

ELECTRICITY SUPPLY ORDINANCE 1951.⁽¹⁾

No. 32 of 1951.

An Ordinance relating to the Supply of Electricity for Lighting and other purposes.

BE it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows :—

PART I.—PRELIMINARY.

- Short title.** 1. This Ordinance may be cited as the *Electricity Supply Ordinance 1951.*⁽¹⁾
- Commencement.** 2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice⁽¹⁾ in the *Gazette*.
- Repeal and saving.** 3.—(1.) The Ordinances specified in the Schedule to this Ordinance are repealed.
 (2.) All regulations, Orders in Council and Orders⁽²⁾ made and all notices published under any Ordinance repealed by this Ordinance and in force at the commencement of this Ordinance shall continue in force as if made or published under this Ordinance.
 (3.) A reference in any regulations, Order in Council, or notice continued in force by this Ordinance to an Electric Authority shall be deemed to be a reference to an Electricity Authority appointed under this Ordinance.
- Parts.** 4. This Ordinance is divided into Parts, as follows :—
 Part I.—Preliminary (Sections 1-6).
 Part II.—Electricity Authorities (Sections 7-10).
 Part III.—Undertakers.
 Division 1.—Construction of Electric Lines and Supplying Electricity (Sections 11-20).
 Division 2.—Powers and Responsibilities of Undertakers as to the Execution of Works (Sections 21-32).

(1) Particulars of this Ordinance are as follows :—

Date on which made by Cwth. Administrator in Council.	Date on which notified in <i>Cwth. Gaz.</i>	Date on which took effect.
15.10.1951	25.10.1951	22.11.1951 (Papua and N.G. <i>Govt. Gaz.</i> of 15.11.1951)

(2) Particulars of Regulations, Orders in Council and Orders continued in force by Section 3 (2.) are contained in the relevant footnotes to this Ordinance.

Division 3.—Restrictions as to Placing Electric Lines,
&c. (Section 33).

Division 4.—Obligations and Powers of Undertakers
(Sections 34–38).

Division 5.—Electricity Inspectors (Sections 39–45).

Division 6.—Expiration or Termination of Orders
(Sections 46–48).

Division 7.—Charges (Sections 49–51).

Part IV.—Offences (Sections 52–56).

Part V.—Regulations (Section 57).

5. In this Ordinance, unless the contrary intention appears :— Definitions.

“ company ” means, in relation to the Territory of Papua, a company registered under the *Companies Ordinance*, 1912–1947⁽³⁾ of that Territory, and, in relation to the Territory of New Guinea, a company registered under the *Companies Ordinance*, 1912–1926⁽⁴⁾ of the Territory of Papua in its application to the Territory of New Guinea ;

“ electric line ” means a wire or wires or conductor or other means used for the purpose of conveying, transmitting or distributing electricity with any casing, coating, covering, tube, pipe, pole, post, frame, bracket or insulator enclosing, surrounding or supporting the same or a part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity ;

“ electrical energy ” means the capacity for doing work by electricity ;

“ electricity ” includes electric current, electrical energy or any like agency ;

“ Electricity Authority ” means an Electricity Authority appointed under this Ordinance ;

“ meter ” includes every kind of machine used for measuring electricity ;

“ Order ” means an Order of the Administrator granted or made in pursuance of this Ordinance ;

“ prescribed officer ” means an officer prescribed in the Regulations or in an Order ;

“ private purposes ” includes any purposes to which electricity may for the time being be applicable, not being public purposes, except the transmission of a telegraphic message ;

“ public purposes ” includes the supply of electricity for lighting—

(a) a street ;

(b) a church, chapel or place of public worship ;

(3) The *Companies Ordinance*, 1912–1926 was printed in *The Laws of the Territory of Papua 1888–1945 (Annotated)*, Vol. I., on pp. 353–477 ; as to subsequent amendments see the footnotes to that Ordinance.

(4) Printed in *The Laws of the Territory of New Guinea 1921–1945 (Annotated)*, Vol. I., on pp. 291–405.

PART A : ELECTRIC LIGHT AND POWER—

(c) a hall or building belonging to or subject to the control of a public body ; or

(d) a licensed theatre,

but does not include any other purpose to which electricity may be applied ;

“street” includes a square, court, alley, highway, lane, road, thoroughfare, public passage or place, or a wharf, jetty or bridge within the area in which an Electricity Authority or an Undertaker is authorized to supply electricity under this Ordinance ;

“telecommunication” means telegraphic or telephonic communication of signs, signals, writing, facsimiles and sounds of any kind, by electromagnetic waves or other systems or processes of electric transmission ;

“the Regulations” means the Regulations made under this Ordinance ;

“this Ordinance” includes the Regulations ;

“Undertaker” means a person, firm or company who or which is authorized by an Order to supply electricity within an area ;

“works” includes electric lines, and also any buildings, machinery, engines, works, matters or things of whatever description required to supply electricity and to carry into effect the object of an Electricity Authority or an Undertaker under this Ordinance.

Ordinance not to restrict rights of Chief Postmaster.

6. This Ordinance shall not be deemed to prevent or restrict the erection, construction, laying down, putting up, placing, removal or alteration of any electric line by or for the use of the Chief Postmaster.

PART II.—ELECTRICITY AUTHORITIES.

Appointment of Electricity Authorities.

7. The Administrator may by notice⁽⁵⁾ in the *Gazette* appoint an Electricity Authority for an area specified in the notice for the purpose of carrying out the provisions of this Ordinance.

Power of Electricity Authorities as to construction, &c.

8. An Electricity Authority may, for and on behalf of the Administration, and out of moneys appropriated for that purpose—

- (a) construct, operate and control electric lines and works ;
- (b) generate, supply and sell electricity ;
- (c) maintain, alter, extend or renew electric lines and works ;
- (d) make electrical installations in any premises on behalf of and on application by the owner of those premises ;
- (e) sell or hire out electrical fittings, accessories, apparatus, meters, motors and other devices connected with the supply and use of electricity ; and
- (f) enter into such contracts and generally do all such acts and things as may be necessary and incidental to the supply and sale of electricity.

(5) No notice has been published in Papua and N.G. *Govt. Gaz.* before 1.1.1952.

9.—(1.) In the exercise of the powers conferred by this Ordinance, an Electricity Authority may, by itself and its agents, servants, workmen and labourers, do all or any of the following:—

Powers of
Electricity
Authorities.

- (a) enter upon any private lands and survey and take levels thereof and dig out and remove any earth, stone, soil, sand and gravel for the construction, maintenance or alteration of a line or part thereof or for any other purpose in connexion with the works authorized by this Ordinance;
- (b) require the owner or occupier of any private lands to cut down or lop such trees or underwood growing upon those lands as obstruct or, in the opinion of the Electricity Authority or other officers duly authorized by it, are likely to interfere with the proper working of an electric line, and in default enter upon those lands and cause such trees and underwood to be cut or lopped away as may be deemed necessary;
- (c) erect and maintain posts, poles or pillars in or upon any land and place and maintain wires, lines, conduits or other appliances and things necessary for the works in, under, through, over, across or upon any street, lands, buildings, houses or premises;
- (d) at all reasonable times enter any premises to which electricity is or has been supplied by the Electricity Authority for the purpose of inspecting any electric lines or works or for the purpose of ascertaining the quantity of electricity consumed or supplied or for the purpose of removing any such electric lines or works in any case in which a supply of electricity is no longer required or the Electricity Authority desires to take away and cut off the supply of electricity from the premises.

(2.) An Electricity Authority shall, in the exercise of the powers conferred upon it by this section, cause as little damage as possible and shall, on direction of the Administrator, make adequate compensation to all persons interested for any damages sustained by them by reason of the exercise of those powers.

10. Nothing contained in the *Post and Telegraph Ordinance, 1912–1947*⁽⁶⁾ of the Territory of Papua, or in the *Post and Telegraph Ordinance, 1912–1916*⁽⁷⁾ of the Territory of Papua in its application to the Territory of New Guinea shall be taken to apply to an Electricity Authority appointed under this Ordinance or to anything now or hereafter to be laid, erected, fixed, made or done by an Electricity Authority under the provisions of this Ordinance.

Post and
Telegraph
Ordinances
not to apply
to Electricity
Authorities.

(6) Now the *Post and Telegraph Ordinance 1912–1951*. The *Post and Telegraph Ordinance, 1912–1941* is printed in *The Laws of the Territory of Papua 1888–1945 (Annotated)*, Vol. IV., on pp. 3651–3689; as to subsequent amendments see the footnotes to that Ordinance and the Supplementary Table printed in Part B of Volume II.

(7) Printed in *The Laws of the Territory of New Guinea 1921–1945 (Annotated)*, Vol. IV., on pp. 4061–4098.

PART A : ELECTRIC LIGHT AND POWER—

PART III.—UNDERTAKERS.

Division 1.—Construction of Electric Lines and Supplying Electricity.

No electric line to be used, constructed, &c., without an Order.

11.—(1.) Subject to this Ordinance, a person, firm or company other than an Electricity Authority shall not use, lay, erect, construct, put up, or place an electric line, or supply electricity for public or private purposes, except under the authority of an Order made in pursuance of this Ordinance.

(2.) This section shall not extend to a case where an electric line used or intended to be used is not laid, conveyed or placed or intended to be laid, conveyed or placed beyond the limits of any buildings or premises in which electricity is generated for lighting purposes.

Power to grant Orders authorizing the supply of electricity.

12.—(1.) Subject to this Ordinance, the Administrator may, from time to time, by Order, authorize a person, firm or company to supply electricity for any public or private purposes within an area, for such period, not exceeding thirty years, and subject to such conditions, as the Administrator thinks proper.

(2.) An Order of the Administrator authorizing a person, firm or company to supply electricity for any public or private purposes within any area shall, unless otherwise expressly directed in the Order, be deemed and taken to be an authority to the person, firm or company to use, as well as to supply, electricity within the area.

Notice of application for Order to be advertised.

13.—(1.) A person, firm or company applying for an Order shall publish notice of the application by public advertisement in such manner, and including such particulars, as the Administrator from time to time directs or approves.

(2.) An Order shall not be granted by the Administrator until after the expiration of a period of one month from the date of the first publication of the advertisement, nor until an opportunity has been given, within that one month, or such longer time as the Administrator deems necessary, to all parties interested to make representations or objections to the Administrator with reference to the application.

Terms of Order.

14. An Order may make such conditions as to the limits within which, and the terms under which, a supply of electricity is to be compulsory or permissive, and for enforcing the performance by an Undertaker of his duties in relation to the supply, and for the revocation of the Order, either in regard to the whole or to any portion of the area to which it relates, where an Undertaker fails to perform his duties, and generally may contain such conditions as the Administrator thinks expedient.

Security for execution of works, &c.

15.—(1.) The Administrator shall not grant an Order to an applicant unless he is satisfied that the applicant is in a position fully and efficiently to discharge the duties and obligations which would, upon the grant of the Order, be imposed upon the applicant by this Ordinance and the Order.

(2.) Within two months after the commencement of an Order or such extended period as is approved by the Administrator, and before exercising any of the powers conferred on him in relation to the execution of works, an Undertaker shall deposit or secure, to the satisfaction of the Administrator, such amount as the Administrator specifies.

(3.) If an Undertaker fails to comply with the provisions of the last preceding sub-section, the Administrator may revoke the Order.

(4.) The amount deposited or secured by an Undertaker under the provisions of this section may be retained by the Administrator during the currency of the Order, but the Administrator may at any time return the deposit or security to an Undertaker if he considers that it is no longer necessary.

16. The grant of an Order to an Undertaker to supply electricity within an area shall not in any way, unless the Order so provides, hinder or restrict the granting of an Order to another person, firm or company within the same area.

Order not to be exclusive unless so provided.

17.—(1.) An Undertaker under an Order may, with the approval of the Administrator, assign or transfer to a person, firm or company the works connected with the undertaking and the rights under the Order.

Transfer of rights under Orders.

(2.) When the approval of the Administrator has been given under the last preceding sub-section, the person, firm or company to whom or to which the assignment or transfer has been made shall be deemed and taken to be the Undertaker, and shall have the like powers and be subject to the like liabilities and obligations as the Undertaker would have had, and been subject to, under this Ordinance and the Order if the assignment or transfer had not been made.

18.—(1.) The Administrator in Council may, from time to time, make such regulations⁽⁸⁾ as he thinks expedient for securing the safety of the persons and property of the public from injury from fire or otherwise, and may by regulation amend or repeal any condition contained in an Order in relation thereto.

Regulations to secure safety of public.

(2.) A condition so amended in an Order shall, from and after the date of the amendment, have the like effect in every respect as though it had been originally inserted in the Order.

(3.) Where a regulation or condition is repealed, the repeal shall not affect any liability or penalty incurred in respect thereof prior to the date of the repeal or any proceeding or remedy which might have been had in relation thereto.

19.—(1.) An Undertaker shall, on or before the thirtieth day of September in every year, forward to the Administrator an annual statement of accounts of the undertaking made up to the thirtieth day of June then next preceding, or up to such other day as the Administrator in any case directs.

Accounts.

(8) See footnote (11) printed in this Volume on p. 503.

PART A : ELECTRIC LIGHT AND POWER—

(2.) The statement shall be in such form, and shall contain such particulars, as the Administrator directs, and shall be examined and audited by an auditor approved by the Administrator.

General powers of Undertakers under Order.

20. An Undertaker may, for the purpose of supplying electricity, and subject to and in accordance with the provisions and restrictions of this Ordinance, and of any Order authorizing or affecting his undertaking—

- (a) acquire such lands by agreement ;
- (b) construct such works ;
- (c) acquire such licences for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials or other things ;
- (d) enter into such contracts ; and
- (e) generally do all such acts and things,

as are necessary and incidental to that supply.

Division 2.—Powers and Responsibilities of Undertakers as to the Execution of Works.

Power to break up streets, &c.

21.—(1.) An Undertaker, under such superintendence as is specified in this Ordinance, may, within the area specified in an Order, open and break up the road, path or pavement of the several streets within that area, and lay down and place within the area electric lines and other works, and from time to time renew, repair, alter or remove those lines and works, and an Undertaker may, in any such street, erect any pillars, lamps or works, and do all other acts which the Undertaker from time to time deems necessary for those purposes.

(2.) An Undertaker may—

- (a) lay an electric line, from a main or branch electric line, into, through or against a building for the purpose of lighting the building ; and
- (b) provide and set up any apparatus necessary for securing to a building a proper and complete supply of electricity and for measuring and ascertaining the extent of that supply.

(3.) Nothing in this section shall authorize an Undertaker to lay down or place an electric line or any works into, through or against a building or in any land not dedicated to public use without the consent of the owners and occupiers thereof, but an Undertaker may at any time enter upon any land for the purpose of laying or placing, and may lay or place, a new electric line in the place of an existing electric line in any land in which an electric line has been lawfully laid down or placed, and may repair or alter an electric line so laid down or placed.

(4.) A footpath shall not be broken up for the purposes of laying any electric lines without the consent of the Administrator.

22.—(1.) Where the exercise of any powers of an Undertaker, in relation to the execution of any works, will involve the placing of any works in, along, under or across a street, public bridge, tramway, railway or canal, an Undertaker shall, fourteen days before commencing the execution of the works, serve a notice upon the Administrator, describing the proposed works, together with a plan of the works, showing the mode and position in which the works are intended to be executed, and shall give the Administrator such further information in relation thereto as he desires.

Notice of works, with plan, to be served on the Administrator.

(2.) The Administrator may, in his discretion, approve of the works or plan, subject to such amendments or conditions as he thinks fit, or may disapprove of the works or plan, and may give notice of his approval or disapproval to the Undertaker.

(3.) Subject to the next succeeding sub-section, an Undertaker shall not proceed with the execution of the works until the approval of the Administrator has been obtained.

(4.) Where, after a period of fourteen days from the date of service of the notice on the Administrator, the Administrator has not given any notice of his approval or disapproval to an Undertaker, the Undertaker may proceed with the execution of the works in accordance with the notice served on the Administrator.

(5.) If, at any time after the commencement of the execution of the works, the Administrator has reason to believe that the works are not being executed in the manner approved by him or in accordance with the notice served on him, he may direct the Undertaker not to proceed with the works or may require the works to be executed under the supervision of an officer appointed by him.

23.—(1.) When an Undertaker opens or breaks up the road, path or pavement of a street, the Undertaker shall, with all convenient speed, complete the work for which it is broken up, and fill in the ground, and reinstate and make good, to the satisfaction of the prescribed officer, the road, path or pavement so opened or broken up, and carry away the rubbish occasioned by the work.

Streets broken up to be reinstated without delay.

(2.) The Undertaker shall, at all times while any such road, path or pavement is so opened or broken up—

- (a) cause it to be fenced and guarded ;
- (b) cause a light sufficient for the warning of passengers to be set up and maintained against or near the road, path or pavement where it is open or broken up every night during which it continues open or broken up ; and
- (c) keep the road, path or pavement which has been so broken up in good repair for nine months after replacing and making it good, and for the further time (if any), not exceeding twelve months in the whole, during which the soil so broken up continues to subside.

Penalty for delay in reinstating streets, &c.

24. If an Undertaker—

- (a) opens or breaks up the road, path or pavement of a street without giving notice as required by this Ordinance, or in a manner different from that which has been approved by the Administrator, or without making such temporary or other works as the Administrator requires ; or
- (b) makes any delay in completing any such work, or in filling in the ground, or reinstating and making good the road, path or pavement so opened or broken up or in carrying away the rubbish occasioned by the work ; or
- (c) neglects to cause the place where the road, path or pavement has been broken up, to be fenced, guarded and lighted, or neglects to keep the road, path or pavement in repair for the space of nine months next after it is made good, or the further time specified in sub-section (2.) of the last preceding section,

the Undertaker shall make full compensation to the Administrator for any loss or damage which may be incurred by the Administration by reason thereof, and, in addition, for every such offence shall be liable to a penalty not exceeding Five pounds, and an additional penalty not exceeding Two pounds for each day during which any default or delay continues after the Undertaker has received notice thereof.

In case of delay the Administrator may reinstate and recover expenses.

25. If any delay or omission referred to in the last preceding section takes place, the Administrator may cause the work so delayed or omitted to be executed and the expenses of executing the work shall be repaid by the Undertaker and those expenses shall be recoverable by the Administrator as a debt in any court of competent jurisdiction.

Protection of water, gas, steam and other pipes.

26. In all cases where it is unavoidably necessary to lay the electric lines of an Undertaker across any pipes used for the conveyance of water, gas, steam, air, drainage or sewerage, then, unless otherwise authorized by the authority, company or person having the charge or control of, or owning those pipes, the electric lines of the Undertaker shall be laid at the greatest practicable distance therefrom, and shall form therewith, as near as possible, a right angle, and all joints in the electric lines of the Undertaker crossing those pipes shall be three feet at least from any part of the pipes.

Restriction on breaking up of tramways and railways.

27.—(1.) Nothing in this Ordinance shall authorize or empower an Undertaker to break up a tramway or railway without the consent of the authority, company or person by whom the tramway or railway is repairable, except in pursuance of special powers in that behalf, inserted in the Order, or with the written consent of the Administrator.

(2.) The Administrator shall not in any case insert any such special powers in an Order, or give any such consent until notice has been given to that authority, company or person by advertisement or otherwise as the Administrator may direct and an opportunity has been given to the authority, company or person to state any objections they may have thereto.

28.—(1.) Notwithstanding anything in this Ordinance, an Undertaker shall not place an electric line above ground along, over or across a street without the consent of the Administrator. Restrictions as to above-ground works.

(2.) The Administrator may—

- (a) require an Undertaker forthwith to remove an electric line placed by that Undertaker contrary to the provisions of this section; or
- (b) remove the electric line and recover the expenses of the removal from the Undertaker as a debt in any court of competent jurisdiction.

29.—(1.) Subject to the provisions of this Ordinance, and of the Order authorizing the Undertaker to supply electricity, an Undertaker may alter the position of any pipes or wires being under a street or place authorized to be broken up which may interfere with the exercise of the powers under this Ordinance, on previously making or securing such compensation to any authority, company or person having the charge or control of, or owning, those pipes or wires, and on complying with such conditions as to the mode of making the alteration, as are agreed upon, before the commencement of the alterations, between the Undertaker and the authority, company or person, or, in the case of difference, as are determined in the manner prescribed by the Order authorizing the Undertaker to supply electricity, or, where no such manner is prescribed, as are determined by arbitration. Power of Undertaker to alter position of pipes and wires.

(2.) An authority, company or person may in like manner alter the position of any electric lines or works of an Undertaker being under any such street or place which may interfere with the lawful exercise of the powers of the authority, company or person in relation to the street or place, subject to the like provisions, conditions and restrictions as are contained in the last preceding sub-section with reference to the alteration of the position of any pipes or wires by an Undertaker.

30. In the exercise of the powers in relation to the execution of works given to an Undertaker under this Ordinance or an Order, the Undertaker shall cause as little detriment and inconvenience and do as little damage as possible, and shall make full compensation to all authorities, companies and persons interested for all damage sustained by them by reason or in consequence of the exercise of those powers, the amount and application of the compensation in case of difference to be determined by arbitration. Undertaker liable to make compensation for damage.

Arbitration.

31. Where a matter is by any provision of this Ordinance, or by an Order, directed to be determined by arbitration, the matter shall, except as otherwise expressly provided, be referred to an Arbitration Board, which shall be constituted by a representative appointed by each of the parties and presided over by an arbitrator appointed by the representatives of the parties, and the provisions of the *Arbitration Ordinance, 1912*⁽⁹⁾ of the Territory of Papua, or the *Arbitration Ordinance 1924*⁽¹⁰⁾ of the Territory of New Guinea, as the case may be, shall apply to any such reference.

Undertakers
alone
responsible
for damages.

32. An Undertaker shall be alone answerable for all accidents, damages and injuries happening through any act or default of the Undertaker, or through the act or default of any person in the employment of the Undertaker, or by reason or in consequence of any of the Undertaker's works or apparatus.

Division 3.—Restrictions as to Placing Electric Lines, &c.

Restrictions
as to placing
of lines, &c.

33.—(1.) Where in any case—

- (a) an electric line or other work has been laid down or erected in, over, along, across or under a street, for the purpose of supplying electricity, or has been laid down or erected in any other position for that purpose, in such a manner as not to be entirely enclosed within any building or buildings ; or
- (b) an electric line or work, so laid down or erected, is used for that purpose otherwise than under and subject to the provisions of an Order,

the Administrator, if he thinks fit, may, by notice in writing under his hand, to be served upon a company or person having the charge or control of, or owning or using, or entitled to use, the electric line or work, require that the electric line or work shall be continued and used only in accordance with such conditions and subject to such restrictions and provisions for the protection of the safety of the persons and property of the public and of other electric lines and works lawfully placed in any position and used for telecommunication as the Administrator, by or in pursuance of the notice, prescribes.

(2.) In default of compliance with the conditions, restrictions and provisions referred to in the last preceding sub-section, the Administrator may require the company or person to remove the electric line or work.

(3.) The provisions of this section shall not apply to a line or work laid down or erected by a company or person for the supply of electricity generated upon any premises occupied by the company or person to another part of those premises.

(9) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. I., on pp. 147-153. Repealed and replaced by the *Arbitration Ordinance 1951*, printed in this volume on pp. 156-161.

(10) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. I., on pp. 91-96. Repealed and replaced by the *Arbitration Ordinance 1951*, printed in this Volume on pp. 156-161.

Division 4.—Obligations and Powers of Undertakers.

34.—(1.) An Undertaker shall not be entitled to require a special form of lamp or burner to be used by a company or person, or in any way to control or interfere with the manner in which electricity supplied by the Undertaker under an Order is used. Undertakers not to require special form of lamp or burner.

(2.) A person shall not be at liberty to use any form of lamp or burner, or to use the electricity supplied to them for any purposes, or to deal with it, in any manner so as to interfere unduly or improperly with the supply of electricity supplied to any other person by the Undertaker.

35.—(1.) Except as otherwise provided by this Ordinance or by an Order made thereunder— Entitlement to supply.

(a) every person within the area specified in an Order made pursuant to this Ordinance shall, on application, be entitled to a supply of electricity on the same terms as those on which any other person in the area is entitled in similar circumstances to a corresponding supply; and

(b) the rates for the supply of electricity for power or heating purposes, and for lighting purposes, respectively, shall be uniform throughout the area.

(2.) If it is reported to the Administrator that the wiring or fitting up of a building is so carried out that it would be dangerous to supply or to continue to supply electricity to the building, the Administrator may direct an officer to make an inspection of the building and its premises.

(3.) If the officer directed to make an inspection reports that the wiring or fitting up of the building is carried out so that it would be dangerous to supply or to continue to supply electricity to the building, the Administrator may direct that electricity shall not be supplied to the building and that the connexion (if any) made with any supply main shall be cut off from the building.

36.—(1.) If a person neglects to pay a charge for electricity or any other sum due to an Undertaker in respect of the supply of electricity to that person, the Undertaker may cut off the supply, and for that purpose may cut or disconnect an electric line or other work through which electricity may be supplied, and may, until the charge or other sum is fully paid, but no longer, discontinue the supply of electricity to that person. Power to cut off supply.

(2.) An Undertaker may, in any court of competent jurisdiction, recover any expenses lawfully incurred in so cutting off the supply of electricity, and also, whether the supply has been cut off or not, any charge for electricity or other sum due to the Undertaker.

37.—(1.) An officer appointed by an Undertaker may, at all reasonable times, enter any premises to which electricity is or has been supplied by the Undertaker in order to inspect the electric Power to enter premises to ascertain quantity of electricity consumed, &c.

PART A : ELECTRIC LIGHT AND POWER—

lines, meters, accumulators, transformers, fittings, apparatus and works for the supply of electricity belonging to the Undertaker, and for the purpose of ascertaining the quantity of electricity consumed or supplied; or where a supply of electricity is no longer required, or, where the Undertaker is authorized to take away and cut off the supply of electricity from any premises, for the purpose of removing any electric lines, meters, accumulators, transformers, fittings, apparatus or works belonging to the Undertaker.

(2.) The Undertaker shall repair all damage caused by any entry, inspection or removal in pursuance of this section.

Electric lines, &c., not to be subject to distress in certain cases.

38. Where any electric lines, meters, accumulators, transformers, fittings, apparatus or works belonging to an Undertaker are placed in or upon any premises, not being in the possession of the Undertaker, for the purpose of supplying electricity under an Order, those electric lines, meters, accumulators, transformers, fittings, apparatus or works shall not be subject to distress, or to the landlord's remedy for rent of the premises where they are, nor to be taken in execution under a warrant of distress, or any process of a court of law or equity, or any proceedings in insolvency against or in the estate of the person in whose possession they are.

Division 5.—Electricity Inspectors.

Appointment of Electricity Inspectors.

39.—(1.) The Administrator may appoint competent and impartial persons to be Electricity Inspectors.

(2.) The duties of an Electricity Inspector shall be—

(a) to inspect and test, as required, an Undertaker's electric lines and works, and the supply of electricity given by the Undertaker;

(b) to examine meters and certify as to their accuracy, as required; and

(c) such other duties as are prescribed.

(3.) In this section, "as required" means as required under the provisions of this Ordinance or under the terms of an Order.

Testing of mains.

40.—(1.) On the occasion of the testing of a main of an Undertaker, reasonable notice thereof shall be given to the Undertaker by the Electricity Inspector, and the testing shall be carried out at such suitable hours as, in the opinion of the Electricity Inspector, will least interfere with the supply of electricity by the Undertaker, and in such manner as the Electricity Inspector thinks expedient.

(2.) An Undertaker shall not be held responsible for an interruption in the supply of electricity which may be occasioned by, or required by, an Electricity Inspector, for the purpose of any such testing.

(3.) The testings specified in this section shall not be made in regard to a particular portion of a main more frequently than once in any period of twelve months, unless in pursuance of a special direction by the Administrator.

41.—(1.) An Electricity Inspector shall, when required to do so by a consumer and on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus and works of an Undertaker upon the consumer's premises, as is necessary for the purpose of determining whether the Undertaker has complied with the provisions of this Ordinance and the conditions subject to which the supply of electricity is for the time being authorized.

Testing of works and supply on consumers' premises.

(2.) In the event of any such inspection showing that an Undertaker is at fault, the Undertaker shall reimburse the consumer the fee paid by him.

42.—(1.) An Electricity Inspector appointed under this Ordinance shall have access at all reasonable hours to the premises of an Undertaker for the purpose of testing all electric lines and instruments, and ascertaining if they are in order.

Electricity Inspector may test Undertaker's instruments.

(2.) Where any electric lines or instruments are not in order, an Electricity Inspector may require the Undertaker forthwith to have them put in order.

43.—(1.) An Undertaker may, if he thinks fit, on each occasion of the testing of a main or service line, or the testing or inspection of any instruments of the Undertaker by an Electricity Inspector, be represented by an officer or other agent.

Representation of Undertaker at testings.

(2.) An officer or agent representing an Undertaker shall not interfere with the testing or inspection referred to in the last preceding sub-section.

44. An Undertaker shall afford all facilities for the proper execution of the provisions of this Ordinance and of the Order authorizing the undertaking with respect to inspection and testing and the reading and inspection of instruments by Electricity Inspectors.

Undertaker to give facilities for testing.

45. An Electricity Inspector shall, on the day immediately following that on which any testing has been completed by him, make and deliver a report of the result of his testing to—

Report of result of testings.

- (a) the Administrator ;
- (b) the person, if any, by whom he was required to make the test ; and
- (c) the Undertaker.

Division 6.—Expiration or Termination of Orders.

46.—(1.) Subject to the approval of the Minister, the Administrator may determine wholly or in part an Order granted under this Ordinance where a term or condition of this Ordinance or of an Order made thereunder has not been complied with by the Undertaker.

Power to determine Orders.

(2.) An Order shall not be determined under the last preceding sub-section unless all parties interested have been heard or have been given an opportunity to be heard.

PART A : ELECTRIC LIGHT AND POWER—

Power to purchase undertakings.

47.—(1.) At the expiration of the period for which an Order is to remain in force, or upon the sooner determination of the Order in pursuance of the provisions of this Ordinance or of the Order, the Administrator may require an Undertaker to sell, and thereupon the Undertaker shall sell, to the Administration the whole of the undertaking wherever situate upon terms of paying the then value of all lands, buildings, materials, plant and works of the Undertaker suitable to and used for the purposes of the undertaking, the value to be determined, in case of difference, by arbitration.

(2.) The value of the lands, buildings, materials, plant and works shall be deemed to be their fair market value at the time of the purchase, due regard being had to the nature and then condition of the buildings, materials, plant and works, and to the state of their repair, and their suitability to the purposes of the undertaking, but without any addition in respect of compulsory purchase, or of good-will or of any profits which might have been made from the undertaking, or of any similar considerations.

(3.) The Administrator may extend the Order for such time as is required to enable the necessary arrangements to be made for the purchase of the undertaking, and may fix the date from which the purchase is to take effect.

(4.) From and after the date fixed under the last preceding sub-section, or such other date as is agreed upon by the Administrator and the Undertaker, all lands, buildings, materials, plant and works so purchased shall vest in the Administration freed from any debts, mortgages or similar obligations of the Undertaker or attaching to the undertaking, and the powers of the Undertaker in relation to the supply of electricity shall vest in the Administrator.

Power of Administrator to remove works, &c.

48.—(1.) Where no purchase has been effected under the provisions of the last preceding section, the Administrator may forthwith remove the works of an Undertaker with all reasonable care, and the Undertaker shall pay to the Administrator the reasonable costs of the removal, and of the reinstatement of any street or part of a street.

(2.) The Administrator shall serve a notice specifying the costs of the removal and reinstatement referred to in the last preceding sub-section on the Undertaker, who shall, if he disputes that the costs are reasonable, give written notice to the Administrator, within one month after the service of the notice specifying the costs, requiring the reasonable costs to be determined by arbitration.

(3.) If the Undertaker fails to pay the costs referred to in sub-section (1.) of this section—

(a) within one month after the service of the notice specifying the costs, where the Undertaker has not required the reasonable costs to be determined by arbitration; or

(b) within one month after the delivery of the award of the Arbitration Board, where the Undertaker has required the reasonable costs to be determined by arbitration,

the Administrator may, without any previous notice to the Undertaker, sell any such works either by public auction or private sale, and for such sum or sums, and to such person or persons, as he thinks fit, and may, out of the proceeds of the sale, reimburse himself the amount of the costs so specified or settled, and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by him to the Undertaker.

(4.) If the Administrator is entitled to compensation for any damage sustained by him in consequence of the execution of any works, or the exercise of any power by the Order granted to an Undertaker, or for any expenses to which the Administrator may have been put in removing any of the works of an Undertaker, the compensation shall be the first charge on any money that may have been deposited or secured by the Undertaker under the provisions of this Ordinance, and which may not have been repaid or released to the Undertaker, and that money shall be applied in satisfying those claims.

(5.) The amount of the compensation to be paid in respect of the various claims referred to in the last preceding sub-section, and the persons to whom it is to be paid, shall be determined by arbitration, and the decision of the Arbitration Board shall be final and binding on all parties.

Division 7.—Charges.

49.—(1.) The charges for the supply of electricity in an area specified in an Order shall not exceed the limits imposed by or in pursuance of the Order. Charges for electricity.

(2.) In special circumstances an Undertaker may, with the approval of the Administrator, enter into agreements for the supply of electricity for any purpose to consumers in an area at a rate less than the uniform rate at which electricity is supplied for that purpose in that area.

50.—(1.) If in any year, after the first five years, the net profits of an Undertaker on the capital invested by him in the works under an Order are, in the opinion of the Administrator, in excess of twelve per centum, the Administrator may require the Undertaker to revise the scale of charges, the revised rates to hold good for not less than twelve months from the date of the revision. Revision of charges.

(2.) If at any time after the commencement of the Order an Undertaker represents to the Administrator that the undertaking cannot be carried on with a reasonable profit, the Administrator shall inquire into the truth of the representation, and if, upon inquiry, he is satisfied of the truth of the representation, he may permit the Undertaker to increase the scale of charges, and the revised rates shall hold good for not less than twelve months, unless the Administrator otherwise orders.

51. Notwithstanding anything in this or any other Ordinance, an Undertaker may charge for the supply of electricity used for power or heating purposes, or both, a lower uniform rate than that charged for the supply of electricity used for lighting purposes. Lower rates may be charged for electricity in certain cases.

PART IV.—OFFENCES.

Penalties.

52.—(1.) An Undertaker or a person disobeying a provision of this Ordinance or an Order made under this Ordinance or a direction of the Administrator made in pursuance of this Ordinance, shall be guilty of an offence against this Ordinance, and shall be liable to the penalty specially provided for the offence.

(2.) If no penalty is specially provided for an offence, the Undertaker or person shall be liable to pay all costs and expenses which are incurred in taking proceedings in respect of the offence, as well as any costs and expenses that are lawfully incurred in remedying the default, and in addition a penalty not exceeding Twenty pounds, and a further penalty of not less than One pound nor more than Five pounds for each day on which the offence is continued after a conviction.

(3.) The penalties prescribed by this section shall be recoverable either after the exercise, or notwithstanding the non-exercise, of a power to remedy the default of the Undertaker or person.

Penalty and compensation for injuring line, meters or fittings.

53.—(1.) A person who wilfully, fraudulently or by culpable negligence injures, or suffers to be injured, any electric line, meter, accumulator, transformer, fittings, apparatus or works belonging to an Electricity Authority or Undertaker, or alters the index to a meter, or prevents a meter from duly registering the quantity of electricity supplied, or fraudulently abstracts, consumes, or uses electricity of an Electricity Authority or an Undertaker, shall (without prejudice to any other right or remedy for the protection of the Electricity Authority or Undertaker or the punishment of the offender) for every such offence be liable to a penalty not exceeding Five pounds, and in addition the Electricity Authority or Undertaker may recover the amount of any damage sustained.

(2.) Where a person has wilfully or fraudulently injured or suffered to be injured any electric line, meter, accumulator, transformer, fittings, apparatus or works belonging to an Electricity Authority or Undertaker, or altered the index to a meter, or prevented a meter from duly registering the quantity of electricity supplied, an Electricity Authority or Undertaker may also, notwithstanding any contract previously existing, discontinue the supply of electricity to the person offending until the matter complained of has been remedied, but no longer.

(3.) The existence of artificial means of causing the alteration or prevention referred to in the last preceding sub-section, or for abstracting, consuming or using electricity of an Electricity Authority or Undertaker when the meter is under the custody or control of the consumer, shall be prima facie evidence that the alteration, prevention, abstraction or consumption (as the case may be) has been fraudulently, knowingly and wilfully caused by the consumer having the custody or control of the meter.

(4.) A person who fits up any apparatus or fittings whereby electricity is obtained from a main or electric line of an Electricity Authority or Undertaker without the consent in writing of some proper officer of the Electricity Authority or Undertaker first had and obtained for that purpose shall, for every such offence, be liable to a penalty not exceeding Five pounds, and in addition the Electricity Authority or Undertaker may recover from the person the amount of any damage sustained.

54.—(1.) A person who unlawfully and maliciously cuts or injures any electric line or work with intent to cut off any supply of electricity shall be guilty of an offence and shall be liable, at the discretion of the court before which he is convicted, to imprisonment with or without hard labour for a term not exceeding two years, or to a penalty not exceeding One hundred pounds, or both.

Injuring works with intent to cut off electricity.

(2.) Nothing in this section shall exempt a person from any proceeding for an offence which is punishable under any other provisions of this or any other Ordinance or at common law, but so that a person is not punished twice for the same offence.

55. A person who fraudulently abstracts, causes to be wasted or diverted, or consumes or uses any electricity shall be guilty of stealing and punishable accordingly.

Stealing electricity.

56. A person who carelessly or accidentally cuts, breaks, throws down or damages any electric line, post, lamp, meter or fittings belonging to or under the control of an Electricity Authority or Undertaker shall, unless the matter is settled by agreement between the parties, pay such sum of money by way of satisfaction to the Electricity Authority or Undertaker for the damage done, with such costs and expenses of the proceedings, as a Court of Petty Sessions or District Court deems reasonable.

Damaging electric line, &c.

PART V.—REGULATIONS.

57.—(1.) The Administrator in Council may make regulations, ⁽¹¹⁾ not inconsistent with this Ordinance, prescribing all matters which are required or permitted by this Ordinance to be prescribed, or which

Regulations.

(11) The following Regulations made under Ordinances repealed by this Ordinance were continued in force by Sec. 3 (2) :—

Electricity (Port Moresby) Regulations, 1932 (made under the *Port Moresby Electric Light and Power Ordinance, 1925–1933* and printed in *The Laws of the Territory of Papua 1888–1945 (Annotated)*, Vol. II., on pp. 1810–1819) ;

Samarai Electricity Regulations, 1926 (made under the *Samarai Electric Light and Power Ordinance, 1926–1933* and printed in *The Laws of the Territory of Papua 1888–1945 (Annotated)*, Vol. II., on pp. 1827–1838) ;

Electric Wiring Regulations (made under the *Electric Light and Power Ordinance 1929–1938* and printed in *The Laws of the Territory of New Guinea 1921–1945 (Annotated)*, Vol. II., on pp. 2062–2066).

As to subsequent amendments to these Regulations see the Supplementary Tables printed in Parts B and C of Volume II.

PART A : ELECTRIC LIGHT AND POWER—

are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular prescribing matters providing for and in relation to—

- (a) the sale or hiring out by an Electricity Authority or an Undertaker to any person of electricity or electrical fittings, accessories, apparatus, meters and other devices and the charges therefor and prescribing that the register of a meter installed or authorized by an Electricity Authority or an Undertaker for ascertaining the quantity of electricity supplied shall be prima facie evidence of that quantity ;
- (b) the nature, quality and use in any premises (including premises where the supply of electricity used is generated upon those premises) of electrical installations connected or intended to be connected to electric lines and the inspection and testing of those installations ;
- (c) the licensing of persons competent to make electrical installations in any premises or to connect those installations to electric lines ;
- (d) the prohibiting of unlicensed persons from making, altering, interfering with or injuring an electrical installation or a part thereof or any electric line, street main, lamp, pole or other accessory ;
- (e) the type of structure and the condition of repair of premises which may be connected or continue to be connected to electric lines ;
- (f) the conditions under which an Electricity Authority or an Undertaker may make electrical installations in any premises on behalf of the owner or of the occupier with the owner's consent and the charges therefor ;
- (g) the minimum returns to be guaranteed by persons in a sparsely populated or outlying street or locality before an Electricity Authority or an Undertaker constructs or extends electric lines therein or thereto and imposing any special conditions which may be deemed to be necessary in connexion therewith ;
- (h) the fixing, altering, revoking and collecting of any charges, the demanding of guarantees for the payment thereof when deemed expedient and the cutting off of the supply of electricity in cases of failure or neglect to pay charges due ;
- (i) securing the safety of the public from personal injury or from fire or otherwise ;

- (j) the qualifications to be required of electrical engineers and electricity inspectors ;
- (k) the inspection and testing of works and the inquiry into causes of accident ;
- (l) the conditions under which electric wires and fittings may be fixed in any premises (including premises where the supply of electricity used is generated upon those premises) ;
- (m) the circumstances under which an Electricity Authority or an Undertaker may withhold the supply of electricity ;
- (n) preventing the waste or improper use of electricity or the interference with or damage to works ;
- (o) the protection of property from injury by reason of, contact with, or the proximity of, or by reason of the defective or dangerous condition of, any of the works ;
- (p) the height, dimensions and distance from one another of any posts, poles or pillars, which may be used for the suspension of any wires or lines for the purpose of transmitting electric currents, the material of those posts, poles or pillars, the position in which they shall be placed in the streets, the efficient fixing in the earth of those posts, poles, or pillars and the height above the surface of the earth of wires or lines ;
- (q) the precautions to be taken to prevent the falling of any wires, cords or lines used to convey electric currents or their coming into contact with any other wires, cords or lines used for a similar purpose ;
- (r) the prevention of injurious electrolytic action on, or the fusion of, gas, water or other metallic pipes, structures or substances ;
- (s) the use of underground conduits for the purpose of enclosing therein conductors or other wires required in connexion with the supply of electric currents ; and
- (t) the keeping of such records and the maintenance of such apparatus as may be necessary for the detection of any failure to comply with the requirements of this Ordinance and the Regulations.

(2.) The Regulations may impose penalties not exceeding Twenty pounds for offences against the Regulations or for the failure or omission to observe or comply with the provisions of the Regulations or any of them.

PART A : ELECTRIC LIGHT AND POWER—

THE SCHEDULE.

ORDINANCES OF THE TERRITORY OF PAPUA.

- Port Moresby Electric Light and Power Ordinance, 1925.*⁽¹²⁾
Port Moresby Electric Light and Power Ordinance, 1932.⁽¹²⁾
Port Moresby Electric Light and Power Ordinance, 1938.⁽¹²⁾
Samarai Electric Light and Power Ordinance, 1928.⁽¹³⁾
Samarai Electric Light and Power Ordinance, 1938.⁽¹³⁾

ORDINANCES OF THE TERRITORY OF NEW GUINEA.

- Electric Light and Power Ordinance 1929.*⁽¹⁴⁾
Electric Light and Power Ordinance 1931.⁽¹⁴⁾
Electric Light and Power Ordinance 1935.⁽¹⁴⁾
Electric Light and Power Ordinance 1938.⁽¹⁴⁾

(12) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. II., on pp. 1808-1809.

(13) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. II., on pp. 1821-1826.

(14) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. II., on pp. 2043-2061.