

Serial 162

Electrical Workers and Contractors Amendment Bill 2003

Mr Vatskalis

**A BILL
for
AN ACT**

to amend the *Electrical Workers and Contractors Act*

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NORTHERN TERRITORY OF AUSTRALIA
ELECTRICAL WORKERS AND CONTRACTORS AMENDMENT ACT 2003

No. of 2003

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2003

AN ACT

to amend the *Electrical Workers and Contractors Act*

[Assented to 2003]
[Second reading 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Electrical Workers and Contractors Amendment Act 2003*.

2. Commencement

This Act comes into operation on the date 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

Section 3 of the Principal Act is repealed.

5. Definitions

Section 4 of the Principal Act is amended –

- (a) by omitting the definitions of "Authority" and "authorized person" and substituting the following:

" 'authorized person' means –

- (a) an authorised officer appointed under the *Electricity Reform Act*; or
 - (b) for a power or function delegated under section 17B, the delegate;";
- (b) by omitting the definition of "electrical cable jointer";
- (c) by omitting "35" from the definition of "electrical contractor's licence" and substituting "34";
- (d) by omitting the definition of "electrical fitter";
- (e) by omitting "the Authority or a licensee under the *Electricity Act*" from the definition of "electrical installation" and substituting "an electricity entity";
- (f) by omitting the definitions of "electrical linesman" and "electrical mechanic";
- (g) by omitting "the Authority" from the definition of "electrical work" and substituting "an electricity entity";
- (h) by omitting the definition of "electrical worker";
- (i) by omitting "22" from the definition of "electrical worker's licence" and substituting "20";
- (j) by inserting after the definition of "electrical worker's licence" the following:

" 'electrician unrestricted' means a person who holds an electrical worker's licence endorsed with the trade classification electrician and the grading unrestricted;

'electricity entity' has the same meaning as in the *Electricity Reform Act*;

'electricity safety regulator' has the same meaning as in the *Electricity Reform Act*;";

- (k) by omitting the definition of "inspector";

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- (l) by inserting after the definition of "permit" the following:

" 'reciprocating jurisdiction' means a State or another Territory of the Commonwealth or New Zealand;"
- (m) by omitting "42A(1)." from the definition of "registered" and substituting "42A(1)."; and
- (n) by inserting after the definition of "registered" the following:

" 'tradesman's certificate' means –

 - (a) a tradesman's certificate issued under the *Tradesmen's Rights Regulation Act 1946* of the Commonwealth; or
 - (b) another document issued under that Act stating the holder of the document would be eligible to hold a tradesmen's certificate if certain residency requirements were met or the holder was not a member of the Defence Forces of Australia."

6. Endorsement of licences

Section 18 of the Principal Act is amended –

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

"(1) An electrical worker's licence must be endorsed with –

 - (a) one of the following trade classifications:
 - (i) electrician;
 - (ii) a prescribed trade classification; and
 - (b) for each endorsed trade classification, one of the following gradings:
 - (i) unrestricted;
 - (ii) supervised;
 - (iii) restricted.

"(1A) However, on and after the commencement of this section, the Board must not endorse an electrical worker's licence with the grading supervised other than on an application for renewal of the licence."; and

(b) by omitting subsection (3)(b) and substituting the following:

"(b) is nominated in an application for an electrical contractor's licence mentioned in section 34(3)(b) as a member or employee of the applicant who is qualified to be the holder of an electrical contractor's licence because the person is the holder of the licence and the application is granted,".

7. Repeal and substitution

Sections 19 to 22 (inclusive) of the Principal Act are repealed and the following substituted:

"19. Application for licence

"(1) An application for an electrical worker's licence must –

- (a) be made to the Board in the approved form;
- (b) be accompanied by sufficient documents and information to enable the Board to decide the application, including the documents and information specified in the approved form; and
- (c) be accompanied by the prescribed fee.

"(2) The Board may require a document or information that is required to accompany the application be made or verified by statutory declaration.

"20. Deciding application for licence

"(1) On receipt of the application, the Board –

- (a) may make the inquiries regarding the qualifications, experience and competence of the applicant it considers appropriate; and
- (b) must either grant or refuse to grant the application.

"(2) The Board may grant the application only if satisfied the applicant is, under section 21, a suitable person to hold an electrical worker's licence endorsed with the trade classification and grading applied for.

"(3) If the Board decides to grant the application, it must promptly issue and send to the applicant a licence endorsed with the trade classification and grading applied for.

"(4) If the licence is endorsed as restricted –

- (a) the Board must endorse on it the class or type of electrical work the holder is licensed to supervise or perform; and

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- (b) the Board may endorse on it the further conditions it considers appropriate.

"(5) If the Board decides to refuse to grant the application for a licence endorsed with the trade classification or grading applied for, it may issue to the applicant a licence endorsed with another trade classification or grading it considers appropriate.

"(6) If the Board decides to refuse to grant the application (whether or not it issues a licence under subsection (5)), it must promptly give the applicant written notice of the decision.

"(7) The notice must state the following:

- (a) the decision;
- (b) the reasons for the decision;
- (c) the person given the notice may apply for a review of the decision to the Local Court within 21 days after receipt of the notice.

"21. Suitability of persons to hold licence

"(1) For section 20(2), an applicant is a suitable person to hold an electrical worker's licence endorsed with the trade classification electrician and grading unrestricted or restricted only if –

- (a) the applicant has successfully completed the academic course or courses, and the practical training, approved by the Board appropriate to the applicant;
- (b) the applicant is the holder, or entitled to be the holder, of a licence or other document issued in a reciprocating jurisdiction that is equivalent to a licence endorsed as electrician unrestricted or restricted, as the case requires;
- (c) the applicant –
 - (i) is the holder of a tradesman's certificate;
 - (ii) has, if the Board considers it appropriate, successfully completed an examination conducted or approved by the Board; and
 - (iii) has sufficient knowledge of the trade of an electrician unrestricted or restricted, as the case requires; or
- (d) the applicant has another qualification and experience that, in the Board's assessment, are a sufficient basis to issue the licence.

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"(2) For section 20(2), an applicant is a suitable person to hold an electrical worker's licence endorsed with a prescribed trade classification and a grading only if the person has the prescribed qualifications and experience for the trade classification and grading."

8. Term of licence

Section 23 of the Principal Act is amended –

- (a) by omitting from subsection (1) "grade A or grade B" and substituting "unrestricted or supervised";
- (b) by omitting from subsection (2) "grade R" and substituting "restricted"; and
- (c) by omitting subsections (3) and (4) and substituting the following:

"(3) An electrical worker's licence endorsed as supervised or restricted in a trade classification ceases to have effect if the holder becomes the holder of an electrical worker's licence endorsed as unrestricted in the same classification."

9. Repeal and substitution

Sections 32A to 35 (inclusive) of the Principal Act are repealed and the following substituted:

"32A. Definition

"In this Division –

'electrical worker's licence' means an electrical worker's licence endorsed with the trade classification electrician and the grading unrestricted.

"33. Application for licence

"(1) An application for an electrical contractor's licence must –

- (a) be made to the Board in the approved form;
- (b) be accompanied by sufficient documents and information to enable the Board to decide the application, including the documents and information specified in the approved form; and
- (c) be accompanied by the prescribed fee.

"(2) The Board may require a document or information that is required to accompany the application be made or verified by statutory declaration.

"34. Deciding application for licence

"(1) On receipt of the application, the Board –

- (a) may make the inquiries regarding the qualifications, experience and competence of the applicant as it considers appropriate; and
- (b) must either grant or refuse to grant the application.

"(2) In deciding if the applicant is a suitable person, the Board must consider whether the applicant –

- (a) previously held an electrical contractor's licence;
- (b) holds, or previously held, a document equivalent to an electrical contractor's licence in a reciprocating jurisdiction; and
- (c) is or has been subject to disciplinary action within or outside the Territory for conduct as an electrical contractor, electrician or other similar capacity.

"(3) The Board may grant the application only if satisfied –

- (a) for an application by a natural person –
 - (i) the applicant is the holder of an electrical worker's licence;
 - (ii) the applicant has successfully completed the academic course or courses approved by the Board as appropriate to the applicant; and
 - (iii) the applicant is competent to –
 - (A) assess the scope and technical requirements of electrical work under a contract;
 - (B) determine the skills and resources necessary to carry out the work; and
 - (C) put in place appropriate arrangements for carrying out the work properly and safely in compliance with this Act and the *Electricity Reform Act*; or
- (b) for another applicant –
 - (i) it is empowered under its constitution or other governing rules (however described) to carry on business as an electrical contractor; and

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- (ii) at least one of its members or employees in the Territory is qualified under paragraph (a) to hold an electrical contractor's licence.

"(4) If the Board decides to grant the application, it must promptly issue and send to the applicant an electrical contractor's licence.

"(5) If the Board decides to refuse to grant the application, it must promptly give the applicant written notice of the decision stating the following:

- (a) the decision;
- (b) the reasons for the decision;
- (c) the person given the notice may apply for a review of the decision to the Local Court within 21 days after receipt of the notice.

10. Repeal

Section 42 of the Principal Act is repealed.

11. Unlicensed workers

Section 53 of the Principal Act is amended –

- (a) by omitting from paragraphs (c), (d) and (e) "32 volts" and substituting "50 volts";
- (b) by omitting from paragraphs (c), (d) and (e) "115 volts" and substituting "120 volts ripple-free"; and
- (c) by omitting paragraph (h) and substituting the following:
 - "(h) the person is a trained electrical worker engaged in supervising or performing the actual electrical work of –
 - (i) constructing or maintaining overhead electric lines, including street lighting connected to overhead electric lines; or
 - (ii) installing, jointing or terminating covered cables;
 - (i) the person is a trained technical worker engaged in work in the aviation or telecommunications industry;
 - (j) the person is engaged in work on a communications or computer system, or radio or television transmitter or receiver, but not including an electricity supply circuit to it where the operating voltage exceeds 50 volts alternating current or 120 volts ripple-free direct current; or

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- (k) the person is a prescribed person."

12. Further amendments

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

13. Transitional provisions

(1) If, immediately before the commencement of this Act, the Board had not decided an application for a licence under the Principal Act, that Act as amended by this Act applies to the application.

(2) A person who, immediately before the commencement of this Act, was the holder of an electrical worker's licence endorsed with the trade classification electrical mechanic and the grading grade A is taken to be the holder of an electrical worker's licence with the trade classification electrician and the grading unrestricted.

(3) A person who, immediately before the commencement of this Act, was the holder of an electrical worker's licence endorsed with the trade classification electrical mechanic and the grading grade B is taken to be the holder of an electrical worker's licence with the trade classification electrician and the grading supervised.

(4) A person who, immediately before the commencement of this Act, was the holder of an electrical worker's licence endorsed with the trade classification electrical fitter and the grading grade A or B is taken to be the holder of an electrical worker's licence with the trade classification electrician and the grading restricted.

(5) A person who, immediately before the commencement of this Act, was the holder of an electrical worker's licence endorsed with the trade classification refrigeration mechanic or instrument fitter and the grading grade R is taken to be the holder of an electrical worker's licence with the trade classification electrician and the grading restricted.

SCHEDULE

Section 12

Provision	Amendment	
	omit	substitute
Section 7(1)(a)	electrical mechanic's grade A licence or electrical fitter's grade A licence; and	electrician unrestricted;
Section 7(1)(b)	electrical mechanic's grade A licence or electrical fitter's grade A licence	electrician unrestricted
Section 7(1)(c)	apprenticeship training for apprentice electrical workers	training for workers in the electrical industry
Section 7(1)(e)	electrical workers	holders of electrical worker's licences
Section 8(2)(b)	electrical mechanic grade A or electrical fitter grade A	electrician unrestricted
Section 15(2)	Authority	electricity safety regulator
Section 17(2)	22, 26, 30, 35	20, 26, 30, 34
Section 17C(b)	apprenticeship training for apprenticed electrical workers	training for workers in the electrical industry
Section 17C(c) and (f)	Authority (all references)	electricity safety regulator
Sections 24(1)(a) and 25(a)	prescribed	approved

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Section 26(1)(a)	the whole paragraph	(a) that, having regard to the applicant's conduct and competence, the applicant is no longer a suitable person to hold a licence; or
Section 27	grade R	restricted
Section 30(1)(b)	the whole paragraph	(b) that, having regard to the applicant's qualifications, experience and competence, the applicant is a suitable person to hold a permit.
Sections 37(1)(a) and 38(a)	prescribed	approved
Section 40	the applicant is not a fit and proper	, having regard to the applicant's conduct and competence, the applicant is no longer a suitable
Section 43(1)(b)	, the <i>Power and Water Authority Act</i> or the <i>Mining Management Act</i>	or the <i>Electricity Reform Act</i>
Section 43(1)(c) and (g)	Authority (all references)	electricity safety regulator
Section 43(1)(h)	<i>Power and Water Authority Act</i>	<i>Electricity Reform Act</i>
Section 43(1)(m)	the holder is no longer a fit and proper	, having regard to the holder's conduct and competence, the holder is no longer a suitable

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Section 43(2)(b)	the whole paragraph	(b) that the holder has not ensured, or is not in a position to ensure, work carried out under the licence is properly and adequately managed or supervised;
Section 43(2)(e)	Authority	electricity safety regulator
Section 43(2)(f)	<i>Power and Water Authority Act</i>	<i>Electricity Reform Act</i>
Section 43(2)(k)	the holder is no longer a fit and proper	, having regard to the holder's conduct and competence, the Board is satisfied the holder is no longer a suitable
