



AUSTRALIAN CAPITAL TERRITORY

Electricity (Amendment) Act 1994

No. 52 of 1994

TABLE OF PROVISIONS

Section

PART I—PRELIMINARY

1. Short title
2. Commencement
3. Principal Act

PART II—AMENDMENTS OF PRINCIPAL ACT

4. Interpretation
5. Repeal
6. Insertion—

PART IA—THE ELECTRICAL LICENSING BOARD

5. Establishment of Board
 - 5A. Constitution of Board
 - 5B. Chairperson and Deputy Chairperson of Board
 - 5C. Term of office
 - 5D. Resignation
 - 5E. Functions of Board
 - 5F. Powers of Board
 - 5G. Delegation
 - 5H. Recommendations to Minister
 - 5J. Deputies
 - 5K. Remuneration and allowances
 - 5L. Staff
 - 5M. Meetings of Board
 - 5N. Quorum
 - 5P. Voting
 - 5Q. Board may determine procedure
 - 5R. Courses, examinations etc.
7. Entries in Register

TABLE OF PROVISIONS—continued

Section	
8.	Persons who may carry on business as electrical contractors
9.	Persons who may carry out electrical wiring work
10.	Insertion—
	10A. Persons who may carry out incidental electrical work
11.	Persons who may direct and supervise carrying out of electrical wiring work
12.	Carrying out of electrical wiring work by holder of electrician's licence, Grade B
13.	Insertion—
	13A. Carrying out of electrical wiring work by holder of electrician's permit, Grade A
	13B. Carrying out of incidental electrical work by holder of a restricted electrical licence
	13C. Carrying out of incidental electrical work by holder of a restricted electrical permit
14.	Heading to Part IV
15.	Substitution—
	15. Grant of electrical contractor's licence—individuals
	16. Grant of electrical contractor's licence—body corporate
	16A. Grant of electrical contractor's licence—partnership
	16B. Whether persons fit and proper
	16C. Public liability insurance
16.	Electrician's licence, Grade A
17.	Substitution—
	19. Electrician's permit, Grade A
	20. Restricted electrical licence
	20A. Restricted electrical permit
	20B. Licensing etc. under mutual recognition principles
	20C. Application for licence
	20D. Further information
18.	Applications to be considered and determined
19.	Insertion—
	22A. Skills etc. of applicants
	22B. Licence conditions
	22C. Imposition of conditions imposed under foreign law
20.	Repeal
21.	Substitution—
	24. Issue of licence or permit
22.	Term of licence or permit
23.	Renewal of licence or permit
24.	Heading to Part V
25.	Grounds for cancellation or suspension of licence or permit
26.	Insertion—
	27A. Cancellation of licence on basis of action under foreign law
27.	Inquiry
28.	Suspension of licence or permit pending inquiry
29.	Powers of Board after inquiry
30.	Repeal
31.	Interpretation

TABLE OF PROVISIONS—continued

Section	
32.	Repeal
33.	Felling etc. of trees etc. interfering with powerlines
34.	Insertion—
	PART VIIIA—APPEALS
	36AA. Review of decisions
	36AB. Notifications of decisions
35.	Production of licence or permit for inspection
36.	Change of name or address
37.	Loss etc. of licence or permit
38.	Expired licences or permits
39.	Evidence
40.	Service of notices
41.	Insertion—
	43AA. Power of Minister to determine fees
42.	Further amendments
	PART III—TRANSITIONAL AND SAVINGS
43.	Application—electrician’s licence, Grade A
44.	Terms of existing licences
45.	Undetermined applications
46.	Inquiries
47.	Pending appeals and applications to court
	PART IV—MISCELLANEOUS
48.	Renumbering of provisions
	SCHEDULE
	FURTHER AMENDMENTS



AUSTRALIAN CAPITAL TERRITORY

Electricity (Amendment) Act 1994

No. 52 of 1994

An Act to amend the *Electricity Act 1971* and for related purposes

[Notified in ACT Gazette S196: 5 October 1994]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Electricity (Amendment) Act 1994*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the *Electricity Act 1971*.¹

PART II—AMENDMENTS OF PRINCIPAL ACT

Interpretation

4. Section 4 of the Principal Act is amended—

- (a) by adding at the end of the definition of “electrical wiring work” in subsection (1) “, other than an electrical installation that operates at extra low voltage”;
- (b) by omitting from subsection (1) the definitions of “the Registrar” and “wireman’s licence”;
- (c) by inserting in subsection (1) the following definitions:
 - “ ‘Administrative Appeals Tribunal’ means the Australian Capital Territory Administrative Appeals Tribunal;
 - ‘Board’ means the Electrical Licensing Board established by section 5;
 - ‘Chairperson’ means the Chairperson of the Board;
 - ‘Deputy Chairperson’ means the Deputy Chairperson of the Board;
 - ‘determined fee’ means the fee determined under section 43AA for the purposes of the provision in which the expression occurs;
 - ‘extra low voltage’ has the same meaning as in Australian Standard 3000, ‘SAA Wiring Rules’ as in force from time to time;
 - ‘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;
 - (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 is incidental to the principal work of the person whose principal occupation entails carrying out work other than electrical work;
 - ‘member’ means a member of the Board;
 - ‘Mutual Recognition Act’ means the *Mutual Recognition Act 1992* of the Commonwealth;
 - ‘permit’ means an electrician’s permit, Grade A or a restricted electrical permit, as the case requires;

‘Register’ means The Register of Electrical Contractors and Electricians kept under section 7;

‘Registrar’ means the Registrar of Electrical Contractors and Electricians appointed under section 6;

‘regulatory authority’, in relation to a State or another Territory, means—

- (a) in the case of the State of New South Wales—the Office of Energy;
- (b) in the case of the State of Victoria—the Office of the Chief Electrical Inspector;
- (c) in the case of the State of Queensland—the Queensland Electricity Commission;
- (d) in the case of the State of South Australia—the Electricity Trust of South Australia;
- (e) in the case of the State of Western Australia—the State Energy Commission of Western Australia;
- (f) in the case of the State of Tasmania—the Hydro-Electric Commission;
- (g) in the case of the Northern Territory of Australia—the Power and Water Authority; and
- (h) any other office or body declared by the regulations to be a regulatory authority;

‘restricted electrical licence’ means a restricted electrical licence granted under Part IV.”;

(d) by inserting in subsection (3) “or permit” after “licence” (wherever occurring); and

(e) by adding at the end the following subsections:

“(4) A reference in this Act to the holder of a licence shall be read as a reference to—

- (a) a person licensed under this Act; or
- (b) a person to be deemed to be licensed under this Act by virtue of section 25 of the Mutual Recognition Act.

“(5) Where a licence is issued in the name of a partnership, a reference in this Act to the holder of a licence shall be read as 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 shall be read as including a reference to being employed for the purposes of an electrical

contracting business carried on by a partnership which holds an electrical contractor's licence.”.

Repeal

5. Section 5 of the Principal Act is repealed.

Insertion

6. After Part I of the Principal Act the following Part is inserted:

“PART IA—THE ELECTRICAL LICENSING BOARD

Establishment of Board

“5. (1) A Board called the Electrical Licensing Board is established.

“(2) The Board—

- (a) is a body corporate with perpetual succession;
- (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 affixed to a document and shall presume that it was duly affixed.

Constitution of Board

“5A. (1) The Board shall consist of 5 members appointed by the Minister, by instrument.

“(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;
- (b) 1 shall be appointed after consultation by the Minister with the National Electrical Contractors Association (ACT Chapter);
- (c) 1 shall be appointed after consultation by the Minister with the Canberra Institute of Technology;
- (d) 1 other person shall be appointed by the Minister; and
- (e) 1 shall be a member of the staff of the Authority.

“(3) The Minister may appoint, by instrument, deputies of the members of the Board.

“(4) The Minister shall not appoint a deputy of a member referred to in paragraph (1) (a), (b) or (c) except after consultation with the relevant union, association or institute, as the case requires.

“(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 paragraph (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) The Minister shall cause a notice of each appointment made under section 5A, and of each termination of an appointment, to be published in the *Gazette*.

Chairperson and Deputy Chairperson of Board

“5B. The Minister shall appoint, from the members, a Chairperson and a Deputy Chairperson.

Term of office

“5C. A member holds office for the period, not exceeding 3 years, specified in the instrument of appointment and is eligible for re-appointment.

Resignation

“5D. A member may resign from office by writing signed by him or her and delivered to the Minister.

Functions of Board

“5E. (1) The functions of the Board are—

- (a) to consider and determine applications for licences and permits referred to it under this Act;
- (b) to advise the Minister on matters relating to the licensing of electrical contractors and electricians; and
- (c) to perform such other functions as are conferred on the Board under this or another Act.

Powers of Board

“5F. The Board has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Delegation

“5G. The Board may, by instrument under its common seal, delegate any of its powers under this Act to the Registrar.

Recommendations to Minister

“5H. (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) Where 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.

Deputies

“5J. (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.

Remuneration and allowances

“5K. (1) A member referred to in paragraphs 5A (2) (a), (b) and (d) shall be paid such remuneration and allowances as are prescribed.

“(2) Subsection (1) does not apply in relation to—

- (a) remuneration if there is a subsisting determination relating to the remuneration to be paid to a member; or
- (b) an allowance of a particular kind if there is a subsisting determination relating to an allowance of that kind to be paid to a member.

“(3) In this section—

‘determination’ means a determination of the Remuneration Tribunal.

Staff

“5L. The staff of the Board shall consist of members of the staff of the Authority made available to the Board by the Chief Executive Officer of the Authority.

Meetings of Board

“5M. (1) The Chairperson shall—

- (a) convene such meetings of the Board as 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, convene a meeting of the Board.

“(2) The Minister may convene 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.

Quorum

“5N. (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.

Voting

“5P. (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.

Board may determine procedure

“5Q. Subject to this Act, the Board may determine the procedure to be used at a meeting of the Board.

Courses, examinations etc.

“5R. (1) The Board may approve courses of education and training and approve and hold examinations (being written, oral or practical examinations) for the purposes of 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).

“(3) A person shall pay the determined fee before undertaking an examination held by or on behalf of the Board.”.

Entries in Register

7. Section 8 of the Principal Act is amended—

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

“(1) Where 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) a natural person—the business name (if any) under which the person will carry on business;
 - (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 at which the licence or permit holder carries on business in the Territory; or
- (d) if the licence or permit holder does not carry on business in the Territory—
 - (i) in the case of a natural person—his or her residential address;
 - (ii) in the case of a body corporate—the address of the registered office of the body corporate; or
 - (iii) in the case of a partnership—the residential address of each of the partners;
 whether within or outside the Territory;
- (e) the type of licence or permit granted;
- (f) the date of grant of the licence or permit.”;
- (b) by omitting from subsection (2) “granted under Part IV” and substituting “or permit”;
- (c) by inserting after subsection (2) the following subsection:

“(2A) Where a licence or permit is renewed, the Registrar shall enter that fact in the Register.”; and
- (d) by omitting subsection (3).

Persons who may carry on business as electrical contractors

8. Section 9 of the Principal Act is amended—
- (a) by omitting from subsection (1) “company” and substituting “body corporate”;
 - (b) by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs:
 - “(a) the person, or in the case of 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.”;
 - (c) by omitting from subsection (2) “company” (first occurring) and substituting “body corporate”;
 - (d) by omitting from paragraph (2) (b) “company” (wherever occurring) and substituting “body corporate”; and

(e) by inserting after subsection (2) the following subsection:

“(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.”.

Persons who may carry out electrical wiring work

9. Section 10 of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:

“(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) where the electrical wiring work is on an installation for the use of a single phase supply of electricity having a working pressure not exceeding 250 volts—the holder of an electrician’s licence, Grade B who is an employee of the holder of the electrical contractor’s licence.”.

Insertion

10. After section 10 of the Principal Act the following section is inserted:

Persons who may carry out incidental electrical work

“10A. 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;
 - (ii) an electrician’s licence, Grade B; or
 - (iii) a restricted electrical licence.

Penalty: \$5,000 or imprisonment for 6 months, or both.”.

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

11. Section 11 of the Principal Act is amended by omitting from paragraph (1) (b) “his direction and supervision or”.

Carrying out of electrical wiring work by holder of electrician’s licence, Grade B

12. Section 13 of the Principal Act is amended—

(a) by omitting from subsection (1) “a person who is”; and

(b) by omitting from subsection (1) “of the holder of that licence or”.

Insertion

13. After section 13 of the Principal Act the following sections are inserted:

Carrying out of electrical wiring work by holder of electrician’s permit, Grade A

“13A. 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.

Penalty: \$5,000.

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

“13B. 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.

Penalty: \$5,000.

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

“13C. 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.

Penalty: \$5,000.

Heading to Part IV

14. The heading to Part IV of the Principal Act is amended by adding at the end “AND PERMITS”.

Substitution

15. Sections 15 and 16 of the Principal Act are repealed and the following sections substituted:

Grant of electrical contractor's licence—individuals

“15. 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 such written, oral or practical examinations as 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.

Grant of electrical contractor's licence—body corporate

“16. 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.

Grant of electrical contractor's licence—partnership

“16A. 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.

Whether persons fit and proper

“16B. In determining whether a person is a fit and proper person for the purposes of section 15, 16 or 16A, the Board shall have regard to whether the person—

- (a) has, during the period of 10 years that preceded the making of the application, been convicted of, or served any part of a term of imprisonment for, an offence in the Territory or elsewhere involving fraud or dishonesty;

- (b) was, when the application was made, the subject of a charge pending in relation to such an offence;
- (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.

Public liability insurance

“16C. The Board shall not grant a licence under section 15, 16 or 16A, or renew an electrical contractor’s licence under section 26, unless the applicant holds a current policy of insurance for not less than \$1,000,000 which covers personal injury and property damage arising out of work to be carried out by or on behalf of the applicant .”.

Electrician’s licence, Grade A

16. Section 17 of the Principal Act is amended—

- (a) by omitting from subsection (1) “A person is eligible for the grant of an electrician’s licence Grade A” and substituting “The Board may grant an electrician’s licence, Grade A to a person”;
- (b) by omitting from paragraph (2) (a) all the words after “electrical fitter” and substituting “and holds a certificate issued by the relevant Department or educational institution in the Territory, or the State or other Territory”;
- (c) by omitting paragraph (2) (c) and substituting the following paragraph:
 - “(c) he or she—
 - (i) has served, whether in or outside the Territory or partly in or partly outside the Territory 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 Part V of the *Tradesmen’s Rights Regulation Act 1946* of the Commonwealth;”;
- (d) by omitting from paragraph (2) (d) “a State or other Territory of the Commonwealth” and substituting “New Zealand”;
- (e) by omitting from paragraph (2) (d) “in that State or Territory”;
- (f) by omitting from paragraph (2) (e) “Authority” (wherever occurring) and substituting “Board”; and

- (g) by omitting from paragraph (2) (e) “or tests”.

Substitution

17. Sections 19 and 20 of the Principal Act are repealed and the following sections substituted:

Electrician’s permit, Grade A

“19. (1) Where a person has applied for an electrician’s licence, Grade A under section 17 and the Board is satisfied that the applicant—

- (a) does not have sufficient practical experience to comply with paragraph 17 (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.

Restricted electrical licence

“20. The Board may grant a restricted electrical licence to a person if the person—

- (a) satisfies the Board, by passing such written, oral or practical examinations as 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.

Restricted electrical permit

“20A. (1) Where 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 paragraph 20 (1) (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.

Licensing etc. under mutual recognition principles

“20B. (1) A person, other than a body corporate, who holds—

- (a) an electrical contractor's licence;
- (b) an electrician's licence, Grade A;
- (c) an electrician's permit, Grade A;
- (d) a restricted electrical licence;
- (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, as the case requires, 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, as the case requires, 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.

Application for licence

“20C. (1) An application for the grant of a licence shall—

- (a) be in a form approved by the Board;
- (b) be executed by the applicant;
- (c) be lodged with the Board; and
- (d) be accompanied by the determined fee.

“(2) A person who applies for a licence under this Act pursuant to the Mutual Recognition Act shall pay the determined fee.

Further information

“20D. The Board may, by written notice, require an applicant for a licence to furnish to the Board, either orally or in writing, such further information relating to the application as is specified in the notice.”

Applications to be considered and determined

18. Section 22 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:

“(1) The Board shall consider each application under section 20D and shall—

- (a) approve the application and authorise the Registrar to grant the licence, as the case requires; or
- (b) subject to sections 19 and 20A 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 pursuant to the Mutual Recognition Act and who has lodged a notice under section 19 of that Act.”.

Insertion

19. After section 22 of the Principal Act the following sections are inserted:

Skills etc. of applicants

“22A. (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 pursuant to the Mutual Recognition Act and who has lodged a notice under section 19 of that Act.

Licence conditions

“22B. The Board may, in a licence, specify conditions to which the licence is subject.

Imposition of conditions imposed under foreign law

“22C. Where 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.”.

Repeal

20. Section 23 of the Principal Act is repealed.

Substitution

21. Section 24 of the Principal Act is repealed and the following section inserted:

Issue of licence or permit

“24. (1) Where the Board approves the grant of a licence or permit, the Registrar shall—

- (a) notify the applicant in writing of the grant; and
- (b) on payment of the determined fee, issue the applicant with a licence or permit, as the case requires.

“(2) A licence or permit shall be in a form approved by the Board.

“(3) 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.”.

Term of licence or permit

22. Section 25 of the Principal Act is amended—

- (a) by omitting subsections (1), (2) and (3) and substituting the following subsection:

“(1) A licence or permit, unless sooner surrendered or cancelled, remains in force, from the date on which it is granted or was last renewed—

- (a) in the case of an electrical contractor’s licence—for 1 year;
 - (b) in the case of an electrician’s licence, Grade A—for 5 years;
 - (c) in the case of an electrician’s permit, Grade A—for 1 year;
 - (d) in the case of an electrician’s licence, Grade B—for 5 years;
 - (e) in the case of a restricted electrical licence—for 5 years; or
 - (f) in the case of a restricted electrical permit—for 1 year.”;
- and

- (b) by inserting in subsection (4) “or permit” after “licence” (wherever occurring).

Renewal of licence or permit

23. Section 26 of the Principal Act is amended—

- (a) by inserting in paragraph (a) “or permit” after “licence” (wherever occurring);
- (b) by omitting from paragraph (b) “prescribed” and substituting “determined”;
- (c) by inserting “or permit” after “licence” (last occurring); and

(d) by adding at the end the following subsection:

“(2) The Board shall not grant an electrician’s licence, Grade B on or after the commencement of section 4 of the *Electricity (Amendment) Act 1994*.”.

Heading to Part V

24. The heading to Part V of the Principal Act is amended by adding at the end “**OR PERMITS**”.

Grounds for cancellation or suspension of licence or permit

25. Section 27 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Authority” (first occurring) and substituting “Board”;
- (b) by inserting in subsection (1) “or permit” after “licence” (first occurring);
- (c) by inserting in paragraph (1) (a) “or permit” after “licence” (wherever occurring);
- (d) by inserting in paragraph (1) (b) “or permit” after “licence”;
- (e) by inserting in subparagraph (1) (e) (i) “or permit” after “licence”;
- (f) by inserting in paragraph (1) (e) “, the Board” after “Authority” (first occurring);
- (g) by inserting after paragraph (1) (e) the following paragraphs:
 - “(ea) the holder of the licence or permit has contravened a condition to which the licence or permit, as the case requires, is subject;
 - (eb) the holder of an electrical contractor’s licence has ceased to hold a policy of insurance in accordance with section 16C;”;
- (h) by inserting in subparagraph (1) (f) (i) “or permit” after “licence”;
- (i) by omitting from subparagraph (1) (f) (ii) “his direction and supervision” and substituting “the direction and supervision of the holder of the licence”;
- (j) by omitting from paragraph (1) (f) “55” and substituting “59”;
- (k) by omitting from paragraph (1) (g) “company” and substituting “body corporate”;
- (l) by omitting from subparagraph (1) (g) (i) “person of good fame and character” and substituting “fit and proper person to hold the licence”;
- (m) by omitting from paragraph (1) (h) “company” (wherever occurring) and substituting “body corporate”;

- (n) by omitting from paragraph (1) (h) “and”;
- (o) by inserting after paragraph (1) (h) the following paragraph:
 - “(ha) that, in the case of 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; and”;
- (p) by inserting in paragraph (1) (i) “or her” after “his”;
- (q) by omitting from subsection (2) “Authority” (wherever occurring) and substituting “Board”;
- (r) by inserting in subsection (2) “or permit” after “licence” (wherever occurring);
- (s) by omitting from paragraph (3) (a) “Authority” and substituting “Board”;
- (t) by omitting from paragraph (3) (b) “ten” and “Authority” and substituting “10” and “Board”, respectively; and
- (u) by omitting from paragraph (3) (d) “Authority” (wherever occurring) and substituting “Board”.

Insertion

26. After section 27 of the Principal Act the following section is inserted:

Cancellation of licence on basis of action under foreign law

“27A. Where 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.”.

Inquiry

27. Section 28 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Authority” (wherever occurring) and substituting “Board”;
- (b) by inserting “or permit” after “licence”; and
- (c) by omitting from subsection (2) “Authority” and substituting “Board”.

Suspension of licence or permit pending inquiry

28. Section 29 of the Principal Act is amended—

- (a) by omitting “Authority” and substituting “Board”; and
- (b) by inserting “or permit” after “licence” (wherever occurring).

Powers of Board after inquiry

29. Section 30 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Authority” (first and second occurring) and substituting “Board”;
- (b) by omitting from paragraph (1) (a) “Authority” and substituting “Board”;
- (c) by omitting from subsection (1) “Authority” (last occurring) and substituting “Board”;
- (d) by inserting in subsection (1) “or permit” after “licence” (first occurring);
- (e) by inserting in paragraphs (1) (a) and (b) “or permit” after “licence”;
- (f) by inserting in subsection (1) “or permit” after “licence” (fourth and last occurring);
- (g) by omitting from subsection (2) “Authority” and substituting “Board”; and
- (h) by inserting in paragraph (2) (b) “or permit” after “licence” (wherever occurring).

Repeal

30. Part VI of the Principal Act is repealed.

Interpretation

31. Section 32 of the Principal Act is amended by omitting from subsection (1) the definitions of “regulatory authority” and “Tribunal”.

Repeal

32. Sections 32ZD, 32ZE and 32ZJ of the Principal Act are repealed.

Felling etc. of trees etc. interfering with powerlines

33. Section 33 of the Principal Act is amended—

- (a) by omitting from subsection (1) “under the hand of the Chief Executive Officer” and substituting “by the Authority”;
- (b) by omitting from subsection (1) all the words after “natural” (last occurring) and substituting the following:
 - “growth—
 - (a) to the extent; and
 - (b) within the period, being not less than 7 days after the date of service of the notice;

specified in the notice.”;

- (c) by omitting subsections (2), (2A) and (2B) and substituting the following subsection:

“(2) If the owner or occupier of the parcel of land fails to comply with a requirement under subsection (1), a person authorised by the Authority in writing for the purposes of this section may enter on the land and fell, lop, prune or trim trees, shrubs or other natural growth to the extent specified in the notice.”; and

- (d) by omitting from subsection (3B) “under the hand of the Chief Executive Officer” and substituting “by the Authority”.

Insertion

34. After section 36 of the Principal Act the following Part is inserted:

“PART VIIIA—APPEALS

Review of decisions

“36AA. (1) Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Authority—

- (a) under paragraph 32C (1) (a) declaring that an article of electrical equipment is a prohibited article of electrical equipment for the purposes of section 32C;
- (b) under paragraph 32C (1) (b) declaring that a specified class of articles of electrical equipment is a prohibited class of articles of electrical equipment for the purposes of section 32C;
- (c) under paragraph 32D (1) (a) declaring that an article of electrical equipment is a prescribed article of electrical equipment for the purposes of Part VII;
- (d) under paragraph 32D (1) (b) declaring that a specified class of articles of electrical equipment is a prescribed class of articles of electrical equipment for the purposes of Part VII;
- (e) under subsection 32G (3) refusing to register a person as an approved first seller;
- (f) under subsection 32G (4) cancelling the registration of an approved first seller;
- (g) under subsection 32J (1) refusing to register a declaration of compliance;
- (h) under subsection 32J (3) determining the period of registration of a declaration of compliance;
- (i) under subsection 32K (1) suspending or cancelling the registration of a declaration of compliance;

- (j) under subsection 32K (3) not to reduce a period of suspension or to rescind the remainder of a suspension;
- (k) under subsection 32N (1) refusing to approve premises as a testing laboratory for the purposes of this Act;
- (m) under subsection 32N (2) cancelling the approval of premises as a testing laboratory for the purposes of this Act;
- (n) under subsection 32R (1) imposing a requirement on an approved first seller;
- (o) under section 32ZC confirming a direction under paragraph 32V (1) (d) by an inspector; or
- (p) under section 33 as to the extent of, or the period within which, an owner is to fell, lop, prune or trim trees, shrubs or other natural growth.

“(2) Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Board—

- (a) under section 15, 16, 16A, 17 or 20 refusing to grant a licence;
- (b) under section 19 or 20A that a person does not have sufficient practical experience for the grant of a licence;
- (c) under section 22A that the Board is not satisfied as to the capacity or skills of the applicant;
- (d) under section 22B imposing conditions on a licence or permit;
- (e) under section 29 suspending a licence or permit; or
- (f) under section 30 cancelling or suspending a licence.

Notifications of decisions

“36AB. (1) Where the Authority or the Board makes a decision of the kind referred to in section 36AA, the Authority or the Board, as the case requires, shall, within 28 days after the date of the decision, give notice in writing of the decision to the person whose interests are adversely affected by the decision.

“(2) A notice under subsection (1) shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement under section 26 of that Act.

“(3) The validity of a decision referred to in subsection (2) is not be taken to be affected by a failure to comply with that subsection.

“(4) Where a person applies for a review of the decision referred to in paragraph 36AA (1) (p), the operation of the decision is stayed from the date on which the application is made until—

- (a) the application is withdrawn; or
- (b) if it is not withdrawn—the Administrative Appeals Tribunal has disposed of the application.

“(5) Subsection (4) does not apply if the decision was made in an emergency.”.

Production of licence or permit for inspection

35. Section 37 of the Principal Act is amended—

- (a) by inserting in subsection (1) “or permit” after “licence” (first occurring);
- (b) by inserting in paragraph (1) (b) “or permit” after “licence”; and
- (c) by inserting in subsection (1) “or permit” after “licence” (last occurring)

Change of name or address

36. Section 38 of the Principal Act is amended by inserting in subsections (1) and (2) “or permit” after “licence” (wherever occurring).

Loss etc. of licence or permit

37. Section 39 of the Principal Act is amended by inserting “or permit” after “licence” (wherever occurring).

Expired licences or permits

38. Section 40 of the Principal Act is amended by inserting “or permit” after “licence” (wherever occurring).

Evidence

39. Section 41 of the Principal Act is amended—

- (a) by omitting from subsection (2) all the words after “holder of” and substituting “a specified licence or permit,”; and
- (b) by omitting from subsection (6) all the words from and including “document” (second occurring) to and including “Wales” (last occurring) and substituting “signed on behalf of a prescribed authority in a State or another Territory”.

Service of notices

40. Section 42 of the Principal Act is amended by inserting “or permit” after “licence” (wherever occurring).

Insertion

41. After section 43 of the Principal Act the following section is inserted:

Power of Minister to determine fees

“43AA. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.”.

Further amendments

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

PART III—TRANSITIONAL AND SAVINGS

Application—electrician’s licence, Grade A

43. (1) The amendments of the Principal Act made by section 16—

- (a) apply only in relation to an electrician’s licence, Grade A granted on or after the commencement date; and
- (b) shall not be taken to affect the renewal on or after that date of an electrician’s licence, Grade A that was granted before that date.

(2) In subsection (1)—

“commencement date” means the day on which section 3 commences.

Terms of existing licences

44. The amendments of the Principal Act made by section 22 apply only to a licence granted or renewed after the commencement of that section.

Undetermined applications

45. Where, before the commencement of this section, an application had been made to the Authority for an electrical contractor’s licence or an electrician’s licence, Grade A and the application had not been determined, the Board may consider and determine the application as if the application had been made to the Board.

Inquiries

46. Where, before the commencement of this section, an inquiry under section 28 of the Principal Act had been commenced before the Authority and had not been determined, the inquiry may be continued and completed by the Board.

Pending appeals and applications to court

47. (1) Where, immediately before the commencement of this section an appeal to the Supreme Court or the Magistrates Court in respect of a decision under section 31 of the Principal Act as in force at the relevant time was pending but had not been determined, then, subject to the *Administrative Appeals Tribunal Act 1989*, application may be made to the Administrative

Appeals Tribunal for a review of that decision as if the Principal Act as amended by this Act had been in operation when the decision was made.

(2) Notwithstanding the *Administrative Appeals Tribunal Act 1989*, no fee is payable in respect of an application made in accordance with subsection (1).

(3) Where, immediately before the commencement of this section, an application to the Magistrate's Court under section 33 of the Principal Act as in force at the relevant time was pending but had not been determined, the Principal Act as in force immediately before that commencement continues to apply in relation to that application.

PART IV—MISCELLANEOUS

Renumbering of provisions

48. (1) The amended Act is further amended as provided by this section.

(2) The Parts of the amended Act are renumbered in a single series so that they bear consecutive Roman numerals.

(3) The sections of the amended Act are renumbered in a single series so that they bear consecutive Arabic numerals.

(4) The subsections of the amended Act are renumbered in a single series so that, within their respective sections, they bear consecutive Arabic numerals.

(5) The paragraphs of the amended Act are relettered in a single series so that, within their respective subsections, they bear consecutive letters in alphabetical sequence.

(6) Any provision of the amended Act that refers to a provision of that Act that has been renumbered by subsection (2), (3) or (4) or relettered by subsection (5) is amended by omitting that reference and substituting a reference to the provision as so renumbered or relettered.

(7) A reference in a provision of another law of the Territory (whether or not that provision has commenced), or in any instrument or document, to a provision of the amended Act that has been renumbered by subsection (2), (3) or (4) or relettered by subsection (5) shall (except as regards the operation of the provision before it was so renumbered or relettered) be construed as a reference to that provision as so renumbered or relettered.

(8) In this section, "amended Act" means the Principal Act as amended by sections 4 to 42 (inclusive).

SCHEDULE

Section 42

FURTHER AMENDMENTS

Section 2—

- (a) Omit “of this Act”.
- (b) Omit “the first day of January, One thousand nine hundred and seventy-two”, substitute “1 January 1972”.

Subsection 4 (2)—

- (a) Insert “or she” after “he”.
- (b) Insert “or herself” after “himself”.

Section 9 (penalty provision at foot)—

Omit “Two hundred dollars”, substitute “\$200”.

Section 10—

Omit “he” substitute “the person”.

Section 10 (penalty provision at foot)—

Omit “Two hundred dollars”, substitute “\$200”.

Subsection 11 (1)—

Omit “the next succeeding subsection”, substitute “subsection (2)”.

Paragraph 11 (1) (a)—

Insert “or her” after “him”.

Paragraph 11 (1) (b)—

Insert “or her” after “him”.

Subsection 11 (1) (penalty provision at foot)—

Omit “Two hundred dollars”, substitute “\$200”.

Subsection 11 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Subsection 12 (1)—

Omit “the next succeeding subsection”, substitute “subsection (2)”.

Subsection 12 (1) (penalty provision at foot)—

Omit “Two hundred dollars”, substitute “\$200”.

Subsection 12 (2)—

- (a) Omit “the last preceding subsection”, substitute “subsection (1)”.
- (b) Insert “or her” after “his” (wherever occurring).

Subsection 13 (1)—

SCHEDULE—continued

Omit “the next succeeding subsection”, substitute “subsection (2)”.

Subsection 13 (1) (penalty provision at foot)—

Omit “Two hundred dollars”, substitute “\$200”.

Subsection 13 (2)—

(a) Omit “the last preceding subsection”, substitute “subsection (1)”.

(b) Insert “or she” after “he”.

Paragraph 13 (2) (a)—

Insert “or her” after “him”.

Subparagraph 13 (2) (a) (i)—

Insert “or her” after “him”.

Section 14 (penalty provision at foot)—

Omit “Two hundred dollars”, substitute “\$200”.

Paragraph 17 (1) (a)—

Omit “he”, substitute “the person”.

Paragraph 17 (1) (b)—

(a) Omit “his”, substitute “the person’s”.

(b) Insert “or her” after “him”.

Subsection 17 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Paragraph 17 (2) (a)—

(a) Omit “he” (first occurring), substitute “the person”.

(b) Insert “or she” after “he” (last occurring).

(c) Omit “of the Commonwealth” (wherever occurring).

Paragraph 17 (2) (b)—

(a) Omit “he”, substitute “the person”.

(b) Insert “or her” after “him”.

Paragraph 17 (2) (d)—

Insert “or she” after “he”.

Paragraph 17 (2) (e)—

(a) Omit “he” (first occurring), substitute “the person”.

(b) Insert “or she” after “he” (last occurring).

SCHEDULE—continued

(c) Omit “him”, substitute “the person”.

(d) Omit “of this subsection”.

Section 18—

Insert “or she” after “he”.

Paragraphs 18 (a) and (b)—

Insert “or she” after “he”.

Subparagraph 18 (b) (i)—

Insert “or her” after “his”.

Subparagraph 18 (b) (ii)—

Insert “or she” after “he”.

Section 21 (penalty provision at foot)—

Omit “Four hundred dollars”, substitute “\$400”.

Paragraph 22 (2) (c)—

Insert “or she” after “he”.

Paragraph 27 (1) (c)—

(a) Insert “or her” after “his”.

(b) Omit “the last preceding paragraph”, substitute “paragraph (b)”.

Paragraph 27 (1) (d)—

(a) Insert “or her” after “his”.

(b) Omit “of this section”.

Paragraph 27 (1) (i)—

Insert “or her” after “his”.

Subsection 27 (2)—

(a) Omit “the last preceding subsection”, substitute “subsection (1)”.

(b) Omit “his”, substitute “the”.

Subsection 27 (3)—

Omit “the last preceding subsection”, substitute “subsection (2)”.

Paragraph 27 (3) (d)—

(a) Insert “or she” after “he”.

(b) Insert “or her” after “his”.

SCHEDULE—continued**Subsection 28 (1)**—

Omit “(2) of the last preceding section”, substitute “27 (2)”.

Section 29—

(a) Omit “(2) of section 27 of this Act”, substitute “27 (2)”.

(b) Omit “the last preceding section”, substitute “section 28”.

Subsection 30 (1)—

(a) Omit “of this Act” (first occurring).

(b) Omit “(1) of section 27 of this Act”, substitute “27 (1)”.

Paragraph 30 (2) (c)—

Omit “him”, substitute “the person”.

Paragraph 32G (5) (b)—

Insert “or her” after “his” (wherever occurring).

Subsection 33 (1)—

Omit “him or them”, substitute “that person or those persons”.

Subsection 33 (1A)—

Insert “or her” after “his”.

Subsection 33 (2)—

Omit “the last preceding subsection”, substitute “subsection (1A)”.

Subsection 33 (2B)—

Omit “of this section” (wherever occurring).

Subsection 33 (3)—

(a) Omit “in pursuance of the last preceding subsection”, substitute “under subsection (2B)”.

(b) Omit “the next succeeding subsection”, substitute “subsection (3A)”.

(c) Omit “of this section”.

(d) Omit “him or them”, substitute “that person or those persons”.

Subsection 33 (3A)—

Omit “The last preceding subsection”, substitute “Subsection (3)”.

Subsection 33 (3B)—

Insert “or she” after “he” (wherever occurring).

Subsection 33 (3C)—

SCHEDULE—continued

Insert “or her” after “his”.

Subsection 34 (2)—

(a) Omit “in pursuance of the last preceding subsection”, substitute “under subsection (1)”.

(b) Insert “or she” after “he” (wherever occurring).

Subsection 34 (3)—

Insert “or her” after “his”.

Subsection 34 (3) (penalty provision at foot)—

Omit “Two hundred dollars”, substitute “\$200”.

Subsection 35 (2) (penalty provision at foot)—

Omit “Four hundred dollars”, substitute “\$400”.

Section 36 (penalty provision at foot)—

Omit “Two hundred dollars”, substitute “\$200”.

Paragraph 37 (a)—

Omit “of this Act”.

Section 37—

Insert “or her” after “his”.

Section 37 (penalty provision at foot)—

Omit “One hundred dollars”, substitute “\$100”.

Subsection 38 (1) (penalty provision at foot)—

Omit “One hundred dollars”, substitute “\$100”.

Section 39—

Omit “prescribed”, substitute “determined”.

Section 40—

Omit “fourteen”, substitute “14”.

Section 40 (penalty provision at foot)—

Omit “One hundred dollars”, substitute “\$100”.

Subsections 41 (1) and (2)—

Insert “or her” after “his”.

Subsections 41 (4) and (5)—

Omit “of this section”.

SCHEDULE—continued**Subsection 43 (1)**—

Omit “of this Act”.

Subsection 43 (2)—

Omit the subsection.

NOTE

1. Reprinted as at 31 January 1993.

[Presentation speech made in Assembly on 19 May 1994]

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