

NORFOLK



ISLAND

ELECTRICITY SUPPLY ACT 1985

Act No. 3 of 1986

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ISLAND

Electricity Supply Act 1985

Act No. 3 of 1986

An Act relating to the supply of electricity by the Administration, and for related purposes

[Assented to 20 February 1986]

BE IT ENACTED by the Legislative Assembly of Norfolk Island as follows —

Short title

1. This Act may be cited as the *Electricity Supply Act 1985*.

Commencement

2. This Act shall come into operation on a date fixed by the Administrator by notice published in the Gazette.

Administration bound

3. This Act binds the Administration.

Interpretation

4. In this Act, unless the contrary intention appears —

“Australian standards” means the standards recommended or adopted by the Standards Association of Australia, together with all additions and amendments thereto, if any, so recommended or adopted before the date on and from the commencement of this Act;

“authorised officer” means a person appointed to be an authorised officer under section 8;

“building” includes —

- (a) a structure upon or attached to land; and
- (b) a part of a building;

“consumer”, in relation to electricity, means a person occupying land connected to the supply of electricity, and where that person is not the owner of the land, includes the owner;

“consumer’s installation” means the electric wires, cables, fittings, appliances, insulators, switchboards, outlet sockets and apparatus in, on, under or over land and used for or for purposes incidental to the conveyance, measurement, control or use of electricity supplied or intended to be supplied by the Administration, but does not include —

- (a) a supply main, meter or apparatus that is the property of the Administration and that is used solely for the conveyance, measurement or control of electricity supplied to land; or
- (b) movable electrical equipment;

“consumer’s mains” means the wires, cables, lines or other form of conducting material suitable for carrying current that connects a switchboard to a point of entry;

“electrical article” means —

- (a) a wire, cable, fitting, meter, insulator, switchboard or apparatus designed or intended for use in an electrical installation; and
- (b) an appliance, fitting or apparatus operated by electricity and the cable and other things required for its connection to an electrical installation;

“electrical contractor” means a person who is the holder of an electrical contractor’s licence that is in force under the *Electricity (Licensing and Registration) Act 1985*;

“electrical installation” means the electric wires, cables, fittings, appliances, meters, insulators, switchboards, outlet sockets and apparatus in, on, under or over land and used for or for purposes incidental to the conveyance, measurement, control or use of electricity supplied or intended to be supplied by the Administration, but does not include —

- (a) appliances, fittings or apparatus capable of being connected to an outlet socket —
 - (i) at which fixed wiring terminates; and
 - (ii) that is installed for the purposes of connecting appliances, fittings or apparatus operated by electricity; and
- (b) the cables and other things required for connecting appliances, fittings or apparatus to an electrical outlet socket;

“electrical wiring work” means the actual physical work of installing, altering or repairing an electrical installation;

“land” includes a building, structure or place located on the land;

- “maintain”, in relation to plant, means remove, replace, repair, renew, alter, extend, test or carry out maintenance on existing plant and includes the cutting down, lopping, clearing or removal of a tree, undergrowth or vegetation which obstructs, or is likely to obstruct, the operation of plant by which electricity is transmitted;
- “movable electrical equipment” means electrical appliances or apparatus and their associated wires and fittings, including electrical wiring in a vehicle connected to, or designed for connection to, a consumer’s installation outlet socket at which fixed wiring terminates, but does not include an electrical appliance or apparatus connected to a consumer’s installation outlet socket by means of wiring that is fixed in position external to the appliance or apparatus;
- “owner”, in relation to land the subject of a mortgage, means the person who has the equity of redemption;
- “plant” includes service mains, supply mains, electrical articles, electrical installations, consumer’s installation, movable electrical equipment and other equipment, electrical or otherwise, used in association with electricity;
- “point of attachment” means the point at which the service mains are connected to the supply mains;
- “point of entry” means the point at which the service mains enter a building or structure;
- “power station” means a station for generating, or that is designed or intended for generating, electricity for supply directly or indirectly to the public;
- “prescribed standards” means the standards referred to in section 5;
- “serve” means serve personally or by post;
- “service mains” means wires, cables, lines or other form of conducting material suitable for carrying current which connect a point of attachment to a point of entry and includes all towers, poles and plant necessary to or used for the control and operation of wires, cables, lines and conducting material;
- “structure” includes —
- (a) a fence, pole, shed, out-building, stable, workshop and garage;
 - (b) an advertising device, notice or sign; and
 - (c) a tennis court, bowling green or a swimming pool;
- “supply mains” means wires, cables, lines or other form of conducting material suitable for carrying current which are operated for or in connection with the supply of electricity to a point of attachment and includes the towers, poles and equipment and the step-up and step-down transformers and switch-gear necessary to or used for the control and operation of the wires, cables, lines and conducting material;

“switchboard” means the assembly of switchgear, with or without instruments, including fuses and circuit-breakers, mounted on a consumer’s building or structure;

“temporary supply” means the supply of electricity for a period not exceeding 6 months;

“vehicle” means a mechanically propelled vehicle whether or not intended or adapted for use on roads or that is reasonably capable of being used on roads, and includes a trailer or caravan that is attached to, or capable of being attached to, a vehicle.

Prescribed standards

5. For the purposes of this Act, the “prescribed standards” means —
- (a) the Australian standards, subject to the modifications, if any, set out in the Regulations; and
 - (b) the standards prescribed by the Regulations.

Delegation

6. (1) The executive member may, by instrument in writing, delegate to any person any of his powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the executive member.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the executive member.

Powers of Administration

7. (1) Subject to this Act, the Administration has power to —
- (a) purchase or generate electricity for supply to consumers;
 - (b) construct, install and maintain plant;
 - (c) hire or sell plant;
 - (d) regulate the co-ordination, development, extension and improvement of electricity supply throughout Norfolk Island, and without limiting the generality of the foregoing, to promote and regulate —
 - (i) the erection, extension or alteration of power stations;
 - (ii) the installation and renewal of generating units;
 - (iii) the erection, extension and improvement of supply mains; and
 - (iv) the adoption of standards of plant, equipment, frequency and voltage for the generation, transmission, distribution and supply of electricity;

- (e) promote, encourage and regulate the safety of persons and property in relation to electricity, and without limiting the generality of the foregoing, to promote and encourage the safety of persons and property in relation to —
 - (i) the installation, maintenance and use of plant; and
 - (ii) the sale or hire of electrical articles;
- (f) regulate the private generation of electricity;
- (g) determine the terms and conditions on or subject to which electricity will be supplied by the Administration; and
- (h) charge for the connection of the supply and consumption of electricity.

(2) Subsection 7(1) does not impose on the Administration an obligation to supply or continue to supply electricity —

- (a) either generally or in a particular case; or
- (b) in a particular case, beyond the point of attachment.

(3) The Administration may, without notice, interrupt a supply of electricity to land.

Authorised officers

8. (1) The executive member may, by notice in writing signed by the executive member, appoint a person to be an authorised officer for the purposes of this Act and the Regulations.

(2) The authorised officer may exercise the powers specified in, and in accordance with, the notice of appointment referred to in subsection 8(1).

(3) The executive member shall issue to a person appointed as an authorised officer under subsection 8(1) a certificate in a form approved by the executive member.

(4) A person who ceases to be an authorised officer shall, as soon as practicable, return his certificate of appointment to the executive member.

Penalty: 2 penalty units.

(5) A person shall not personate or falsely represent that he is an authorised officer for the purposes of this Act.

Penalty: 2 penalty units.

Duties of authorised officers

9. (1) Subject to subsection 16(3), an authorised officer may, between 8 a.m. and 5 p.m. on any day (except a Saturday, Sunday or public holiday), enter land —

- (a) on which electricity is being or has been supplied by the Administration; or
- (b) over which electricity of the Administration is being transmitted,

for the purposes of —

- (c) inspecting, testing or obtaining details of plant;
- (d) subject to section 15 or 16, maintaining or constructing plant; or

(e) reading electricity meters.

(2) An authorised officer who enters land in pursuance of subsection 9(1) is not authorised to remain on the land if, on the request of the occupier of the land, the authorised officer does not produce the certificate of appointment issued under subsection 8(3).

(3) Where an authorised officer enters land pursuant to subsection 9(1) he may do so with such assistance, vehicles and plant as he considers necessary for carrying out his duties.

(4) An authorised officer may approve modifications and exemptions to the prescribed —

- (a) specifications of meters and measuring equipment and manner of installation; and
- (b) standards and rules for the installation, service and maintenance of plant.

Application for supply of, or permit to generate, electricity

10. (1) A person who wishes —

- (a) to have the supply or temporary supply of electricity connected;
- (b) to make an alteration or extension to service mains, a point of entry, consumer's mains or a consumer's installation;
- (c) to have the supply of electricity reconnected; or
- (d) to generate electricity by means of a generator that is, or that is intended to be, attached to a switchboard,

shall apply to the executive member in accordance with a form supplied by the executive member.

Penalty: 2 penalty units.

(2) A person shall not —

- (a) connect an electrical installation in respect of which an application under paragraph 10(1)(b) is required; or
- (b) commence to generate electricity,

without first receiving the grant under section 11 of an application made under subsection 10(1).

Penalty: 2 penalty units.

(3) A person shall not submit in an application under subsection 10(1) information that is false or misleading in a material particular.

Penalty: 2 penalty units.

Grant or refusal of application

11. (1) Subject to this section, after considering an application under subsection 10(1), the executive member may grant or refuse to grant the application.

(2) It is a condition of the grant of an application that the authorised officer approves or is satisfied with the matters set out in subsection 12(2).

(3) The grant of an application shall be subject to —

- (a) the lodging with the Administration by the applicant of a certificate of completion signed by the electrical contractor;

- (b) payment to the Administration by the applicant of the prescribed fee for —
 - (i) inspection and connection of a new installation;
 - (ii) inspection and connection of an addition to an existing installation;
 - (iii) reconnection;
 - (iv) re-inspection; or
 - (v) inspection and connection of a generator; and
- (c) where the executive member so requires, the compliance with certain conditions relating to the supply of electricity or installation of a generator by the applicant, or where the applicant is not the owner, the owner.

(4) The grant by the executive member of an application to generate electricity shall be subject to such other conditions, if any, as the executive member thinks fit.

Inspection by authorised officer

12. (1) As soon as practicable after the lodging of a certificate of completion referred to in paragraph 11(3)(a) an authorised officer shall inspect the plant associated with the supply of electricity the subject of the application.

(2) Where the authorised officer —

- (a) approves the location of the point of entry and the switchboard; and
- (b) is satisfied that —
 - (i) the electrical wiring work has been carried out by an electrical contractor in accordance with the prescribed standards; and
 - (ii) the consumer's installation complies with the prescribed standards,

the authorised officer shall connect the supply of electricity the subject of the application.

(3) Where the authorised officer is not satisfied —

- (a) with the location of the point of entry or the switchboard;
- (b) that the electrical wiring work has been carried out by an electrical contractor in accordance with the prescribed standards; or
- (c) that the consumer's installation complies with the prescribed standards,

the authorised officer shall refuse to connect the supply of electricity and shall serve on the applicant a notice specifying the defect that constitutes the reason for the refusal to connect the supply of electricity.

(4) After receipt of a notice of a defect, the applicant shall, as soon as possible —

- (a) take such action as is necessary to remedy the defect; and
- (b) notify the authorised officer when the defect is remedied.

(5) After receipt of a notification under paragraph 12(4)(b), the authorised officer shall re-inspect the electrical wiring work and subsection 12(2) or 12(3) applies.

Connection of supply of electricity

13. Notwithstanding paragraph 10(1)(b), a person —

- (a) may alter the location or change by a number, not exceeding 4, light or power outlets in an electrical installation; and
- (b) shall promptly lodge with the Administration a certificate of completion, signed by the electrical contractor who is responsible for the electrical wiring work.

Penalty: 2 penalty units.

(2) As soon as practicable after the certificate of completion has been lodged under subsection 13(1), an authorised officer shall inspect the electrical wiring work, and where the authorised officer is not satisfied that —

- (a) the electrical wiring work has been carried out in accordance with the prescribed standards; and
- (b) the consumer's installation complies with the prescribed standards,

the person shall take such action as is necessary to comply with those standards.

Electricity meters

14. (1) It is a condition of the supply of electricity by the Administration that a meter, provided by the Administration and for which the prescribed rental fee is charged, is installed by the Administration.

(2) A meter installed under subsection 14(1) remains the property of the Administration.

Construction of plant

15. (1) Where the Administration intends to construct electrical installations on land, the executive member shall enter into negotiations with the owner of the land with the object of obtaining an easement for the purposes of the construction.

(2) Subject to subsection 15(1), where the Administration intends to construct electrical installations on land, the executive member shall by notice in writing inform the owner or his agent and the occupier of the land of the proposed construction.

(3) The notice referred to in subsection 15(2) shall specify —

- (a) the type of construction that is proposed;
- (b) the area in which the proposed construction is to be carried out;
- (c) the approximate period during which the proposed construction will be carried out; and
- (d) the date, being not less than 30 days after service of the notice, before which the owner of the land may, in writing served on the executive member, set out the reasons for his objection to the proposed construction.

(4) The executive member shall consider an objection referred to in subsection 15(3) and, not later than 30 days after receiving it, shall in writing setting out the reasons for so doing served on the owner —

- (a) revoke or vary; or

(b) reject the objection and confirm,
the notice referred to in subsection 15(2).

(5) The owner of land who is aggrieved by a variation or confirmation of a notice may appeal to the Court of Petty Sessions, and where an owner does appeal, no construction shall take place until the Court has considered the matter.

(6) The Court of Petty Sessions may make an order upholding or rejecting the variation or confirmation of a notice and the order shall be complied with.

Maintenance of plant

16. (1) Subject to subsection 16(3), where the Administration intends to maintain electrical plant on land, the executive member shall inform the occupier of the land of the proposed maintenance.

(2) Where the occupier of land objects to the proposed maintenance the executive member shall serve on the occupier a notice specifying —

- (a) the type of maintenance that is to be performed;
- (b) the area in which the maintenance is to be carried out;
- (c) the approximate period during which the maintenance will be carried out; and
- (d) the date, being not less than 7 days after posting of the notice, when it is intended that the maintenance will commence.

(3) Notwithstanding subsection 16(1), where there is reasonable ground for believing that there is —

- (a) danger to public safety; or
- (b) reasonable probability of disruption of supply of electricity likely to cause damage to persons or property,

an authorised officer may, without notice, enter on land and take such steps as are necessary to maintain plant to ensure adequate protection of life and property.

Exemption from liability

17. The Administration is not liable for loss resulting from —

- (a) an interruption of the supply of electricity to land by whatever means caused;
- (b) a disconnection of the supply of electricity to land;
- (c) a delay in connecting or reconnecting the supply of electricity to land;
- (d) a failure, variation or defect in any facet of electricity supply; or
- (e) a failure or defect in plant.

Administration to minimise damage

18. In the exercise of its powers under this Act, the Administration, an authorised officer or a person acting on behalf of the Administration shall cause as little detriment and inconvenience and do as little damage as possible.

Compensation

19. Where, after the commencement of this Act, land is injuriously affected by the construction or maintenance of plant on it the Administration is liable to pay such compensation as is determined by agreement between the Administration and the owner of the land or, in the absence of agreement, as is determined by proceedings taken by the owner in a court of competent jurisdiction.

Inspection and testing of consumer's installations

20. (1) Where, during an inspection or test, a defect is discovered that, in the opinion of the authorised officer, is likely to become dangerous to life, health or property, the authorised officer —

- (a) shall notify the consumer in writing of the defect; and
- (b) may, if the authorised officer thinks it is reasonable to do so, disconnect the supply of electricity to the consumer's installation or part of it until the defect is remedied to the satisfaction of the authorised officer.

(2) Where the authorised officer does not disconnect the supply of electricity under paragraph 20(1)(b), the consumer shall, as soon as practicable and with due care, take such action as is necessary to remedy the defect and shall notify the authorised officer when the defect is remedied.

(3) On receipt of a notification under subsection 20(2) the authorised officer shall, as soon as practicable, inspect the consumer's installation and satisfy himself that the defect has been remedied.

(4) Where, during an inspection or test of a consumer's installation a defect is discovered that, in the opinion of the authorised officer, is immediately dangerous to life, the authorised officer shall immediately disconnect the supply of electricity to the consumer's installation or the part of it that is dangerous and shall notify the consumer in writing of particulars of the defect.

(5) Where, during an inspection or test, movable electrical equipment is discovered that, in the opinion of the authorised officer, is immediately dangerous to life, the authorised officer shall affix to the equipment in a conspicuous place a label indicating that the equipment is dangerous and not to be used.

(6) The owner of movable electrical equipment referred to in subsection 20(5) shall, as soon as practicable and with due care take such action as is necessary to render the movable electrical equipment safe and shall notify the authorised officer when the equipment is rendered safe or disposed of.

(7) A person shall not —

- (a) use movable electrical equipment to which a label has been attached under subsection 20(5) until the equipment has been repaired or otherwise rendered safe to use and the label removed by an authorised officer; or
- (b) without reasonable excuse, remove, destroy, damage or interfere with a label that has been attached to movable electrical equipment under subsection 20(5).

Penalty: 2 penalty units.

Charges for electricity

21. (1) The executive member may from time to time determine the charges that are, subject to this section, payable to the Administration for or in connection with the supply of electricity.

(2) The executive member may determine different charges for or in connection with the supply of electricity for different uses.

(3) Where the executive member makes a determination under subsection 21(1), the particulars of the determination shall be published in the Gazette specifying the date, not being earlier than the date of publication, on and from which the determination has effect.

(4) Where a determination commences on a date during a period between one meter reading and the next meter reading, for the purpose of ascertaining the quantity of electricity supplied before that date the Administration shall carry out a special reading of the meter as soon as practicable after that date to determine the quantity of electricity supplied before the date referred to in subsection 21(3).

(5) An amount payable under a determination under subsection 21(1) is a debt due and payable to the Administration.

(6) The executive member may, in circumstances that the executive member considers just, make an agreement with a person for or in connection with the supply of electricity to the person under which rates of charges in accordance with the agreement are payable instead of the charges applicable under a determination under this section.

Disconnection for non-payment

22. (1) Where a person, who is liable to pay an amount of money owing under this Act for the supply of electricity, fails to pay the amount, the Administration shall serve a notice of disconnection for failure to pay and, after the expiration of 3 days after service of that notice, the Administration may disconnect the supply of electricity to the land to which the failure to pay for the supply of electricity relates, whether or not the person is the owner or occupier of the land.

(2) Where the supply of electricity to land has been disconnected under subsection 22(1), a person may, on payment of the amount referred to in that subsection, apply for reconnection under subsection 10(1).

Liability for charges

23. (1) Where a consumer intends to cease occupancy of land to which the supply of electricity is connected, the owner or consumer shall, not less than 48 hours before the consumer ceases to occupy the land, in accordance with a form supplied by the executive member, notify the executive member of the consumer's intention.

(2) As soon as practicable after receipt of a notice under subsection 23(1), a termination reading of the meter shall be carried out by an authorised officer.

(3) Where there is to be a change of owner or consumer, the incoming owner or consumer shall, in accordance with a form supplied by the executive member, notify the executive member of the change of owner or consumer.

(4) Where a notice under subsection 23(3) has not been received by the executive member within 7 days after a termination reading of a meter, the supply of electricity to the land may be disconnected.

(5) The consumer remains liable for charges in relation to the electricity consumed by him until —

- (a) a termination reading is carried out;
- (b) a notice is given under subsection 23(3); or
- (c) disconnection is effected under subsection 23(4).

(6) The owner of land is —

- (a) subject to paragraph 23(6)(b), liable for the charges for electricity incurred after the first meter reading made consequent on the commencement of his becoming the owner until the termination reading on the conclusion of his ownership; and
- (b) jointly and severally liable with the consumer for electricity consumed by a consumer within the terms of subsection 23(5).

Offences

24. (1) A person shall not wilfully damage, interfere with or destroy plant that is the property of the Administration.

Penalty: 5 penalty units.

(2) A person shall not fraudulently use or divert electricity.

Penalty: 5 penalty units.

(3) A person shall not, without the prior approval in writing of the executive member, establish, erect or extend or purport to establish, erect or extend a power station or supply mains.

Penalty: 5 penalty units.

(4) For the purpose of subsection 24(3), “extend”, in relation to a power station, means install, replace or renew generating units or plant.

Obstruction of authorised officers

25. A person shall not, without reasonable excuse, obstruct an authorised officer carrying out his duties under this Act.

Penalty: 5 penalty units.

Certain electrical articles prohibited

26. (1) The executive member may, by notice in the Gazette, specify a class, type or description of electrical article that, after a date specified in the notice —

- (a) shall not be used, operated, sold, hired, exposed for sale or hire, advertised for sale or hire, or installed in, or connected to, an electrical installation; or
- (b) may, subject to such conditions as the executive member thinks fit, be used, sold, hired, exposed for sale or hire, or installed in, or connected to, an electrical installation.

(2) A person shall not use, operate, sell, hire, expose for sale or hire, advertise for sale or hire, or install in, or connect to, an electrical installation, an electrical article —

- (a) the sale of which is prohibited by a notice referred to in paragraph 26(1)(a); or
- (b) except in accordance with the conditions, if any, referred to in paragraph 26(1)(b).

Penalty: 2 penalty units.

(3) The executive member may, in writing, exempt a person from the operation of this section.

Evidentiary provisions

27. (1) In legal proceedings under or for the purposes of this Act, a certificate purporting to be signed by the executive member specifying —

- (a) particulars of land connected to the supply of electricity;
 - (b) an amount of money owing to the Administration; or
 - (c) the reading periods during which a supply of electricity was consumed,
- is admissible in evidence and is prima facie evidence of the matter specified in the certificate.

(2) A document that purports to be a certificate under subsection 27(1) shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly given.

Regulations

28. (1) The Administrator may make Regulations, not inconsistent with this Act, prescribing matters —

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection 28(1), the Regulations may prescribe —

- (a) the terms and conditions of the supply or the temporary supply of electricity;
- (b) specifications of meters and measuring equipment and the manner of installation;
- (c) a period or different periods for meter reading periods;
- (d) the method of calculating the charges for electricity supplied and measured by a meter, the method of accounting, the period for payment of accounts and payment of interest on unpaid accounts;
- (e) a minimum charge where the electricity is connected to land, whether or not electricity is consumed in a reading period;
- (f) conditions of reconnection of electricity supply;
- (g) conditions of installation of plant;

- (h) standards and rules for the installation, service and maintenance of plant;
- (j) standards for the materials in the manufacture of plant;
- (k) conditions relating to, and charges for, the hire of equipment or the provision of labour or materials by the Administration at the request of an applicant for supply, or consumer, of electricity;
- (m) fees for any matter under this Act or the Regulations; and
- (n) penalties not exceeding 2 penalty units for a contravention or breach of the Regulations.

(3) Regulations made for the purposes of subsection 28(2)(a) may prescribe different terms and conditions for different consumers or different classes of consumers.

(4) The Regulations may adopt wholly or partially or by reference any of the Australian standards recommended or adopted by the Standards Association of Australia.

(5) The Regulations may prescribe specified electrical articles the sale of which is prohibited.

Transitional provisions

29. (1) A person who, immediately before the commencement of this Act, owned, used or operated a generator that is, or is intended to be connected to a switchboard, shall, within 3 months after that commencement, lodge an application under paragraph 10(1)(d).

(2) An agreement for the supply of electricity that was in force immediately before the commencement of this Act shall, on that commencement, no longer be in force, and the supply of electricity shall be in accordance with this Act.

(3) A person who owns, uses or operates plant that, immediately before the commencement of this Act was used, installed or operated and that was not in accordance with the prescribed standards shall, within 3 months after that commencement, maintain the plant to the prescribed standards.

Notified Gazette No. 10, 27 February 1986.

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