



## Electricity Amendment Act 2006

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Commencement see section 2

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Electricity Amendment Act 2006.

**2 Commencement**

- (1) Section 1, this section, sections 3, 6(1) to (3), 7, 9 (except subsection (3)), 10, 26(1), 27, 29 to 31, and 42 come into force on the day after the date on which this Act receives the Royal assent.
- (2) The rest of this Act comes into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made appointing different dates for different provisions.

**3 Principal Act amended**

This Act amends the Electricity Act 1992.

**4 Title repealed**

The Title is repealed.

## 5 New section 1A inserted

The following section is inserted after section 1:

### “1A Purposes

The purposes of this Act are—

- “(a) to provide for the regulation, supply, and use of electricity in New Zealand; and
- “(b) to provide for the regulation of the electricity industry in New Zealand; and
- “(c) to protect the health and safety of members of the public in connection with the supply and use of electricity in New Zealand; and
- “(d) to promote the prevention of damage to property in connection with the supply and use of electricity in New Zealand; and
- “(e) to provide for the regulation of electrical workers.”

## 6 Interpretation

- (1) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**all practicable steps**, in relation to achieving any result in any circumstances, means all steps to achieve the result that it is reasonably practicable to take in the circumstances, having regard to—

- “(a) the nature and severity of the serious harm or significant property damage that may be suffered if the result is not achieved; and
- “(b) the current state of knowledge about the likelihood that harm or damage of that nature and severity will be suffered if the result is not achieved; and
- “(c) the current state of knowledge about harm or damage of that nature; and
- “(d) the current state of knowledge about the means available to achieve the result, and about the likely efficacy of each of those means; and
- “(e) the availability and cost of each of those means

“**serious harm** means—

- “(a) death; or
- “(b) injury that consists of or includes loss of consciousness; or
- “(c) injury that necessitates the person suffering the injury—
  - “(i) being admitted to hospital; or

- “(ii) receiving medical treatment from a health practitioner who is, or is deemed to be, registered with an authority established or continued by section 114 of the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession”.
- (2) Section 2(1) is amended by repealing the definitions of **Minister** and **Ministry** and substituting the following definitions:
- “**Minister**, in any provision of this Act, means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of that provision
- “**Ministry**, in any provision of this Act, means the department of State that, with the authority of the Prime Minister, is responsible for the administration of that provision”.
- (3) Section 2(1) is amended by repealing the definition of **Secretary** and substituting the following definition:
- “**Secretary**, in any provision of this Act, means the chief executive of the Ministry responsible for the administration of that provision; and includes any person for the time being authorised by delegation to exercise or perform any of the powers or functions of the Secretary under that provision”.
- (4) The definitions of **Committee**, **employer licence**, **provisional licence**, **qualified engineer**, **qualifying experience**, **recognised certificate**, **register**, **registered**, **registered person**, **supervisor of electrical work**, **tradesperson**, and **trainee** in section 2(1) are repealed.
- (5) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:
- “**applicable minimum standards for registration** means the minimum standards for registration that—
- “(a) apply in relation to the relevant class of registration; and
- “(b) are prescribed under Part 10
- “**condition** includes a restriction or limit
- “**employer licence** means an employer licence issued under section 115
- “**infringement fee**, in relation to an infringement offence, means the amount prescribed by regulations made under section 169 as the infringement fee for the offence

“**infringement notice** means a notice given under section 165B

“**infringement offence** means—

“(a) an offence against section 20(d), 162, or 163:

“(b) a breach of any regulation made under this Act that is prescribed as an infringement offence

“**investigator**, in relation to a complaint, means the person appointed under Part 11 to investigate the complaint

“**place** means—

“(a) the whole or any part of any land, house, shop, factory, premises, or building:

“(b) any vessel within any harbour or inland waters:

“(c) any aircraft, hovercraft, or vehicle

“**Plumbers, Gasfitters, and Drainlayers Board** means the Board constituted by section 5 of the Plumbers, Gasfitters, and Drainlayers Act 1976 or continued under an enactment that, with or without modification, replaces, or that corresponds to, that Act

“**practising licence** means a practising licence issued under subpart 1 of Part 10

“**provisional licence** means a provisional licence issued under section 93

“**register** means the register kept under Part 10

“**registered person** means a person who, for the time being,—

“(a) is registered under subpart 1 of Part 10; or

“(b) is deemed to be registered under that subpart”.

- (6) Paragraphs (a) and (d) of the definition of **prescribed electrical work** in section 2(1) are amended by inserting “design or” in each case before “construction”.
- (7) The definition of **prescribed electrical work** in section 2(1) is amended by adding the following paragraph:
- “(e) the testing or certification or inspection or supervision of the work described in paragraphs (a) to (d)”.
- (8) The definition of **supervision** in section 2(1) is amended by inserting “or, in the case of section 76, a person authorised to supervise work under that section” after “to do the work”.
- (9) Section 2 is amended by repealing subsection (2).

## 7 Functions of Secretary

Section 5 is amended by inserting “or Secretaries” after “the Secretary”.

## 8 Special powers of Secretary

- (1) Section 8(2) is amended by—
  - (a) omitting “in respect of any place”; and
  - (b) inserting “do or” after “require any person to”.
- (2) Section 8 is amended by inserting the following subsections after subsection (2):

“(2A) The Secretary’s power to require a person to do a thing under subsection (2) includes the power to require, by written notice, that the person—

“(a) produce for inspection, within any reasonable period that the Secretary may specify, any document or class of document in the possession or under the control of the person that the Secretary considers would assist the Secretary to remove or minimise a danger or potential danger:

“(b) supply, within any reasonable period that the Secretary may specify, any information or class of information that the Secretary considers would assist the Secretary to remove or minimise a danger or potential danger.

“(2B) Every person who is required to produce documents or supply information under this section has the same privileges in relation to the production of the documents or the supply of the information as witnesses have in any court.”

## 9 Notification and investigation of accidents

- (1) The heading to section 16 is amended by omitting “**and investigation**”.
- (2) Section 16 is amended by repealing subsections (1) and (2) and substituting the following subsection:

“(1) This section applies to every accident that—

“(a) is caused wholly or partly by, or involves or affects, electricity, or involves or affects the generation, conversion, transformation, conveyance, or use of electricity; and

“(b) results in—

“(i) serious harm to any person; or

- “(ii) damage to any place or part of a place that renders that place or that part of that place unusable for any purpose for which it was used or designed to be used before that accident.”
- (3) Section 16(4) is amended by repealing paragraph (b) and substituting the following paragraph:
- “(b) if the accident is discovered by any person who is authorised to do prescribed electrical work under Part 10, that person:”.
- (4) Section 16 is amended by adding the following subsection:
- “(6) Notification of an accident in accordance with either or both of the following provisions is compliance with subsection (3):
- “(a) section 17(3) of the Gas Act 1992:
- “(b) section 25(3) of the Health and Safety in Employment Act 1992.”

#### **10 New section 16A inserted**

The following section is inserted after section 16:

##### **“16A Transfer of accident information**

- “(1) The Secretary must, as soon as practicable after he or she is notified of an accident under section 16, provide the notice or information that has been given to the Secretary to—
- “(a) the person who must be notified of the particulars of an accident under section 17(3) of the Gas Act 1992 if the Secretary is of the opinion that section 17 of that Act applies to the accident; and
- “(b) the person who must be notified of the occurrence of an accident under section 25(3) of the Health and Safety in Employment Act 1992 if the Secretary is of the opinion that section 25 of that Act applies to the accident.
- “(2) Subsection (1)(a) does not apply if the Secretary and the person who must be notified of the particulars of an accident under section 17(3) of the Gas Act 1992 are the same person.”

#### **11 Obstructing Secretary**

- (1) Section 20 is amended by omitting “\$10,000” and substituting “\$50,000 in the case of an individual, or \$250,000 in the case of a body corporate,”.
- (2) Section 20(d) is amended by omitting “report” and substituting “notify”.

**12 New section 61A inserted**

The following section is inserted after section 61:

**“61A Electricity generators and electricity distributors must have safety management systems**

- “(1) Every electricity generator and every electricity distributor that owns or operates an electricity supply system must implement and maintain, in accordance with regulations made under section 169, a safety management system that requires all practicable steps to be taken to prevent the electricity supply system from presenting a significant risk of—
- “(a) serious harm to any member of the public; or
  - “(b) significant damage to property owned by a person other than the electricity generator or electricity distributor.
- “(2) For the purposes of this Act, **electricity supply system** means,—
- “(a) in relation to an electricity generator, assets that, whether taken individually or as a whole, have a rated electricity generating capacity equal to, or greater than, 10 MW;
  - “(b) in relation to an electricity distributor, assets that, whether taken individually or as a whole, are used, or designed or intended for use, in or in connection with the conversion, transformation, or conveyance of electricity at a capacity equal to, or greater than, 10 MVA.
- “(3) The Governor-General may, by Order in Council, make regulations for either or both of the following purposes:
- “(a) increasing the rated electricity generating capacity that applies under subsection (2)(a):
  - “(b) increasing the capacity that applies under subsection (2)(b).”

**13 New Parts 9 to 12 substituted**

Parts 9 to 12 are repealed and the following Parts are substituted:

## **“Part 9**

### **“Restrictions on electrical work**

#### **“74 Restrictions on doing or assisting with prescribed electrical work**

- “(1) A person must not do any prescribed electrical work, or assist in doing any prescribed electrical work, unless that person is authorised to do so under this section.
- “(2) The following persons may do prescribed electrical work, or assist in doing prescribed electrical work, within the limits prescribed in regulations (if any):
- “(a) a registered person who is authorised to do, or assist in doing, the work under a current practising licence:
  - “(b) a person who is authorised to do, or assist in doing, the work under a provisional licence:
  - “(c) a person who is authorised to do, or assist in doing, the work under an employer licence.
- “(3) A person does not do any prescribed electrical work, or assist in doing any prescribed electrical work, in breach of this section if that work is done in accordance with any of sections 75 to 80.
- “(4) A body corporate that is responsible for any prescribed electrical work does not do any prescribed electrical work, or assist in doing any prescribed electrical work, in breach of this section if the natural person or natural persons who actually do, or assist in doing, that work are authorised to do so under this Act.
- “(5) Subsection (1) is subject to subsections (3) and (4) and sections 75 to 81.
- “(6) For the purposes of this Part and Part 10, **regulations** means regulations made under section 169.

#### *“Exemptions*

#### **“75 Board may exempt person or class of persons from section 74**

- “(1) The Board may, if it thinks fit, by notice in the *Gazette*, exempt any person or class of persons from compliance with section 74 generally or in relation to a particular type of prescribed electrical work.

- “(2) The Board may grant the exemption subject to any terms and conditions that it thinks fit.
- “(3) A person may do any prescribed electrical work, or assist in doing any prescribed electrical work, under an exemption granted under subsection (1) if—
- “(a) the work is within the limits specified in the exemption; and
  - “(b) the exemption applies to the person; and
  - “(c) the work is done in accordance with the terms and conditions of the exemption; and
  - “(d) the work is carried out in a competent and safe manner.
- “(4) A notice published under this section is a regulation for the purposes of the Regulations (Disallowance) Act 1989 but is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.

**“76 Exemption for work done under supervision**

A person (the **supervised person**) may do any prescribed electrical work, or assist in doing any prescribed electrical work, if—

- “(a) that work is within the limits prescribed in regulations made for the purposes of this section; and
- “(b) the work done by the supervised person is carried out under the supervision of a registered person who holds a current practising licence issued under this Act that authorises the person to supervise electrical work; and
- “(c) except as provided in any regulations, while that work is being carried out by the supervised person, no part of the work is connected to a power supply; and
- “(d) the work is—
  - “(i) tested and certified in accordance with regulations; and
  - “(ii) connected to a power supply by a registered person who holds a current practising licence issued under this Act that authorises the person to supervise electrical work.

**“77 Exemption for trainees**

- “(1) A person may do, or assist in doing, any prescribed electrical work if—

- “(a) that work is within the limits prescribed in regulations made for the purposes of this section; and
  - “(b) the person is a trainee in relation to the work; and
  - “(c) the work done by that person is carried out in accordance with a limited certificate issued by the Board to the trainee under section 78.
- “(2) In this section, **trainee**—
- “(a) means a person who is undergoing instruction or training in any class of prescribed electrical work for the purpose of obtaining registration as a registered person; and
  - “(b) includes an apprentice who is working in the electricity industry.
- “(3) This section does not prevent a trainee from doing, or assisting in doing, work under section 76 (which allows work to be done under supervision).

**“78 Board may issue limited certificate for purposes of section 77**

- “(1) The Board may, on payment of the prescribed fee (if any), issue to any person a limited certificate for the purposes of section 77.
- “(2) The Board may issue the limited certificate subject to any terms and conditions that the Board thinks fit.
- “(3) The Board may, by written notice to a person, revoke, amend, or add to any term or condition imposed in relation to that person’s certificate.
- “(4) A limited certificate issued under this section, unless it is sooner cancelled, is in force for the period, not exceeding 5 years, specified in the certificate, but it may from time to time be renewed for a further term not exceeding 5 years.
- “(5) The Board may, if it thinks fit, refuse to renew any limited certificate.
- “(6) A limited certificate issued under this section may be cancelled by the Board—
- “(a) if the Board considers that any of the terms or conditions of the certificate have not been met; or
  - “(b) following the determination of an application for registration as a registered person or for a practising licence.

**“79 Exemption for domestic electrical wiring work**

- “(1) The owner of any premises that are occupied, or intended to be occupied, by that person as a residence for that person, or for that person and members of that person’s family, may do any electrical wiring work, or assist in doing any electrical wiring work, in relation to those premises, if—
- “(a) the work is within the limits prescribed in regulations made for the purposes of this section; and
  - “(b) the work is carried out in accordance with the requirements of any regulations; and
  - “(c) the work is carried out in a competent and safe manner; and
  - “(d) while that work is being carried out, no part of the work is connected to a power supply; and
  - “(e) the work is, before connection to a power supply, tested and certified, in accordance with regulations, by a registered person who holds a current practising licence issued under this Act that authorises that person to test and certify prescribed electrical work; and
  - “(f) the work is connected to a power supply by the registered person referred to in paragraph (e).
- “(2) Subsection (1)(e) and (f) apply only if required by regulations.
- “(3) For the purposes of subsection (1), **owner**, in relation to any premises, means the person who (whether alone or as a joint tenant or tenant in common) would for the time being be entitled to receive the rack rent of the premises on his or her own account if the premises were let to a tenant at a rack rent.

**“80 Exemption for maintenance of domestic appliances**

- “(1) The owner of any electrical appliance may do any prescribed electrical work, or assist in doing any prescribed electrical work, in relation to that appliance if—
- “(a) the appliance is kept principally for the use of that person, or any near relative of that person, or both; and
  - “(b) the appliance is used principally for domestic purposes and not for commercial or industrial purposes; and
  - “(c) the work is within the limits prescribed in regulations made for the purposes of this section; and
  - “(d) the work is carried out in accordance with the requirements of any regulations; and

- “(e) the work is carried out in a competent and safe manner; and
  - “(f) while that work is being carried out, the appliance is not connected to a power supply; and
  - “(g) the work is, before connection to a power supply, tested and certified, in accordance with regulations, by a registered person who holds a current practising licence issued under this Act that authorises that person to test and certify prescribed electrical work.
- “(2) Subsection (1)(g) applies only if required by regulations.
- “(3) For the purposes of subsection (1), **near relative**, in relation to any person, means—
- “(a) a grandparent of that person:
  - “(b) a parent or step-parent of that person:
  - “(c) a parent or step-parent of that person’s spouse, civil union partner, or de facto partner:
  - “(d) a brother or sister of that person, including a half-brother or half-sister:
  - “(e) that person’s spouse, civil union partner, or de facto partner:
  - “(f) a child or step-child of that person:
  - “(g) a grandchild of that person.

*“Board may cancel application of exemption*

**“81 Board may cancel application of exemption to any person**

- “(1) The Board may, by notice in writing to a person, cancel the application of any exemption under sections 76 to 80 to the person from a date specified in the notice.
- “(2) The exemption referred to in the notice under subsection (1) ceases to apply to the person from the date specified in the notice.
- “(3) The Board may not cancel the application of an exemption under subsection (1) unless it has first—
- “(a) informed the person concerned why it may cancel the application of the exemption; and
  - “(b) given the person a reasonable opportunity to make written submissions and be heard on the question, either personally or by his or her representative.

*“Testing, certification, and inspection*

**“82 Testing, certification, and inspection**

- “(1) If any prescribed electrical work is carried out, that work or, as the case may require, the works or electrical installation or electrical appliance in respect of which that work is carried out must not be connected to a power supply unless the testing, certification, and inspection that is required by regulations has been carried out.
- “(2) A person must not sell, or offer for sale, any works or electrical installation or electrical appliance that has not been tested and certified in accordance with regulations.
- “(3) A person must not supply electricity to any works or electrical installation unless that person is satisfied that any inspection and certification required in respect of those works or that installation by regulations has been carried out.
- “(4) This section does not prevent the connection, to any power supply, of any works, electrical installation, or electrical appliance, or the supply of electricity to any works or electrical installation, if that connection or supply is solely for the purposes of carrying out any testing, inspection, or certification required by any regulations.

**“83 Power of entry**

- “(1) For the purpose of ensuring that the requirements of section 82 are complied with in relation to any prescribed electrical work, any person authorised by the Board for the purpose may, at any reasonable time, enter any premises (including a dwellinghouse) and—
- “(a) inspect and test any prescribed electrical work on those premises that is, or is intended to be, connected to a power supply:
- “(b) make any inquiries that are necessary to determine whether or not any prescribed electrical work on those premises has been properly tested, certified, or inspected.
- “(2) The power of entry under subsection (1) may be exercised whether or not there are any grounds to believe that any prescribed electrical work has not been properly carried out.

- “(3) Every person must give reasonable notice of that person’s intention to enter any premises under subsection (1) to both the owner and the occupier of the premises.
- “(4) Every person must, on entering any premises under subsection (1), and when requested at any subsequent time, produce to the person in charge of the premises—
- “(a) evidence of that person’s authority to enter the premises; and
  - “(b) evidence of that person’s identity.

### “Part 10

## “Registration and licensing of electrical workers and employer licences

### “Subpart 1—Electrical worker registration and licensing

#### “Classes of registration

#### “84 Classes of registration may be designated by Board

- “(1) The Board may, by notice in the *Gazette*,—
- “(a) designate classes of registration for the purposes of registration under this subpart; and
  - “(b) specify for each of those classes the prescribed electrical work that a person is authorised to do, or assist in doing, by virtue of being a registered person of a particular class and holding a current practising licence.
- “(2) The notice may describe the classes of registration in any way the Board thinks fit, including in 1 or more of the following ways:
- “(a) by reference to a name or form of words that is commonly understood by persons who carry out electrical work;
  - “(b) by reference to an area of science or learning;
  - “(c) by reference to tasks commonly performed.
- “(3) In specifying the work that may be carried out by registered persons who hold current practising licences, the Board may impose limitations on the circumstances in which a registered person may do, or assist in doing, that work.

**“85 Board may prescribe other registration and licensing matters**

- “(1) The Board may, by notice in the *Gazette*,—
- “(a) prescribe for each class of registration the minimum standards for registration (including standards relating to required competence, qualifications, and experience) that persons must meet in order to be registered as registered persons and to be issued with practising licences; and
  - “(b) prescribe for each class of registration the terms and conditions subject to which persons are registered as registered persons; and
  - “(c) prescribe for each class of registration the terms and conditions subject to which practising licences are issued; and
  - “(d) prescribe requirements relating to the completion of competence programmes in respect of persons who—
    - “(i) apply for practising licences or provisional licences; or
    - “(ii) hold practising licences or provisional licences; or
    - “(iii) apply for renewals of practising licences or provisional licences; and
  - “(e) prescribe requirements relating to competent and safe work practices and the testing of those practices; and
  - “(f) recognise any overseas qualification, certificate, registration, or licence as satisfying a particular minimum standard for registration (in whole or in part) if, in the opinion of the Board, that overseas qualification, certificate, registration, or licence is equivalent to, or as satisfactory as, the standard, or part of the standard, that is treated as being satisfied.
- “(2) The terms and conditions referred to in subsection (1)(c) may include, for example,—
- “(a) a term that authorises the person to test or certify work or to supervise work;
  - “(b) a condition that requires compliance with the requirements referred to in subsection (1)(e);
  - “(c) a condition that requires the person to complete a competence programme:

- “(d) a condition that imposes limitations on the circumstances in which the person may do, or assist in doing, work:
  - “(e) a condition that imposes limits on the work that the person may do, or assist in doing, under the practising licence.
- “(3) The Board may make arrangements with the appropriate authorities controlling the registration, licensing, or recognition of electrical workers outside New Zealand for the reciprocal recognition of registration, licences, certificates, or other evidence of proficiency in electrical work.

**“86 Minimum standards for registration**

- “(1) A notice under section 85 may prescribe minimum standards for registration in any way the Board thinks fit, including in 1 or more of the following ways:
- “(a) by requiring a degree or diploma or certificate of a stated kind recognised by the Board:
  - “(b) by requiring the successful completion of a competence programme, degree, or course of studies accredited by the Board:
  - “(c) by requiring a pass in a specified examination or any other assessment set by the Board or by another organisation approved by the Board:
  - “(d) by reference to registration with, or a licence issued by, an overseas organisation that performs functions that correspond wholly or partly to those performed by the Board:
  - “(e) by requiring experience in the provision of services of a particular kind:
  - “(f) by requiring a certain level of competence.
- “(2) However, the minimum standards for registration prescribed under section 85 may require a person to pass a specified examination or other assessment set by the Board only if the Board is satisfied that the person does not have a degree, diploma, or certificate of a stated kind recognised by the Board under subsection (1)(a).

**“87 Principles guiding prescribing of registration and licensing matters**

In prescribing matters under section 84 or 85, the Board must be guided by the following principles:

- “(a) the matters must be necessary to—
  - “(i) protect the health or safety of members of the public; or
  - “(ii) promote the prevention of damage to property; or
  - “(iii) promote the competency of persons who do, or assist in doing, prescribed electrical work; or
  - “(iv) carry out, give effect to, or provide for a matter that is incidental to, or consequential on, the matters relating to subparagraph (i), (ii), or (iii); and
- “(b) the matters may not unnecessarily restrict the registration or licensing of persons as electrical workers; and
- “(c) the matters may not impose undue costs on electrical workers or on the public.

**“88 Board must consult before publishing notices**

“(1) Before the Board publishes a notice under section 84 or 85(1)(a) to (e), the Board must have consulted about its proposal for the contents of the notice—

- “(a) with persons who the Board considers are able to represent the views of electrical workers, or of classes of electrical workers, registered under this Act; and
- “(b) with organisations—
  - “(i) that the Board considers will be substantially affected by the proposal; or
  - “(ii) whose members the Board considers will be substantially affected by the proposal.

“(2) A failure to comply with subsection (1) does not affect the validity of any notice published under section 84 or 85(1)(a) to (e).

**“89 Notices published under sections 84 and 85 must be approved by Minister**

“(1) The Board must, before publishing a notice under section 84 or 85, submit the proposed notice for the approval of the Minister.

- “(2) The Minister must, as soon as practicable after receiving a proposed notice under subsection (1), by written notice to the Board,—
- “(a) approve it; or
  - “(b) decline to approve it.
- “(3) If the Minister declines to approve a proposed notice,—
- “(a) the Minister must indicate the grounds on which he or she declines to approve it; and
  - “(b) the Minister may direct the Board to prepare and submit a revised proposed notice; and
  - “(c) the Board must, as soon as practicable after receiving a direction under paragraph (b), submit a revised proposed notice under subsection (1).
- “(4) A proposed notice may be published under section 84 or 85 after it is approved by the Minister.

**“90 Other provisions relating to notices under sections 84 and 85**

- “(1) The Board must ensure that an up-to-date version of each notice that the Board has published under section 84 or 85 is—
- “(a) available at all reasonable times on an Internet website maintained by or on behalf of the Board; and
  - “(b) available at the office of the Board during business hours, so that members of the public may—
    - “(i) inspect the notice free of charge; or
    - “(ii) obtain a copy of the notice for a reasonable fee.
- “(2) Each notice published under section 84 or 85 is a regulation for the purposes of the Regulations (Disallowance) Act 1989 but is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.

*“How to become registered*

**“91 Entitlement to registration**

An individual is entitled to be registered under this subpart if the individual satisfies the Board—

- “(a) that he or she has complied with the application requirements in section 92; and
- “(b) that he or she meets the applicable minimum standards for registration; and

- “(c) that he or she is not precluded from being registered because of any action taken by the Board under section 147M; and
- “(d) that he or she is a fit and proper person to be registered under this subpart; and
- “(e) that he or she has paid the prescribed fee (if any).

**“92 Applications for registration**

- “(1) An application for registration under this subpart must—
  - “(a) be sent or delivered to either—
    - “(i) the Registrar; or
    - “(ii) the Plumbers, Gasfitters, and Drainlayers Board if the application is to be considered by that Board under section 114; and
  - “(b) be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and
  - “(c) contain, or be accompanied by, the information and documentation required by the Board; and
  - “(d) be accompanied by the prescribed fee (if any).
- “(2) The Registrar must refer any application received by the Registrar under this section to the Board for consideration under section 95.

**“93 Board may issue provisional licence pending consideration of application**

- “(1) The Board may, on payment of the prescribed fee (if any), issue to any person a provisional licence to carry out any specified electrical work.
- “(2) The Board may issue the licence subject to any terms and conditions that the Board thinks fit.
- “(3) A provisional licence authorises the holder, while the licence is in force pending the consideration of his or her application for registration or a practising licence (or both) under this subpart, to do, or assist in doing, the work that is specified in the licence.

**“94 Duration of provisional licence**

- “(1) A provisional licence, unless it is sooner suspended or cancelled, is in force for the period, not exceeding 12 months, specified in the licence, but it may from time to time be renewed for a further period not exceeding 12 months.

- “(2) The Board may, if it thinks fit, refuse to renew any provisional licence.
- “(3) A provisional licence may be cancelled—
  - “(a) in any of the ways described in section 110(1); or
  - “(b) if the Board considers that any of the terms or conditions of the licence have not been met; or
  - “(c) following the determination of an application for registration or a practising licence under this subpart.

**“95 Board to consider application**

- “(1) The Board must consider each application for registration under this subpart as soon as practicable after receiving it.
- “(2) In considering an application for registration under this subpart, the Board must,—
  - “(a) if the applicant has previously had his or her registration or practising licence cancelled under this Act, have regard to the reasons for that cancellation; and
  - “(b) observe the rules of natural justice; and
  - “(c) without limiting those rules, give an applicant—
    - “(i) notice of any matter that might result in the application being declined; and
    - “(ii) a reasonable opportunity to make submissions to the Board on the matter.

**“96 Board to register applicant or decline application**

- “(1) If the Board is satisfied that the applicant is entitled, under section 91, to be registered under this subpart, the Board must direct the Registrar to—
  - “(a) register the applicant as a registered person of a particular class; and
  - “(b) send to the applicant a certificate of registration; and
  - “(c) enter details of that person’s registration in the register; and
  - “(d) issue a unique identifier (for example, a registration number) to the applicant, and notify the applicant of that identifier.
- “(2) If the Board is not satisfied that the applicant is entitled to be registered under this subpart, the Board must notify the applicant of—
  - “(a) the Board’s decision; and

“(b) the applicant’s right of appeal to a District Court against the decision.

“(3) As soon as practicable after receiving the Board’s direction under subsection (1), the Registrar must enter the details of the registration in the register.

**“97 Registration subject to terms and conditions**

“(1) The registration of a registered person is subject to—

“(a) the terms and conditions imposed by notices published under section 85(1)(b) in relation to the class of registration concerned; and

“(b) any other terms and conditions that the Board thinks fit.

“(2) The Board may, by written notice to a registered person, revoke, amend, or add to any term or condition imposed under subsection (1).

“(3) Subsection (1)(a) is subject to subsection (2) and section 107.

*“How to become licensed*

**“98 Practising licence required**

“(1) A registered person is not authorised to do, or assist in doing, prescribed electrical work that the person is otherwise authorised to do by virtue of that person’s registration unless that person is the holder of a current practising licence issued under this subpart that authorises the person to do, or assist in doing, the work.

“(2) Subsection (1) is subject to sections 75 to 80.

“(3) Any authority given under a practising licence issued under this subpart to a registered person to do, or assist in doing, any prescribed electrical work is sufficient authority for the person so authorised to do or, as the case may be, assist in doing that work.

“(4) Subsection (3) is subject to the terms and conditions imposed under section 103 and to any regulations.

**“99 Entitlement to practising licence**

A registered person is entitled to be issued with a practising licence under this subpart for a class of registration in respect of which that person is registered if the individual satisfies the Board—

- “(a) that he or she has complied with the application requirements in section 100; and
- “(b) that he or she meets the current applicable minimum standards for registration; and
- “(c) that he or she is not precluded from holding a licence because of any action taken by the Board under section 147M; and
- “(d) that he or she is a fit and proper person to be issued with a practising licence; and
- “(e) that he or she has paid the prescribed fee (if any).

**“100 Applications for practising licence**

- “(1) An application for a practising licence under this subpart must—
- “(a) be sent or delivered to either—
    - “(i) the Registrar; or
    - “(ii) the Plumbers, Gasfitters, and Drainlayers Board if the application is to be considered by that Board under section 114; and
  - “(b) be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and
  - “(c) contain, or be accompanied by, the information and documentation required by the Board; and
  - “(d) be accompanied by the prescribed fee (if any).
- “(2) The Registrar must refer any application received by the Registrar under this section to the Board for consideration under section 101.

**“101 Board to consider application**

- “(1) The Board must consider each application for a practising licence under this subpart as soon as practicable after receiving it.
- “(2) In considering an application for a practising licence under this subpart, the Board must,—
- “(a) if the applicant has previously had his or her registration or practising licence cancelled under this Act, have regard to the reasons for that cancellation; and
  - “(b) observe the rules of natural justice; and
  - “(c) without limiting those rules, give the applicant—
    - “(i) notice of any matter that might result in the application being declined; and

“(ii) a reasonable opportunity to make submissions to the Board on the matter.

**“102 Board to issue practising licence or decline application**

“(1) If the Board is satisfied that the applicant is entitled, under section 99, to be issued with a practising licence under this subpart, the Board must—

“(a) issue to the applicant a practising licence for a class of registration in respect of which that person is registered; and

“(b) send to the applicant evidence of the issue of that practising licence; and

“(c) direct the Registrar to enter details of that person’s practising licence in the register.

“(2) If the Board is not satisfied that the applicant is entitled to be issued with a practising licence under this subpart, the Board must notify the applicant of—

“(a) the Board’s decision; and

“(b) the applicant’s right of appeal to a District Court against the decision.

“(3) As soon as practicable after receiving the Board’s direction under subsection (1), the Registrar must enter the details of the practising licence in the register.

**“103 Practising licence subject to terms and conditions**

“(1) A practising licence issued to a registered person is subject to—

“(a) the terms and conditions imposed by notices published under section 85(1)(c) in relation to the class of registration concerned; and

“(b) any other terms and conditions that the Board thinks fit.

“(2) The terms and conditions may include, for example,—

“(a) terms and conditions of the kind referred to in section 85(2):

“(b) a condition that imposes limits on the circumstances in which the particular practising licence holder may do, or assist in doing, work:

“(c) a condition that imposes limits on the work that the particular practising licence holder may do, or assist in doing, under the licence.

- “(3) The conditions referred to in subsection (2)(b) and (c) may be in addition to, or instead of, any other limits that would otherwise apply in respect of the class of registration concerned.
- “(4) The Board may, by written notice to a registered person, revoke, amend, or add to any term or condition imposed under subsection (1).
- “(5) Subsection (1)(a) is subject to subsection (4) and section 107.

*“Duration and renewal of practising licence*

**“104 Duration of practising licence**

- “(1) A practising licence issued under this subpart must specify the date of its expiry.
- “(2) The date of expiry must not be later than 5 years after the date of the issue or renewal of the practising licence.
- “(3) A practising licence continues in force until the close of the date of its expiry unless sooner suspended or cancelled under this Act.

**“105 Applications for renewal of practising licence**

- “(1) An application for the renewal of a practising licence under this subpart—
  - “(a) must not be made earlier than 3 months before the licence’s date of expiry; and
  - “(b) must be sent or delivered to either—
    - “(i) the Registrar; or
    - “(ii) the Plumbers, Gasfitters, and Drainlayers Board if the application is to be considered by that Board under section 114; and
  - “(c) must be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and
  - “(d) must contain, or be accompanied by, the information and documentation required by the Board; and
  - “(e) must be accompanied by the prescribed fee (if any).
- “(2) The Registrar must refer any application received by the Registrar under this section to the Board for consideration under section 106.
- “(3) If an application for the renewal of a practising licence is made before the licence’s date of expiry but the licence has not been renewed before that date, the licence continues in force until the application is determined.

**“106 Renewal of practising licence**

- “(1) A registered person is entitled to a renewal of his or her practising licence if the Board is satisfied that—
- “(a) the person has complied with the application requirements in section 105; and
  - “(b) the person complies with the current applicable minimum standards for registration; and
  - “(c) there is no reason to believe that the person has breached any term or condition of the licence during the period before the licence is renewed; and
  - “(d) the person is a fit and proper person to hold a practising licence; and
  - “(e) the person has satisfied the requirements of a competence programme that the person is required to complete under subsection (5).
- “(2) If the Board is satisfied that the registered person is entitled to a renewal of his or her practising licence, the Board must direct the Registrar to—
- “(a) renew the licence for the period (not exceeding 5 years) that the Board thinks fit; and
  - “(b) send to the person notification of the Board’s decision; and
  - “(c) enter details of the renewal in the register.
- “(3) If the Board is not satisfied that the registered person is entitled to a renewal of his or her practising licence, the Board must notify the person of—
- “(a) the Board’s decision; and
  - “(b) the person’s right of appeal to a District Court against the decision.
- “(4) For the purposes of subsection (1)(c), the Board may, if it thinks fit, disregard a breach of a term or condition of the practising licence.
- “(5) The Board may require a registered person to complete a competence programme before it renews that person’s practising licence (regardless of whether or not the Board is satisfied of the matters referred to in subsection (1)(a) to (d)) if the person is required to complete a competence programme when applying for a renewal of the licence in accordance with a condition or requirement imposed by a notice published under section 85.

“(6) Despite subsection (1), if any fee or other money payable to the Board under this Act by the registered person has not been paid, the Board may refuse to renew that person’s practising licence until that fee or other money is paid.

*“Exemptions from registration and practising licence requirements and conditions*

**“107 Board may grant exemptions from registration and practising licence requirements and conditions**

“(1) The Board may,—

“(a) by written notice to a person, exempt the person from compliance with—

“(i) the minimum standards for registration that the person must meet in order to be registered as a registered person or issued with a practising licence or to obtain a renewal of a practising licence; and

“(ii) any terms and conditions imposed by notices published under section 85 that must be complied with by the person; and

“(b) by notice in the *Gazette*, exempt any class of persons from compliance with—

“(i) the minimum standards for registration that those persons must meet in order to be registered as registered persons or issued with practising licences or to obtain renewals of practising licences; and

“(ii) the terms and conditions imposed by notices published under section 85 that must be complied with by those persons.

“(2) The Board may grant an exemption subject to any terms and conditions that it thinks fit.

“(3) Each notice published in the *Gazette* under this section is a regulation for the purposes of the Regulations (Disallowance) Act 1989 but is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.

*“Competence*

**“108 Competence programmes**

- “(1) For the purpose of examining or improving the competence of persons who do, or assist in doing, prescribed electrical work, the Board may set or recognise competence programmes in respect of persons who—
- “(a) apply for practising licences or provisional licences; or
  - “(b) hold practising licences or provisional licences; or
  - “(c) apply for renewals of practising licences or provisional licences.
- “(2) Any competence programme may be made to apply generally in respect of all of those persons, or in respect of a specified person, or in respect of any specified class of those persons.
- “(3) However, a registered person may be required by the Board to complete a competence programme only if 1 or more of the following applies:
- “(a) the registration of the person or the practising licence held by the person is subject to a condition imposed by a notice published under section 85 that requires the person to complete a competence programme; or
  - “(b) the person is required to complete a competence programme in accordance with an applicable minimum standard for registration; or
  - “(c) the person is required to complete a competence programme in accordance with a requirement imposed by a notice published under section 85(1)(d); or
  - “(d) the person is required to complete a competence programme under Part 11 (which relates to discipline).
- “(4) Any competence programme may require a person to do 1 or more of the following, within the period, or at the intervals, prescribed in the programme:
- “(a) pass an examination:
  - “(b) complete a period of practical training:
  - “(c) complete a period of practical experience:
  - “(d) undertake a course of studies:
  - “(e) anything else that the Board considers appropriate.
- “(5) The Board may specify a period within which the person to whom a competence programme applies must comply with the requirements of the programme.
- “(6) The Board may exempt any person or class of persons from all or any of the requirements of a competence programme.

**“109 Unsatisfactory results of competence programme**

- “(1) If any person who is required to complete a competence programme does not satisfy the requirements of the programme, the Board may make 1 or more of the following orders:
- “(a) that the person’s practising licence or provisional licence be subject to any condition that the Board considers appropriate;
  - “(b) that the person’s practising licence or provisional licence be suspended;
  - “(c) that the person’s application for a renewal of a practising licence or provisional licence be declined.
- “(2) The Board may not suspend a licence under subsection (1) unless it has first—
- “(a) informed the person concerned why it may suspend the licence of that person; and
  - “(b) given that person a reasonable opportunity to make written submissions and be heard on the question, either personally or by his or her representative.
- “(3) The Registrar must ensure that a copy of the order made under subsection (1) is given to the person concerned.
- “(4) An order made under subsection (1) takes effect from the day on which a copy of the order is given to the person concerned or from any date that is specified in the order, whichever is the later.
- “(5) Any order made under subsection (1)(a) or (b) remains in effect until the time that the person concerned has satisfied all the requirements of the competence programme, and for that purpose the Board may extend the period within which the person is required to satisfy those requirements.

*“Cancellation and suspension***“110 Cancellation and suspension generally**

- “(1) The Board may cancel a person’s registration, practising licence, or provisional licence—
- “(a) if the person, by written notice, requests that the Board do so; or
  - “(b) if the Board believes on reasonable grounds that the person has died; or

- “(c) in accordance with section 112 (which concerns the cancellation of registration or of a licence if the registration or licence was obtained wrongfully); or
  - “(d) in accordance with section 113 (which concerns the cancellation or suspension of an overseas qualification, certificate, registration, or licence); or
  - “(e) in accordance with section 132 (which concerns the revision of the register); or
  - “(f) in accordance with Part 11 (which concerns disciplinary proceedings).
- “(2) If a person’s registration is cancelled, the practising licence held by the person for the class of registration concerned (if any) is also cancelled.
- “(3) The Board may suspend—
- “(a) a person’s registration—
    - “(i) in accordance with section 113 (which concerns the cancellation or suspension of an overseas qualification, certificate, registration, or licence); or
    - “(ii) in accordance with Part 11 (which concerns disciplinary proceedings):
  - “(b) a person’s practising licence or provisional licence—
    - “(i) in accordance with section 109 (which concerns competence); or
    - “(ii) in accordance with section 113 (which concerns the cancellation or suspension of an overseas qualification, certificate, registration, or licence); or
    - “(iii) in accordance with Part 11 (which concerns disciplinary proceedings).
- “(4) The cancellation or suspension of the registration, practising licence, or provisional licence of a person under this Act does not affect that person’s liability for any act or default occurring before the cancellation or suspension.
- “(5) If a person is registered under this Part in respect of more than 1 class of registration, the Board may exercise its powers to cancel or suspend registration or a practising licence under this Act in respect of each of those classes or 1 or more of those classes as the Board thinks fit.

**“111 Effect of suspension**

- “(1) If a person’s registration is suspended,—
- “(a) the person is not a registered person, for the class of registration concerned, for the period during which the registration is suspended; and
  - “(b) the practising licence held by the person for the class of registration concerned (if any) is also suspended for the period during which the registration is suspended.
- “(2) If a person’s practising licence is suspended, the person—
- “(a) is not the holder of a current practising licence, for the class of registration concerned, for the period during which the licence is suspended; and
  - “(b) is not authorised to do, or assist in doing, work under that licence for the period during which the licence is suspended.
- “(3) If a person’s provisional licence is suspended, the person—
- “(a) is not a provisional licence holder for the period during which the licence is suspended; and
  - “(b) is not authorised to do, or assist in doing, work under that licence for the period during which the licence is suspended.
- “(4) At the end of the period of suspension, the person’s registration, practising licence, or provisional licence is immediately revived (unless there is some other ground to suspend or cancel the registration or licence).
- “(5) Subsections (1) and (2) do not prevent the Registrar from including information in the register in relation to the person under section 128(1).
- “(6) Subsection (3) does not prevent the Registrar from including information in the register in relation to the person under section 128(2).

**“112 Board may cancel registration or licence if obtained wrongfully**

- “(1) The Board may order the cancellation of a person’s registration, practising licence, or provisional licence if it is satisfied that he or she—
- “(a) obtained registration or obtained the licence by making a false or misleading representation or declaration (whether oral or written); or

- “(b) was not entitled to be registered or issued with the licence.
- “(2) The Board may not act under subsection (1) unless it has first—
  - “(a) informed the person concerned why it may act under that subsection; and
  - “(b) given that person a reasonable opportunity to make written submissions and be heard on the question, either personally or by his or her representative.
- “(3) The Registrar must ensure that a copy of the order made under this section is given to the person concerned.
- “(4) An order made under this section takes effect from the day on which a copy of the order is given to the person concerned or from any date that is specified in the order, whichever is the later.

**“113 Cancellation or suspension of overseas qualification, certificate, registration, or licence**

- “(1) The Board may review the registration, practising licence, or provisional licence of a person who was registered or issued with the licence by virtue of an overseas qualification, certificate, registration, or licence if satisfied that—
  - “(a) the educational establishment that gave him or her an overseas qualification or certificate has cancelled or suspended it (or taken action equivalent to cancelling or suspending it); or
  - “(b) an overseas authority that maintains a register of people registered or licensed as electrical workers has, as a result of disciplinary action taken against the person,—
    - “(i) removed his or her name from that register; or
    - “(ii) cancelled his or her licence; or
    - “(iii) suspended his or her registration or licence; or
    - “(iv) taken action equivalent to an action referred to in subparagraph (i) or (ii) or (iii).
- “(2) The form of a review under this section is at the Board’s discretion.
- “(3) However, in conducting the review, the Board must give the person concerned—
  - “(a) the particulars that are reasonably necessary to clearly inform the person of the substance of the grounds on

- which the Board has decided to carry out the review;  
and
- “(b) a reasonable opportunity to make written submissions and be heard on the question, either personally or by his or her representative.
- “(4) After the review, the Board may, if it thinks fit,—
- “(a) order the suspension of the person’s registration, practising licence, or provisional licence for any period it thinks fit; or
- “(b) order the cancellation of the person’s registration, practising licence, or provisional licence.
- “(5) The Registrar must ensure that a copy of the order made under subsection (4) is given to the person concerned.
- “(6) An order made under subsection (4) takes effect from the day on which a copy of the order is given to the person concerned or from any date that is specified in the order, whichever is the later.

*“Miscellaneous provision*

**“114 Board may delegate power to Plumbers, Gasfitters, and Drainlayers Board to act under this subpart**

- “(1) The Board may delegate any of the functions or powers of the Board under this subpart, either generally or specifically, to the Plumbers, Gasfitters, and Drainlayers Board.
- “(2) The Plumbers, Gasfitters, and Drainlayers Board may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the Plumbers, Gasfitters, and Drainlayers Board were the Board.
- “(3) If the Plumbers, Gasfitters, and Drainlayers Board purports to perform a function or exercise a power under a delegation, the Plumbers, Gasfitters, and Drainlayers Board—
- “(a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
- “(b) must produce evidence of its authority to do so, if reasonably requested to do so.

- “(4) The Plumbers, Gasfitters, and Drainlayers Board must—
- “(a) give effect to any direction given to it by the Board in relation to the performance of functions or the exercise of powers under this section; and
  - “(b) notify the Board if it has registered a person or issued a licence under this Act.
- “(5) No delegation under this section—
- “(a) affects or prevents the performance of any function or the exercise of any power by the Board; or
  - “(b) affects the responsibility of the Board for the actions of the Plumbers, Gasfitters, and Drainlayers Board acting under the delegation; or
  - “(c) is affected by any change in the membership of the Plumbers, Gasfitters, and Drainlayers Board or the Board.

#### “Subpart 2—Employer licences

##### “115 Employer licence

- “(1) A person is, on application in the prescribed form (if any) and on payment of the prescribed fee (if any), entitled to be issued with an employer licence by the Board if the person satisfies the Board that the person will at all times maintain a system of operation—
- “(a) that complies with the requirements that are prescribed by regulations; and
  - “(b) that is sufficient to ensure that employees of that person who do, or assist in doing, prescribed electrical work—
    - “(i) are competent to carry out the range of work for which they are employed; and
    - “(ii) receive the supervision and training that is necessary to ensure that the work—
      - “(A) is carried out safely and competently; and
      - “(B) complies with the requirements of this Act and any regulations.
- “(2) However, a person is not entitled to be issued with an employer licence if the person is precluded from holding an employer licence because of any action taken by the Board under section 120.
- “(3) The Board may impose in respect of any employer licence issued under this section any terms and conditions that the

Board thinks fit (for example, by restricting the types of prescribed electrical work that may otherwise be done under the licence).

**“116 Requirements treated as satisfied if person obtains certification from approved person**

- “(1) A person must be treated as maintaining a system of operation described in section 115(1)(a) and (b) if an approved person, in the prescribed manner, certifies that the system of operation complies with those provisions, and issues a certificate to that effect in the prescribed form.
- “(2) A certification under subsection (1) ceases to have effect if—
- “(a) the approved person, by notice in writing to the certificate holder, revokes the certificate; or
  - “(b) the term of the certification comes to an end.
- “(3) For the purposes of this section, **approved person** means—
- “(a) a person designated by regulations as an approved person;
  - “(b) a member of a class of persons designated by regulations as a class of approved persons.

**“117 Prescribed electrical work may be done under employer licence**

- “(1) An employer licence authorises the licence holder to authorise any employee of that person to do, or assist in doing, any prescribed electrical work.
- “(2) Any authority given under an employer licence to any person to do, or assist in doing, any prescribed electrical work is sufficient authority for the person so authorised to do or, as the case may be, assist in doing that work.
- “(3) This section is subject to the terms and conditions imposed under section 115 and to any regulations.

**“118 Duration of employer licence**

An employer licence, unless it is sooner cancelled or suspended, is in force for the period (not exceeding 5 years) that is specified in the licence, and comes into force on the date of its issue.

**“119 Renewal of employer licence**

- “(1) Every employer licence, unless it has been cancelled, may from time to time be renewed in accordance with this section.
- “(2) An application for the renewal of an employer licence must—
- “(a) be sent or delivered to the Registrar; and
  - “(b) be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and
  - “(c) contain, or be accompanied by, the information and documentation required by the Board; and
  - “(d) be accompanied by the prescribed fee (if any).
- “(3) The Registrar must refer any application received by the Registrar under subsection (2) to the Board for consideration under this section.
- “(4) On receiving an application under subsection (3), the Board may renew the employer licence to which the application relates for the period (not exceeding 5 years) that the Board thinks fit.
- “(5) However, the Board must not renew an employer licence unless the Board is satisfied that the applicant meets all the requirements for the issue of an employer licence.
- “(6) If an application for the renewal of an employer licence has been made but not dealt with before the licence expires, the licence continues in force until the application is dealt with by the Board, and any renewal in that case must take effect from the date on which the licence would (but for the renewal) have expired.

**“120 Cancellation, suspension, and other actions in relation to employer licences**

- “(1) The Board may (in relation to a matter raised by a complaint or by its own inquiries) take any of the actions referred to in subsection (2) in relation to an employer licence if it is satisfied that the employer licence holder—
- “(a) obtained the licence by making a false or misleading representation or declaration (whether oral or written); or
  - “(b) was not entitled to be issued with an employer licence; or
  - “(c) no longer meets all the requirements for the issue of an employer licence; or

- “(d) has failed to comply with any term or condition imposed by the Board in respect of that licence; or
  - “(e) has failed to ensure that the prescribed electrical work done by employees of that person—
    - “(i) is at all times carried out safely and competently; and
    - “(ii) complies with the requirements of this Act and any regulations.
- “(2) In any case to which subsection (1) applies, the Board may—
- “(a) do both of the following things:
    - “(i) order that the employer licence be cancelled; and
    - “(ii) order that the employer licence holder may not apply to be issued with an employer licence before the expiry of a specified period:
  - “(b) order that the employer licence be suspended—
    - “(i) for any period that the Board thinks fit; or
    - “(ii) until the employer licence holder does any things that the Board may specify (for example, reviewing and improving safety procedures):
  - “(c) order that the employer licence be restricted, for any period that the Board thinks fit, by limiting the prescribed electrical work that the employer licence holder may authorise an employee to do, or assist in doing, to the work that the Board may specify, and in imposing a limitation of this type the Board may also impose limitations on the circumstances in which an employee may do, or assist in doing, that work:
  - “(d) order the employer licence holder to pay a fine not exceeding \$50,000:
  - “(e) order that the employer licence holder be censured:
  - “(f) make no order under this subsection.
- “(3) The Board may take only 1 type of action in subsection (2) in relation to a case, except that it may impose a fine under subsection (2)(d) in addition to taking the action under subsection (2)(b), (c), or (e).
- “(4) No fine may be imposed under subsection (2)(d) in relation to an act or omission that constitutes an—
- “(a) offence for which the person has been convicted by a court; or

“(b) infringement offence for which the person has been issued with an infringement notice and has paid an infringement fee.

“(5) The Board may take an action under this section whether or not the person is still an employer licence holder.

**“121 Board must give employer licence holder reasonable opportunity to be heard**

The Board must not take any of the actions referred to in section 120 unless it has first—

“(a) informed the employer licence holder concerned as to why it may take any of those actions; and

“(b) given that person a reasonable opportunity to make written submissions and be heard on the question, either personally or by that person’s representative.

**“122 Miscellaneous provisions concerning actions under section 120**

“(1) Every fine imposed under section 120 is recoverable in any court of competent jurisdiction as a debt due to the Board.

“(2) An order under section 120 takes effect on the day of the making of the order; but that fact does not make any person concerned liable to prosecution or disciplinary proceedings for any act done or omitted during any part of that day before the order was made.

“(3) If a person’s employer licence is suspended, the person is not authorised under section 117 for the period for which the licence is suspended.

“(4) At the end of a period of suspension, the person’s employer licence is immediately revived (unless there is some other ground to suspend or cancel that person’s employer licence).

**“123 Powers of inspection**

“(1) Every employer licence is subject to a condition that—

“(a) any person authorised by the Board for the purpose may, for an authorised purpose, at any reasonable time, inspect any premises (not being a dwellinghouse) occupied by the employer licence holder, and for that purpose may enter and re-enter any place:

“(b) the Board may, for an authorised purpose,—

- “(i) require the employer licence holder to produce for inspection, within any reasonable period that the Board may specify, any document or class of document in the possession or under the control of the employer licence holder, and may take copies of, or extracts from, any of those documents:
  - “(ii) require the employer licence holder to provide, within any reasonable period that the Board may specify, any information or class of information that the Board may require.
- “(2) If the employer licence holder breaches a condition expressed in subsection (1), the Board may act under section 120.
- “(3) A person must give to the employer licence holder reasonable notice of that person’s intention to enter any premises under subsection (1)(a), unless the giving of the notice would defeat the purpose of the entry.
- “(4) Every person must, on entering any premises under subsection (1)(a), and when requested at any subsequent time, produce—
- “(a) evidence of that person’s authority to enter the premises; and
  - “(b) evidence of that person’s identity.
- “(5) The following are **authorised purposes** for the purposes of this section:
- “(a) the purpose of ensuring compliance with the terms and conditions of the employer licence:
  - “(b) the purpose of ensuring that the prescribed electrical work done by employees of the employer licence holder—
    - “(i) is at all times carried out safely and competently; and
    - “(ii) complies with the requirements of this Act and any regulations.

### “Subpart 3—Register of electrical workers

#### “124 Register of electrical workers

- “(1) The Board must establish and maintain, in accordance with this Act, a register of electrical workers.
- “(2) The register must be kept by the Registrar.

**“125 Registrar must enter matters in register**

The Registrar must—

- “(a) enter in the register the information and documentation referred to in sections 128 and 129; and
- “(b) make any other entries in the register that may be required, permitted, or directed to be entered by or under this Act.

**“126 Purpose of register**

“(1) The purpose of the register is—

- “(a) to enable members of the public to—
  - “(i) determine whether a person is a registered person or holds a practising licence, provisional licence, or employer licence issued under this Part and, if so, the status and relevant history of the person’s registration or licence; and
  - “(ii) choose a suitable person to do electrical work; and
  - “(iii) know how to contact a registered person or a provisional licence holder or an employer licence holder; and
  - “(iv) obtain information concerning which persons have been disciplined under this Act within the last 3 years; and
- “(b) to enable members of the public to obtain information concerning whether or not a person has previously been registered under this Act or held a licence under this Act and, if so, the relevant history of the person’s registration or licence; and
- “(c) to facilitate the administrative, disciplinary, and other functions of the Board, the Plumbers, Gasfitters, and Drainlayers Board, the Secretary, any investigator, and the Registrar under this Act.

“(2) This section is subject to section 137 (which allows the Registrar to restrict public access to certain information or documentation in certain circumstances).

**“127 Form of register**

“(1) The register may be kept—

- “(a) as an electronic register; or
- “(b) in any other manner that the Registrar thinks fit.

- “(2) The Registrar may keep the register in separate parts.
- “(3) The register must be operated at all times unless—
  - “(a) the Registrar suspends the operation of the register, in whole or in part, in accordance with subsection (4); or
  - “(b) otherwise provided in regulations.
- “(4) The Registrar may refuse access to the register or otherwise suspend the operation of the register, in whole or in part, if the Registrar considers that it is not practical to provide access to the register.

**“128 Matters to be contained in register**

- “(1) The register must contain all of the following information, to the extent that the information is relevant, for each registered person:
  - “(a) full name; and
  - “(b) street address, telephone number, and email address (if any); and
  - “(c) the following information about the status and history of the person’s registration and practising licence (if any):
    - “(i) the class or classes of registration in respect of which the person is registered; and
    - “(ii) the date on which the person was first registered in respect of each of those classes; and
    - “(iii) whether, in respect of each of those classes, the person holds a current practising licence; and
    - “(iv) the date on which the person was first issued with a practising licence for a particular class of registration; and
    - “(v) the expiry date of each practising licence held by the person; and
    - “(vi) a statement of the limitations subject to which the person is registered or a practising licence has been issued (if any); and
    - “(vii) any conditions placed on the registration or licence of the person; and
    - “(viii) any action taken under section 127 (as in force immediately before the commencement of this section) or section 147M on a disciplinary matter in respect of the person in the last 3 years; and

- “(ix) any current suspension, the ground under this Act for the suspension, its period, and any conditions for its termination; and
  - “(d) information about any cancellation of the registration of the person or of any licence held by the person under this Act, including the ground under this Act for the cancellation.
- “(2) The register must contain all of the following information, to the extent that the information is relevant, for each provisional licence holder and each employer licence holder:
- “(a) full name; and
  - “(b) street address, telephone number, and email address (if any); and
  - “(c) the following information about the status and history of the person’s licence:
    - “(i) the type of licence held by the person; and
    - “(ii) the date on which the person was first issued with the licence; and
    - “(iii) the period for which the licence has been issued; and
    - “(iv) a statement of the limitations subject to which the licence has been issued (if any); and
    - “(v) any conditions placed on the licence; and
    - “(vi) any action taken under section 127 (as in force immediately before the commencement of this section) or section 120 or section 147M on a disciplinary matter against the person under this Act in the last 3 years; and
    - “(vii) any current suspension, the ground under this Act for the suspension, its period, and any conditions for its termination; and
  - “(d) information about any cancellation of the registration of the person or of any licence held by the person under this Act, including the ground under this Act for the cancellation; and
  - “(e) the following information about an employer licence holder that is a body corporate:
    - “(i) the full name of a contact person for the body corporate;
    - “(ii) the company number or incorporation number of the body corporate (if any).

- “(3) The register must contain—
- “(a) all of the information referred to in subsection (1), to the extent that the information is relevant, in relation to a person who was formerly a registered person; and
  - “(b) all of the information referred to in subsection (2), to the extent that the information is relevant, in relation to a person who was formerly a provisional licence holder or formerly an employer licence holder; and
  - “(c) all other information and documentation that is prescribed as information and documentation that must be included in the register.
- “(4) The register may contain any other information or documentation that the Registrar considers necessary or desirable for the purposes of the register.
- “(5) For the purposes of this section, **disciplinary matter** means an inquiry into, or complaint about, the conduct of a person, or a decision on that inquiry or complaint.

**“129 Historical registration and licence information and documentation to be included in register**

- “(1) This section applies to all of the information and documentation contained in the registers that were kept under section 87 (as in force immediately before the commencement of this section).
- “(2) The information and documentation that this section applies to must be maintained as part of the register.
- “(3) The inclusion of that information and documentation as part of the register—
- “(a) does not confer any rights or privileges on any person; and
  - “(b) does not authorise any person to do prescribed electrical work or to assist in doing prescribed electrical work.

**“130 Duty to notify change of address**

- “(1) If a practising licence holder, a provisional licence holder, or an employer licence holder changes that person’s street address that is recorded in the register, that person must, within 3 months after the change, notify the Registrar of that person’s new street address.

- “(2) The Registrar must enter the new address in the register.
- “(3) Every person who breaches subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$500.

**“131 Duty to notify change of name**

- “(1) If a practising licence holder, a provisional licence holder, or an employer licence holder changes that person’s name, that person must, within 1 month after the change, notify the Registrar of the person’s new name.
- “(2) If the Registrar is satisfied that a registered person, a provisional licence holder, or an employer licence holder has changed that person’s name, or that it is wrongly entered in the register, the Registrar must correct the entry in the register relating to that person.
- “(3) Every person who breaches subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$500.

**“132 Revision of register**

- “(1) The Registrar may at any time, and must if the Board directs, ask whether—
- “(a) a registered person wishes to have that person’s registration or practising licence cancelled; or
- “(b) a provisional licence holder or an employer licence holder wishes to have that person’s licence cancelled.
- “(2) The Registrar must ask by letter addressed to the registered person, provisional licence holder, or employer licence holder at that person’s last known street address.
- “(3) If the registered person tells the Registrar in writing that the person wishes to have the person’s registration or practising licence cancelled, the Board may order that the registration or practising licence be cancelled.
- “(4) If the provisional licence holder or employer licence holder tells the Registrar in writing that the person wishes to have the person’s licence cancelled, the Board may order that the licence be cancelled.
- “(5) If the Registrar does not receive a reply to the letter within 3 months after it was posted, or if the letter is returned to the Registrar undelivered, the Registrar may give the registered

person or provisional licence holder or employer licence holder notice in writing at that person's last known street address that the registration or practising licence (or both) of the registered person, or the licence of the provisional licence holder or employer licence holder, may be cancelled if that person does not respond within 20 working days after the date of the notice.

- “(6) If the Registrar does not receive a reply within 20 working days after the date of the notice, the Board may order that—
- “(a) the registered person's registration or practising licence (or both) be cancelled; or
  - “(b) the licence of the provisional licence holder or employer licence holder be cancelled.

**“133 Restoration of registration or licence**

- “(1) This section applies to a person if the person's registration or licence has been cancelled under section 110(1)(b) or section 132.
- “(2) On the written application of a person to whom this section applies, the Registrar must restore the entry in the register relating to the person's registration or licence unless—
- “(a) the person is not entitled to be registered or issued with the licence; or
  - “(b) the person is subject to pending disciplinary proceedings under Part 11; or
  - “(c) the person is subject to an order under section 120(2)(a) or section 147M(1)(a).

**“134 Board may direct Registrar to record cancellation, suspension, or order**

The Board may direct the Registrar to enter in the register information relating to—

- “(a) a cancellation of registration or of a licence; or
- “(b) a suspension of registration or of a licence; or
- “(c) any decision, direction, or order made under section 120 or Part 11.

**“135 Alterations to register**

The Registrar may make any amendments to the register that are necessary to—

- “(a) reflect any changes in the information specified in section 128; or
- “(b) correct a mistake caused by any error or omission on the part of the Registrar or any person to whom the Registrar has delegated his or her functions, duties, or powers; or
- “(c) comply with a direction given by the Board.

**“136 Register to be public**

- “(1) The register must be open for public inspection during ordinary office hours at the place where it is kept.
- “(2) The Registrar must, on payment of the prescribed fee (if any), supply—
  - “(a) a copy of any entry in the register to any person requesting it; or
  - “(b) a certified copy of any entry in the register to any person requesting it.
- “(3) The fee charged under subsection (2)(a) must be not more than the fee that may be charged by a department of State for providing information under the Official Information Act 1982.

**“137 Restricting public access to information and documents on register**

- “(1) Despite section 136, the Registrar—
  - “(a) may restrict public access to all or any of the information referred to in section 128(1)(b), (2)(b), or (2)(e)(i) in relation to a particular person if that person requires the Registrar to restrict public access to that information; and
  - “(b) must restrict public access to any information or documentation referred to in section 128(1)(c)(viii), (2)(c)(vi), (3), or (4) or section 129 if—
    - “(i) required to do so by regulations made under section 169; or
    - “(ii) directed to do so by the Board.
- “(2) For the purposes of subsection (1)(b), the Board may direct the Registrar to restrict public access to any information or documents referred to in that paragraph if, in the opinion of the Board, it is not necessary, or it is not desirable, for the information or documents to be publicly available.

**“138 Search of register**

A person may search the register in accordance with this Act or the regulations.

**“139 Search criteria**

The register may be searched only by reference to criteria to be specified in the regulations.

**“140 Search purposes**

A search of the register may be carried out only for a purpose referred to in section 126.

**“141 When search constitutes interference with privacy of individual**

A search of the register for personal information that has not been carried out in accordance with sections 138 to 140 constitutes an action that is an interference with the privacy of an individual under section 66 of the Privacy Act 1993.

**“Part 11****“Disciplinary provisions***“Preliminary provisions***“142 Persons to whom this Part applies**

This Part applies to the following persons:

- “(a) every registered person:
- “(b) every provisional licence holder:
- “(c) every person who is no longer a registered person but who was a registered person at the time of the relevant conduct:
- “(d) every person who is no longer a provisional licence holder but who was a provisional licence holder at the time of the relevant conduct:
- “(e) every person who is the subject of an order of the Board under this Part.

**“143 Disciplinary offence**

For the purposes of this Part, a person to whom this Part applies is guilty of a disciplinary offence if that person is found, in any proceedings under this Part, or in any appeal under Part 12,—

- “(a) to have carried out or caused to be carried out prescribed electrical work—
  - “(i) in a negligent or incompetent manner; or
  - “(ii) in a manner contrary to any enactment relating to electrical supply or prescribed electrical work that was in force at the time the work was done; or
- “(b) to have intentionally or negligently created a risk of serious harm to any person, or a risk of significant property damage, through—
  - “(i) having used or caused to be used faulty or improper fittings; or
  - “(ii) having carried out or caused to be carried out any prescribed electrical work; or
- “(c) to have failed to have complied with a term or condition of the person’s registration or licence; or
- “(d) to have done prescribed electrical work that, under the terms of any restriction or limitation that applies to the prescribed electrical work that the person may do, the person is not authorised to do; or
- “(e) to have intentionally deceived or attempted to deceive any registered person who is authorised to test and certify prescribed electrical work by—
  - “(i) purposely concealing inferior work or inferior fittings used as part of any works or electrical installation; or
  - “(ii) making any false or misleading statement (whether in writing or not) to that person; or
- “(f) to have failed to provide any return required under any enactment relating to prescribed electrical work or to have provided a false or misleading return; or
- “(g) to have employed, directed, or permitted any unauthorised person to do any prescribed electrical work.

*“Complaints*

**“144 Complaints**

- “(1) Any person (including any person in the service of the Crown acting in his or her official capacity) may complain to the Board about the conduct of a person to whom this Part applies

by making the complaint in the prescribed manner to the Registrar.

- “(2) However, a complaint may not be made under subsection (1) by the Board, a member of the Board, or the Registrar.
- “(3) The Registrar must, as soon as practicable after receiving a complaint,—
- “(a) inform the Secretary; and
  - “(b) inform the person complained against of the general nature of the complaint.
- “(4) However, if the Registrar is satisfied that the complaint is frivolous or vexatious,—
- “(a) subsection (3) does not apply; and
  - “(b) section 145 does not apply; and
  - “(c) the Registrar must inform the complainant that the complaint will not be investigated or proceeded with.

#### *“Investigations*

#### **“145 Secretary must appoint investigator**

- “(1) The Secretary must, as soon as practicable after being informed by the Registrar of a complaint, appoint an investigator to investigate the complaint.
- “(2) The person appointed as the investigator must not be—
- “(a) a member of the Board; or
  - “(b) the person who made the complaint.
- “(3) The appointment must be made in accordance with regulations (if any).
- “(4) No investigator is personally liable for any act done or omitted to be done by the investigator in good faith in the performance or intended performance of the functions, duties, or powers of the investigator under this Act.
- “(5) The Secretary must pay to the investigator, by way of remuneration and expenses for his or her services, the sum that is agreed upon between the investigator and the Secretary.

#### **“146 Investigation of complaint**

- “(1) The investigator may require that a complaint be supported by any statutory declaration that the investigator thinks fit.

- “(2) The investigator must—
- “(a) determine whether, in the investigator’s opinion, the complaint should be considered by the Board; and
  - “(b) report the investigator’s findings to the Board.
- “(3) The investigator may recommend that the Board make an order under section 147I in respect of the person complained against pending the determination of disciplinary proceedings against that person.
- “(4) Before the investigator makes a determination that the complaint should be considered by the Board, the investigator or the Secretary—
- “(a) must send particulars of the complaint to the person complained against; and
  - “(b) must give the person a reasonable opportunity to make written submissions and be heard on the matter, either personally or by that person’s representative.
- “(5) The Registrar must send a copy of the investigator’s report under subsection (2) to the person complained against and to the complainant.

**“147 Investigator’s powers**

- “(1) An investigator, for the purpose of investigating a complaint,—
- “(a) may, at any reasonable time, enter and re-enter any land or premises and—
    - “(i) inspect and test any prescribed electrical work on that land or those premises that is, or is intended to be, connected to a power supply;
    - “(ii) make any inquiries that are reasonably necessary to determine whether or not any prescribed electrical work on that land or those premises has been carried out in a competent and safe manner and in accordance with enactments relating to electrical supply or prescribed electrical work that were in force at the time the work was done; and
    - “(iii) generally do any other things on that land or those premises that are reasonably necessary to enable the investigation to be carried out; and
  - “(b) may, by written notice served on any person, require that person to—

- “(i) produce for inspection, within any reasonable period that the investigator may specify, any document or class of document in the possession or under the control of the person:
  - “(ii) provide, within any reasonable period that the investigator may specify, any information or class of information that the investigator may require; and
  - “(c) may take copies of, or extracts from, any of the documents referred to in paragraph (b).
- “(2) Subsection (1)(a) applies in respect of dwellinghouses subject to section 147C.
- “(3) Every person who is required to supply information or documents to an investigator has the same privileges in relation to the supply of the information or documents as witnesses have in any court.

**“147A Secretary must supply warrant of authority**

- “(1) The Secretary must supply to an investigator who intends to act under section 147(1)(a), a written warrant of authority that contains—
- “(a) a reference to that provision; and
  - “(b) the full name of the investigator; and
  - “(c) a statement of the powers conferred by that provision.
- “(2) A person who does not have a warrant supplied under this section must not represent himself or herself to be the holder of a warrant supplied under this section.
- “(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who—
- “(a) fails to comply with subsection (2); or
  - “(b) impersonates or falsely pretends to be a person named in a warrant supplied under this section.

**“147B Duties of investigator supplied with warrant of authority**

- “(1) An investigator supplied with a warrant of authority under section 147A—
- “(a) must carry and produce the warrant in accordance with section 159(1)(d); and

- “(b) must, on the termination of his or her authority to act under section 147, surrender the warrant to the Secretary; and
  - “(c) must not purport to act under a warrant after the termination of his or her authority to act under section 147.
- “(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who fails to comply with subsection (1).

**“147C Restriction on entry to dwellinghouse**

- “(1) Despite section 147, an investigator may not enter a dwellinghouse without—
- “(a) the consent of the occupier of the dwellinghouse; or
  - “(b) a warrant issued under subsection (2).
- “(2) A District Court Judge, on the written application of the investigator, may, by warrant, authorise the investigator to enter a dwellinghouse.
- “(3) The District Court Judge may authorise the investigator to enter a dwellinghouse under subsection (2)—
- “(a) only if the Judge is satisfied that—
    - “(i) the proposed entry is necessary for the purposes of section 147; and
    - “(ii) the investigator has taken all reasonable steps to obtain the consent of the occupier to the proposed entry; and
  - “(b) subject to any conditions that the Judge thinks fit.
- “(4) Section 159(1)(e) does not apply in relation to the powers referred to in section 147(1)(a).

**“147D Investigator must give notice to occupier of dwellinghouse**

An investigator must,—

- “(a) if he or she intends to apply for a warrant under section 147C, give the occupier of the dwellinghouse to which that application relates not less than 10 days’ written notice of his or her intention to do so; and
- “(b) before he or she enters a dwellinghouse under the authority of a warrant under section 147C, give a copy of the warrant to the occupier of the dwellinghouse to which that warrant relates.

**“147E Notices to supply information or documents**

Any notice given by an investigator under section 147(1)(b) is sufficiently given if—

- “(a) it is in writing; and
- “(b) it is signed by the investigator; and
- “(c) it is given to the person or persons primarily concerned or to any person or organisation considered by the investigator to represent the person or persons primarily concerned.

**“147F Offence to fail to comply with notice to supply information or document**

- “(1) No person may,—
  - “(a) without reasonable excuse, refuse or fail to comply with a notice under section 147(1)(b); or
  - “(b) in purported compliance with the notice, supply information, or supply a document, knowing it to be false or misleading.
- “(2) Every person who breaches subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 in the case of an individual, or \$50,000 in the case of a body corporate.

*“Consideration of complaint by Board***“147G Board must hold hearing if investigator reports that complaint should be considered by Board**

- “(1) If the investigator reports that a complaint should be considered by the Board, the Board must hold a hearing to determine whether it should exercise its disciplinary powers under section 147M.
- “(2) If the investigator reports that a complaint should not be considered by the Board, the Registrar must inform the complainant and the person complained against of that determination.

**“147H Notice of disciplinary proceedings**

- “(1) If the Board is required to hold a hearing in respect of any person, the Presiding Member of the Board must serve on the person concerned a notice—
  - “(a) that contains a statement to the effect that the investigator has reason to believe that a ground exists entitling

- the Board to exercise its powers under section 147M;  
and
- “(b) that contains the particulars that are reasonably necessary to clearly inform the person of the substance of the grounds believed to exist; and
  - “(c) that specifies a date, being not less than 20 working days after the date of service of the notice, on which the Board intends to hear the matter.
- “(2) The notice may require the person to whom the notice is addressed to notify the Board in writing, not later than 10 working days after the date of service of the notice, whether the person intends to appear before the Board at the hearing of the matter.
- “(3) If the person fails to notify that person’s intention under subsection (2), that person is entitled to appear and be heard at the hearing of the matter only on the conditions as to payment of costs and expenses or otherwise that the Board thinks fit.
- “(4) Subsection (3) applies despite anything in section 147S or section 156.
- “(5) Despite subsection (1)(c), the Board may hear the matter earlier than 20 working days after the date of service of the notice if the person concerned agrees.

*“Interim suspension or disqualification*

**“147I Interim suspension or disqualification**

- “(1) The Board may make an order under subsection (2)—
- “(a) before or after a notice has been served on a person under section 147H; and
  - “(b) if it is satisfied that it is necessary to do so having regard to the need to protect the safety of members of the public.
- “(2) An order under this subsection is either—
- “(a) an order suspending the person’s practising licence or provisional licence; or
  - “(b) an order disqualifying a person from doing, or assisting in doing, prescribed electrical work that the person would otherwise be authorised to do or assist in doing.
- “(3) An order under subsection (2) continues in force until—
- “(a) the investigator determines that the complaint should not be considered by the Board; or

- “(b) the Board determines that it should not exercise its disciplinary powers under section 147M; or
  - “(c) the Board does any of the things authorised by section 147M.
- “(4) The Board may make an order under subsection (2) on the recommendation of the investigator or on its own motion.
- “(5) Despite section 156, the Board is not required to give any notice to a person that it intends to make an order under subsection (2) in respect of that person.

**“147J Form of interim suspension or disqualification order**

- “(1) Every order made under section 147I must—
- “(a) be in writing; and
  - “(b) contain a statement of the reasons on which it is based; and
  - “(c) contain a clear statement of the right of the person in respect of whom it is made to apply to the Board for the revocation of the order; and
  - “(d) be signed by the Presiding Member of the Board.
- “(2) A copy of an order made under section 147I must be served by the Registrar on the person in respect of whom it is made.

**“147K Revocation of interim suspension or disqualification**

- “(1) A person in respect of whom an order is made under section 147I may apply to the Board for the revocation of the order.
- “(2) An application under subsection (1) must be heard within 5 working days after it is received by the Board.
- “(3) The Board may grant or refuse the application as it thinks fit.
- “(4) The Board may, on its own motion, revoke an order made under section 147I.

**“147L Board must take reasonable steps to hold hearing as soon as practicable if it makes interim suspension or disqualification order**

- “(1) If the Board has made an order under section 147I in respect of a person, the Board must take reasonable steps to hold a hearing as soon as practicable after the making of that order.
- “(2) Subsection (1) does not apply after the order made under section 147I is no longer in force.
- “(3) This section is subject to section 147H.

*“Exercise of disciplinary powers*

**“147M Disciplinary powers of Board**

- “(1) If the Board, after conducting a hearing, is satisfied that a person to whom this Part applies is guilty of a disciplinary offence, the Board may—
- “(a) do 1 or more of the following things:
    - “(i) order that the person’s registration or practising licence (or both) be cancelled:
    - “(ii) order that the person’s provisional licence be cancelled:
    - “(iii) order that the person may not apply to be re-registered or re-licensed before the expiry of a specified period:
  - “(b) order that the person’s registration or practising licence (or both), or the person’s provisional licence, be suspended—
    - “(i) for any period that the Board thinks fit; or
    - “(ii) until that person does 1 or more of the things specified in subsection (2):
  - “(c) order that the person’s registration or practising licence (or both), or the person’s provisional licence, be restricted for any period that the Board thinks fit, in either or both of the following ways:
    - “(i) by limiting the person to the work that the Board may specify:
    - “(ii) by limiting the person to doing, or assisting in doing, work in certain circumstances (for example, by limiting the person to work only on approved premises or only in the employ of an approved employer):
  - “(d) order that the person be disqualified from doing or assisting in doing prescribed electrical work that the person would otherwise be authorised to do in that person’s capacity as a person to whom this Part applies—
    - “(i) permanently, or for any period that the Board thinks fit; or
    - “(ii) until that person does 1 or more of the things specified in subsection (2):
  - “(e) order the person to do 1 or more of the things specified in subsection (2) within the period specified in the order:

- “(f) order the person to pay a fine not exceeding \$10,000:
  - “(g) order that the person be censured:
  - “(h) make no order under this subsection.
- “(2) The things that the person can be required to do for the purposes of subsection (1)(b), (d), and (e) are to—
- “(a) pass any specified examination:
  - “(b) complete any competence programme or specified period of training:
  - “(c) attend any specified course of instruction.
- “(3) The Board may take only 1 type of action in subsection (1) in relation to a case, except that it may impose a fine under subsection (1)(f) in addition to taking the action under subsection (1)(b), (c), (e) or (g).
- “(4) No fine may be imposed under subsection (1)(f) in relation to an act or omission that constitutes an—
- “(a) offence for which the person has been convicted by a court; or
  - “(b) infringement offence for which the person has been issued with an infringement notice and has paid an infringement fee.
- “(5) The Board must not exercise any authority conferred by this section in respect of any offence committed by any person before the date of that person’s registration or, as the case may be, the date on which that person’s provisional licence was issued if at that date the Board was aware of that person’s conviction for that offence.
- “(6) If a person is registered under Part 10 in respect of more than 1 class of registration, the Board may exercise its powers under subsection (1)(a) to (e) in respect of each of those classes or 1 or more of those classes as the Board thinks fit.

**“147N Costs and expenses**

In any case to which section 147M applies, the Board may order the person concerned to pay to the Board any sum that it considers just and reasonable towards the costs and expenses of, and incidental to,—

- “(a) the investigator’s investigation of the complaint:
- “(b) the prosecution of the complaint by the investigator:
- “(c) the hearing by the Board.

**“147O Enforcement of fines, costs, and expenses**

Every fine imposed under section 147M, and any sum payable to the Board under section 147N, is recoverable in any court of competent jurisdiction as a debt due to the Board.

**“147P Suspension, restriction, or disqualification may take effect immediately**

- “(1) The Board may order that an order under section 147I or 147M(1)(b) to (d) take effect on the day of the making of the order.
- “(2) If an order under section 147I or 147M(1)(b) to (d) takes effect on the day of the making of the order, that fact does not make the person concerned liable to prosecution or disciplinary proceedings for any act done or omitted during any part of that day before the order was made.

**“147Q Effect of disqualification**

- “(1) A person is not authorised to do or assist in doing prescribed electrical work for the period for which the person is disqualified from doing or assisting in doing that work.
- “(2) At the end of the period of disqualification, the person’s authorisation is immediately revived (unless there is some other ground to disqualify the person from doing or assisting in doing prescribed electrical work or the person’s authorisation has otherwise ended).

**“147R Consequences of failure to comply with order to pass examination, complete competence programme, or attend course of instruction**

- “(1) If the Board makes an order under section 147M(1)(e) and the person concerned fails to comply with the order, the Board may make either or both of the following orders:
- “(a) that the person’s registration, practising licence, or provisional licence be subject to any condition that the Board considers appropriate:
- “(b) that the person’s registration, practising licence, or provisional licence be suspended.
- “(2) The Board may not suspend registration or a licence under subsection (1) unless it has first—
- “(a) informed the person concerned why it may act in that manner; and

- “(b) given that person a reasonable opportunity to make written submissions and be heard on the question, either personally or by his or her representative.
- “(3) The Registrar must ensure that a copy of the order made under subsection (1) is given to the person concerned.
- “(4) An order made under subsection (1) takes effect from the day on which a copy of the order is given to the person concerned or from any date that is specified in the order, whichever is the later.
- “(5) Any order made under subsection (1) remains in effect until the time that the person concerned has complied with the order under section 147M(1)(e), and for that purpose the Board may extend the period within which the person is required to comply with the order.

*“Procedure and miscellaneous matters*

**“147S Right to appear and be heard**

At a hearing held by the Board under this Part, the person to whom the hearing relates is entitled to appear and be heard, either personally or by the person’s representative.

**“147T Investigator to prosecute matter**

- “(1) If the investigator reports that in the investigator’s opinion a complaint should be considered by the Board, the matter must be prosecuted by the investigator at the hearing held by the Board under this Part (unless the Board orders otherwise).
- “(2) The investigator may be represented by counsel or otherwise.

**“147U Appointment of legal advisor to assist Board**

- “(1) For the purposes of advising the Board on questions of law and procedure arising in proceedings under this Part, the Board may appoint an advisor who is a barrister or solicitor to attend the proceedings.
- “(2) The Board must pay to the advisor, by way of remuneration and expenses for his or her services for the proceedings, the sum that is agreed upon between the advisor and the Board.

**“147V Appointment of persons to assist investigator**

- “(1) For the purposes of assisting the investigator in the performance of the investigator’s functions under this Part, the Secretary may appoint any person (the **appointed person**) to assist the investigator.
- “(2) The Secretary must pay to the appointed person, by way of remuneration and expenses for his or her services, the sum that is agreed upon between the appointed person and the Secretary.
- “(3) No appointed person is personally liable for any act or omission done, in good faith, in the performance or exercise or intended performance or exercise of his or her functions or powers under this Act.
- “(4) The investigator may delegate any of the functions or powers of the investigator, either generally or specifically, to the appointed person.
- “(5) The appointed person may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the appointed person were the investigator.
- “(6) If the appointed person purports to perform a function or exercise a power under a delegation, the appointed person—
- “(a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
  - “(b) must produce evidence of his or her authority to do so, if reasonably requested to do so.
- “(7) No delegation under this section—
- “(a) affects or prevents the performance of any function or the exercise of any power by the investigator; or
  - “(b) affects the responsibility of the investigator for the actions of the appointed person acting under the delegation.

**“147W Evidence**

In all proceedings under this Part, the Board may, subject to section 156, receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectively with the matter before it, whether or not it would be admissible as evidence in a court of law.

**“147X Board to have powers of commission of inquiry**

- “(1) The Board has, for the purposes of any hearing under this Part, the same powers as are conferred on commissions of inquiry by sections 4 and 4B to 9 of the Commissions of Inquiry Act 1908.
- “(2) Sections 4 and 4B to 9 of the Commissions of Inquiry Act 1908 apply to all persons involved in any capacity in any hearing held by the Board under this Part as if it were an inquiry conducted by a commission of inquiry under that Act.

**“147Y Orders to be in writing**

- “(1) Every order of the Board under section 147M must—
- “(a) be in writing; and
  - “(b) contain a statement of the reasons on which it is based; and
  - “(c) contain a clear statement of the right of the person in respect of whom it is made to appeal against the order, and the time within which notice of appeal must be given; and
  - “(d) be signed by the Presiding Member of the Board.
- “(2) A copy of every order of the Board under section 147M must be served by the Registrar on the person in respect of whom it is made, and takes effect—
- “(a) in accordance with section 147P; or
  - “(b) from the day on which service is effected, or any later date that is specified in the order.
- “(3) The Registrar must ensure that a copy of any order made under section 147M is given, as soon as practicable, to—
- “(a) the investigator who investigated the complaint; and
  - “(b) the complainant (if any).
- “(4) The Registrar must, if the Board so directs, give a copy of any order made under section 147M to the owner and to the occupier of the premises to which the complaint relates.

**“147Z Publication of orders**

- “(1) This section applies if—
- “(a) any decision or order has been made by the Board under this Part in respect of a person, and no appeal has been brought in respect of that decision or order within 20 working days after notice of the decision or order was given to the person; or

- “(b) an order has been made under Part 12 by any court in respect of a person.
- “(2) The Registrar must, if the Board in its discretion so directs, cause a notice stating the effect of the decision or order, the reasons for the decision or order, and (unless the Board directs otherwise) the name of the person in respect of whom the decision or order was made, to be published in the *Gazette* and any other publications as may be directed by the Board.
- “(3) This section is subject to any order of any court.

## “Part 12 “Appeals

### “147ZA Appeals

- “(1) A person who is dissatisfied with the whole or any part of any of the following decisions, directions, or orders may appeal to a District Court against the decision, direction, or order:
- “(a) any decision of the Board to decline to register the person or to decline to issue a licence to the person or to decline to renew the licence of the person:
- “(b) any decision of the Board to decline to issue a limited certificate under section 78 to the person or to decline to renew the limited certificate of the person:
- “(c) any decision of the Board to suspend or cancel the person’s registration or licence:
- “(d) any decision of the Board to impose any term or condition in relation to the person’s registration or licence or to vary any of those terms or conditions:
- “(e) any decision, direction, or order under any of sections 108, 109, 120, 133, 137, and 153 or Part 11 (except section 147C).
- “(2) For the purposes of this Part, any decision of the Plumbers, Gasfitters, and Drainlayers Board acting under this Act must be treated as a decision of the Board.
- “(3) Subsection (1) does not confer a right to appeal against a decision under any of sections 84 to 90.

### “147ZB Time for lodging appeal

An appeal under section 147ZA must be brought within—

- “(a) 20 working days after notice of the decision, direction, or order was given to, or served on, the appellant; or

“(b) any further time that a District Court may allow on application made before or after the expiration of that period.

**“147ZC Procedure on appeal**

- “(1) Every appeal under section 147ZA must be heard as soon as practicable after the appeal is lodged.
- “(2) On the hearing of an appeal under section 147ZA, the District Court may—
- “(a) confirm, reverse, or modify the decision, direction, or order of the Board; or
  - “(b) give any decision, or make any direction or order, that the Board could have given or made in respect of the matter.
- “(3) Nothing in this section gives a District Court power to review any part of the decision, direction, or order of the Board other than the part against which the appellant has appealed.
- “(4) Subject to section 147ZH, the decision of a District Court on any appeal under section 147ZA is final.

**“147ZD Court may refer appeals back for reconsideration**

- “(1) A District Court may in any case, instead of determining any appeal under section 147ZA, direct the Board to reconsider, either generally or in respect of any specified matters, the whole or any part of the matter to which the appeal relates.
- “(2) In giving any direction under subsection (1), the District Court must—
- “(a) advise the Board of its reasons for so doing; and
  - “(b) give to the Board any directions it thinks just as to the whole or any part of the matter that is referred back for reconsideration.
- “(3) In reconsidering any matter referred back to the Board under subsection (1), the Board must have regard to the District Court’s reasons for giving a direction under that subsection, and to the Court’s directions under subsection (2).

**“147ZE Costs**

On any appeal under section 147ZA, a District Court may make an order for the payment, by the Board or the appellant,

of the costs incurred in respect of the appeal by the other party to the appeal.

**“147ZF Power of Court to prohibit publication of person’s name or affairs**

- “(1) On any appeal under section 147ZA, a District Court may, if in the Court’s opinion it is proper to do so having regard to the interests of any person and to the public interest, make an order prohibiting the publication of the name or particulars of the affairs of any person.
- “(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who commits a breach of any order made under subsection (1) or evades or attempts to evade the order.

**“147ZG Decision to continue in force pending appeal**

Subject to any order of the Court, every decision, direction, or order of the Board against which an appeal is lodged under section 147ZA continues in force and has effect according to its tenor pending the determination of the appeal.

**“147ZH Appeal on question of law**

- “(1) If, in respect of any appeal under section 147ZA, the Board or the appellant is dissatisfied with any decision of the District Court as being erroneous in point of law, the Board or the appellant may appeal to the High Court by way of case stated for the opinion of that Court on the question of law only.
- “(2) Every appeal under this section must be heard and determined in accordance with rules of court.
- “(3) However, Part 4 of the Summary Proceedings Act 1957 (including the other provisions of that Act which are applied in that Part), so far as it relates to appeals by way of case stated on questions of law only, applies, so far as it is applicable and with all necessary modifications, to every appeal under this section.”

**14 New section 149 substituted**

Section 149 is repealed and the following section substituted:

**“149 Functions of Board**

The functions of the Board are—

- “(a) to designate classes of registration for the purposes of Part 10:
- “(b) to specify for each of those classes the prescribed electrical work that a person is authorised to do, or assist in doing, by virtue of being a registered person of a particular class and holding a current practising licence:
- “(c) to prescribe the minimum standards for registration for each of those classes that persons must meet in order to be registered as registered persons and to be issued with practising licences:
- “(d) to prescribe the terms and conditions subject to which persons are registered and licences are issued:
- “(e) to prescribe standards or requirements relating to competent and safe work practices and the testing of those practices:
- “(f) to recognise appropriate overseas qualifications, certificates, registration, or licences for the purposes of registering persons and issuing licences under Part 10:
- “(g) to consider applications for registration and licences under Part 10, and to register persons and issue licences in proper cases:
- “(h) to establish criteria for granting, and to grant, exemptions from registration and licensing requirements to persons and classes of persons:
- “(i) to renew licences for subsequent terms in proper cases:
- “(j) to issue limited certificates under Part 9 in proper cases:
- “(k) to promote, monitor, and review the ongoing competency and safe work practices of registered persons and licence holders:
- “(l) to hear complaints about, and to discipline, persons to whom Part 11 applies:
- “(m) to institute prosecutions against persons for the breach of this Act or any regulation relating to prescribed electrical work:
- “(n) to consider any reports that are referred to the Board by the Secretary in respect of accidents to which section 16 applies, and to take any action in relation to those reports that the Board thinks fit:

- “(o) to exercise and perform any other functions, duties, and powers as are conferred or imposed on the Board by or under this Act or by or under any other enactment:
- “(p) to do any other things as may, in the Board’s opinion, be necessary for the effective administration of this Act:
- “(q) to carry out any functions that are incidental and related to, or consequential on, its functions stated in this section.”

## **15 Membership**

- (1) Section 150 is amended by repealing subsection (1) and substituting the following subsection:
  - “(1) The Board consists of—
    - “(a) 4 persons who are registered, or entitled to be registered, under Part 10, of whom at least 2 must be persons who hold current practising licences; and
    - “(b) 3 other persons, of whom at least 1 must be a person whom the Minister considers has appropriate electrical industry qualifications or experience.”
- (2) Section 150 is amended by repealing subsection (3) and substituting the following subsection:
  - “(3) A person who is acting as an investigator under Part 11 is not eligible to hold office as a member of the Board.”
- (3) Every person who, immediately before the commencement of this section, held office as a member of the Board is deemed to be appointed as a member of the Board under section 150 of the principal Act (as amended by this Act).
- (4) The term of office of every person deemed to be appointed as a member of the Board under this section expires on the date on which, but for the passing of this Act, that term would have expired under the principal Act.
- (5) The person who, immediately before the commencement of this section, held office as the Presiding Member of the Board is deemed to be appointed as the Presiding Member of the Board under clause 1 of Schedule 2 of the principal Act.
- (6) The person who, immediately before the commencement of this section, held office as the Deputy Presiding Member of the Board is deemed to be appointed as the Deputy Presiding Member of the Board under clause 1 of Schedule 2 of the principal Act.

- (7) Section 150 is amended by repealing subsection (5).

**16 Meetings to be held in public**

- (1) Section 153(6) is amended by omitting “section 140” and substituting “Part 12”.
- (2) Section 153(7) is amended by omitting “\$1,000” and substituting “\$5,000”.

**17 Heading and sections 154 and 155 repealed**

- (1) The heading above section 154 is repealed.
- (2) Sections 154 and 155 are repealed.
- (3) The Crown is not liable to make a payment to, or otherwise compensate, any person in respect of the person ceasing to hold any office as a member of a Complaints Assessment Committee.

**18 Rules of natural justice to be observed**

Section 156 is amended by omitting “and every Committee shall” and substituting “and every investigator must”.

**19 New sections 156A and 156B inserted**

The following sections are inserted after section 156:

**“156A Power to amend or revoke**

- “(1) The Board’s power to make, issue, give, or publish any order, notice, exemption, or other instrument includes the power to—
- “(a) amend or revoke it;
- “(b) revoke it and replace it with another.
- “(2) The Board’s power to impose any terms or conditions includes the power to—
- “(a) amend or revoke those terms or conditions;
- “(b) revoke those terms or conditions and replace them with other terms or conditions.
- “(3) This section does not limit section 15 of the Interpretation Act 1999.

**“156B Notice and service of documents by Board, member, Registrar, or investigator**

- “(1) If a provision of this Act requires or authorises any notice or other document, or any notification, to be given to, or served

- on, a person by the Board, a member of the Board, the Registrar, or an investigator, that notice, document, or notification must be given in writing to the person—
- “(a) by delivering it personally or by an agent (for example, a courier) to the person; or
  - “(b) by sending it by facsimile or email to the person’s facsimile number or email address; or
  - “(c) by sending it by pre-paid post addressed to the person at the person’s usual or last known place of residence or business; or
  - “(d) in any other manner a District Court Judge directs.
- “(2) In the absence of proof to the contrary, a notice, document, or notification sent by post to a person in accordance with subsection (1)(c) must be treated as having been given to, or served on, the person when it would have been delivered in the ordinary course of the post; and, in proving the delivery, it is sufficient to prove that the letter was properly addressed and posted.
- “(3) If a person is absent from New Zealand, a notice, document, or notification given to, or served on, the person’s agent in New Zealand in accordance with subsection (1) must be treated as having been given to, or served on, him or her.
- “(4) If a person has died, the notice, document, or notification may be given or served, in accordance with subsection (1), to or on his or her personal representative.
- “(5) This section applies unless a provision of this Act provides otherwise.”

**20 New section 157 substituted**

Section 157 is repealed and the following section substituted:

**“157 Further provisions applying to Board**

The provisions set out in Schedule 2 apply to the Board.”

**21 Conditions relating to power to enter land or premises**

Section 159(1) is amended by omitting “and 115” and substituting “, 83, and 147 to 147D”.

**22 New sections 160 to 163D substituted**

Sections 160 to 163 are repealed and the following sections are substituted:

**“160 False declarations and representations**

Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who, for the purpose of obtaining any registration, licence, renewal of a licence, or certificate under this Act, either on the person's own behalf or on behalf of any other person,—

- “(a) either orally or in writing, makes any declaration or representation that, to the person's knowledge, is false or misleading in any material particular; or
- “(b) provides to the Registrar, the Board, or the Plumbers, Gasfitters, and Drainlayers Board, any document knowing that the document—
  - “(i) contains any declaration or representation that is false or misleading in any material particular; or
  - “(ii) is not genuine; or
- “(c) makes use of any document knowing that the document—
  - “(i) contains any declaration or representation that is false or misleading in any material particular; or
  - “(ii) is not genuine.

**“161 Unlicensed or unregistered person must not claim to be licensed or registered**

Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who,—

- “(a) not being registered or licensed under Part 10 in respect of a particular class of prescribed electrical work,—
  - “(i) does any act that is intended to cause or may reasonably cause any other person to believe that the person is so registered or licensed; or
  - “(ii) uses, or causes or permits to be used, in connection with any business, trade, or calling any written words, titles, or initials, or any abbreviation of any words, titles, or initials, that are intended to cause or may reasonably cause any other person to believe that the person using them is so registered or licensed; or
  - “(iii) in any way holds himself or herself or itself out as being so registered or licensed; or
- “(b) knowing that some other person is not registered or licensed under Part 10 in respect of a particular class of prescribed electrical work, and with intent to deceive,

- makes any statement or does any act calculated to suggest that the other person is so registered or licensed; or
- “(c) with intent to deceive, makes use of any certificate of registration or licence issued to that person or any other person under Part 10; or
- “(d) allows a certificate of registration or a licence to be used by any other person for the purpose of enabling that other person to do any prescribed electrical work in breach of Part 9.

**“162 Offence to engage in prescribed electrical work in breach of section 74**

Every person who does, or assists in doing, any prescribed electrical work in breach of section 74 commits an offence and is liable on summary conviction to a fine not exceeding \$50,000 in the case of an individual, or \$250,000 in the case of a body corporate.

**“163 Offence to employ person to engage in prescribed electrical work in breach of section 74**

Every person who employs any person under a contract of service to do, or assist in doing, any prescribed electrical work in breach of section 74 commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 in the case of an individual, or \$25,000 in the case of a body corporate.

**“163A Offence to fail to comply with condition of employer licence**

Every person who, being the holder of an employer licence, fails to comply with any condition of that licence commits an offence and is liable on summary conviction to a fine not exceeding \$50,000 in the case of an individual, or \$250,000 in the case of a body corporate.

**“163B Offence to breach requirement to have safety management system**

Every person who, being an electricity generator or an electricity distributor, breaches section 61A commits an offence and is liable on summary conviction to a fine not exceeding \$250,000.

**“163C Offences for actions or omissions likely to cause serious harm or significant property damage**

- “(1) Every person commits an offence if—
- “(a) the person takes an action knowing that the action is reasonably likely to cause serious harm to any person or significant property damage; and
  - “(b) the action is contrary to a provision of this Act; and
  - “(c) the person fails to take all practicable steps to prevent the serious harm or significant property damage.
- “(2) Every person commits an offence if—
- “(a) the person fails to take an action knowing that the failure to take the action is reasonably likely to cause serious harm to any person or significant property damage; and
  - “(b) the person is required by this Act to take the action; and
  - “(c) the person fails to take all practicable steps to prevent the serious harm or significant property damage.
- “(3) Every person who commits an offence under this section is liable on conviction on indictment to—
- “(a) imprisonment for a term of not more than 2 years; or
  - “(b) a fine of not more than \$100,000 in the case of an individual, or \$500,000 in the case of a body corporate; or
  - “(c) both.
- “(4) A person charged with an offence under this section may be convicted of an offence under any other section in this Act as if the person had been charged under that section.
- “(5) To avoid doubt, a person required by this section to take all practicable steps is required to take those steps only in respect of circumstances that the person knows, or ought reasonably to know, about.

Compare: 1992 No 96 s 49

**“163D Other offences**

- “(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$50,000 in the case of an individual, or \$250,000 in the case of a body corporate, who—
- “(a) intentionally or negligently does or causes or permits to be done any work on any works or electrical installation

- or electrical appliance in a manner that is dangerous to life; or
- “(b) knowingly employs, permits, or pays any person to do any prescribed electrical work in breach of section 74; or
- “(c) being a person registered or licensed or authorised in accordance with this Act, does any prescribed electrical work that the person is not entitled under this Act to do; or
- “(d) intentionally obstructs any person in the performance of any duty or in doing any work that the person has lawful authority to do under Part 3; or
- “(e) intentionally hinders or obstructs any authorised person in the exercise of any powers conferred by or under section 83 or 123 or 147 or any regulations made under section 169.
- “(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who, being in possession of any limited certificate issued under Part 9 or certificate of registration or licence issued under Part 10, fails or refuses to surrender it to the Board or the Secretary within 10 working days of a written demand to do so by the Registrar or the Secretary.
- “(3) An information must not be laid under subsection (1)(b) by any person other than the Registrar or a person authorised in writing in that behalf by the Board.”

### **23 Time for laying information**

- (1) Section 165 is amended by omitting “3 years” and substituting “5 years”.
- (2) Nothing in this section enables any proceedings to be brought that were barred before the commencement of this section.

### **24 New heading and sections 165A to 165E inserted**

The following heading and sections are inserted after section 165:

*“Infringement offences*

**“165A Infringement offences**

- “(1) If a person is alleged to have committed an infringement offence, that person may either—
- “(a) be proceeded against summarily for the alleged offence under the Summary Proceedings Act 1957; or
  - “(b) be served with an infringement notice as provided in section 165B.
- “(2) Despite section 21 of the Summary Proceedings Act 1957, leave of a District Court Judge or Registrar to lay an information is not necessary where the Secretary, the Registrar, or the Board proceeds with an infringement offence summarily.

**“165B Infringement notices**

- “(1) The Secretary or the Registrar may issue an infringement notice to a person if—
- “(a) the Secretary or the Registrar believes on reasonable grounds that the person is committing, or has committed, an infringement offence; and
  - “(b) the Secretary, the Registrar, or another person has not taken enforcement action against the same defendant in respect of the same matter.
- “(2) The Secretary or the Registrar may revoke an infringement notice before the infringement fee is paid, or before an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.
- “(3) An infringement notice is revoked by giving written notice to the person to whom it was issued that the notice is revoked.
- “(4) For the purposes of this section, **enforcement action** means,—
- “(a) in relation to the Secretary or the Registrar,—
    - “(i) the laying of an information under this Act; or
    - “(ii) the issuing of an infringement notice under this Act; and
  - “(b) in relation to a person other than the Secretary or the Registrar, the laying of an information under this Act.

**“165C Procedural requirements for infringement notices**

- “(1) An infringement notice may not be issued by a person after the close of the 14th day after the person becomes aware of the alleged infringement offence.
- “(2) An infringement notice may be served on a person—
- “(a) by delivering it, or a copy of it, personally to the person who appears to have committed the infringement offence; or
  - “(b) by sending it, or a copy of it, by post, addressed to the person at the person’s last known place of residence or business.
- “(3) For the purposes of the Summary Proceedings Act 1957, an infringement notice sent under subsection (2)(b) must be treated as having been served on the person on the date it was posted.
- “(4) An infringement notice must be in the prescribed form and must contain—
- “(a) details of the alleged infringement offence that are sufficient to fairly inform a person of the time, place, and nature of the alleged infringement offence; and
  - “(b) the amount of the infringement fee; and
  - “(c) an address at which the infringement fee may be paid; and
  - “(d) the time within which the infringement fee must be paid; and
  - “(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
  - “(f) a statement that the person served with the notice has a right to request a hearing; and
  - “(g) a statement of what will happen if the person served with the notice does not pay the fee and does not request a hearing; and
  - “(h) any other prescribed matters.
- “(5) If an infringement notice has been issued, proceedings in respect of the infringement offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957 and, in that case,—
- “(a) reminder notices may be prescribed under regulations made under this Act; and

“(b) in all other respects, section 21 of the Summary Proceedings Act 1957 applies with all necessary modifications.

“(6) Reminder notices must contain the prescribed information.

**“165D Payment of infringement fee**

The Secretary and the Registrar must pay all infringement fees received into a Crown Bank Account.

**“165E Effect of infringement notice**

“(1) If an infringement notice is issued, a criminal record must not be created in respect of the infringement offence.

“(2) Subsection (1) does not prevent a court being told, for the purpose of sentencing a person convicted of an offence under this Act, that the person has paid, or is obliged to pay, an infringement fee for a particular infringement offence.”

**25 New section 167 substituted**

Section 167 is repealed and the following section substituted:

**“167 Certificate by Registrar to be evidence of various matters**

“(1) A certificate purporting to be signed by the Registrar in relation to the matters referred to in subsection (2) is, until the contrary is proved, and without proof of the signature appended to the certificate, sufficient evidence of the matters specified in the certificate.

“(2) The matters are—

“(a) that, at any time or during any period specified in the certificate, any person was or was not a registered person or a holder of a particular class of licence:

“(b) that any entry in the register is as stated in the certificate or that any entry is absent from the register:

“(c) that any person has failed or refused to surrender any certificate or licence within 10 working days of a written demand by the Registrar to do so:

“(d) any matter relating to any act or proceeding of the Board or an investigator.”

**26 Regulations**

- (1) Section 169(1) is amended by inserting the following paragraph after paragraph (3):

“(3A) prescribing requirements for safety management systems:”.
- (2) Section 169(1)(5) is amended by omitting “or as are authorised by the Secretary”.
- (3) Section 169(1)(6) is amended by omitting “provided that nothing in this paragraph shall authorise the making of any regulation in contradiction to the provisions of Parts 9 to 13 or any of the provisions of paragraphs (12) to (23):”.
- (4) The heading above paragraph (12) in section 169(1) is amended by omitting “*Registration and employer*” and substituting “*Employer*”.
- (5) Section 169(1) is amended by repealing paragraphs (12) to (18) and substituting the following paragraphs:

“(12) prescribing, for the purposes of section 115, requirements in relation to the system of operation to be maintained by employer licence holders:

“(13) designating a person or a class of persons as approved persons for the purposes of section 116:

“(14) prescribing the manner in which approved persons may certify a system of operation for the purposes of section 116:”.
- (6) Section 169(1) is amended by repealing paragraphs (19) to (22) and substituting the following paragraphs:

“(19) prescribing, for the purposes of this Act, what work is deemed to be or not to be prescribed electrical work and the circumstances and conditions in which any work is deemed to be or not to be prescribed electrical work:

“(20) prescribing the limits or scope of prescribed electrical work that any registered persons or provisional licence holders, or any person to whom any of the provisions of sections 75 to 80 applies, may do or assist in doing:”.
- (7) Section 169(1) is amended by repealing paragraphs (24) to (26) and substituting the following paragraphs:

“(24) providing for the appointment of investigators and the procedures of investigators under this Act:

“(25) specifying—

- “(i) the information that must be provided by persons who make complaints against persons to whom Part 11 applies; and
  - “(ii) the way in which that information must be provided; and
  - “(iii) the way in which that information must be evaluated; and
  - “(iv) the way in which investigators must exercise their powers and functions under this Act:
- “(26) regulating the procedure of the Board:
- “(26A) prescribing procedures, requirements, and other matters, not inconsistent with this Act, for the register, including matters that relate to—
- “(i) the operation of the register:
  - “(ii) the form of the register:
  - “(iii) the information to be contained in the register:
  - “(iv) access to the register:
  - “(v) the location of, and hours of access to, the register:
  - “(vi) search criteria for the register:
- “(26B) prescribing the forms of applications, certificates, licences, notices, and other documents required under this Act, or authorising the Board or the Secretary to prescribe or approve forms, and requiring the use of those forms:
- “(26C) prescribing infringement offences:
- “(26D) setting the infringement fee for each infringement offence, which,—
- “(i) in the case of an individual, must not exceed \$1,000; or
  - “(ii) in the case of a body corporate, must not exceed \$3,000:
- “(26E) prescribing information to be included in infringement notices and reminder notices:”.
- (8) Section 169(1)(31) is amended by omitting “\$10,000” and substituting “\$50,000”.

**27 New sections 169A and 169B inserted**

The following sections are inserted after section 169:

**“169A Regulations that prescribe requirements for safety management systems**

- “(1) Regulations made under section 169(1)(3A) must provide for requirements relating to—
- “(a) the systematic identification of—
    - “(i) existing hazards; and
    - “(ii) new hazards (if possible before, and otherwise as, they arise); and
  - “(b) the taking of all practicable steps to eliminate, isolate, or minimise those hazards; and
  - “(c) the regular assessment of each hazard identified; and
  - “(d) the documentation of the safety management system; and
  - “(e) the audit of the safety management system.
- “(2) Regulations made under section 169(1)(3A) for the purposes of subsection (1)(b) may include, for example, requirements relating to—
- “(a) the design, construction, operation, maintenance, and inspection of the electricity supply system; and
  - “(b) security and the control of access to the electricity supply system; and
  - “(c) the skills, knowledge, and experience of persons who do, or assist in doing, work on or in connection with the electricity supply system; and
  - “(d) the implementation and management of contingency plans for emergency situations that may affect, or be affected by, the electricity supply system; and
  - “(e) processes for the ongoing improvement of safety in connection with the electricity supply system; and
  - “(f) the investigation of accidents that involve or affect the electricity supply system.
- “(3) Regulations made under section 169(1)(3A) for the purposes of subsection (1)(e) may include, for example, requirements relating to—
- “(a) who may conduct audits; and
  - “(b) how often audits must be conducted; and
  - “(c) the outcomes and objectives of audits.

- “(4) Subsections (2) and (3) do not limit subsection (1).
- “(5) In this section, **hazard**—
- “(a) means an activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation, or substance (whether arising or caused within or outside the electricity supply system) that presents or may present a significant risk of—
    - “(i) serious harm to any member of the public; or
    - “(ii) significant damage to property owned by a person other than the electricity generator or electricity distributor; and
  - “(b) includes—
    - “(i) a situation where a person’s behaviour may present a significant risk of the matters referred to in paragraph (a)(i) or (ii); and
    - “(ii) without limitation, a situation described in subparagraph (i) resulting from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person’s behaviour.

**“169B Miscellaneous provisions relating to regulations that prescribe requirements for safety management systems**

- “(1) To avoid doubt, a person required by a safety management system to take all practicable steps is required to take those steps only in respect of circumstances that the person knows, or ought reasonably to know, about.
- “(2) Different requirements may be prescribed under section 169(1)(3A) in respect of different classes of electricity generators or electricity distributors.”

**28 Schedule 2 amended**

Schedule 2 is amended by—

- (a) omitting from the heading to that Schedule “**and Complaints Assessment Committees**”; and
- (b) omitting from clauses 5, 9(1) and (3), 10, and 17 “the body” wherever it appears and substituting in each case “the Board”; and
- (c) omitting from clauses 5, 8(1), 9(1) and (3), 10, and 17 “either body” wherever it appears and substituting in each case “the Board”; and

- (d) repealing clauses 7(2) and (4), and 8(4); and
- (e) omitting from clause 11 “each body” and substituting “the Board”; and
- (f) omitting from clauses 13(1) and 14 “, a Committee,”; and
- (g) omitting from clause 13(2) “, every Committee,”.

*Transitional provisions*

**29 Exercise of power to prescribe registration and licensing matters before commencement of certain provisions**

- (1) A power conferred by sections 84 to 90 of the principal Act (as substituted by section 13 of this Act) may be exercised by the Board or, as the case may be, by the Minister before those sections come into force or take effect.
- (2) Subsection (1) applies as if the enactment under which the power is exercised and any other enactment that is not in force when the power is exercised were in force when the power is exercised.
- (3) This section does not limit section 11 of the Interpretation Act 1999.

**30 Board must consider designating classes of registration that replace or correspond to former types of registration**

- (1) The Board must, as soon as practicable after the commencement of this section, consider whether it should designate, in relation to each of the following types of registration under the principal Act as in force immediately before the commencement of this section, 1 or more classes of registration under section 84 of the principal Act that, with or without modification, replace, or correspond to, that type of registration:
  - (a) registered electrical service technician;
  - (b) registered electrician;
  - (c) registered line mechanic;
  - (d) registered electrical inspector.
- (2) The Board must consult with the following persons in relation to the matter specified in subsection (1):
  - (a) persons who the Board considers are able to represent the views of electrical workers, or classes of electrical workers, registered under the principal Act; and

- (b) organisations—
  - (i) that the Board considers will be substantially affected by the Board's decision on the matter; or
  - (ii) whose members the Board considers will be substantially affected by the Board's decision on the matter.
- (3) This section does not limit sections 84 to 90 of the principal Act.

**31 Exercise of regulation making powers before commencement of certain provisions**

- (1) A power conferred by section 169(1)(12) to (14), (19), (20), and (24) to (26E) of the principal Act (as substituted by section 26 of this Act) may be exercised before those provisions come into force or take effect.
- (2) Subsection (1) applies as if the enactment under which the power is exercised and any other enactment that is not in force when the power is exercised were in force when the power is exercised.
- (3) This section does not limit section 11 of the Interpretation Act 1999.

**32 Registered persons continue to be registered persons**

- (1) Every person who, immediately before the commencement of this section, was a registered person under the principal Act (as in force immediately before the commencement of this section) is, on and from the commencement of this section, deemed to be registered under subpart 1 of Part 10 of the principal Act.
- (2) The registration of a person under subsection (1) is deemed to be—
  - (a) for a class of registration in respect of the work for which the person was registered under the principal Act (as in force immediately before the commencement of this section); and
  - (b) subject to any conditions, limitations, or restrictions that, immediately before the commencement of this section, were imposed by or under the principal Act on the person's registration.

- (3) A person who is deemed to be registered under subsection (1) may be issued with a practising licence under subpart 1 of Part 10 of the principal Act if the Board is satisfied that—
- (a) the person meets the standard of competence reasonably to be expected of a registered person who does work of the kind that the person would be authorised to do under the practising licence; and
  - (b) the person is otherwise entitled to be issued with a practising licence under section 99(a) and (c) to (e) of the principal Act.
- (4) In considering the matter under subsection (3)(a), the Board must have regard to any current applicable minimum standards for registration for a class of registration designated by the Board that, with or without modification, replaces, or corresponds to, the type of registration under the principal Act in relation to which, immediately before the commencement of this section, the person was registered (if any).
- (5) Nothing in this section prevents the Board from—
- (a) cancelling or suspending the registration of a person who is deemed to be registered under subpart 1 of Part 10 of the principal Act; or
  - (b) exercising any other power in relation to that registration under the principal Act.
- (6) Nothing in this section limits sections 74 and 98 of the principal Act (which provide that a registered person is not authorised to do, or assist in doing, prescribed electrical work that the person is otherwise entitled to do by virtue of that person's registration unless the person holds a current practising licence that authorises the person to do, or assist in doing, the work).

**33 Registered persons who hold current practising licences under principal Act continue to hold practising licences**

- (1) Every person who, immediately before the commencement of this section, was a registered person who held a current practising licence issued under the principal Act (as in force immediately before the commencement of this section) is, on and from the commencement of this section, deemed to be a registered person who holds a current practising licence issued under subpart 1 of Part 10 of the principal Act.

- (2) However, the practising licence that a person is deemed to hold under subsection (1) is deemed to expire on the date on which the practising licence held before the commencement of this section would have expired if this Act had not been enacted (but may be renewed under subsection (4)).
- (3) The registration and practising licence of a person under subsection (1) is deemed to—
  - (a) be for a class of registration in respect of the work for which the person was registered and held a current practising licence issued under the principal Act (as in force immediately before the commencement of this section); and
  - (b) authorise that person to do, or assist in doing, work of the kind that the person was, immediately before the commencement of this section, permitted to do, or assist in doing, by virtue of his or her registration and licence under the principal Act (as in force immediately before the commencement of this section); and
  - (c) authorise the person to supervise electrical work if the person was a supervisor of electrical work under the principal Act (as in force immediately before the commencement of this section); and
  - (d) be subject to any conditions, limitations, or restrictions that, immediately before the commencement of this section, were imposed by or under the principal Act on the person's registration or practising licence.
- (4) The practising licence that a person is deemed to hold under subsection (1) may be renewed if the Board is satisfied that—
  - (a) the person meets the standard of competence reasonably to be expected of a registered person who does work of the kind that the person is authorised to do under the practising licence; and
  - (b) the person is otherwise entitled to a renewal of his or her practising licence under section 106(1)(a), (c) to (e), and (4) to (6) of the principal Act.
- (5) In considering the matter under subsection (4)(a), the Board must have regard to any current applicable minimum standards for registration for a class of registration designated by the Board that, with or without modification, replaces, or corresponds to, the type of registration under the principal Act

in relation to which, immediately before the commencement of this section, the person was registered (if any).

- (6) Subsection (2) is subject to section 105(3) of the principal Act.
- (7) Nothing in this section prevents the Board from—
  - (a) cancelling or suspending the registration or practising licence of a person who is deemed to be a registered person who holds a practising licence issued under sub-part 1 of Part 10 of the principal Act; or
  - (b) exercising any other power in relation to that registration or licence under the principal Act.

### **34 Persons holding provisional licences**

- (1) Every person who, immediately before the commencement of this section, held a provisional licence under section 79 of the principal Act (as in force immediately before the commencement of this section) is, on and from the commencement of this section, deemed to be a person who holds a provisional licence issued under section 93 of the principal Act.
- (2) The licence that a person is deemed to hold under subsection (1) is deemed to—
  - (a) expire on the date on which the provisional licence under section 79 of the principal Act would have expired if this Act had not been enacted (but may be renewed under section 94 of the principal Act); and
  - (b) authorise that person to do, or assist in doing, work of the kind that the person was, immediately before the commencement of this section, permitted to do, or assist in doing, by virtue of a provisional licence issued under the principal Act (as in force immediately before the commencement of this section); and
  - (c) be subject to any conditions, limitations, or restrictions that, immediately before the commencement of this section, were imposed by or under the principal Act on the person's licence.
- (3) Nothing in this section prevents the Board from—
  - (a) cancelling or suspending the provisional licence that a person is deemed to hold under subsection (1); or
  - (b) exercising any other power in relation to that provisional licence under the principal Act.

**35 Persons holding employer licences**

- (1) Every person who, immediately before the commencement of this section, held an employer licence under section 101 of the principal Act (as in force immediately before the commencement of this section) is, on and from the commencement of this section, deemed to be a person who holds an employer licence issued under section 115 of the principal Act.
- (2) The licence that a person is deemed to hold under subsection (1) is deemed to—
  - (a) expire on the date on which the employer licence under section 101 of the principal Act would have expired if this Act had not been enacted (but may be renewed under section 119 of the principal Act); and
  - (b) authorise the holder of the licence to authorise any employee of that person to do, or assist in doing, any prescribed electrical work; and
  - (c) be subject to any conditions, limitations, or restrictions that, immediately before the commencement of this section, were imposed by or under the principal Act on the person's licence.
- (3) Nothing in this section prevents the Board from—
  - (a) cancelling or suspending the employer licence that a person is deemed to hold under subsection (1) in accordance with subpart 2 of Part 10 of the principal Act; or
  - (b) exercising any other power in relation to that employer licence under the principal Act.

**36 Board may vary licence or registration or impose conditions, limitations, or restrictions on licence or registration**

- (1) The Board may at any time, by written notice to a person,—
  - (a) vary any licence or registration that is deemed to be held by that person under any of sections 32 to 35; and
  - (b) impose conditions, limitations, or restrictions on that licence or the registration of that person (or both).
- (2) The variation, condition, limitation, or restriction takes effect on the date specified for the purpose in the notice.
- (3) Any decision of the Board under this section may be appealed under section 147ZA of the principal Act.

**37 Applications pending at commencement of section**

- (1) This section applies to an application for, or concerning, registration or a licence under the principal Act that is, immediately before the commencement of this section, pending before the Board, the Registrar, or the Secretary.
- (2) The applicant under an application to which this section applies may, before the application is determined by the Board, the Registrar, or the Secretary, elect to withdraw the application in order to make an application to the Board under Part 10 of the principal Act (as substituted by this Act).
- (3) If an application to which this section applies is not withdrawn under subsection (2), it must be considered and determined as if this Act had not been enacted.
- (4) When a determination of an application to which this section applies results in—
  - (a) the registration, or a change in the registration, of a person, that registration or change is deemed to have taken effect immediately before the commencement of this section; and
  - (b) the issue of a licence to a person, the issue of that licence is deemed to have taken effect immediately before the commencement of this section; and
  - (c) the renewal of a licence of a person, the renewal of that licence is deemed to have taken effect immediately before the commencement of this section.

**38 Provisions relating to persons whose registration is suspended**

- (1) The application of section 33, which deems a person to hold a licence, is not precluded merely by the fact that the person's registration was, immediately before the commencement of that section, suspended.
- (2) However, the licence that the person is deemed, by virtue of section 33, to hold is deemed to be suspended until the suspension of that person's registration would have expired if this Act had not been enacted.

**39 Continuation of pending investigations, inquiries, and disciplinary proceedings**

- (1) All investigations, inquiries, and disciplinary proceedings under the principal Act that have been commenced before the

commencement of this section and that have not been completed before that commencement are to be continued and completed as if this Act had not been enacted.

- (2) The Board, the Secretary, the Registrar, and every committee constituted or appointed under the principal Act in respect of complaints and disciplinary proceedings continues to have and may exercise all of his, her, or its powers, functions, and duties under the principal Act (as in force immediately before the commencement of this section) for the purpose of giving effect to subsection (1).
- (3) However, if a complaint or disciplinary proceeding continued under this section relates to a person who is deemed, under any of sections 32 to 34, to be a registered person or to hold a practising licence or a provisional licence, the Board's power to discipline the person includes the power to make an order under section 147M(1)(a) to (e) of the principal Act (as substituted by this Act) in relation to that registration, practising licence, or provisional licence.

#### **40 Complaints about conduct before commencement of this section**

- (1) The Board may deal with a complaint about the conduct of a registered person, former registered person, provisional licence holder, or former provisional licence holder under Part 11 of the principal Act (as substituted by this Act), even though the conduct is alleged to have occurred before the commencement of this section.
- (2) Subsection (1) does not apply if an inquiry or investigation into the conduct concerned has been commenced under the principal Act before the commencement of this section.
- (3) In dealing with a complaint to which subsection (1) applies, the Board may not have regard to any duty or obligation that was not binding on the registered person, former registered person, provisional licence holder, or former provisional licence holder at the time that the conduct complained about is alleged to have occurred.
- (4) For the purposes of this section, **former registered person** includes a person who was registered under the principal Act and who would have been deemed to be registered under subpart 1 of Part 10 of the principal Act had the person still

been registered under the principal Act on the commencement of section 32.

**41 Hearing concerning conduct before commencement of this section**

- (1) An investigator may report under Part 11 of the principal Act (as substituted by this Act) that a complaint against a person should be considered by the Board in respect of conduct alleged to have occurred before the commencement of this section, but only if the investigator is satisfied that,—
  - (a) at the time of the occurrence of the conduct, the person was registered or held a licence under the principal Act and the complaint could have been referred to the Board under the principal Act; and
  - (b) the complaint had not been referred to the Board before the commencement of this section.
- (2) If, after conducting a hearing on a complaint of the kind referred to in subsection (1), the Board finds the person guilty of a disciplinary offence under Part 11 of the principal Act (as substituted by this Act) in respect of conduct that occurred before the commencement of this section, the Board may not impose on that person, in respect of that conduct, any order in the nature of a penalty that could not have been made against that person at the time when the conduct occurred.
- (3) However, if a hearing under this section relates to a person who is deemed, under any of sections 32 to 34, to be a registered person or to hold a practising licence or a provisional licence, the Board's power to discipline the person includes the power to make an order under section 147M(1)(a) to (e) of the principal Act (as substituted by this Act) in relation to that registration, practising licence, or provisional licence.

**42 Regulations for transitional and savings purposes**

- (1) The Governor-General may, by Order in Council, make regulations prescribing transitional or savings provisions relating to the coming into force of this Act.
- (2) Any transitional or savings provisions prescribed in regulations made under subsection (1) are in addition to the provisions of sections 32 to 41.

- (3) All regulations made under this section that are still in force on the day that is 3 years after the commencement of this section expire at the close of that day.

**43 Acts amended**

The Acts specified in the Schedule are amended in the manner indicated in that schedule.

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**Schedule**  
**Consequential amendments arising from Electricity  
Act 1992 amendments**

**Privacy Act 1993 (1993 No 28)**

Part 1 of Schedule 2: add:

Electricity Act 1992                      section 124

**Summary Proceedings Act 1957 (1957 No 87)**The definition of **infringement notice** in section 2(1): insert after paragraph (f):

“(fa) section 165B of the Electricity Act 1992; or”.

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**Legislative history**

21 November 2006	Divided from Energy Safety Review Bill (Bill 269–2) as Bill 269–3B
23 November 2006	Third reading
4 December 2006	Royal assent

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This Act is administered by the Ministry of Economic Development.