

ELECTRICAL WORKERS AND CONTRACTORS LICENSING ACT, 1965-1966

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ELECTRICAL WORKERS AND CONTRACTORS LICENSING ACT, 1965-1966

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Electrical Workers and Contractors Licensing Act, 1965-1966, No. 21 of 1966 [Assented to 17th March, 1966].

An Act to provide for the licensing of electrical workers and electrical contractors.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Electrical Workers and Contractors Licensing Act, 1965-1966". Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

"business of primary production" shall have the meaning assigned to that expression in the Land Tax Act, 1936-1961, as amended¹:

"Committee" means the Electrical Workers and Contractors Licensing Advisory Committee established under this Act:

"electrical contractor" means a person—

(a) who in the course of or in connection with or for the purposes of any trade or business carried on by him, performs or carries out any electrical work on any electrical installation (other than on plant or machinery solely used by him for the purposes of such trade or business), or who offers to perform or carry out such work or who causes or arranges such work to be performed or carried out; or

(b) who for profit or reward offers his services to other persons as an electrical contractor, electrician or electrical repairman:

"electrical installation" means the whole or part of any appliance, wire, system of wiring, conduit pipe, switch, fittings, equipment, motor, apparatus or device wherever situated which is intended for the conveyance control or use of electricity supplied or intended to be supplied by an Electricity Supply Undertaking at a voltage in excess of 40 volts; but does not include any appliances, wires, fittings or apparatus connected to and beyond any electrical outlet socket which is installed for the purpose of connecting electrical appliances, fittings or apparatus and at which fixed wiring terminates:

"Electricity Supply Undertaking" means a person supplying electricity to the public and includes the Trust:

¹ Now Land Tax Act, 1936-1975.

“electrical work” means any work on any electrical installation and includes the installing, constructing, erecting, repairing thereof or the altering of the structure thereof or the replacing of any part thereof or the adding of any part thereto or the carrying out of any work thereon for the maintenance thereof but does not include work in relation to—

- (a) the manufacturing of any electrical installation or the assembling thereof in the course of or in connection with its manufacture for the purpose of producing a new article; or
- (b) the oiling, greasing, cleaning or painting of any electrical installation:

“electrical worker” means any person whose trade or occupation requires or includes the personal performance by him of electrical work or a person who is otherwise competent or qualified personally to perform electrical work:

“licence” means any licence issued by the Trust under this Act:

“licensed”—

(1) in relation to an electrical worker means a person who is the holder of a current licence permitting him to perform personally such electrical work as is specified in his licence; and

(2) in relation to an electrical contractor, means a person who is the holder of a current licence permitting him to carry on trade or business as an electrical contractor in respect of such electrical work as is specified in his licence:

“member” means an ordinary or alternate member of the of the Committee:

“Minister” means the Minister of Works¹:

“Trust” means The Electricity Trust of South Australia.

Governor may exempt any electrical installation.

3. (1) The Governor may by proclamation exempt from all or any of the provisions of this Act any electrical installation if he is of the opinion—

- (a) that in that part of the State in which the electrical installation is situated a sufficient number of licensed electrical workers is not normally available; or
- (b) that for any other reason such exemption is desirable in the public interest.

(2) An exemption under subsection (1) of this section may specify the electrical installation exempted—

- (a) specifically;
- (b) by reference to a class or type of electrical installation;
- (c) by reference to the area in which the electrical installation is situated; or
- (d) in any other manner.

(3) The Governor may by further proclamation amend or revoke any proclamation issued under subsection (1) of this section.

¹ By proclamation under the Administration of Acts Act, 1910-1973, the administration of this Act and the functions of the Minister of Works under this Act were committed to the Minister of Mines and Energy: *Gaz.* January 29, 1976, p. 355.

4. (1) This Act shall be administered by the Trust.

Administration
and delegation
of authority.

(2) The Trust shall bear the cost and expenses incurred by the Trust and the Committee in administering and carrying out the objects of this Act and may pay such other cost or expenses in connection therewith as the Trust from time to time determines.

(3) For the purpose of the administration of this Act the Trust may delegate any of its authority, powers, duties or functions under this Act to any officer or employee of the Trust, or to the Committee established under section 11 of this Act.

(4) Any such delegation may be made either generally or for any particular purposes and may be revoked or altered by the Trust.

(5) Any officer or employee of the Trust acting within the scope of any such delegation as aforesaid shall be deemed to be the Trust for the purposes of this Act but shall not by virtue of exercising any authority, powers, duties or functions pursuant to this Act be subject to the Public Service Act, 1967¹.

(6) The Trust (including an officer or employee of the Trust or a member of the Committee) shall not be personally liable to any person in respect of any act done or decision or determination made in good faith in the course of administering this Act.

(7) In administering this Act the Trust shall not be deemed to represent the Crown.

5. Subject to this Act, the Trust may—

Powers of
Trust.

- (a) issue, suspend, cancel, alter, extend, renew or replace any licence;
- (b) classify any licence as an "electrical worker's licence" or as an "electrical contractor's licence" or in such manner as it determines;
- (c) specify—
 - (i) the nature of the electrical work in respect of which a licence is issued and restrict such work to any type or class of electrical work on any type or class of electrical installation; or
 - (ii) the circumstances or manner in which the holder of a licence may perform or carry out electrical work;
- (d) attach any exemptions to any licence or impose any terms, conditions or restrictions thereon; or
- (e) do any act or thing which is prescribed or is necessary or convenient for carrying out the objects of this Act or incidental thereto.

6. (1) Subject to this Act—

- (a) an electrical worker's licence or any class or type thereof shall not entitle the holder thereof to do any act or thing for which a person is required to be licensed as an electrical contractor under this Act; and
- (b) an electrical contractor's licence or any class or type thereof shall not entitle the holder thereof to do any act or thing for which a person is required to be licensed as an electrical worker under this Act.

Electrical
worker's licence
does not
authorize holder
to work as
electrical
contractor and
electrical
contractor's
licence does not
authorize holder
to work as
electrical
worker.

¹ Reference to Public Service Act, 1936-1959, has been altered to Public Service Act, 1967 (now Public Service Act, 1967-1975) pursuant to s. 7 (1) (b) of the Acts Republication Act, 1967, as amended. See also 77, 1967, s. 6 (c).

(2) A person may at the same time hold both an electrical worker's licence and an electrical contractor's licence under this Act.

No person to perform any electrical work or contract or perform such work or hold himself out as an electrical contractor or worker, etc. unless licensed under this Act.

7. From a day to be fixed by proclamation, and except as provided by this Act—

(1) No person shall—

- (a) perform or carry out personally any electrical work or offer or undertake to perform or carry out personally any such work unless he is licensed as an electrical worker in respect of that electrical work;
- (b) advertise or otherwise hold himself out as an electrical worker, or as a licensed electrical worker, or as a person competent or qualified or legally permitted personally to perform or carry out electrical work, unless he is licensed as an electrical worker in respect of that electrical work;
- (c) carry on any trade or business, or advertise, or otherwise hold himself out, as an electrical contractor unless he is licensed as an electrical contractor in respect of all electrical work performed, or carried out or intended to be performed or carried out in the course of or in connection with or for the purposes of his trade or business; or
- (d) cause or arrange for any electrical work for profit or reward to be performed or carried out or offer or undertake to perform or carry out such work unless he is licensed as an electrical contractor in respect of all electrical work carried out or intended to be carried out pursuant to that arrangement, offer or undertaking.

No person to connect electrical installation with source of energy supplied by Electricity Supply Undertaking, etc. except with consent of Undertaking.

(2) No person shall, except with the consent of an Electricity Supply Undertaking—

- (a) make any connection with wires or by other means between an electrical installation and any electrical installation of that Undertaking; or
- (b) tamper or interfere in any way with any electrical installation of that Undertaking.

Penalty: One hundred dollars¹.

Restriction on making proclamation under s. 7.

8. No proclamation shall be made under section 7 of this Act until regulations authorized by paragraphs (a) and (b) of section 13 of this Act have been made and such regulations have come into effect but if such regulations are disallowed by either House of Parliament the operation of section 7 of this Act shall thereupon be suspended until new regulations have been made and come into and remain in effect.

Cases in which person can recover damages on illegal contract.

9. Nothing in this Act or any other law shall prevent—

- (a) a person who enters into any contract in contravention of this Act, but without knowledge of the fact that the other party to such contract (being the person undertaking to perform or cause to be performed any electrical work) is not licensed as required by section 7 of this Act, from recovering from that unlicensed party

¹ Pursuant to s. 8 of the Acts Reproduction Act, 1967, as amended, references to amounts of money expressed in decimal currency have been substituted for references to amounts of money expressed in the old currency.

such damages for any breach of contract as may have been recovered if this Act had not been enacted; or

- (b) a licensed electrical worker or licensed electrical contractor who is employed by or makes a contract or subcontract with another person without knowledge of the fact that that person is not licensed as an electrical contractor as required by section 7 of this Act, from recovering from that unlicensed person any wages, any sum agreed under any contract, any reasonable remuneration for work done or materials supplied by that licensed electrical worker or contractor, as the case may be, or such damages for any breach of contract as may have been recovered if this Act had not been enacted.

10. Notwithstanding any other provisions of this Act, but subject to any other Act or law, it shall not be unlawful—

Savings in certain cases.

(1) for a person to attend, operate, or be in charge of any electrically operated appliance, machinery or plant;

(2) for a person to replace any fuse, switch or two-point outlet socket, not being any fuse, switch or outlet socket belonging to an Electricity Supply Undertaking;

(3) for a person to perform or carry out electrical work on an electrical installation in, on, or over any land which is situated outside the area of a municipality or a township as defined in the Local Government Act, 1934-1964, as amended¹, if the electrical installation is used in connection with the carrying on of the business of primary production;

(4) for a person to perform or carry out electrical work on any electrical installation used in a television station or a broadcasting station for the transmission by wireless telegraphy of television or radio programmes. (In this paragraph "television station" and "broadcasting station" have the meanings given to them by the *Broadcasting and Television Act* 1942-1963 of the Commonwealth and its amendments);

(5) for an officer or employee of an Electricity Supply Undertaking to perform or carry out personally any electrical work in the course of his employment or duties as such officer or employee;

(6) for an Electricity Supply Undertaking to do any act or thing on or in connection with its own electrical installation;

(7) for an electrical worker to carry on business or advertise or otherwise hold himself out as an electrical contractor or to perform or carry out any electrical work for profit or reward or to offer or undertake to perform or carry on that work if—

- (a) that electrical worker is licensed as an electrical worker in respect of all electrical work carried out or intended to be carried out in the course of his business or pursuant to such offer or undertaking;
- (b) that electrical worker is not in partnership with any other electrical worker or does not perform or carry out that electrical work in conjunction with another electrical worker;
- (c) that electrical worker does not employ, or otherwise engage, any other electrical worker for the purposes of his business or for the performance of any electrical work; and

¹ Now Local Government Act, 1934-1975.

(d) that electrical worker personally performs and carries out that electrical work;

(8) for a person who carries on the trade or business of a builder or building contractor or the profession of an architect or any other trade, business or profession the object of which is the rendering of services (other than electrical work) in connection with the erection, alteration or repairs of any structure, electrically operated machinery or plant to cause or arrange any electrical work to be performed or carried out or to offer or undertake to perform or carry out that work in the ordinary course of his trade, business or profession if that electrical work is—

(a) performed or carried out by a licensed electrical worker (not being an employee of the person above referred to) acting in pursuance of paragraph (7) of this section; or

(b) performed or carried out, or caused to be performed or carried out, by an electrical contractor licensed in respect of that electrical work;

(9) for a person who carries on the trade or business of a retailer or wholesaler of electrical installations—

(a) to repair, rebuild, reconstruct or recondition any used electrical installation for the purpose of resale in the course of his trade or business; or

(b) to cause for the purposes of subparagraph (a) of this paragraph electrical work to be performed or carried out by his employees, whether or not those employees are licensed as electrical workers if that electrical work is performed and carried out—

(i) in a workshop situated on the premises of that retailer or wholesaler and wholly controlled by him; and

(ii) under the direction or supervision of an electrical worker licensed in respect of that electrical work and that electrical worker personally checks and approves every electrical installation before it is offered for re-sale;

(10) for a person who is employed by a retailer or wholesaler of electrical installations for the purpose of repairing, rebuilding, reconstructing or reconditioning used electrical installations, subject to the conditions referred to in paragraph (9) of this section, personally to perform or carry out electrical work in the course of and for the purposes of his employment; and

(11) for a person, other than an electrical worker, whose profession, trade or occupation normally includes the performance of work on any appliance, plant or machinery driven, or operated by, or incorporating any electrical installation, to perform or carry out that work in the normal course of his profession, trade or occupation or for purposes incidental thereto.

Establishment
and constitution
of Committee.

11. (1) There shall be established a Committee to be called the "Electrical Workers and Contractors Licensing Advisory Committee" which shall have and may exercise and discharge the powers, duties and functions conferred upon the Committee by or under this Act.

(2) The Committee shall consist of five ordinary members and five alternate members, all of whom shall be appointed by the Governor.

(3) The ordinary members of the Committee shall consist of—

- a representative of the Trust who shall be the Chairman,
- a representative of the Minister¹ who shall be the Deputy Chairman,
- a representative of the Electrical Trades Union of Australia (South Australian Branch),
- a representative of the Electrical Contractors Association of South Australia Incorporated under the Associations Incorporation Act, 1956-1957², and
- a representative of the Minister of Education.

(4) Subject to this Act, the Chairman shall in the first instance be appointed for five years, the Deputy Chairman for four years, and the other three ordinary members for three, two and one year respectively, to be determined by lot. Thereafter, all appointments shall be for five years.

Duration of office.

(5) There shall be an alternate member for each of the ordinary members of the Committee. The notice of appointment of each alternate member shall indicate the ordinary member for whom he is an alternate.

Alternate members.

(6) An alternate member—

- (a) shall hold the qualifications required by this Act for the ordinary member for whom he is an alternate;
- (b) shall be appointed in the same manner and for the same term as the ordinary member for whom he is an alternate;
- (c) shall not be eligible to act as Chairman at any meeting of the Committee;
- (d) may attend any meeting of the Committee;
- (e) may vote at any meeting of the Committee if the ordinary member for whom he is an alternate is not present thereat; and
- (f) may, subject to paragraph (c) of this subsection generally act for all purposes in place of the ordinary member for whom he is an alternate, whenever the office of such ordinary member is vacant or when such member is unwilling or unable to act.

(7) The Governor may for any cause which appears to him to be sufficient remove a member from office.

Governor may remove member.

(8) The office of a member shall become vacant if that member—

Vacancy of office.

- (a) dies;
- (b) becomes bankrupt or compounds with or assigns his estate for the benefit of creditors;
- (c) is absent without leave of the Committee from three consecutive meetings of the Committee of which due notice has been given to him personally or by post;
- (d) is physically or mentally incapable of discharging his duties as a member;

¹ By proclamation under the Administration of Acts Act, 1910-1973, the administration of this Act and the functions of the Minister of Works under this Act were committed to the Minister of Mines and Energy: *Gaz.* January 29, 1976, p. 355.

² Now Associations Incorporation Act, 1956-1965.

(e) resigns his office by writing under his hand addressed to the Chairman of the Trust;

(f) is removed from office by the Governor; or

(g) has his authority to represent the Minister¹ or body, whose representative he was, revoked by that Minister¹ or body, as the case may be, and written notice of the revocation, under the hand of that Minister¹ or under the common seal of that body, is given to the Trust.

Vacancy of office of member.

(9) If the office of a member of the Committee becomes vacant during the term for which he was appointed the Governor may appoint any duly qualified person to the vacant office and the person so appointed shall hold office for the remainder of such term.

Validity of acts and proceedings.

(10) No act or proceedings of the Committee shall be invalidated by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member.

Quorum and decisions of Committee.

(11) Four members, including not more than three alternate members, shall constitute a quorum of the Committee and a decision of a majority of the members present shall constitute a decision of the Committee.

Chairman to preside at meetings.

(12) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Committee at which he is present and in addition to his deliberative vote, shall have a casting vote. In the absence of both the Chairman and the Deputy Chairman, the Committee shall elect a chairman from the ordinary members present, but a chairman so elected shall not have a casting vote.

Committee may regulate its own procedure, etc.

(13) Subject to this Act, the Committee—

(a) shall meet in such manner and at such times as it may determine; and

(b) may regulate its own procedure.

Trust to provide staff.

(14) The Trust shall provide such accommodation, staff and other assistance to the Committee as the Trust considers necessary.

Functions of Committee.

12. (1) The functions of the Committee shall be—

(a) to exercise any authority, powers, duties or functions delegated to it under this Act; and

(b) to investigate and report to the Trust on any matter referred to it by the Trust in relation to the administration of this Act.

(2) The Committee may of its own motion make reports and recommendations to the Trust on any matter relating to the administration of this Act.

(3) The Trust shall not be bound to accept any advice given or recommendations made by the Committee.

Governor may make Regulations.

13. The Governor may make any regulations, not inconsistent with this Act, which may be necessary or convenient for carrying this Act into effect or for facilitating the operation or administration of this Act and, without in any way limiting or restricting the generality of the foregoing, may make regulations—

(a) prescribing the class or classes of licences to be issued under this Act, the form and duration of licences, the terms and conditions

¹ By proclamation under the Administration of Acts Act, 1910-1973, the administration of this Act and the functions of the Minister of Works under this Act were committed to the Minister of Mines and Energy: *Gaz.* January 29, 1976, p. 355.

- upon which and the circumstances in which licences may be issued, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof;
- (b) prescribing the qualifications and other requirements required of applicants and the examination or testing of applicants for licences under this Act and the fees payable in respect of such examination or testing and the circumstances in and conditions on which an applicant may be exempted from such examination or testing;
 - (c) prescribing a register to be kept of all licences issued under this Act, the particulars to be entered in such register and for the publication of the names of holders of licences;
 - (d) providing for the inspection, examination or testing of any electrical installation compulsorily or otherwise;
 - (e) prescribing rules of safety, and standards of workmanship or materials to be adopted in any electrical work, or electrical installation, with power to adopt for that purpose, either specifically or by reference, the whole or any part of, the standards, codes, rules or specifications of the Standards Association of Australia or such other standards, codes, rules or specifications as the Trust may determine;
 - (f) prescribing the manner in which the Trust may exercise its powers and carry out its duties under this Act; and
 - (g) prescribing penalties not exceeding one hundred dollars¹ for breaches of the regulations or in respect of any continuing offence ten dollars¹ for each and every day on which the offence is continued.

14. In any proceedings for an offence against this Act a certificate purporting to be signed by the Secretary of the Trust, or by the person performing the duties of the Secretary for the time being, and stating that any person described in the certificate was not at the date specified on the certificate licensed under this Act, shall be *prima facie* evidence of the matters stated in the certificate.

Evidentiary provision.

15. All proceedings for offences against this Act shall be disposed of summarily.

Summary Proceedings.

¹ Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency have been substituted for references to amounts of money expressed in the old currency.