

NORTHERN TERRITORY OF AUSTRALIA

ELECTRICAL WORKERS AND CONTRACTORS ACT

As in force at 7 November 2002

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 7 November 2002

ELECTRICAL WORKERS AND CONTRACTORS ACT

**An Act to provide for the licensing of electrical workers and contractors
and for other purposes**

Part I Preliminary

1 Short title

This Act may be cited as the *Electrical Workers and Contractors Act*.

2 Commencement

This Act shall come into operation on the date on which the *Electricity Commission Act 1978* comes into operation.

3 Transitional

Notwithstanding the commencement of this Act, a person who, immediately before the commencement of this Act, could lawfully carry on business as an electrical contractor may continue to carry on business as an electrical contractor until the expiration of the period of 3 months commencing on the date on which this Act comes into operation.

4 Definitions

In this Act, unless the contrary intention appears:

approved means approved by the Board.

Authority means the Power and Water Authority established by the *Power and Water Authority Act*.

authorized person means an inspector or, in relation to a power or function delegated under section 17B, the member or employee to whom it is delegated.

Board means the Electrical Workers and Contractors Licensing Board established by this Act.

Chairman means the Chairman of the Board.

direct supervision, in relation to electrical work, means the constant personal oversight of the work by a person licensed to perform the work himself without supervision.

electrical article includes a wire, cable, appliance, fitting, meter, insulator, apparatus, material or article intended or designed for use in connection with the transmission of electricity or operated by electricity.

electrical cable jointer means a person who supervises or performs the actual electrical work of installing, jointing and terminating covered cables the performance of which requires specialized knowledge and skill.

electrical contracting means contracting or undertaking to perform electrical installation work.

electrical contractor means an electrical contractor licensed under Division 3 of Part III.

electrical contractor's licence means a licence issued under section 35.

electrical fitter means a person who supervises or performs the actual electrical trade work, whether in a workshop or on site, of constructing, manufacturing, fitting, assembling, erecting, operating or repairing electrical articles.

electrical installation means an electric line or electrical article placed in, on or over land or a building and used or intended to be used for or for purposes incidental to the conveyance, control or use of electricity supplied or intended to be supplied by the Authority or a licensee under the *Electricity Act* to supply electricity or an owner or occupier of a private plant, whether or not supplied by the person contracting or undertaking to install it, and includes additions and alterations to an electrical installation.

electrical installation work means the actual electrical work of installing, altering or adding to an electrical installation and the supervision of such work.

electrical linesman means a person who supervises or performs the actual electrical work of constructing or maintaining overhead electric lines, including street lighting connected to overhead electric lines, where specialized knowledge and experience are required.

electrical mechanic means a person who supervises or performs the actual electrical work of installing, altering or adding to an electric line or electrical installation and of maintaining, repairing or connecting an electrical article.

electrical work means work done in connection with the installation or repair of an electric line or electrical article for the generation, transmission, supply or use of electric energy, but does not include work done in:

- (a) manufacturing, or assembling at the place of manufacture, electrical articles; or
- (b) constructing for and on behalf of the Authority and under its supervision a new overhead line on steel towers, not being towers supporting any other overhead line that is in service or has previously been in service.

electrical worker means a person who, in pursuance of this Act, performs in whole or in part electrical work specified in the definition of **electrical cable jointer**, **electrical fitter**, **electrical linesman** or **electrical mechanic**.

electrical worker's licence means a licence issued under section 22.

electric line means a wire, conductor or other means used for the purpose of conveying, transmitting, transforming or distributing electricity, together with a casing, coating, covering, tube, pipe, pillar, pole or tower, post, frame, bracket or insulator enclosing, surrounding or supporting it or part of it, or an apparatus connected therewith for the purpose of conveying, transmitting, transforming or distributing electricity.

employee means an employee within the meaning of the *Public Sector Employment and Management Act*.

Executive Officer means the person appointed under section 15(1).

general supervision means the oversight or superintendence of electrical work by a person licensed to perform the work himself, without supervision, and according to the nature of the work and the competence of the person undertaking it, sufficient to ensure safe and satisfactory workmanship.

inspector means an inspector appointed under the *Electricity Act*.

licence means an electrical worker's licence or an electrical contractor's licence.

member means a member of the Board, and includes the Chairman and a deputy of a member while he is acting in the place of the member.

permit means a permit issued under section 30.

registered, in relation to a person, means that the person's name has been entered in the register of apprentices maintained under section 42A(1).

5 Crown

This Act binds the Crown.

Part II Electrical Workers and Contractors Licensing Board

6 Establishment of Board

There is established by this Act a Board by the name of the Electrical Workers and Contractors Licensing Board.

6A Status of the Board

- (1) The Board:
 - (a) is a body corporate with perpetual succession;
 - (b) shall have a common seal;
 - (c) may sue and be sued in its corporate name; and
 - (d) is capable of acquiring, holding and disposing of real and personal property.
- (2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall presume that it was duly affixed.

6B Actions against members of Board

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.

7 Composition of Board

- (1) The Board consists of 5 members, namely:
 - (a) a duly qualified electrical engineer who is or is eligible to become a full member of the Institution of Engineers of Australia or a person who is the holder of an electrical worker's licence endorsed as an electrical mechanic's grade A licence or electrical fitter's grade A licence; and
 - (b) an employee who is a duly qualified electrical engineer who is or is eligible to become a full member of the Institution of Engineers of Australia or who is the holder of an electrical worker's licence endorsed as an electrical mechanic's grade A licence or electrical fitter's grade A licence;
 - (c) a representative of institutions providing apprenticeship training for apprentice electrical workers;
 - (d) a representative of electrical contractors; and
 - (e) a representative of electrical workers.
- (2) The exercise of a power or the performance of a function by the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

8 Appointment of members

- (1) Subject to section 7 and this section, the Minister may appoint a person to be a member of the Board.
- (2) The Minister shall not appoint a person for the purposes of section 7(1)(c), (d) or (e) unless:
 - (a) he has first given to the interest groups that that person is to represent, and to persons and associations claiming to speak on behalf of any members of any of those groups, an opportunity to recommend persons to be so appointed; and
 - (b) the person appointed is the holder of an electrical worker's licence endorsed as electrical mechanic grade A or electrical fitter grade A.

9 Tenure of office

- (1) Subject to this Act:
 - (a) a member who is an employee holds office during the pleasure of the Minister; and

- (b) a member who is not such an employee holds office until the expiration of such period not exceeding 3 years as is specified in the instrument of appointment, but is eligible for re-appointment.
- (2) Where a period of appointment is not specified in the instrument of appointment of a member who is not an employee, the member holds office, subject to this Act, for 3 years.

10 Resignation

A member may resign his office by writing signed by him and delivered to the Minister.

11 Dismissal

- (1) The Minister may terminate the appointment of a member for inability, inefficiency, misbehaviour or physical or mental incapacity.
- (2) Where a member:
 - (a) is absent, except on leave granted by the Board, from 3 consecutive meetings of the Board;
 - (b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
 - (c) in the case of a member whose appointment was dependent on his being registered or the holder of specified qualifications – ceases to be so registered or qualified or his right to practise by virtue of those qualifications is suspended or cancelled;
 - (d) in the case of a member representing an organization – ceases to be a member of that organization;
 - (e) ceases to be ordinarily resident in the Territory; or
 - (f) in the case of a member who is a member by virtue of being an employee – ceases to be an employee,

the Minister shall terminate the appointment of the member.

13 Deputies of members

- (1) The Minister may appoint a person who would be eligible, if there was a vacancy in the membership of the Board, to fill that vacancy to be the deputy of the member whose position he would be eligible to fill.
- (3) A deputy may resign his office by writing signed by him and delivered to the Minister.
- (4) The Minister may terminate the appointment of a deputy at any time.
- (5) Where a member is absent or unable to act, the deputy of that member may act in the place of the member and while so acting he has all the powers and may exercise all the functions of that member.
- (6) Notwithstanding the resignation of a member or the termination of a member's appointment, the deputy of the former member may continue to act as the deputy of the former member until:
 - (a) the deputy resigns his office;
 - (b) the deputy's appointment is terminated;
 - (c) the deputy is appointed as a member in the place of the former member; or
 - (d) another person is appointed as a member in the place of the former member, in which case the deputy is the deputy of the new member.

14 Chairman

The member referred to in section 7(1)(a) shall be the Chairman of the Board.

15 Executive Officer

- (1) The Minister may appoint a person, other than a member, who:
 - (a) is an employee; and
 - (b) has a working knowledge of the electrical trade,to be the Executive Officer of the Board.
- (2) Where the Minister intends to exercise his power under subsection (1), he shall request the Board and the Authority jointly to nominate a person for the position of Executive Officer.

- (3) Where the Minister makes a request under subsection (1) and:
- (a) he receives a joint nomination within 14 days after his request, he shall appoint the person so nominated; or
 - (b) he does not receive a joint nomination within 14 days after his request, he may, subject to subsection (1), appoint such person as he thinks fit,
- to be the Executive Officer.
- (4) Unless the Board otherwise resolves, the Executive Officer may attend meetings of the Board to take minutes of the meetings, keep records of the proceedings and to assist the Board in such other ways as it thinks fit.

16 Acting Chairman

In the absence of the Chairman and of the deputy of the Chairman from a meeting of the Board, the members present may elect one of their number to chair the meeting and that member, while so acting, has all the powers and may exercise all the functions of the Chairman.

17 Meetings

- (1) At a meeting of the Board:
- (a) subject to section 16, the Chairman shall preside;
 - (b) 3 members constitute a quorum;
 - (c) all questions shall be decided by a majority vote of the members present and voting and, in the event of an equality of votes, the Chairman shall have a casting vote; and
 - (e) subject to this Act, the Board shall determine its own procedures.
- (2) In the exercise of its powers and the performance of its functions (except in relation to sections 22, 26, 30, 35, 40 and 42E), the Board is subject to the directions of the Minister.

17A Annual report

- (1) The Board shall furnish to the Minister, not later than 30 November in each year, a report in relation to its operations during the immediately preceding financial year.

- (3) The Minister shall cause a copy of each report furnished to him under this section to be tabled in the Legislative Assembly within 6 sittings days of the Legislative Assembly after it has been so furnished.

17B Delegations

- (1) The Board may, by instrument in writing, delegate to a member or an employee any of its powers or 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 Board.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Board.

17C Functions of the Board

The functions of the Board are to:

- (a) exercise the powers conferred on it by this Act;
- (b) co-operate with institutions providing apprenticeship training for apprenticed electrical workers;
- (c) co-operate with the Authority in relation to the inspection of electrical work and the investigation of complaints relating to electrical inspections;
- (d) investigate and hear complaints relating to electrical work;
- (e) consider matters referred to it by the Minister and to report to the Minister on those matters; and
- (f) consider matters referred to it by the Authority and to report to the Authority on those matters.

Part III Licences and permits

Division 1 Electrical workers' licences

18 Endorsement on licences

- (1) An electrical worker's licence may be endorsed with a trade classification:
- (a) electrical mechanic;

- (b) electrical fitter;
 - (c) electrical linesman;
 - (d) electrical cable jointer; or
 - (e) another prescribed trade classification,
- and a grading:
- (f) grade A;
 - (g) grade B; or
 - (h) grade R,

in relation to each trade classification endorsed on the licence.

- (2) Subject to subsection (3), a person may be issued with more than one licence.

- (3) Where the holder of an electrical worker's licence:

- (a) becomes the holder of an electrical contractor's licence; or
- (b) is nominated under section 34(2)(d)(ii) and the relevant application is approved,

he shall lodge his electrical worker's licence with the Board within 7 days after the electrical contractor's licence is issued.

- (4) Where a licence is lodged under subsection (3) with the Board, it shall endorse the licence in such manner as it thinks fit to indicate that the person is:

- (a) the holder of an electrical contractor's licence; or
- (b) nominated in an electrical contractor's licence as the holder of an electrical worker's licence,

and return the licence to that person as soon as practicable.

19 Qualifications for electrical worker's licence

The Regulations shall prescribe the qualifications required for the granting of an application for an electrical worker's licence endorsed with each trade classification and grading.

21 Lodging of application

- (1) An application for an electrical worker's licence shall be accompanied by:
 - (a) evidence of service of apprenticeship, if any;
 - (b) evidence of examinations passed;
 - (c) evidence of experience in electrical work;
 - (d) a statement of results that the applicant has obtained in a colour identification test;
 - (e) a statutory declaration of all licences and permits in relation to electrical work that are held by him or that have been held by him in the 2 years immediately preceding the date of the application, indicating whether those licences and permits are current, have expired or have been suspended, cancelled or otherwise dealt with; and
 - (f) the prescribed fee.
- (1A) An application under subsection (1) shall be in the prescribed form and specify each trade classification, and the grading in the classification, for which the applicant applies to be licensed.
- (2) In considering an application for an electrical worker's licence, the Board shall take into account the recency of the applicant's training and experience in electrical work.
- (3) The Board may require an applicant to undergo training, to pass a test or to give evidence of proficiency in industrial safety techniques.

22 Issue of licences

- (1) Upon receipt of an application under section 21, the Board may, if it is satisfied, after considering the application and making such further inquiries as it thinks fit, that the applicant is a fit and proper person to hold an electrical worker's licence endorsed with the trade classification and grading applied for, issue the licence.
- (2) The Board:
 - (a) shall endorse on an electrical worker's licence endorsed as grade R the class or type of electrical work that the holder is licensed to supervise and perform; and

- (b) may endorse on that licence such further restrictions, requirements and conditions as it thinks fit.
- (3) Where the Board refuses an application for a licence endorsed with the trade classification and grading applied for, it may issue to the applicant a licence endorsed with such other classification or grading as it thinks fit.

23 Term of licence

- (1) An electrical worker's licence, endorsed as grade A or grade B, remains in force, subject to this Act, for 5 years.
- (2) An electrical worker's licence endorsed as grade R remains in force, subject to this Act, for such term, not exceeding 5 years, as is specified in the licence.
- (3) An electrical worker's licence endorsed as grade B in a trade classification ceases to have effect if the holder becomes the holder of an electrical worker's licence endorsed as grade A in the same trade classification.
- (4) An electrical worker's licence endorsed as grade R in a trade classification ceases to have effect if the holder becomes the holder of an electrical worker's licence endorsed as grade A or grade B in the same trade classification.

24 Form and effect of licence

- (1) Subject to subsection (2), an electrical worker's licence shall be:
 - (a) in the prescribed form; and
 - (b) subject to such conditions as are prescribed by the Regulations or such conditions, not inconsistent with this Act or the Regulations, as are endorsed on the licence.
- (2) Where a condition of an electrical worker's licence is prescribed by the Regulations, unless the contrary intention appears in the Regulations or the licence, the condition shall apply to that licence whether or not that licence had been issued before or after the prescription of that condition.
- (3) The Regulations may prescribe:
 - (a) the rights and duties of the holder of an electrical worker's licence; and

- (b) conditions to which electrical worker's licences, licences of a specified trade classification or licences of a specified grading are subject.

25 Application for renewal of licence

The holder of an electrical worker's licence may apply to the Board for renewal of the licence by lodging with the Board:

- (a) the prescribed form; and
- (b) the prescribed fee.

26 Renewal of licence

- (1) Upon receipt of an application made under section 25 for renewal of an electrical worker's licence, the Board shall renew the licence unless it is satisfied, after considering the application and making such further inquiries as it sees fit:
 - (a) that the applicant is not a fit and proper person to hold a licence; or
 - (b) that, by reason of lack of recent experience in electrical work, the holder of the licence should be required to undergo further training or to have further experience under supervision before the licence is renewed.
- (2) Where the Board considers that an applicant for the renewal of an electrical worker's licence should undergo further training or have further experience under supervision it may refuse the application to renew the licence.
- (3) The Board may require an applicant for the renewal of an electrical worker's licence to undergo training, to pass a test or to give evidence of proficiency in industrial safety techniques.

27 Term of renewal

The renewal of an electrical worker's licence has effect to continue the licence in force, subject to this Act, for a further period of 5 years or, in the case of an electrical worker's licence endorsed as grade R, for such further period not exceeding 5 years as is specified in the licence, after the date on which, if the application for renewal had not been lodged, the licence would have expired.

Division 2 Permits for electrical work

28 Application for permit

A person who understands and is able to perform work of an electrical nature with safety to himself and others may apply to the Board for a permit to supervise or perform specified electrical work.

29 Lodging of application

An application for a permit to supervise or perform electrical work shall be accompanied by such evidence of the applicant's ability, experience and fitness as the applicant wishes the Board to consider.

30 Issue of permit

- (1) Upon receipt of an application for a permit to supervise or perform electrical work, the Board may issue the permit if it is satisfied, after considering the application and making such further inquiries as it thinks fit:
 - (a) that special circumstances exist that make it desirable that a permit should be issued in respect of the work; and
 - (b) that the applicant is a fit and proper person, having regard to those circumstances, to hold the permit.
- (2) The Board:
 - (a) shall endorse on a permit to supervise or perform electrical work the particular work that the holder is permitted to supervise or perform; and
 - (b) may endorse on that permit such restrictions, requirements and conditions as it thinks fit.

31 Term of permit

- (1) A permit to supervise or perform electrical work remains in force, unless sooner revoked, for such period as is specified in the permit.
- (2) The Board may, for any sufficient reason, revoke a permit to supervise or perform electrical work.

32 Effect of permit

A permit to supervise or perform specified electrical work has effect according to its tenor.

Division 3 Electrical contractors' licences

32A Definition

In this Division, unless the contrary intention appears, **electrical worker's licence** means an electrical worker's licence endorsed as electrical mechanic grade A.

33 Applications

- (1) A natural person may apply to the Board in the prescribed form for an electrical contractor's licence if he:
 - (a) has been the holder of an electrical worker's licence for not less than 2 years;
 - (b) is competent, by reason of experience in performing electrical installation work and supervising others in performing such work, to carry on business as an electrical contractor; and
 - (c) where the Board so requires, passes a test set or approved by the Board.
- (2) An incorporated or unincorporated body or other association of persons may apply to the Board in the prescribed form for an electrical contractor's licence if:
 - (a) it is empowered by the instrument defining its powers to carry on business as an electrical contractor; and
 - (b) at least one of its members or employees in the Territory is a natural person who would be qualified under subsection (1) to be the holder of an electrical contractor's licence in his own right.

34 Lodging of application

- (1) An application by a natural person for an electrical contractor's licence shall be accompanied by:
 - (a) such evidence of the applicant's ability, experience and fitness as the applicant wishes the Board to consider; and
 - (b) the prescribed fee.
- (2) An application by a body or other association of persons for an electrical contractor's licence shall be accompanied by:
 - (a) a copy of the instrument defining its powers;

- (b) a list of its directors, partners, committee or other governing body;
- (c) a list of its secretary, managers and other executives;
- (d) such evidence as the applicant wishes the Board to consider:
 - (i) of the applicant's good repute and fitness to carry on business as an electrical contractor; and
 - (ii) concerning the person whom it nominates as the holder of an electrical worker's licence and his position in or on the body or association; and
- (e) the prescribed fee.

35 Issue of licence

Upon receipt of an application for an electrical contractor's licence, the Board may, if it is satisfied, after considering the application and making such further inquiries as it thinks fit, that the applicant is a fit and proper person, body or association to hold the licence, issue the licence.

36 Term of licence

- (1) An electrical contractor's licence remains in force, subject to this Act, until the end of the financial year in which it is granted.
- (2) If a natural person who is the holder of an electrical contractor's licence ceases to be the holder of an electrical worker's licence, or if his electrical worker's licence is suspended, his electrical contractor's licence is thereby revoked.
- (3) If a body or other association of persons that is the holder of an electrical contractor's licence ceases to have as one of its members or employees in the Territory the person whom it nominated as the holder of an electrical worker's licence, or if that person ceases to be the holder of an electrical worker's licence, or if his electrical worker's licence is suspended, the electrical contractor's licence of that body or association is thereby suspended until it nominates another such person and states his position in or on the body and that person is approved.
- (4) Where an application is made for renewal of an electrical contractor's licence and the application has not been dealt with before the term of the licence expires, the licence continues in force, subject to this Act, until the application is dealt with.

37 Form and effect of licence

- (1) Subject to subsection (2), an electrical contractor's licence shall be:
- (a) in the prescribed form; and
 - (b) subject to such conditions as are prescribed by the Regulations or such conditions, not inconsistent with this Act or the Regulations, as are endorsed on the licence.
- (2) Where a condition of an electrical contractor's licence is prescribed by the Regulations, unless the contrary intention appears in the Regulations or the licence, the condition shall apply to that licence whether or not that licence had been issued before or after the prescription of that condition.
- (3) The Regulations may prescribe:
- (a) the rights and duties of the holder of an electrical contractor's licence; and
 - (b) conditions to which electrical contractor's licences are subject.

38 Application for renewal of licence

The holder of an electrical contractor's licence may apply to the Board for renewal of the licence by lodging with the Board:

- (a) the prescribed form; and
- (b) the prescribed fee.

40 Renewal of licence

Upon receipt of an application under section 38 for renewal of an electrical contractor's licence, the Board shall renew the licence unless it is satisfied, after considering the application and making such further inquiries as it thinks fit, that the applicant is not a fit and proper person, body or association to hold the licence.

41 Term of renewal

The renewal of an electrical contractor's licence has effect to continue the licence in force, subject to this Act, for a further year after the date on which, if the application for renewal had not been lodged, the licence would have expired.

42 Authority may carry out electrical work

- (1) Notwithstanding anything elsewhere contained in this Act, the Authority may supervise or perform electrical work.

- (2) A reference in this Act to an electrical contractor shall be read as including a reference to the Authority.

Division 3A Apprentices

42A Registration of apprentices

- (1) The Board shall maintain a register of apprentices in such form as it thinks fit.
- (2) A person who is an apprentice, within the meaning of the *Industry and Employment Training Act*, in a trade which requires a person to be licensed under this Act, may apply to the Board to be registered as an apprentice.

42B Work undertaken by apprentices

- (1) A person who is registered may perform electrical work where:
- (a) he is under the direct supervision of a person who is authorized under this Act to do the electrical work;
 - (b) he has passed a prescribed examination and completed not less than 3,800 hours of practical electrical work and he is under the general supervision of a person who is authorized under this Act to do the electrical work; or
 - (c) he is engaged in electrical work on an electrical article, electrical installation or electric line which is physically isolated.
- (2) For the purposes of this section, ***physically isolated***, in relation to an electrical article, electrical installation or electric line, means that the article, installation or line, or the relevant part of the article, installation or line, is not and cannot be connected to a source of supply by:
- (a) the closure of a switch, fuse-switch, circuit-breaker, contactor, air-break or other device;
 - (b) the replacement or insertion of a fuse or link; or
 - (c) the connection or reconnection of a wire, cable or conductor to a part of the installation from which it has been, or is intended to be connected, and at which part supply is available.

Division 4 Suspension and cancellation of licences

42C Complaints

- (1) A person may make a complaint concerning the holder of a licence in relation to work done by, or on behalf of, the holder.
- (2) A complaint under this section shall be:
 - (a) in writing;
 - (b) signed by the person by whom the complaint is made; and
 - (c) lodged with the Executive Officer.
- (3) Where a complaint is lodged under this section with the Executive Officer, he shall, as soon as practicable:
 - (a) inform the holder of the licence of the substance of the complaint and shall give the holder an opportunity to comment in writing on the substance of the complaint;
 - (b) conduct such investigations in relation to the substance of the complaint as he thinks appropriate; and
 - (c) forward the comment, if any, he receives under paragraph (a), together with the results of his investigations under paragraph (b), to the Board.
- (4) Where a complaint is made by a member, he shall not take part in a hearing by the Board in relation to the complaint.

42D Decision on consideration of complaint

- (1) Where comments on and results of investigations in relation to a complaint are forwarded under section 42C(3)(c) to the Board and the Board is of the opinion that further investigations of the complaint should be made, the Board may direct the Executive Officer to conduct such further investigations as the Board specifies and report the results of the investigations to the Board.
- (2) The Board shall consider a complaint, the report or reports of the Executive Officer and the comments, if any, forwarded under section 42C(3)(c) to the Board and shall:
 - (a) where the Board is of the opinion that the complaint is of a frivolous, irrelevant or malicious nature:
 - (i) dismiss the complaint; and

- (ii) direct the Executive Officer to inform the person by whom the complaint was made that the complaint has been investigated but no further action is warranted; or
- (b) conduct a hearing in relation to the complaint.

42E Power of Board

Subject to this Act, the Board may conduct a hearing in relation to a complaint and, where it is satisfied that there are grounds for so doing, it may, in relation to the holder of the licence or the licence the subject of the complaint, dismiss the complaint or:

- (a) cancel the licence;
- (b) suspend the licence for such period as it thinks fit;
- (c) vary the conditions of the licence including an endorsement relating to the trade classification or grade of the licence;
- (d) fine that holder an amount not exceeding \$100;
- (e) admonish the holder and endorse his licence to that effect; or
- (f) do any combination of those things.

43 Grounds for suspension or cancellation, &c.

- (1) The grounds upon which the Board may exercise its powers under section 42E in relation to an electrical worker's licence are:
 - (a) that the licence was granted in error or as a result of a false or misleading statement;
 - (b) that the holder or a person working under his direct or general supervision has carried out electrical work in contravention of or otherwise than in compliance with a provision of or under this Act, the *Power and Water Authority Act* or the *Mining Management Act* or other rule of good practice relating to electrical work;
 - (c) that the holder or a person working under his direct or general supervision has made a false or misleading statement to the Authority or a person employed in the service of the Authority in relation to electrical work or an electrical installation;
 - (d) that the holder has failed to exercise proper and adequate supervision over a person who should have been working under his supervision, as prescribed;

- (e) that the holder has repeatedly carried out work which, in the opinion of the Board, was carried out in an incompetent or negligent manner;
 - (f) that the holder has carried out work which, in the opinion of the Board, is or was dangerous to life or property;
 - (g) that the holder has not rectified a fault as required by the Authority or an authorized person;
 - (h) that the holder has failed to submit documents required to be submitted under the *Power and Water Authority Act*;
 - (j) that the holder has attempted to conceal poor work from an authorized person;
 - (k) that the holder's licence has been endorsed 3 times under section 42E(e); or
 - (m) that the holder is no longer a fit and proper person to hold the licence.
- (2) The grounds upon which the Board may exercise its powers under section 42E in relation to an electrical contractor's licence are:
- (a) that the licence was granted in error or as a result of a false or misleading statement;
 - (b) that the holder has failed to exercise proper and adequate supervision over a person employed by him or it to carry out electrical installation work;
 - (c) that the holder or his employees have repeatedly carried out work which, in the opinion of the Board, was carried out in an incompetent or negligent manner;
 - (d) that the holder or his employees have carried out work which, in the opinion of the Board, is or was dangerous to life or property;
 - (e) that the holder or his employees have not rectified a fault as required to be done by the Authority or an authorized person;
 - (f) that the holder or his employees have failed to submit documents required to be submitted under the *Power and Water Authority Act*;
 - (g) that the holder or his employees have signed for work which has not been performed by the holder or one of the holder's employees;

- (h) that the holder or his employees have attempted to conceal poor work from an authorized person;
- (j) that the holder's licence has been endorsed 3 times under section 42E(e); or
- (k) that the holder is no longer a fit and proper person to hold the licence.

44 Notice to show cause

- (1) The Board may not exercise its powers under section 42E unless the Executive Officer gives not less than 14 days notice to the holder of a licence in relation to whom it is proposed the power be exercised requiring him or it to show cause why the Board should not exercise its powers under section 42E.
- (2) A notice under subsection (1) shall:
 - (a) state, and give particulars of, the grounds on which the Executive Officer proposes to rely in requesting the Board to exercise its powers under section 42E;
 - (b) specify the date and time when and the place where the Board will be conducting a hearing under section 42D(2)(b); and
 - (c) be accompanied by a copy of this Division.

45 Protection of members of Board

In conducting a hearing under this Division, the members shall have the same protection and immunity as a Judge of the Supreme Court.

45A Board not to be bound by rules of evidence

In conducting a hearing under this Division, the Board shall make a thorough investigation without regard to legal forms and solemnities and shall not be bound by the rules of evidence, but may inform itself on a relevant matter in such manner as it thinks fit.

45B Access to books, &c.

- (1) A member or a person authorized in that behalf by the Chairman shall at all times have full and free access to all buildings, places, goods, books, documents and other papers for the purposes of an inquiry and for that purpose may make extracts from, copies of, or take photographs of any such buildings, places, goods, books, documents or papers.

- (2) A person so authorized shall not communicate information acquired by him in the performance of a duty under this section to another person other than a member or other person to whom he is authorized by the Board to communicate it.
- (3) A member shall not, except in the exercise of his powers or the performance of his functions under this Act, communicate information acquired by him in the exercise of those powers or the performance of those functions.
- (4) A person shall not obstruct or hinder a member or a person so authorized, in the exercise of the powers conferred by this section.

45C Power to send for witnesses and documents

- (1) The Chairman may, by writing under his hand, summon a person to attend the Board at a time and place mentioned in the summons and then and there to give evidence and to produce such books, documents and papers in his custody or control which he is required by the summons to produce.
- (2) A summons under this section shall be served personally or by leaving it, with a person who has apparently attained the age of 16 years, at the usual place of abode of the person to whom it is addressed.

45D Board may examine upon oath or affirmation

A member may administer an oath or affirmation to a person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and may examine the witness on oath or affirmation.

45E Failure to attend or produce documents

- (1) A person served with a summons to attend the Board who fails, without reasonable excuse, to attend the Board or to produce books, documents or papers in his custody or control which he is required by the summons to produce, is guilty of an offence.

Penalty: \$500.

- (2) It shall be a defence to a prosecution for an offence against subsection (1) for failing without reasonable excuse to produce books, documents or papers if the defendant proves that the books, documents or papers were not relevant to the hearing.

45F Refusal to be sworn or give evidence

A person appearing as a witness before the Board who refuses to be sworn or to make an affirmation or to answer questions relevant to the hearing put to him by a member is guilty of an offence.

Penalty: \$500.

45G Statements made by witness not admissible in evidence against him

A statement or disclosure made by a witness to the Board at a hearing under this Division shall not, except in proceedings for an offence arising under this Act, be admissible in evidence against him in any civil or criminal proceedings in a court.

45H False testimony

A witness before the Board who knowingly gives false testimony in evidence given by him to the Board is guilty of an offence.

Penalty: Imprisonment for 12 months.

45J Protection and liability of witnesses

A witness before the Board shall have the same protection and shall, in addition to the penalties provided by this Act, be subject to the same liabilities in any civil or criminal proceeding as a witness in a matter before the Supreme Court.

45K Hearing may be heard in camera

The Board may direct that the whole or a part of the proceedings of a hearing under this Division be heard in private if the Board considers that it is desirable in the public interest so to do.

45M Protection of reports or proceedings

- (1) No action or proceeding, civil or criminal, shall lie against a person for publishing in good faith for the information of the public:
 - (a) a copy of, or a fair extract from, or a fair abstract of, a report made by the Board; or
 - (b) a fair and accurate report of the proceedings before the Board, not being proceedings directed to be heard in private.

- (2) For the purposes of subsection (1), a publication is made in good faith for the information of the public if the person by whom it is made is not actuated in making it by ill-will to the person defamed or by another improper motive.

46 Right to be heard

- (1) At a hearing under this Division, the holder of the licence the subject of the hearing may appear in person or be represented by a legal practitioner or an agent.
- (2) The holder of the licence referred to in subsection (1) or the person representing him may, at a hearing under this Division, be heard, call evidence and cross examine witnesses.

Division 5 Appeals

47 Appeal

Where the Board:

- (a) refuses to issue or renew a licence; or
- (b) exercises its powers under section 42E,

the person, body or association aggrieved may, within 21 days after receiving notice of the Board's decision, appeal to the Local Court against the decision and serve a copy of all appeal papers on the Board.

48 Grounds of appeal

The grounds on which an appeal may be made under section 47 are:

- (a) that the Board acted improperly or made an error; or
- (b) that the Board acted with undue severity.

49 Jurisdiction to hear appeals

- (1) The Local Court:
- (a) shall conduct a hearing into the grounds of the Board's decision;
- (b) has all the powers, duties and functions of the Board in relation to the subject matter of the appeal; and

- (c) shall determine the appeal by:
 - (i) confirming the decision of the Board;
 - (ii) varying the decision of the Board in such manner as it thinks fit; or
 - (iii) disallowing the decision of the Board.
- (2) A determination under subsection (1)(c) shall take effect on the date specified by the Court in the determination or, if no date is so specified, on the date of that determination.

Part IV Miscellaneous

50 Registers

- (1) The Board shall maintain a register or registers in such form as it thinks fit of licences and permits issued under this Act.
- (2) Where it appears to the Board that:
 - (a) a licence was or may have been issued in error;
 - (b) a licence contains or may contain an incorrect particular; or
 - (c) it is desirable to compare a licence with the Register,the Board may, by written notice, require the holder of the licence to deliver it to the Board within 21 days.
- (3) Where a person is served with a notice under subsection (2), he shall comply with the notice.

Penalty: \$200.

50A Amendment of Register

Where the Board is satisfied that:

- (a) a licence contains an incorrect particular, the Board may, with the consent of the holder of the licence, correct the licence; or
- (b) the particulars in a licence do not accord with the particulars in the Register in relation to the holder of the licence or the licence, the Board may, with the consent of the holder of the licence, correct the licence or the register in such manner as it thinks fit.

50B Employer to maintain Register

- (1) Where a person employs the holder of a licence or permit to supervise or perform electrical work, he shall maintain a record of:
- (a) the name;
 - (b) relevant addresses;
 - (c) details of the licence or permit; and
 - (d) dates of employment,
- of that holder.
- (2) Where an authorized person requests a person who employs the holder of a licence or permit to produce that holder's record kept under subsection (1), he shall do so.

Penalty for an offence against this section: \$500.

51 Licences and permits to be returned

Where under section 42E a licence is cancelled, suspended, varied or is to be endorsed, or a permit is revoked, the holder of the licence or permit shall return the licence or permit to the Board within 7 days after the exercise of that power under section 42E or the revocation.

Penalty: \$200 and \$20 for each day during which the offence continues.

52 Copy of licence

Where the Executive Officer is satisfied that a licence or permit issued has been lost or destroyed, he may, on payment of the prescribed fee, issue a copy of that licence or permit.

53 Unlicensed workers

A person shall not supervise or perform electrical work unless:

- (a) he is the holder of a licence or permit authorizing him to supervise or perform that work and he is acting under and in accordance with the terms of that licence or permit;
- (b) he is registered and he is performing work in accordance with section 42B;
- (c) he is a person skilled in a trade in which he is engaged in the installation, maintenance or repair of electrical appliances or

plants and he does no electrical work on an electrical circuit operating at a voltage exceeding 32 volts alternating current, or 115 volts direct current, that is or may be connected to a source of supply;

- (d) he is engaged in electrical work in relation to a motor vehicle and he does no electrical work where the operating voltage exceeds 32 volts alternating current or 115 volts direct current;
- (e) he is engaged in electrical work in relation to an electrical installation and he does no electrical work where the operating voltage exceeds 32 volts alternating current or 115 volts direct current;
- (f) he is an electrical engineer supervising electrical work as part of practising his profession;
- (g) he is a student, or is engaged in training, and is performing electrical work as part of his course or training under the direct supervision of a prescribed body; or
- (h) he is a prescribed person.

Penalty: \$1,000 or imprisonment for 6 months.

54 Unlicensed contractors

A person, body or association of persons shall not carry on the business of electrical contracting unless he or it is the holder of an electrical contractor's licence issued under this Act.

Penalty: \$2,000 or imprisonment for 12 months, or both.

54A Offence to employ unlicensed person

A person, body or association of persons shall not employ or engage any person to supervise or perform electrical work unless the person employed or engaged to supervise or perform that work is the holder of a licence or permit authorizing him to supervise or perform, as the case may be, that work or he is employed as an apprentice.

Penalty: \$1,000 or imprisonment for 12 months.

55 Production of licence

- (1) A person who is supervising or performing electrical work shall, upon being required to do so by an authorized person state whether he has a licence to supervise or perform that work and produce the licence, if any.

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- (2) A person referred to in subsection (1), having been required to do so by an authorized person, shall not:
- (a) refuse to state whether he has a licence to supervise or perform that work or refuse to produce a licence, issued to him under this Act, that he does possess; or
 - (b) falsely state that he has a licence to supervise or perform that work.

Penalty: \$200 or imprisonment for 3 months.

55A Certificate

In proceedings for an offence against this Act or the Regulations, a certificate purporting to be signed by the Chairman or Executive Officer that a specified person was or was not, at a specified time, the holder of a specified licence or permit is prima facie evidence of the matter so certified.

55B Proof of certain matters

In proceedings by or against the Board, proof is not required, unless evidence is given to the contrary, of:

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

55C Service on Board of proceedings

A notice, summons, writ or other proceeding required to be served on the Board may be served by being left at the office of the Board or, in the case of a notice, by post.

55D Service of notices, &c.

Subject to section 45C(2), a notice or other document made or required under this Act to be given to or served on a person may be served:

- (a) by delivering it to the person personally; or
- (b) by sending it by pre-paid post addressed to the person at his last known place of residence or business.

55E Authentication of documents

A summons, process, demand, order, notice, statement, direction or other document requiring authentication by the Board is sufficiently authenticated without the seal of the Board where it is signed by the Chairman.

55F Offences generally

- (1) A person shall not contravene or fail to comply with this Act, the Regulations or a condition of a licence or permit.
- (2) A person who contravenes or fails to comply with this Act, the Regulations or a condition of a licence or permit for which a penalty is not provided by this Act or the Regulations, other than this section, is punishable on being found guilty by a fine of \$1,000 or imprisonment for 6 months.

55G Regulatory offences

An offence of contravening or failing to comply with section 51, 53 or 54 is a regulatory offence.

56 Regulations

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted to be prescribed or that are necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the Regulations may prescribe:
 - (a) persons to whom this Act or specified provisions of this Act do not apply; and
 - (b) circumstances in which a refund of fees paid under this Act will be made.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Electrical Workers and Contractors Ordinance 1978 (Act No. 28, 1978)

Assent date	20 June 1978
Commenced	1 July 1978 (s 2 and s 2 <i>Electricity Commission Act 1978 (Act No. 27, 1978)</i>)

Electrical Workers and Contractors Act (No. 2) 1978 (Act No. 81, 1978)

Assent date	23 August 1978
Commenced	23 August 1978

Electrical Workers and Contractors Act 1979 (Act No. 95, 1979)

Assent date	10 August 1979
Commenced	10 August 1979

Electrical Workers and Contractors Act (No. 2) 1979 (Act No. 103, 1979)

Assent date	10 September 1979
Commenced	12 October 1979 (s 2, s 2 <i>Public Service Act (No. 2) 1979 (Act No. 97, 1979)</i> and <i>Gaz G41, 12 October 1979, p 6</i>)

Remuneration (Statutory Bodies) Act 1979 (Act No. 9, 1980)

Assent date	14 January 1980
Commenced	8 February 1980 (<i>Gaz G6, 8 February 1980, p 6</i>)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983 (Act No. 47, 1983)</i> , <i>Gaz G46, 18 November 1983, p 11</i> and <i>Gaz G8, 26 February 1986, p 5</i>)

Electrical Workers and Contractors Amendment Act 1983 (Act No. 72, 1983)

Assent date	28 November 1983
Commenced	26 September 1984 (<i>Gaz G38, 26 September 1984, p 2</i>)

Statute Law Revision Act (No. 2) 1987 (Act No. 59, 1987)

Assent date 31 December 1987
Commenced 31 December 1987

Local Court (Consequential Amendments) Act 1989 (Act No. 14, 1989)

Assent date 5 June 1989
Commenced s 6: 5 June 1989; rem: 1 January 1991 (s 2, s 2 *Small Claims Amendment Act 1988* (Act No. 43, 1988), *Gaz G17*, 3 May 1989, p 2, s 2 *Local Court Act 1989* (Act No. 31, 1989) and *Gaz G49*, 12 December 1990, p 2)

Statute Law Revision Act 1993 (Act No. 6, 1993)

Assent date 18 March 1993
Commenced 18 March 1993

Statute Law Revision Act 1994 (Act No. 50, 1994)

Assent date 20 September 1994
Commenced 20 September 1994

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date 19 April 1996
Commenced s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

Statute Law Revision Act 1997 (Act No. 17, 1997)

Assent date 11 April 1997
Commenced s 16: 10 December 1997 (s 2, s 2 *Meat Industries Act 1996* (Act No. 54, 1996) and *Gaz G49*, 10 December 1997, p 3); rem: 1 May 1997 (*Gaz G17*, 30 April 1997, p 2)

Mining Management (Consequential Amendments) Act 2001 (Act No. 42, 2001)

Assent date 19 July 2001
Commenced 1 January 2002 (s 2, s 2 *Mining Management Act 2001* (Act No. 43, 2001) and *Gaz G46*, 21 November 2001, p 2)

Statute Law Revision Act (No. 2) 2002 (Act No. 59, 2002)

Assent date 7 November 2002
Commenced 7 November 2002

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 35 *Electrical Workers and Contractors Amendment Act 1983* (Act No. 73, 1983)

4 LIST OF AMENDMENTS

It amd No. 72, 1983, s 34
ss 1 – 3 amd No. 72, 1983, s 34
s 4 sub No. 72, 1983, s 4
amd No. 59, 1987, s 5; No. 50, 1994, s 16
ss 5 – 6 amd No. 72, 1983, s 34
s 6A ins No. 95, 1979, s 3
s 6B ins No. 95, 1979, s 3
amd No. 72, 1983, s 34
s 7 amd No. 103, 1979, s 4; No. 72, 1983, s 5

s 8	amd No. 72, 1983, s 34
s 9	amd No. 103, 1979, s 5; No. 72, 1983, s 34; No. 59, 1987, s 5
s 11	amd No. 72, 1983, s 6
s 12	amd No. 103, 1979, s 5 rep No. 9, 1980, s 6
s 13	amd No. 72, 1983, s 7
s 15	sub No. 72, 1983, s 8 amd No. 59, 1987, s 5
s 17	amd No. 72, 1983, s 9; No. 59, 1987, s 5; No. 50, 1994, s 16
s 17A	ins No. 72, 1983, s 10 amd No. 59, 1987, s 5; No. 50, 1994, s 16; No. 17, 1997, s 7
s 17B	ins No. 72, 1983, s 10
s 17C	ins No. 72, 1983, s 10 amd No. 59, 1987, s 5; No. 50, 1994, s 16; No. 17, 1997, s 7
pt III	
div 1 hdg	sub No. 72, 1983, s 11
ss 18 – 19	sub No. 72, 1983, s 11
s 20	rep No. 72, 1983, s 11
s 21	amd No. 72, 1983, s 12
s 22	amd No. 72, 1983, s 13
s 23	amd No. 72, 1983, s 14
ss 24 – 25	sub No. 72, 1983, s 15
ss 26 – 27	amd No. 72, 1983, s 34
pt III	
div 2 hdg	sub No. 72, 1983, s 16
ss 28 – 32	amd No. 72, 1983, s 34
s 32A	ins No. 72, 1983, s 17
s 33	amd No. 81, 1978, s 3; No. 72, 1983, s 18
s 34	amd No. 72, 1983, s 34
s 36	amd No. 72, 1983, s 19
s 37	sub No. 81, 1978, s 4; No. 72, 1983, s 20
s 38	sub No. 72, 1983, s 20
s 38A	ins No. 81, 1978, s 5 rep No. 72, 1983, s 20
s 39	rep No. 72, 1983, s 20
ss 40 – 41	amd No. 72, 1983, s 34
s 42	amd No. 72, 1983, s 34; No. 59, 1987, s 55
pt III	
div 3A hdg	ins No. 72, 1983, s 21
s 42A	ins No. 72, 1983, s 21 amd No. 59, 1987, s 5
s 42B	ins No. 72, 1983, s 21
ss 42C – 42E	ins No. 72, 1983, s 22
s 43	amd No. 72, 1983, s 23; No. 59, 1987, s 5; No. 6, 1993, s 8; No. 42, 2001, s 5
ss 44 – 45	sub No. 72, 1983, s 24
ss 45A – 45M	ins No. 72, 1983, s 24
s 46	sub No. 72, 1983, s 24
s 47	amd No. 72, 1983, s 25; No. 14, 1989, s 7
s 49	sub No. 72, 1983, s 26 amd No. 14, 1989, s 7
s 50	amd No. 72, 1983, s 27
ss 50A – 50B	ins No. 72, 1983, s 28
s 51	sub No. 72, 1983, s 28
s 52	amd No. 72, 1983, s 34
s 53	sub No. 72, 1983, s 29
s 54	amd No. 72, 1983, s 30
s 54A	ins No. 95, 1979, s 4 amd No. 72, 1983, s 34

ENDNOTES

s 55	amd No. 95, 1979, s 5; No. 72, 1983, s 31
ss 55A – 55E	ins No. 72, 1983, s 32
s 55F	ins No. 72, 1983, s 32 amd No. 17, 1996, s 6
s 55G	ins No. 68, 1983, s 113 renum No. 59, 2002, s 5
s 56	amd No. 72, 1983, s 33