



Australian Capital Territory

# **Electricity Safety Act 1971      No 30**

## **Republication No 6**

Republication date: 29 May 2002

Last amendment made by Act 2002 No 11

Amendments incorporated to 28 May 2002

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Electricity Safety Act 1971* as in force on 29 May 2002. It includes any amendment, repeal or expiry affecting the republished law to 28 May 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
28 May 2002



Australian Capital Territory

# Electricity Safety Act 1971

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Amendments incorporated to  
28 May 2002



Australian Capital Territory

# Electricity Safety Act 1971

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An Act relating to the safe use of electricity, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Electricity Safety Act 1971*.

### 3 Interpretation for Act

(1) In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

*article of electrical equipment* means—

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

*board* means the Electrical Licensing Board established by section 4.

*chairperson* means the chairperson of the board.

*deputy chairperson* means the deputy chairperson of the board.

*electrical contractor's licence* means an electrical contractor's licence granted under part 5 that is in force.

*electrical installation* means any electrical wiring or cable, or associated appliance, apparatus or fitting, used or for use in relation to the conveyance, control or use of electricity within premises, but does not include anything—

- (a) forming part of an electricity network; or

- (b) connected to and extending or situated beyond an electrical socket outlet.

***electrical wiring work*** means the actual physical work of installing, altering or repairing an electrical installation other than—

- (a) an electrical installation that operates at extra low voltage; or  
(b) telecommunications cabling or equipment that operates at a voltage not exceeding 90V alternating current.

***electrician's licence, grade A*** means an electrician's licence, grade A granted under part 5.

***electrician's licence, grade B***—see section 43.

***electricity distributor***—see the *Utilities Act 2000*, dictionary.

***electricity network***—see the *Utilities Act 2000*, section 7 (Electricity network).

***Energy and Water Act*** means the *Energy and Water Act 1988*.

***extra low voltage***—see Australian Standard 3000, 'SAA Wiring Rules' as in force from time to time.

***function***, in relation to an inspector, includes power.

***incidental electrical work*** means work carried out by a person—

- (a) that—
- (i) involves the disconnection and reconnection of an appliance, fitting or apparatus that is an electrical installation; or
  - (ii) involves the location and rectification of faults in components of an appliance, fitting or apparatus that is an electrical installation; or
  - (iii) is work included in a prescribed class of work carried out by a person engaged in a prescribed occupation; and

- (b) that occupation entails carrying out work other than electrical is incidental to the principal work of the person whose principal work.

**inspector**—see section 95 (Appointment of inspectors).

**licence** means a licence under part 5.

**member** means a member of the board.

**Mutual Recognition Act** means the *Mutual Recognition Act 1992* (Cwlth).

**occupier**, of premises, includes—

- (a) a person believed on reasonable grounds to be an occupier of the premises; and
- (b) a person apparently in charge of the premises.

**permit** means an electrician's permit, grade A or a restricted electrical permit, as the case requires.

**premises** means a building, structure or place (whether built on or not and whether enclosed or not), and includes an aircraft, a vessel and a vehicle.

**prescribed article of electrical equipment** means—

- (a) an article of electrical equipment to which a declaration under section 65 (1) applies; or
- (b) an article of electrical equipment to which an order under the *Electricity Safety Act 1945* (NSW), section 21 applies, other than an article to which a declaration under section 65 (4) applies.

**prohibited**, in relation to an article of electrical equipment—see section 82 (Prohibited articles).

**register** means the register of electrical contractors and electricians kept under section 21.

**registrar** means the registrar of electrical contractors and electricians under section 20.

**regulatory authority**, for a State or another Territory, means—

- (a) for New South Wales—the Department of Fair Trading; or
- (b) for Victoria—the Office of the Chief Electrical Inspector; or
- (c) for Queensland—the Department of Mines and Energy; or
- (d) for South Australia—the Office of Energy Policy; or
- (e) for Western Australia—the Office of Energy; or
- (f) for Tasmania—the Office of Energy Planning and Conservation; or
- (g) for the Northern Territory—the Department of Industries and Business; or
- (h) any other office or body declared by the regulations to be a regulatory authority.

**relevant standard**—

- (a) for a prescribed article of electrical equipment—means a relevant safety standard under part 7 (see s 63); and
- (b) for an article of electrical equipment to which part 8 (Non-prescribed articles of electrical equipment) applies—see section 80 (Minimum safety standards).

**restricted electrical licence** means a restricted electrical licence granted under part 5.

**sell** includes—

- (a) barter or exchange; and
- (b) let on hire; and
- (c) offer, expose or advertise for sale, barter, exchange or letting on hire.

*serious electrical accident*—see section 86 (Definitions for pt 10).

- (2) For this Act, a person carries on business as an electrical contractor if, in the course of carrying on business in the ACT, he or she carries out for other persons electrical wiring work or holds himself or herself out as being prepared to carry out for other persons electrical wiring work.
- (3) For this Act, a person whose licence or permit has been suspended shall, while the suspension is in force, be deemed not to be a person who is the holder of the licence or permit, and the licence or permit shall be deemed not to be in force while the suspension is in force.
- (4) A reference in this Act to the holder of a licence is a reference to—
  - (a) a person licensed under this Act; or
  - (b) a person to be deemed to be licensed under this Act because of the Mutual Recognition Act, section 25.
- (5) If a licence is issued in the name of a partnership, a reference in this Act to the holder of a licence is a reference to any 1 of the partners who is concerned in, or takes part in, the management of any electrical contractor's business carried on by the partnership.
- (6) A reference in this Act to being employed by the holder of an electrical contractor's licence includes a reference to being employed for the purposes of an electrical contracting business carried on by a partnership that holds an electrical contractor's licence.

## Part 2                      The Electrical Licensing Board

### 4            Establishment of board

- (1) A board called the Electrical Licensing Board is established.
- (2) The board—
  - (a) is a body corporate with perpetual succession; and
  - (b) shall have a common seal; and
  - (c) may sue and be sued in its corporate name.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the board attached to a document and shall presume that it was duly attached.

### 5            Constitution of board

- (1) The board shall consist of 5 members appointed by the Minister in writing.

*Note*      Power given under an Act to make a statutory instrument (including the appointment of a member of the board) includes power to repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) Of the members of the board—
  - (a) 1 shall be appointed after consultation by the Minister with the Electrical, Electronic, Plumbing and Allied Workers' Union; and
  - (b) 1 shall be appointed after consultation by the Minister with the National Electrical Contractors Association (ACT Chapter); and
  - (c) 1 shall be appointed after consultation by the Minister with the Canberra Institute of Technology; and
  - (d) 1 other person shall be appointed by the Minister; and

- (e) 1 must be a person nominated by the chief executive.
- (3) The Minister may appoint, in writing, deputies of the members of the board.

*Note* Power given under an Act to make a statutory instrument (including the appointment of a deputy of a member of the board) includes power to repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (4) The Minister shall not appoint a deputy of a member referred to in subsection (2) (a), (b) or (c) except after consultation with the relevant union, association or institute.
- (5) The Minister shall not appoint a person to be a member, or a deputy of a member (other than a member referred to in subsection (2) (d)) unless the person—
- (a) is eligible to hold an electrician's licence, grade A; or
  - (b) holds qualifications in electrical engineering entitling him or her to membership of the Institute of Engineers, Australia.

- (6) An appointment under this section is a notifiable instrument.

*Note 1* A notifiable instrument must be notified under the *Legislation Act 2001*.

*Note 2* The repeal of an appointment is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

## **6 Chairperson and deputy chairperson of board**

The Minister shall appoint, from the members, a chairperson and a deputy chairperson.

## **7 Term of office**

A member holds office for the period, not exceeding 3 years, specified in the instrument of appointment and is eligible for reappointment.



**8 Resignation**

A member may resign from office by signed notice of resignation and delivered to the Minister.

**9 Functions of board**

The functions of the board are—

- (a) to consider and determine applications for licences and permits referred to it under this Act; and
- (b) to advise the Minister on matters relating to the licensing of electrical contractors and electricians; and
- (c) to exercise any other functions given to the board under this or another Act.

**10 Powers of board**

The board has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

**11 Delegation**

The board may, in writing under its common seal, delegate any of its powers under this Act to the registrar.

**12 Recommendations to Minister**

- (1) The board may report to the Minister and make recommendations on any matter relating to the functions and powers of the board under this Act.
- (2) If the Minister requests advice on any matter relating to the functions and powers of the board under this Act, the board shall examine the matter and provide the Minister with a report and its recommendations in relation to the matter.

**13 Deputies**

- (1) A deputy of a member is entitled, in the event of the absence of the member from a meeting of the board, to attend that meeting and, when so attending, may exercise the voting rights of that member.
- (2) A deputy shall not preside at a meeting of the board.

**14 Staff**

The staff of the board must be public servants made available by the chief executive.

**15 Meetings of board**

- (1) The chairperson shall—
  - (a) call the meetings of the board that are necessary for the efficient conduct of its functions, being at least 4 meetings in every year; and
  - (b) on receipt of a written request signed by a majority of members of the board, call a meeting of the board.
- (2) The Minister may call a meeting of the board.
- (3) The chairperson shall preside at all meetings of the board at which he or she is present.
- (4) In the event of the absence of the chairperson from a meeting of the board, the deputy chairperson shall preside.
- (5) In the event of the absence of the chairperson and the deputy chairperson from a meeting of the board, the members present and constituting a quorum shall elect 1 of their number (other than a deputy) to preside at that meeting.

**16 Quorum**

(1) At a meeting of the board, a majority of the members of the board shall constitute a quorum.

(2) In this section:

*majority*, in relation to the board, means a majority of members calculated on the basis of the total membership of the board, including any vacancies in the membership.

**17 Voting**

(1) Subject to subsection (2), questions arising at a meeting of the board shall be determined by a majority of the votes of the members present and voting.

(2) The member presiding at a meeting of the board has a deliberative vote and, in the event of equality of voting, a casting vote.

**18 Board may determine procedure**

Subject to this Act, the board may determine the procedure to be used at a meeting of the board.

**19 Courses, examinations etc**

(1) The board may approve courses of education and training and approve and hold examinations (being written, oral or practical examinations) for this Act.

(2) The board may make arrangements for the conduct of examinations with a body that conducts courses of education or training approved under subsection (1).

*Note* A fee may be determined under s 103 (Determination of fees) for this section.

## **Part 3 The register of electrical contractors and electricians**

### **20 Registrar**

- (1) There is to be a Registrar of Electrical Contractors and Electricians.
- (2) The chief executive must create and maintain a position in the public service the duties of which include exercising the functions of the registrar.
- (3) The registrar must be a public servant for the time being exercising the functions of the public service position mentioned in subsection (2).

### **21 Register of electrical contractors and electricians**

The registrar shall keep a register called the register of electrical contractors and electricians.

### **22 Entries in register**

- (1) If the board grants a licence or permit, the registrar shall enter the following particulars in the register:
  - (a) the name of the holder of the licence or permit;
  - (b) if the holder of the licence is—
    - (i) an individual—the business name (if any) under which the person will carry on business; or
    - (ii) a body corporate—the name in which the body corporate will carry on business and the name of the member of the body corporate who holds an electrician's licence, grade A; or
    - (iii) a partnership—the name of each partner who holds an electrician's licence, grade A;

- (c) each address where the licence or permit holder carries on business in the ACT;
  - (d) if the licence or permit holder does not carry on business in the ACT—
    - (i) for an individual—his or her residential address; or
    - (ii) for a body corporate—the address of the registered office of the body corporate; or
    - (iii) for a partnership—the residential address of each of the partners;  
whether within or outside the ACT;
  - (e) the type of licence or permit granted;
  - (f) the date of grant of the licence or permit.
- (2) If a licence or permit is suspended, is cancelled or is not renewed, the registrar shall enter that fact in the register.
- (3) If a licence or permit is renewed, the registrar shall enter that fact in the register.

## Part 4                      Electrical wiring work

### 23      **Persons who may carry on business as electrical contractors**

- (1) A person, other than a body corporate, shall not carry on business as an electrical contractor unless—
- (a) the person, or for a partnership, a partner, holds an electrical contractor's licence; and
  - (b) the person, or an employee or partner of the person, holds an electrician's licence, grade A.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A body corporate shall not carry on business as an electrical contractor unless—
- (a) it holds an electrical contractor's licence; and
  - (b) a director of the body corporate or an employee of the body corporate holds an electrician's licence, grade A.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A partnership shall not carry on business as an electrical contractor unless—
- (a) the partnership holds an electrical contractor's licence; and
  - (b) a partner, or an employee of the holder of the licence referred to in paragraph (a), holds an electrician's licence, grade A.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**24 Persons who may carry out electrical wiring work**

- (1) A person shall not carry out any electrical wiring work unless the person is—
- (a) the holder of an electrician's licence, grade A; or
  - (b) the holder of an electrician's licence, grade B; or
  - (c) a person—
    - (i) who is apprenticed to; or
    - (ii) who is the holder of an electrician's permit, grade A and is employed by;  
the holder of an electrical contractor's licence and is working under the direction or supervision of—
    - (iii) the holder of an electrician's licence, grade A who is the holder, or is an employee of the holder, of the electrical contractor's licence; or
    - (iv) if the electrical wiring work is on an installation for the use of a single phase supply of electricity having a working pressure not exceeding 250V—the holder of an electrician's licence, grade B who is an employee of the holder of the electrical contractor's licence; or
  - (d) a trainee who—
    - (i) is undertaking an accredited course that includes instruction in electrical wiring work; and
    - (ii) is employed by the holder of an electrical contractor's licence; and
    - (iii) is working under the direction or supervision of the holder of an electrician's licence, grade A who is the holder, or is an employee of the holder, of the electrical contractor's licence; or

- (e) a student at a secondary college in the ACT who—
  - (i) is undertaking an accredited course that includes instruction in electrical wiring work; and
  - (ii) is working under the direction or supervision of the holder of an electrician's licence, grade A who is the holder, or is an employee of the holder, of an electrical contractor's licence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) In this section:

*accredited course*—see the *Vocational Education and Training Act 1995*, section 4 (1).

*trainee*—see the *Vocational Education and Training Act 1995*, section 4 (1).

## **25 Persons who may carry out incidental electrical work**

A person shall not carry out incidental electrical work unless he or she is—

- (a) the holder of a restricted electrical licence; or
- (b) the holder of a restricted electrical permit, and is working under the direction and supervision of the holder of—
  - (i) an electrician's licence, grade A; or
  - (ii) an electrician's licence, grade B; or
  - (iii) a restricted electrical licence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.



**26 Persons who may direct and supervise carrying out of electrical wiring work**

- (1) Subject to subsection (2), the holder of an electrical contractor's licence shall not cause, permit or direct—
- (a) a person other than the holder of an electrician's licence, grade A who is employed by him or her to direct and supervise other persons in carrying out electrical wiring work; or
  - (b) a person employed by him or her to carry out electrical wiring work except under the direction and supervision of the holder of an electrician's licence, grade A who is employed by the holder of the electrical contractor's licence.

Maximum penalty: 50 penalty units.

- (2) It is not an offence against subsection (1) if the holder of an electrical contractor's licence causes, permits or directs—
- (a) an employee who is the holder of an electrician's licence, grade B to direct and supervise other persons in carrying out any electrical wiring work on an electrical installation for the use of a single phase supply of electricity having a working pressure not exceeding 250V; or
  - (b) other employees to carry out electrical wiring work on such an installation under the direction and supervision of the holder of an electrician's licence, grade B who is employed by the holder of the electrical contractor's licence.

**27 Carrying out of electrical wiring work by holder of electrician's licence, grade A**

- (1) Subject to subsection (2), the holder of an electrician's licence, grade A shall not, except as the holder, or an employee of the holder of, an electrical contractor's licence, carry out, for fee or reward, any electrical wiring work for another person.

Maximum penalty: 50 penalty units.

- (2) It is not an offence against subsection (1) if the holder of an electrician's licence, grade A who is employed by a person who is not the holder of an electrical contractor's licence carries out as such an employee electrical wiring work for his or her employer on premises occupied by his or her employer.

**28 Carrying out of electrical wiring work by holder of electrician's licence, grade B**

- (1) Subject to subsection (2), the holder of an electrician's licence, grade B shall not carry out any electrical wiring work except as an employee of the holder of an electrical contractor's licence and under the direction and supervision of the holder of an electrician's licence, grade A who is employed by that person.

Maximum penalty: 50 penalty units.

- (2) It is not an offence against subsection (1) if the holder of an electrician's licence, grade B carries out electrical wiring work while he or she is not under the direction and supervision of a person who is the holder of an electrician's licence, grade A if—
- (a) the electrical wiring work is carried out by him or her—
    - (i) on premises owned or occupied by him or her;
    - (ii) as an employee of the holder of an electrical contractor's licence; or
    - (iii) otherwise than for fee or reward; and
  - (b) the electrical installation on which the work is carried out is an electrical installation for the use of a single phase supply of electricity having a working pressure not exceeding 250V.

**29 Carrying out of electrical wiring work by holder of electrician's permit, grade A**

The holder of an electrician's permit, grade A shall not carry out electrical wiring work except under direction or supervision and in accordance with the terms of the permit.

Maximum penalty: 50 penalty units.

**30 Carrying out of incidental electrical work by holder of restricted electrical licence**

The holder of a restricted electrical licence shall not carry out incidental electrical work except incidentally to the carrying out of work in the occupation specified in the licence.

Maximum penalty: 50 penalty units.

**31 Carrying out of incidental electrical work by holder of restricted electrical permit**

The holder of a restricted electrical permit shall not carry out incidental electrical work except under direction or supervision and in accordance with the terms of the permit.

Maximum penalty: 50 penalty units.

**32 Connecting electrical installations to network—inspections**

A person must not, except in circumstances prescribed by the regulations, connect a new electrical installation to an electricity network unless the installation has been inspected, tested and passed by an inspector.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**33 Compliance with Australian Standard 3000**

(1) Subject to subsection (2) and to section 35, a person shall not carry out electrical wiring work that does not comply with Australian Standard 3000 as in effect—

- (a) at the completion of the work; or
- (b) if the work is not completed—when the work is carried out.

Maximum penalty: 50 penalty units.

(2) Subsection (1) does not apply to—

- (a) electrical wiring work that consists only of—
  - (i) the disconnection of an appliance or a fitting; or
  - (ii) the disconnection and reconnection of an appliance or a fitting if the electrical load is not increased; or
  - (iii) the replacement of an appliance or a fitting if the electrical load is not increased; and
- (b) any other electrical wiring work carried on in prescribed circumstances.

(3) In this section:

*fitting* means a switch, lighting point or socket outlet.

**34 Testing and reporting of electrical work**

(1) Subject to section 35, a person who has carried out electrical wiring work shall—

- (a) ensure that the work—
  - (i) is tested in accordance with Australian Standard 3017 as in effect at the time when the test is carried out; and
  - (ii) on testing, is found to comply with Australian Standard 3000; and

- (b) within 14 days of the test—
- (i) give the chief executive a report of the test in a form approved by the chief executive under section 104 (Approved forms); and
  - (ii) give the owner of the installation in relation to which the work has been done a copy of the report.

Maximum penalty: 5 penalty units

- (2) A person who has given the chief executive a report under subsection (1) (b) (i) shall not fail, on written request by the chief executive made within 2 years after the giving of the report, to give the chief executive, within 14 days of the making of the request, a copy of the report.

Maximum penalty: 5 penalty units.

### **35 Exemption from s 33 and s 34**

Sections 33 and 34 do not apply to—

- (a) prescribed electrical wiring work; or
- (b) electrical wiring work carried out in prescribed circumstances.

### **36 Directions to rectify unsafe installations**

- (1) This section applies if an inspector believes on reasonable grounds that—
- (a) an electrical installation is unsafe or has not been inspected, tested and passed as required under this part; or
  - (b) electrical wiring work is unsafe or has not been carried out, or tested, as required under this part.
- (2) The inspector may give the person who has carried out the electrical wiring work relevant for subsection (1) (a) or (b) a written direction to take stated action to make the installation or work safe and compliant with this part.

**Part 4**                      Electrical wiring work

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- (3) Without limiting the operation of subsection (2), a direction may require the disconnection or isolation of the relevant part of the installation or wiring so that it cannot receive a supply of electricity.
- (4) A person must not, without reasonable excuse, contravene a direction under subsection (2).

Maximum penalty (subsection (4)): 50 penalty units, imprisonment for 6 months or both.

## Part 5 Licences and permits

### 37 Grant of electrical contractor's licence—individuals

The board may grant an electrical contractor's licence to a person, other than a body corporate—

- (a) if the person—
  - (i) holds an electrician's licence, grade A; and
  - (ii) has passed any written, oral or practical examinations the board considers necessary to establish that he or she has a satisfactory understanding of basic business practices and ethics; and
- (b) the board is satisfied that the person—
  - (i) is capable of directing and supervising persons engaged in carrying out electrical wiring work; and
  - (ii) is otherwise a fit and proper person to hold an electrical contractor's licence.

### 38 Grant of electrical contractor's licence—body corporate

The board may grant an electrical contractor's licence to a body corporate if, in relation to the body corporate—

- (a) at least 1 of the directors, or an employee, is a person who holds, or is eligible for the grant of, an electrical contractor's licence; and
- (b) each of the directors is a fit and proper person.

**39 Grant of electrical contractor's licence—partnership**

The board may grant an electrical contractor's licence to a partnership if—

- (a) at least 1 of the partners holds, or is eligible for the grant of, an electrical contractor's licence; and
- (b) each of the partners is a fit and proper person.

**40 Whether persons fit and proper**

In determining whether a person is a fit and proper person for section 37, 38 or 39, the board shall have regard to whether the person—

- (a) has, during the 10 years before the making of the application, been convicted of, or served any part of a term of imprisonment for, an offence in the ACT or elsewhere involving fraud or dishonesty; or
- (b) was, when the application was made, the subject of a charge pending in relation to such an offence; or
- (c) has, at any time, been convicted of an offence against this Act or a corresponding law of a State or another Territory; or
- (d) has been refused a licence under a corresponding law of a State or another Territory.

**41 Public liability insurance**

The board shall not grant a licence under section 37, 38 or 39, or renew an electrical contractor's licence under section 57, unless the applicant holds a current policy of insurance for not less than \$1 000 000 that covers personal injury and property damage arising out of work to be carried out by or on behalf of the applicant.



**42 Electrician's licence, grade A**

- (1) The board may grant an electrician's licence, grade A to a person if—
  - (a) the person has the prescribed qualifications; and
  - (b) the person's practical experience in electrical wiring work has been such as to enable him or her to carry out satisfactorily electrical wiring work without supervision.
- (2) For subsection (1), a person has the prescribed qualifications if—
  - (a) the person has completed in the ACT, in a State or another Territory or partly in the ACT and partly in a State or another Territory, an apprenticeship as an electrical mechanic, as an electrical fitter mechanic or as an electrical fitter and holds a certificate issued by the relevant department or educational institution in the ACT, or the State or other Territory; or
  - (b) the person possesses qualifications in the field of electrical engineering that make him or her eligible for corporate membership of the Institute of Engineers, Australia; or
  - (c) he or she—
    - (i) has served, whether in or outside the ACT or partly in or partly outside the ACT and whether before or after the commencement of this Act, as an apprentice in the trade of electrical mechanic, electrical fitter mechanic or electrical fitter, or in a trade that the board is satisfied is an equivalent trade; or
    - (ii) holds a certificate of recognition as a recognised tradesman issued under the *Tradesmen's Rights Regulation Act 1946* (Cwlth), part 5; or
  - (d) he or she is a person who, under the law of New Zealand relating to the carrying out of electrical wiring work, is authorised to carry out all kinds of electrical wiring work without any restriction or limitation; or

- (e) the person satisfies the board whether by passing any written, oral or practical examinations the board considers necessary for the purpose or by other evidence, that he or she has the qualifications and skill for the performance of, and experience in, electrical wiring work that make the person as capable of carrying out electrical wiring work as a person who has the qualifications referred to in paragraph (a) or (b).

#### **43 Electrician's licence, grade B—continued operation**

An electrician's licence, grade B, in force immediately before the commencement of this section, continues in force subject to this Act and may be renewed under section 57.

#### **44 Electrician's permit, grade A**

If a person has applied for an electrician's licence, grade A under section 42 and the board is satisfied that the applicant—

- (a) does not have sufficient practical experience to comply with section 42 (1) (b); and
- (b) would otherwise be entitled to the grant of an electrician's licence, grade A;

the board shall—

- (c) refuse to approve the application for an electrician's licence, grade A; and
- (d) grant to the applicant an electrician's permit, grade A.

#### **45 Restricted electrical licence**

The board may grant a restricted electrical licence to a person if the person—

- (a) satisfies the board, by passing any written, oral or practical examinations the board requires or by other evidence, that he or she has the knowledge and skills necessary to carry out incidental electrical work; and

- (b) has sufficient practical experience to enable him or her to carry out incidental electrical work without supervision.

#### **46 Restricted electrical permit**

If a person has applied for a restricted electrical licence and the board is satisfied that the applicant—

- (a) does not have sufficient practical experience to comply with section 45 (b); and
- (b) would otherwise be entitled to the grant of a restricted electrical licence;

the board shall—

- (c) refuse to approve the application for a restricted electrical licence; and
- (d) grant to the applicant a restricted electrical permit.

#### **47 Licensing etc under mutual recognition principles**

- (1) A person, other than a body corporate, who holds—

- (a) an electrical contractor's licence; or
- (b) an electrician's licence, grade A; or
- (c) an electrician's permit, grade A; or
- (d) a restricted electrical licence; or
- (e) a restricted electrical permit; or
- (f) an electrician's licence, grade B;

or an equivalent licence or permit in a State or another Territory, that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be licensed or to hold a permit, as the case requires, under this Act.

- (2) If the person's licence or permit in the State or other Territory is not subject to any condition or restriction, the person's entitlement to be licensed or granted a permit under this Act is an entitlement that is not subject to condition.
- (3) If the person's licence or permit in the State or other Territory is subject to any condition or restriction, the person's entitlement to be licensed or granted a permit under this Act is an entitlement subject to the conditions to which that licence or permit is subject or conditions appropriate to give effect to any restriction to which that licence or permit is subject.

#### **48 Application for licence**

A person may apply to the board for a licence.

*Note 1* A fee may be determined under s 103 (Determination of fees) for this section.

*Note 2* If a form is approved under s 104 (Approved forms) for an application under this section, the form must be used.

#### **49 Further information**

The board may, by written notice, require an applicant for a licence to give the board, either orally or in writing, the further information relating to the application specified in the notice.

#### **50 False statements in licence**

A person shall not, in an application for a licence or in a statement accompanying such an application make a statement or give information that is false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**51 Applications to be considered and determined**

- (1) The board shall consider each application under section 48 and shall—
  - (a) approve the application and authorise the registrar to grant the licence; or
  - (b) subject to sections 44 and 46 and subsection (2), refuse to approve the application.
- (2) The board shall not refuse an application for a licence unless the applicant fails to satisfy the board that he or she is eligible for the grant of the licence.
- (3) This section does not apply to a person who is entitled to registration under the Mutual Recognition Act and who has lodged a notice under that Act, section 19.

**52 Skills etc of applicants**

- (1) The board shall not grant a licence or permit to a person under this Act unless satisfied that the person—
  - (a) has sufficient physical capacity and skill to carry out work under the licence or permit; and
  - (b) has sufficient communication skills for carrying out that work, including an adequate command of the English language.
- (2) Subsection (1) does not apply to a person who is entitled to registration under the Mutual Recognition Act and who has lodged a notice under that Act, section 19.

**53 Licence conditions**

The board may, in a licence, specify conditions to which the licence is subject.

**54 Imposition of conditions imposed under foreign law**

If the board is satisfied that after a person has been licensed under this Act, a condition has been imposed on the equivalent licence of the person under a law of a State or another Territory, the board shall impose a similar condition on the licence of the person under this Act.

**55 Issue of licence or permit**

- (1) If the board approves the grant of a licence or permit, the registrar shall—
- (a) notify the applicant in writing of the grant; and
  - (b) issue the applicant with a licence or permit, as the case requires.

*Note 1* A fee may be determined under s 103 (Determination of fees) for this section.

*Note 2* If a form is approved under s 104 (Approved forms) for a licence or permit, the form must be used.

- (2) A licence granted to a partner or partners on behalf of a partnership shall be taken to have been granted to the partnership and shall be issued in the name of the partnership.

**56 Term of licence or permit**

- (1) A licence or permit, unless sooner surrendered or cancelled, remains in force, from the date it is granted or was last renewed—
- (a) for an electrical contractor's licence—for 1 year; or
  - (b) for an electrician's licence, grade A—for 5 years; or
  - (c) for an electrician's permit, grade A—for 1 year; or
  - (d) for an electrician's licence, grade B—for 5 years; or
  - (e) for a restricted electrical licence—for 5 years; or
  - (f) for a restricted electrical permit—for 1 year.

- (2) A reference in this section to a licence or permit includes a licence or permit that is renewed.

### **57 Renewal of licence or permit**

- (1) The registrar must renew a licence or permit if the holder applies in writing for the renewal before the term of the licence or permit expires.

*Note* A fee may be determined under s 103 (Determination of fees) for this section.

- (2) The board shall not grant an electrician's licence, grade B on or after the commencement of the *Electricity (Amendment) Act 1994*, section 4.

## **Part 6**

# **Cancellation and suspension of licences or permits**

### **58** Grounds for cancellation or suspension of licence or permit

- (1) Each of the following is a ground on which the board may cancel or suspend a licence or permit:
  - (a) that the licence or permit was granted in error or in consequence of a false statement made, or misleading information given, by the holder of the licence or permit;
  - (b) that the holder of the licence or permit has carried out electrical wiring work that does not comply with part 4 (Electrical Wiring Work);
  - (c) that the holder of the licence has permitted a person working under his or her direction and supervision to carry out electrical wiring work that did not comply with part 4;
  - (d) that the holder of the licence, on becoming aware that a person working under his or her direction and supervision had carried out electrical wiring work that does not comply with part 4, did not forthwith take the action that was required to ensure that the electrical wiring work complied with that part;
  - (e) that—
    - (i) the holder of the licence or permit has; or
    - (ii) a person working under the direction and supervision of the holder of the licence has, with the knowledge of the holder;

given the chief executive or the board information, in relation to electrical wiring work carried out by the holder or that



person or in relation to the safety of an electrical installation, that is false or misleading;

- (f) the holder of the licence or permit has contravened a condition to which the licence or permit is subject;
- (g) the holder of an electrical contractor's licence has ceased to hold a policy of insurance in accordance with section 41;
- (h) that—
  - (i) the holder of the licence or permit has; or
  - (ii) a person working under the direction and supervision of the holder of the licence has, with the knowledge of the holder;

contravened a provision of this Act;

- (i) that, for an electrical contractor's licence issued to a person other than a body corporate, the holder—
  - (i) has ceased to be a fit and proper person to hold the licence; or
  - (ii) has ceased to carry on business as an electrical contractor;
- (j) that, for an electrical contractor's licence granted to a body corporate, the body corporate no longer has a director, or an employee, who is the holder of an electrician's licence, grade A;
- (k) that, for an electrical contractor's licence granted to a partnership, there is no longer a partner, or an employee, who is the holder of an electrician's licence, grade A;
- (l) that, for an electrical contractor's licence or of an electrician's licence, grade A, the holder has failed to exercise adequate direction and supervision of persons carrying out electrical wiring work under his or her direction and supervision.

- (2) If the board has reason to believe that there exists 1 or more of the grounds specified in subsection (1) for the cancellation or suspension of a licence or permit, the board may, by written notice served on the holder of the licence or permit, require the holder to show cause why the licence or permit should not be cancelled or suspended.
- (3) A notice under subsection (2) shall—
- (a) contain full particulars of the facts or circumstances on which the board has formed its opinion that the ground exists or grounds exist; and
  - (b) specify a time not less than 10 days after the day of the service of the notice when the board will enquire into the matter; and
  - (c) specify the place where the inquiry will be held; and
  - (d) inform the holder that at the inquiry he or she is entitled to appear personally, examine witnesses and address the board or to be represented by a lawyer who may examine witnesses and address the board on his or her behalf.

## **59 Cancellation of licence on basis of action under foreign law**

If the board is satisfied that a person who is licensed under this Act has had his or her licence cancelled under a law of a State or another Territory for any reason relating to—

- (a) the physical capacity of the person to carry out work under the licence; or
  - (b) the carrying out of work under the licence;
- the board may cancel his or her licence.

**60 Inquiry**

- (1) If the board has caused a notice under section 58 (2) to be served on the holder of a licence or permit, the board shall, at the time and place specified in the notice or, with the consent of the holder, at an earlier time, hold the inquiry into the matter referred to in the notice.
- (2) For the purposes of an inquiry, the board has the same powers to summon witnesses, to require the production of books and documents and to take evidence on oath as a board of inquiry appointed under the *Inquiries Act 1991* has under that Act.

**61 Suspension of licence or permit pending inquiry**

If the board has caused a notice under section 58 (2) to be served on the holder of a licence or permit, it may, if it considers that the circumstances justify it in so doing, suspend the licence or permit until the completion of the inquiry to be held under section 60.

**62 Powers of board after inquiry**

- (1) If, after having held an inquiry under section 60, the board is satisfied that, in relation to the holder of the relevant licence or permit, 1 or more of the grounds referred to in section 58 (1) exists, the board may—
  - (a) suspend the licence or permit for the period the board considers appropriate; or
  - (b) cancel the licence or permit;or, if the board is satisfied that, in the circumstances, the licence or permit should not be suspended or cancelled, reprimand the holder of the licence or permit.
- (2) The board shall—
  - (a) record in writing its decision on an inquiry and the reasons for that decision; and

- (b) serve on the holder of the licence or permit or, if the licence or permit is suspended or cancelled, the person who was the holder, notice of its decision; and
- (c) if that person so requests, serve on the person a copy of the reasons for its decision.

## **Part 7**                      **Prescribed articles of electrical equipment**

### **Division 7.1**              **Preliminary**

#### **63**      **Definitions for pt 7**

In this part:

*approved first seller* means a person registered under section 68 (2).

*corresponding law*, in relation to a State or another Territory, means a law of that State or Territory declared under section 64 (Declaration of corresponding law).

*declaration of compliance*, in relation to a prescribed article of electrical equipment, means a declaration that the article complies with—

- (a) prescribed standards; or
- (b) standards specified in a corresponding law of a State or another Territory.

*relevant safety standard*, for an article of electrical equipment, means a safety standard specified for the article in a declaration under section 65 (1).

#### **64**      **Declaration of corresponding law**

- (1) The Minister may, in writing, declare a specified law of a State or another Territory, being a law that contains provisions substantially similar to this part, to be a corresponding law for this part.
- (2) A declaration is a notifiable instrument.

*Note*      A notifiable instrument must be notified under the *Legislation Act 2001*.

## **Division 7.2 Regulation of dealings**

### **65 Prescribed articles of electrical equipment**

- (1) The chief executive may, in writing, declare that—
  - (a) an article of electrical equipment of a specified description or type is a prescribed article of electrical equipment for this part; or
  - (b) a specified class of articles of electrical equipment is a prescribed class of articles of electrical equipment for this part.
- (2) The chief executive shall not make a declaration under subsection (1) in relation to an article or class of articles unless the chief executive is satisfied that there are reasonable grounds for believing that—
  - (a) because of its design or construction, the article, or an article included in the class of articles, is, or is likely to become, unsafe to use; and
  - (b) because of the risk of death or injury to persons or the risk of damage to property, the article or class should be so declared.
- (3) A declaration under subsection (1) must specify the safety standards with which an article mentioned in the declaration must comply.
- (4) The chief executive may, in writing, declare that—
  - (a) an article of electrical equipment of a specified description or type is not a prescribed article of electrical equipment for this part; or
  - (b) a specified class of articles of electrical equipment is not a prescribed class of articles of electrical equipment for this part.
- (5) A declaration under subsection (1) or (4) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **66 Sale, installation of prescribed articles**

- (1) An approved first seller shall not—
- (a) sell; or
  - (b) install in, or connect to, an electrical installation;  
a prescribed article of electrical equipment if the approved first seller knows or might reasonably be expected to have known that the article is a prescribed article of electrical equipment if—
  - (c) a declaration of compliance in relation to that article is not registered under section 70 or under the corresponding law of a State or another Territory; or
  - (d) a direction under section 84 (Directions about unsafe articles) has been given to that seller in relation to articles of the same brand and model.
- (2) A person, other than an approved first seller, shall not—
- (a) sell; or
  - (b) install in, or connect to, an electrical installation;  
a prescribed article of electrical equipment if that person knows or might reasonably be expected to have known that the article is a prescribed article of electrical equipment if—
  - (c) a declaration of compliance in relation to that article had not at any time been registered under section 70 or under the corresponding law of a State or another Territory; or
  - (d) the person has received from any other person a notice under section 84 (3) in relation to the recall of articles of the same brand and model.
- (3) A person who contravenes subsection (1) or (2) commits an offence.  
Maximum penalty: 200 penalty units.

**67 Sale, installation of noncomplying prescribed articles**

A person who—

- (a) sells; or
- (b) installs in, or connects to, an electrical installation;

a prescribed article of electrical equipment that does not comply with the standards referred to in the relevant declaration of compliance if the person—

- (c) knows that the prescribed article of electrical equipment does not so comply; or
- (d) might reasonably be expected to have known that the prescribed article of electrical equipment does not so comply;

commits an offence.

Maximum penalty: 200 penalty units.

**68 Registration as approved first seller**

(1) A person who—

- (a) manufactures prescribed articles of electrical equipment in the ACT; or
- (b) imports prescribed articles of electrical equipment into the ACT from outside Australia;

may apply in writing to the chief executive to be registered as an approved first seller in relation to those articles.

*Note* A fee may be determined under s 103 (Determination of fees) for this subsection.

- (2) Subject to subsection (3), the chief executive shall, on receiving an application under subsection (1), register the applicant as an approved first seller in relation to the prescribed articles of electrical equipment specified in the application by causing the prescribed particulars in relation to the applicant and those articles to be entered in the register referred to in section 75 (1) (b).



- (3) The chief executive may refuse to register an applicant as an approved first seller if the chief executive is satisfied that the applicant—
- (a) is insolvent; or
  - (b) has been refused registration as a first seller or an approved applicant, or equivalent registration, under the corresponding law of a State or another Territory; or
  - (c) has been registered as a first seller or an approved applicant or has equivalent registration under the corresponding law of a State or another Territory and that registration has been cancelled otherwise than at the request of the applicant; or
  - (d) has been convicted of an offence against this part, against part 7 as in force immediately before the commencement of this part or of a similar offence against the law of a State or another Territory; or
  - (e) has not complied with the other requirements (if any) that are prescribed.
- (4) The chief executive may cancel the registration of a person as an approved first seller if—
- (a) the chief executive is satisfied that—
    - (i) the person is insolvent; or
    - (ii) the person has been refused registration as a first seller or approved applicant, or equivalent registration, under a corresponding law of a State or another Territory; or
    - (iii) the registration of the person as a first seller or approved applicant, or equivalent registration of the person, under the corresponding law of a State or another Territory has been cancelled otherwise than at the request of the person; or

- (iv) the person has been convicted of an offence against this part or part 7 as in force immediately before the commencement of this part or of a similar offence against the law of a State or another Territory; or
  - (v) the person has supplied an article of electrical equipment in breach of an undertaking referred to in section 69 (3) (d); or
  - (b) the approved first seller requests in writing that the registration be cancelled; or
  - (c) the approved first seller—
    - (i) for a body corporate—is dissolved; or
    - (ii) for an individual—dies.
  - (5) For this section, a person shall be taken to be insolvent if—
    - (a) for a body corporate—a resolution for the winding-up of the body has been passed or an application for the winding-up of the body has been filed in a court; or
    - (b) for an individual—the person becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit.
  - (6) An approved first seller who fails to notify the chief executive in writing of any change in the relevant particulars referred to in subsection (2), within 7 days after the change becomes known or might reasonably be expected to have become known to that approved first seller, commits an offence.
- Maximum penalty: 20 penalty units.
- (7) The chief executive shall cause particulars of any change notified under subsection (6) to be entered in the register referred to in subsection (2).

## **69 Application for registration of declaration of compliance**

- (1) An approved first seller may apply to the chief executive for the registration of a declaration of compliance made by that seller in relation to a prescribed article of electrical equipment by lodging with the chief executive—
- (a) a written application; and
  - (b) the declaration of compliance; and
  - (c) a report prepared by a testing laboratory approved for this Act to the effect that the article has been tested and found to comply with the relevant safety standards; and
  - (d) subject to subsection (2), the article or another article of the same brand and model.

*Note* A fee may be determined under s 103 (Determination of fees) for this subsection.

- (2) If it is impracticable to lodge an article with the chief executive under subsection (1) (d), the approved first seller shall give the chief executive reasonable access to the article.
- (3) A declaration of compliance lodged under this must contain—
- (a) the name and business address of the approved first seller; and
  - (b) a description of the article of electrical equipment to which it relates, identifying the article by the manufacturer's model or catalogue number or by any other means the chief executive determines; and
  - (c) a declaration by the applicant that the article complies with the relevant safety standards; and
  - (d) an undertaking by the applicant that, while the declaration of compliance is in force, the applicant will not supply an article of electrical equipment of the same description, type or class imported or manufactured by the applicant to any person unless—

- (i) the article of electrical equipment complies with the relevant safety standards; and
  - (ii) the article of electrical equipment is marked, stamped or labelled as prescribed; and
  - (iii) if the article of electrical equipment has been modified in any way—details of the modification have been recorded in the register referred to in section 75 (1) (c) or a new declaration of compliance in relation to that article has been registered; and
- (e) any other information required by the chief executive.

*Note* If a form is approved under s 104 (Approved forms) for a declaration of compliance, the form must be used.

## **70 Registration of declaration of compliance**

- (1) Subject to subsection (2), if the chief executive is satisfied that a prescribed article of electrical equipment in relation to which a declaration of compliance has been lodged under section 69 complies with the requirements of the relevant safety standards, the chief executive shall register the declaration of compliance in the name of the approved first seller who lodged it by entering the prescribed particulars in relation to that declaration in the register referred to in section 75 (1) (c).
- (2) A declaration of compliance in relation to an article of electrical equipment shall not be registered under this section if registration of a declaration of compliance in relation to an article of the same brand and model has been refused under the corresponding law of a State or another Territory.

- (3) Subject to this Act, registration of a declaration of compliance under this section shall remain in force for the period (not less than 1 year and not more than 5 years) the chief executive determines, but that registration shall be renewed by the chief executive from time to time for a period not exceeding 5 years.

*Note* A fee may be determined under s 103 (Determination of fees) for this section.

## **71 Suspension or cancellation of registration of declaration of compliance**

- (1) The chief executive may cancel, or suspend for the period the chief executive considers appropriate, the registration of a declaration of compliance if—
- (a) the chief executive is satisfied that an article of electrical equipment to which the declaration relates has been found not to comply with the relevant safety standards in a respect that is likely to be characteristic of articles of the same brand and model; or
  - (b) the approved first seller who lodged the declaration has, in the opinion of the chief executive, made, by advertisement or otherwise, representations as to the significance of—
    - (i) the registration of the declaration; or
    - (ii) any mark, stamp or label attached to the article under section 73;that are intended or likely to mislead any person; or
  - (c) the person who lodged the declaration ceases to be an approved first seller; or
  - (d) the approved first seller who lodged the declaration so requests in writing.

- (2) If a declaration of compliance is suspended or cancelled under subsection (1), the chief executive shall give written notification of that fact and of the reason for the suspension or cancellation to each regulatory authority for a State or another Territory.
- (3) If a declaration of compliance has been suspended, under subsection (1) the chief executive may, by written notice given to the approved first seller who lodged the declaration, at any time reduce the period of suspension or rescind the remainder of the suspension.
- (4) The chief executive shall rescind the suspension of a declaration of compliance if the chief executive is satisfied that the ground for the suspension no longer exists.

## **72 Transfer of registration of declaration of compliance**

- (1) The registration of a declaration of compliance under section 70 may be transferred to the name of another approved first seller in accordance with this section.
- (2) An application for a transfer under this section shall be made in writing to the chief executive, shall be signed by the transferor and the transferee and shall contain—
  - (a) the names and addresses of the transferor and the transferee; and
  - (b) particulars of the relevant declaration of compliance; and
  - (c) an undertaking on the part of the transferee to comply with the undertakings already specified in that declaration of compliance.
- (3) Subject to subsection (4), the chief executive shall, on receiving an application under subsection (2), transfer the registration of a declaration of compliance by entering the name and address of the transferee in the register referred to in section 75 (1) (c) in relation to that declaration.

*Note* A fee may be determined under s 103 (Determination of fees) for this subsection.

- (4) A transfer of the registration of a declaration of compliance shall not be made under this section if a transfer of the registration of a declaration of compliance in relation to an article of the same brand and model as the article to which the declaration relates to the same transferee as the transferee referred to in the application under this section has been refused under the corresponding law of a State or another Territory.

### **73 Safety registration mark**

- (1) If a declaration of compliance has been registered under this Act, the approved first seller shall, from time to time as necessary, ensure that, as soon as practicable, each article of electrical equipment to which the declaration relates that is manufactured or imported by him or her is marked, stamped or labelled as prescribed.
- (2) A person who—
- (a) sells or lets on hire; or
  - (b) exposes or advertises for sale or hire; or
  - (c) installs in, or connects to, an electrical installation;

a prescribed article of electrical equipment that has not been marked, stamped or labelled in accordance with subsection (1) or a corresponding law of a State or another Territory, if that person knows or might reasonably be expected to have known that the prescribed article of electrical equipment has not been so marked, stamped or labelled, commits an offence.

Maximum penalty: 200 penalty units.

### **74 Approved testing laboratories**

- (1) If the chief executive is satisfied that premises are suitable to be so used, the chief executive may, on the application of the proprietor of premises, in writing, approve those premises to be used as a testing laboratory for this Act.

- (2) If the chief executive is satisfied that those premises are no longer suitable to be used as a testing laboratory for this Act, the chief executive may, by writing given to the proprietor of those premises, cancel an approval under subsection (1) in relation to those premises.
- (3) In determining whether premises are suitable to be used as a testing laboratory for this Act, the chief executive shall have regard to—
- (a) whether the premises have been approved or refused approval as a testing laboratory under a corresponding law of a State or another Territory; and
  - (b) the facilities at the premises for testing articles of electrical equipment; and
  - (c) any previous record of accuracy or otherwise in the testing of articles of electrical equipment on the premises; and
  - (d) for premises within Australia—whether the premises have been accredited or refused accreditation for the testing of electrical goods by the body known as the National Association of Testing Authorities; and
  - (e) for premises outside Australia—whether the premises have been accredited or refused accreditation by a body or authority with functions at the place where the premises are situated similar to the functions of the body known as the National Association of Testing Authorities; and
  - (f) any other information the chief executive considers relevant.

## **75 Registers**

- (1) The chief executive must keep—
- (a) a register to be called the register of prescribed articles of electrical equipment containing the particulars of each declaration under section 65 (and any further information the chief executive considers appropriate; and



- (b) a register to be called the register of approved first sellers containing—
- (i) the full name and address of each approved first seller; and
  - (ii) the principal place of business in the ACT of each approved first seller; and
  - (iii) the date of registration of each approved first seller; and
  - (iv) particulars of any cancellations of registration under section 68 (4); and
  - (v) any other particulars that are prescribed; and
- (c) a register to be called the register of declarations of compliance containing, in relation to each declaration of compliance registered under section 70—
- (i) the full name and address of the declarant; and
  - (ii) a description of the prescribed article of electrical equipment to which the declaration relates; and
  - (iii) a description of the mark, stamp or label applicable to the article in accordance with section 73 (1); and
  - (iv) the date of registration of the declaration; and
  - (v) the period of registration of the declaration and of any renewal of that registration; and
  - (vi) if details of a modification have been given under an undertaking referred to in section 69 (3) (d)—those details; and
  - (vii) particulars of any suspension or cancellation of registration under section 71; and
  - (viii) any further particulars the chief executive considers appropriate; and

- (d) a register to be called the register of approved testing laboratories that shall contain, in relation to each of the premises approved under section 74 as a testing laboratory for this Act—
- (i) the name and address of the proprietor; and
  - (ii) the address of those premises; and
  - (iii) the date of approval.
- (2) Each register shall be available for public inspection during normal working hours and any person may inspect a register and may obtain copies of entries in a register.

*Note* A fee may be determined under s 103 (Determination of fees) for this section.

## **76 Examination and testing of articles**

- (1) The chief executive may, from time to time, examine and test prescribed articles of electrical equipment for the purpose of determining whether or not those articles are safe to use.
- (2) For subsection (1), if a declaration of compliance has been registered under this Act or under the corresponding law of a State or another Territory, the chief executive may, by written notice given to the approved first seller, require the approved first seller, within the period specified in the notice—
- (a) to give the chief executive a prescribed article of electrical equipment to which the declaration relates; or
  - (b) if it is impracticable to provide such an article, to give the chief executive reasonable access to such an article;
- and to give the chief executive any information in relation to the article specified in the notice.

- (3) An approved first seller who, without reasonable excuse, refuses or fails to comply with a requirement of a notice given to the approved first seller under subsection (2) commits an offence.

Maximum penalty: 200 penalty units.

- (4) The chief executive must ensure that an article provided under subsection (1) is returned to the person who provided it within 2 months after it was provided.

- (5) If an article provided to the chief executive under subsection (1) is destroyed or damaged while it is in the possession of the chief executive (other than destruction or damage that was necessary for the purpose of the examination and testing by the chief executive of the article), the person who provided the article is entitled to the amount from the Territory that will reasonably compensate that person for the loss suffered by him or her as a result of that destruction or damage.

## **Division 7.3                      Miscellaneous**

### **77        False representation**

A person who falsely represents that a declaration of compliance is registered under this Act or the corresponding law of a State or another Territory commits an offence.

Maximum penalty: 200 penalty units.

### **78        Evidence of registration of declaration of compliance**

In any proceedings for an offence against this part, a certificate purporting to be signed by or for the chief executive or the regulatory authority for a State or another Territory to the effect that at a particular time a declaration of compliance was or was not registered under this Act or the corresponding law of that State or Territory is evidence of the facts stated in the certificate.

## **Part 8**

# **Non-prescribed articles of electrical equipment**

### **79 Articles to which pt 8 applies**

This part applies to articles of electrical equipment other than—

- (a) a prescribed article of electrical equipment; or
- (b) an article of electrical equipment that is prohibited; or
- (c) an article of electrical equipment used, or for use, in any part of the infrastructure used by an electricity distributor or retail supplier of electricity in connection with the distribution or supply of electricity to premises for consumption.

### **80 Minimum safety standards**

- (1) A person who knows, or might reasonably be expected to know, that an article of electrical equipment does not comply with the relevant minimum safety standards must not—
  - (a) sell the article; or
  - (b) install the article in, or connect it to, an electrical installation.

Maximum penalty: 200 penalty units.

- (2) The relevant minimum safety standards for an article of electrical equipment of a particular type are—
  - (a) the minimum safety requirements for articles of that type under Australian Standard 3820, as in force from time to time; or
  - (b) if the regulations provide minimum safety standards for articles of that type—those standards.

**81 Energy efficiency requirements**

- (1) A trader must not, without reasonable excuse, sell an article of electrical equipment unless the article complies with the relevant energy efficiency standard.

Maximum penalty: 50 penalty units.

- (2) A trader must not, without reasonable excuse, sell an article of electrical equipment unless it is labelled with an energy efficiency label in accordance with the regulations.

Maximum penalty: 10 penalty units.

- (3) A person must not attach an energy efficiency label to an article of electrical equipment unless, under the regulations, the article has the energy efficiency rating indicated by the label.

Maximum penalty: 30 penalty units.

- (4) A person must not attach to an article of electrical equipment anything that falsely appears to be an energy efficiency label.

Maximum penalty: 30 penalty units.

- (5) The relevant energy efficiency standard for an article of electrical equipment of a particular type is—

- (a) the energy efficiency standard (however described) for articles of that type under a corresponding law ascertained under the regulations; or
- (b) if the regulations provide an energy efficiency standard for articles of that type—that standard.

- (6) The regulations may make provision in relation to the energy efficiency of articles of electrical equipment, including provision for—

- (a) standards of energy efficiency; and
- (b) the examination and testing of articles; and
- (c) labels and labelling for articles; and

- (d) the prescription or ascertainment of corresponding laws for this section.
- (7) Without limiting the operation of subsection (6), the regulations may make provision for a matter by reference to an instrument in force from time to time under a corresponding law.
- (8) This section does not apply to a second-hand article.

## Part 9                      Defective articles of electrical equipment

### 82      Prohibited articles

- (1) The chief executive may prepare a written notice prohibiting the sale or installation of articles of electrical equipment of a stated class.
- (2) The chief executive may act under subsection (1) only if satisfied on reasonable grounds that—
  - (a) articles of the class are, or are likely to become, unsafe to use because of their design or construction; and
  - (b) the use of an article of the class involves, or would involve, a risk of death or injury to a person or damage to property.
- (3) A notice under subsection (1) is a notifiable instrument.

*Note*      A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) The chief executive must also publish the notice in a daily newspaper circulating generally in the ACT.

### 83      Sale or installation of prohibited articles

A person who knows, or might reasonably be expected to know, that an article of electrical equipment is prohibited must not—

- (a) sell the article; or
- (b) install the article in, or connect it to, an electrical installation.

Maximum penalty: 200 penalty units.

**84 Directions about unsafe articles**

- (1) This section applies if the chief executive believes on reasonable grounds that—
  - (a) a person (the *seller*) has for sale, or may have sold, an article of electrical equipment; and
  - (b) the article is prohibited, does not comply with the relevant standard or is, for any reason, unsafe.
- (2) The chief executive may give the seller a direction in writing to do all or any of the following:
  - (a) advertise, in a way stated in the direction, warnings approved by the chief executive about the risks associated with the use of the article;
  - (b) refrain from selling the article;
  - (c) recall an article sold, and—
    - (i) take action stated in the direction to make the article safe and compliant with the relevant standard; or
    - (ii) if it is not practicable to act in accordance with subparagraph (i) or the seller chooses not to take such action—refund to the buyer the purchase price of the article.
- (3) A direction to recall an article may require the seller to give written notice of the recall to people to whom the seller sold, or may have sold, an article to which the direction relates.
- (4) A person must not, without reasonable excuse, contravene a direction given to the person under this section.

Maximum penalty (subsection (4)): 200 penalty units.



**85 Publication of safety warnings**

- (1) The chief executive may publish warnings or information to increase public awareness about risks associated with the use of articles of electrical equipment.
- (2) Without limiting the operation of subsection (1), the chief executive may publish statements containing advice about the use of—
  - (a) a prohibited article of electrical equipment; or
  - (b) an article of electrical equipment to which a declaration under section 84 (Directions about unsafe articles) applies.
- (3) No personal liability attaches to a person for an act or omission in good faith in relation to the performance, or purported performance, of a function under this section.
- (4) Subsection (3) does not affect any liability that the Territory would have, apart from the operation of subsection (3), in relation to the act or omission.

## Part 10 Serious electrical accidents

### 86 Definitions for pt 10

In this part:

*relevant distributor*, in relation to a serious electrical accident, means the electricity distributor of the electricity involved in the accident.

*serious electrical accident* means an accident in which electricity causes, or contributes to—

- (a) the death or injury of a person; or
- (b) damage to property; or
- (c) a fire.

### 87 Reporting by occupiers and electrical contractors

- (1) The occupier of premises where a serious electrical accident occurs must tell the relevant distributor about the accident, by telephone, immediately after becoming aware of it.
- (2) If a serious electrical accident occurs in an electrical installation on which an electrical contractor is carrying out work, the contractor must tell the relevant distributor about the accident, by telephone, immediately after becoming aware of it.
- (3) A person must not, without reasonable excuse, contravene subsection (1) or (2).

Maximum penalty: 50 penalty units.

- (4) Without limiting the operation of subsection (3), it is a reasonable excuse for a contravention of subsection (1) or (2) to believe on reasonable grounds that the relevant distributor had been told about the accident.

**88 Reporting by electricity distributor**

If a serious electrical accident occurs in connection with an electricity distributor's electricity network or in the distributor's distribution area, the distributor must not fail, without reasonable excuse, to tell the chief executive about the accident, by telephone, immediately after becoming aware of it.

Maximum penalty: 500 penalty units.

**89 Interference with site of serious electrical accident**

- (1) A person must not, without reasonable excuse, disturb or interfere with the site of a serious electrical accident before it has been inspected by an inspector except—
- (a) to make it safe; or
  - (b) with the permission of an inspector.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply to a disturbance or interference by the person—
- (a) except if paragraph (b) applies—more than 24 hours after the accident; or
  - (b) if, within the 24 hours, the chief executive extends the period and tells the person of the extension—after the extended period expires.

**90 Publication of report of serious electrical accident**

- (1) The chief executive may publish a report about a serious electrical accident in the interest of public safety.
- (2) No personal liability attaches to a person for an act or omission in good faith in relation to the performance, or purported performance, of a function under this section.

**Part 10**                      Serious electrical accidents

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- (3) Subsection (2) does not affect any liability that the Territory would have, apart from the operation of subsection (2), in relation to the act or omission.

## **Part 11**                      **Enforcement**

### **Division 11.1**              **General**

#### **91**      **Definition of *business premises***

In this part:

*business premises* means premises where a business, trade, profession or calling is carried on, other than a part used for residential purposes.

#### **92**      **Things connected with offences**

- (1) For this part, a thing is *connected with* a particular offence if—
  - (a) the offence has been committed in relation to it; or
  - (b) it will afford evidence of the commission of the offence; or
  - (c) it was used, is being used, or is intended to be used, for the purpose of committing the offence.
- (2) A reference in this part to an *offence* includes an offence that there are reasonable grounds for believing has been, is being, or will be committed.

#### **93**      **Chief executive may require information and documents**

- (1) If the chief executive is satisfied that a person is capable of providing information or producing a document that the chief executive reasonably requires for this Act, the chief executive may, by written notice given to the person, require the person—
  - (a) to give the information to the chief executive in writing signed by the person or, for a corporation, by an officer of the corporation; or
  - (b) to produce the document to the chief executive.

- (2) The notice must state—
  - (a) the place where the information or document is to be given or produced to the chief executive; and
  - (b) the time when, or the period within which, the information or document is to be given or produced.
- (3) If a document is produced in accordance with a requirement under subsection (1), the chief executive—
  - (a) may—
    - (i) take possession of, and may make a copy of, or take extracts from, the document; and
    - (ii) retain possession of the document for the period necessary for this Act; and
  - (b) must, during that period, allow a person who would be entitled to inspect the document, if it was not in the possession of the chief executive, to inspect the document at any reasonable time.

#### **94    Contravention of requirement by chief executive**

A person must not, without reasonable excuse, contravene a requirement under section 93.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

#### **95    Appointment of inspectors**

- (1) The chief executive may, in writing, appoint a person to be an *inspector* for this Act.

*Note*    A reference to an Act includes a reference to—

- (a) a provision of the Act (see *Legislation Act 2001*, s 7 (3)); and
- (b) the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) An inspector must exercise his or her functions under this Act in accordance with the conditions of appointment and any direction given to the inspector by the chief executive.
- (3) A person must not be appointed under subsection (1) unless—
- (a) the person is an Australian citizen or a permanent resident of Australia; and
  - (b) the chief executive has certified in writing that, after appropriate inquiry, the chief executive is satisfied that the person is a suitable person to be authorised, having regard in particular to—
    - (i) whether the person has any criminal convictions; and
    - (ii) the person's employment record; and
  - (c) the chief executive has certified in writing that the chief executive is satisfied that the person—
    - (i) has satisfactorily completed adequate training; and
    - (ii) is competent;

to exercise the powers of an inspector proposed to be given to the person.

## **96 Identity cards**

- (1) The chief executive must give each inspector an identity card that specifies the inspector's name and appointment as an inspector, and on which appears a recent photograph of the inspector.
- (2) A person must, within 7 days after ceasing to be an inspector, return the identity card to the chief executive.

Maximum penalty (subsection (2)): 1 penalty unit.

## **Division 11.2            Inspectors' powers**

### **97    General power to enter premises**

- (1) For this Act, an inspector may—
  - (a) enter any premises at any time with the consent of the occupier; or
  - (b) enter premises when open to the public; or
  - (c) enter business premises during business hours at the premises; or
  - (d) enter premises in accordance with a warrant under this division.
- (2) An inspector may, without the occupier's consent or a warrant, enter the land around premises to ask the occupier for consent to enter the premises.

### **98    Production of identity card**

An inspector may not remain on premises entered under this part if, on request by the occupier, the inspector does not produce his or her identity card.

### **99    Consent to entry**

- (1) When seeking the consent of an occupier for entering premises under this part an inspector must—
  - (a) produce his or her identity card; and
  - (b) tell the occupier—
    - (i) the purpose of the entry; and
    - (ii) that anything found and seized under this part may be used in evidence in court; and
    - (iii) that consent may be refused.



- (2) If the occupier consents, the inspector must ask the occupier to sign a written acknowledgment—
  - (a) that the occupier was told—
    - (i) the purpose of the entry; and
    - (ii) that anything found and seized under this part may be used in evidence in court; and
    - (iii) that consent may be refused; and
  - (b) that the occupier consented to the entry; and
  - (c) stating the time, and day, when consent was given.
- (3) If the occupier signs an acknowledgment of consent, the inspector must immediately give a copy to the occupier.
- (4) Unless the contrary is proven, a court must presume that an occupier of premises did not consent to an entry to the premises by an inspector under this part if—
  - (a) the question whether the occupier consented to the entry arises in proceedings in the court; and
  - (b) an acknowledgment under this section is not produced in evidence for the entry; and
  - (c) it is not proved that the occupier consented to the entry.

## **100 Warrants**

- (1) An inspector may apply to a magistrate for a warrant to enter premises.
- (2) The application must be sworn and state the grounds on which the warrant is sought.
- (3) The magistrate may refuse to consider the application until the inspector gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

- (4) The magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—
- (a) there is a particular thing or activity (the *evidence*) connected with an offence against this Act; and
  - (b) the evidence is, or may be within the next 14 days, at the premises.
- (5) The warrant must state—
- (a) that an inspector may, with necessary help and force, enter the premises and exercise the inspector's powers under this part; and
  - (b) the offence for which the warrant is sought; and
  - (c) the evidence that may be seized under the warrant; and
  - (d) the hours when the premises may be entered; and
  - (e) the date, within 14 days after the warrant's issue, the warrant ends.

### **101 Warrants—application made other than in person**

- (1) An inspector may apply for a warrant by phone, fax, radio or other form of communication if the inspector considers it necessary because of—
- (a) urgent circumstances; or
  - (b) other special circumstances.
- (2) Before applying for the warrant, the inspector must prepare an application stating the grounds on which the warrant is sought.
- (3) The inspector may apply for the warrant before the application is sworn.
- (4) After issuing the warrant, the magistrate must immediately fax a copy to the inspector if it is reasonably practicable to do so.

- (5) If it is not reasonably practicable to fax a copy to the inspector—
- (a) the magistrate must—
    - (i) tell the inspector what the terms of the warrant are; and
    - (ii) tell the inspector the date and time the warrant was issued; and
  - (b) the inspector must complete a form of warrant (warrant form) and write on it—
    - (i) the magistrate's name; and
    - (ii) the date and time the magistrate issued the warrant; and
    - (iii) the warrant's terms.
- (6) The facsimile warrant, or the warrant form properly completed by the inspector, authorises the entry and the exercise of the inspector's powers under this part.
- (7) The inspector must, at the first reasonable opportunity, send the magistrate—
- (a) the sworn application; and
  - (b) if the inspector completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the warrant.
- (9) Unless the contrary is proven, a court must presume that a power exercised by an inspector was not authorised by a warrant under this section if—
- (a) the question arises in a proceeding before the court whether the exercise of power was authorised by a warrant; and
  - (b) the warrant is not produced in evidence.

## **102 Powers on entry to premises**

- (1) An inspector who enters premises under this part may, for this Act—
  - (a) inspect, measure, photograph or film the premises or anything on the premises; or
  - (b) copy a document on the premises; or
  - (c) test or take samples of or from anything on the premises; or
  - (d) take into the premises any people, equipment or material the inspector reasonably needs for exercising a power under this Act; or
  - (e) require the occupier, or a person on the premises, to give the inspector reasonable help to exercise a power under this Act.
- (2) Without limiting the operation of subsection (1), an inspector who enters premises under this part may—
  - (a) check whether an article of electrical equipment or electrical installation on the premises—
    - (i) is safe; or
    - (ii) complies with a relevant standard; or
    - (iii) is prohibited; or
  - (b) check whether electrical wiring work—
    - (i) is safe; or
    - (ii) has been, or is being, done in accordance with this Act.
- (3) A person must not, without reasonable excuse, contravene a requirement under subsection (1) (e).

Maximum penalty (subsection (3)): 50 penalty units.

### **103 Powers in relation to serious electrical accidents**

- (1) This section applies if an inspector believes on reasonable grounds that a serious electrical accident has occurred on premises.
- (2) The inspector may enter the premises at any reasonable time to investigate the accident, ensure the premises are safe and prevent the concealment, loss or destruction of anything reasonably relevant to the investigation.
- (3) The inspector may do anything necessary and reasonable for a purpose mentioned in subsection (2).
- (4) If an inspector acts under this section in the absence of the occupier, the inspector must, when leaving the premises, leave a written notice, secured in a conspicuous place, setting out—
  - (a) the inspector's name; and
  - (b) the time and date of the entry; and
  - (c) the purpose of the entry; and
  - (d) particulars of how to contact the inspector.
- (5) The power to enter premises under this section is additional to the powers under section 97 (General power to enter premises).

### **104 Powers in relation to unsafe articles of electrical equipment**

- (1) This section applies if an inspector believes on reasonable grounds that—
  - (a) a person has an article of electrical equipment for—
    - (i) sale; or
    - (ii) installation in, or connection to, an electrical installation; and
  - (b) the article does not comply with the relevant standard or is unsafe.

- (2) The inspector may give the person a direction in writing to refrain from—
- (a) selling the article; or
  - (b) installing the article in, or connecting it to, an electrical installation;
- unless it is made safe and compliant with the relevant standard.
- (3) A person must not, without reasonable excuse, contravene a direction given to the person under this section.

Maximum penalty (subsection (3)): 50 penalty units, imprisonment for 6 months or both.

### **105 Labelling defective electrical equipment**

- (1) An inspector who enters premises under this part and finds an article of electrical equipment, or an electrical installation, that the inspector believes on reasonable grounds is a source of danger, may—
- (a) label the article conspicuously to indicate the danger and prohibit use of the article until it has been repaired or otherwise rendered safe for use; or
  - (b) disconnect the installation.
- (2) A person must not—
- (a) use an article of electrical equipment labelled under subsection (1) until the article has been repaired or otherwise rendered safe to use; or
  - (b) without reasonable excuse, remove or interfere with such a label.

Maximum penalty (subsection (2)): 50 penalty units, imprisonment for 6 months or both.

### **106 Power to require name and address**

- (1) An inspector may require a person to state the person's name and address if the inspector—
  - (a) finds a person committing an offence against this Act; or
  - (b) has reasonable grounds for believing that a person has committed an offence against this Act.
- (2) In exercising a power under subsection (1), an inspector must—
  - (a) inform the person of the reasons for the requirement; and
  - (b) as soon as practicable after informing the person of the reasons, record those reasons.
- (3) A person is not required to comply with a requirement under subsection (1) if, on request by the person, the inspector does not produce his or her identity card.
- (4) Subject to this section, a person must not, without reasonable excuse, contravene a requirement under subsection (1).

Maximum penalty (subsection (4)): 5 penalty units.

### **107 Power to seize evidence**

- (1) An inspector who enters premises with a warrant under this part may seize the evidence for which the warrant was issued.
- (2) An inspector who enters premises under this part with the consent of the occupier may seize a thing on the premises if—
  - (a) the inspector is satisfied the thing is connected with an offence against this Act; and
  - (b) seizure of the thing is consistent with the purpose of the entry as told to the occupier in seeking the occupier's consent.
- (3) An inspector may also seize another thing on premises entered under this part if the inspector is satisfied—
  - (a) the thing is connected with an offence against this Act; and

- (b) the seizure is necessary to prevent the thing being—
  - (i) concealed, lost or destroyed; or
  - (ii) used to commit, continue or repeat the offence.
- (4) Having seized a thing, an inspector may—
  - (a) remove the thing from the premises where it was seized (the *place of seizure*) to another place; or
  - (b) leave the thing at the place of seizure but restrict access to it.
- (5) A person must not, without the chief executive's approval, interfere with a thing to which access has been restricted under subsection (4).

Maximum penalty (subsection (5)): 50 penalty units, imprisonment for 6 months or both.

### **108 Receipt for things seized**

- (1) As soon as practicable after a thing is seized by an inspector under this part, the inspector must give a receipt for it to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the inspector must leave the receipt, secured conspicuously at the place of seizure.

### **109 Access to things seized**

A person who would, apart from the seizure, be entitled to a thing seized under this part may—

- (a) inspect it; and
- (b) if it is a document—take extracts from it or make copies of it.



## **110 Return of things seized**

- (1) A thing seized under this part must be returned to its owner, or reasonable compensation must be paid to the owner by the Territory for the loss of the thing, if—
  - (a) a prosecution for an offence relating to the thing is not instituted within 90 days of the seizure; or
  - (b) the court does not find the offence proved in a prosecution for an offence relating to the thing.
- (2) A thing seized under this part is forfeited to the Territory if a court—
  - (a) finds an offence relating to the thing to be proved; and
  - (b) orders the forfeiture.
- (3) If subsection (2) (a) applies, but a court does not order forfeiture of the thing seized, the chief executive must return the thing to its owner or the Territory must pay reasonable compensation to the owner for the loss of the thing.

## **111 Power to inspect electrical wiring work**

- (1) An inspector may enter and remain on premises to conduct a test or inspection required under part 4 (Electrical wiring work) in relation to an electrical installation or electrical wiring work.
- (2) An inspector may enter and remain on the premises under subsection (1)—
  - (a) at any reasonable time; and
  - (b) with the people, equipment or material that the inspector reasonably needs to conduct the test or inspection.
- (3) However, the inspector may not, under this section—
  - (a) enter or remain on premises if, on request by the occupier, the inspector does not produce his or her identity card; or

- (b) without the consent of the occupier, enter or remain on any part of the premises used for residential purposes.
- (4) The power to enter premises under this section is additional to the powers under section 97 (General power to enter premises).

## **Division 11.3            Miscellaneous**

### **112    Selfincrimination etc**

- (1) A person is not excused from providing information or producing a document when required to do so under this part on the ground that the information or document might tend to incriminate the person.
- (2) However—
  - (a) the provision of the information or document; or
  - (b) any information, document or thing obtained as a direct or indirect consequence of providing the information or document;is not admissible in evidence against the person in criminal proceedings.
- (3) Subsection (2) does not apply to proceedings for—
  - (a) an offence against this part; or
  - (b) any other offence in relation to the falsity of the information or document.

*Note 1*    A reference to an offence against a Territory law includes a reference to an offence against the *Crimes Act 1900*, pt 9 (Aiding and abetting, accessories, attempts, incitement and conspiracy) that relates to the law (see *Legislation Act 2001*, s 189).

*Note 2*    The *Legislation Act 2001*, s 171 deals with the application of client legal privilege.

**114 Providing false or misleading information**

A person must not, in purported compliance with a requirement under this part, knowingly give information that is false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**115 Providing false or misleading documents**

A person must not, in purported compliance with a requirement under this part, produce a document (or a copy of a document) that the person knows is false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**116 Obstruction of inspectors**

A person must not, without reasonable excuse, hinder or obstruct an inspector in the exercise of a function under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**117 Damage etc to be minimised**

- (1) In the exercise, or purported exercise, of a function under this part, an inspector must take all reasonable steps to ensure that he or she, and any person assisting the inspector, causes as little inconvenience, detriment and damage as is practicable.
- (2) If an inspector, or a person assisting an inspector, damages anything in the exercise or purported exercise of a function under this part, the inspector must give written notice of the particulars of the damage to the person whom the inspector believes on reasonable grounds is the owner of the thing.

- (3) If the damage occurs on premises entered under this part in the absence of the occupier, the notice may be given by securing it in a conspicuous place on the premises.

### **118 Compensation**

- (1) A person may claim reasonable compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, of a function under this part by an inspector or a person assisting an inspector.
- (2) Compensation may be claimed and ordered in a proceeding for—
- (a) compensation brought in a court of competent jurisdiction; or
  - (b) an offence against this Act brought against the person making the claim for compensation.
- (3) A court may order the payment of reasonable compensation for the loss or expense only if it is satisfied it is just to make the order in the circumstances of the particular case.
- (4) The regulations may prescribe matters that may, must or must not be taken into account by the court in considering whether it is just to make the order.

## Part 12 Appeals

### 119 Review of decisions

- (1) Application may be made to the administrative appeals tribunal for a review of the following decisions of the chief executive:
  - (a) under section 65 (1) (a) declaring that an article of electrical equipment is a prescribed article of electrical equipment for part 7;
  - (b) under section 65 (1) (b) declaring that a specified class of articles of electrical equipment is a prescribed class of articles of electrical equipment for part 7;
  - (c) under section 68 (3) refusing to register a person as an approved first seller;
  - (d) under section 68 (4) cancelling the registration of an approved first seller;
  - (e) under section 70 (1) refusing to register a declaration of compliance;
  - (f) under section 70 (3) determining the period of registration of a declaration of compliance;
  - (g) under section 71 (1) suspending or cancelling the registration of a declaration of compliance;
  - (h) under section 71 (3) not to reduce a period of suspension or to rescind the remainder of a suspension;
  - (i) under section 74 (1) refusing to approve premises as a testing laboratory for this Act;
  - (j) under section 74 (2) cancelling the approval of premises as a testing laboratory for this Act;

- (k) under section 76 (2) imposing a requirement on an approved first seller;
  - (l) under section 82 (Prohibited articles) prohibiting the sale or installation of articles of electrical equipment of a stated class.
- (2) Application may be made to the administrative appeals tribunal for a review of a decision of the board—
- (a) under section 37, 38, 39, 42 or 45 refusing to grant a licence; or
  - (b) under section 44 or 46 that a person does not have sufficient practical experience for the grant of a licence; or
  - (c) under section 52 that the board is not satisfied as to the capacity or skills of the applicant; or
  - (d) under section 53 imposing conditions on a licence or permit; or
  - (e) under section 61 suspending a licence or permit; or
  - (f) under section 62 cancelling or suspending a licence.

## **120 Notifications of decisions**

- (1) A person who makes a decision mentioned in section 119 must give written notice of the decision to each person affected by the decision.
- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## Part 13                      Miscellaneous

### 121    Conduct of directors, servants and agents

- (1) If, in proceedings for an offence against this Act in relation to any conduct engaged in by a corporation, it is necessary to establish the state of mind of the corporation, it is sufficient to show that a director, servant or agent of the corporation, being a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.
- (2) Any conduct engaged in on behalf of a corporation—
  - (a) by a director, servant or agent of the corporation within the scope of his or her actual or apparent authority; or
  - (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the corporation, if the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent;shall be deemed, for this Act, to have been engaged in by the corporation.
- (3) A reference in this Act to the *state of mind* of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for his or her intention, opinion, belief or purpose.

### 122    Production of licence or permit for inspection

The holder of a licence or permit shall, on the request of—

- (a) an inspector; or
- (b) the owner or occupier, or a person who is authorised by the owner or occupier, of premises where the holder of the licence

or permit is carrying out or proposes to carry out electrical wiring work; or

(c) a police officer;

produce his or her licence or permit for inspection by the person who made the request.

Maximum penalty: 2 penalty units.

### **123 Change of name or address**

- (1) If the name or address of the holder of a licence or permit is changed, the holder shall give the registrar written notice of the change and give the licence or permit to the registrar.

Maximum penalty: 1 penalty unit.

- (2) The registrar shall, as soon as practicable after receipt of the licence, enter the particulars of the change in the register and on the licence or permit and return the licence or permit to the holder.

### **124 Loss etc of licence or permit**

If the registrar is satisfied that a licence has been lost, defaced or destroyed, the registrar may issue to the holder of the licence or permit a certified copy of the licence or permit and that copy is, for this Act, of the same effect as the licence or permit.

*Note* A fee may be determined under s 103 (Determination of fees) for this section.

### **125 Expired licences or permits**

A person who, having been the holder of a licence or permit, did not apply for the renewal of the licence or permit shall, within 14 days after the date it expired, give it to the registrar.

Maximum penalty: 1 penalty unit.



**126 Evidence**

- (1) The chief executive may, by signed writing, certify—
  - (a) that a document attached to the certificate is a true copy of Australian Standard 3000, as in force at a stated date; and
  - (b) whether the standard is still in force and, if not, the period during which the standard was in force.
- (2) The registrar may, by signed writing, certify that a person was or was not on a date or dates or during a period specified in the certificate the holder of a specified licence or permit.
- (3) A document that purports to be a certificate under subsection (1) or (2) shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly given.
- (4) A certificate under subsection (1) is evidence of the matters specified in it and of the determination a copy of which is attached to it.
- (5) A certificate under subsection (2) is evidence of the matters specified in it.
- (6) A document that purports to be a signed on behalf of a prescribed authority in a State or another Territory and states that a specified class, description or type of article of electrical equipment was or was not on a specified date approved by that authority is evidence of the matters stated in the document.

**127 Service of notices**

A notice or any other document under or for this Act or the regulations may be served on the holder of a licence or permit by post to the address specified in the licence or permit.

**128 Determination of fees**

- (1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**129 Approved forms**

- (1) The chief executive may, in writing, approve forms for this Act.
- (2) If the chief executive approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

**130 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Electricity Ordinance 1971* No 30 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

The *Electricity Safety Act 1971* was further renamed by the *Utilities (Consequential Provisions) Act 2000* No 66 (see sch 1 pt 4).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Electricity Safety Act 1971 No 30**

notified 2 December 1971

commenced 1 January 1972

as amended by

##### **Electricity Ordinance 1972 No 27**

notified 4 August 1972

commenced 4 August 1972

##### **Ordinances Revision Ordinance 1977 No 65 sch 2**

notified 22 December 1977

commenced 22 December 1977

##### **Ordinances Revision Ordinance 1978 No 46 sch 2**

notified 28 December 1978

commenced 28 December 1978

**Electricity (Amendment) Ordinance 1982 No 61**

notified 18 August 1982  
commenced 18 August 1982

**Electricity (Amendment) Ordinance 1985 No 20**

notified 30 May 1985  
commenced 30 June 1985 (see Cwlth Gaz 1985 No S242)

**Magistrates Court Ordinance 1985 No 67 sch pt 1**

notified 19 December 1985  
commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

**Electricity (Amendment) Ordinance 1987 No 5**

notified 24 February 1987  
commenced 24 February 1987

**Electricity and Water (Consequential Amendments) Ordinance 1988 No 31 sch**

notified 30 June 1988  
commenced 1 July 1988 (s 2)

**Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)  
s 1, s 2 commenced 10 May 1989 (s 2 (1))  
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

**Legislation after becoming Territory enactment****Royal Commissions and Inquiries (Consequential Provisions) Act 1991 No 3 sch**

notified 1 March 1991 (Gaz 1991 No S7)  
s 1, s 2 commenced 1 March 1991 (s 2 (1))  
sch commenced 1 May 1991 (s 2 (2) and see Gaz 1991 No 16)

**Electricity (Amendment) Act 1994 No 52**

notified 5 October 1994  
s 1, s 2 commenced 5 October 1994  
remainder commenced 5 October 1994 (see Gaz 1994 No S207)

## Endnotes

3 Legislation history

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### **Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

### **Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

as modified by

### **Electricity and Water (Modification) Regulations 1995 No 24**

notified 30 June 1995  
commenced 1 July 1995

as amended by

### **Statute Law Revision Act 1995 No 46 sch**

notified 18 December 1995 (Gaz 1995 No S306)  
amds commenced 18 December 1995 (s 2)

### **Electricity (Miscellaneous Provisions) Act 1996 No 28**

notified 1 July 1996  
commenced 1 July 1996

### **Remuneration Tribunal (Consequential Amendments) Act 1997 No 41 sch 1**

notified 19 September 1997 (Gaz 1997 No S264)  
s 1, s 2 commenced 19 September 1997 (s 2 (1))  
sch 1 commenced 23 September 1997 (s 2 (2) and Gaz 1997 No S280)

### **Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 1 commenced 1 June 1998 (s 2 (2))

**Electricity (Amendment) Act 1998 No 51**

notified 16 November 1998 (Gaz 1998 No S205)  
 ss 1-3 commenced 16 November 1998 (s 2 (1))  
 remainder 14 April 1999 (s 2 (2) and Gaz 1999 No 15)

**Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
 s 1, s 2 commenced 27 November 1998 (s 2 (1))  
 sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

**Electricity (Amendment) Act 1999 No 53**

notified 17 September 1999 (Gaz 1999 No S54)  
 commenced 17 September 1999 (s 2)

**Utilities (Consequential Provisions) Act 2000 No 66 sch 1 pt 4**

notified 20 December 2000 (Gaz 2000 No S68)  
 s 1, s 2 commenced 20 December 2000 (IA s 10B)  
 sch 1 pt 4 commenced 1 January 2001 (Gaz 2000 No S69)

**Electricity Amendment Act 2000 No 69**

notified 20 December 2000 (Gaz 2000 No S68)  
 commenced 20 December 2000 (s 2)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 122**

notified 26 July 2001 (Gaz 2001 No 30)  
 s 1, s 2 commenced 26 July 2001 (IA s 10B)  
 pt 122 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Legislation Amendment Act 2002 No 11 pt 2.18**

notified LR 27 May 2002  
 s 1, s 2 commenced 27 May 2002 (LA s 75)  
 pt 2.18 commenced 28 May 2002 (s 2 (1))

**4 Amendment history****Title**

title sub 2000 No 66 sch 1 pt 4

**Name of Act**

s 1 sub 2000 No 66 sch 1 pt 4

## Endnotes

### 4 Amendment history

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#### Commencement

s 2 am 1994 No 52 sch  
om 2001 No 44 amdt 1.1403

#### Interpretation for Act

s 3 hdg sub 2000 No 69 s 4  
s 3 orig s 3 om 1977 No 65 sch 2  
(prev s 4) renum as s 3 1994 No 52 s 48  
am 1994 No 52 s 4, sch  
def **administrative appeals tribunal** ins 1994 No 52 s 4  
om 1995 No 46 sch  
def **authority** ins 1988 No 31 sch  
om 2000 No 69 s 4  
def **board** ins 1994 No 52 s 4  
def **chairperson** ins 1994 No 52 s 4  
def **chief executive officer** ins 1988 No 31 sch  
om 2000 No 69 s 4  
def **company** ins 1996 No 28 s 4  
om 2000 No 69 s 4  
def **deputy chairperson** ins 1994 No 52 s 4  
def **determined fee** ins 1994 No 52 s 4  
om 2001 No 44 amdt 1.1404  
def **electrical installation** am 1999 No 53 s 4  
sub 2000 No 66 sch 1 pt 4  
def **electrical wiring work** am 1995 No 52 s 4  
sub 1999 No 53 s 4  
def **electrician's licence, grade B** sub 2000 No 69 s 4  
def **Electricity and Water Act** sub 2000 No 69 s 4  
def **Electricity and Water Ordinance** ins 1988 No 31 sch  
def **electricity distributor** ins 2000 No 69 s 4  
sub 2000 No 66 sch 1 pt 4  
def **electricity network** ins 2000 No 66 sch 1 pt 4  
def **extra low voltage** ins 1994 No 52 s 4  
def **function** ins 2000 No 69 s 4  
def **incidental electrical work** ins 1994 No 52 s 4  
def **inspector** ins 2000 No 69 s 4  
def **licence** sub 2000 No 69 s 4  
def **member** ins 1994 No 52 s 4  
def **Mutual Recognition Act** ins 1994 No 52 s 4  
def **occupier** ins 2000 No 69 s 4  
def **permit** ins 1994 No 52 s 4  
def **premises** ins 2000 No 69 s 4  
def **prescribed article of electrical equipment** ins 2000 No 69  
s 4  
def **prohibited** ins 2000 No 69 s 4  
def **Register** ins 1994 No 52 s 4  
def **registrar** ins 1994 No 52 s 4  
sub 2000 No 69 s 4  
def **regulatory authority** ins 1994 No 52 s 4



sub 2000 No 69 s 4  
def **relevant standard** ins 2000 No 69 s 4  
am 2001 No 44 amdt 1.1405  
def **restricted electrical licence** ins 1994 No 52 s 4  
def **sell** ins 2000 No 69 s 4  
def **serious electrical accident** ins 2000 No 69 s 4  
def **the Act** om 1988 No 31 sch  
def **the Authority** om 1988 No 31 sch  
def **the Chairman** om 1988 No 31 sch  
def **the Registrar** om 1995 No 52 s 4  
def **wireman's licence** om 1995 No 52 s 4

**The Electrical Licensing Board**

pt 1A hdg renum as pt 2 hdg

**The Electrical Licensing Board**

pt 2 hdg (prev pt 1A hdg) ins 1994 No 52 s 6  
renum 1994 No 52 s 48

**Establishment of board**

s 4 orig s 4 renum as s 3  
(prev s 5) sub 1994 No 52 s 5  
renum 1994 No 52 s 48

**Constitution of board**

s 5 orig s 5 renum as s 4  
(prev s 5A) ins 1994 No 52 s 6  
renum 1994 No 52 s 48  
am 2000 No 69 s 5; 2001 No 44 amdts 1.1406-1.1410

**Constitution of board**

s 5A renum as s 5

**Chairperson and deputy chairperson of board**

s 5B renum as s 6

**Term of office**

s 5C renum as s 7

**Resignation**

s 5D renum as s 8

**Functions of board**

s 5E renum as s 9

**Powers of board**

s 5F renum as s 10

**Delegation**

s 5G renum as s 11

**Recommendations to Minister**

s 5H renum as s 12

## Endnotes

### 4 Amendment history

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#### **Deputies**

s 5J renum as s 13

#### **Remuneration and allowances**

s 5K renum as s 14

#### **Staff**

s 5L renum as s 15 and then s 14

#### **Meetings of board**

s 5M renum as s 16 and then s 15

#### **Quorum**

s 5N renum as s 17 and then s 16

#### **Voting**

s 5P renum as s 18 and then s 17

#### **Board may determine procedure**

s 5Q renum as s 19 and then s 18

#### **Courses, examinations etc**

s 5R renum as s 20 and then s 19

#### **Chairperson and deputy chairperson of board**

s 6 orig s 6 renum as s 21 and then s 20  
(prev s 5B) ins 1994 No 52 s 6  
renum 1994 No 52 s 48

#### **Term of office**

s 7 orig s 7 renum as s 22 and then s 21  
(prev s 5C) ins 1994 No 52 s 6  
renum 1994 No 52 s 48

#### **Resignation**

s 8 orig s 8 renum as s 23 and then s 22  
(prev s 5D) ins 1994 No 52 s 6  
renum 1994 No 52 s 48

#### **Functions of board**

s 9 orig s 9 renum as s 24 and then s 23  
(prev s 5E) ins 1994 No 52 s 6  
renum 1994 No 52 s 48

#### **Powers of board**

s 10 orig s 10 renum as s 25 and then s 24  
(prev s 5F) ins 1994 No 52 s 6  
renum 1994 No 52 s 48

#### **Persons who may carry out incidental electrical work**

s 10A renum as s 26 and then s 25

**Delegation**

s 11 orig s 11 renum as s 27 and then s 26  
(prev s 5G) ins 1994 No 52 s 6  
renum 1994 No 52 s 48

**Recommendations to Minister**

s 12 orig s 12 renum as s 28 and then s 27  
(prev s 5H) ins 1994 No 52 s 6  
renum 1994 No 52 s 48  
am 2002 No 11 amdt 2.37

**Deputies**

s 13 orig s 13 renum as s 29 and then s 28  
(prev s 5J) ins 1994 No 52 s 6  
renum 1994 No 52 s 48  
om 2002 No 11 amdt 2.38

**Carrying out of electrical wiring work by holder of electrician's permit, grade A**

s 13A renum as s 30 and then s 29

**Carrying out of incidental electrical work by holder of restricted electrical licence**

s 13B renum as s 31 and then s 30

**Carrying out of incidental electrical work by holder of restricted electrical permit**

s 13C renum as s 32 and then s 31

**Staff**

s 14 orig s 14 renum as s 33 and then s 32  
(prev s 5K) ins 1994 No 52 s 6  
renum 1994 No 52 s 48  
om 1997 No 41 sch 1  
pres s 14 (prev s 5L) ins 1994 No 52 s 6  
renum as s 15 1994 No 52 s 48  
sub 2000 No 69 s 6  
renum as s 14 R4 LA (see 2000 No 69 s 29)

**Meetings of board**

s 15 orig s 15 renum as s 34 and then s 37  
(prev s 5L) renum as s 15 and then s 14  
(prev s 5M) ins 1994 No 52 s 6  
renum as s 16 1994 No 52 s 48  
renum as s 15 R4 LA (see 2000 No 69 s 29)

**Quorum**

s 16 orig s 16 renum as s 35 and then s 38  
(prev s 5M) renum as s 16 and then s 15  
(prev s 5N) ins 1994 No 52 s 6  
renum as s 17 1994 No 52 s 48  
renum as s 16 R4 LA (see 2000 No 69 s 29)

## Endnotes

4 Amendment history

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### **Grant of electrical contractor's licence—partnership**

s 16A renum as s 36 and then s 39

### **Whether persons fit and proper**

s 16B renum as s 37 and then s 40

### **Public liability insurance**

s 16C renum as s 38 and then s 41

### **Voting**

s 17 orig s 17 renum as s 39 and then s 42  
(prev s 5N) renum as s 17 and then s 16  
(prev s 5P) ins 1994 No 52 s 6  
renum as s 18 1994 No 52 s 48  
renum as s 17 R4 LA (see 2000 No 69 s 29)

### **Board may determine procedure**

s 18 orig s 18 renum as 40 and then s 43  
(prev s 5P) renum as s 18 and then s 17  
(prev s 5Q) ins 1994 No 52 s 6  
renum as s 19 1994 No 52 s 48  
renum as s 18 R4 LA (see 2000 No 69 s 29)

### **Courses, examinations etc**

s 19 orig s 19 renum as s 41 and then s 44  
(prev s 5Q) renum as s 19 and then s 18  
(prev s 5R) ins 1994 No 52 s 6  
renum as s 20 1994 No 52 s 48  
am 2001 No 44 amdt 1.1411, amdt 1.1412  
renum as s 19 R4 LA (see 2000 No 69 s 29)

### **The register of electrical contractors and electricians**

pt 3 hdg (prev pt 2 hdg) renum 1994 No 52 s 48

### **Registrar**

s 20 orig s 20 renum as s 42 and then s 45  
(prev s 5R) renum as s 20 and then s 19  
(prev s 6) renum as s 21 1994 No 52 s 48  
sub 2000 No 69 s 7  
renum as s 20 R4 LA (see 2000 No 69 s 29)

### **Restricted electrical permit**

s 20A renum as s 43 and then s 46

### **Licensing etc under mutual recognition principles**

s 20B renum as s 44 and then s 47

### **Application for licence**

s 20C renum as s 45 and then s 48

### **Further information**

s 20D renum as s 46 and then s 49

**Register of electrical contractors and electricians**

s 21 orig s 21 renum as s 47 and then s 50  
(prev s 6) renum as s 21 and then s 20  
(prev s 7) renum as s 22 1994 No 52 s 48  
renum as s 21 R4 LA (see 2000 No 69 s 29)

**Entries in register**

s 22 orig s 22 renum as s 48 and then s 51  
(prev s 7) renum as s 22 and then s 21  
(prev s 8) am 1994 No 52 s 7  
renum as s 23 1994 No 52 s 48  
renum as s 22 R4 LA (see 2000 No 69 s 29)

**Skills etc of applicants**

s 22A renum as s 49 and then s 52

**Licence conditions**

s 22B renum as s 50 and then s 53

**Imposition of conditions imposed under foreign law**

s 22C renum as s 51 and then s 54

**Electrical wiring work**

pt 4 hdg (prev pt 3 hdg) renum 1994 No 52 s 48

**Persons who may carry on business as electrical contractors**

s 23 orig s 23 om 1994 No 52 s 20  
(prev s 8) renum as s 23 and then s 22  
(prev s 9) am 1994 No 52 s 8, sch  
renum as s 24 1994 No 52 s 48  
am 1994 No 81 sch  
renum as s 23 R4 LA (see 2000 No 69 s 29)

**Persons who may carry out electrical wiring work**

s 24 orig s 24 renum as s 52 and then s 55  
(prev s 9) renum as s 24 and then s 23  
(prev s 10) am 1994 No 52 s 9, sch  
renum as s 25 1994 No 52 s 48  
am 1994 No 81 sch; 1999 No 53 s 5  
renum as s 24 R4 LA (see 2000 No 69 s 29)

**Persons who may carry out incidental electrical work**

s 25 orig s 25 renum as s 53 and then s 56  
(prev s 10) renum as s 25 and then s 24  
(prev s 10A) ins 1994 No 52 s 10  
renum as s 26 1994 No 52 s 48  
am 1998 No 54 sch  
renum as s 25 R4 LA (see 2000 No 69 s 29)

## Endnotes

### 4 Amendment history

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#### **Persons who may direct and supervise carrying out of electrical wiring work**

s 26 orig s 26 renum as s 54 and then s 57  
(prev s 10A) renum as s 26 and then s 25  
(prev s 11) am 1994 No 52 s 11, sch  
renum as s 27 1994 No 52 s 48  
am 1994 No 81 sch  
renum as s 26 R4 LA (see 2000 No 69 s 29)

#### **Carrying out of electrical wiring work by holder of electrician's licence, grade A**

s 27 orig s 27 renum as s 55 and then s 58  
(prev s 11) renum as s 27 and then s 26  
(prev s 12) am 1972 No 27 s 2; 1994 No 52 sch  
renum as s 28 1994 No 52 s 48  
am 1994 No 81 sch  
renum as s 27 R4 LA (see 2000 No 69 s 29)

#### **Cancellation of licence on basis of action under foreign law**

s 27A renum as s 56 and then s 59

#### **Carrying out of electrical wiring work by holder of electrician's licence, grade B**

s 28 orig s 28 renum as s 57 and then s 60  
(prev s 12) renum as s 28 and then s 27  
(prev s 13) am 1972 No 27 s 3; 1994 No 52 s 12, sch  
renum as s 29 1994 No 52 s 48  
am 1994 No 81 sch  
renum as s 28 R4 LA (see 2000 No 69 s 29)

#### **Carrying out of electrical wiring work by holder of electrician's permit, grade A**

s 29 orig s 29 renum as s 58 and then s 61  
(prev s 13) renum as s 29 and then s 28  
(prev s 13A) ins 1994 No 52 s 13  
renum as s 30 1994 No 52 s 48  
am 1998 No 54 sch  
renum as s 29 R4 LA (see 2000 No 69 s 29)

#### **Carrying out of incidental electrical work by holder of restricted electrical licence**

s 30 orig s 30 renum as s 59 and then s 62  
(prev s 13A) renum as s 30 and then s 29  
(prev s 13B) ins 1994 No 52 s 13  
renum as s 31 1994 No 52 s 48  
am 1998 No 54 sch  
renum as s 30 R4 LA (see 2000 No 69 s 29)

**Carrying out of incidental electrical work by holder of restricted electrical permit**

s 31 orig s 31 am 1985 No 67 sch pt 1  
om 1994 No 52 s 30  
(prev s 13B) renum as s 31 and then s 30  
(prev s 13C) ins 1994 No 52 s 13  
renum as s 32 1994 No 52 s 48  
am 1998 No 54 sch  
renum as s 31 R4 LA (see 2000 No 69 s 29)

**Connecting electrical installations to network—inspections**

s 32 orig s 32 renum as s 60 and then s 63  
(prev s 13C) renum as s 32 and then s 31  
(prev s 14) am 1994 No 52 sch  
renum as s 33 1994 No 52 s 48  
am 1994 No 81 sch  
mod SL 1995 No 24 reg 3  
sub 1996 No 28 s 5  
am 1998 No 51 s 4  
sub 2000 No 69 s 8; 2000 No 66 sch 1 pt 4  
renum as s 32 R4 LA (see 2000 No 69 s 29)

**Application of part**

s 32A renum as s 61

**Declaration of corresponding law**

s 32B renum as s 62 and then s 64

**Prohibition of sale, installation or regulation of articles of electrical equipment**

s 32C renum as s 63

**Prescribed articles of electrical equipment**

s 32D renum as s 64 and then s 65

**Sale, installation etc of prescribed articles**

s 32E renum as s 65 and then s 66

**Sale etc of articles not complying with standards**

s 32F renum as s 66 and then s 67

**Registration as approved first seller**

s 32G renum as s 67 and then s 68

**Application for registration of declaration of compliance**

s 32H renum as s 68 and then s 69

**Registration of declaration of compliance**

s 32J renum as s 69 and then s 70

**Suspension or cancellation of registration of declaration of compliance**

s 32K renum as s 70 and then s 71

## Endnotes

4 Amendment history

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### **Transfer of registration of declaration of compliance**

s 32L renum as s 71 and then s 72

### **Safety registration mark**

s 32M renum as s 72 and then s 73

### **Approved testing laboratories**

s 32N renum as s 73 and then s 74

### **Registers**

s 32P renum as s 74 and then s 75

### **Examination and testing of articles**

s 32Q renum as s 75 and then s 76

### **Unsafe articles**

s 32R renum as s 76

### **Public statements by authority**

s 32S renum as s 77

### **Inspectors**

s 32T renum as s 78

### **Return of identity card**

s 32U renum as s 79

### **Powers of inspectors**

s 32V renum as s 80

### **Interpretation**

s 32W renum as s 81

### **Entry and search etc**

s 32X renum as s 82

### **Publication of safety warnings**

s 32XA renum as s 83

### **Search warrants**

s 32Y renum as s 84

### **Search warrants may be granted by telephone**

s 32Z ins 1985 No 20 s 4  
om 1987 No 5 s 14

### **Entry etc in emergencies**

32ZA ins 1985 No 20 s 4  
om 1987 No 5 s 14

### **Obstruction of inspectors**

s 32ZB renum as s 85

### **Review of inspector's direction**

s 32ZC renum as s 86



**Review by administrative appeals tribunal**

s 32ZD ins 1985 No 20 s 4  
am 1987 No 5 s 16  
om 1994 No 52 s 32

**Notifications of decisions**

s 32ZE ins 1985 No 20 s 4  
am 1989 No 38 sch 1  
om 1994 No 52 s 32

**False representation**

s 32ZF renum as s 87 and then s 76 and then s 77

**Evidence of registration of declaration of compliance**

s 32ZG renum as s 88 and then s 77 and then s 78

**Service of documents**

s 32ZH renum as s 89

**Determination of fees**

s 32ZJ ins 1985 No 20 s 4  
om 1994 No 52 s 32

**Compliance with Australian Standard 3000**

s 33 orig s 33 renum as s 90  
(prev s 14) renum as s 33 and then s 32  
(prev s 33A) ins 1998 No 51 s 5  
renum R4 LA (see 2000 No 69 s 29)

**Compliance with Australian Standard 3000**

s 33A renum as s 33

**Testing and reporting of electrical work**

s 33B renum as s 34

**Exemption from s 33 and s 34**

s 33C renum as s 35

**Directions to rectify unsafe installations**

s 33D renum as s 36

**Testing and reporting of electrical work**

s 34 orig s 34 renum as s 91  
(prev s 15) renum as s 34 and then s 33  
(prev s 33B) ins 1998 No 51 s 5  
am 2001 No 44 amdt 1.1413  
renum R4 LA (see 2000 No 69 s 29)

**Exemption from s 33 and s 34**

s 35 orig s 35 renum as s 92  
(prev s 16) renum as s 35 and then s 38  
(prev s 33C) ins 1998 No 51 s 5  
renum R4 LA (see 2000 No 69 s 29)

## Endnotes

### 4 Amendment history

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#### **Directions to rectify unsafe installations**

s 36 orig s 36 renum as s 93  
(prev s 16A) renum as s 36 and then s 39  
(prev s 33D) ins 2000 No 69 s 9  
renum R4 LA (see 2000 No 69 s 29)

#### **Review of decisions**

s 36AA renum as s 94 and then s 119

#### **Notifications of decisions**

s 36AB renum as s 95 and then s 120

#### **Licences and permits**

pt 5 hdg (prev pt 4 hdg) am 1994 No 52 s 14  
renum 1994 No 52 s 48

#### **Conduct of directors, servants and agents**

s 36A renum as s 96 and then s 121

#### **Grant of electrical contractor's licence—individuals**

s 37 orig s 37 renum as s 97 and then s 122  
(prev s 16B) renum as s 37 and then s 40  
(prev s 15) am 1972 No 27 s 4  
sub 1994 No 52 s 15  
renum as s 34 1994 No 52 s 48  
am 2000 No 69 sch 1  
renum as s 37 R4 LA (see 2000 No 69 s 29)

#### **Grant of electrical contractor's licence—body corporate**

s 38 orig s 38 renum as s 98 and then s 123  
(prev s 16C) renum as s 38 and then s 41  
(prev s 16) sub 1994 No 52 s 15  
renum as s 35 1994 No 52 s 48  
renum as s 38 R4 LA (see 2000 No 69 s 29)

#### **Grant of electrical contractor's licence—partnership**

s 39 orig s 39 renum as s 99 and then s 124  
(prev s 17) renum as s 39 and then s 42  
(prev s 16A) ins 1994 No 52 s 15  
renum as s 36 1994 No 52 s 48  
renum as s 39 R4 LA (see 2000 No 69 s 29)

#### **Whether persons fit and proper**

s 40 orig s 40 renum as s 100 and then s 125  
(prev s 18) renum as s 40 and then s 43  
(prev s 16B) ins 1994 No 52 s 15  
renum as s 37 1994 No 52 s 48  
renum as s 40 R4 LA (see 2000 No 69 s 29)

**Public liability insurance**

s 41 orig s 41 renum as s 101 and then s 126  
(prev s 19) renum as s 41 and then s 44  
(prev s 16C) ins 1994 No 52 s 15  
renum as s 38 1994 No 52 s 48  
renum as s 41 R4 LA (see 2000 No 69 s 29)

**Electrician's licence, grade A**

s 42 orig s 42 renum as s 102 and then s 127  
(prev s 20) renum as s 42 and then s 45  
(prev s 17) am 1994 No 52 s 16, sch  
renum as s 39 1994 No 52 s 48  
renum as s 42 R4 LA (see 2000 No 69 s 29)

**Electrician's licence, grade B—continued operation**

s 43 orig s 43 renum as s 103  
(prev s 20A) renum as s 43 and then s 46  
(prev s 18) am 1978 No 46 sch 2; 1994 No 52 sch  
renum as s 40 1994 No 52 s 48  
sub 2000 No 69 s 10  
renum as s 43 R4 LA (see 2000 No 69 s 29)

**Approved forms**

s 43AA renum as s 104 and then s 129

**Regulation-making power**

s 43A renum as s 105

**Electrician's permit, grade A**

s 44 orig s 44 renum as s 106  
(prev s 20B) renum as s 44 and then s 47  
(prev s 19) sub 1994 No 52 s 17  
renum as s 41 1994 No 52 s 48  
renum as s 44 R4 LA (see 2000 No 69 s 29)

**Restricted electrical licence**

s 45 (prev s 20C) renum as s 45 and then s 48  
(prev s 20) sub 1994 No 52 s 17  
renum as s 42 1994 No 52 s 48  
renum as s 45 R4 LA (see 2000 No 69 s 29)

**Restricted electrical permit**

s 46 (prev s 20D) renum as s 46 and then s 49  
(prev s 20A) ins 1994 No 52 s 17  
renum as s 43 1994 No 52 s 48  
am 2000 No 69 sch 1  
renum as s 46 R4 LA (see 2000 No 69 s 29)

**Licensing etc under mutual recognition principles**

s 47 (prev s 21) renum as s 47 and then s 50  
(prev s 20B) ins 1994 No 52 s 17  
renum as s 44 1994 No 52 s 48  
renum as s 47 R4 LA (see 2000 No 69 s 29)

## Endnotes

### 4 Amendment history

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#### **Application for licence**

s 48 (prev s 22) renum as s 48 and then s 51  
(prev s 20C) ins 1994 No 52 s 17  
renum as s 45 1994 No 52 s 48  
sub 2001 No 44 amdt 1.1414  
renum as s 48 R4 LA (see 2000 No 69 s 29)

#### **Further information**

s 49 (prev s 22A) renum as s 49 and then s 52  
(prev s 20D) ins 1994 No 52 s 17  
renum as s 46 1994 No 52 s 48  
renum as s 49 R4 LA (see 2000 No 69 s 29)

#### **False statements in licence**

s 50 (prev s 22B) renum as s 50 and then s 53  
(prev s 21) am 1994 No 52 sch  
renum as s 47 1994 No 52 s 48  
am 1994 No 81 sch  
renum as s 50 R4 LA (see 2000 No 69 s 29)

#### **Applications to be considered and determined**

s 51 (prev s 22C) renum as s 51 and then s 54  
(prev s 22) am 1994 No 52 s 18, sch  
renum as s 48 1994 No 52 s 48  
renum as s 51 R4 LA (see 2000 No 69 s 29)

#### **Skills etc of applicants**

s 52 (prev s 24) renum as s 52 and then s 55  
(prev s 22A) ins 1994 No 52 s 19  
renum as s 49 1994 No 52 s 48  
renum as s 52 R4 LA (see 2000 No 69 s 29)

#### **Licence conditions**

s 53 (prev s 25) renum as s 53 and then s 56  
(prev s 22B) ins 1994 No 52 s 19  
renum as s 50 1994 No 52 s 48  
renum as s 53 R4 LA (see 2000 No 69 s 29)

#### **Imposition of conditions imposed under foreign law**

s 54 (prev s 26) renum as s 54 and then s 57  
(prev s 22C) ins 1994 No 52 s 19  
renum as s 51 1994 No 52 s 48  
renum as s 54 R4 LA (see 2000 No 69 s 29)

#### **Issue of licence or permit**

s 55 (prev s 27) renum as s 55 and then s 58  
(prev s 24) am 1978 No 46 sch 2  
sub 1994 No 52 s 21  
renum as s 52 1994 No 52 s 48  
am 2001 No 44 amdts 1.1415-1.1418  
renum as s 55 R4 LA (see 2000 No 69 s 29)

**Term of licence or permit**

s 56 (prev s 27A) renum as s 56 and then s 59  
 (prev s 25) am 1994 No 52 s 22  
 renum as s 53 1994 No 52 s 48  
 renum as s 56 R4 LA (see 2000 No 69 s 29)

**Renewal of licence or permit**

s 57 (prev s 28) renum as s 57 and then s 60  
 (prev s 26) am 1994 No 52 s 23  
 renum as s 54 1994 No 52 s 48  
 am 2001 No 44 amdt 1.1419  
 renum as s 57 R4 LA (see 2000 No 69 s 29)

**Cancellation and suspension of licences or permits**

pt 6 hdg orig pt 6 hdg om 1994 No 52 s 30  
 (prev pt 5 hdg) am 1994 No 52 s 24  
 renum 1994 No 52 s 48

**Grounds for cancellation or suspension of licence or permit**

s 58 (prev s 29) renum as s 58 and then s 61  
 (prev s 27) am 1972 No 27 s 5; 1988 No 31 sch; 1994 No 52  
 s 25, sch  
 renum as s 55 1994 No 52 s 48  
 am 1997 No 96 sch 1; 2000 No 69 sch 1; 2000 No 66 sch 1 pt 4  
 renum as s 58 R4 LA (see 2000 No 69 s 29)

**Cancellation of licence on basis of action under foreign law**

s 59 (prev s 30) renum as s 59 and then s 62  
 (prev s 27A) ins as s 27A 1994 No 52 s 26  
 renum as s 56 1994 No 52 s 48  
 renum as s 59 R4 LA (see 2000 No 69 s 29)

**Inquiry**

s 60 (prev s 32) renum as s 60 and then s 63  
 (prev s 28) am 1991 No 3 sch; 1994 No 52 s 27, sch  
 renum as s 57 1994 No 52 s 48  
 renum as s 60 R4 LA (see 2000 No 69 s 29)

**Suspension of licence or permit pending inquiry**

s 61 (prev s 32A) ins 1985 No 20 s 4  
 renum as s 61 1994 No 52 s 48  
 om 2000 No 69 s 13  
 pres s 61 (prev s 29) am 1994 No 52 s 28, sch  
 renum as s 58 1994 No 52 s 48  
 renum as s 61 R4 LA (see 2000 No 69 s 29)

**Powers of board after inquiry**

s 62 (prev s 32B) renum as s 62 and then s 64  
 (prev s 30) am 1994 No 52 s 29, sch  
 renum as s 59 1994 No 52 s 48  
 renum as s 62 R4 LA (see 2000 No 69 s 29)

## Endnotes

4 Amendment history

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### **Prescribed articles of electrical equipment**

pt 7 hdg sub 1985 No 20 s 4; 2000 No 69 s 11

### **Non-prescribed articles of electrical equipment**

pt 7A hdg renum as pt 8 hdg

### **Defective articles of electrical equipment**

pt 7B hdg renum as pt 9 hdg

### **Serious electrical accidents**

pt 7C hdg renum as pt 10 hdg

### **Preliminary**

div 7.1 hdg (prev pt 7 div 1 hdg) ins 1985 No 20 s 4  
renum R4 LA (see 2000 No 69 s 29)

### **Definitions for pt 7**

s 63 hdg (prev s 32 hdg) renum as s 60 hdg 1994 No 52 s 48  
sub 2000 No 69 s 12

renum as s 63 hdg R4 LA (see 2000 No 69 s 29)

s 63 (prev s 32C) ins 1985 No 20 s 4

am 1987 No 5 s 3, sch

renum as s 63 1994 No 52 s 48

am 1994 No 81 sch

om 2000 No 69 s 15

pres s 63 (prev s 32) sub 1985 No 20 s 4

am 1989 No 38 sch 1; 1994 No 52 s 31

renum as s 60 1994 No 52 s 48

am 1995 No 46 sch; 2000 No 69 s 12; 2001 No 44

amdt 1.1420, amdt 1.1421

renum as s 63 R4 LA (see 2000 No 69 s 29)

### **Declaration of corresponding law**

s 64 (prev s 32D) renum as s 64 and then s 65

(prev s 32B) ins 1985 No 20 s 4

renum as s 62 1994 No 52 s 48

am 2001 No 44 amdts 1.1422-1.1424

renum as s 64 R4 LA (see 2000 No 69 s 29)

### **Regulation of dealings**

div 7.2 hdg (prev pt 7 div 2 hdg) ins 1985 No 20 s 4

sub 2000 No 69 s 14

renum R4 LA (see 2000 No 69 s 29)

### **Prescribed articles of electrical equipment**

s 65 (prev s 32E) renum as s 65 and then s 66

(prev s 32D) ins 1985 No 20 s 4

renum as s 64 1994 No 52 s 48

am 2000 No 69 sch 1; 2001 No 44 amdts 1.425-1.428

renum as s 65 R4 LA (see 2000 No 69 s 29)

**Sale, installation of prescribed articles**

- s 66 hdg (prev s 32F hdg) renum as s 66 hdg and then s 67 hdg  
(prev s 32E hdg) renum as s 65 hdg 1994 No 52 s 48  
sub 2000 No 69 s 16  
renum as s 66 hdg R4 LA (see 2000 No 69 s 29)
- s 66 (prev s 32F) renum as s 66 and then s 67  
(prev s 32E) ins 1985 No 20 s 4  
am 1987 No 5 s 4, sch  
renum as s 65 1994 No 52 s 48  
am 1994 No 81 sch; 2000 No 69 s 16  
renum as s 66 R4 LA (see 2000 No 69 s 29)

**Sale, installation of noncomplying prescribed articles**

- s 67 hdg (prev s 32G hdg) renum as s 67 hdg and then s 68 hdg  
(prev s 32F hdg) renum as s 66 hdg 1994 No 52 s 48  
sub 2000 No 69 s 17  
renum as s 67 hdg R4 LA (see 2000 No 69 s 29)
- s 67 (prev s 32G) renum as s 67 and then s 68  
(prev s 32F) ins 1985 No 20 s 4  
am 1987 No 5 s 5  
renum as s 66 1994 No 52 s 48  
am 1994 No 81 sch; 2000 No 69 s 17  
renum as s 67 R4 LA (see 2000 No 69 s 29)

**Registration as approved first seller**

- s 68 (prev s 32H) renum as s 68 and then s 69  
(prev s 32G) ins 1985 No 20 s 4  
am 1987 No 5 s 6, sch; 1988 No 31 sch; 1994 No 52 sch  
renum as s 67 1994 No 52 s 48  
am 1994 No 81 sch; 2000 No 69 sch 1; 2001 No 44  
amdt 1.1429, amdt 1.1430  
renum as s 68 R4 LA (see 2000 No 69 s 29)

**Application for registration of declaration of compliance**

- s 69 (prev s 32J) renum as s 69 and then s 70  
(prev s 32H) ins 1985 No 20 s 4  
renum as s 68 1994 No 52 s 48  
am 2000 No 69 sch 1; 2001 No 44 amdt 1.1431-1.1436  
renum as s 69 R4 LA (see 2000 No 69 s 29)

**Registration of declaration of compliance**

- s 70 (prev s 32K) renum as s 70 and then s 71  
(prev s 32J) ins 1985 No 20 s 4  
renum as s 69 1994 No 52 s 48  
am 2000 No 69 sch 1; 2001 No 44 amdt 1.1437-1.1439  
renum as s 70 R4 LA (see 2000 No 69 s 29)

## Endnotes

### 4 Amendment history

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#### **Suspension or cancellation of registration of declaration of compliance**

s 71 (prev s 32L) renum as s 71 and then s 72  
(prev s 32K) ins 1985 No 20 s 4  
am 1988 No 31 sch  
renum as s 70 1994 No 52 s 48  
am 2000 No 69 sch 1; 2001 No 44 amdt 1.1440  
renum as s 71 R4 LA (see 2000 No 69 s 29)

#### **Transfer of registration of declaration of compliance**

s 72 (prev s 32M) renum as s 72 and then s 73  
(prev s 32L) ins 1985 No 20 s 4  
renum as s 71 1994 No 52 s 48  
am 2000 No 69 sch 1; 2001 No 44 amdt 1.1441, amdt 1.1442  
renum as s 72 R4 LA (see 2000 No 69 s 29)

#### **Safety registration mark**

s 73 (prev s 32N) renum as s 73 and then s 74  
(prev s 32M) ins 1985 No 20 s 4  
am 1987 No 5 s 7, sch  
renum as s 72 1994 No 52 s 48  
am 1994 No 81 sch  
renum as s 73 R4 LA (see 2000 No 69 s 29)

#### **Approved testing laboratories**

s 74 (prev s 32P) renum as s 74 and then s 75  
(prev s 32N) ins 1985 No 20 s 4  
renum as s 73 1994 No 52 s 48  
am 2000 No 69 sch 1  
renum as s 74 R4 LA (see 2000 No 69 s 29)

#### **Registers**

s 75 (prev s 32Q) renum as s 75 and then s 76  
(prev s 32P) ins 1985 No 20 s 4  
renum as s 74 1994 No 52 s 48  
am 2000 No 69 sch 1; 2001 No 44 amdts 1.1443-1.1445  
renum as s 75 R4 LA (see 2000 No 69 s 29)

#### **Examination and testing of articles**

s 76 (prev s 32R) ins 1985 No 20 s 4  
am 1987 No 5 s 9, sch  
renum as s 76 1994 No 52 s 48  
am 1994 No 81 sch  
om 2000 No 69 s 18  
(prev s 32ZF and then s 87) renum as s 76 and then s 77  
pres s 76 (prev s 32Q) ins 1985 No 20 s 4  
am 1987 No 5 s 8, sch  
renum as s 75 1994 No 52 s 48  
am 1994 No 81 sch; 2000 No 69 sch 1  
renum as s 76 R4 LA (see 2000 No 69 s 29)



**Miscellaneous**

div 7.3 hdg orig pt 7 div 3 hdg ins 1985 No 20 s 4  
om 2000 No 69 s 19  
(prev pt 7 div 4 hdg) ins 1985 No 20 s 4  
renum 2000 No 69 s 20; R4 LA (see 2000 No 69 s 29)

**False representation**

s 77 (prev s 32S) ins 1985 No 20 s 4  
renum as s 77 1994 No 52 s 48  
om 2000 No 69 s 18  
(prev s 32ZG and then s 88) renum as s 77 and then s 78  
pres s 77 (prev s 32ZF) ins 1985 No 20 s 4  
am 1987 No 5 sch  
renum as s 87 1994 No 52 s 48  
am 1994 No 81 sch  
renum as s 76 2000 No 69 s 20  
renum as s 77 R4 LA (see 2000 No 69 s 29)

**Evidence of registration of declaration of compliance**

s 78 (prev s 32T) ins 1985 No 20 s 4  
am 1988 No 31 sch  
renum as s 78 1994 No 52 s 48  
om 2000 No 69 s 19  
ins 2000 No 69 s 23  
renum as s 79 R4 LA (see 2000 No 69 s 29)  
(prev s 32ZG) ins 1985 No 20 s 4  
renum as s 88 1994 No 52 s 48  
am 2000 No 69 s 21  
renum as s 77 2000 No 69 s 21  
renum as s 78 R4 LA (see 2000 No 69 s 29)

**Non-prescribed articles of electrical equipment**

pt 8 hdg orig pt 8 hdg om 2000 No 66 sch 1 pt 4  
(prev pt 7A hdg) ins 2000 No 69 s 23  
renum R4 LA (see 2000 No 69 s 29)

**Appeals**

pt 8A hdg renum as pt 9 hdg and then pt 12 hdg

**Articles to which pt 8 applies**

s 79 (prev s 32U) ins 1985 No 20 s 4  
am 1987 No 5 sch  
renum as s 79 1994 No 52 s 48  
am 1994 No 81 sch  
om 2000 No 69 s 19  
pres s 79 (prev s 78) ins 2000 No 69 s 23  
renum as s 79 R4 LA (see 2000 No 69 s 29)

**Energy efficiency requirements**

s 79A renum as s 81

## Endnotes

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#### **Minimum safety standards**

s 80 (prev s 32V) ins 1985 No 20 s 4  
am 1987 No 5 s 10, sch  
renum as s 80 1994 No 52 s 48  
am 1994 No 81 sch  
om 2000 No 69 s 19  
pres s 80 (prev s 79) ins 2000 No 69 s 23  
renum as s 80 R4 LA (see 2000 No 69 s 29)

#### **Energy efficiency requirements**

s 81 (prev s 32W) ins 1985 No 20 s 4  
renum as s 81 1994 No 52 s 48  
om 2000 No 69 s 19  
pres s 81 (prev s 79A) ins 2000 No 69 s 23  
renum as s 81 R4 LA (see 2000 No 69 s 29)

#### **Defective articles of electrical equipment**

pt 9 hdg orig pt 9 hdg renum as pt 10 hdg and then pt 13 hdg  
(prev pt 8A hdg) renum as pt 12 hdg  
(prev pt 7B hdg) ins 2000 No 69 s 23  
renum R4 LA (see 2000 No 69 s 29)

#### **Prohibited articles**

s 82 (prev s 32X) ins 1985 No 20 s 4  
am 1987 No 5 s 11  
renum as s 82 1994 No 52 s 48  
om 2000 No 69 s 19  
pres s 82 (prev s 80) ins 2000 No 69 s 23  
am 2001 No 44 amdt 1.1446, amdt 1.1447  
renum as s 82 R4 LA (see 2000 No 69 s 29)

#### **Sale or installation of prohibited articles**

s 83 (prev s 32XA) ins 1987 No 5 s 12  
renum as s 83 1994 No 52 s 48  
om 2000 No 69 s 19  
pres s 83 (prev s 81) ins 2000 No 69 s 23  
renum as s 83 R4 LA (see 2000 No 69 s 29)

#### **Directions about unsafe articles**

s 84 (prev s 32Y) ins 1985 No 20 s 4  
am 1987 No 5 s 13  
renum as s 84 1994 No 52 s 48  
om 2000 No 69 s 19  
pres s 84 (prev s 82) ins 2000 No 69 s 23  
renum as s 84 R4 LA (see 2000 No 69 s 29)

**Publication of safety warnings**

s 85 (prev s 32ZB) ins 1985 No 20 s 4  
sub 1987 No 5 s 15  
renum as s 85 1994 No 52 s 48  
am 1994 No 81 sch  
om 2000 No 69 s 19  
pres s 85 (prev s 83) ins 2000 No 69 s 23  
renum as s 85 R4 LA (see 2000 No 69 s 29)

**Serious electrical accidents**

pt 10 hdg (prev pt 7C hdg) ins 2000 No 69 s 23  
renum R4 LA (see 2000 No 69 s 29)

**Definitions for pt 10**

s 86 (prev s 32ZC) ins 1985 No 20 s 4  
renum as s 86 1994 No 52 s 48  
am 2000 No 66 sch 1 pt 4  
om 2000 No 69 s 19  
pres s 86 (prev s 84) ins 2000 No 69 s 23  
renum as s 86 R4 LA (see 2000 No 69 s 29)

**Reporting by occupiers and electrical contractors**

s 87 (prev s 32ZF) renum as s 87 and then s 76 and then s 77  
(prev s 85) ins 2000 No 69 s 23  
renum as s 87 R4 LA (see 2000 No 69 s 29)

**Reporting by electricity distributor**

s 88 (prev s 32ZG) renum as s 88 and then s 77 and then s 78  
(prev s 86) ins 2000 No 69 s 23  
renum as s 88 R4 LA (see 2000 No 69 s 29)

**Interference with site of serious electrical accident**

s 89 (prev s 32ZH) ins 1985 No 20 s 4  
renum as s 89 1994 No 52 s 48  
om 2000 No 69 s 22  
pres s 89 (prev s 87) ins 2000 No 69 s 23  
renum as s 89 R4 LA (see 2000 No 69 s 29)

**Things connected with offences**

s 89A renum as s 92

**Chief executive may require information and documents**

s 89B renum as s 93

**Contravention of requirement by chief executive**

s 89C renum as s 94

**Appointment of inspectors**

s 89D renum as s 95

**Identity cards**

s 89E renum as s 96

## Endnotes

4 Amendment history

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### **General power to enter premises**

s 89F renum as s 97

### **Production of identity card**

s 89G renum as s 98

### **Consent to entry**

s 89H renum as s 99

### **Warrants**

s 89J renum as s 100

### **Warrants—application made other than in person**

s 89K renum as s 101

### **Powers on entry to premises**

s 89L renum as s 102

### **Powers in relation to serious electrical accidents**

s 89M renum as s 103

### **Powers in relation to unsafe articles of electrical equipment**

s 89N renum as s 104

### **Labelling defective electrical equipment**

s 89P renum as s 105

### **Power to require name and address**

s 89Q renum as s 106

### **Power to seize evidence**

s 89R renum as s 107

### **Receipt for things seized**

s 89S renum as s 108

### **Access to things seized**

s 89T renum as s 109

### **Return of things seized**

s 89U renum as s 110

### **Power to inspect electrical wiring work**

s 89V renum as s 111

### **Selfincrimination etc**

s 89W renum as s 112

### **Legal professional privilege**

s 89X renum as s 113

### **Providing false or misleading information**

s 89Y renum as s 114

### **Providing false or misleading documents**

s 89Z renum as s 115

**Obstruction of inspectors**

s 89ZA renum as s 116

**Damage etc to be minimised**

s 89ZB renum as s 117

**Compensation**

s 89ZC renum as s 118

**Publication of report of serious electrical accident**

s 90 (prev s 33) am 1972 No 27 s 6; 1982 No 61 s 2; 1985 No 67 sch pt 1; 1989 No 38 sch 1; 1994 No 52 s 33, sch renum as s 90 1994 No 52 s 48 am 1994 No 81 sch; 2000 No 69 sch 1 om 2000 No 66 sch 1 pt 4 pres s 90 (prev s 88) ins 2000 No 69 s 23 renum as s 90 R4 LA (see 2000 No 69 s 29)

**Enforcement**

pt 11 hdg orig pt 11 hdg ins 2000 No 69 s 27 exp 20 June 2001 (s 108) (prev pt 7D hdg) ins 2000 No 69 s 23 renum R4 LA (see 2000 No 69 s 29)

**General**

div 11.1 hdg (prev pt 7D div 1 hdg) ins 2000 No 69 s 23 renum R4 LA (see 2000 No 69 s 29)

**Definition of *business premises***

s 91 (prev s 34) am 1988 No 31 sch; 1994 No 52 sch renum as s 91 1994 No 52 s 48 am 1994 No 81 sch; 1998 No 51 s 6 om 2000 No 69 s 24 pres s 91 (prev s 89) ins 2000 No 69 s 23 renum as s 91 R4 LA (see 2000 No 69 s 29)

**Things connected with offences**

s 92 (prev s 35) am 1994 No 52 sch renum as s 92 1994 No 52 s 48 am 1994 No 81 sch om 2000 No 69 s 24 pres s 92 (prev s 89A) ins 2000 No 69 s 23 renum as s 92 R4 LA (see 2000 No 69 s 29)

**Chief executive may require information and documents**

s 93 (prev s 36) am 1994 No 52 sch renum as s 93 1994 No 52 s 48 am 1994 No 81 sch; 2000 No 69 sch 1 om 2000 No 66 sch 1 pt 4 pres s 93 (prev s 89B) ins 2000 No 69 s 23 renum as s 93 R4 LA (see 2000 No 69 s 29)

## Endnotes

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#### **Contravention of requirement by chief executive**

s 94 (prev s 36AA) renum as s 94 and then s 119  
(prev s 89C) ins 2000 No 69 s 23  
renum as s 94 R4 LA (see 2000 No 69 s 29)

#### **Appointment of inspectors**

s 95 (prev s 36AB) renum as s 95 and then s 120  
(prev s 89D) ins 2000 No 69 s 23  
am 2001 No 44 amdt 1.448  
renum as s 95 R4 LA (see 2000 No 69 s 29)

#### **Identity cards**

s 96 (prev s 36A) renum as s 96 and then s 121  
(prev s 89E) ins 2000 No 69 s 23  
renum as s 96 R4 LA (see 2000 No 69 s 29)

#### **Inspectors' powers**

div 11.2 hdg (prev pt 7D div 2 hdg) ins 2000 No 69 s 23  
renum R4 LA (see 2000 No 69 s 29)

#### **General power to enter premises**

s 97 (prev s 37) renum as s 97 and then s 122  
(prev s 89F) ins 2000 No 69 s 23  
renum as s 97 R4 LA (see 2000 No 69 s 29)

#### **Production of identity card**

s 98 (prev s 38) renum as s 98 and then s 123  
(prev s 89G) ins 2000 No 69 s 23  
renum as s 98 R4 LA (see 2000 No 69 s 29)

#### **Consent to entry**

s 99 (prev s 39) renum as s 99 and then s 124  
(prev s 89H) ins 2000 No 69 s 23  
renum as s 99 R4 LA (see 2000 No 69 s 29)

#### **Warrants**

s 100 (prev s 40) renum as s 100 and then s 125  
(prev s 89J) ins 2000 No 69 s 23  
renum as s 100 R4 LA (see 2000 No 69 s 29)

#### **Warrants—application made other than in person**

s 101 (prev s 41) renum as s 101 and then s 126  
(prev s 89K) ins 2000 No 69 s 23  
renum as s 101 R4 LA (see 2000 No 69 s 29)

#### **Powers on entry to premises**

s 102 (prev s 42) renum as s 102 and then s 127  
(prev s 89L) ins 2000 No 69 s 23  
renum as s 102 R4 LA (see 2000 No 69 s 29)

**Powers in relation to serious electrical accidents**

s 103 (prev s 43) am 1994 No 52 sch  
renum as s 103 1994 No 52 s 48  
om 2000 No 69 sch 1  
prev s 103 ins 2001 No 44 amdt 1.1451  
renum as s 128  
pres s 103 (prev s 89M) ins 2000 No 69 s 23  
renum as s 103 R4 LA (see 2000 No 69 s 29)

**Powers in relation to unsafe articles of electrical equipment**

s 104 (prev s 43AA) renum as s 104 and then s 129  
(prev s 89N) ins 2000 No 69 s 23  
sub 2001 No 44 amdt 1.1451  
renum as s 104 R4 LA (see 2000 No 69 s 29)

**Labelling defective electrical equipment**

s 105 (prev s 43A) ins 1988 No 31 sch  
renum as s 105 1994 No 52 s 48  
om 2000 No 69 sch 1  
prev s 105 ins 2001 No 44 amdt 1.1451  
renum as s 130  
pres s 105 (prev s 89P) ins 2000 No 69 s 23  
renum as s 105 R4 LA (see 2000 No 69 s 29)

**Power to require name and address**

s 106 (prev s 44) am 1989 No 38 sch 1  
renum as s 106 1994 No 52 s 48  
om 2001 No 44 amdt 1.1451  
(prev s 89Q) ins 2000 No 69 s 23  
renum as s 106 R4 LA (see 2000 No 69 s 29)

**Power to seize evidence**

s 107 orig s 107 ins 2000 No 69 s 27  
exp 20 June 2001 (s 108)  
pres s 107 (prev s 89R) ins 2000 No 69 s 23  
renum as s 107 R4 LA (see 2000 No 69 s 29)

**Receipt for things seized**

s 108 orig s 108 ins 2000 No 69 s 27  
exp 20 June 2001 (s 108)  
pres s 108 (prev s 89S) ins 2000 No 69 s 23  
renum as s 108 R4 LA (see 2000 No 69 s 29)

**Access to things seized**

s 109 (prev s 89T) ins 2000 No 69 s 23  
renum as s 109 R4 LA (see 2000 No 69 s 29)

**Return of things seized**

s 110 (prev s 89U) ins 2000 No 69 s 23  
renum as s 110 R4 LA (see 2000 No 69 s 29)

## Endnotes

4 Amendment history

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### **Power to inspect electrical wiring work**

s 111 (prev s 89V) ins 2000 No 69 s 23  
renum as s 111 R4 LA (see 2000 No 69 s 29)

### **Miscellaneous**

div 11.3 hdg (prev pt 7D div 3 hdg) ins 2000 No 69 s 23  
renum R4 LA (see 2000 No 69 s 29)

### **Selfincrimination etc**

s 112 (prev s 89W) ins 2000 No 69 s 23  
renum as s 112 R4 LA (see 2000 No 69 s 29)  
am 2002 No 11 amdt 2.37

### **Legal professional privilege**

s 113 (prev s 89X) ins 2000 No 69 s 23  
renum as s 113 R4 LA (see 2000 No 69 s 29)  
om 2002 No 11 amdt 2.38

### **Providing false or misleading information**

s 114 (prev s 89Y) ins 2000 No 69 s 23  
renum as s 114 R4 LA (see 2000 No 69 s 29)

### **Providing false or misleading documents**

s 115 (prev s 89Z) ins 2000 No 69 s 23  
renum as s 115 R4 LA (see 2000 No 69 s 29)

### **Obstruction of inspectors**

s 116 (prev s 89ZA) ins 2000 No 69 s 23  
renum as s 116 R4 LA (see 2000 No 69 s 29)

### **Damage etc to be minimised**

s 117 (prev s 89ZB) ins 2000 No 69 s 23  
renum as s 117 R4 LA (see 2000 No 69 s 29)

### **Compensation**

s 118 (prev s 89ZC) ins 2000 No 69 s 23  
renum as s 118 R4 LA (see 2000 No 69 s 29)

### **Appeals**

pt 12 hdg (prev pt 8A hdg) ins 1994 No 52 s 34  
renum as pt 9 hdg 1994 No 52 s 48  
renum as pt 12 hdg R4 LA (see 2000 No 69 s 29)

### **Review of decisions**

s 119 (prev s 36AA) ins 1994 No 52 s 34  
renum as s 94 1994 No 52 s 48  
am 2000 No 66 sch 1 pt 4; 2000 No 69 s 25  
renum as s 119 R4 LA (see 2000 No 69 s 29)

### **Notifications of decisions**

s 120 (prev s 36AB) ins 1994 No 52 s 34  
renum as s 95 1994 No 52 s 48  
am 1994 No 60 sch 1; 2000 No 66 sch 1 pt 4; 2000 No 69 s 26  
renum as s 120 R4 LA (see 2000 No 69 s 29)



**Miscellaneous**

pt 13 hdg (prev pt 9 hdg) renum as s 10 hdg 1994 No 52 s 48  
renum as pt 13 hdg R4 LA (see 2000 No 69 s 29)

**Conduct of directors, servants and agents**

s 121 (prev s 36A) ins 1987 No 5 s 17  
renum as s 96 1994 No 52 s 48  
renum as s 121 R4 LA (see 2000 No 69 s 29)

**Production of licence or permit for inspection**

s 122 (prev s 37) am 1994 No 52 s 35, sch  
renum as s 97 1994 No 52 s 48  
am 1994 No 81 sch; 2000 No 69 sch 1  
renum as s 122 R4 LA (see 2000 No 69 s 29)

**Change of name or address**

s 123 (prev s 38) am 1994 No 52 s 36, sch  
renum as s 98 1994 No 52 s 48  
am 1994 No 81 sch  
renum as s 123 R4 LA (see 2000 No 69 s 29)

**Loss etc of licence or permit**

s 124 (prev s 39) am 1994 No 52 s 37, sch  
renum as s 99 1994 No 52 s 48  
am 2001 No 44 amdt 1. 1449, amdt 1.1450  
renum as s 124 R4 LA (see 2000 No 69 s 29)

**Expired licences or permits**

s 125 (prev s 40) am 1994 No 52 s 38, sch  
renum as s 100 1994 No 52 s 48  
am 1994 No 81 sch  
renum as s 125 R4 LA (see 2000 No 69 s 29)

**Evidence**

s 126 (prev s 41) am 1988 No 31 sch; 1994 No 52 s 39, sch  
renum as s 101 1994 No 52 s 48  
am 2000 No 69 sch 1  
renum as s 126 R4 LA (see 2000 No 69 s 29)

**Service of notices**

s 127 (prev s 42) am 1994 No 52 s 40  
renum as s 102 1994 No 52 s 48  
renum as s 127 R4 LA (see 2000 No 69 s 29)

**Determination of fees**

s 128 (prev s 103) ins 2001 No 44 amdt 1.1451  
renum as s 128 R4 LA (see 2000 No 69 s 29)

**Approved forms**

s 129 (prev s 43AA) ins 1994 No 52 s 41  
renum as s 104 1994 No 52 s 48  
sub 2001 No 44 amdt 1.1451  
renum as s 129 R4 LA (see 2000 No 69 s 29)

## Endnotes

### 5 Earlier republications

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#### **Regulation-making power**

s 130 (prev s 105) ins 2001 No 44 amdt 1.1451  
renum as s 130 R4 LA (see 2000 No 69 s 29)

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

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<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	Act 1991 No 3	31 January 1993
2	Act 1994 No 81	31 January 1995
3	Act 1997 No 96	1 June 1998
4	Act 2001 No 44	12 September 2001
5	Act 2001 No 44	9 May 2002

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