

SAMARAI ELECTRIC LIGHT AND POWER ORDINANCE, 1926-1938. ⁽¹⁾

An Ordinance to provide for the Construction Operation and Control of Electric Lighting and Power Works in the Town of Samarai.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Samarai Electric Light and Power Ordinance, 1926-1938.*⁽¹⁾

Short title.
Amended by
No. 2 of 1930,
s. 2.
Definitions.

2. For the purposes of this Ordinance unless the context otherwise indicates—

The term “Electric Authority” means the Electric Authority appointed under this Ordinance;

The term “Electricity” includes electric current electrical energy or any like agency;

The term “Power” means electrical power or the rate per unit of time at which electrical energy is supplied;

The term “Electric Line” means and includes a wire or wires conductor or other means used for the purpose of conveying transmitting transforming or distributing electricity under the provisions of this Ordinance with any casing coating covering tube pipe pillar 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 so conveying transmitting transforming or distributing electricity;

(1) The *Samarai Electric Light and Power Ordinance, 1926-1938*, comprises the *Samarai Electric Light and Power Ordinance, 1926*, as amended by the other Ordinance referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Samarai Electric Light and Power Ordinance, 1926</i> (No. 5 of 1926)	21.7.1926	3.11.1926	21.7.1926 (<i>Ordinances etc. of Papua, 1926, p. 19</i>)
<i>Samarai Electric Light and Power Ordinance, 1938</i> (No. 5 of 1938)	27.7.1938	2.11.1938	27.7.1938 (<i>Ordinances etc. of Papua, 1938, p. 93</i>)

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The term "Meter" includes every kind of machine used for measuring electricity;

The term "Works" means and includes electric lines and also any buildings machinery engines meters lamps transformers fittings apparatus works matters or things of whatever description required to supply electricity or to carry into effect the objects of this Ordinance;

The term "Construct" includes erect lay down and place;

The term "Street" includes any square court alley highway thoroughfare road lane footpath public passage or place or any wharf jetty or bridge within the area in which the Electric Authority is authorized to supply electricity under this Ordinance.

Application of
Ordinance.
Q. 60 Vic.
No. 24, s. 4.

3. From and after the passing of this Ordinance no company or person shall construct or use any electric lines or works or supply electricity except the Electric Authority created under this Ordinance:

Provided that this Ordinance shall not apply to any case in which an electric line is not constructed or used or electricity is not transmitted or supplied beyond the limits of the buildings or premises in which the electricity is generated.

Appointment of
Electric
Authority.

4.—(1.) The Lieutenant-Governor⁽²⁾ may appoint an Electric Authority for the purpose of carrying out the provisions of this Ordinance.

(2.) Upon such appointment all the functions duties rights liabilities privileges and powers imposed and conferred upon the Electric Authority under this Ordinance or any other Ordinance shall be vested in and be performed and exercised by such Electric Authority for and on behalf of the Government of the Territory.

Power of Electric
Authority as to
construction, etc.
Fiji, 21 of 1919,
s. 3.
Amended by
No. 5 of 1938,
s. 2.

5. It shall be lawful for the Electric Authority for and on behalf of the Government of the Territory and out of moneys appropriated for that purpose to construct operate and control electric lines and works and to generate supply and sell electricity within the town of Samarai and to maintain alter extend or renew the said lines and works and in connection therewith to make electrical installations in any premises on behalf of and on application by the owner thereof and to sell or hire out electrical fittings accessories apparatus meters motors and other devices connected with the supply and use of electricity and to enter into such contracts and generally do all such acts and things as may be necessary and incidental to such supply.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

Samarai Electric Light and Power Ordinance, 1926-1938.

6. In the exercise of the powers conferred by this Ordinance it shall be lawful for the Electric Authority by himself his agents servants workmen and labourers to do all or any of the following:—

Powers of Electric Authority.
Fiji, 21 of 1919, s. 14 (1).

(1) Enter upon any private lands and survey and take levels thereof and dig out and remove any earth stone soil sand and gravel whatsoever for the construction maintenance or alteration of any line or part thereof or for any other purpose in connection with the works authorized by this Ordinance.

Power to enter upon private lands.

(2) Require the owner or occupier of any private lands to cut down or lop such trees or underwood growing upon such lands as obstruct or in the opinion of the Electric Authority or other officer duly authorized by him are likely to interfere with the proper working of any electric line and in default enter upon such lands and cause such trees and underwood to be cut or lopped away as may be deemed necessary.

Power to require owner or occupier of private lands to cut down or lop trees.
Post and Telegraph Ordinance, 1912-1924, s. 85.

(3) 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.

Power to erect and maintain posts poles or pillars, etc.
Fiji, *ib. s. 14 (4).*

(4) At all reasonable times enter any premises to which electricity is or has been supplied by the Electric 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 Electric Authority desires to take away and cut off the supply of electricity from the premises:

Power to enter premises for ascertaining quantities of electricity consumed or to remove fittings, etc.
Q. 60 Vic. No. 24, s. 40.

Provided always that the Electric Authority shall cause as little damage as possible and he shall on direction of the Lieutenant-Governor⁽²⁾ make adequate compensation to all persons interested for any avoidable damages sustained by them by reason of the exercise of such powers.

7. Nothing contained in the *Post and Telegraph Ordinance, 1912-1924*,⁽³⁾ shall be taken to apply to the Electric Authority appointed under this Ordinance or to any thing now or hereafter to be laid erected fixed made or done by him under the provisions of this Ordinance.

No application of *Post and Telegraph Ordinance, 1912-1924.*

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(3) Now the *Post and Telegraph Ordinance, 1912-1941.*

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Officers exercising powers to have regard to the reasonable requirements of other officers.

8.—(1.) In the execution of the powers conferred upon the Electric Authority under this Ordinance on the one hand and in the execution of the powers conferred upon any other officer by any other Ordinance relating to the construction maintenance control or management of any public work on the other hand due regard shall be had by each for the reasonable requirements of the other and so as to prejudice as little as possible the public work under the control or management of either.

(2.) Should any difference arise between the Electric Authority and such other officer which they are unable to reconcile it shall be at once referred to the Lieutenant-Governor⁽²⁾ for his decision.

Power to make regulations.
Fiji, 21 of 1919,
ss. 18, 26.

9.—(1.) It shall be lawful for the Lieutenant-Governor in Council⁽²⁾ from time to time to make alter amend and revoke regulations⁽⁴⁾ with respect to all or any of the following matters:—

- (i) the sale or hiring out by the Electric Authority to any person of electricity or 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 Electric Authority for ascertaining the quantity of electricity supplied shall be prima facie evidence of such quantity;
- (ii) 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 by the Electric Authority;
- (iii) the licensing by the Electric Authority of persons competent to make electrical installations in any premises or to connect the same to electric lines;
- (iv) the prohibiting of unlicensed persons from making altering interfering with or injuring any electrical installation or any part thereof or any electric line street main lamp pole or other accessory whatsoever;
- (v) the type of structure and the condition of repairs of premises which may be connected or continue to be connected to electric lines;
- (vi) the conditions under which the Electric Authority 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;

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(4) See the *Samarai Electricity Regulations, 1926*, printed on p. 1827.

- (vii) the minimum returns to be guaranteed by persons in any sparsely-populated or outlying street or locality before the Electric Authority constructs or extends electric lines therein or thereto and imposing any special conditions which may be deemed to be necessary in connection therewith;
- (viii) the fixing altering and collecting of any charges aforesaid 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;
- (ix) for securing the safety of the public from personal injury or from fire or otherwise;
- (x) for prescribing the qualifications to be required of electrical engineers and inspectors;
- (xi) for authorizing inspection and testing and for the inquiry into causes of accident;
- (xii) the conditions under which electric wires and fittings may be fixed in buildings;
- (xiii) the circumstances under which the Electric Authority may withhold the supply of electricity;
- (xiv) preventing the waste or improper use of electricity or the interference with or damage to works;
- (xv) for 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;
- (xvi) the height dimensions and the distances 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 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;
- (xvii) 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;
- (xviii) the prevention of injurious electrolytic action on or the fusion of gas water or other metallic pipes structures or substances;

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- (xix) the use of underground conduits for the purpose of enclosing therein conductors or other wires required in connection with the supply of electric currents;
- (xx) 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;
- (xxi) generally with regard to any matters in connection with the works or to any matters which are necessary or convenient to be prescribed for giving effect to this Ordinance.

(2.) Such regulations may impose penalties for offences against the same or for the failure or omission to observe or comply with the provisions of the same or any of them such penalties not to exceed Twenty pounds for each offence.

Penalty for unlawfully supplying electricity.
Q. 60 Vic.
No. 24, s. 50.

10. Any person constructing or using any electric line or works or supplying any electricity contrary to the provisions of this Ordinance or the regulations hereunder shall be liable to a penalty not exceeding Fifty pounds and a further penalty of Five pounds for each day such offence is continued after any conviction.

The person so offending shall also be liable to pay in addition to any penalty all costs and expenses which may be incurred in taking proceedings against such person and any costs or expenses that may be lawfully incurred in remedying the default of such person.

Penalty for fraudulently using electricity.
Q. *Ib.* s. 51.

11. Any person who constructs or causes to be constructed an electric line to communicate with any electric line constructed under the provisions of this Ordinance without the consent of the Electric Authority shall forfeit and pay to the Electric Authority the sum of Five pounds for every day during which such line so remains and the Electric Authority may stop the supply of electricity to the house and premises of the person so offending notwithstanding any contract which may have been previously entered into.

When no penalty prescribed.
Q. *Ib.* s. 56.

12. Where no penalty is prescribed for any breach of this Ordinance or any regulations the offender shall be liable on conviction to a penalty not exceeding Twenty pounds.

Offences how punishable.
Post and Telegraph Ordinance, 1912-1924,
s. 111.

13. Offences against this Ordinance or the regulations not declared to be indictable offences are punishable upon summary conviction by a magistrate.