day of \_\_\_\_\_ in every year as per coupons annexed and secured upon  
 the undertaking of the Trust and also upon the respective revenues of the Mayor  
 Councillors and Citizens of the City of Brunswick the Mayor Councillors and  
 Burgesses of the Town of Coburg and such principal and interest are payable at the  
 bankers for the time being of the Trust in the City of Melbourne.

Given under the Common Seal of the Trust at [*the City of Melbourne*] in the State of  
 Victoria this \_\_\_\_\_ day of \_\_\_\_\_ One thousand  
 nine hundred and \_\_\_\_\_

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MELBOURNE:

By Authority: ALBERT J. MULLETT, Government Printer.