

## ELECTRICITY COMMISSION ORDINANCE 1978

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# ELECTRICITY COMMISSION ORDINANCE 1978

No. 27 of 1978

An Ordinance to establish a Northern Territory  
Electricity Commission and to control the generation,  
sale and the safe use of electricity

[Assented to 20 June 1978]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

## PART I—PRELIMINARY

- |              |   |
|--------------|---|
| Short title  | 1. This Ordinance may be cited as the <i>Electricity Commission Ordinance 1978</i> .  |
| Commencement | 2. This Ordinance shall come into operation on 1 July 1978.   |
| Definitions  | 3. In this Ordinance unless the contrary intention appears—<br><br>“Chairman” means the Chairman of the Commission and includes an acting Chairman;<br><br>“Commission” means the Northern Territory Electricity Commission established by this Ordinance;<br><br>“electrical equipment” includes any wire, cable, appliance, motor, transformer, apparatus, fitting, extension cord, insulator, connector plug, socket, switch, meter or other device, thing or material or any part thereof which is intended, designed or suggested for use in the generation, storage, reticulation or consumption of electricity;<br><br>“electrical installation” includes any appliances, wires, fittings or other apparatus used for the generation, storage, reticulation or consumption of electricity but does not include any appliances, wires, fittings or apparatus connected to or beyond any electrical outlet socket which is installed for the purpose of connecting portable electrical appliances and at which socket fixed wiring terminates;<br><br>“Inspector” means an electrical inspector appointed under this Ordinance;<br><br>“licensee” means a person who generates and sells electricity under an agreement between him and the Commission under Part V. |

PART II—THE NORTHERN TERRITORY  
ELECTRICITY COMMISSION

*Division 1—Establishment and Constitution of the Commission*

4.(1) There shall be a Commission known as the Northern Territory Electricity Commission, which, subject to this Ordinance, shall have and may exercise the rights, powers authorities and functions conferred on it by this Ordinance and shall be charged with and perform the duties and obligations imposed upon it by this Ordinance.

Northern  
Territory  
Electricity  
Commission

(2) The Commission shall be a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to any document and shall presume that it was duly affixed.

(4) The exercise of the rights, powers, authorities or functions or the performance of duties or obligations of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

(5) The Commission is a “prescribed authority” for the purposes of the *Public Service Ordinance*.

5.(1) The Commission shall consist of a Chairman and 2 members, all of whom shall be appointed by the Administrator.

Constitution  
of  
Commission

(2) The Chairman shall be appointed for a period not exceeding 7 years.

(3) The members shall be appointed for periods not exceeding 5 years.

(4) The Chairman and members are eligible for re-appointment.

(5) The Chairman shall—

(a) be paid, from the revenue of the Commission, salary, allowances and expenses at rates determined by the Administrator;

(b) be employed on terms and conditions determined by the Administrator; and

(c) in accordance with the decisions and subject to the directions of the Commission, administer the affairs of the Commission.

(6) A member shall be paid from the revenue of the Commission fees, allowances and expenses at rates determined by the Administrator.

Termination  
of membership  
of the  
Commission

**6.(1)** The Chairman or a member may resign his office by writing under his hand addressed to the Minister.

(2) A resignation under sub-section (1) does not have effect until accepted by the Minister.

(3) The Administrator may remove the Chairman or a member from office—

- (a) for misbehaviour or incompetence; or
- (b) if he becomes incapable of performing his duties and the Administrator is of the opinion that it is reasonable in the circumstances to terminate the appointment.

(4) The Administrator shall remove the Chairman or a member from office if—

- (a) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) he absents himself without leave granted by the Minister in any 12 months from 3 meetings of the Commission of which reasonable notice and a requirement to attend have been given to him personally or in the ordinary course of post; or
- (c) he becomes of unsound mind.

Leave of  
absence

**7.** The Minister may grant leave of absence to the Chairman or a member.

Acting  
appointments

**8.** Where the Chairman or a member is—

- (a) absent from duty; or
- (b) precluded from acting by the operation of section 9,

the Minister may appoint a person to act in the place of the Chairman or member, as the case may be, during the period of absence or for the purpose of dealing with the contingency.

Persons not  
to act as  
member where  
interested

**9.(1)** Where the Chairman, or a member, or the spouse, child or parent of the Chairman, or member, has, to the knowledge of the Chairman or member as the case may be, a financial interest in any matter which affects the Commission, he shall not act in relation to that matter.

(2) Where the Chairman or a member acts as a member of the Commission in any matter in which the Chairman or the member or the spouse, child or parent of the Chairman or the member has a financial interest, the Administrator may dismiss the Chairman or the member from office.

Meetings of  
the  
Commission

**10.(1)** Subject to this section the Chairman shall determine the times and places of the meetings of the Commission.

(2) The Commission shall meet as often as it is necessary to carry out the functions of the Commission and in any event at least once every 3 months.

- (3) The Minister may convene a meeting of the Commission.
- (4) The Minister may attend and observe at a meeting of the Commission.
- (5) The Chairman shall preside at all meetings of the Commission.
- (6) At a meeting of the Commission the Chairman and one member constitute a quorum.
- (7) A question arising at a meeting of the Commission shall be determined by a majority of the votes of the Chairman and members present.
- (8) The Chairman presiding at a meeting of the Commission shall have a deliberative vote and in the event of an equality of votes, shall also have a casting vote.
- (9) The Commission shall cause minutes to be kept of its meetings.
- (10) The Minister shall be entitled to receive a copy of minutes of any meeting of the Commission.

**11.** No action or proceeding, civil or criminal, shall lie against the Chairman or a member for or in respect of an act or thing done or omitted to be done in good faith by him in his capacity as the Chairman or a member.

Protection of  
members of the  
Commission

**12.(1)** Subject to this Ordinance, the Commission may, by instrument in writing under its common seal, delegate to the Chairman, a member or an employee engaged in the work of the Commission, either generally or otherwise as provided by the instrument of delegation, all or any of the powers of the Commission under this Ordinance except this power of delegation and its power to make by-laws.

Delegation

(2) A power delegated in accordance with sub-section (1) may be exercised by the delegate in accordance with the instrument of delegation, and, when so exercised, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Commission.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power so delegated by the Commission.

(4) The Commission may, with the consent of the Minister, delegate a power to a licensee in accordance with and subject to this section.

### *Division 2—Functions and Powers of the Commission*

**13.** The functions of the Commission are—

- (a) to supply electricity within the Northern Territory;
- (b) to plan and co-ordinate the generation and supply of electricity in and for the Northern Territory;

Functions of  
Commission

- (c) to promote the safe use of electricity in the Northern Territory;
- (d) to control the supply of electricity in the Northern Territory;
- (e) to purchase and sell electricity;
- (f) to set and enforce standards of electrical installation, apparatus, equipment, implement or thing used or available for use within the Northern Territory in the generation, reticulation or consumption of electricity;
- (g) to enforce standards set under any law in force in the Northern Territory relating to electrical workers or contractors; and
- (h) to advise the Minister on all matters concerning electricity.

Powers of  
Commission

**14.**(1) Subject to sub-section (3), the Commission has power to do all things necessary or convenient to be done in connexion with or incidental to the performance of its functions and all things related to the performance of its functions.

(2) Without limiting the generality of sub-section (1), the Commission has power—

- (a) to generate electricity in and for the Northern Territory;
- (b) to transmit and reticulate electricity in the Northern Territory;
- (c) to determine the conditions, other than tariffs, upon or subject to which any electricity will be supplied by the Commission;
- (d) to license persons for the purposes of generating and selling electricity;
- (e) to enter into contracts with persons for or incidental to the carrying out of the functions of the Commission;
- (f) to restrict or ration the supply of electricity;
- (g) to acquire by lease, purchase or other means any land, buildings, easements and other property (real or personal) and rights and privileges which it thinks necessary for the purposes of this Ordinance;
- (h) to sell, exchange, lease, dispose of, turn to account or otherwise deal with any property, rights and privileges of the Commission;
- (j) to enter into contracts for the purchase and sale of electricity;
- (k) to enter into contracts with agents for the supply of electricity on behalf of the Commission;
- (m) to construct, improve and maintain plant, equipment and buildings for the purposes of carrying out the functions of the Commission;

- (n) to hold as trustee any property or money so vested in it and to manage and carry out the terms of any such trust;
  - (p) to participate in research projects related to electricity;
  - (q) to conduct and participate in training schemes and to award scholarships;
  - (r) to affiliate and co-operate with other organizations, including electricity supply organizations, with similar powers or functions;
  - (s) to prohibit the sale of certain goods prescribed by by-laws;
  - (t) to collect fees and charges for the supply of electricity or other services under this Ordinance;
  - (u) to receive moneys by way of grant or subsidies from any authority;
  - (v) to insure the property of the Commission;
  - (w) to hire out plant or equipment of the Commission that is not immediately needed for use by the Commission; and
  - (x) to call for and let out tenders for the carrying out of the functions of the Commission.
- (3) The Commission shall not without the consent of the Minister—
- (a) acquire any property, the cost of acquisition of which exceeds the sum of 100,000 dollars; or
  - (b) dispose of any property having an original or book value exceeding the sum of 100,000 dollars; or
  - (c) enter into any agreement involving any expenditure by the Commission in excess of 100,000 dollars, or extending over a period of more than 10 years.
- (4) The Commission may, at the expense of the consumer, install electrical reticulation equipment on the premises of the consumer upon such terms and conditions as may be agreed between the Commission and the consumer.
- (5) The Commission or a licensee with the consent of the Commission may enter into agreements with persons permitting those persons to re-sell electricity supplied by the Commission or the licensee, as the case may be.
- (6) The Commission shall carry out its functions and exercise its powers and duties subject to such directions as the Minister may give.

**15.(1)** A person authorized by the Commission to act under this section or an inspector may, at all reasonable times, with or without workmen under his supervision, enter upon any land or premises—

- (a) to which electricity is being, has been or will be supplied by the Commission or a licensee, or through which electricity of the Commission is being or has been conducted, for the purposes of inspecting, testing, obtaining information

Entry on  
land



from, repairing, replacing or removing any electrical installation, apparatus, equipment or thing, the property of the Commission;

- (b) on which electricity is capable of being generated or to which electricity is being, has been or will be supplied by a person other than the Commission for the purposes of inspecting and testing any electrical installation, apparatus, equipment or thing used in the generation, storage, reticulation or consumption of electricity; or
- (c) from which equipment or things that are used in the generation, reticulation or consumption of electricity are sold for the purposes of inspecting and testing that equipment or those things.

(2) A person who enters upon land or premises in pursuance of sub-section (1) is not authorized to remain on the land or premises if, on request by the occupier of the land or premises he does not produce—

- (a) his electrical inspector's identification card;
- (b) a certificate in writing in a form approved by the Commission stating that he is authorized by the Commission to act under this section; or
- (c) where the person is a workman, the person supervising the workman does not produce—
  - (i) the supervisor's electrical inspector's identification card; or
  - (ii) a certificate in writing in a form approved by the Commission stating that the supervisor is authorized by the Commission to act under this section.

(3) A person shall not, without reasonable excuse, obstruct a person acting in accordance with this section.

Penalty: 1,000 dollars.

Entry onto,  
&c., roads

**16.(1)** Subject to this section the Commission may, in the exercise of its powers, enter upon any road and subject to its carrying out adequate safety precautions, temporarily close the road for the purposes of carrying out construction of, maintenance on or repairs to apparatus, equipment or thing used in the reticulation of electricity by causing—

- (a) fences or barriers to be erected on or across the road or a part of the road; and
- (b) a notice to be published in the *Gazette* at least 7 days before the road is to be temporarily closed, prohibiting the passage of vehicles, horses and cattle over the road or part of the road described in that notice.

(2) Where, by reason of an emergency, it is impracticable for the Commission to cause the notice to be published at least 7 days before

the road is to be temporarily closed, the Commission may temporarily close the road or part of the road by causing barriers to be erected on or across the road or part of the road and causing warning signs to be erected at a reasonable distance from the boundaries of the closed section of the road.

(3) A person shall not unlawfully remove, deface or wilfully destroy a warning sign, fence or barrier erected in pursuance of this section.

Penalty: 1,000 dollars.

(4) The Commission may temporarily close a road or a part of a road under sub-section (2) for a maximum period of 14 days.

(5) Where the Commission exercises its powers under sub-section (2) it shall report the temporary closure within 7 days of the commencement of the closure to the Minister.

17.(1) Land vested in, committed to the care, control and management of, or acquired by the Commission under this Ordinance is exempted from municipal rates, charges and taxes. Exemption from rates, &c.

(2) The provisions of sub-section (1) do not apply so as to exempt the Commission from payment of charges for any commodity or service provided or supplied by a municipal authority whether the charge made be assessed upon the value of land occupied or owned by, vested in, committed to the care, control and management of, or acquired by the Commission or otherwise.

(3) Where land vested in, committed to the care, control and management of, or acquired by the Commission is leased or let to a person, that land is not exempt from rates, charges or taxes under this section but any rates, charges or taxes payable in respect of the land are not payable by the Commission, but if the law authorizing the imposition or levy of the rate, charge or tax so allows, are payable by the lessee or tenant of that land.

### *Division 3—Moneys of the Commission*

18. The moneys of the Commission consist of all moneys received by the Commission in the exercise of its powers or the performance of its functions under this Ordinance, including moneys advanced by the Treasurer to the Commission or borrowed by the Commission in accordance with this Ordinance. Moneys of the Commission

### PART III—ELECTRICAL INSPECTORS

19.(1) The Commission may appoint an employee having qualifications prescribed by the by-laws to be an electrical inspector. Electrical inspectors

(2) The Commission may appoint an Inspector of Mines appointed under the *Mining Ordinance*, who is, in the opinion of the Commission, suitably qualified, to be an electrical inspector.

(3) The Commission may revoke the appointment of an electrical inspector.

(4) A person appointed under this section shall be issued with an identification card by the Commission in a form approved by the Commission.

Duties of  
inspector

**20.(1)** An inspector shall—

- (a) inspect or test, as required by the Commission, any electrical installation, apparatus, equipment, implement or thing used or capable of being used in the generation, storage, reticulation or consumption of electricity;
- (b) examine and test electricity meters; and
- (c) perform such other duties as are required of him by the Commission.

(2) An inspector shall produce his electrical inspector's identification card when reasonably requested to do so by a person who owns, or has in his possession, any electrical installation, apparatus, equipment or thing which the inspector has requested to be produced for inspection or testing in pursuance of a power under this Ordinance.

(3) An inspector shall, at the request of the Electrical Workers and Contractors Licensing Board, report to that Board on the electrical workmanship of any person.

#### PART IV—ELECTRICAL INSTALLATIONS AND EQUIPMENT

By-laws may  
control  
electrical  
equipment

**21.** The Commission may make by-laws prohibiting the sale or exposure or advertising for sale or hire of any class, description or type of wire, cable, appliance, fitting, meter, insulator, apparatus, equipment or thing which is intended, suggested or designed for use in the generation, storage, reticulation or consumption of electricity or otherwise intended, suggested or designed for use in any electrical installation.

Electrical  
equipment  
may be  
inspected  
and tested

**22.(1)** The Commission may, from time to time, cause any electrical installation, apparatus, equipment or thing used in the generation, storage, reticulation or consumption of electricity to be inspected and tested for the purpose of determining whether that electrical installation, apparatus, equipment or thing can be used with safety.

(2) Where the Commission is satisfied that any electrical installation, apparatus, equipment or thing cannot be used with safety, it may by order, prohibit the use or sale of that installation, apparatus, equipment or thing, as the case may be, until such time as the Commission is satisfied that it is no longer unsafe.

(3) Where any electrical installation, apparatus, equipment or thing referred to in sub-section (1) consists of several component parts, the Commission, if it is satisfied that it is safe to do so, may

order that a part of that installation, apparatus, equipment or thing, as the case may be, be used or sold while prohibiting the use or sale of another component part.

(4) The Commission may, in an order issued under this section, specify a reasonable period of time in which the owner or such other person who may have possession or control of the electrical installation has to repair or otherwise make safe the electrical installation, or the part of it, specified in the order.

(5) The Commission may, upon or after the expiration of the period specified in an order issued under this section cause an electrical installation or a part of the electrical installation to be disconnected where that electrical installation or part of it, which had been specified in the order, is found to be unsafe.

(6) A person shall not knowingly use an electrical installation, apparatus, equipment or thing, or suffer or permit it to be used, in contravention of an order made under this section.

Penalty: 1,000 dollars or 12 months imprisonment or both.

(7) A person shall not sell an electrical installation, apparatus, equipment or thing, or suffer or permit it to be sold, in contravention of an order under this section.

Penalty: 1,000 dollars or 12 months imprisonment or both.

**23.(1)** A person may request the Commission to test an electrical installation, apparatus, equipment or thing owned by or under the control of that person and that is used in the generation, storage, reticulation or consumption of electricity.

A person may  
request an  
inspection

(2) The Commission may charge a prescribed fee for an inspection made pursuant to a request made under sub-section (6).

**24.(1)** Where a person requests the Commission to do so, upon payment of the prescribed fee the Commission shall test a meter which is used by the Commission or an agent of the Commission to determine the quantity of electricity consumed by that person.

Person may  
request  
Commission  
to test  
meter

(2) Where the meter tested under sub-section (1) is found to be accurate, the fee deposited pursuant to sub-section (1) shall be forfeited to the Commission.

(3) Where the meter tested under sub-section (1) is found to be inaccurate, the fee deposited pursuant to sub-section (1) shall be refunded to the person who made the request.

#### PART V—APPOINTMENT OF LICENSEES

**25.(1)** The Commission may appoint a person who is a party to an agreement with the Commission as a licensee to generate, store, reticulate and sell electricity for use in an area.

Commission  
may appoint  
licensees

(2) A licensee may sell electricity in accordance with the terms of his agreement with the Commission.

(3) Where a licensee breaches a term or condition of an agreement referred to in this section, the Commission may cancel the agreement and withdraw the licence without further notice.

#### PART VI—BY-LAWS

By-laws

26.(1) The Commission may make by-laws not inconsistent with this Ordinance for those matters specifically referred to in this Ordinance and further may make by-laws—

- (a) for regulating the method of calling meetings and the procedure at meetings of the Commission;
- (b) for prescribing the form of contracts and agreements which may be entered into with the Commission;
- (c) for prescribing the conditions of orders made under section 22;
- (d) for fixing the terms and conditions of supply of electricity, other than tariffs, by the Commission or its agents;
- (e) for prescribing and regulating standards of safety in construction, operation, maintenance and use of electrical installations, apparatus, equipment or thing used in the generation, storage, reticulation and consumption of electricity;
- (f) for regulating the supply of, including connexion to and disconnection from, electricity supplied by the Commission or an agent of the Commission; and
- (g) for providing for penalties not exceeding 500 dollars for a breach of the By-laws.

(2) The By-laws may adopt any standard code or procedure laid down by the Standards Association of Australia or any other authority approved by the Commission in relation to the construction, maintenance or operation of plant or machinery, the carrying out of processes or any other matter or thing within the functions of the Commission and thereupon compliance with the code or procedure shall be deemed to be compliance with the relevant provisions of this Ordinance or the By-laws or of any order under this Ordinance.

(3) In adopting a standard code or procedure under sub-section (2), the By-laws may adopt it subject to such modifications, conditions or restrictions as are prescribed in the By-laws.

(4) A by-law made by the Commission under this section—

- (a) shall be signed by the Chairman;
- (b) has no effect as a law of the Territory unless it is confirmed by the Administrator in Council and notice of confirmation is published in the *Gazette*; and
- (c) comes into operation—
  - (i) subject to sub-paragraphs (ii), (iii), and (iv), on the day on which notice of the confirmation of the by-law by

the Administrator in Council is published in the *Gazette*;

- (ii) if a later day is specified in that notice as the day upon which it comes into operation, on that later day;
- (iii) if a later day is specified in a by-law as the day on which it comes into operation, on that later day; or
- (iv) if a by-law, confirmed at the same time as that by-law, provides that it shall come into operation on a day to be fixed by the Commission by notice in the *Gazette*, on the day so fixed.

(5) Subject to this section, by-laws under this Ordinance confirmation of which as provided by sub-section (4) is notified in the *Gazette* shall be deemed to be regulations for the purposes of the *Interpretation Ordinance* and the *Regulations Publication Ordinance* as if they were made by the Administrator in Council.

#### PART VII—OFFENCES

**27.**(1) Subject to this Ordinance, a person shall not sell electricity. Sale of electricity

Penalty: 2,000 dollars.

(2) The Commission may sell electricity.

(3) A licensee may sell electricity subject to the terms of the agreement entered into between him and the Commission.

(4) Where the Commission enters into an agreement with a person for the re-sale of electricity, the person may re-sell the electricity subject to the terms of the agreement.

(5) A person may sell electricity to the Commission.

**28.**(1) A person who—

(a) wilfully or fraudulently—

(i) injures or suffers to be injured an electric line or any pillar, post, lamp, meter, sealing device, fitting, insulator, apparatus or works connected with or relating to the generation, storage, reticulation or consumption of electricity by the Commission or a licensee of the Commission;

(ii) alters the index of a meter; or

(iii) prevents a meter from duly registering the quantity of electricity supplied; or

(b) fraudulently abstracts, causes to be wasted or diverted, consumes or uses electricity supplied by the Commission or a licensee of the Commission,

is guilty of an offence and is liable upon conviction to a penalty of 1,000 dollars or imprisonment for 12 months or both.

Penalty for tampering with meter, &c.

Unlawful use  
of Com-  
mission's, &c.,  
electricity,  
&c.

**29.(1)** A person shall not—

- (a) use, consume, waste or divert electricity generated by the Commission or a licensee; or
- (b) use any electrical installation, equipment, apparatus or thing owned by the Commission or a licensee,

except with the consent of the Commission or a licensee.

Penalty: 1,000 dollars.

(2) A person who is convicted of an offence against sub-section (1) shall, for each such offence, forfeit and pay to the Commission or a licensee, as the case may be, such sum as the court which convicts him considers reasonable by way of damages.

(3) Sub-section (2) shall not effect any other right or remedy for the protection of the Commission, the licensee or the punishment of the offender.

(4) The existence of artificial means for causing the alteration of the index of a meter, or for preventing a meter from duly registering the quantity of electricity supplied, or for abstracting, wasting, diverting or using electricity supplied by the Commission or the licensee, when the meter is in the custody or control of the consumer, is *prima facie* evidence that the alteration, prevention, abstraction, waste, diversion, consumption or use, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer.

## PART VIII—CHARGES FOR ELECTRICITY

Charges for  
the supply of  
electricity

**30.(1)** The Administrator may, from time to time, make regulations fixing or varying the charges that are, subject to this section, to be payable to the Commission for or in connexion with the supply of electricity.

(2) The Administrator may by regulation prescribe different charges for or in connexion with the supply of electricity for different uses, in different localities or in different circumstances by the Commission or by a licensee of the Commission.

(3) Where some or all of the electricity supplied by the Commission or a licensee to a person is passed through a meter for the purpose of ascertaining the quantity of electricity so supplied and, during the period between one reading of the meter on behalf of the Commission or a licensee and the next such reading of the meter, a regulation made under this section affecting charges applicable to electricity passed through the meter commences to have effect, the quantity of electricity ascertained, by reference to the meter, as having been supplied by the Commission or a licensee to the person during that period shall be charged for—

- (a) as if the whole of that electricity had been supplied before the date on which the regulation commenced to have effect;
- or

(b) as if the whole of that electricity had been supplied on or after that date,  
whichever results in the lower charge.

(4) A person to whom electricity is supplied by the Commission or a licensee is liable to make payment to the Commission or the licensee, as the case may be, in accordance with the Regulations.

31.(1) Where—

Commission may assess

- (a) electricity is supplied to a consumer otherwise than through a meter;
  - (b) the meter through which electricity is supplied to a consumer is found to be inaccurate, otherwise not functioning properly or has been destroyed or damaged; or
  - (c) the Commission or a licensee is prevented from reading a meter which records the amount of electricity consumed,
- the Commission may assess the amount of electricity used by the consumer and the consumer is thereupon liable to pay at the rates prescribed for the amount of electricity so assessed.

(2) The Commission may delegate by instrument in writing its power under this section.

(3) A power delegated under this section may be exercised by the delegate in accordance with the instrument of delegation, and, when so exercised, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Commission.

(4) A delegation under this section is revocable at will and does not prevent the exercise of the power by the Commission.

PART IX—MISCELLANEOUS

32. The Commission or a licensee of the Commission shall not be liable for damages arising out of a failure to supply electricity.

Commission not liable in certain circumstances

33. An employee or agent of the Commission is not personally liable for any act or default of himself or the Commission done or omitted to be done in good faith in the course of the operations of the Commission or for the purposes of this Ordinance.

Protection of employees from personal liability

34. In any proceeding by or against the Commission, proof is not required, unless evidence is given to the contrary, of—

Proof of certain matters

- (a) the constitution of the Commission;
- (b) a resolution of the Commission;
- (c) the appointment of a member, officer, servant or agent of the Commission; or
- (d) the presence of a quorum at a meeting at which a determination is made or an act done by the Commission.



- Service of proceedings      **35.** A notice, summons, writ or other proceeding required to be served on the Commission may be served by being left at the office of the Commission or, in the case of a notice, by post.
- Authentication of documents      **36.** A summons, process, demand, order, notice, statement, direction or other document requiring authentication by the Commission is sufficiently authenticated without the seal of the Commission if signed by the Chairman.
- Money due to Commission      **37.** Any money due to the Commission under this Ordinance may be recovered by the Commission as a debt.
- Ordinance binds the Crown      **38.** This Ordinance binds the Crown.
- Regulations      **39.**(1) The Administrator may make regulations, 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.  
(2) Regulations may provide for penalties not exceeding 500 dollars for breach of the Regulations.
- Transitional      **40.**(1) Notwithstanding the repeal of the Electricity Supply Regulations any agreement existing immediately before that repeal between a consumer and the Administrator under those Regulations shall continue in force as though the agreement had been made with the Commission.  
(2) All rights and liabilities under an agreement referred to in sub-section (1) shall continue in force as though the Electricity Supply Regulations had not been repealed.
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