

**ELECTRICITY DEVELOPMENT (AMENDMENT)
ACT, 1978, No. 148**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 148, 1978.

An Act to amend the Electricity Development Act, 1945.
[Assented to, 29th December, 1978.]

Electricity Development (Amendment).

BE it enacted by the Queen'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 :—

Short title. **1.** This Act may be cited as the "Electricity Development (Amendment) Act, 1978".

**Commence-
ment.** **2.** (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 2, and section 5 in its application to Schedule 2, shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Principal
Act.** **3.** The Electricity Development Act, 1945, is referred to in this Act as the Principal Act.

Schedules. **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO SAFETY.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE REGISTRATION OF ELECTRICAL
CONTRACTORS AND THE LICENSING OF ELECTRICAL
MECHANICS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO PENALTIES.

Electricity Development (Amendment).

SCHEDULE 4.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 6.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

5. The Principal Act is amended in the manner set forth in Schedules 1–5. Amendment of Act No. 13, 1946.

6. Schedule 6 has effect.

Savings, transitional and other provisions.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY.

(1) Section 9 (1) (a1), (a2)—

After section 9 (1) (a), insert :—

(a1) to promote and encourage the safety of persons and property in relation to electricity, and without limiting the generality of the foregoing power, to promote and encourage the safety of persons and property in relation to—

(i) the installation, maintenance and use of electric lines, works, electrical installations and cathodic protection systems; and

(ii) the sale or hire of electrical articles;

Electricity Development (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY—
continued.

- (a2) without limiting the generality of paragraph (a1), to issue or publish public statements or warnings relating to—
- (i) electrical articles, electrical installations or cathodic protection systems which, in the opinion of the Authority are, or are potentially, unsafe; and
 - (ii) safety in relation to electricity generally;

(2) Section 21A—

After section 21, insert :—

21A. (1) If the Authority is of the opinion that—

- (a) any electrical article is, or is likely to become, unsafe to use; and
- (b) prohibition of the sale or the letting out on hire of the electrical article is warranted,

the Authority may—

- (c) by notification published in the Gazette and in such other manner, if any, as the Authority may determine, prohibit the selling, or the letting out on hire, of the electrical article or the offering or advertising of the electrical article for sale or hire or the doing of all or any of those things; or
- (d) by notice or notices in writing served on any person or persons, prohibit that person or those persons from selling or letting out on hire the electrical article or from offering or advertising the electrical article for sale or hire or from doing all or any of those things.

 Prohibition on sale,
 etc., of
 unsafe
 electrical
 articles.

Electricity Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY—
continued.

(2) If the Authority is of the opinion that—

- (a) any electrical article sold by retail or let out on hire is, or is likely to become, unsafe to use; and
- (b) action is necessary to make that article safe to use or to render safe the use of that article,

the Authority may, by notice in writing—

- (c) in the case of an article that has been sold by retail—served, within 2 years after the sale of the article by retail, on the person who manufactured or imported the article; or
- (d) in the case of an article that has been let out on hire—served on the person who owns the article,

require that person to take, within such time as is specified in the notice, such action to make that article safe to use or to render safe the use of that article as is specified in the notice.

(3) This section—

- (a) applies to classes, descriptions or types of electrical articles in the same way as it applies to electrical articles; and
- (b) applies in respect of an electrical article or a class, description or type of electrical article whether or not it is of, or constitutes, a class, description or type that is approved as referred to in section 21.

Electricity Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY—
continued.

(4) Where a notification under subsection (1) (c) is published both in the Gazette and in some other manner, the prohibition shall take effect from the time when the notification is published in the Gazette or from such later date as is specified in the notification published in the Gazette.

(5) A notice under subsection (1) (d), (2) or (8) (a) may be served on a person—

(a) by delivering it personally to that person;

(b) by delivering it to the place last known to the Authority as his place of abode or business and by leaving it there—

(i) in the case of delivery to his place of abode—with some person apparently over the age of 16 years for him; and

(ii) in the case of delivery to his place of business—with some person who appears to be employed at that place; or

(c) subject to subsection (6), by posting it in an envelope duly stamped and addressed to that person at the place last known to the Authority as his place of abode or business.

(6) Where a notice is served as referred to in subsection (5) (c), the notice shall be deemed to have been served at such time after the posting of the notice as is prescribed or, where no such time is prescribed, at the time when the notice would be delivered in the ordinary course of post.

Electricity Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY—
continued.

(7) The Authority or the Minister, whether on the application of an affected person or not, may remove a prohibition effected under subsection (1) by executing an instrument in writing, notice of which shall as soon as practicable—

- (a) in the case of a prohibition effected under subsection (1) (c)—be published in the Gazette; and
- (b) in the case of a prohibition effected under subsection (1) (d)—be conveyed or sent to the person or persons to whom the prohibition applied.

(8) Where a requirement has been made of a person under subsection (2), the Authority or the Minister, whether on the application of that person or not, may—

- (a) by notice in writing served on that person, alter that requirement; or
- (b) by executing an instrument in writing (notice of which shall as soon as practicable be conveyed or sent to that person) revoke that requirement.

(9) Any person who does anything prohibited by a notification or notice published or served under subsection (1) while that prohibition remains in force shall be guilty of an offence against this Act.

(10) Any person who fails to comply with any requirement made by the Authority under subsection (2) shall be guilty of an offence against this Act.

Electricity Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY—
continued.

(11) A person shall not be convicted of an offence arising under subsection (2) if he satisfies the court that he had reasonable grounds for not complying with the requirement made by the Authority.

(3) (a) Section 25—

Omit “the Minister or by the chairman of”.

(b) Section 25 (2)–(8)—

At the end of section 25, insert :—

(2) Any person authorised in writing by the Authority or an electricity supply authority may, at any reasonable time, enter any land on which, or any premises on or in which, some manufacture, business or trade is carried on and—

- (a) examine or test any electrical article on the land or in or on the premises;
- (b) where an electrical article on the land or in or on the premises is exhibited, exposed or held in possession for the purpose of sale or hire or for any purpose of advertisement, manufacture or trade, take the electrical article or a sample thereof for examination or testing, paying a just price for it if required by the owner; and
- (c) examine any records kept on the land or in or on the premises that relate to the manufacture, sale or hire of electrical articles and make copies of those records or any part of those records.

Electricity Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY—
continued.

(3) Any person authorised for the purposes of subsection (2) may require the occupier of any land or premises to—

- (a) produce for examination and testing any electrical article on the land or in or on the premises;
- (b) produce for examination and copying any records referred to in subsection (2) (c); and
- (c) provide such assistance and facilities as are reasonably necessary to enable him to exercise his powers under subsection (2).

(4) Any person authorised in writing by the Authority or an electricity supply authority may require—

- (a) any person who claims to be a registered electrical contractor to produce for inspection by the authorised person, within such time as the authorised person specifies, his certificate of registration as an electrical contractor; or
- (b) any person who appears to the authorised person to be carrying out electrical wiring work to satisfy the authorised person, within such time as the authorised person specifies, that he is not prohibited under this Act and the regulations from carrying out that electrical wiring work.

Electricity Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY—
continued.

(5) Subject to subsection (6), any person—

- (a) who wilfully delays or obstructs a person authorised for the purposes of subsection (1), (2) or (4) in the exercise of his powers under this section;
- (b) who fails to comply with any requirement made under this section by a person so authorised; or
- (c) who, in purported compliance with a requirement under this section, wilfully gives any information that is false or misleading in a material particular,

shall be guilty of an offence against this Act.

(6) Where a person authorised for the purposes of subsection (4) makes a requirement, under subsection (4) (b), of a person who appears to him to be carrying out electrical wiring work, that person shall not be guilty of the offence of failing to comply with that requirement if it is proved that he was not actually carrying out the electrical wiring work.

(7) Every person authorised for the purposes of subsection (1), (2) or (4) shall be provided with a certificate of his appointment in a form approved by the Authority, and on exercising in any place any power conferred on him by this section shall, if so requested by any person apparently in charge of such place or of any work carried out therein, produce the certificate to that person.

Electricity Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO SAFETY—
continued.

(8) Any person who personates or falsely represents that he is a person authorised for the purposes of subsection (1), (2) or (4) shall be guilty of an offence against this Act.

(4) (a) Section 37 (2) (c)—

Omit “electric wires and cables”, insert instead “electrical articles”.

(b) Section 37 (2) (c)—

Omit “electrical appliances, meters, fittings, insulators and/or apparatus”, insert instead “electrical articles”.

(c) Section 37 (2) (h)—

Omit “requiring the periodical”, insert instead “the”.

(5) Section 38 (3)—

After section 38 (2), insert :—

(3) The provisions of subsection (1) relating to the rescission, revocation and cancellation of notifications and notices shall not apply to notifications published or notices served pursuant to section 21A.

Electricity Development (Amendment).

Sec. 5.

SCHEDULE 2.

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS.****(1) Section 3, matter relating to Part V—**

Omit "ELECTRICIANS", insert instead "ELECTRICAL MECHANICS".

(2) (a) Section 4, definition of "Apprentice"—

Before the definition of "Authority", insert :—

"Apprentice" means a person who is—

- (a) registered with the Apprenticeship Directorate of New South Wales or with a prescribed authority in another State or a Territory of the Commonwealth as an apprentice;
- (b) employed by the Commonwealth or a Commonwealth instrumentality as an apprentice; or
- (c) employed as a probationer, as defined in section 25 (1) of the Apprentices Act, 1969,

in the trade of electrical mechanic, electrical fitter/mechanic or electrical fitter.

(b) Section 4, definition of "Electrical contractor"—

Omit the definition.

Electricity Development (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

- (c) Section 4, definition of “Electrical wiring work” and
“work”—

After “installation”, insert “and the supervising of
that work”.

- (d) Section 4, definition of “Electrician”—

Omit the definition.

- (e) Section 4, definition of “Licensed electrical mechanic”—

After the definition of “Electricity supply authority”,
insert :—

“Licensed electrical mechanic” means the holder
of an electrical mechanic’s licence issued
under the regulations, and includes the holder
of a licence issued in another State or a
Territory of the Commonwealth (being a
licence of a class or description approved for
the time being by the Authority by notification
published in the Gazette for the purposes of
this definition), in each case being a licence
for the time being in force but not including—

(a) a licence which is for the time being
suspended; or

(b) a licence issued in another State or
Territory of the Commonwealth in
relation to which the approval of the
Authority is for the time being
withdrawn.

Electricity Development (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

- (f) Section 4, definition of “Registered electrical contractor”—

After the definition of “Person”, insert :—

“Registered electrical contractor” means a person who is for the time being registered as an electrical contractor in accordance with the regulations, but does not include a person whose registration as an electrical contractor is for the time being suspended.

- (g) Section 4 (2), (3)—

At the end of section 4, insert :—

(2) For the purposes of this Act and the regulations, an electrician’s licence issued under the regulations as in force before the commencement of Schedule 2 to the Electricity Development (Amendment) Act, 1978, being a licence in force as at that commencement (including a suspended licence which would have been in force but for the suspension), shall, as from that commencement, be deemed, subject to any suspension or cancellation, to be an electrical mechanic’s licence issued under the regulations as in force after that commencement—

- (a) for the term of the life of the holder thereof;
and

- (b) entitling the holder to carry out all kinds of electrical wiring work without supervision.

Electricity Development (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

(3) For the purposes of this Act and the regulations, a person holding an electrical contractor's licence (including a suspended licence) as an individual under the regulations immediately before the commencement of Schedule 2 to the Electricity Development (Amendment) Act, 1978, shall, as from that commencement, be deemed, subject to any suspension or cancellation, to be the holder of an electrical mechanic's licence issued under the regulations as in force after that commencement—

(a) for the term of the life of the holder thereof;
and

(b) entitling the holder to carry out all kinds of electrical wiring work without supervision.

(3) Part V, heading—

Omit "ELECTRICIANS", insert instead "ELECTRICAL MECHANICS".

(4) Sections 22, 23, 24, 24A, 24B, 24C—

Omit sections 22, 23 and 24, insert instead—

22. (1) A person shall not, unless he is a registered electrical contractor—

Electrical
con-
tractors.

(a) by any statement made to any person, or in an advertisement, indicate, expressly or impliedly, that he is, for profit or reward, willing or prepared to carry out, or to cause or arrange to be carried out, electrical wiring work;

Electricity Development (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

- (b) carry out personally for profit or reward, or cause or arrange to be carried out by another person for profit or reward, any electrical wiring work; or
- (c) employ a person to carry out any electrical wiring work.

(2) Subsection (1) does not apply so as to prevent a person who is a member of an unincorporated body of persons which is a registered electrical contractor or an employee of a registered electrical contractor from—

- (a) making a statement to any person, or in an advertisement indicating, expressly or impliedly, on behalf of the registered electrical contractor that the registered electrical contractor is willing or prepared to carry out or cause or arrange to be carried out electrical wiring work;
- (b) carrying out, or causing or arranging the carrying out of, electrical wiring work as a member of the body of persons or as an employee of the registered electrical contractor; or
- (c) employing, on behalf of the registered electrical contractor, a person to carry out electrical wiring work.

(3) Subsection (1) does not apply so as to prevent a person from—

- (a) making a statement to any person, or in an advertisement indicating, expressly or impliedly, that he is willing or prepared to carry out or cause or arrange to be carried out electrical wiring work; or

Electricity Development (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

(b) carrying out, or causing or arranging the carrying out of, electrical wiring work, as an employee, under a contract of employment with any person.

(4) Subsection (1) does not apply so as to prevent—

(a) a person who is a licensed electrical mechanic, the terms of whose licence do not entitle him to carry out all kinds of electrical wiring work, from—

(i) making a statement to any person, or in an advertisement indicating, expressly or impliedly, that he is willing or prepared to carry out; or

(ii) carrying out,

the kinds of electrical wiring work that that licence entitles him to carry out; or

(b) an employer of a person referred to in paragraph (a) from—

(i) making a statement to any person, or in an advertisement indicating, expressly or impliedly, that he is willing or prepared to carry out or cause or arrange to be carried out;

(ii) causing or arranging the carrying out of; or

Electricity Development (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

(iii) employing the person referred to in
paragraph (a) to carry out,

the kinds of electrical wiring work that that
person's licence entitles him to carry out.

(5) Subsection (1) does not apply so as to prevent
a person (who is, in this subsection, referred to as "the
general contractor") from—

- (a) making a statement to any person, or in an
advertisement indicating, expressly or impliedly,
that the general contractor is willing or prepared
to carry out or cause or arrange to be carried
out electrical wiring work;
- (b) causing or arranging the carrying out of
electrical wiring work; or
- (c) employing a person to carry out electrical wiring
work,

where the general contractor is a person who carries on a
trade or business or engages in a profession—

- (d) an object of which is—
 - (i) the erection, alteration or repair of
buildings or structures; or
 - (ii) the installation or repair of machinery
or plant; and
- (e) the principal object of which is not the carrying
out of electrical wiring work,

and the electrical wiring work is carried out by a registered
electrical contractor.

Electricity Development (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

(6) Subsection (1) does not apply so as to prevent an electricity supply authority from—

- (a) making a statement to any person, or in an advertisement indicating, expressly or impliedly, that it is willing or prepared to carry out or cause or arrange to be carried out;
- (b) carrying out, or causing or arranging to be carried out; or
- (c) employing persons to carry out,

the installation, alteration or maintenance of power lines forming part of an electrical installation.

(7) Subsection (1) (c) does not apply so as to prevent the employment of a person to carry out electrical wiring work—

- (a) where that person is a registered electrical contractor; or
- (b) where the employment is by a person who carries on a trade or business which does not involve the doing of any of the acts referred to in subsection (1) (a) and (b) and the electrical wiring work is carried out in the ordinary course of that trade or business on premises owned or occupied by that person.

(8) Any person who contravenes subsection (1) shall be guilty of an offence against this Act.

(9) A person or body of persons who or which has entered, or enters, into a contract with the Crown or an instrumentality of the Crown is not thereby exempted from the operation of this section.

Electricity Development (Amendment).

 SCHEDULE 2—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
 REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
 LICENSING OF ELECTRICAL MECHANICS—*continued.*

Supervision
for the
purposes of
ss. 24 and
24A.

23. For the purposes of sections 24 and 24A—

(a) a person is under supervision if, while he is carrying out electrical wiring work, a licensed electrical mechanic—

(i) who is not a subordinate of the person carrying out the electrical wiring work; and

(ii) the terms of whose licence entitle him to carry out electrical wiring work without supervision and do not restrict the kinds of electrical wiring work that he may carry out,

gives such directions to the person carrying out the work as are necessary to enable, in the opinion of the person exercising the supervision, the work to be correctly carried out and personally satisfies himself that the work has been correctly carried out; and

(b) a person is under constant personal supervision if, while he is carrying out electrical wiring work, a licensed electrical mechanic—

(i) who is not a subordinate of the person carrying out the electrical wiring work; and

(ii) the terms of whose licence do not restrict the kinds of electrical wiring work that he may carry out,

Electricity Development (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

gives such directions to the person carrying out the work as are necessary to enable, in the opinion of the person exercising the supervision, the work to be correctly carried out and, in addition—

- (iii) is at all times aware of the details of the work being carried out;
- (iv) is ready at hand at the work site to give directions to and be available for consultation by the person carrying out the work; and
- (v) personally satisfies himself that the work has been correctly carried out.

24. (1) A person (not being a licensed electrical mechanic or an apprentice) who personally carries out electrical wiring work while he is not under constant personal supervision shall be guilty of an offence against this Act. ^{Electrical mechanics.}

(2) A licensed electrical mechanic, the terms of whose licence entitle him to carry out electrical wiring work only under supervision, who personally carries out electrical wiring work while he is not under supervision shall be guilty of an offence against this Act.

(3) An apprentice who personally carries out electrical wiring work while he is not either under supervision or under constant personal supervision shall be guilty of an offence against this Act.

Electricity Development (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

(4) Subsections (1), (2) and (3) do not apply so as to prevent a person employed by an electricity supply authority principally for the performance of work other than electrical wiring work from, in the ordinary course of his duties, installing, altering, connecting or disconnecting—

- (a) overhead electricity supply mains; or
- (b) the electricity supply authority's metering, protection or control equipment,

forming part of or associated with an electrical installation.

(5) A person who has entered, or enters, into a contract of employment with the Crown or an instrumentality of the Crown is not thereby exempted from the operation of this section.

Employees
and super-
visors.

24A. (1) An employer who causes an employee to carry out any electrical wiring work in contravention of this Act, the regulations or the terms of an electrical mechanic's licence, if any, issued to the employee shall be guilty of an offence against this Act.

(2) Where the provisions of this Act or the regulations or the terms of an electrical mechanic's licence provide that a person may carry out electrical wiring work only under supervision or under constant personal supervision, any person who employs that person under a contract of employment shall, if he does not either—

- (a) being a person who holds the appropriate qualifications, exercise that supervision or constant personal supervision; or

Electricity Development (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

- (b) direct another employee holding the appropriate qualifications to exercise that supervision or constant personal supervision and ensure, as far as is reasonably practicable, that that direction is obeyed,

be guilty of an offence against this Act.

(3) It is a sufficient defence to a prosecution for an offence arising under subsection (2) if the defendant proves that the supervision or constant personal supervision, as the case may be, was actually exercised.

(4) A person directed under subsection (2) (b) to exercise supervision or constant personal supervision who does not comply with that direction shall be guilty of an offence against this Act.

(5) This section binds the Crown.

24B. Subject to this Act and the regulations—

- (a) a person, or a member of a body of persons, registered as an electrical contractor is not entitled to personally carry out electrical wiring work unless he is also a licensed electrical mechanic; and

Persons
required to
be both
registered
and
licensed.

- (b) a licensed electrical mechanic is not entitled to carry out electrical wiring work for profit or reward unless he is also a registered electrical contractor.

Electricity Development (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

Produc-
tion of
certificates
or licences
to owners,
etc.

24c. Any registered electrical contractor or licensed electrical mechanic carrying out or proposing to carry out electrical wiring work on land or premises who, upon being requested to do so by the owner or occupier or a person authorised by the owner or occupier of that land or those premises, does not within a reasonable time produce to that owner, occupier or person his certificate of registration as an electrical contractor or his electrical mechanic's licence, as the case may be, shall be guilty of an offence against this Act.

(5) Section 34 (2), (3)—

At the end of section 34, insert :—

(2) In any legal proceedings under or for the purposes of this Act, a certificate purporting to be signed by the chairman of the Authority or a prescribed officer of the Authority and certifying that—

- (a) a person specified therein was or was not registered as an electrical contractor;
- (b) a person specified therein was or was not the holder of an electrical contractor's licence, an electrician's licence or an electrical mechanic's licence; or
- (c) the terms and conditions specified therein were terms and conditions attaching to a certificate of registration or a licence,

on any day, or during any period, specified therein shall be admissible in evidence and shall be prima facie evidence of the fact so certified.

Electricity Development (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

(3) In any legal proceedings under or for the purposes of this Act, a certificate—

- (a) purporting to be signed by a person who is the holder of an office in another State or a Territory of the Commonwealth, being an office prescribed for the purposes of this subsection; and
- (b) certifying that particulars specified therein were particulars of the registration or licensing of a person in that State or Territory on any day or during any period specified therein,

shall be admissible in evidence and shall be prima facie evidence of those particulars.

(6) (a) Section 37 (2) (k), (k1)—

Omit section 37 (2) (k), insert instead :—

- (k) the registration of persons or bodies of persons as electrical contractors, the licensing of persons as electrical mechanics and the cancellation and suspension of such registrations and licences;
- (k1) in the case of persons who are the holders of licences of a class or description for the time being approved by the Authority by notification published in the Gazette for the purposes of the definition of “Licensed electrical mechanic” in section 4 (1), withdrawing, either temporarily or permanently, that approval in so far as it relates to the licences held by those persons or any of them;

Electricity Development (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—*continued.*

(b) Section 37 (2A)—

After section 37 (2), insert :—

(2A) Without prejudice to the generality of the power conferred by subsections (1) and (2), regulations made for the purposes referred to in subsection (2) (k) may contain provisions for or with respect to—

- (a) the constitution, functions and procedures of a committee to advise the Authority in relation to the registration of electrical contractors and the licensing of electrical mechanics;
- (b) the grading of electrical mechanics' licences according to such factors as may be specified in the regulations;
- (c) the registration of electrical contractors, and the licensing of electrical mechanics, subject to terms or conditions;
- (d) the qualifications for registration as an electrical contractor and for entitlement to the issue of an electrical mechanic's licence;
- (e) the holding of examinations for electrical mechanics;
- (f) the exemption of persons or bodies of persons from the operation of specified provisions of this Act, either absolutely or for such terms or subject to such conditions as may be prescribed;

Electricity Development (Amendment).

SCHEDULE 2—continued.

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ELECTRICAL CONTRACTORS AND THE
LICENSING OF ELECTRICAL MECHANICS—continued.**

- (g) prohibiting the forging or uttering of certificates and licences, the personation of registered electrical contractors, holders of electrical mechanics' licences or candidates for examinations for electrical mechanics and the making of false or misleading statements in relation to, or to the obtaining of, certificates and licences;
- (h) the payment and collection of fees for or in connection with the registration of electrical contractors, the licensing of electrical mechanics and examinations for electrical mechanics.

SCHEDULE 3.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES.

- (1) (a) Section 32—
Omit "two hundred dollars", insert instead "\$500".
- (b) Section 32—
Omit "forty dollars", insert instead "\$100".

Electricity Development (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES—
continued.

(2) (a) Section 37 (3)—

Omit “two hundred dollars”, insert instead “\$500”.

(b) Section 37 (3)—

Omit “forty dollars”, insert instead “\$100”.

Sec. 5.

SCHEDULE 4.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 4, definition of “Electrical article”—

After the definition of “Council”, insert :—

“Electrical article” means any wire, cable, appliance, fitting, meter, insulator, apparatus or material intended, suggested or designed for use in, or for the purposes of, or for connection to, any electrical installation.

(2) (a) Section 6 (4) (a)—

Omit the paragraph, insert instead :—

(a) In the case of—

- (i) the absence from duty of the chairman, the deputy chairman or, in the case of the absence from duty of the chairman and deputy chairman, a member appointed by the Minister shall act in the place of the chairman; or

Electricity Development (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

- (ii) the absence from duty of the deputy chairman or in the case of the deputy chairman acting in place of the chairman, a member appointed by the Minister shall act in place of the deputy chairman,

and while so acting shall have the immunities, shall perform the duties and may exercise all the powers, authorities and functions of the chairman or the deputy chairman, as the case may be.

- (b) Section 6 (4) (b)—

After “deputy chairman”, insert “or member”.

- (c) Section 6 (4) (c)—

Omit “to act in the place of the chairman”, insert instead “or a member to act in the place of the chairman or a member to act in the place of the deputy chairman”.

- (d) Section 6 (4) (c)—

After “by the deputy chairman”, insert “or the member”.

- (e) Section 6 (4) (c)—

After “by the chairman”, insert “or the deputy chairman, as the case may be”.

- (f) Section 6 (5) (b)—

Omit “deputy”, insert instead “acting”.

- (g) Section 6 (5) (c)—

Omit “deputy”, insert instead “acting”.

Electricity Development (Amendment).

SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(3) (a) Section 21 (1)—

Omit “wire, cable, appliance, fitting, meter, insulator, apparatus or material, intended, suggested or designed for use in or for purposes of or for connection to any electrical installation,” insert instead “electrical article”.

(b) Section 21 (1)—

Omit “wire, cable, appliance, fitting, meter, insulator, apparatus or material” where secondly and thirdly occurring, insert instead “electrical article”.

(c) Section 21 (2), (2A)—

Omit “wire, cable, appliance, fitting, meter, insulator, apparatus or material” wherever occurring, insert instead “electrical article”.

(d) Section 21 (3)—

Omit “electric wire or cable or electrical appliance, fitting, meter, insulator, apparatus or material”, insert instead “electrical article”.

(4) Section 28A—

After section 28, insert :—

28A. (1) No matter or thing done, and no contract entered into, by an electricity supply authority, and no matter or thing done by any member of an electricity supply authority or by any other person acting under the direction of an electricity supply authority, shall, if the matter or thing was done or the contract was entered into bona fide for the purposes of executing this Act, subject them or any of them personally to any action, liability, claim or demand.

Electricity
supply
authorities
—personal
liability
of members,
etc.

Electricity Development (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(2) Nothing in subsection (1) shall exempt any person from liability to be surcharged with the amount of any payment which is disallowed by the auditors of the accounts of the electricity supply authority and which that person authorised or joined in authorising.

(5) Section 31A—

After section 31, insert :—

31A. A prosecution for an offence against this Act or the regulations committed after the date of assent to the Electricity Development (Amendment) Act, 1978, may be instituted at any time within 2 years after the commission of the offence. Time for instituting prosecutions.

(6) Section 37 (2) (b), (d)—

Omit “wire, cable, appliance, meter, fitting, insulator, apparatus and/or material intended, suggested or designed for use for purposes of or for connection to any electrical installation” wherever occurring, insert instead “electrical article”.

SCHEDULE 5.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY
OF STATUTE LAW REVISION.

(1) (a) Section 4, definition of “Council”—

Omit “as amended by subsequent Acts.”.

Electricity Development (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(b) Section 4, definition of "Council"—

Omit " , as so amended,".

(c) Section 4, definition of "Electricity supply authority"—

Omit "Administrator of the Southern Electricity Supply of New South Wales, The Commissioner for Railways and the Water Conservation and Irrigation Commission", insert instead "Public Transport Commission of New South Wales and the Water Resources Commission".

(d) Section 4, definition of "Mine"—

Omit " , as amended by subsequent Acts".

(2) Sections 5 (3) (d), 7 (3)—

Omit "or any Act amending that Act," wherever occurring.

(3) (a) Section 5 (4)—

Omit "or of any Act amending that Act,".

(b) Section 5 (4)—

Omit "any such", insert instead "that".

(c) Section 5 (5) (a)—

Omit "—1936".

(d) Section 5 (6) (a) (ii)—

Omit "sub-paragraph (ii) or sub-paragraph (iii) of paragraph (d) of subsection one of this section", insert instead "subsection (1) (d) (ii) or (iii)".

Electricity Development (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(e) Section 5 (6) (a) (vi)—

Omit “an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898—1944”, insert instead “a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act”.

(f) Section 5 (8)—

Omit “be liable upon summary conviction to a penalty not exceeding one hundred dollars”, insert instead “be guilty of an offence against this Act and be liable upon conviction to a penalty not exceeding \$100”.

(g) Section 5 (10)—

Omit “subparagraph (viii) of paragraph (a) of subsection six”, insert instead “subsection (6) (a) (viii)”.

(h) Section 5 (11) (a)—

Omit “—1944, or any Act amending such Acts”.

(i) Section 5 (11) (a)—

Omit “—1944, or any amendment thereof”.

(j) Section 5 (11) (b)—

Omit “—1944, or any amendment thereof”.

(k) Section 5 (11) (b)—

Omit “—1944” where secondly occurring.

Electricity Development (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(1) Section 5 (11) (b)—

Omit “or any Act amending such Acts,”.

(4) Sections 7 (1), 7 (2), 12 (1), 12 (2), 19E (2), 19E (3),
27 (4) (d)—

Omit “as amended by subsequent Acts,” wherever occurring.

(5) (a) Section 9 (1) (ci)—

Omit “(ci)”, insert instead “(c1)”.

(b) Section 9 (3)—

Omit the subsection.

(6) Section 10 (3)—

Omit “—1934”.

(7) (a) Section 11 (2)—

Omit “subparagraph (iii) of paragraph (a) of subsection one of this section” wherever occurring, insert instead “subsection (1) (a) (iii)”.

(b) Section 11 (2) (b)—

Omit “subparagraph (ii) of paragraph (a) of subsection one of this section”, insert instead “subsection (1) (a) (ii)”.

(c) Section 11 (3) (a)—

Omit “subparagraph (i) of paragraph (b) of subsection one of this section”, insert instead “subsection (1) (b) (i)”.

Electricity Development (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(d) Section 11 (3) (a)—

Omit “such subparagraph”, insert instead “subsection (1) (b) (i)”.

(e) Section 11 (3) (b)—

Omit “subparagraph (ii) of paragraph (b) of subsection one of this section”, insert instead “subsection (1) (b) (ii)”.

(f) Section 11 (11)—

Omit “subparagraph (v) of paragraph (b) of subsection one of this section”, insert instead “subsection (1) (b) (v)”.

(g) Section 11 (14)—

Omit “, as amended by subsequent Acts”.

(h) Section 11 (14)—

Omit “as so amended applicable”, insert instead “applicable”.

(i) Section 11 (14)—

Omit “as so amended, or”, insert instead “or”.

(j) Section 11 (15)—

Omit “liable to a penalty not exceeding one thousand dollars and to a further daily penalty not exceeding one hundred dollars”, insert instead “guilty of an offence against this Act and shall be liable upon conviction to a penalty not exceeding \$1,000 and to a further daily penalty not exceeding \$100”.

Electricity Development (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(8) Section 12 (3)—

Omit “—1941”.

(9) Section 14 (4)—

Omit “and shall be liable on summary conviction to a penalty not exceeding two hundred dollars”, insert instead “against this Act and shall be liable upon conviction to a penalty not exceeding \$200”.

(10) Sections 15A, 17 (2) (c), 18, 19 (4)—

Omit “Colonial” wherever occurring.

(11) Section 19 (2)—

Omit “and Acts amending the same.”.

(12) (a) Section 19A, definition of “Council”—

Omit “, as amended by subsequent Acts”.

(b) Section 19A, definition of “Traffic route”—

Omit “1919, as amended by subsequent Acts”, insert instead “1919”.

(c) Section 19A, definition of “Traffic route”—

Omit “1924, as amended by subsequent Acts”, insert instead “1924”.

(13) Section 19B (2)—

Omit “subsection two of section sixteen and section nineteen of this Act”, insert instead “sections 16 (2) and 19”.

Electricity Development (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

- (14) Section 19E (2)—
Omit “, as so amended”.
- (15) (a) Section 20 (1)—
Omit the subsection.
- (b) Section 20 (3)—
Omit the subsection.
- (16) Section 21 (4), definition of “approving authority in another State”—
Omit “The State Electricity Commission of Western Australia”, insert instead “The State Energy Commission of Western Australia”.
- (17) (a) Section 26 (2)—
Omit “liable to a penalty not exceeding forty dollars”, insert instead “guilty of an offence against this Act and shall be liable upon conviction to a penalty not exceeding \$40”.
- (b) Section 26 (3)—
Omit “for each offence be liable to a penalty not exceeding twenty dollars”, insert instead “be guilty of an offence against this Act and shall be liable upon conviction to a penalty not exceeding \$20”.
- (18) (a) Section 27 (3)—
Omit “ : Provided that nothing in this subsection shall affect the operation of sections forty-four and forty-seven of the Borough of Balmain Electric Lighting Act, 1906”.

Electricity Development (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(b) Section 27 (4) (d)—

Omit “, as so amended,”.

(c) Section 27 (6)—

Omit “liable to a penalty not exceeding one thousand dollars”, insert instead “guilty of an offence against this Act and shall be liable upon conviction to a penalty not exceeding \$1,000”.

(d) Section 27 (7)—

Omit “to a penalty not exceeding one hundred dollars”, insert instead “upon conviction to a penalty not exceeding \$100”.

(19) Section 32—

After “liable”, insert “upon conviction”.

(20) Section 33 (1)—

Omit “or police”.

(21) (a) Section 37 (6)—

Omit the subsection, insert instead :—

(6) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(b) Section 37 (7)—

Omit the subsection.

Electricity Development (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(22) (a) Section 38 (1)—

Omit “or notification” wherever occurring, insert instead “, notification or notice”.

(b) Section 38 (1)—

After “was made”, insert “, published or given”.

(c) Section 38 (2)—

Omit “this section”, insert instead “subsection (1)”.

(d) Section 38 (2)—

Omit “or notifications”, insert instead “, notifications or notices”.

SCHEDULE 6.

Sec. 6.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. The amendment of section 25 of the Principal Act by Schedule 1 (3) does not affect any authorisation in force under that section immediately before the commencement of Schedule 1 and the authorisation shall be deemed to have been given under that section as in force after that commencement.

Authorisations under section 25 of the Principal Act.

2. (1) The Electrical Contractors and Electricians Licensing Regulations, 1958, are repealed with effect from the commencement of Schedule 2.

Repeal of the Electrical Contractors and Electricians Licensing Regulations, 1958.

Electricity Development (Amendment).

SCHEDULE 6—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(2) A person or a body of persons holding an electrical contractor's licence (including a suspended licence) under the regulations under the Principal Act immediately before the commencement of Schedule 2 shall, as from that commencement, be deemed to be registered as an electrical contractor in accordance with the regulations under the Principal Act as in force after that commencement and that registration shall remain in force, subject to any suspension, until the date on which the electrical contractor's licence would, but for the repeal effected by subclause (1) of this clause, have expired, unless sooner cancelled or surrendered.

(3) An electrical contractor's licence referred to in subclause (2) of this clause shall, while the person or body of persons holding the licence is deemed to be registered as an electrical contractor, be deemed, subject to any suspension, to be a certificate of registration as an electrical contractor issued in accordance with the regulations under the Principal Act as in force after the commencement of Schedule 2.

(4) If an electrical contractor's licence or an electrician's licence is suspended as at the commencement of Schedule 2, any succeeding registration or licence shall, subject to the regulations under the Principal Act, be deemed to be suspended for the unexpired term of the suspension.

(5) Any person deemed to be the holder of an electrical mechanic's licence by virtue of section 4 (3) of the Principal Act, as amended by this Act, shall not, before issue to him of an electrical mechanic's licence, be liable to prosecution for an offence by reason of his not producing an electrical mechanic's licence.

Proclama-
tions under
section 21
of the
Principal
Act.

3. The amendment of section 21 of the Principal Act by Schedule 4 does not affect any proclamation under that section published before the date of assent to this Act.
