

# ELECTRICAL WORKERS AND CONTRACTORS ORDINANCE 1978

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# ELECTRICAL WORKERS AND CONTRACTORS ORDINANCE 1978

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No. 28 of 1978

An Ordinance to provide for the licensing of electrical workers and contractors and for other purposes

[Assented to 20 June 1978]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

## PART I—PRELIMINARY

1. This Ordinance may be cited as the *Electrical Workers and Contractors Ordinance 1978*. Short title
2. This Ordinance shall come into operation on the date on which the *Electricity Commission Ordinance 1978* comes into operation. Commencement
3. Notwithstanding the commencement of this Ordinance, a person who, immediately before the commencement of this Ordinance, could lawfully carry on business as an electrical contractor may continue to carry on business as an electrical contractor until the expiration of the period of 3 months commencing on the date on which this Ordinance comes into operation. Transitional
4. In this Ordinance, unless the contrary intention appears— Definitions
  - “Board” means the Electrical Workers and Contractors Licensing Board established by this Ordinance;
  - “Chairman” means the Chairman of the Board;
  - “Commission” means the Northern Territory Electricity Commission established by the *Electricity Commission Ordinance*;
  - “electrical contractor” means a person who in the course of carrying on business carries out electrical wiring work for other persons or holds himself out as prepared to carry out such work, and includes the Commission;
  - “electrical installation” means an electrical installation within the meaning of the *Electricity Commission Ordinance*;
  - “electrical mechanic” means a person engaged in electrical wiring work;
  - “electrical mechanic’s licence” means an electrical mechanic’s licence, grade A, B or R issued under this Ordinance;

“electrical wiring work” means the actual physical work of installing an electrical installation or altering or repairing an electrical installation;

“Executive Officer” means the Executive Officer of the Board;

“member” means member of the Board and includes a deputy of a member while acting in the place of the member.

Crown

5. This Ordinance binds the Crown.

## PART II—ELECTRICAL WORKERS AND CONTRACTORS LICENSING BOARD

Establishment  
of Board

6. There is established by this Ordinance a Board by the name of the Electrical Workers and Contractors Licensing Board.

Composition  
of Board

7.(1) The Board consists of 5 members, namely—

- (a) a duly qualified electrical engineer who is or is eligible to become a full member of the Institution of Engineers of Australia;
- (b) an employee, within the meaning of the *Public Service Ordinance*, who is employed in the service of the Commission;
- (c) a representative of institutions providing apprenticeship training for apprentice electrical wiring workers;
- (d) a representative of electrical contractors; and
- (e) a representative of electrical wiring workers.

(2) The exercise of a power or the performance of a function by the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

Appointment  
of members

8.(1) Subject to this section, the Minister may appoint a person to be a member of the Board.

(2) The Minister shall not appoint a person for the purposes of section 7(1)(c), (d) or (e) unless—

- (a) he has first given to the interest groups that that person is to represent, and to persons and associations claiming to speak on behalf of any members of any of those groups, an opportunity to recommend persons to be so appointed; and
- (b) the person appointed is the holder of an electrical mechanic's licence grade A.

Tenure of  
office

9.(1) Subject to this Ordinance—

- (a) a member who is an employee within the meaning of the *Public Service Ordinance* holds office during the pleasure of the Minister; and

- (b) a member who is not such an employee holds office until the expiration of such period not exceeding 3 years as is specified in the instrument of appointment, but is eligible for re-appointment.

(2) Where a period of appointment is not specified in the instrument of appointment of a member who is not an employee within the meaning of the *Public Service Ordinance*, the member holds office, subject to this Ordinance, for 3 years.

**10.** A member may resign his office by writing signed by him and delivered to the Minister. Resignation

**11.(1)** The Minister may terminate the appointment of a member for inability, inefficiency, misbehaviour or physical or mental incapacity. Dismissal

(2) If a member is absent, except on leave granted by the Board, from 3 consecutive meetings of the Board, the Minister shall terminate the appointment of the member.

**12.** The members of the Board who are not employees within the meaning of the *Public Service Ordinance* shall be entitled to receive, in respect of their services as members, such fees, allowances and expenses and at such rates as the Administrator determines. Remuneration

**13.(1)** The Minister may appoint a person who would be eligible, if there was a vacancy in the membership of the Board, to fill that vacancy to be the deputy of the member whose position he would be eligible to fill. Deputies of members

(2) A deputy of a member holds office, subject to this Ordinance, while the member for whom he is the deputy holds office.

(3) A deputy may resign his office by writing signed by him and delivered to the Minister.

(4) The Minister may terminate the appointment of a deputy at any time.

(5) Where a member is absent or unable to act, the deputy of that member may act in the place of the member and while so acting he has all the powers and may exercise all the functions of that member.

**14.** The member referred to in section 7(1)(a) shall be the Chairman of the Board. Chairman

**15.** The member referred to in section 7(1)(b) shall be the Executive Officer of the Board. Executive Officer

**16.** In the absence of the Chairman and of the deputy of the Chairman from a meeting of the Board, the members present may elect one of their number to chair the meeting and that member, while so acting, has all the powers and may exercise all the functions of the Chairman. Acting Chairman

## Meetings

**17.(1) At a meeting of the Board—**

- (a) the Chairman shall preside;
- (b) 3 members constitute a quorum;
- (c) all questions shall be decided by a majority vote of the members present and voting and, in the event of an equality of votes, the Chairman shall have a casting vote;
- (d) the Executive Officer shall keep a record of the proceedings of the Board; and
- (e) subject to this Ordinance, the Board shall determine its own procedures.

(2) In the performance of its functions and the exercise of its powers, the Board is subject to the directions, if any, given it by the Northern Territory Electricity Commission.

**PART III—LICENCES AND PERMITS***Division 1—Electrical Mechanics' Licences*

Application  
for electrical  
mechanic's  
licence  
grade A

**18.** A person may apply to the Board in the prescribed form for an electrical mechanic's licence grade A if he—

- (a) has completed an apprenticeship as an electrical mechanic, an electrical fitter-mechanic or an electrical fitter, and holds a certificate stating that he has successfully completed an appropriate technical college trades course and passed the final examination;
- (b) has passed an examination set or approved by the Board for the purpose and has had 5 years experience in electrical wiring work under direct supervision; or
- (c) prior to the date of commencement of this Ordinance held an A grade electrical mechanic's licence under the Electricity Supply Regulations.

Application  
for electrical  
mechanic's  
licence  
grade B

**19.** A person may apply to the Board in the prescribed form for an electrical mechanic's licence grade B if he—

- (a) has passed an examination set or approved by the Board for the purpose and has had 4 years experience in electrical wiring work under direct supervision; or
- (b) prior to the date of commencement of this Ordinance held a B grade electrical mechanic's licence under the Electricity Supply Regulations.

Application  
for electrical  
mechanic's  
licence  
grade R

**20.** A person who understands and is able to perform work of an electrical nature with safety to himself and others may apply to the Board in the prescribed form for an electrical mechanic's licence grade R licensing him to carry out a specified class or type of electrical wiring work.

**21.(1)** An application for an electrical mechanic's licence shall be accompanied by— Lodging of application

- (a) evidence of service of apprenticeship, if any;
- (b) evidence of examinations passed;
- (c) evidence of experience in electrical wiring work;
- (d) a statement of results that the applicant has obtained in a colour identification test;
- (e) a statutory declaration of all licences and permits to carry out electrical wiring work that are held by him or that have been held by him in the 2 years immediately preceding the date of the application, indicating whether those licences and permits are current, have expired or have been suspended, cancelled or otherwise dealt with; and
- (f) the prescribed fee.

(2) In considering an application for an electrical mechanic's licence, the Board shall take into account the recency of the applicant's training and experience in electrical wiring work.

(3) The Board may require an applicant to undergo training, to pass a test or to give evidence of proficiency in industrial safety techniques.

**22.(1)** Upon receipt of an application for an electrical mechanic's licence, the Board may, if it is satisfied, after considering the application and making such further inquiries as it thinks fit, that the applicant is a fit and proper person to hold the licence applied for, issue the licence. Issue of licence

(2) The Board—

- (a) shall endorse on an electrical mechanic's licence grade R the class or type of electrical wiring work that the holder is licensed to carry out; and
- (b) may endorse on that licence such further restrictions, requirements and conditions as it thinks fit.

(3) Where the Board refuses an application for an electrical mechanic's licence grade A, it may, if it thinks fit, issue to the applicant an electrical mechanic's licence, grade B or grade R.

(4) Where the Board refuses an application for an electrical mechanic's licence grade B, it may, if it thinks fit, issue to the applicant an electrical mechanic's licence grade R.

**23.(1)** An electrical mechanic's licence, grade A or grade B, remains in force, subject to this Ordinance, for 5 years. Term of licence

(2) An electrical mechanic's licence grade R remains in force, subject to this Ordinance, for such term, not exceeding 5 years, as is specified in the licence.

(3) An electrical mechanic's licence grade B ceases to have effect if the holder becomes the holder of an electrical mechanic's licence grade A.

(4) An electrical mechanic's licence grade R ceases to have effect if the holder becomes the holder of an electrical mechanic's licence, grade A or grade B.

Effect of  
licence

**24.**(1) An electrical mechanic's licence grade A licenses the holder to carry out any electrical wiring work where the work is carried out—

- (a) otherwise than for fee or reward;
- (b) for the purpose of wiring his own or his employer's premises or capital equipment; or
- (c) as an employee of the holder of an electrical contractor's licence.

(2) An electrical mechanic's licence grade B licenses the holder to carry out electrical wiring work where—

- (a) the work is carried out—
  - (i) otherwise than for fee or reward;
  - (ii) for the purpose of wiring his own or his employer's premises or capital equipment; or
  - (iii) as an employee of the holder of an electrical contractor's licence; and
- (b) the work—
  - (i) is electrical wiring work on an electrical installation for the use of a single phase supply of electricity having a working pressure not exceeding 250 volts; or
  - (ii) is carried out under the direct supervision of the holder of an electrical mechanic's licence grade A.

(3) An electrical mechanic's licence grade R has effect according to its tenor to license the holder to carry out electrical wiring work.

Application  
for renewal  
of licence

**25.** A person who is the holder of an electrical mechanic's licence may apply to the Board for renewal of that licence.

Renewal of  
licence

**26.**(1) Upon receipt of an application made under section 25 for renewal of an electrical mechanic's licence, the Board shall renew the licence unless it is satisfied, after considering the application and making such further inquiries as it sees fit—

- (a) that the applicant is not a fit and proper person to hold a licence; or
- (b) that, by reason of lack of recent experience in electrical wiring work, the holder of the licence should be required to undergo further training or to have further experience under supervision before the licence is renewed.



(2) Where the Board considers that an applicant for the renewal of an electrical mechanic's licence should undergo further training or have further experience under supervision it may refuse the application to renew the licence.

(3) The Board may require an applicant for the renewal of an electrical mechanic's licence to undergo training, to pass a test or to give evidence of proficiency in industrial safety techniques.

27. The renewal of an electrical mechanic's licence has effect to continue the licence in force, subject to this Ordinance, for a further period of 5 years or, in the case of an electrical mechanic's licence grade R, for such further period not exceeding 5 years as is specified in the licence, after the date on which, if the application for renewal had not been lodged, the licence would have expired.

Term of  
renewal

### *Division 2—Permits for Electrical Wiring Work*

28. A person who understands and is able to perform work of an electrical nature with safety to himself and others may apply to the Board for a permit to carry out specified electrical wiring work.

Application for  
permit

29. An application for a permit to carry out electrical wiring work shall be accompanied by such evidence of the applicant's ability, experience and fitness as the applicant wishes the Board to consider.

Lodging of  
application

30.(1) Upon receipt of an application for a permit to carry out electrical wiring work, the Board may issue the permit if it is satisfied, after considering the application and making such further inquiries as it thinks fit—

Issue of  
permit

- (a) that special circumstances exist that make it desirable that a permit should be issued in respect of the work; and
- (b) that the applicant is a fit and proper person, having regard to those circumstances, to hold the permit.

(2) The Board—

- (a) shall endorse on a permit to carry out electrical wiring work the particular work that the holder is permitted to carry out; and
- (b) may endorse on that permit such restrictions, requirements and conditions as it thinks fit.

31.(1) A permit to carry out electrical wiring work remains in force, unless sooner revoked, for such period as is specified in the permit.

Term  
of permit

(2) The Board may, for any sufficient reason, revoke a permit to carry out electrical wiring work.

32. A permit to carry out specified electrical wiring work has effect according to its tenor.

Effect of  
permit

*Division 3—Electrical Contractors' Licences*

Application  
for electrical  
contractor's  
licence

**33.**(1) A natural person may apply to the Board in the prescribed form for an electrical contractor's licence if he—

- (a) is the holder of an electrical mechanic's licence grade A or a licence that in the opinion of the Board is equivalent to that licence; and
- (b) is competent, by reason of experience in carrying out electrical wiring work and supervising others in carrying out such work, to carry on business as an electrical contractor.

(2) An incorporated or unincorporated body or other association of persons may apply to the Board in the prescribed form for an electrical contractor's licence if—

- (a) it is empowered by the instrument defining its powers to carry on business as an electrical contractor; and
- (b) at least one of its members or employees in the Northern Territory is a natural person who is the holder of an electrical mechanic's licence grade A or a licence that in the opinion of the Board is equivalent to that licence.

Lodging of  
application

**34.**(1) An application by a natural person for an electrical contractor's licence shall be accompanied by—

- (a) such evidence of the applicant's ability, experience and fitness as the applicant wishes the Board to consider; and
- (b) the prescribed fee.

(2) An application by a body or other association of persons for an electrical contractor's licence shall be accompanied by—

- (a) a copy of the instrument defining its powers;
- (b) a list of its directors, partners, committee or other governing body;
- (c) a list of its secretary, managers and other executives;
- (d) such evidence as the applicant wishes the Board to consider—
  - (i) of the applicant's good repute and fitness to carry on business as an electrical contractor; and
  - (ii) concerning the person whom it nominates as the holder of an electrical mechanic's licence and his position in or on the body; and
- (e) the prescribed fee.

Issue of  
licence

**35.** Upon receipt of an application for an electrical contractor's licence, the Board may, if it is satisfied, after considering the application and making such further inquiries as it thinks fit, that the applicant is a fit and proper person, body or association to hold the licence, issue the licence.

**36.**(1) An electrical contractor's licence remains in force, subject to this Ordinance, for one year. Term of licence

(2) If a natural person who is the holder of an electrical contractor's licence ceases to be the holder of an electrical mechanic's licence grade A, or if his electrical mechanic's licence grade A is suspended, his electrical contractor's licence is thereby revoked.

(3) If a body or other association of persons that is the holder of an electrical contractor's licence ceases to have as one of its members or employees in the Northern Territory the person whom it nominated as the holder of an electrical mechanic's licence, or if that person ceases to be the holder of an electrical mechanic's licence grade A, or if his electrical mechanic's licence grade A is suspended, the electrical contractor's licence of that body or association is thereby suspended until it nominates another such person and states his position in or on the body.

(4) Where an application is made for renewal of an electrical contractor's licence and the application has not been dealt with before the term of the licence expires, the licence continues in force, subject to this Ordinance, until the application is dealt with.

**37.** An electrical contractor's licence licenses the holder to carry out any electrical wiring work. Effect of licence

**38.** The holder of an electrical contractor's licence may apply to the Board in the prescribed form for renewal of that licence. Application for renewal of licence

**39.** An application made under section 38 by a body or other association of persons for renewal of its electrical contractor's licence shall be accompanied by— Lodging of application for renewal

- (a) a statement whether the instrument defining the applicant's powers has been amended since the applicant was licensed or the licence was last renewed, as the case may be, and, if that instrument has been so amended, a statement of the amendments;
- (b) a statement whether there has been a change in the applicant's directors, partners, committee or other governing body since the applicant was licensed or the licence was last renewed, as the case may be, and, if there has been such a change, a statement of the changes;
- (c) a statement whether there has been a change in the applicant's secretary, managers or other executives since the applicant was licensed or the licence was last renewed, as the case may be, and if there has been such a change, a statement of the changes;
- (d) such evidence as the applicant wishes the Board to consider—
  - (i) of the applicant's continued good repute and continued fitness to carry on business as an electrical contractor; and

- (ii) concerning the nominated holder of an electrical mechanic's licence and his position in or on the body; and

- (e) the prescribed fee.

Renewal of  
licence

**40.** Upon receipt of an application made under section 38 for renewal of an electrical contractor's licence, the Board shall renew the licence unless it is satisfied, after considering the application and making such further inquiries as it thinks fit, that the applicant is not a fit and proper person, body or association to hold the licence.

Term of  
renewal

**41.** The renewal of an electrical contractor's licence has effect to continue the licence in force, subject to this Ordinance, for a further year after the date on which, if the application for renewal had not been lodged, the licence would have expired.

Commission  
may carry  
out  
electrical  
work

**42.(1)** Notwithstanding anything elsewhere contained in this Ordinance, the Commission may carry out electrical wiring work.

**(2)** A reference in this Ordinance to an electrical contractor shall be read as including a reference to the Commission.

#### *Division 4—Suspension and Cancellation of Licences*

Grounds for  
suspension or  
cancellation

**43.(1)** The grounds upon which the Board may suspend or cancel an electrical mechanic's licence are—

- (a) that the licence was granted in error or as a result of a false or misleading statement;
- (b) that the holder or a person working under his direct supervision has carried out electrical wiring work in contravention of or otherwise than in compliance with a law (including a provision of this Ordinance) or other rule of good practice relating to electrical wiring work;
- (c) that the holder or a person working under his direct supervision has made a false or misleading statement, to the Northern Territory Electricity Commission or a person employed in the service of that Commission, in respect of electrical wiring work or an electrical installation;
- (d) that the holder has failed to exercise proper and adequate supervision over a person who should have been working under his direct supervision; or
- (e) that the holder is no longer a fit and proper person to hold the licence.

**(2)** The grounds upon which the Board may suspend or cancel an electrical contractor's licence are—

- (a) that the licence was granted in error or as a result of a false or misleading statement;

- (b) that the holder has failed to exercise proper and adequate supervision over a person employed by him or it to carry out electrical wiring work; or
- (c) that the holder is no longer fit and proper to hold the licence.

**44.(1)** The Board may give not less than 14 days notice, by post or otherwise, to the holder of a licence under this Ordinance requiring him or it to show cause why that licence should not be cancelled or suspended. Notice to show cause

(2) A notice served under sub-section (1) shall—

- (a) state, and give particulars of, the grounds on which the Board proposes to consider cancelling or suspending the licence;
- (b) specify the date and time when and the place where the Board will consider cancelling or suspending the licence; and
- (c) be accompanied by a copy of this Division.

**45.** At a meeting of the Board at which a proposal to cancel or suspend a licence is considered, the holder of the licence may appear or be represented and be heard, and may call evidence and examine and cross-examine witnesses. Right to be heard

**46.(1)** Where the Board has given notice to show cause why a licence under this Ordinance should not be cancelled or suspended and, after considering the proposal to cancel or suspend the licence, it is satisfied that there are grounds for doing so, it may— Board may cancel or suspend a licence

- (a) cancel the licence;
- (b) suspend the licence for such period as the Board thinks fit; or
- (c) warn the holder of the licence.

(2) Where the Board cancels or suspends an electrical mechanic's licence grade A, it may, if it thinks fit, issue to the holder of that licence an electrical mechanic's licence, grade B or grade R.

(3) Where the board cancels or suspends an electrical mechanic's licence grade B, it may, if it thinks fit, issue to the holder of that licence an electrical mechanic's licence grade R.

(4) A licence issued under sub-section (2) or (3) upon the suspension of a licence ceases to have effect at the end of the period of the suspension.

### *Division 5—Appeals*

**47.** Where the Board—

- (a) refuses to issue or renew a licence under this Ordinance; or
- (b) cancels or suspends a licence issued under this Ordinance,

Appeal

the person, body or association aggrieved may, within 21 days after receiving notice of the Board's decision, lodge an appeal to a Local Court.

Grounds of  
appeal

**48.** The grounds on which an appeal may be made under section 47 are—

- (a) that the Board acted improperly or make an error; or
- (b) that the Board acted with undue severity.

Jurisdiction  
to hear  
appeals

**49.(1)** A Local Court has jurisdiction to hear and determine an appeal lodged under section 47.

(2) Upon the hearing of an appeal under this Ordinance—

- (a) the Court has and may exercise all the powers of the Board; and
- (b) a decision of the Court has effect as though it was a decision of the Board.

#### PART IV—MISCELLANEOUS

Registers

**50.** The Board shall maintain a register or registers in such form as it thinks fit of licences and permits issued under this Ordinance.

Licences and  
permits to  
be returned

**51.** Where a licence is suspended or a licence or permit, for any reason, ceases to have effect, the holder of the licence shall forthwith return that licence or permit to the Board.

Penalty: 10 dollars.

Copy of  
licence

**52.** Where the Executive Officer is satisfied that a licence or permit issued under this Ordinance has been lost or destroyed, he may, on payment of the prescribed fee, issue a copy of that licence or permit.

Unlicensed  
workers

**53.** A person shall not carry out electrical wiring work unless—

- (a) he is the holder of a licence or permit issued under this Ordinance authorizing him to carry out that work and he is acting under and in accordance with the terms of that licence or permit; or
- (b) he is serving an apprenticeship, as an electrical mechanic, an electrical fitter-mechanic or an electrical fitter, in the employ of an electrical contractor and is working under the direct supervision of the holder of an electrical mechanic's licence grade A.

Penalty: 1,000 dollars or imprisonment for 6 months, or both.

Unlicensed  
contractors

**54.** A person, body or association of person shall not carry on the business of an electrical contractor unless he or it is the holder of an electrical contractor's licence issued under this Ordinance.

Penalty: 2,000 dollars or imprisonment for 12 months, or both.

**55.** A person who is carrying out electrical wiring work shall, upon being required to do so by an inspector appointed under the *Electricity Commission Ordinance* state whether he has a licence to carry out that work and produce the licence, if any.

Production  
of licence

**56.** The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters that are required or permitted to be prescribed or that are necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this Ordinance.

Regulations

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# LOCAL GOVERNMENT ELECTIONS (1978) VALIDATING ORDINANCE 1978

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No. 29 of 1978

An Ordinance to validate the elections for mayor and aldermen in each of the municipalities of Darwin, Katherine and Tennant Creek

[Assented to 20 June 1978]

WHEREAS, in pursuance of section 49 of the *Local Government Ordinance*, the Corporation of the City of Darwin fixed 29 April 1978 as the date for the election of a mayor and aldermen for the next 3 years:

And whereas, notwithstanding section 87 of the *Local Government Ordinance*, the clerk, as returning officer, closed nominations for those positions at noon on 31 March 1978:

And whereas it is desirable that, notwithstanding failure to comply with section 87 of the *Local Government Ordinance*, the elections held on 29 April 1978 should be validated:

And whereas by notice in the *Gazette* (No. 8B of 2 March 1978) the Acting Administrator, acting in pursuance of sections 8 and 11 of the *Local Government Ordinance*, constituted the town of Katherine, as described in that notice, a municipality, determined its boundaries, gave it the name of "The Municipality of Katherine", fixed 13 May 1978 to be the date for the first election of a mayor and aldermen for that municipality and fixed the number of aldermen to be elected:

And whereas by further notice in the *Gazette* (No. 8B of 2 March 1978) the Acting Administrator, purporting to act in pursuance of section 45 of the *Local Government Ordinance*, in respect of the election last recited, purported to determine 3 April 1978 as enrolment day, purported to determine 21 April 1978 as nomination day, purported to determine the office occupied by the District Officer situated in the District Office, Giles Street, Katherine as the place at which nominations would be received and purported to appoint Graham Bruce Robinson as returning officer for that election:

And whereas Graham Bruce Robinson is unable to act as returning officer for that election:

And whereas by notice in the *Gazette* (No. 15 of 14 April 1978) the Executive Member, purporting to act under section 45 of the *Local*