

ELECTRIC LIGHT AND POWER ORDINANCE 1929-1938.⁽¹⁾

An Ordinance Relating to the supply of Electricity for Lighting and for other purposes.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920-1926*, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Electric Light and Power Ordinance 1929-1938*.⁽¹⁾

Short title.
**Amended by
No. 3 of 1934,
s. 50.**

2. This Ordinance is divided into Parts as follows:—

Parts.

Part I.—Preliminary.

Part II.—Construction of electric lines and supplying electricity.

Part III.—Powers and responsibilities of Undertakers as regards the execution of works.

(1) The *Electric Light and Power Ordinance 1929-1938* comprises the *Electric Light and Power Ordinance 1929*, as amended by the other Ordinances referred to in the following Table:—

TABLE.

PART I.—ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
<i>Electric Light and Power Ordinance 1929</i> (No. 3 of 1929)	2.5.1929	9.5.1929	9.5.1929 (<i>Cwlth. Gaz.</i> of 9.5.1929)
<i>Electric Light and Power Ordinance 1931</i> (No. 13 of 1931)	14.4.1931	16.4.1931	16.4.1931 (<i>Cwlth. Gaz.</i> of 16.4.1931)

PART II.—ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Electric Light and Power Ordinance 1935</i> (No. 29 of 1935)	31.7.1935	15.2.1936	31.7.1935 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 328)
<i>Electric Light and Power Ordinance 1938</i> (No. 15 of 1938)	24.8.1938	30.11.1938	24.8.1938 (<i>Laws of T.N.G.</i> , Vol. XIV, p. 137)

ELECTRIC LIGHT AND POWER—

- Part IV.—Restrictions as to placing electric lines, &c.
- Part V.—Obligations and powers of Undertakers.
- Part VI.—Electric Inspectors.
- Part VII.—Expiration or termination of Orders.
- Part VIII.—Offences.
- Part IX.—Miscellaneous.

Definitions.

3. In this Ordinance, unless the contrary intention appears—

“Company” means a company registered under the law for the time being in force relating to the establishment and registration of companies in 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 any part thereof or any apparatus connected therewith for the purpose of conveying transmitting or distributing electricity or electric currents;

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

“Electricity” means electricity electric current or any like agency;

“Order” means an order of the Administrator granted or made pursuant to this Ordinance;

“Prescribed” means prescribed by this Ordinance or the Regulations or by any Order;

“Private purposes” includes any purposes whatever to which electricity may for the time being be applicable (not being public purposes) except the transmission of any telegraphic message;

“Public purposes” includes the supply of electricity for lighting any street, or any church chapel or place of public worship, or any hall or building belonging to or subject to the control of any public body, or any licensed theatre, but does not include any other purpose to which electricity may be applied;

“Government purposes” means any works which may be carried out by or under the authority of the Administration;

“Street” includes any square court or alley highway land road thoroughfare or public passage or place within the area in which the Undertakers are authorized to supply electricity by any order;

Electric Light and Power Ordinance 1929-1938.

“Telegraph” and “telegraphic” include telephone and telephonic respectively;

“Telegraphic line” means line of communication of electric telegraph constructed and maintained under the authority of the law for the time being in force relating to posts and telegraphs;

“The Undertakers” means and includes any person firm or company who or which by an order under this Ordinance is authorized to supply electricity within any area, and every such order is in this Ordinance included in the expression “order”;

“Works” means and includes electric lights, also any buildings machinery engines works matters or things of whatever description required to supply electricity and to carry into effect the object of any Undertakers under this Ordinance.

4. 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 Administration or the Chief Postmaster or to authorize any interference with any such line.

Saving of privileges.

PART II.—CONSTRUCTION OF ELECTRIC LINES AND SUPPLYING ELECTRICITY.

5.—(1.) No person, firm or company shall use, lay, erect, construct, put up, or place any electric line, or supply electricity for public purposes or private purposes, except under the authority of an order made pursuant to this Ordinance.

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

(2.) This section shall not extend to any case where any 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.

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

Power to grant orders authorizing the supply of electricity.

(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.

ELECTRIC LIGHT AND POWER—

Notice of application for order to be advertised.

7. Every 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; and the 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 opportunity has been given, within such 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 orders.

8. Every 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 the Undertakers of their 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 the Undertakers fail to perform such duties, and generally may contain such conditions as the Administrator thinks expedient.

Security for execution of works, &c.

9.—(1.) The Administrator shall not grant an Order to any applicant until he is satisfied that the applicant is in a position fully and efficiently to discharge the duties and obligations to be imposed on him by this Ordinance and the Order.

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

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

(4.) The sum deposited or secured by the Undertakers 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 the Undertakers if he considers that it is no longer necessary.

Order not to be exclusive unless so provided.

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

Transfer of rights under Orders.

11.—(1.) The Undertakers under an Order may, with the approval of the Administrator, assign or transfer to any person, firm or company the works connected with the undertaking and their rights under the Order.

Electric Light and Power Ordinance 1929-1938.

(2.) When such approval has been given, 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 Undertakers, and shall have the like powers and be subject to the like liabilities and obligations as the Undertakers would have had, and been subject to, under this Ordinance and the Order if the assignment or transfer had not been made.

12.—(1.) The Administrator in Council may, from time to time, make such regulations⁽²⁾ 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 any regulation amend or repeal any condition contained in any Order in relation thereto.

Regulations to secure safety of public.
Sub-section (1) amended by No. 15 of 1938, s. 2.

(2.) Any condition so amended in any 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.

13.—(1.) The Undertakers 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.

(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.

14. The Undertakers may, for the purpose of supplying electricity, and subject to and in accordance with the provisions and restrictions of this Ordinance, and of any regulations made thereunder, and of any Order authorizing or affecting their undertaking, acquire such lands by agreement, construct such works, acquire such licences for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials or other things, enter into such contracts, and generally do all such act⁽³⁾ and things, as are necessary and incidental to such supply.

General powers of Undertakers under order.

PART III.—POWERS AND RESPONSIBILITIES OF UNDERTAKERS AS REGARDS THE EXECUTION OF WORKS.

15.—(1.) The Undertakers, under such superintendence as is specified in this Ordinance, may, within any area mentioned in any Order, open and break up the road, path or pavement of the several

Power to break up streets, &c.

(2) See the *Electric Wiring Regulations*, printed on p. 2062.

(3) The words "all such act" appeared in the original Ordinance. The word "acts" has now been substituted for the word "act" by the First Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

ELECTRIC LIGHT AND POWER—

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 the Undertakers may, in any such street, erect any pillars, lamps or works, and do all other acts which the Undertakers from time to time deem necessary for such purposes; and it shall be lawful for the Undertakers to lay any electric line, from any main or branch electric line, into, through or against any building for the purpose of lighting the building, and to provide and set up any apparatus necessary for securing to any building a proper and complete supply of electricity and for measuring and ascertaining the extent of that supply.

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

(3.) No footpath shall be broken up for the purposes of laying any electric lines without the consent of the Administrator.

16.—(1.) Where the exercise of any powers of the Undertakers, in relation to the execution of any works, will involve the placing of any works in, along, under or across any street, public bridge, tramway, railway or canal, the 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.

(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 such approval or disapproval to the Undertakers.

(3.) The Undertakers shall not proceed with the execution of the works until the approval of the Administrator has been obtained:

Provided that, if after a period of fourteen days from the date of service of the notice on the Administrator, the Administrator had not given any approval or disapproval to the Undertakers, the Undertakers may proceed with the execution of the works in accordance with the notice served on the Administrator.

Notice of works, with plan, to be served on the Administrator.
Sub-section (1) amended by No. 13 of 1931, s. 2.

Sub-section (3) substituted by No. 13 of 1931, s. 2.

Electric Light and Power Ordinance 1929-1938.

(4.) 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, or in accordance with the notice served on, him, he may direct the Undertakers not to proceed with the works or may require the works to be executed under the supervision of an officer appointed by him.

Sub-section (4)
added by
No. 13 of 1931,
s. 2.

17.—(1.) When the Undertakers open or break up the road, path or pavement of any street, the Undertakers 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 Undertakers shall, at all times whilst any such road, path or pavement is so opened or broken up, cause it to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near the road, path or pavement where it is open or broken up every night during which it continues open or broken up, and shall 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 being more than twelve months in the whole, during which the soil so broken up continues to subside.

18. If the Undertakers open or break up the road, path or pavement of any 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 if the Undertakers make 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 if the Undertakers neglect to cause the place, where the road, path or pavement has been broken up, to be fenced, guarded and lighted, or neglect 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 the last preceding section, the Undertakers shall make full compensation to the Administration for any loss or damage which may be incurred by the Administration by reason thereof, and, in addition, for every such offence they shall be liable to a penalty of not more than Five pounds, and an additional penalty not exceeding Two pounds for each day during which any default or delay continues after the Undertakers have received notice thereof.

Penalty for delay
&c., in
reinstating
streets, &c.

19. 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 Undertakers, and such expenses

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

ELECTRIC LIGHT AND POWER—

shall be recoverable by the Administrator in any court of competent jurisdiction.

Protection of
water gas
steam and
other pipes.

20. In all cases where it is unavoidably necessary to lay the electric lines of the Undertakers across any pipes used for the conveyance of water, gas, steam, air, drainage or sewage, then, unless otherwise authorized by the authority, company or person having the charge or control of, or owning such pipes, the electric lines of the Undertakers 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 Undertakers so crossing such pipes shall be three feet at least from any part of the pipes.

Restriction on
breaking-up of
tramways and
railways.

21.—(1.) Nothing in this Ordinance shall authorize or empower the Undertakers to break up any tramway or railway without the consent of the authority company or person by whom the tramway or railway is repairable, unless 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 any Order, or give any such consent, until notice has been given to such 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.

Restrictions as
to above-ground
works.

22.—(1.) Notwithstanding anything in this Ordinance, the Undertakers shall not place any electric line above ground along over or across any street without the consent of the Administrator.

(2.) The Administrator may require the Undertakers forthwith to remove any electric line placed by them contrary to the provisions of this section, or the Administrator may remove the electric line, and recover the expenses of such removal from the Undertakers as a civil debt recoverable summarily.

Power of
Undertakers to
alter position of
pipes and wires.

23.—(1.) Subject to the provisions of this Ordinance, and of the Order authorizing them to supply electricity, and to any regulations made pursuant to this Ordinance, the Undertakers may alter the position of any pipes or wires being under any street or place authorized to be broken up by them which may interfere with the exercise of their 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, such pipes or wires, and on complying with such conditions as to the mode of making such alterations as, before the commencement of such alterations, are agreed upon between the Undertakers and the authority, company or person, or, in the case of difference, as are determined in manner

Electric Light and Power Ordinance 1929-1938.

prescribed by the Order authorizing the Undertaker to supply electricity, or, where no such manner is prescribed, as are determined by arbitration.

(2.) Any authority, company or person may, in like manner, alter the position of any electric lines or works of the Undertakers 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 in this section contained with reference to the alteration of the position of any pipes or wires by the Undertakers.

24. In the exercise of the powers in relation to the execution of works given them under this Ordinance or any Order, the Undertakers shall cause as little detriment and inconvenience and do as little damage as may be, 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 such powers, the amount and application of such compensation in case of difference to be determined by arbitration.

Undertakers
liable to make
compensation
for damage.

25. Where any matter is by any section of this Ordinance, or by any 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 1924* shall apply to any such reference.

Arbitration.

26. The Undertakers shall be alone answerable for all accidents, damages and injuries happening through their act or default, or through the act or default of any person in their employment, or by reason or in consequence of any of their works or apparatus.

Undertakers
alone
responsible for
damages.

PART IV.—RESTRICTIONS AS TO PLACING ELECTRIC LINES, ETC.

27.—(1.) Where in any case any electric line or other work has been laid down or erected in, over, along, across or under any street, for the purpose of supplying electricity or has been laid down or erected in any other position for such purpose, in such a manner as not to be entirely enclosed within any building or buildings; or where any electric line or work, so laid down or erected, is used for such 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 any company or person having the charge or control of, or owning or using, or entitled to

Restrictions as
to placing of
lines, &c.

ELECTRIC LIGHT AND POWER—

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 telegraphic or electric communication as the Administrator by or in pursuance of the notice prescribes.

(2.) In default of compliance with the said conditions restrictions and provisions, the Administrator may require the company or person to remove the electric line or work.

(3.) Nothing provided in this section shall apply to any line or work laid down or erected by any company or person for the supply of electricity generated upon any premises occupied by the company or person to any other part of those premises.

PART V.—OBLIGATIONS AND POWERS OF UNDERTAKERS.

Undertakers not to prescribe special form of lamp or burner.

28.—(1.) The Undertakers shall not be entitled to prescribe any special form of lamp or burner to be used by any company or person, or in any way to control or interfere with the manner in which electricity supplied by them under any Order is used.

(2.) No person shall 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 Undertakers.

Obligation on Undertakers to supply electricity.

Sub-section (1) substituted by No. 13 of 1931, s. 3.

29.—(1.) Except as otherwise provided by this Ordinance or by any Order made thereunder, every person within the area specified in an Order made pursuant to this Ordinance shall, on application, be entitled to a supply on the same terms as those on which any other person in the area is entitled in similar circumstances to a corresponding supply and 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 any 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 some officer to make an inspection of the building and its premises.

(3.) If the officer so 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 continue to supply, electricity to the building, the Administrator may direct that no electricity be supplied to the building, and that the connexion (if any) made with any supply main shall be cut off from the building.

Electric Light and Power Ordinance 1929-1938.

30.—(1.) The charges for the supply of electricity in an area specified in any Order made pursuant to this Ordinance shall not exceed the limits imposed by or in pursuance of such Order.

Charges for electricity.
Section 30 substituted by No. 13 of 1931, s. 4.

(2.) In special circumstances the Undertakers 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 such area.

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

Power to cut off supply.

(2.) The Undertakers may, in any Court of competent jurisdiction, recover any expenses lawfully incurred by them in so cutting off the supply of electricity, and also, whether they have cut off the supply or not, any charge for electricity or other sum due to them.

32. Any officer appointed by the Undertakers may, at all reasonable times, enter any premises to which electricity is or has been supplied by the Undertakers in order to inspect the electric lines, meters, accumulators, transformers, fitting apparatus and works for the supply of electricity belonging to the Undertakers, 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 Undertakers are 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 Undertakers, but the Undertakers shall repair all damage caused by such entry inspection or removal.

Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.

33. Where any electric lines, meters, accumulators, transformers, fittings, apparatus or works belonging to the Undertakers are placed in or upon any premises, not being in the possession of the Undertakers, for the purpose of supplying electricity under any Order, such 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 any 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.

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

ELECTRIC LIGHT AND POWER—

PART VI.—ELECTRIC INSPECTORS.

Appointment of
Electric
Inspectors.

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

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

- (a) to inspect and test, as required, the Undertakers' electric lines and works, and the supply of electricity given by them;
- (b) to examine meters and certify as to their accuracy, as required; and
- (c) such other duties as are prescribed.

(3.) In this section the term "as required" means as required under the provisions of this Ordinance or the Regulations or under the terms of any Order.

Testing of
mains.

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

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

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

Testing of
works and
supply on
consumers'
premises.

36.—(1.) An Electric Inspector, if and when required to do so by a consumer, shall, on payment by the consumer of a fee of twenty-one shillings, 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 the Undertakers upon the consumer's premises, as is necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Ordinance and the Regulations and conditions subject to which they are for the time being authorized to supply electricity.

(2.) In the event of any such inspection showing that the Undertakers are at fault, the Undertakers shall reimburse to the consumer the fee paid by him.

Electric
Inspector may
test
Undertakers'
instruments.

37. Any Electric Inspector appointed under this Ordinance shall have access at all reasonable hours to the premises of the Undertakers for the purpose of testing all electric lines and instru-

ments, and ascertaining if they are in order; and, in case any electric lines or instruments are not in order, he may require the Undertakers forthwith to have them put in order.

38. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or any testing or inspection of any instruments of the Undertakers, by an Electric Inspector, be represented by some officer or other agent; but such officer or agent shall not interfere with the testing or inspection.

The representation of the Undertakers at testings.

39. The Undertakers shall afford all facilities for the proper execution of the provisions of this Ordinance and of the Order authorizing their undertaking with respect to inspection and testing and the reading and inspection of instruments by Electric Inspectors.

Undertaker to give facilities for testing.

40. Every Electric Inspector shall, on the day immediately following that on which any testing has been completed by him, make and deliver a report of the results of his testing to the Administrator, and to the person, if any, by whom he was required to make the test, and to the Undertakers.

Report of result of testings.

PART VII.—EXPIRATION OR TERMINATION OF ORDERS.

41.—(1.) At the expiration of the period for which any 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 the Undertakers to sell, and thereupon the Undertakers shall sell, to the Administration the whole of their undertaking wherever situate upon terms of paying the then value of all lands, buildings, materials, plant and works of the Undertakers suitable to and used by them for the purposes of their undertaking, such value to be determined, in case of difference, by arbitration.

Power to purchase undertakings.

(2.) The value of the lands, buildings, materials, plant and works shall be deemed to be to⁽⁴⁾ 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 repair thereof, 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; and from and after the date so fixed, or such other date as is agreed upon by the Administrator

(4) The words "to be to" appeared in the original Ordinance. The word "to" (second occurring) has now been omitted by the First Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

ELECTRIC LIGHT AND POWER—

and the Undertakers, all lands, buildings, materials, plant and works so purchased shall vest in the Administration freed from any debts, mortgages or similar obligations of the Undertakers, or attaching to the undertaking, and the powers of the Undertakers in relation to the supply of electricity shall absolutely cease and determine and shall vest in the Administrator.

Power of
Administrator to
remove works
&c.

42.—(1.) Where no purchase has been effected under the provisions of the last preceding section, the Administrator may forthwith remove the works of the Undertakers with all reasonable care, and the Undertakers shall pay to the Administrator such reasonable costs of the removal, and of the reinstatement of any street or part of a street (to be specified in a notice to be served on the Undertakers by the Administrator) as may be settled by arbitration, and if the Undertakers fail to pay such reasonable costs within one month after the service upon them of the notice, or the delivery of the award of the Arbitration Board, the Administrator may, without any previous notice to the Undertakers, 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 Undertakers.

(2.) 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 the Undertakers, or for any expenses to which the Administrator may have been put in removing any of the works of the Undertakers, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Ordinance, and which may not have been repaid or released to the Undertakers, and such money shall be applied in satisfying such claims, and in every such case, the amount of the compensation to be paid in respect of the various claims, and the persons to whom it is to be paid, shall be determined by an Arbitration Board, and the decision of the Board shall be final and binding on all parties.

PART VIII.—OFFENCES.

Penalties.

43.—(1.) Any Undertakers or any person disobeying any provision of this Ordinance or any regulation or Order made under this Ordinance, or any direction of the Administrator made pursuant to 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 in any case no penalty is specially provided, the Undertakers or person shall be liable to pay all costs and expenses which are incurred in taking proceedings against them or him as well as any costs and expenses that are lawfully incurred in remedying the default, and in addition to pay a penalty of not more than 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 any conviction.

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

44.—(1.) Every 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 any Undertakers, or alters the index to any meter, or prevents any meter from duly registering the quantity of electricity supplied, or fraudulently abstracts, consumes, or uses electricity of any Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence be liable to a penalty of not more than Five pounds, and in addition the Undertakers may recover the amount of any damage by them sustained.

Penalty and compensation for injuring line meters or fittings.

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

(3.) The existence of artificial means of causing such alteration or prevention, or for abstracting, consuming or using electricity of any Undertakers 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 using the meter.

(4.) Any person who fits up any apparatus or fittings whereby electricity or electrical energy is obtained from any main or electric line of the Undertakers without the consent in writing of some proper officer of the Undertakers first had and obtained for that purpose shall, for every such offence, be liable to a penalty of not more than Five pounds, and in addition the Undertakers may recover from the person the amount of any damage by them sustained.

ELECTRIC LIGHT AND POWER—

Injuring works with intent to cut off supply of electricity.

45. Any 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 of not more than two years, or to a penalty of not more than One hundred pounds, or to both imprisonment and penalty; but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provisions of this or any other Ordinance or at common law, so that such person is not punished twice for the same offence.

Stealing electricity.

46. Any person who wilfully, without lawful excuse, or who fraudulently, abstracts, causes to be wasted or diverted, consumes or uses any electricity, shall be guilty of stealing and punishable accordingly.

Damaging electric line, &c.

47. Any 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 the Undertakers shall, unless the matter is settled by agreement between the parties, pay such sum of money by way of satisfaction to the Undertakers for the damage done, with such costs and expenses of the proceedings as the Central Court⁽³⁾ deems reasonable.

PART IX.—MISCELLANEOUS.

Net profits.
Sub-section (1) amended by No. 13 of 1931, s. 5.

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

Sub-section (2) amended by No. 13 of 1931, s. 5.

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

Service of notices.

49. Every notice which by this Ordinance or by any order is required to be served upon or given to any person shall be served or given by being delivered to the person for whom it is intended or by being left at the usual or last-known place of abode or business of that person or sent by post addressed to that

(3) See Section 7A of the *Judiciary Ordinance* 1921-1938.

Electric Light and Power Ordinance 1929-1938.

person at that place. If in any case any such person or his address is not known to the authority or person serving or giving any notice and cannot after due inquiry be found or ascertained then the notice may be served by being affixed for three days to some conspicuous part of any premises to which the notice relates.

50. Nothing in this Ordinance shall limit or interfere with the rights (if any) of any owner, lessee or occupier of any mines or minerals lying under or adjacent to any street along or across which any electric line is laid to work such mines and minerals.

Provision for the protection of mines.

51. Nothing in this Ordinance shall exempt any Undertakers or their undertaking or works from the provisions of any Ordinance relating to the supply of electricity which may be passed after the commencement of this Ordinance.

Provision as to future Ordinances.

52. Notwithstanding anything in any Ordinance contained it shall be lawful for any Undertaker within the meaning of this Ordinance to charge for the supply of electricity used for power or heating purposes respectively 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.

Amended by No. 13 of 1931, s. 6.

52A. After all parties interested have been heard or have been given an opportunity to be heard, the Administrator may, subject to the approval of the Minister, determine wholly or in part any Order granted under this Ordinance where any term or condition of the Ordinance or of any Regulations or Order made thereunder has not been complied with by the Undertakers.

Power to determine Orders.

Inserted by No. 13 of 1931, s. 7.

53.—(1.) The Administrator in Council may make regulations,⁽⁴⁾ not inconsistent with this Ordinance, prescribing all matters which, by this Ordinance, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and, in particular, may make regulations with respect to—

Regulations.

Sub-section (1) amended by No. 15 of 1938, s. 3.

- (a) the sale or hiring out by the Undertakers to any person of electrical fittings, accessories, apparatus, meters and other devices, and the charges therefor, and prescribing that the register of any meter installed or authorized by the Undertakers for ascertaining the quantity of electricity supplied shall be prima facie evidence of the quantity supplied;
- (b) the nature, quality, and use, in any premises, of electrical installations connected, or intended to be connected, to electric lines, and the inspection and testing of such installations;

(4) See the *Electric Wiring Regulations*, printed on p. 2062.

ELECTRIC LIGHT AND POWER—

- (c) the licensing of persons competent to make electrical installations in any premises or to connect such installations to electric lines;
- (d) the type of structure, and the condition of repairs, of premises which may be connected or continue to be connected to electric lines;
- (e) the conditions under which the Undertakers may make electrical installations in any premises on behalf of the owner or of the tenant or occupier with the owner's consent, and the charges therefor;
- (f) the qualifications to be required of electrical engineers and inspectors;
- (g) the inspection and testing of works and the inquiry into causes of accident;
- (h) the conditions under which electric wires and fittings may be fixed in buildings;
- (i) 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;
- (j) the height, dimensions, and the 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 such posts, poles, or pillars, the position in which they shall be placed in streets, the efficient fixing in the earth of such posts, poles, or pillars, and the height above the surface of the earth of such wires or lines;
- (k) 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 or lines used for a similar purpose;
- (l) the prevention of injurious electrolytic action on, or the fusion of, gas, water, or other metallic pipes, structures, or substances;
- (m) 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
- (n) 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 any regulation made under this section.

Electric Light and Power Ordinance 1929-1938.

(1A.) Regulations relating to the matters referred to in paragraphs (b) and (h) of the last preceding sub-section shall apply to electrical installations and electric wires and fittings in any premises, notwithstanding that the supply of electricity used is generated upon those premises.

Sub-section
(1A)
inserted by
No. 29 of 1935,
s. 2.

(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.

* * * * *

Sub-sections
(3) and (4)
omitted by
No. 15 of 1938,
s. 3.