

PAPUA.



No. 9 of 1940.

## AN ORDINANCE

*Relating to Preliminary Works in Connection with a Proposed  
Water Supply to the Town of Port Moresby.*

H. W. CHAMPION.

[L.S.]

*15th August, 1940.*

**B**E it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

**1.** This Ordinance may be cited as the *Port Moresby* Short title.  
*Water Supply (Preliminary Works) Ordinance, 1940.*

**2.** In this Ordinance unless a contrary intention Interpretation.  
appears:—

“Authorized person” means any person authorized  
for the purposes of this Ordinance by the

Lieutenant-Governor and shall include the servants and agents of such person acting under his instructions ;

“ Director of Public Works ” shall mean the Director of Public Works of the Territory ;

“ Land ” means land of every description and includes native-owned land ;

“ Town of Port Moresby ” means the Town of Port Moresby as defined for the purposes of the *Police Offences Ordinance, 1912-1939.*

“ Treasurer ” means the Treasurer of the Territory.

Power to enter  
and lay pipes,  
etc.

**3.** An authorized person shall have full power and he is hereby authorized to make and construct upon any land such cuts channels feeders tunnels pipes pipe-tracks trenches conduits and other works as he may deem necessary or proper or convenient for conducting an adequate supply of water to the Town of Port Moresby and its surrounding districts and for such purpose may at all times enter upon in such manner as he may deem necessary take and use any land required to be entered taken or used for such purpose and may for such purpose bring upon any land such plant equipment and materials as he may deem necessary : Provided always that the authorized person shall do as little damage as may be in the execution of the powers conferred by this section.

Power to open  
streets, etc.

**4.** An authorized person may for the purposes set forth in the preceding section of this Ordinance open up any streets roads lanes paths passages and access of every description : Provided that such authorized person shall give notice to the Director of Public Works of his intention to exercise the powers conferred by this section and shall replace any streets roads lanes paths passages and access disturbed by him in like situation order and condition as they were previously.

Offence.

**5.** Every person who shall wilfully obstruct hinder or molest an authorized person in carrying into effect the provisions of this Ordinance shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding Ten pounds and in default of payment to imprisonment with hard labour for any period not exceeding One month.

**6.** Every person whose land shall have been used in laying down water-pipes or otherwise for the purposes of this Ordinance shall be entitled to reasonable compensation for any damage sustained by him by reason of such use. Compensation

**7.** When any compensation is claimed under the provisions of this Ordinance the Treasurer may with the approval of the Lieutenant-Governor in Council agree with the claimant as to the amount properly payable and in default of such agreement within a period of four months from the lodging with the Treasurer of a claim to compensation the claimant may proceed to have the amount determined by an action in any Court of competent jurisdiction of the Territory. Method of arriving at compensation.

**8.** Any works constructed in pursuance of this Ordinance shall at all times remain the property of the Crown. Works to remain property of Crown.

Passed in Council this fifteenth day of August, in the the year of Our Lord One thousand nine hundred and forty.

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