

ELECTRICAL CONTRACTORS LICENSING ACT.

Act No. 47, 1924.

George V, No. 47. An Act to provide for the registration of electrical contractors; for the issue, suspension, and cancellation of licenses; for the constitution of a board; for the regulation of the installation of electric light and power in and their connection to premises; for the amendment of various Acts relating to electricity supply; and for purposes connected therewith. [Assented to, 23rd December, 1924.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

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| Short title.

Commence-
ment.
Vide ss. 15
and 16.
Division into
Parts. | <p>1. This Act may be cited as the “Electrical Contractors Licensing Act, 1924.”</p> <p>2. This Act shall commence and come into operation on the first day of January, one thousand nine hundred and twenty-five.</p> <p>3. This Act is divided into Parts, as follows:—</p> <p style="margin-left: 20px;">PART I.—PRELIMINARY.</p> <p style="margin-left: 20px;">PART II.—THE BOARD.</p> <p style="margin-left: 20px;">PART III.—LICENSES.</p> <p style="margin-left: 20px;">PART IV.—REGULATION OF ELECTRICAL INSTALLATION WORK.</p> <p style="margin-left: 20px;">PART V.—REGULATIONS.</p> <p style="margin-left: 20px;">PART VI.—MISCELLANEOUS.</p> |
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4.

4. In this Act, unless inconsistent with the context or subject-matter,— George V,
No. 47.

“Board” means the Electrical Contractors’ Licensing Board constituted by this Act. Interpreta-
tion.

“City” includes the City of Sydney.

“Council” includes any county, city, municipal or shire council.

“Elector” means person entitled to vote at an election under this Act.

“Electrical contractor” includes a firm, company, partnership, society, association or body of persons, corporate or unincorporate, trading as an electrical contractor, and any person licensed under this Act.

“Prescribed” means prescribed by Act or regulation.

“Public electricity supplying body” means any county, city, municipal or shire council, the Railway Commissioners for New South Wales, and any public body or any company or person engaged in the supply of electricity to the public by virtue of any statute or any “franchise” agreement under the Local Government Act, 1919.

“Public system of electricity supply” includes supply by any public electricity supplying body.

“This Act” includes the regulations made under this Act.

“Work,” “electrical installation work,” and the like expressions, mean the work of connecting any public or private premises with any system of public electricity supply, and the work of installing electric wires and appliances for lighting or power purposes upon any public or private premises, and the work of altering, repairing, or renewing any such connection or installation, but do not include any work in or about a mine or the replacing of lamps and fuses.

**George V,
No. 47.**

Repeal and
references.

5. (1) The provisions of any Act, ordinance, by-law, or regulation, or any franchise or agreement in force at the commencement of this Act, which purport to authorise any public electricity supplying body to issue licenses to electrical contractors or electricians or persons engaged in electrical installation work, shall from the commencement of this Act cease to have effect.

(2) Any reference in any such Act, ordinance, by-law, regulation, or franchise or agreement to a license or to a licensed electrician or contractor (whatever the terms used may be) shall after the commencement of this Act be construed as a reference to a license issued or an electrical contractor licensed in accordance with this Act.

PART II.

THE BOARD.

Appointment
of the board.

6. (1) There shall be a board, which shall be called the Electrical Contractors Licensing Board.

(2) The board shall consist of five members, that is to say :—

- (a) One member, who shall be president, appointed by the Governor.
- (b) One member elected (as prescribed) at least once in each three years by the public electricity supplying bodies in New South Wales.

The Chief Electrical Engineer of the Municipal Council of the City of Sydney shall be a temporary member to hold office until the member is elected by the said public electricity supplying bodies.

- (c) One member elected (as prescribed) at least once in each three years by the members of the committee of the Fire Underwriters' Association.

The Minister may appoint a temporary member to hold office until the member is elected by the said committee.

(d)

- (d) One member elected (as prescribed) at least once in each three years by the members of the executive committees of the Local Government Association and of the Shires Association at a joint sitting. George V,
No. 47.

The president of the Local Government Association shall be a temporary member to hold office until the member is elected by the said committees.

- (e) One member who shall be a licensed electrical contractor and shall be elected (as prescribed) at least once in each three years by the electrical contractors licensed under this Act.

The committee of the Electrical Employers' Association of New South Wales may elect a temporary member to hold office until the member is elected by the electrical contractors.

- (3) Each member of the board shall be entitled to receive such fees as may be prescribed. Fees.

- (4) The board shall be a body corporate with perpetual succession and a common seal and with power to sue and to be sued in its corporate name. Body
corporate.

- (5) In the exercise and performance of its powers and duties under this Act the board shall act on such evidence as in each case appears to it sufficient. Evidence.

7. (1) The board shall prepare rolls of electors qualified to vote at the various separate elections of members, and shall conduct the elections. Elections.

- (2) Any person claiming to be enrolled as an elector upon any roll may, if his claim be disallowed by the board, appeal to the Minister, whose decision shall be final.

8. (1) The president shall preside at meetings of the board. In his absence the members present shall elect a chairman of the meeting. The
president.

- (2) The president or chairman shall have a deliberative and, if the voting be equal, a casting vote.

- (3) The board may by resolution under seal authorise the president to determine such matters as it therein specifies. Any such authority may from time to time be revoked or varied by a resolution under seal.

George V,
No. 47.

Vacation of
office.

9. (1) A member of the board shall cease to hold his office—

- (a) if, when he is required to be licensed, his license is suspended or cancelled;
- (b) if he becomes bankrupt, compounds with his creditors, or assigns his estate for the benefit of his creditors;
- (c) if he becomes an insane person, an insane patient, or an incapable person within the meaning of the Lunacy Act, 1898;
- (d) if he is convicted of any felony or misdemeanour;
- (e) if he is absent from three consecutive ordinary meetings of the board without leave granted by the board;
- (f) if he resigns his office by writing under his hand delivered to the secretary or president of the board or to the Minister;
- (g) if his successor has been duly appointed or elected.

(2) Upon any such vacation of office, except under paragraph (g) aforesaid, the board shall forthwith take steps to fill the vacant office.

Extra-
ordinary
vacancies.

(3) In case of an extraordinary vacancy arising in the office of an elected member before the expiration of any triennial period herein referred to, the vacancy shall be filled by election as prescribed, and the next ordinary election shall be held during the third year following the year in which the extraordinary election is held.

(4) Where, for any reason, an office is not filled within one month from the commencement of this Act or from the occurrence of the vacancy, the Governor may appoint some person as a temporary member to hold office until the vacant office is duly filled.

Temporary
vacation of
office.

10. (1) The president or any member of the board shall (if a licensee under this Act) temporarily vacate his office on the board if he is called upon under this Act to show cause why his license should not be suspended or cancelled.

(2) A temporary appointment may be made by the Governor to the vacant office, and the person so appointed shall hold office only until the determination of the question of suspension or cancellation aforesaid;
and

and if the license be neither suspended nor cancelled, the president or member who has so temporarily vacated his office shall resume such office. George V,
No. 47.

11. (1) The procedure for the calling of the board meetings and for the conduct of business at such meetings shall, subject to any regulations with regard thereto, be as fixed by resolution of the board. Procedure,
quorum, &c.

(2) Three members of the board shall form a quorum, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the board.

(3) The seal of the board shall not be attached to any document without resolution of the board for that purpose, and shall be authenticated by the signatures of the president and secretary of the board, or such other persons in the absence of either as may be specified in the resolution.

(4) All acts and proceedings of the board shall be valid notwithstanding any vacancy in the board or any irregularity in the appointment or continuance in office of any member of the board, and notwithstanding that any person not qualified or ceasing to be qualified may have acted as a member of the board.

(5) The board shall each year submit a report to Parliament through the Minister giving briefly and concisely information as to its work and as to its general decisions in the course thereof.

12. (1) The board may, subject to satisfactory arrangements with the Department of Public Instruction, utilise the machinery and staff of the Technical College for the holding of examinations. Offices and
staff.

(2) The board may provide an office for the transaction of its business under this Act.

(3) The Governor may, in accordance with the Public Service Act, 1902, appoint a secretary and such other officers, permanent or temporary, as may be necessary to conduct the business of the board.

(4) The expenses of the board shall be paid from funds voted by Parliament from the Consolidated Revenue Fund.

George V,
No. 47.

PART III.

LICENSES.

Issue of
licenses.

13. (1) The Governor may, on the recommendation of the board, make regulations providing for the examination of persons desiring to be licensed as electrical contractors.

(2) The board may appoint examiners, and, upon any person passing a satisfactory examination, of which the board shall be the judge, may issue to him a license as an electrical contractor.

(3) The board may issue a license to any person without examination upon being satisfied that such person was at the time of the passing of this Act earning his livelihood as an electrical contractor in New South Wales or elsewhere in the Commonwealth and had been so earning his livelihood for a period of twelve months, provided that if he was not so earning his livelihood in New South Wales the license shall not be issued unless the board is satisfied as to his competence and good character, and provided that in every case the application for the license is made within such time as may be prescribed by regulation.

(4) The board may without examination issue a license to any firm, company, partnership, society, association or body of persons, corporate or unincorporate: Provided that the license may in any such case be suspended or cancelled if such firm, company, partnership, society, association or body does not comprise or has not in its employ at least one licensee under this Act, or if any work carried out by such firm, company, partnership, society, association or body be not personally supervised by a member holding a license or by one such employee so licensed.

(5) The board may without examination issue a license to any person who presents the certificate of competency in the electrical trade issued by a prescribed Technical College: Provided that the board is first satisfied by the superintendent of such college as to the course of instruction, and the standard of the examination for such certificate.

(6)

(6) The board may decline to issue a license to any person unless such person satisfies the board that he is of good character. Without prejudice to any other right of appeal, any person so refused may appeal to the Minister.

George V,
No. 47.

(7) The board may decline to issue a license to any person upon proof to the satisfaction of the board of any matter which, under other provisions of this Act, would be a sufficient cause for suspension or cancellation of a license.

(8) The board shall keep a record of all persons licensed under this Act; and shall from time to time alter the entries in such record to the end that it shall be a correct record of the licenses for the time being in force and of the names and addresses and other particulars of the persons licensed.

(9) Every license issued under this Act shall be the property of the board, shall be held by the licensee subject to the provisions of this Act, and shall be delivered up to the board upon demand.

(10) Applicants for examination or for license as electrical contractor shall pay the prescribed fee.

(11) Every licensee shall each year make the prescribed application for the renewal of his license and pay the prescribed renewal fee.

(12) All fees under this Act shall be paid into consolidated revenue.

(13) Upon the loss or accidental destruction of any license the board may, if satisfied, issue a duplicate or substitute license upon payment of the prescribed fee.

(14) In the case of an application lodged between the meetings of the board the president may in his discretion grant a provisional license, which shall hold good for a period to be stated therein, such period to be approximately sufficient to allow of time for the next meeting of the board and for the communication of the board's decision to the applicant. All such provisional licenses shall be returned to the board immediately upon expiration.

George V,
No. 47.
Suspension
or
cancellation
of licenses.

14. (1) The license of any licensed electrical contractor may be suspended or cancelled upon proof to the satisfaction of the board that he—

- (a) has been licensed erroneously or in consequence of any false or fraudulent statement or document;
- (b) is incompetent;
- (c) has carried out electrical installation work in a negligent, unsatisfactory, or incompetent manner;
- (d) has wilfully deceived or attempted to deceive an inspecting officer of a public electricity supplying body, as, for example, by purposely concealing inferior work or materials used as part of an installation, or by misleading statements to the inspecting officer;
- (e) has broken the seal of a public electricity supplying body's meter or service fuse;
- (f) has tampered with meters, maximum demand indicators, service fuses, or other apparatus the property of or under the control of a public electricity supplying body;
- (g) has, without the permission of a public electricity supplying body, connected—
 - (i) an installation to the mains of that body; or
 - (ii) a lighting circuit to power points; or
 - (iii) an additional installation or extension of an installation to an existing installation;
- (h) has infringed the regulations under this Act;
- (i) has at any time been a party or privy to any act described in the preceding paragraphs hereof;
- (j) is a person of bad character;
- (k) has failed to pay any fees due by him under this Act;
- (l) has applied for such suspension or cancellation;
- (m) has become an insane person, an insane patient, or an incapable person within the meaning of the Lunacy Act, 1898.

(2)

(2) Except in the case of death or in response to the application of the licensee, a license shall not be suspended or cancelled without first calling upon the licensee to show cause either in writing or in person why his license should not be suspended or cancelled, and holding a public inquiry if demanded by the licensee.

George V,
No. 47.

(3) For the purpose of any such inquiry the board and its president shall have power to examine any person on oath or take a statutory declaration from any person.

(4) (i) The president of the board may in writing under his hand summon any person to attend before the board for the purpose of being examined with respect to the subject matter of the inquiry.

(ii) Every person duly summoned as aforesaid who does not attend after reasonable expenses have been paid or tendered to him, or refuses to be sworn or to answer any lawful question, shall be liable to a penalty not exceeding twenty pounds.

(5) Any person whose license the board refuses, suspends, or cancels may, within three months after notice of such refusal, suspension, or cancellation is served upon him, require the board to state a case, in accordance with rules of court, to a judge of the District Court, setting forth the facts and the grounds of its decision. The judge may make any further inquiry he deems necessary; and upon the case, or the case and further inquiry, the judge may either confirm or vary or reverse the decision of the board. The order of the judge shall be final, and shall be given effect to by the board.

(6) Where the board has suspended or cancelled any license it may reissue the same or a substituted license without examination, subject to such conditions as it deems fit.

George V,
No. 47.

PART IV.

REGULATION OF ELECTRICAL INSTALLATION WORK.

Restriction
of work by
unlicensed
persons.

15. From and after a day to be appointed, on the recommendation of the board, by the Governor and notified in the Gazette, no person who is not a licensed electrical contractor or the employee of a licensed electrical contractor who has contracted to do the work or a person working under the direction of a public electricity supplying body shall undertake any electrical installation work.

PART V.

REGULATIONS.

Regulations.

16. (1) The Governor on the recommendation of the board may make regulations for carrying this Act into effect, and also (but without limiting the generality of the aforesaid power) for and with respect to—

- (a) the election of members of the board;
- (b) the penalties not exceeding fifty pounds which may be imposed for breaches of regulations.

(2) The Governor may by proclamation alter or rescind any such regulation.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fourteen sitting days after such regulation has been laid before such House disallowing the regulation or any part thereof, such regulation or part shall thereupon cease to have effect.

PART

PART VI.

George V,
No. 47.

MISCELLANEOUS.

17. (1) Any person shall be entitled in office hours to inspect the board's register of current licenses on payment of a fee of one shilling. Furnishing information.

(2) The board shall, upon receipt of a fee of one shilling, furnish information upon demand by any person, as to whether any named person is or is not a licensed electrical contractor.

18. (1) Any person contravening any provision of this Act shall be liable to the penalty prescribed by regulation, and where there is no other penalty prescribed shall be liable on summary conviction to a penalty not exceeding fifty pounds. Penalties.

(2) The infliction of a penalty under this Act shall not prevent the suspension or cancellation of a license; and the suspension or cancellation of a license shall not be held to prevent the imposition of a penalty.

19. The board (by itself or by a person authorised by it in writing) shall have power to enter any premises at any reasonable time for the examination of any work carried out by an electrical contractor if the board has before it any question relating to the license of such electrical contractor or any question affecting the administration of this Act. Power of entry.

20. Any person who obtains or attempts to obtain any license by fraud or fraudulent means shall on summary conviction be liable to a penalty not exceeding fifty pounds. Fraud.

21. Any person who fails to return to the board any license after demand made for such return by the secretary of the board shall on summary conviction be liable to a penalty not exceeding twenty pounds. Failure to return license.

22. Any person who uses any such license after notice by the board that the same has been cancelled shall on summary conviction be liable to a penalty of twenty pounds. Use of cancelled license.