

NORFOLK



ISLAND

# **Electricity (Licensing and Registration) Act 1985**

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# **ELECTRICITY (LICENSING AND REGISTRATION) ACT 1985**

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## Electricity (Licensing and Registration) Act 1985

An Act relating to licensing of electrical contractors and registration of electrical mechanics and for related purposes.

**BE IT ENACTED** by the Legislative Assembly of Norfolk Island as follows —

### Short title

1. This Act may be cited as the *Electricity (Licensing and Registration) Act 1985*.

### Commencement

2. This Act shall come into operation on a date fixed by the Administrator by notice published in the Gazette.

### Repeal

3. The *Electricity Wiring Act 1933* is repealed.

### Interpretation

4. (1) In this Act, unless the contrary intention appears —

“electrical installation” means the wires, cables, fittings, appliances, meters, insulators, switchboards, outlet sockets and apparatus in, on, under or over land for the transmission to, and use on, the land of electricity supplied by the Administration, but does not include —

- (a) appliances, fittings or apparatus capable of being connected to an outlet socket —
  - (i) at which fixed wiring terminates; and
  - (ii) that is installed for the purposes of connecting appliances, fittings or apparatus operated by electricity; and
- (b) the cables and other things required for connecting the appliances, fittings or apparatus to an electrical outlet socket;

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

“licence” means an electrical contractor's licence issued under section 10 that is in force and includes a renewal of a licence;

“licensed electrical contractor” means the holder of an electrical contractor's licence granted under this Act that is in force;

“prescribed standards” means the standards referred to in section 5;

“registered electrical mechanic” means a person who is for the time being registered as an electrical mechanic in accordance with this Act;

“Registrar” means the Registrar of Electrical Contractors and Electrical Mechanics appointed under section 16;

“registration” means registration under this Act;

“serve” means serve personally or by post;

“supervision” means —

- (a) the giving of directions by a registered electrical mechanic to the person carrying out the electrical wiring work that are necessary, in the opinion of the electrical mechanic exercising the supervision, to enable the work to be correctly carried out; and
- (b) the electrical mechanic personally satisfying himself that the work has been correctly carried out.

(2) For the purposes of this Act, a person carries on business as an electrical contractor if, in the course of carrying on business —

- (a) the person is self-employed as an electrical contractor; and
- (b) the person carries out for other persons electrical wiring work or holds himself out as being prepared to carry out for other persons electrical wiring work.

(3) For the purposes of this Act, a person whose licence or registration has been suspended is, during the period of the suspension, not a person who is the holder of a licence or a registered electrical mechanic and the licence or registration, for that duration, is not in force.

### **Prescribed standards**

5. For the purposes of this Act, the prescribed standards are the standards specified in section 5 of the *Electricity Supply Act 1985*.

### **Eligibility for electrical contractor’s licence**

6. (1) A person, other than a company, who —
- (a) is a registered electrical mechanic or is eligible to be so registered;
  - (b) has had not less than 2 years practical experience as an electrical mechanic after acquiring the prescribed qualifications;
  - (c) is a person of good fame and character; and
  - (d) is capable of supervising persons engaged in carrying out electrical wiring work,

is eligible for the grant of an electrical contractor's licence.

(2) A person carrying on business where —

- (a) not less than one employee of the business is eligible for the grant of an electrical contractor's licence; and
- (b) the first-mentioned person is not less than 21 years of age and is a person of good fame and character,

is eligible for the grant of an electrical contractor's licence.

(3) A company where —

- (a) not less than one of the directors or an employee of the company is

a person who is eligible for the grant of an electrical contractor's licence; and

- (b) that director or that employee is not less than 21 years of age and is a person of good fame and character,

is eligible for the grant of an electrical contractor's licence.

**Contractor to be licensed**

7. (1) A person, other than a company, shall not carry on business as an electrical contractor unless —

- (a) the person holds an electrical contractor's licence; or
- (b) the person carries on business in partnership with another person who resides in Norfolk Island and who is the holder of an electrical contractor's licence.

(2) A company or business shall not carry on business as an electrical contractor unless —

- (a) it holds an electrical contractor's licence; and
- (b) a director or an employee of the company or business is a registered electrical mechanic who resides in Norfolk Island.

Penalty: 2 penalty units.

**Electrical mechanic to be registered**

8. A person who has the prescribed qualifications is eligible to be registered as an electrical mechanic.

**Application for, and approval or refusal of, licence or registration**

9. (1) A person may apply to the Chief Executive Officer for —

- (a) an electrical contractor's licence; or
- (b) registration as an electrical mechanic.

(2) An application under subsection (1) shall be in accordance with a form supplied by the Chief Executive Officer accompanied by evidence of the prescribed qualifications and the prescribed fee.

(3) A person shall not, in an application under subsection (1), submit information that is false or misleading in a material particular.

Penalty: 2 penalty units.

(4) After considering an application under subsection (1), the Chief Executive Officer shall, within 30 days after receipt of the application, serve on the applicant —

- (a) a notice in writing that the application has been approved; or
- (b) a notice under paragraph 13(a).

**Issue of licence**

10. (1) Where the Chief Executive Officer approves an application for an electrical contractor's licence, the Chief Executive Officer shall authorise the Registrar to —

- (a) issue to the applicant an electrical contractor's licence; and
- (b) register the applicant as an electrical contractor.

(2) A licence issued under paragraph (2)(a) is, unless cancelled or suspended, valid for a period of 2 years after the date of issue.

(3) Before the expiration of the period referred to in subsection (2), the holder of a licence may, unless the licence is cancelled, apply in accordance with a form supplied by the Chief Executive Officer for a renewal of the licence and, on payment of the prescribed fee, the Registrar shall issue a renewal of the licence.

#### **Issue of certificate of registration**

11. (1) Where the Chief Executive Officer approves an application for registration as an electrical mechanic, the Chief Executive Officer shall authorise the Registrar to —

- (a) issue to the applicant a certificate of registration; and
- (b) register the applicant as an electrical mechanic.

(2) Registration as an electrical mechanic under paragraph (1)(b), unless cancelled or suspended, remains in force for the life of the electrical mechanic.

#### **Licence or certificate of registration to be produced or returned**

12. (1) Where a person who intends to or is carrying out electrical wiring work is requested to produce his licence or certificate of registration, he shall not carry out or continue to carry out the work unless he complies with the request.

(2) A person whose licence or registration is suspended shall return the licence or certificate of registration to the Registrar for the period of the suspension.

(3) A person whose licence or registration is cancelled shall, as soon as practicable, return the licence or certificate of registration to the Registrar.

(4) A person shall not falsely represent that he is the holder of a licence or a registered electrical mechanic.

Penalty: 2 penalty units.

#### **Grounds of refusal**

13. The Chief Executive Officer shall refuse to grant approval of an application under subsection 9(1) where —

- (a) the Chief Executive Officer believes on reasonable grounds that the applicant is not eligible for the issue of a licence or for registration and has given to the applicant a notice in writing specifying the grounds for the belief; and
- (b) the applicant, after having the opportunity to reply to the notice referred to in paragraph (a), fails to satisfy the Chief Executive Officer that he is eligible for a licence or registration.

#### **Cancellation and suspension of licence or registration**

14. (1) The Chief Executive Officer may, by notice in writing served on the holder of a licence, cancel or suspend the licence on one or more of the following grounds —

- (a) that the licence was granted in error or in consequence of a false statement made, or misleading information furnished, by the holder of the licence;
- (b) that the holder of the licence has furnished to the Administration information with respect to electrical wiring work or the safety of

an electrical installation that is false or misleading;

- (c) that the holder of the licence has contravened or failed to comply with this Act or with the *Electricity Supply Act 1985*;
- (d) that, in the case of an electrical contractor's licence issued to a person other than a person carrying on business or a company, the holder of the licence has ceased to carry on business as an electrical contractor in accordance with subsection 4(2);
- (e) that, in the case of an electrical contractor's licence issued to a company, the company no longer has a director or an employee who is eligible for an electrical contractor's licence;
- (f) that, in the case of an electrical contractor's licence issued to a person carrying on business, there is no longer an employee of the business who is eligible for an electrical contractor's licence.

(2) The Chief Executive Officer may, by notice in writing served on a registered electrical mechanic, cancel or suspend his registration on one or more the following grounds:

- (a) that the registration was granted in error or in consequence of a false statement made, or misleading information furnished, by the registered electrical mechanic;
- (b) that the registered electrical mechanic has carried out electrical wiring work that does not comply with the prescribed standards;
- (c) that the registered electrical mechanic has permitted a person working under his supervision to carry out electrical wiring work that does not comply with the prescribed standards;
- (d) that the registered electrical mechanic, on becoming aware that a person working under his supervision had carried out electrical wiring work that does not comply with the prescribed standards did not immediately take the necessary action to ensure that the electrical wiring work complied with those standards;
- (e) that —
  - (i) the registered electrical mechanic has; or
  - (ii) a person working under the supervision of the registered electrical mechanic has,
 contravened or failed to comply with this Act or the *Electricity Supply Act 1985*;
- (f) that the registered electrical mechanic has failed to exercise adequate supervision of persons carrying out electrical wiring work under his supervision.

(3) A notice under subsection (1) or (2) shall contain full particulars of the facts or circumstances on which the Chief Executive Officer has formed his opinion that the ground exists and, in the case of suspension, shall specify the period of the suspension.

### Appeal

15. A person who is aggrieved by —

- (a) a refusal of an application to grant a licence or registration under

subsection 9(4); or

- (b) cancellation or suspension of a licence or registration under section 14,

may, not later than 14 days after receipt of a notice under subsection 9(4), paragraph 13(a) or subsection 14(1) or (2), appeal to the Court of Petty Sessions, and the Court may make an order —

- (c) granting the application; or  
(d) revoking the cancellation or suspension.

### **Registrar**

**16. (1)** The Chief Executive Officer shall, by notice published in the Gazette, appoint a person to be the Registrar of Electrical Contractors and Electrical Mechanics.

**(2)** The Registrar shall keep and maintain a register containing the prescribed particulars of electrical contractors and registered electrical mechanics.

### **Persons who may carry out electrical wiring work**

**17.** A person shall not carry out electrical wiring work unless he is —

- (a) a registered electrical mechanic; or  
(b) a person apprenticed to, or employed by, the holder of an electrical contractor's licence and is working under the supervision of a registered electrical mechanic.

Penalty: 5 penalty units.

### **Persons who may direct and supervise electrical wiring work**

**18.** A holder of an electrical contractor's licence shall not direct, cause or permit —

- (a) a person other than a registered electrical mechanic who is employed by him to supervise other persons in carrying out electrical wiring work; or  
(b) a person employed by him to carry out electrical wiring work except under his supervision or the supervision of the registered electrical mechanic who is employed by the holder of the electrical contractor's licence.

Penalty: 5 penalty units.

### **Carrying out of electrical wiring work**

**19. (1)** A registered electrical mechanic shall not, except as the holder or employee of the holder of an electrical contractor's licence, carry out, for fee or reward, electrical wiring work for another person.

Penalty: 2 penalty units.

**(2)** A registered electrical mechanic shall not carry out, or allow to be carried out, electrical wiring work that does not comply with the prescribed standards.

Penalty: 5 penalty units.

**(3)** Where, after a conviction under subsection (2), a registered electrical mechanic is again convicted of an offence under that subsection, his registration shall be cancelled.



**Delegation**

**20. (1)** The Chief Executive Officer may, by instrument in writing, delegate to any person any of his powers and functions under this Act, other than this power of delegation.

**(2)** A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Chief Executive Officer.

**(3)** A delegation under this section does not prevent the exercise of a power or the performance of a function by the Chief Executive Officer.

**Evidentiary provisions**

**21. (1)** In legal proceedings under or for the purposes of this Act, a certificate purporting to be signed by the Chief Executive Officer certifying that a person specified in the certificate was or was not under this Act the holder of an electrical contractor's licence or registered as an electrical mechanic on a day or during a period specified in the certificate is admissible in evidence and is prima facie evidence of the fact so certified.

**(2)** For the purposes of the prescribed qualifications referred to in section 8, and in legal proceedings under or for the purposes of this Act, a certificate —

- (a)** purporting to be a certificate of prescribed qualifications issued by the appropriate authority in a State or Territory of Australia or in New Zealand; or
- (b)** certifying that particulars specified were particulars of the licensing or registration of a person in that State or Territory or in New Zealand on a day or during a period specified in it,

is admissible in evidence and is prima facie evidence of those qualifications or particulars.

**(3)** A document that purports to be a certificate under subsection (1) or (2) shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly given.

**Regulations**

**22. (1)** the Administrator may make Regulations, not inconsistent with this Act, prescribing matters —

- (a)** required or permitted by this Act to be prescribed; or
- (b)** necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**(2)** Without limiting the generality of subsection (1), the Regulations may prescribe —

- (a)** fees for any matter under this Act or the Regulations; and
- (b)** penalties not exceeding 2 penalty units for a contravention or breach of the regulations.

**NOTES**

The *Electricity (Licensing and Registration) Act 1985* as shown in this consolidation comprises Act No.4 of 1986 and amendments as indicated in the Tables below.

<b>Enactment</b>	<b>Number and year</b>	<b>Date of commencement</b>	<b>Application saving or transitional provision</b>
<i>Electricity (Licensing and Registration) Act 1985</i>	4, 86	31.3.86	
<i>Interpretation (Amendment) Act 2012</i> [to substitute throughout — Commonwealth Minister for Minister; and to substitute Minister for executive member]	14, 2012	28.12.12	

<b>Ordinance</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Norfolk Island Continued Laws Amendment Ordinance 2015 (No. 2, 2015) (now cited as Norfolk Island Continued Laws Ordinance 2015 (see F2015L01491))	17 June 2015 (F2015L00835)	18 June 2015 (s 2(1) item 1)	Sch 1 (items 344, 345, 382–390)
<b>as amended by</b>			
Norfolk Island Continued Laws Amendment (Statutory Appointments and Other Matters) Ordinance 2018	28 Sept 2018 (F2018L01378)	Sch 1 (item 16): 29 Sept 2018 (s 2(1) item 1)	—

**Table of Amendments**

ad = added or inserted    am = amended    rep = repealed    rs = repealed and substituted

<b>Provisions affected</b>	<b>How affected</b>
9	am    14, 2012; Ord No 2, 2015 (as am by F2018L01378)
10	am    14, 2012; Ord No 2, 2015 (as am by F2018L01378)
11	am    14, 2012; Ord No 2, 2015 (as am by F2018L01378)
13	am    14, 2012; Ord No 2, 2015 (as am by F2018L01378)
14	am    14, 2012; Ord No 2, 2015 (as am by F2018L01378)
16	am    14, 2012; Ord No 2, 2015 (as am by F2018L01378)
20	am    14, 2012; Ord No 2, 2015 (as am by F2018L01378)
21	am    14, 2012; Ord No 2, 2015 (as am by F2018L01378)