

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1922.

A BILL

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 consequent thereon or incidental thereto.

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.

1. This Act may be cited as the "Electrical Contractors Licensing Act, 1922." Short title.

2. (1) This Act shall, except as in this Act otherwise provided, commence and come into operation on the first day of January, one thousand nine hundred and twenty-three. Commencement.

(2) The Governor may, by proclamation issued before or after the said day, postpone the operation of any provision of this Act, other than this section, to a date not later than one year after the commencement of this Act.

3. This Act is divided into Parts, as follows :—

Division into Parts.

PART I.—PRELIMINARY.

PART II.—THE BOARD.

PART III.—LICENSES.

PART IV.—REGULATION OF ELECTRICAL INSTALLATION WORK.

PART V.—MAKING OF REGULATIONS.

PART VI.—MISCELLANEOUS.

4. In this Act, unless inconsistent with the context or subject-matter,— Interpretation.

"Board" means the Electricians Licensing Board constituted by this Act.

"City" includes the City of Sydney.

"Council" includes any county, city, municipal or shire council, and the Municipal Council of the City of Sydney.

"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.

"Minister"

- “ Minister ” means the Minister charged with the administration of 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 the replacing of lamps and fuses.

5. The provisions of any Act, ordinance, by-law, or regulation, or any franchise or agreement in force at the commencement of this Act, purporting to authorise any public electricity supplying body to issue licenses to electrical contractors or electricians or persons engaged in electrical installation work, are hereby repealed, and 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 be deemed to be a reference to a license or a licensed electrical contractor in accordance with this Act.

Repeal and references.

PART II.

THE BOARD.

6. (1) There shall be a board, which shall be called ^{Appointment of the board.} the Electrical Contractors Licensing Board.

(2) The board shall consist of—

(a) a member appointed by the Governor as president ;

(b) a member elected (as prescribed) at least once in each three years by the public electricity supplying bodies in New South Wales and the Fire Underwriters' Association :

Provided that, until this member is elected, the Chief Electrical Engineer of the Municipal Council of the City of Sydney shall be a temporary member in his stead ;

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

Provided that, until this member is elected, the Minister may appoint a temporary member in his stead ;

(d) a 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 :

Provided that, until this member is elected, the President of the Local Government Association shall be a temporary member in his stead ;

(e) a 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 :

Provided

Provided that until this member is elected the committees of the Electrical Employers' Association and of the Electrical Contractors' Association of New South Wales may at a joint sitting elect a temporary member to fill his place.

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

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

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

7. (1) The board shall, where necessary, prepare Elections. rolls of electors entitled to vote at the various separate elections of members, and shall arrange for the elections to be held.

(2) Any person claiming enrolment as an elector 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 the board. In his absence the members present shall president. elect a chairman of the meeting.

(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 resolution may be revoked by further resolution under seal.

9. (1) A member of the board shall be deemed to Vacation of have vacated his office— office.

- (a) if 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)

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- (c) if he dies, or becomes an inmate of any hospital for the insane ;
- (d) if he is convicted of any felony or misdemeanour ;
- (e) if he is absent from three consecutive 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.

(3) Where, for any reason, a vacant 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 suitable person as a temporary member to hold office until the vacant office is duly filled.

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.

Temporary
vacation of
office.

(2) A temporary appointment may be made 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 if the license be neither suspended nor cancelled, the president or member who has so temporarily vacated his office may resume such office.

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

Procedure,
quorum, &c.

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

(3)

(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.

(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 information as to its work and as to its general decisions in the course thereof.

12. (1) The board may, subject to satisfactory ^{Offices and} arrangements with the Superintendent of the Technical ^{staff.} College, utilise the machinery and staff of the Technical College for the holding of examinations.

(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 provided on the vote of Parliament from the Consolidated Revenue Fund.

PART

PART III.

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. Issue of licenses.

(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, or after a partial examination, upon being satisfied that such person was at the time of the passing of this Act earning his livelihood as an electrical contractor, and upon satisfying itself that he is competent to carry out electrical installation work.

(4) The board may without examination issue a license to any firm, company, partnership, society, association or body of persons, corporate or unincorporate, trading as electrical contractors: Provided that the license may in any such case be suspended or cancelled if such firm, company, partnership, society, association or body 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 one such employee so licensed.

(5) The board may decline to issue a license to any person unless such person satisfies the board that he is of good character.

(6) 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.

(7) 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 issued and of the names and addresses and other particulars of the persons licensed.

(8)

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(8) 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.

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

(10) Every licensee shall each year pay the prescribed renewal fee.

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

(12) 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.

(13) 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.

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

Suspension
or
cancellation
of licenses.

- (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 insulated or concealed an unsoldered joint known to be unsoldered;

(f)

- (f) has broken the seal of a public electricity supplying body's meter or service fuse ;
- (g) has tampered with meters, maximum demand indicators, service fuses, or other apparatus which is the property of or under the control of a public electricity supplying body ;
- (h) has, without the permission of a public electricity supplying body, connected an installation to the mains of that body, or connected a lighting circuit to power points, or connected an additional installation or extension of an installation to an existing installation ;
- (i) has thrice infringed or ignored the published requirements or rules of the Fire Underwriters' Association of New South Wales, or the regulations under the Post and Telegraph Act, 1901-16, or any by-law or regulation under the Municipal Council of Sydney Electric Lighting Act, 1897, or the Borough of Balmain Electric Lighting Act, 1906, or any ordinance under the Local Government Act, 1919, or the reports and recommendations of the British Engineering Standards Association or the electrical wiring rules of the Institution of Engineers, Australia ; or the provisions of regulations under this Act ;
- (j) has at any time been a party or privy to any act described in the preceding paragraphs hereof ;
- (k) is a person of bad character ;
- (l) has failed to pay any fees due by him under this Act ;
- (m) has applied for such suspension or cancellation ;
- (n) is dead, or has become an inmate of any hospital for the insane.

(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.

(3)

(3) For the purpose of any such inquiry the board and its president shall have the powers of a commissioner under the Royal Commissioners Evidence Act, 1901, and the provisions of that Act shall apply to and in relation to the board and its president in conducting any such inquiry.

(4) Any person whose license the board decides to suspend or to cancel may, within six months after notice of such suspension or cancellation is served upon him, require the board to report the matter to a judge of the District Court, together with the grounds of its decision : such judge may make such further inquiry as he deems necessary ; and upon such report, or such report and further inquiry, such judge may make an order either confirming or varying or reversing the decision. The order of such judge shall be final.

(5) Where the board has suspended or cancelled any license it may, upon being satisfied that the cause of suspension or cancellation has been satisfactorily removed, reissue the same or a substituted license without examination.

PART IV.

REGULATION OF ELECTRICAL INSTALLATION WORK.

15. (1) The Governor may, on the recommendation of the board, proclaim the date when this section shall commence and come into operation. Restriction on work by unlicensed men.

(2) Upon the commencement of this section a person who is not a licensed electrical contractor shall not undertake, for payment, any electrical installation work :

Provided that this shall not apply to any person who is engaged upon such work as aforesaid as an employee of a licensed electrical contractor who has been engaged or has contracted to carry out such work.

PART

PART V.

MAKING OF REGULATIONS.

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

- (a) the wiring of premises for electric light and power ;
- (b) the connecting of premises to the mains of any public system of electricity supply ;
- (c) fixing standards of work ;
- (d) the standardisation of fittings, &c. ;
- (e) the testing of installations ;
- (f) the election of members of the board ;
- (g) the penalties which may be imposed for breaches of regulations.

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

(3) A regulation or amendment or repeal of a regulation 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 regulation or in the proclamation ; 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.

(5) Subject to the provisions of this section a regulation shall have the force of law.

PART VI.

MISCELLANEOUS.

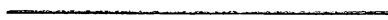
17. (1) Any person shall be entitled in office hours to inspect the board's register of current licenses on payment of a fee of one shilling. ^{Furnishing information.}

(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 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 licensing of such electrical contractor or any question affecting the administration of this Act. ^{Power of entry.}



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