



NORTHERN TERRITORY OF AUSTRALIA

No. 72 of 1983

AN ACT

To amend the *Electrical Workers and Contractors Act*

[Assented to 28 November 1983]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Electrical Workers and Contractors Amendment Act 1983*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Electrical Workers and Contractors Act* is in this Act referred to as the Principal Act.

4. REPEAL AND SUBSTITUTION

Section 4 of the Principal Act is repealed and the following substituted:

"4. DEFINITIONS

"In this Act, unless the contrary intention appears -

'approved' means approved by the Board;

'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;

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'Chairman' means the Chairman of the Board;

'Commission' means the Northern Territory Electricity Commission established by the *Electricity Commission Act*;

'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 Commission or the holder of a licence under the *Electricity Commission 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;

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'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 Commission 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 *Electricity Commission Act*;

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

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'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 within the meaning of the *Electricity Commission 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. COMPOSITION OF BOARD

Section 7(1) of the Principal Act is amended -

(a) by omitting paragraphs (a) and (b) and substituting the following:

"(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 fitters 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"; and

(b) by omitting from paragraphs (c) and (e) "wiring".

6. DISMISSAL

Section 11 of the Principal Act is amended by omitting sub-section (2) and substituting the following:

"(2) Where a member -

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- (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."

7. DEPUTIES OF MEMBERS

Section 13 of the Principal Act is amended -

- (a) by omitting sub-section (2); and
- (b) by adding at the end the following:

"(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."

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8. REPEAL AND SUBSTITUTION

Section 15 of the Principal Act is repealed and the following substituted:

"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 sub-section (1), he shall request the Board and the Commission jointly to nominate a person for the position of Executive Officer.

"(3) Where the Minister makes a request under sub-section (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 sub-section (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."

9. MEETINGS

Section 17 of the Principal Act is amended -

(a) by inserting in sub-section (1)(a) before "the Chairman" the words "subject to section 16,";

(b) by omitting from sub-section (1)(c) "casting vote;" and substituting "casting vote; and";

(c) by omitting sub-section (1)(d);

(d) by omitting from sub-section (1)(e) "Ordinance" and substituting "Act"; and

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- (e) by omitting sub-section (2) and substituting the following:

"(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 Commission."

10. NEW SECTIONS

The Principal Act is amended by inserting in Part II, after section 17, the following:

"17A. ANNUAL REPORT

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

"(2) Where the Commission receives a report under sub-section (1), it shall forward the report to the Minister as soon as practicable.

"(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;

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- (c) co-operate with the Commission 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; and
- (e) consider matters referred to it by the Commission and to report to the Commission on those matters."

11. REPEAL AND SUBSTITUTION

The heading of Division 1 of Part III, and sections 18, 19 and 20, of the Principal Act are repealed and the following substituted:

"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 sub-section (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,

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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 sub-section (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."

12. LODGING OF APPLICATION

Section 21 of the Principal Act is amended -

(a) by omitting "mechanic's" (twice occurring) and substituting "worker's";

(b) by omitting "wiring" (wherever occurring);

(c) by omitting from sub-section (1)(e) "to carry out" and substituting "in relation to"; and

(d) by inserting after sub-section (1) the following:

"(1A) An application under sub-section (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."

13. ISSUE OF LICENCES

Section 22 of the Principal Act is amended by omitting -

(a) from sub-section (1) -

(i) "for an electrical mechanic's licence" and substituting "under section 21"; and

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- (ii) "to hold the licence" and substituting "to hold an electrical worker's licence endorsed with the trade classification and grading";
- (b) sub-section (2)(a) and substituting the following:
 - "(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"; and
- (c) sub-sections 3 and 4 and substituting the following:

"(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."

14. TERM OF LICENCE

Section 23 of the Principal Act is amended by omitting -

- (a) from sub-section (1) -
 - (i) "mechanic's licence," and substituting "worker's licence endorsed as"; and
 - (ii) "Ordinance" and substituting "Act";
- (b) from sub-section (2) -
 - (i) "mechanic's licence" and substituting "worker's licence endorsed as"; and
 - (ii) "Ordinance" and substituting "Act"; and
- (c) sub-sections (3) and (4) and substituting the following:

"(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."

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15. REPEAL AND SUBSTITUTION

Sections 24 and 25 of the Principal Act are repealed and the following substituted:

"24. FORM AND EFFECT OF LICENCE

"(1) Subject to sub-section (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."

16. DIVISION HEADING

The Principal Act is amended by omitting the heading of Division 2 of Part III and substituting the following:

"Division 2 - Permits for Electrical Work".

17. NEW SECTION

The Principal Act is amended by inserting in Division 3 of Part III, before section 33, the following:

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"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."

18. APPLICATIONS

Section 33 of the Principal Act is amended -

(a) by omitting sub-section (1)(a) and substituting the following:

"(a) has been the holder of an electrical worker's licence for not less than 2 years;"

(b) by omitting from sub-section (1)(b) -

(i) "carrying out" (twice occurring) and substituting "performing";

(ii) "wiring" and substituting "installation"; and

(iii) "contractor." and substituting "contractor; and";

(c) by adding at the end of sub-section (1) the following:

"(c) where the Board so requires, passes a test set or approved by the Board."; and

(d) by omitting from sub-section (2)(b) all words after "employees" and substituting the following:

"in the Territory is a natural person who would be qualified under sub-section (1) to be the holder of an electrical contractor's licence in his own right."

19. TERM OF LICENCE

Section 36 of the Principal Act is amended by omitting -

(a) from sub-section (1) "Ordinance, for one year." and substituting "Act, until the end of the financial year in which it is granted.";

(b) from sub-section (2) "mechanic's licence grade A" (twice occurring) and substituting "worker's licence";

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- (c) from sub-section (3) -
 - (i) "Northern";
 - (ii) "mechanic's" (first occurring) and substituting "worker's";
 - (iii) "mechanic's licence grade A" (twice occurring) and substituting "worker's licence"; and
 - (iv) "on the body." and substituting "on the body and that person is approved."; and
- (d) from sub-section (4) "Ordinance" and substituting "Act".

20. REPEAL AND SUBSTITUTION

Sections 37, 38, 38A and 39 of the Principal Act are repealed and the following substituted:

"37. FORM AND EFFECT OF LICENCE

"(1) Subject to sub-section (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

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(b) the prescribed fee."

21. NEW DIVISION

The Principal Act is amended by inserting in Division 3 of Part III, after section 42, the following:

"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 *Vocational Training Commission 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."

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22. NEW SECTIONS

The Principal Act is amended by inserting in Division 4 of Part III, before section 43, the following:

"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 -

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- (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."

23. GROUNDS FOR SUSPENSION, CANCELLATION, &c.

Section 43 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "suspend or cancel an electrical mechanic's licence" and substituting "exercise its powers under section 42E in relation to an electrical worker's licence";
- (b) by omitting sub-sections (1)(b) and (c) and substituting the following:
 - "(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 *Electricity Commission Act* or the *Mines Safety Control Act* or other rule of good practice relating to electrical work;

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- (c) that the holder or a person working under his direct or general supervision has made a false or misleading statement to the Commission or a person employed in the service of the Commission in relation to electrical work or an electrical installation;"
- (c) by omitting from sub-section (1)(d) "direct supervision; or" and substituting "supervision, as prescribed;"
- (d) by omitting sub-section (1)(e) and substituting the following:
 - "(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 Commission or an authorized person;
- (h) that the holder has failed to submit documents required to be submitted under the *Electricity Commission 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.";
- (e) by omitting from sub-section (2) "suspend or cancel an electrical contractor's licence" and substituting "exercise its powers under section 42E in relation to an electrical contractor's licence";
- (f) by omitting from sub-section (2)(b) "wiring work; or" and substituting "installation work;"; and
- (g) by omitting sub-section (2)(c) and substituting the following:
 - "(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;

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- (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 Commission or an authorized person;
- (f) that the holder or his employees have failed to submit documents required to be submitted under the *Electricity Commission 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."

24. REPEAL AND SUBSTITUTION

Sections 44, 45 and 46 of the Principal Act are repealed and the following substituted:

"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 sub-section (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.

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"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.

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"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 sub-section (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.

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"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 sub-section (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 sub-section (1) or the person representing him may, at a hearing under this Division, be heard, call evidence and cross examine witnesses."

25. APPEAL

Section 47 of the Principal Act is amended -

- (a) by omitting from paragraph (a) "under this Ordinance";
- (b) by omitting paragraph (b) and substituting the following:

"(b) exercises its powers under section 42E,"; and
- (c) by omitting "lodge an appeal to a Local Court" and substituting "appeal to a Local Court against the decision and serve a copy of all appeal papers on the Board".

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26. REPEAL AND SUBSTITUTION

Section 49 of the Principal Act is repealed and the following substituted:

"49. JURISDICTION TO HEAR APPEALS

"(1) The Local Court to which an appeal under section 47 has been made -

- (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 sub-section (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."

27. REGISTERS

Section 50 of the Principal Act is amended -

- (a) by omitting "Ordinance" and substituting "Act"; and
- (b) by adding at the end the following:

"(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 sub-section (2), he shall comply with the notice.

Penalty: \$200."

Electrical Workers and Contractors Amendment

28. REPEAL AND SUBSTITUTION

Section 51 of the Principal Act is repealed and the following substituted:

"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 sub-section (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."

Electrical Workers and Contractors Amendment

29. REPEAL AND SUBSTITUTION

Section 53 of the Principal Act is repealed and the following substituted:

"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."

Electrical Workers and Contractors Amendment

30. UNLICENSED CONTRACTORS

Section 54 of the Principal Act is amended by omitting -

- (a) "an electrical contractor" and substituting "electrical contracting";
- (b) "Ordinance" and substituting "Act"; and
- (c) "2,000 dollars" and substituting "\$2,000".

31. PRODUCTION OF LICENCE

Section 55 of the Principal Act is amended by omitting -

- (a) from sub-section (1) -
 - (i) "carrying out electrical wiring" and substituting "supervising or performing electrical";
 - (ii) "inspector appointed under the *Electricity Commission Ordinance*" and substituting "authorized person;" and
 - (iii) "carry out" and substituting "supervise or perform"; and
- (b) from sub-section (2) -
 - (i) "inspector" and substituting "authorized person"; and
 - (ii) "carry out" (twice occurring) and substituting "supervise or perform".

32. NEW SECTIONS

The Principal Act is amended by inserting after section 55 the following:

"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 -

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- (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 conviction by a fine of \$1,000 or imprisonment for 6 months."

33. REGULATIONS

Section 56 of the Principal Act is amended -

- (a) by omitting "Ordinance" (twice occurring) and substituting "Act"; and

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(b) by adding at the end the following:

"(2) Without limiting the generality of sub-section (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."

34. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

35. TRANSITIONAL

(1) Notwithstanding the amendment by this Act of section 7 of the Principal Act, the members of the Board holding office immediately before the commencement of this Act shall continue to hold office as the members of the Board after that commencement as if they were appointed as members on that commencement for the remainder of the terms of their respective appointments under the Principal Act.

(2) Where immediately before the commencement of this Act a person held an electrical mechanic's licence under the Principal Act as then in force, he shall, on and after that commencement, be deemed to hold an electrical worker's licence granted on that commencement on the same conditions to which the electrical mechanic's licence was subject under the Principal Act and, subject to Divisions 4 and 5 of Part III of the Principal Act as amended by this Act, to continue to be so licensed -

- (a) until and including 31 December 1983; or
- (b) where before that date he applies for the renewal of the licence - until a new licence is granted in pursuance of sub-section (3) or the application is refused,

whichever is the later.

(3) Where a person was the holder of an electrical mechanic's licence immediately before the commencement of this Act and after that commencement but before 1 January 1984 he applies for a renewal of his licence, that application shall be treated as an application for the renewal of an electrical worker's licence endorsed with the trade classification and grading which, in the opinion of the Board, is appropriate.

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(4) Where immediately before the commencement of this Act a person held an electrical contractor's licence under the Principal Act as then in force, he shall continue to hold that licence subject to the same conditions to which it was subject under the Principal Act as if this Act had never commenced and notwithstanding the term for which the licence was granted, but subject to Divisions 4 and 5 of Part III of the Principal Act as amended by this Act, the licence shall remain in force until and including 30 June 1984.

(5) An application under section 21 or 29 of the Principal Act made before the commencement of this Act, but in relation to which a licence was not issued or refused before that commencement, shall be treated as an application under section 21 or 29, as the case may be, of the Principal Act as amended by this Act except that no further fee in relation to the application is required to be paid.

(6) Subject to sub-section (7), sections 53 and 54 of the Principal Act as amended by this Act shall not, until 1 January 1984, apply to or in relation to a person who was, immediately before the commencement of this Act, carrying on the business of, or engaged in supervising or performing, electrical appliance repairs.

(7) Where before 1 January 1984 a person referred to in sub-section (6) applies for an electrical worker's licence, sections 53 and 54 of the Principal Act as amended by this Act do not apply to or in relation to that person until -

- (a) the Board grants the licence or, if it refuses to grant the licence, the expiration of 21 days after he receives notice of the Board's decision; or
- (b) where the Board refuses to grant the licence and the applicant has appealed to the Local Court against the decision - the expiration of 28 days after the determination by the Court of the appeal.

(8) Where under sub-section (6) or (7) a person may carry on the business of, or be engaged in supervising or performing, electrical appliance repairs without being the holder of a licence for that activity, another person may employ him to undertake such work as if the first-mentioned person were the holder of a licence for that activity.

(9) A provision of this Act or the Regulations that is expressed to apply to and in relation to the holder of an electrical worker's licence applies with the necessary charges on and after the commencement of this Act to and

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in relation to a person permitted under sub-section (6) or (7) to carry on the business of, or engaged in supervising or performing, electrical appliance repairs in the same manner as the provision would have applied to or in relation to him in that period if he had been granted and issued with such a licence on the commencement of this Act.

(10) For the purpose of calculating the period under section 33(1)(a) of the Principal Act as amended by this Act, any period before the commencement of this Act during which a person held an electrical mechanic's licence under the Principal Act shall be deemed to be a period during which he held an electrical worker's licence.

SCHEDULE

Section 34

Provision	Amendment	
	omit	substitute
Section 2	"Ordinance"	"Act"
	" <i>Electricity Commission Ordinance</i> "	" <i>Electricity Commission Act</i> "
Section 6B	"of the Board"	
Section 8(1)	"this section"	"section 7 and this section"
Section 8(2)(b)	"mechanic's licence grade A"	"worker's licence endorsed as electrical mechanic grade A or electrical fitter grade A"
Section 26	"mechanic's" (wherever occurring)	"worker's"
	"wiring"	
Section 27	"mechanic's licence has"	"worker's licence has"
	"Ordinance"	"Act"
	"mechanic's licence grade R"	"worker's licence endorsed as grade R"

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SCHEDULE - continued

Provision	Amendment
	<div>omit</div> <div>substitute</div>
Section 28	<div>"carry out specified electrical wiring"</div> <div>"supervise or perform specified electrical"</div>
Section 29	<div>"carry out electrical wiring"</div> <div>"supervise or perform electrical"</div>
Section 30	<div>"carry out" (wherever occurring)</div> <div>"supervise or perform"</div>
	<div>"wiring" (twice occurring)</div>
Section 31	<div>"carry out electrical wiring" (twice occurring)</div> <div>"supervise or perform electrical"</div>
Section 32	<div>"carry out specified electrical wiring"</div> <div>"supervise or perform specified electrical"</div>
Section 34 (2)(d)(ii)	<div>"mechanic's licence and his position in or on the body"</div> <div>"worker's licence and his position in or on the body or association"</div>
Section 40	<div>"made"</div>
Section 42	<div>"Ordinance" (twice occurring)</div> <div>"Act"</div>
	<div>"carry out electrical wiring"</div> <div>"supervise or perform electrical"</div>
Section 52	<div>"under this Ordinance"</div>
Section 54A	<div>"carry out any electrical wiring"</div> <div>"supervise or perform electrical"</div>
	<div>"perform"</div> <div>"supervise or perform"</div>
	<div>"issued under this Act"</div>
	<div>"carry out that work."</div> <div>"supervise or perform, as the case may be, that work or he is employed as an apprentice."</div>

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Long Title and sections 1, 3 (wherever occurring), 5, 6, 9 (twice occurring), and 41	"Ordinance"	"Act"