

VICTORIA.



ANNO SEXTO

EDWARDI SEPTIMI REGIS.

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No. 2035.

An Act to authorize the construction of a Line  
of Electric Railway in Brighton and for other  
purposes.

[30th October, 1906.]

**B**E it 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):—

1. This Act may be cited as the *St. Kilda and Brighton Electric* Short title.  
*Street Railway Extension Act 1906.*

2. In

Interpretation.	<p>2. In this Act unless the context otherwise requires—</p> <p>“Board” means the Board of Land and Works;</p> <p>“Commissioners” means the Victorian Railways Commissioners; and</p> <p>“Land” includes all real estate messuages lands tenements hereditaments and easements of any tenure.</p>
Power to make electric street railway. Schedule.	<p>3. (1) It shall be lawful for the Board to make and construct the following electric street railway in the line and upon the lands described in the Schedule to this Act and within any deviation thereof as therein provided and all proper works and conveniences in connexion therewith (that is to say):—</p> <p>An electric street railway commencing at the termination of the St. Kilda and Brighton Electric Street Railway in the municipality of Brighton and terminating at or near South-road in the municipality of Moorabbin in the line and upon the lands described in the Schedule to this Act, to be called the Brighton Beach Electric Street Railway.</p>
To be a railway under Railways Acts.	<p>(2) The said line of electric street railway shall be a railway within the meaning of the Railways Acts but shall not be subject to the provisions of the Railway Lands Acquisition Acts or the <i>Tramways Act 1890</i>.</p>
Limit of deviation.	<p>4. It shall be lawful to deviate from the said line on either side thereof at any part thereof to the distance provided for in and by such Schedule but not to any greater distance; and in consequence of such deviation the said line may be increased in length to an extent of not more than one-tenth of the entire length of such line as described in such Schedule.</p>
Limit of expenditure.	<p>5. (1) The expenditure for the construction of the said line excluding rolling-stock shall not exceed Six thousand five hundred pounds.</p>
Average wages.	<p>(2) The prices to be paid to workmen employed in the construction of the line shall upon the average be equal to a wage of Seven shillings per day of eight hours.</p>
Power to enter upon lands and construct line.	<p>6. For the purposes of this Act it shall be lawful for the Board its successors deputies agents and workmen and all other persons by it authorized, without making any previous payment or having the previous consent of the owner or occupier, to enter into and upon the land of any person whomsoever, and to survey and take levels of the same and to ascertain and stake or set out take possession of use and appropriate such parts thereof as the Board deems necessary and proper for laying out making constructing maintaining altering repairing and using the said line, and to form connexions with any power station and to</p>

to erect poles brackets wires and to fix to houses and buildings with the consent of the owners and occupiers any brackets or attachments for the support of overhead wires necessary for using the said line and to construct and maintain alter repair and use all other works matters and conveniences connected therewith including works necessary for crossing any cable tramway, and in or upon such land to exercise all or any of the powers conferred on the Board by section fourteen of the *Railways Act* No. 1250. 1891 in regard to railways, and in or upon such land or any land within two miles of the said line to make construct and use any permanent or temporary road or tramway upon over or through the same for the purpose of conveying earth stone timber gravel sand or any materials or things which the Board deems proper or necessary for laying out making constructing maintaining altering repairing and using such railway. In the exercise of the powers by this Act granted the Board and other persons shall do as little damage as may be.

7. The Board or the Commissioners may enter into and take or use any land for the construction of any proper work or convenience in connexion with the said line and may take or use or alter the levels and drainage of any road and may erect lay down and maintain on in under or over any road such poles conductors wires tubes mains plates boxes and apparatus as it or they may deem proper and necessary for making constructing using and maintaining any part of such railway or for forming connexions with any generating station or for the supply of electricity. Power to alter levels.

8. The Board or the Commissioners may supply electricity within forty chains on either side of the St. Kilda and Brighton Electric Street Railway between the corner of Barkly-street and Acland-street St. Kilda and South-road Brighton for lighting or power purposes to any person or any corporation and may fix and levy charges therefor and recover the same in any court of competent jurisdiction. Provided that in the exercise of the powers given under this section the Board or the Commissioners shall be bound by the provisions of the Electric Light and Power Acts in so far as they relate to regulations for securing the safety of the persons and the property of the public from injury from fire or otherwise, and the limitation of the prices to be charged in respect to the supply of electricity and conditions of labour and rates of pay for workmen. And provided further that in exercising the powers given under this Act the Board or Commissioners shall be subject to all regulations made by the Governor in Council and expressly declared to apply to the Board or Commissioners for the prevention of damage or injury to pipes, mains, cables, conduits, or ducts used for the conveyance or transmission of water, gas, or electricity by electrolysis or otherwise. Power to supply electricity for lighting or power.

9. (1) The

Compensation to be  
made for land  
taken for railway  
or used injured or  
prejudicially  
affected.

No. 1109.

9. (1) The *Lands Compensation Act* 1890 is hereby incorporated with this Act and shall be construed together herewith as one Act and shall take effect with regard to the acquisition and purchase of land for the purpose of the construction of the line of railway by this Act authorized and with regard to the making of compensation to all persons interested in any lands or hereditaments to be taken for used injured or prejudicially affected by the construction of the said line.

(2) For the purposes of this Act the following expressions in the *Lands Compensation Act* 1890 shall have the respective meanings hereby assigned to them save where the context is inconsistent therewith (that is to say):—

“The Board of Land and Works” and “the Board” shall for the purpose of acquiring or purchasing land for or making compensation as aforesaid in respect to lands or hereditaments to be taken for used injured or prejudicially affected by the construction of the line of railway by this Act authorized mean the Board; and

“The Special Act” shall mean this Act.

Breadth of land.

10. The land to be taken or used for the said line shall not exceed thirty-three feet in width, except for any station or where a greater width shall be judged by the Board necessary for waggons and other carriages to turn remain stand in lie or pass each other, or for raising embankments for crossing valleys or low grounds, or in cutting through high ground, or for the erection or establishment of any fixed or permanent machinery toll-house electric apparatus steam-engine power house warehouse wharf or other erections and buildings, or for excavating removing or depositing earth or other materials, or for erecting poles or laying electric conductors.

Method of  
construction.

11. (1) The said railway shall consist of a double or single line with cross-overs and turnouts and electric conductors above or under ground, and at no part thereof shall the railway be so laid that for a distance of thirty feet or upwards a less space than nine feet and six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the railway.

(2) If a single line is first constructed such single line may at any time be converted into a double line.

(3) Where the Board deems it proper or necessary so to do it may construct the railway elsewhere than in the middle of the road.

Gauge.

12. The said line of railway shall be constructed on the gauge of five feet three inches and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road.

13. The

13. The Board or the Commissioners may during the construction or alteration of the railway cause to be stopped up all such part of the carriage or footway of any public or private street road or way as may be necessary for the due execution of such construction or alteration.

Power to stop traffic.

14. (1) Before commencing any work in any part of any street the Board or the Commissioners shall give to the council having the care management or control of part of such street or to the clerk surveyor or other proper officer of such council notice in writing of its intention to commence such work of construction or alteration together with a full description thereof and the portion of the street (if any) proposed to be opened or broken up not less than three clear days before beginning such work.

Notice of intention to work in streets.

(2) Except by the permission of such council the traffic in such street shall not at one time be stopped or hindered along more than half of the width thereof, nor if the half left open be of less than the clear width of fourteen feet along more than one hundred yards in length.

Half width only to be closed except by permission.

(3) The Board or the Commissioners shall cause all openings in the street to be effectually guarded and shall affix and maintain lights during the night near the place where the ground is open so as to prevent accidents.

15. (1) The municipalities of Brighton and Moorabbin respectively and the Melbourne and Metropolitan Board of Works are hereby absolved from all liability in respect of any accident arising during the progress of and in consequence of such works ; and the Board or the Commissioners as the case may be shall restore every street so opened or broken up to good order and condition.

Councils indemnified.

(2) When any portion of a street has been opened or broken up for the purpose aforesaid the Board or the Commissioners shall with all convenient speed complete the work on account of which the street was opened or broken up.

16. (1) If the Board or the Commissioners at any time deem it necessary for the purposes of this Act to raise sink or otherwise alter the position of any gas-pipes or gas works water sewer hydraulic or steam pipes electric or telephonic wires pneumatic pipes or tubes man holes valve boxes fire-plugs or tramways laid in or under any street, the Board or the Commissioners may by notice in writing require the person to whom the said pipes works wires tubes man holes valve boxes fire-plugs or tramways belong to raise sink or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in such notice.

Power to alter sewers or gas water hydraulic pipes &c.

(2) The Board or the Commissioners as the case may be shall pay all necessary expenses attendant upon or connected with such alterations.

(3) If such notice be not complied with the Board or the Commissioners may make the alterations required.

(4) No

(4) No such alteration shall be required or made which will permanently injure any such pipes or works or tramways or prevent the gas from flowing or vehicles from passing as freely and conveniently as usual.

Effect of extension  
on guarantees.  
No. 1973 s. 17 &c.

17. For the purpose of calculating and determining the amount which may at any time be required and demanded by the Commissioners under and pursuant to guarantees given to the Commissioners by or on behalf of the municipalities of St. Kilda and Brighton respectively in accordance with the provisions of the *St. Kilda and Brighton Electric Street Railway Extension Act 1905* each of the said guarantees shall from and after the date of the opening of the line authorized by this Act be read and construed as if in addition to the two lines of railway specified in the said guarantees there were also included the line of railway authorized by this Act, and the said guarantees and sections seventeen eighteen and nineteen of the said Act shall be read and construed accordingly.

Amendment of ib.  
s. 19, sub-sec. (2).

In section nineteen of the said Act for the words "Six hundred pounds" the words "Seven hundred pounds" shall be substituted, and for the words "Three hundred pounds" the words "Five hundred pounds" shall be substituted, and for the words "Nine hundred pounds" the words "Twelve hundred pounds" shall be substituted, and the Board shall not accept tenders for or commence the construction of the line authorized by this Act unless and until the guarantees given to the Commissioners in pursuance of section seventeen of the said Act be increased accordingly.

Sub-section (2) of section eighteen of the *St. Kilda and Brighton Electric Street Railway Act 1904* is hereby repealed.

Treasurer's  
approval of  
contract or  
expenditure  
required.

18. No contract shall be entered into or expenditure made for the construction of the said line until such contract or expenditure has been previously approved in writing by the Treasurer of Victoria.

Laws by-laws &c. to  
be in force.

19. All laws by-laws regulations and conditions for the time being in force on the railways vested in the Board or in the Commissioners shall so far as the same are capable of being applied be in force on the line of railway authorized by this Act to be constructed.

Maintenance of  
road when electric  
railway is laid.

20. (1) The Commissioners shall at all times maintain and keep in good condition and repair so much of any road whereon the said line is laid as lies between and extends eighteen inches beyond the two rails of each or any line of way of the said railway.

(2) The material of every road opened or broken up by the Board or Commissioners may be used in reconstructing the road so far as the same shall be applicable to that purpose and all such material not so used and not required by the local authority shall be removed and retained or used by the Board or Commissioners as the case may be,

21. If

21. If any person (except by agreement with the Commissioners) uses the railway or any part thereof with carriages having flanged wheels or other wheels suitable only to run on the rail of the railway such person shall on conviction for every such offence be liable to a penalty not exceeding Twenty pounds.

Penalty for persons using tramways with carriages with flange wheels &c.

22. Notwithstanding anything in this Act contained neither the Board nor the Commissioners shall acquire or be deemed to acquire any right other than that of user of any road along or across which it shall lay the railway.

Right of user only.

23. Nothing in this Act shall limit the powers of any member of the police force to regulate the passage of any traffic along or across any road along or across which the railway is laid down, and such member of police force may exercise his authority as well on as off the railway and with respect as well to the traffic of the Board or Commissioners as to the traffic of other persons.

Power for police authorities to regulate traffic on roads.

24. Nothing in this Act shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which the railway is laid whether on or off the railway with carriages not having flange wheels or wheels suitable only to run on the rail of the railway.

Reservation of right of public to use roads.

25. Nothing in this Act shall affect or in any manner alter or vary any of the provisions contained in the Audit Acts or any Acts relating to Crown lands.

Audit and Land Acts not affected.

26. In the Schedule to the *St. Kilda and Brighton Electric Street Railway Act* 1904 for the word "Grosvenor" there shall as from the commencement of the said Act be substituted the word "Park."

Amendment of Schedule to No. 1956.

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## SCHEDULE.

Section 3.

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### BRIGHTON BEACH ELECTRIC STREET RAILWAY.

Commencing at the termination of the *St. Kilda and Brighton Electric Street Railway*, and proceeding thence in a south-easterly direction for about ninety chains along the Esplanade in the municipality of Brighton, and terminating at or near South-road in the municipality of Moorabbin.

Limit of deviation : Five chains.

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MELBOURNE:

By Authority: J. KEMP, Acting Government Printer.