

[AS REPORTED FROM THE LABOUR COMMITTEE]

House of Representatives, 8 November 1979.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Birch

ELECTRICAL REGISTRATION

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A BILL INTITULED

An Act to consolidate and amend certain enactments of the General Assembly relating to the standards of skill required for electrical workers when carrying out prescribed electrical work in the interests of public safety

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BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Electrical Registration Act 1979.

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(2) The Act shall come into force on the 1st day of January 1980.

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

“Apprentice” means a person who has entered into and is for the time being serving under a written contract or indenture of apprenticeship (including any probationary period which may be required) under the Apprentices Act 1948, the Government Railways Act 1949, the New Zealand Army Act 1950, the Post Office Act 1959, or the State Services Act 1962, for the purpose of learning the electrical wiring trade, or any branch of that trade approved by the Board:

“Board” means the Electrical Registration Board:

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“Direct supervision”, in relation to any work, means that the work is undertaken under the immediate control, direction, and in the (*immediate*) presence of a person authorised under this Act himself to undertake the work:

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- “Electrical Supply Authority” means an Electrical Supply Authority within the meaning of the Electricity Act 1968:
- 5 “General supervision”, in relation to any work, means that the work is undertaken under such control and direction of a person authorised under this Act to do the work as shall from time to time be sufficient, according to the nature of the work and the competence of the person undertaking it, to ensure
- 10 satisfactory workmanship:
- “Improver” means a person who has completed a term of apprenticeship to the electrical wiring trade or to the radio electronics trade at any time during the previous 30 months, or to the electrical appliance servicing trade or the refrigeration trade at any
- 15 time during the previous 18 months, and who has during apprenticeship or subsequently passed such portion, and attempted such other portion, of the prescribed examination for registration as an electrician, radio-electronic serviceman, (*or*) electrical appliance serviceman, or holder of a restricted certificate as the Board may from time to time approve:
- 20 “Minister” means the Minister of Energy:
- “Observer” means any pupil not less than 15 years of
- 25 age attending a secondary school for the purposes of acquiring a secondary education:
- “Prescribed electrical work” means electrical work prescribed in regulations made under this Act and shall be work for which authority is required under
- 30 this Act:
- “Register” means any register kept pursuant to this Act:
- “Registered” means registered under this Act:
- 35 “Registrar” means the Registrar of the Electrical Registration Board appointed under this Act:
- “Student” means a person who is attending a university or a technical institute and is taking therein a prescribed course in electrical engineering for a degree or for a New Zealand Certificate in engineering or
- 40 a person participating in an approved pre-apprenticeship training scheme.

Cf. 1952, No. 73, s. 2; 1967, No. 73; s. 2; 1969, No. 10 s. 2 (b), (c); 1975, No. 15, s. 2 (1); 1977, No. 33, s. 18

3. Act to bind Crown for certain purposes—(1) To the extent that it requires prescribed electrical work to be done by or under the supervision of persons registered, licensed, or authorised under this Act, and to the extent that it requires prescribed electrical work to be inspected and tested by an authorised person or by the Electrical Supply Authority before connection with the source of supply, this Act shall bind the Crown. 5

(2) The inspection, testing, and approval of any prescribed electrical work done on any Government railway station, Government railway workshop, or to any electrical apparatus on any Government railway line shall in every case be made and given by a person for the time being authorised in that behalf by the Secretary of Energy and by no other person. For the purposes of this subsection the term "Government railway workshop" means any workshop owned or operated by the New Zealand Government Railways Department and used for the manufacture, repair, or maintenance of any locomotive, railcar, carriage, wagon, or other vehicle which uses the railway line, or of any apparatus or equipment associated with the running of any locomotive, railcar, carriage, wagon, or other vehicle which uses the railway line; but does not include a workshop used exclusively for the repair or maintenance of road service vehicles. 10 15 20 25

(3) The Secretary of Energy may, for the purposes of defence or public security, direct that the inspection, testing, and approval of any prescribed electrical work on or in any land or building owned or occupied by the Crown shall be made and given by a person authorised by him on that behalf; and, while any such direction remains in force in respect of any such land or building, no other person shall inspect, test, or approve any prescribed electrical work on or in that land or building. 25 30

(4) Notwithstanding anything in this Act, the inspection, testing, and approval of any prescribed electrical work for which a supply of electrical energy will be obtained from a department of State may be made and given by a person for the time being authorised in that behalf by the Secretary of Energy and, where for the time being any person is authorised under this subsection to make any such inspection or testing or give any such approval for the purposes of this Act, no other person shall do so. 35 40

Cf. 1952, No. 73, s. 3; 1977, No. 73, s. 18

PART I

ELECTRICAL REGISTRATION BOARD

4. Constitution of Electrical Registration Board—

5 (1) There shall continue to be a Board to be known as the Electrical Registration Board.

(2) The Board shall consist of—

(a) The (*Secretary of Energy*) Deputy Secretary of Energy, Electricity Division, who shall be the Chairman:

10 (b) One person who shall be an electrical engineer registered under the Engineers Registration Act 1924 and who shall be appointed on the recommendation of a body recognised by the Minister as representing the electrical engineers employed by the Electrical Supply Authorities in New Zealand:

15 (c) One person who shall be registered, licensed, or authorised under this Act and who shall be appointed on the recommendation of a body recognised by the Minister as representing electrical contractors in New Zealand:

20 (d) One person who shall be registered, licensed, or authorised under this Act and who shall be appointed on the recommendation of a body recognised by the Minister as representing registered electricians in New Zealand:

25 (e) One person who shall be registered, licensed, or authorised under this Act and who shall be appointed on the recommendation of a combined group of unions recognised by the Minister as representing registered electricians who are employed in the electrical industry of New Zealand:

30 (f) One person who shall be registered, licensed, or authorised under this Act and shall be appointed on the recommendation of a body or bodies recognised by the Minister as representing the radio, electronics, (*and*) appliance servicing and refrigeration industries of New Zealand.

35 Cf. 1952, No. 73, s. 4 (1); 1969, No. 10, s. 3 (1)

40 **5. Term of office of members—**(1) Subject to this section, every member of the Board, other than the (*Secretary of Energy*) Deputy Secretary of Energy, Electricity Division, shall be appointed by the Minister for a term not exceeding

3 years, but may from time to time be re-appointed, or may be at any time removed from office by the Minister for disability, insolvency, neglect of duty or misconduct, or may at any time resign his office by writing addressed to the Minister.

(2) If any member of the Board dies, resigns, or is removed from office, the vacancy so created shall, as soon as practicable, be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(3) Unless he sooner vacates his office as hereinbefore provided, every appointed member of the Board shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(4) The powers of the Board shall not be affected by any vacancy in the membership thereof.

Cf. 1952, No. 73, s. 4 (2) to (6); 1977, No. 33, s. 18 (1)

6. Deputies of members—(1) In respect of each member of the Board, the Minister may, from time to time, appoint a deputy to act in the place of the member while the member is incapacitated by illness or absence or from other sufficient cause from performing the duties of his office.

(2) Any deputy appointed under this section shall have the same qualifications and be recommended by the same body as the member for whom he is to be deputy.

(3) A deputy may be appointed under this section notwithstanding that the occasion for him to act as deputy has not arisen.

(4) If the Registrar is satisfied that any member is incapacitated from performing the duties of his office as aforesaid, he shall notify the deputy of that member and thereupon the deputy shall be deemed to be a member of the Board and shall be deemed to remain a member while he acts for an incapacitated member.

(5) A deputy appointed to act for the Chairman shall not be deemed to be Chairman by virtue of the fact that he is acting as deputy of the Chairman.

(6) No acts done by a deputy as such and no acts done by the Board while any deputy is acting as such, shall be questioned in any proceedings on the ground that the occasion for his acting as a deputy had not arisen or had ceased.

Cf. 1952, No. 73, s. 4A; 1975, No. 15, s. 3

5 **7. Members not personally liable**—No member or deputy member of the Board shall be personally liable for any act done or omitted by the Board or any member thereof in good faith and in pursuance or intended pursuance of the powers and authority of the Board.

10 **8. Meetings of Board**—(1) Meetings of the Board shall be held at such times and places as the Board or the Chairman from time to time determines, but any 2 members of the Board may at any time, by notice in writing, request the Chairman to call a special meeting of the Board, and there-
upon the Chairman shall call a special meeting to be held not later than one month after he received the notice.

(2) At every meeting of the Board 3 members shall form a quorum.

15 (3) Every question before the Board shall be determined by a majority of the votes of the members present at a meeting of the Board.

20 (4) At every meeting of the Board the Chairman of that meeting shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

25 (5) In the event of the absence of the (*Secretary of Energy*) Chairman from any meeting of the Board, some other person to be appointed by him for the purpose, being an electrical engineer of the Ministry of Energy, may attend and shall for the purpose of that meeting be deemed to be (*a member of the Board, but he shall not be deemed to be Chairman of that meeting by virtue of the fact that he attends as deputy of the Secretary of Energy*) chairman of that meeting.

30 (6) (*In the absence of the Chairman from any*) Where no other person has been appointed pursuant to subsection (5) of this section in respect of any meeting, in the absence of the Chairman from that meeting of the Board the mem-
bers there present shall choose one of their number to be chairman of that meeting.

35 (7) Subject to this Act, the Board may regulate its own procedure.

Cf. 1952, No. 73, s. 5

40 **9. Allowances and travelling expenses of members of Board**—There shall be paid to the members of the Board remuneration by way of fees, salary, or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and that Act shall apply accordingly, and the Board shall be a statutory Board for the purposes of that Act.

45 Cf. 1952, No. 73, s. 6

10. Functions of Board—(1) The functions of the Board shall be—

- (a) To conduct or provide for the conduct of examinations under this Act, to appoint examiners and make all other necessary arrangements, and, where necessary, to issue certificates of having passed any such examinations to persons entitled thereto: 5
 - (b) Where power is delegated to the Board in that behalf under the Trades Certification Act 1966,—
 - (i) To conduct or provide for the conduct of examinations under that Act; and 10
 - (ii) To appoint examiners and make all other necessary arrangements for the purposes of any such examinations; and
 - (iii) Where necessary, to issue in conjunction with the New Zealand Trades Certification Board certificates of having passed any such examinations to persons entitled thereto: 15
 - (c) To receive applications for or relating to registration under this Act, and to authorise registration in cases when the conditions of registration have been complied with: 20
 - (d) To exercise disciplinary powers in accordance with sections 29 and 40 of this Act:
 - (e) To institute prosecutions against registered persons and other persons for the breach of sections 45 to 48 of this Act: 25
 - (f) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act. 30
- (2) In carrying out its functions under this Act, the Board shall act in accordance with the rules of natural justice.

Cf. 1952, No. 73, s. 7

11. Power to prescribe fees—(1) The Board may from time to time, by resolution, prescribe the fees to be payable in respect of any matter for which fees are contemplated or required (*by or are deemed by the Board to be necessary for the purposes of*) under this Act, and may prescribe the circumstances in which any such fee may be refunded or remitted in whole or in part. 35

(2) No resolution passed under this section shall come into force until it is approved by the Minister.

(3) Notwithstanding section 13 of this Act the Board shall not delegate any power which it has under this section. 40

Cf. 1952, No. 73, s. 7A 45

12. **Registrar of Electrical Registration Board**—There shall from time to time be appointed under the provisions of the State Services Act 1962 a Registrar of the Electrical Registration Board. The office may be held concurrently with
5 any other office.

Cf. 1952, No. 73, s. 8

13. **Delegation of functions and powers**—(1) Except as otherwise provided in this Act the Board may from time to time delegate any of its functions and powers (except this
10 power of delegation) to the Registrar, either as to matters within its jurisdiction generally, or in any particular case or matter or any particular class or classes of cases or matters.

(2) Subject to any general or special directions given or conditions imposed by the Board, the Registrar may, with-
15 out confirmation by the Board, exercise or perform the delegated powers and functions in like manner and with the same effect as the Board could itself have exercised or performed them.

(3) Where the Registrar purports to act pursuant to any
20 such delegation, he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Every such delegation shall be revocable at will and no such delegation shall prevent the exercise or performance
25 of any power or function by the Board.

(5) Until any such delegation is revoked, it shall continue in force according to its tenor.

Cf. 1952, No. 73, s. 7B

PART II

30

REGISTRATION AND LICENSING

14. **Registers to be kept**—(1) The Registrar shall keep in his office registers containing the prescribed particulars in respect of all persons registered under this Act.

(2) The Board shall, as soon as practicable after the 31st
35 day of March in every year, cause to be published in such a manner as it thinks fit a copy of the registers kept under subsection (1) of this section as at the 31st day of March last past.

(3) The Board shall as soon as practicable cause to be
40 published in such manner as it thinks fit a quarterly return

showing the names and addresses of all persons whose names have been removed from any such register during the quarter to which the return relates and also of all persons from whom a provisional licence issued under this Act has been withdrawn during the quarter. 5

(4) A copy of every register as published under subsection (1) of this section shall be kept at the office of every Electrical Supply Authority for 3 years after the date of its publication, and shall be open for inspection by any person during office hours. 10

Cf. 1952, No. 73, ss. 9, 18

15. Restrictions on registration—The Board shall not direct the registration or licensing of any applicant unless, in the opinion of the Board, he is of good reputation in relation to the class of work for which he will be registered or licensed. 15

Cf. 1952, No. 73, s. 10

16. Qualifications for registration as electrical technician—Subject to section 15 of this Act, every person shall, on payment of the prescribed fee, be entitled to be registered as an electrical technician if he satisfies the Board that— 20

- (a) For a period of not less than 10 years, or for a period of not less than 5 years in the case of any person holding such certificate or having completed such course of study as may be approved for the purpose by the Board, he has been registered as an electrician under this Act; and 25
- (b) For such period he has been engaged in undertaking or supervising, or has been in charge of, or has been otherwise directly associated with, prescribed electrical work of such scope and complexity as to require wide technical experience and ability in the work of an electrician; and 30
- (c) He is the holder of a current certificate of registration under this Act as an electrician free from restriction. 35

Cf. 1952, No. 73, s. 11; 1969, No. 10, s. 5

17. Qualifications for registration as electrician—Subject to section 15 of this Act, every person shall, on payment of the prescribed fee, be entitled to be registered as an electrician if he satisfies the Board that—

- 5 (a) Either—
- (i) He has completed an apprenticeship in the work of an electrician and has had experience satisfactory to the Board; or
 - 10 (ii) Where apprenticeship is not practicable, experience satisfactory to the Board has been obtained with the permission of the Board in accordance with section 35 of this Act; and

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- 15 (b) He has passed the electricians examination conducted in accordance with regulations under this Act, or an examination approved by the Board as being of equivalent standing for the purpose of registration under this section; and

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- 20 (b) Either—
- (i) He holds a trade certificate; or
 - (ii) He has passed the electricians examination conducted in accordance with regulations under this Act, or an examination or examinations approved by the Board as being of equivalent standing for the purpose of registration under this section; and
- 25 (c) He has completed an approved course of instruction in resuscitation.

30 Cf. 1952, No. 73, s. 11A; 1969, No. 10, s. 5; 1975, No. 15, s. 4

18. Qualifications for registration as electrical mechanic—Subject to section 15 of this Act, every person shall, on payment of the prescribed fee, be entitled to be registered as an electrical mechanic if he satisfies the Board that—

- 35 (a) Either of the requirements prescribed in section 17 (a) of this Act has been met; and
- (b) He has passed an examination approved by the Board as sufficient for the purpose of registration under this section; and
- 40 (c) He has completed an approved course of instruction in resuscitation.

Cf. 1952, No. 73, s. 11B; 1969, No. 10, s. 5; 1975, No. 15, s. 4

19. Qualifications for registration as radio-electronics serviceman—Subject to section 15 of this Act, every person shall, on payment of the prescribed fee, be entitled to registration as a radio-electronics serviceman if he satisfies the Board that— 5

- (a) He has completed an apprenticeship in radio and associated electronics or such other alternative system of training approved by the Board and has experience satisfactory to the Board in the work of electrical servicing; and 10
- (b) He has passed the prescribed examinations conducted in accordance with regulations made under this Act or an examination approved by the Board as sufficient for the purpose; and
- (c) He holds a Trade Certificate or other qualification approved by the Board as appropriate for the purpose; and 15
- (d) He has completed an approved course of instruction in resuscitation.

Cf. 1952, No. 73, ss. 11c, 11d; 1969, No. 10, s. 5; 1975, No. 15, s. 4 20

20. Qualification for registration as electrical appliance serviceman—Subject to section 15 of this Act, every person shall, on payment of the prescribed fee, be entitled to registration as an electrical appliance serviceman if he satisfies the Board that— 25

- (a) He has completed an apprenticeship or such other equivalent system of training of equivalent standard approved by the Board in electrical appliance servicing; and 30
- (b) He holds a Trade Certificate in electrical appliance servicing or a qualification approved by the Board as being of equivalent standing for the purpose of registration under this section; and
- (c) He has had experience satisfactory to the Board; and 35
- (d) He has completed an approved course of instruction in resuscitation:

Provided that where the Board is satisfied that it is impracticable for any person who, immediately before the commencement of this Act, held or was eligible to hold limited registration for servicing electrical appliances under the Electricians Act 1952 to comply with the requirements of paragraphs (a) and (b) of this section or of one of them, those paragraphs or, as the case may be, that paragraph shall not apply to that person. 40 45

21. **Qualifications for a restricted certificate**—Subject to section 15 of this Act, every person who is engaged from time to time on prescribed electrical work associated with his occupation and who is not otherwise entitled to registration under this Act shall, on payment of the prescribed fee, be entitled to a restricted certificate under this Act if he satisfies the Board that—

- 5 (a) He has had experience satisfactory to the Board in accordance with this Act; and
- 10 (b) He has completed an approved course of tuition; and
- (c) He has passed the prescribed examinations conducted in accordance with regulations made under this Act; and
- 15 (d) He has completed an approved course of instruction in resuscitation.

Cf. 1952, No. 73, s. 11E; 1969, No. 10, s. 5; 1975, No. 15, s. 5.

22. **Provisional licences**—(1) The Board may grant to any person on payment of the prescribed fee a provisional licence to carry out any specified electrical work for a period not exceeding 12 months at any one time, or for such other period as may be necessary for examination purposes, and while the licence remains in force the holder thereof shall be entitled to carry out such work as may be specified in the licence.

(2) Any such licence may, at any time during the currency thereof, be withdrawn by the Board if the conditions thereof have not been met.

Cf. 1952, No. 73, s. 16; 1969, No. 10, s. 8; 1976, No. 39, s. 3 (1)

23. **Application for registration by provisional licensee**—Notwithstanding sections 17 to 21 of this Act, the Board may, on application made at any time during the currency or after

the expiry of a provisional licence issued under section 22 of this Act, grant to the person to whom the licence was issued registration as an electrician, electrical mechanic, radio-electronics serviceman, electrical appliance serviceman or restricted certificate holder, if the Board is satisfied that the applicant has had not less than the experience in the class of work prescribed by this Act, has completed an approved course in resuscitation, and has passed the examination prescribed by this Act in the class or classes of work in respect of which the person has applied for registration and that, during the currency of the licence, has satisfactorily performed the class or classes of work in respect of which the person has applied for registration.

Cf. 1952, No. 73, s. 11G; 1976, No. 39, s. 2

24. Experience gained in contravention of Act—(1) In computing the period during which any person has had experience in the class of work for which registration is applied, any time occupied or any experience gained in contravention of this Act shall not be taken into account for the purposes of registration.

(2) Notwithstanding subsection (1) of this section where the Board is satisfied that a person is competent in the range of work for which registration is applied it may, for the purposes of that registration, take account of any experience or portion of experience gained in contravention of this Act.

(3) Where experience is approved under this section the Board's decision shall be final and not subject to appeal under section 43 of this Act.

Cf. 1952, No. 73, s. 11H (1); 1969, No. 10, s. 5

25. Experience gained in work not subject to Act—Notwithstanding sections 16 to 21 of this Act, in computing the period during which any person has had experience in the class or classes of work for which registration is applied, the Board may for the purposes of that registration take account of experience or a proportion of experience gained while that person was employed or engaged either in New Zealand or overseas in work not subject to this Act.

Cf. 1952, No. 73, s. 11 (2); 1969, No. 10, s. 5

26. Qualifications for registration as Inspector of electrical wiring—(1) Every person who has been appointed as an Inspector of electrical wiring by an Electrical Supply Authority with the prior approval of the Board shall, on the 5 prescribed fee being paid, be entitled to be registered under this Act as an Inspector of electrical wiring if he satisfies the Board—

(a) That—

10 (i) He is the holder of a current certificate of registration as an electrical technician or as an electrician or is registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924 or the Engineering Associates Act 1961; and

15 (ii) He has been, in the case of a registered electrician, employed or engaged in prescribed electrical work of a type or types considered by the Board to be satisfactory for at least 5 years after being registered as an electrician under this Act, and is the holder of a current certificate of registration under this Act as an electrician free from 20 restriction; and

25 (iii) He is not, in the case of an electrical technician or electrician or a person registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924 or the Engineering Associates Act 1961, for the time being suspended or disqualified from doing the work of a registered electrician; and

30 (iv) He is not less than 25 years of age; and

(v) He is a fit and proper person to inspect and test prescribed electrical work and is competent to do so; or

(b) That—

35 (i) He has been, in the case of a registered electrician, employed or engaged in prescribed electrical work, of a type or types considered by the Board to be satisfactory, outside New Zealand for at least 15 years and has been so employed or 40 engaged within New Zealand for at least one year after registration as an electrician under this Act, and is the holder of a current certificate of registration under this Act as an electrician free from restriction; and

- (ii) He is not less than 30 years of age; and
- (iii) He is a fit and proper person to inspect and test prescribed electrical work and is competent to do so.

(2) When an Inspector ceases to be employed by the Electrical Supply Authority in respect of which the person is registered under this Act, that authority shall, within 14 days thereafter, notify the Board thereof, and the Inspector shall forthwith return to the Board any certificate issued in respect of registration under this Act. 5
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Cf. 1952, No. 73, ss. 13, 25 (2); 1966, No. 32, s. 6; 1969, No. 10, s. 6

27. Mode of registration—(1) Every application for or relating to registration under this Act shall be in writing addressed to the Board, and shall state an address at which notices may be served on the applicant. Every such application shall be accompanied by the prescribed fee. 15

(2) As soon as practicable after the receipt of any such application the Board shall consider the application and shall give such directions in respect thereof as it thinks fit. 20

(3) In connection with any such application, the Board may, if it thinks fit,—

- (a) Examine on oath or otherwise the applicant, or any person objecting to the application, or any other person, with respect to the application, and for the purposes of this paragraph the Chairman of the Board may administer an oath to any person: 25
- (b) Appoint some competent person or authority to inquire and report to it as to the training, experience, and qualifications of the applicant, or any matter connected with the application: 30
- (c) Receive any evidence which it thinks fit (whether on oath or otherwise), and act on any statement, document, report, information, matter, or recommendation which in its opinion may assist it to deal with the application: 35
- (d) Require any person to verify by statutory declaration any statement made by the person with respect to any application, or with respect to any objection to an application. 40

(4) If the Board, after considering any application as aforesaid, is of the opinion that the applicant is entitled to be registered under this Act in accordance with his application, it shall so direct, and the Registrar shall thereupon
5 register the applicant and shall notify him accordingly.

(5) If the Board, after considering any application as aforesaid, is of the opinion that the applicant is not entitled to be so registered, it shall direct accordingly, and the Registrar shall thereupon refuse to register the applicant, and
10 shall notify him accordingly.

(6) If the Board, after considering any application as aforesaid, is of the opinion that it possesses insufficient information to decide whether the applicant is entitled to be registered or not, it may defer its decision for any period
15 not exceeding 3 months to enable further information to be obtained, and the Registrar shall notify the applicant accordingly.

(7) Where the registration of any person is authorised pursuant to this section, the Registrar shall enter in the
20 appropriate register such particulars with respect to the person as may be prescribed, including a statement of any limitations subject to which the registration has been authorised and a like statement shall appear in every certificate of registration issued under this Act in respect of the person
25 so registered.

(8) Every person registered under this Act shall be entitled to receive a certificate of registration under the hand of the Registrar. Every such certificate shall remain the property of the Board, and shall be surrendered as required under
30 this Act or on demand by the Registrar in writing.

Cf. 1952, No. 73, s. 14; 1966, No. 32, s. 7 (1)

28. Limits to work that may be undertaken—The Board may direct that the registration of any person as an electrical mechanic, radio-electronics serviceman, electrical appliance
35 serviceman or the holder of a restricted certificate, shall be limited in one or more of the following respects, namely:

- (a) He shall be limited to such work as the Board may specify:
- (b) He shall be limited to work only on approved premises:
- 40 (c) He shall be limited to work only in the employ of an approved employer.

Cf. 1952, No. 73, s. 15; 1969, No. 10, s. 7

29. Cancellation of registration—(1) The Board may cause the name of any person to be removed from any register of electrical technicians, electricians, electrical mechanics, radio-electronics servicemen, electrical appliance servicemen or holders of restricted certificates, or may withdraw the provisional licence of any person, if it is proved to the satisfaction of the Board that—

- (a) He has died; or
- (b) He has been registered or granted a restricted certificate or provisional licence under this Act in error; 5
or 10
- (c) He has been guilty of such improper conduct as to render him unfit to be on the register or to hold a provisional licence; or
- (d) He has carried out or caused to be carried out prescribed electrical work in a negligent, unsatisfactory, or incompetent manner, or in a manner contrary to any act or regulations relating to electrical supply or prescribed electrical work which was in force at the time the work was done; or 15
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- (e) He has culpably or negligently created a risk to life or limb or has caused a serious fire hazard through having used or caused to be used faulty or improper materials; or
- (f) He has wilfully deceived or attempted to deceive any Inspector of electrical wiring by purposely concealing inferior work or inferior materials used as part of any electrical installation, or by making any false or misleading statement (whether in writing or not) to any such Inspector; or 25
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- (g) He has neglected to furnish any return required under any Act or regulation relating to prescribed electrical work or has furnished a false return; or
- (h) He has employed, (*instructed*) directed, or permitted any unauthorised person to do any prescribed electrical work; or 35
- (i) Being restricted or limited in respect of the prescribed electrical work which he may do, he has done prescribed electrical work which he is not authorised to do; or 40
- (j) He is no longer employed in the situation to which his registration applies; or
- (k) His name is transferred to any other such register on becoming entitled to the transfer.

(2) The Board shall cause the name of any person to be removed from the Register of Inspectors of electrical wiring if—

- 5 (a) He ceases to be employed by the Electrical Supply Authority in respect of which he was last registered as an inspector of electrical wiring; or
- (b) The Board so determines under section 41 or section 42 of this Act; or
- 10 (c) He is no longer the holder of a current certificate of registration as an electrical technician or as an electrician or is no longer registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924 or the Engineering Associates Act 1961; or
- 15 (d) If registered as an electrical technician or as an electrician or if by virtue of qualifications in electrical engineering he is registered under the Engineers Registration Act 1924 or the Engineering Associates Act 1961, he is for the time being suspended
- 20 or disqualified from doing the work of a registered electrician.

Cf. 1952, No. 73, s. 17 (1), (2); 1969, No. 10, s. 9

30. Purging of registers—(1) In addition to the powers conferred on it by section 29 of this Act the Board may cause
25 to be removed from any register the name of any person who fails, within the time limited in that behalf by a notice served on the person by the Board, to notify the Board that he continues to be engaged in the calling of a person registered under this Act or that, though not so engaged, he
30 desires his name to be retained on the register. The time limited as aforesaid shall in no case be less than 3 months from the date on which the Board's notice is served on the person as aforesaid. It shall be sufficient service of any such notice on any person to send it by post in a registered letter
35 to him at the address stated by him in his application for registration or at any address furnished by the person to the Board in substitution for that address. Where a notice is sent by post as aforesaid it shall be deemed to have been served at the time at which the letter would have been delivered in the
40 ordinary course of post.

(2) The Board may at any time on payment of the prescribed fee re-register any person whose name has been removed from any register pursuant to subsection (1) of this section after the commencement of this Act.

Cf. 1952, No. 73, s. 17 (3) to (5)

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31. Certificate by Registrar to be evidence of registration, etc.—A certificate under the hand of the Registrar to the effect that any person was or was not registered as an electrical technician, an electrician, an electrical mechanic, a radio-electronic serviceman, electrical appliance serviceman, or an Inspector of electrical wiring, or that any person held a restricted certificate or held a provisional licence or held an authority under this Act at any time or during any period specified in the certificate, or as to any entry in any register kept under this Act, or as to any Act or proceedings of the Board, shall be sufficient evidence of the matters therein specified, in the absence of proof to the contrary.

Cf. 1952, No. 73, s. 18A; 1966, No. 32, s. 11; 1969, No. 10, s. 11

32. Transitional provisions in respect of registrations and provisional licences—(1) Every person who immediately before the commencement of this Act was registered under the Electricians Act 1952 as an electrical technician, an electrician or an electrical mechanic shall, provided that a written request is made to the Board within 12 months of the commencement of this Act, or such longer period as the Board may decide, be granted equivalent registration as an electrical technician, an electrician, or an electrical mechanic under this Act.

(2) Every person who immediately before the commencement of this Act was registered as a radio serviceman under the Electricians Act 1952 shall, provided that a written request is made to the Board within 12 months of the commencement of this Act or such longer period as the Board may decide, be registered as a radio-electronics serviceman.

(3) Every person who immediately before the commencement of this Act was registered as an Inspector of electrical wiring under the Electricians Act 1952, shall be deemed to be an Inspector of electrical wiring under this Act.

(4) Every person who, immediately before the commencement of this Act was registered as a radio mechanic under the Electricians Act 1952 shall, provided that a written request is made to the Board within 12 months of the commencement of this Act or such longer period as the Board may decide, be issued with a provisional licence to do the work of a radio-electronics serviceman for a period of 3 years.

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10 (5) Every person issued with a provisional licence in accordance with subsection (4) of this section, who does not qualify for registration as a radio-electronics serviceman during the currency of his provisional licence, shall, on its expiry, be granted a restricted certificate to do a range of prescribed electrical work which the Board considers comparable with his training and experience.

15 (6) Every person who, immediately before the commencement of this Act held limited registration for servicing electrical appliances under the Electricians Act 1952, shall, provided that a written request is made to the Board within 12 months of the commencement of this Act or such longer
20 period as the Board may decide, be issued with a provisional licence to do the work of an electrical appliance serviceman for a period of 3 years.

(7) Every person issued with a provisional licence in accordance with subsection (6) hereof who does not qualify
25 for registration as an electrical appliance serviceman during the currency of his provisional licence shall, on its expiry, be granted a restricted certificate to do a range of prescribed electrical work which the Board considers comparable with his training and experience.

30 (8) Every person who, immediately before the commencement of this Act was registered under the Electricians Act 1952 and was then restricted in respect of the electrical wiring work which he could carry out, or the premises in connection with which he could carry out electrical wiring
35 work, or the employer for whom he could carry out electrical wiring work, shall, provided that a written request is made to the Board within 12 months of the commencement of this Act, or such longer period as the Board may decide, be granted a restricted certificate to do a range of prescribed
40 electrical work which the Board considers comparable with his previous registration.

(9) Every person who, immediately before the commencement of this Act, was eligible for registration but was not in

fact registered under the Electricians Act 1952, shall on formal application be eligible for registration or the issue of a restricted certificate in accordance with the appropriate provision of subsections (1) to (8) of this subsection.

(10) Every person who, immediately before the commencement of this Act, was apprenticed or otherwise employed in training for registration under the Electricians Act 1952, shall on completing the training be eligible on formal application for registration or the issue of a restricted certificate in accordance with the appropriate provision of subsections (1) to (8) of this section.

(11) Every registration under the Electricians Act 1952 which was valid immediately before the date of the commencement of this Act shall be deemed to be valid under this Act for a period of one year from that date.

(12) Every provisional licence or other authority issued under the Electricians Act 1952 which was valid immediately before the commencement of this Act shall be deemed to be valid under this Act until the expiry date printed thereon.

33. Restrictions on doing prescribed electrical work—

(1) No person shall do any prescribed electrical work or assist to do any such work—

(a) Unless the person is authorised in that behalf under section 34 or section 35 of this Act; or

(b) With the assistance of any person who is not so authorised to do the work or to assist in doing it.

(2) Every person who sells or offers for sale to anyone other than a person registered, licensed, or authorised under this Act any material or device which is suitable or intended for prescribed electrical work shall display in a conspicuous position adjacent to the material or device at the time it is sold or offered for sale a permanent and legible notice approved by the Board, having letters of not less than one centimetre in height, to the effect that prescribed electrical work must be carried out only by persons who are registered, licensed, or authorised under this Act.

(3) Every person who fails to comply with or acts in contravention of subsection (2) of this section commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.

Cf. 1952, No. 73, s. 19; 1975, No. 15, s. 6

34. Persons who may do prescribed electrical work—

(1) Any person may do any of the following types of prescribed electrical work if such work is done in a workman-like manner without payment or reward and in accordance with instructions issued or approved by the Secretary of Energy:

(a) Replace a fuse link:

(b) Affix a plug or an adaptor or a cord extension socket or an appliance flex connector to a flexible cord, not being a flexible cord forming part of or directly connected to the fixed wiring.

(2) Where the Board considers it desirable to do so, the Board may authorise any person or class of persons to undertake the work specified in subsection (1) of this section during the course of his or their employment and such authority shall be on such conditions as imposed by the Board. Any such authority may at any time during its currency be withdrawn at the discretion of the Board.

(3) The following persons may do prescribed electrical work within the limits prescribed in regulations made under this Act:

(a) Persons who by virtue of qualifications in electrical engineering are registered under the Engineers Registration Act 1924 or under the Engineering Associates Act 1961, if they are not for the time being suspended or disqualified from doing the work of a registered electrical technician:

(b) Registered electrical technicians:

(c) Registered electricians and the holders of provisional licences to carry out the work of an electrician:

(d) Registered electrical mechanics and the holders of provisional licences to carry out the work of an electrician under the prescribed supervision of any person named in any of paragraphs (a), (b), and (c) of this subsection, or as otherwise authorised by regulation:

(e) Registered radio-electronic servicemen, electrical appliance servicemen, and persons holding restricted certificates:

(f) Persons who are licensed or authorised under this Act to do the class of work undertaken.

(4) Notwithstanding anything in this Act, no person who is the holder of a provisional licence under this Act to carry out the work of an electrician or to do prescribed electrical

work shall carry out or do the work with the assistance of an apprentice, and no apprentice shall assist the holder of the licence to do the work, unless they work under the direct supervision of a registered electrical technician or a registered electrician, or a person who is registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924 or the Engineering Associates Act 1961 and is not suspended or disqualified from doing the work of a registered electrician. 5

(5) Where any work involving prescribed electrical work is done in connection with the manufacture or assembly (not including the repair or renewal) of any electrical apparatus or electrical appliance, the work shall either be done by a person authorised to do it under subsection (3) of this section, or the person who undertakes the work shall cause it to be inspected and tested as may be prescribed in regulations made under this Act. 15

Cf. 1952, No. 73, ss. 20, 20A; 1960, No. 60, s. 2; 1969, No. 10, s. 13; 1976, No. 39, s. 5

35. Persons who may assist in doing prescribed electrical work—(1) Except as provided in section 34 (4) of this Act and in any regulations made under this Act, apprentices, improvers, and students may assist in doing prescribed electrical work if, at all times while they are so assisting, they are under the direct supervision of a person who is authorised under section 34 of this Act to do the work: 25

Provided that—

- (a) An improver who has passed the second qualifying examination in the electrical wiring or the radio-electronics trade, or the qualifying examination in the electrical appliance servicing trade; or 30
- (b) An apprentice who has passed any examination qualifying him for registration under this Act; or

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(ba) An apprentice to the electrical wiring or the radio and associated electronic trade who has passed the second qualifying examination and completed not less than 6,000 hours; 35

(c) A person who has passed the graduation examination for a degree in electrical engineering or who has passed the final examination for a New Zealand Certificate in Engineering, in electrical engineering; or 40

(d) A person granted permission to assist in doing a class of prescribed electrical work who has passed the examination qualifying him for registration in that class of work—

5 may assist a person who is authorised under section 34 of this Act to do prescribed electrical work under that person's general supervision.

(2) In any case where it is not practicable for a person or class of persons to obtain apprenticeship experience, and
10 where the person or class of persons can obtain the necessary alternative experience in a particular class of prescribed electrical work, the Board may grant permission to the person or class of persons to assist in doing that class of work for the purpose of qualifying for registration in accordance with
15 sections 17 to 21 of this Act.

(3) Except as provided in subsection (1) (d) of this section, where permission is so granted, that person or any person who belongs to that class of persons may assist in doing that class of prescribed electrical work if at all times
20 while he is so doing, he is under the direct supervision of a person who is authorised under section 34 of this Act to do that class of work.

(4) Any permission to assist in doing prescribed electrical work granted under this section may be withdrawn by the
25 Board if the conditions are not met.

(5) An observer, with the consent of the Electrical Supply Authority for the locality in which the observer intends to assist with electrical wiring, may assist in doing prescribed electrical work for a period not exceeding 8 weeks at any
30 one time if at all times when so assisting he is under the direct supervision of a person authorised under section 34 of this Act to do the work.

(6) Any experience gained under subsection (5) of this section shall not be recognised for the purpose of registration
35 under this Act.

(7) Notwithstanding anything in this section, if the length of run, size, or weight of conductors, or the size or weight of apparatus, supports, or enclosures in any premises are such as to require temporary physical assistance in the placing or
40 mounting of the conductors, apparatus, supports, or enclosures, the Electrical Supply Authority in whose area the

premises are situated may, unless otherwise determined by the Board, grant permission in each case for any person to assist an electrical technician or electrician in that work.

Cf. 1952, No. 73, s. 21; 1969, No. 10, s. 14; 1975, No. 15, s. 7; 1976, No. 39, s. 6

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36. Obligation to produce evidence of qualifications—

Every person who carries out or assists to carry out prescribed electrical work shall, on demand by a registered Inspector of electrical wiring, produce evidence of his qualification to do so, and it shall be the duty of every registered Inspector of electrical wiring, where a breach of this section has occurred, to report in writing to the Board through the Electrical Supply Authority such information at his disposal as may enable the Board to take whatever action it deems appropriate.

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Cf. 1952, No. 73, s. 22

37. Permission to begin prescribed electrical work—Before any person installs, or commences to install, any temporary electrical installation, fixed electrical wiring, fixed electrical appliance, or permanently connected semi-portable electrical appliance, permission shall be obtained in accordance with the requirements of the Electrical Wiring Regulations 1976.

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38. Inspection of prescribed electrical work—(1) No person shall connect any electrical installation of a type referred to in section 37 of this Act to a source of supply unless permission to make the connection has first been given by the Electrical Supply Authority.

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(2) Except as provided in section 3 of this Act, before giving permission to connect the electrical installation to a source of supply, the Authority shall cause the installation to be inspected, tested and approved:

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Provided that, in the case of an extension, repair, or alteration in an existing installation, the Authority may give permission to connect to the source of supply and either—

(a) Defer the inspection and test for a period not exceeding 3 months; or

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(b) On receipt of a certificate satisfactory to the Authority from an electrical technician or an electrician who has been engaged in prescribed electrical work for at least 5 years after being registered as an elec-

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trician or a person registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924 or the Engineering Associates Act 1961 that the work has been properly carried out, and has been properly inspected and tested by him, approve the installation as having been inspected and tested in accordance with this section.

(3) The Authority may, notwithstanding that the installation has been approved under subsection (2) (b) of this section without inspection or testing by the Authority, at any time inspect and test the installation, and shall, in accordance with regulations made under this Act, make random inspections and tests from time to time on installations approved under that subsection.

(4) Where a supply of electrical energy will not be obtained from an Electrical Supply Authority, connection with the source of supply shall not be made until either the installation has been inspected by a person for the time being authorised in that behalf by the Secretary of Energy or the Secretary of Energy has authorised the connection without inspection being made.

(5) For the purposes of this section the source of supply shall be deemed to be any point at which a supply of electrical energy is available, whether that point is inside a building or not.

(6) Except as provided in subsection (4) of this section, no Electrical Supply Authority shall cause any inspection or testing of prescribed electrical work to be made for any purpose whatever, or shall authorise any approval of any such work to be given, by any person other than a person appointed by it for the purpose and registered as an Inspector of electrical wiring, and no Inspector shall, for the purposes of this Act, inspect any prescribed electrical work done by himself.

Cf. 1952, No. 73, ss. 24, 25 (1); 1966, No. 32, s. 13; 1969, No. 10, s. 15; 1977, No. 33, s. 18

39. Power to enter and inspect—(1) Any registered Inspector of electrical (*work*) wiring appointed by an Electrical Supply Authority may, at any reasonable time or times upon producing to the person in charge of the premises his certificate of registration, enter upon any premises and inspect and test any prescribed electrical work or electrical apparatus therein if the prescribed electrical work or apparatus is, or

is intended to be, connected directly or indirectly with the electric lines of that Electrical Supply Authority, or has been connected directly or indirectly with those electric lines at any time within 3 years before the inspection.

(2) If the person in charge of the premises, without reasonable cause, refuses to permit any such Inspector to make any inspection as aforesaid, the Electrical Supply Authority may, after due inquiry, disconnect the installation from the source of supply. 5

(3) The Registrar, or if authorised by the Registrar in writing, any registered electrical technician, registered electrician or person registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924 or the Engineering Associates Act 1961, and not for the time being suspended or disqualified from doing the work of a registered electrician may on notice given to the person in charge of any premises, and on producing to that person evidence of his authority, enter the premises at any reasonable time or times for the purpose of making for the information of the Board an inspection and report concerning any prescribed electrical work, whether a complaint has been made in respect of the work or not. 10 15 20

(4) Any person authorised by the Secretary of Energy under section 3 or section 38 of this Act to inspect, test, or approve any prescribed electrical work may at any reasonable time or times, upon producing to the person in charge of the premises evidence that he has been authorised as aforesaid, enter upon any premises and inspect and test any prescribed electrical work or electrical apparatus therein. 25

Cf. 1952, No. 73, s. 27; 1969, No. 10, s. 16 30

40. Suspension or removal of name from register where work is defective—(1) The Electrical Supply Authority or the Secretary of Energy, as the case may be, shall forthwith after an inspection, report to the Board any unworkmanlike work or any fault or defect in the work inspected which in its or his opinion would justify the removal from any register of the name of any person registered under this Act or the withdrawal of a provisional licence, or any other disciplinary action by the Board, as the case may be; and may, pending the decision of the Board, suspend the registration or licence of the person for a period not exceeding one month. 35 40

(2) On receiving any report of any unworkmanlike work or any fault or defect in the work carried out by any person registered or licensed under this Act the Board may—

- 5 (a) Cause his name to be removed from the Register; or
- (b) Suspend him for such period as it thinks fit; or
- (c) Direct that registration be restricted for such period as it thinks fit; or
- (d) Order that the registered person be censured; or
- 10 (e) In the case of a registered electrical technician, direct that his registration be restricted for such period as it thinks fit to the work of an electrician, or to such work as it may specify, or that he shall be limited for such period as it thinks fit to work only on approved premises or in the employ of an approved employer; or
- 15 (f) In the case of a registered electrician, direct that his registration be restricted for such period as it thinks fit to the work of an electrical mechanic, or to such work as it may specify, or that he shall be limited for such period as it thinks fit to work only on approved premises or in the employ of an approved employer; or
- 20 (g) In the case of a registered electrical mechanic, direct that his registration be restricted for such period as it thinks fit in accordance with section 28 of this Act; or
- 25 (h) In the case of a registered radio-electronics serviceman, direct that his registration be limited, for such period as it thinks fit, in accordance with section 28 of this Act; or
- 30 (i) In the case of a registered electrical appliance serviceman direct that his registration be limited, for such period as it thinks fit, in accordance with section 28 of this Act; or
- 35 (j) In the case of a person holding a restricted certificate direct that his certificate be limited, for such period as it thinks fit, in accordance with section 28 of this Act.

40 (3) Where the registration or licence of any person is suspended as aforesaid, during the period of suspension he shall be deemed not to be so registered or licensed and it shall not be lawful for him to do any work which may be done only by a person who is so registered or licensed.

(4) If any person who is registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924 or the Engineering Associates Act 1961 acts in accordance with this Act with respect to any prescribed electrical work in the capacity of a registered electrical technician, and if there is any fault or defect in any work for which he is responsible, the Board may either suspend him for such period as it thinks fit, or disqualify him permanently, from acting in that capacity, and while he is so suspended or disqualified it shall not be lawful for him to do prescribed electrical work or any work of a registered electrical technician. 5 10

(5) Any person whose registration has been restricted or become limited or further limited under subsection (2) of this section may at any time apply to the Board for the removal of the restriction of limitation or further limitation and his reinstatement to registration. 15

(6) If, in any case where a registered person has been suspended by an Electrical Supply Authority or the Secretary of Energy pending the decision of the Board as provided in subsection (1) of this section, the Board is satisfied that there were no reasonable grounds for his suspension, the Electrical Supply Authority or the Secretary of Energy, as the case may be, shall pay to the person an amount equal to the loss suffered by him during the period of suspension by reason of any consequent reduction of wages or loss of employment, and the said amount shall be recoverable as a debt due by the Electrical Supply Authority or the Secretary of Energy as the case may be, to the person under suspension. 20 25

Cf. 1952, No. 73, s. 27; 1969, No. 19, s. 17 30

41. Complaint as to inspection of wiring—(1) If at any time a complaint is made to the Board by any body recognised by the Minister as representing electrical traders or electrical contractors or electricians in New Zealand as to the manner in which the inspection of any prescribed electrical work has been or is being carried out by an Electrical Supply Authority, or by any person who has been authorised by the Secretary of Energy to inspect, test, or approve prescribed electrical work the Board shall appoint some competent person to inquire and report to the Board in the matter of the complaint. If as a result of the inquiry and report the Board is satisfied that the inspection has been or is being made in an unfair manner, the Board may— 35 40

- (a) Cancel the registration as an Inspector of electrical wiring of the Inspector making the inspection, or may suspend his registration as an Inspector for such period as it thinks fit; or
- 5 (b) Cancel the authority of the person making the inspection (if he is a person who has been authorised by the Secretary of Energy to inspect or test or approve prescribed electrical work) to inspect or test or approve prescribed electrical work
- 10 either completely or for such period as the Board may specify.

(2) Where the Board suspends the registration as an Inspector of electrical wiring of any Inspector, during the period of the suspension of his registration he shall be deemed

15 not to be registered as an Inspector of electrical wiring and it shall not be lawful for him to act as an Inspector of electrical wiring.

(3) The cost of making an inquiry and report pursuant to this section shall be ascertained by the Board, and shall be

20 claimed by it from the body making the complaint or from the Electrical Supply Authority, as the Board may determine, or may be apportioned by the Board in such manner as it thinks proper, and the amount so claimed shall constitute a debt due to the Crown, and shall be recoverable in

25 any Court of competent jurisdiction accordingly.

Cf. 1952, No. 73, s. 28

42. Inquiry as to competency of Inspector—If the Board has reason to believe that any registered Inspector of electrical wiring or person who has been authorised by the Secretary of Energy to inspect, test, or approve prescribed electrical work is not satisfactorily carrying out his duties, it may

30 appoint some competent person to inquire and report to it as to the competency of the Inspector or person. If as a result of the inquiry and report the Board is satisfied that the Inspector

35 or person authorised is incompetent, it may cancel his registration as an Inspector or cancel the authority to inspect, test, or approve prescribed electrical work.

Cf. 1952, No. 73, s. 29

43. Appeal from Board—(1) Every person who is aggrieved

40 by any decision or part of any decision of the Board under this Act in relation to registration or an application for registration, or the suspension of registration, or the cancel-

lation of registration, or the restriction or limitation or further limitation of registration, or the subsequent refusal of the Board to remove any such restriction or limitation or further limitation or to reinstate him to registration, or the cancellation of an authority to inspect, test, or approve prescribed electrical work may, within 3 months after notice of that decision has been communicated to him by the Registrar, or within such further period as the Board of Appeal may allow, appeal in the prescribed manner to a Board of Appeal consisting of a Magistrate and 2 assessors, of whom one shall be appointed by the Board and one by the appellant. 5 10

(2) The Board of Appeal shall thereupon hear the appeal, and may—

- (a) Confirm the decision of the Board; or
- (b) Order the registration of the appellant, the restoration of his name to the appropriate register, or the removal of the suspension, or the removal of the restriction or limitation of registration, or the reinstatement to registration, or the restoration of the authority, as the case may be; or 15 20
- (c) Extend or reduce any of the aforesaid penalties if in its opinion that action is warranted. 20

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(3) Subject to section 44 of this Act, the determination of the Board of Appeal shall in every case be final and conclusive. 25

(4) On any appeal under this section the Board of Appeal shall be deemed to be a Commission of Inquiry under the Commission of Inquiry Act 1908, and that Act shall apply accordingly. 30

Cf. 1952, No. 73, s. 30; 1966, No. 32, s. 15; 1969, No. 10, s. 18

44. Appeal to Administrative Division of Supreme Court—

(1) The appellant and the Board shall have a right of appeal to the Supreme Court from any decision or part of any decision of the Board of Appeal. 35

(2) Every such appeal shall be heard and determined by the Administrative Division of the Supreme Court.

(3) Every such appeal shall be brought within 28 days after the date on which the appellant or the Board, as the case may be, was notified of the decision appealed against, or within such further period as the Court may allow. 40

(4) The procedure in respect of any appeal to the Supreme Court shall be in accordance with the rules of the Court.

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(5) In its determination of any appeal the Court may confirm, modify, or reverse the decision appealed against or any part of that decision, or may direct the Board of Appeal to reconsider either generally or in respect of any specified matters, the whole or any specified part of the matter to which the appeal relates.

10

PART III

MISCELLANEOUS PROVISIONS

15 **45. Work dangerous to life**—Every person who culpably or negligently does, or causes to be done, any prescribed electrical work in a manner which is dangerous to life commits an offence against this Act and shall be liable upon conviction to imprisonment for a term not exceeding one year or to a fine not exceeding \$2,000.

Cf. 1952, No. 73, s. 31; 1976, No. 39, s. 7 (1)

20 **46. False or fraudulent representations to Board**—Every person commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding \$500 who—

25 (a) Makes any false or fraudulent representation, or produces to the Board or the Registrar any false certificate or testimonial for the purpose of securing registration under this Act or of obtaining a provisional licence under this Act or of obtaining authority to carry out or do any electrical installation work or prescribed electrical work; or

30 (b) With intent to deceive, makes any false or misleading statement or any material omission in any communication with or any application to the Board or Registrar, whether in writing or otherwise.

Cf. 1952, No. 73, s. 32; 1976, No. 39, s. 7 (1)

35 **47. Other offences**—(1) Every person commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding \$500 who—

40 (a) Not being registered or licensed under this Act does any act, or uses or causes to be used in connection with his business or trade or calling any words or

titles or initials, intended to cause or which may reasonably cause any other person to believe he is so registered or licensed; or

- (b) Not being employed by an Electrical Supply Authority as an Inspector of electrical wiring, or for the time being authorised by the Secretary of Energy to inspect or test or approve prescribed electrical work, does any act intended to cause or which may reasonably cause any other person to believe that he is so employed or authorised, or in any way holds himself out as being so employed or authorised; or 5

- (c) Does prescribed electrical work, or causes any such work to be done, contrary to this Act; or

- (d) Employs or permits or pays any person to do any prescribed electrical work contrary to this Act: 15

Provided that no information shall be laid under this paragraph by any person other than the Registrar or a person authorised in writing in that behalf by the Board; or 20

- (e) Employs or permits any person registered or licensed or authorised in accordance with this Act to do any prescribed electrical work that he is not entitled to do by virtue of the registration or licence or authority, or who, being a person registered or licensed or authorised in accordance with this Act, does any prescribed electrical work that he is not entitled under this Act to do; or 25

- (f) Induces or procures any person to commit a breach of this Act or of any regulations thereunder, or otherwise incites, instigates, aids, or abets a breach of this Act or of any regulations thereunder. 30

(2) Every person commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding \$500 who— 35

- (a) Wilfully hinders or obstructs any authorised person in the exercise of any powers conferred by or under this Act; or
- (b) Acts in contravention of or fails to comply in any respect with any provision of this Act; or 40
- (c) Allows his certificate of registration or provisional licence to be used by any other person for the purpose of enabling that other person to do any prescribed electrical work in contravention of this Act; or 45

(d) On demand by an Inspector of electrical wiring or other person duly authorised to inspect prescribed electrical work, refuses or fails to give to the Inspector or authorised person any information at his disposal that may lead to the identification of any person who has done any prescribed electrical work in any premises.

(3) Every person commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding \$30 and to a further fine not exceeding \$5 for every day or part of a day during which the offence continues who, being in possession of any certificate or any licence issued or valid under this Act fails or refuses to surrender it to the Board on demand by the Registrar in writing.

Cf 1952, No. 73, s. 33; 1969, No. 10, s. 21 (c) (d); 1976, No. 39, s. 9

48. Onus of proof—(1) In any prosecution for an offence against this Act, the onus shall be on the defendant to prove, where the facts are in issue, that he is, or, on all material dates was, a registered person or the holder of a provisional licence under this Act or of an authority under this Act, as the case may be. The production by the defendant of a certificate, licence, or authority issued in accordance with this Act under the hand of the Registrar shall, in the absence of proof to the contrary, be sufficient evidence of the facts stated in the certificate, licence, or authority.

(2) In any prosecution for an offence against this Act, a certificate under the hand of the Registrar to the effect that the defendant is not registered or is not the holder of a provisional licence under this Act, or an authority under this Act, or to the effect that his registration is suspended or is not in force, or to the effect that any person has failed or refused to surrender any certificate or licence on demand by the Registrar in writing, shall, in the absence of proof to the contrary, and where the fact is in issue, be sufficient evidence of any such fact which is stated in the certificate.

(3) In any such prosecution, judicial notice shall be taken of the signature of the Registrar on any such certificate, licence, or authority.

(4) In any prosecution for an offence against this Act, where any prescribed electrical work has been done on any premises and the person who was the occupier of the premises at the time the work was done has refused or failed, on

demand by an Inspector of electrical wiring or other person duly authorised to inspect prescribed electrical work, to give to the Inspector or authorised person any information at his disposal that may lead to the identification of the person who has done the prescribed electrical work, that occupier shall, unless the contrary is proved, be deemed to have permitted the work to be done in contravention of this Act. 5

Cf. 1952, No. 73, s. 34

49. Time for laying information—Any information for an offence against this Act may be laid at any time within 3 years after the date of the commission of the offence. 10

Cf. 1952, No. 73, s. 35

50. Application of fees, fines, and expenses of administration—All fees, fines, and other money, received or recovered under this Act shall be paid to the credit of the Energy Account and, except as otherwise provided by regulations in that behalf, all expenses incurred by or on behalf of the Board or otherwise incurred in carrying out this Act shall be paid out of money to be from time to time appropriated by Parliament for the purpose. 15 20

Cf. 1952, No. 73, s. 36; 1977, No. 65, s. 160 (1)

51. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing forms of application for and certificates of registration and licences under this Act: 25
- (b) Prescribing the form of the registers to be kept and the particulars to be entered therein:
- (c) Prescribing such other forms as may be necessary for the purposes of this Act: 30
- (d) Prescribing the subject-matter of examinations to be conducted by or under the direction of the Board in the case of applicants, or of any class of applicants, for registration or provisional licensing under this Act: 35
- (e) Prescribing the nature and duration of training or experience necessary before a candidate shall be entitled to sit for any examination under this Act, or any examination conducted by the Board in exercise of any power delegated to it in that behalf under the Trades Certification Act 1948: 40

- 5 (f) Providing the apportionment among all or any of the electrical supply authorities, and the bodies specified in paragraphs (c), (d), (e) and (f) of section 4 (1) of this Act of an amount not exceeding the amount by which the cost of administering this Act in any financial year exceeds the fees, fines, and other money received or recovered to the use of the Crown under this Act in respect of that year and for the payment of the amount so apportioned:
- 10 (g) Providing for the conduct of appeals under section 43 of this Act, and prescribing the fees that may be paid to assessors:
- 15 (h) Defining for the purposes of this Act what work shall be deemed to be or not to be prescribed electrical work and the circumstances and conditions in which any work shall be deemed to be or not to be prescribed electrical work:
- 20 (i) Prescribing the limits or scope of prescribed electrical work which electrical mechanics, radio-electronics servicemen, electrical appliance servicemen, persons holding restricted certificates, apprentices, improvers, and students may do or assist to do:
- 25 (j) Generally providing for such other matters as may be necessary for the effective administration of this Act.

Cf. 1952, No. 73, s. 37; 1969, No. 10, s. 22 (1)

52. Repeals—The enactments specified in the Schedule to this Act are hereby repealed.

SCHEDULE

Section 52

ENACTMENTS REPEALED

- 1952, No. 73—The Electricians Act 1952. (1957 Reprint, Vol. 4, p. 541.)
- 1956, No. 74—The Electricians Amendment Act 1956. (1957 Reprint, Vol. 4, p. 572.)
- 1960, No. 60—The Electricians Amendment Act 1960.
- 1966, No. 32—The Electricians Amendment Act 1966.
- 1967, No. 73—The Electricians Amendment Act 1967.
- 1969, No. 10—The Electricians Amendment Act 1969.
- 1975, No. 15—The Electricians Amendment Act 1975.
- 1976, No. 39—The Electricians Amendment Act 1976.
- 1977, No. 33—The Ministry of Energy Act 1977: So much of Part II of the Second Schedule as relates to the Electricians Act 1952.
- 1977, No. 65—The Public Finance Act 1977: So much of the Third Schedule as relates to the Electricians Act 1952.