

## TRADES CERTIFICATION BILL

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### EXPLANATORY NOTE

THIS Bill consolidates and amends the Trades Certification Act 1948. *Clauses 1 to 6, 10, and 21* substantially re-enact existing provisions. All other clauses are new.

*Clause 1* relates to the Short Title.

*Clause 2* defines various terms used in the Bill.

*Clause 3* constitutes the Trades Certification Board.

*Clause 4* relates to membership of the Board. The only change from existing membership is that the Post Primary Teachers' Association will have its nominees reduced from two to one. The Association of Teachers in Technical Institutes will now nominate one person.

*Clause 5* provides for meetings of the Board.

*Clause 6* prescribes the functions and powers of the Board. The only changes are that the powers to charge fees and to pay examiners, moderators, and supervisors will now be subject to the approval of the Minister of Education. In addition the Board is authorised to pay any other examining body, which conducts examinations on its behalf, a proportion of the examination fees.

*Clause 7* is a new provision empowering the Board, with the approval of the Minister, to purchase, take on lease, hire, or otherwise acquire land, buildings, or parts of buildings.

*Clause 8* is a new provision empowering the Board, with the approval of the Minister, to sell or exchange land vested in the Board.

*Clause 9* is a new provision empowering the Board to grant leases of any land vested in the Board. For that purpose the Board is declared to be a leasing authority in terms of the Public Bodies' Leases Act 1908.

*Clause 10* provides for the payment of fees, salaries, allowances, and travelling allowances and expenses to members of the Board and of any committee of the Board, and to any person co-opted to advise the Board.

*Clause 11* is a new provision. It provides for the use of the Board's common seal.

*Clause 12* is a new provision. It applies the provisions of the Public Bodies Contracts Act 1959 and the Local Authorities (Members' Contracts) Act 1954 to the Board.

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*Clause 13* is a new provision. It provides that all money received by the Board shall be paid into a bank account. In addition, no money shall be withdrawn from the bank except by cheque signed by the Secretary and a member of the Board, or by two members of the Board of whom one is the Chairman.

All payments of money must be authorised by the Board either before payment or at the first ordinary meeting after the date of payment.

*Clause 14* is a new provision. It authorises the Board to establish an imprest account for the payment of salaries and wages and emergency expenditure.

*Clause 15* is a new provision which authorises the Board to borrow money by way of overdraft.

*Clause 16* is a new provision providing for unauthorised expenditure by the Board of up to £50 in any financial year.

*Clause 17* is a new provision providing for investment of the Board's funds.

*Clause 18* provides that the Board may insure its members, any person co-opted to advise the Board, and any person appointed as an examiner, moderator, or supervisor against loss from personal accident.

*Clause 19* is a new provision requiring the Board to keep proper accounts and to have its accounts audited by the Audit Office. In addition the Board is required to submit a copy of its accounts and a report of its activities to the Minister of Education every year.

*Clause 20* is a new provision empowering the Board to appoint a Secretary and other officers and employees.

*Clause 21* provides for the Board's expenditure to be met out of money appropriated by Parliament for the purposes of the Department of Education to the extent that the Board's revenue from fees, etc., is insufficient to meet that expenditure.

*Clause 22* consequentially repeals the Trades Certification Act 1948 and its amendment.

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*Hon. Mr Kinsella*

## TRADES CERTIFICATION

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### ANALYSIS

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### A BILL INTITULED

**An Act to consolidate and amend the Trades Certification Act 1948 and its amendment**

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

**1. Short Title**—This Act may be cited as the Trades Certification Act 1966.

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

“Board” means the New Zealand Trades Certification Board constituted under this Act:

“Financial year” means a period of twelve months ending with the thirty-first day of March:

“Minister” means the Minister of Education:

“Trade” means any trade or industry in connection with which the Board considers it desirable to conduct examinations or issue certificates. 5

**3. Constitution of New Zealand Trades Certification Board**—(1) For the purposes of this Act there shall continue to be a Board, to be known as the New Zealand Trades Certification Board, which shall be the same Board as that established by the Trades Certification Act 1948 and existing under the same name at the commencement of this Act. 10

(2) The Board shall be a body corporate with perpetual succession and a common seal, and may hold real and personal property, and sue and be sued, and do and suffer all such acts and things as bodies corporate may lawfully do and suffer. 15

(3) Notwithstanding the provisions of section 4 of this Act, the Board, as it was constituted immediately before the commencement of this Act, shall continue to be so constituted until the expiry of the thirty-first day of March, nineteen hundred and sixty-seven. 20

**4. Membership of Board**—(1) The Board shall consist of—

- (a) One person to be appointed as Chairman of the Board on the recommendation of the Director-General of Education: 25
- (b) Two other persons to be appointed on the recommendation of the Director-General of Education:
- (c) Two persons to be nominated by the New Zealand Employers' Federation Incorporated: 30
- (d) Two persons to be nominated by the New Zealand Federation of Labour:
- (e) One person to be nominated by the New Zealand Post-Primary Teachers' Association:
- (f) One person to be nominated by the Association of Teachers in Technical Institutes Incorporated: 35
- (g) One person to be nominated by the Technical Education Association:
- (h) The person for the time being holding the office of Commissioner of Apprenticeship: 40
- (i) One person to be nominated by the Electricians Registration Board:

(j) One person to be nominated by the New Zealand Motor Trade Certification Board:

(k) One person to be nominated by the Plumbers and Gas-fitters Board:

5 (1) Additional members to be appointed under this paragraph, of whom one shall be nominated by each other authority which conducts examinations and issues certificates for the whole of New Zealand in  
10 connection with a particular trade or trades, and which the Board recommends should be represented on the Board for the time being.

(2) Every member of the Board, other than the Commissioner of Apprenticeship, shall be appointed by the Minister, and shall hold office for a term of three years. Any appointed  
15 member may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister.

20 (3) If any appointed member of the Board dies, or is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall  
25 hold office for a term of three years commencing on the date of his taking up the appointment.

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

(5) Any appointed member of the Board may from time to time be reappointed.

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

35 **5. 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.

(2) At any meeting of the Board, six members shall form a quorum.

40 (3) Every question before any meeting of the Board shall be determined by a majority of the votes of the members present and voting thereon:

Provided that a resolution signed by all the members of the Board for the time being in New Zealand shall be as valid and effectual as if it had been passed at a duly constituted meeting of the Board.

(4) The Board shall appoint a Deputy Chairman who shall hold office, while he continues to be a member of the Board, for a term of three years, and who may be reappointed. 5

(5) The Chairman shall preside at every meeting of the Board at which he is present. In the absence of the Chairman from any meeting, the Deputy Chairman shall preside. In the absence of both the Chairman and the Deputy Chairman from any meeting, the members present shall appoint one of their number to preside at that meeting. 10

(6) At any meeting of the Board the person presiding shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote. 15

(7) Except as expressly provided in this Act, the Board may regulate its procedure in such manner as it thinks fit.

**6. Functions and powers of Board—**(1) The functions of the Board shall be— 20

(a) To make provision for the examination of persons practising or intending to practise any trade who desire from time to time to present themselves for examination:

(b) To grant or issue, either independently or in conjunction with any other examining body, diplomas or certificates to any such person in recognition of his proficiency in any trade, or in any art, science, or matter relating to any trade. 25

(2) The Board may expend any money and generally take any action for any purpose that in its opinion is ancillary to its functions as defined in subsection (1) of this section. Without limiting the generality of the powers hereinbefore conferred, the Board may— 30

(a) Co-opt, if necessary, any person or persons to advise the Board in connection with any trade: 35

(b) Make representations to the appropriate New Zealand Apprenticeship Committee in regard to the pre-requisite education for apprentices wishing to enter any industry, or in regard to other educational matters affecting apprentices: 40

- 5 (c) From time to time, after consultation with the Director-General of Education, appoint such advisory or technical committees as it thinks fit to advise the Board on such matters within the scope of its functions and powers as are referred to them by the Board, and appoint any person to be a member of any such committee, notwithstanding that he is not a member of the Board:
- 10 (d) Charge such fees as the Minister approves for entry for any examination:
- 15 (e) Appoint persons, including members of the Board, to be examiners, moderators, and supervisors for any examination and pay them such remuneration as the Board, with the approval of the Minister, may determine.
- 20 (3) The Board shall work in the closest cooperation with any examining body which conducts examinations for the whole of New Zealand in connection with any trade, and may delegate to any such body the power of conducting any examination in connection with that trade for the purpose of the grant or issue of any diploma or certificate by the Board.
- 25 (4) The Board may pay to any examining body to which the power of conducting an examination has been so delegated such proportion of the entry fees received for the examination as the Board considers reasonable and such other amounts as the Board considers reasonable for the conduct of the examination.

30 **7. Power to acquire land and buildings**—With the approval of the Minister, the Board may, out of its funds, purchase, take on lease, hire, or otherwise acquire such land or buildings or parts of buildings as in the opinion of the Board are necessary for the performance of its functions.

35 **8. Power to sell or exchange land**—(1) With the approval of the Minister, the Board may sell or exchange any land vested in the Board other than land held in trust for any special purpose, and may pay or receive any money by way of equality of exchange.

40 (2) Nothing in this section shall authorise the sale or exchange of any land granted by the Crown or by any Act as an endowment to the Board.

(3) The powers of selling or exchanging land which are conferred upon the Board by this section shall, with the consent of the Minister, extend to land held in trust for any special purpose, notwithstanding the terms of that trust; but the proceeds of any such sale, and the land or money obtained by any such exchange, shall be subject to the same trusts, so far as may be practicable, as those applying to the land so disposed of, or to similar trusts approved by the Minister. 5

**9. Power to grant leases**—The Board may grant leases of any land vested in the Board; and for that purpose the Board is hereby declared to be a leasing authority within the meaning of the Public Bodies' Leases Act 1908. 10

**10. Fees and travelling allowances**—(1) There shall be paid to members of the Board and of any committee appointed by the Board, and to any person co-opted to advise 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 the provisions of that Act shall apply accordingly as if the members of any such committee, and any person so co-opted to advise the Board (as well as the members of the Board) were members of a statutory Board within the meaning of that Act. 15 20

(2) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 25

**11. Use of common seal**—The common seal of the Board shall not be affixed to any document, other than a diploma or certificate issued by the Board, except pursuant to a resolution of the Board, and the affixing of the seal to any such document shall be attested by the Secretary and one member of the Board. 30

**12. Contracts of Board and members**—(1) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in its appropriate alphabetical order the following item: 35

“The New Zealand Trades Certification Board	1966, No. 00—The Trades Certification Act 1966.”
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(2) Part II of the First Schedule to the Local Authorities (Members' Contracts) Act 1954 is hereby amended by inserting in its appropriate alphabetical order the following item:

5      "The New Zealand Trades Certification Board | 1966, No. 00—The Trades Certification Act 1966."

**13. Money to be banked—**(1) All money received by the Board, or by an officer or employee of the Board, shall, as soon as practicable after it has come into the hands of any of them, be paid into such branch of the Bank of New Zealand as the Board from time to time determines to an account to be called the New Zealand Trades Certification Board Account.

10      (2) No such money shall be withdrawn from the bank except by cheque signed by the Secretary and a member of the Board, or by two members of the Board of whom one is the Chairman:

15      Provided that it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid by the Board by cheque bearing facsimiles of the signatures of the persons so authorised to sign cheques, and every cheque bearing such facsimiles shall be deemed to have been duly signed in accordance with this subsection.

20      (3) Every payment of money by the Board shall be authorised by a prior resolution of the Board or shall be submitted to the Board for confirmation at its first ordinary meeting after the date of payment.

**14. Board may establish imprest account—**(1) Notwithstanding the provisions of section 13 of this Act, the Board may establish an imprest account which may be held jointly in the names of and be operated on by the Secretary and one other person to be appointed in that behalf by the Board, or may, with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and be operated on by the Secretary or any other approved officer of the Board.

30      Where the imprest account is held jointly in the names of the Secretary and one other person, that other person shall be either a responsible officer of the Board or a member of the Board.

35      (2) The Board shall from time to time, by resolution, fix the maximum amount that may be held at any time in the imprest account, not exceeding one hundred pounds in any case where the imprest account may be operated on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case.

(3) Money in the imprest account shall be available only for the payment of salaries and wages and emergency expenditure. A statement of every payment made from the account shall be submitted to the Board for confirmation at its first ordinary meeting after the date of payment.

**15. Power to borrow on overdraft—**(1) The Board may from time to time, in accordance with this section, borrow money from its bankers by way of overdraft.

(2) The total amount so borrowed shall not at any time in any financial year exceed three-fourths of the revenue of the Board for the immediately preceding financial year, and the Board shall not owe, under the authority of this section, at the end of any year any sum greater than such part of its revenue for the year then ended as remains outstanding and unpaid.

**16. Unauthorised expenditure—**The Board may in any financial year expend for purposes not authorised by any Act or law for the time being in force any sum or sums not amounting in the whole to more than fifty pounds.

**17. Investment of funds—**Subject to the terms of any trust or endowment, any money belonging to the Board and available for investment may be invested in accordance with the provisions of the Trustee Act 1956 for the investment of trust funds.

**18. Insurance of members, etc.—**The Board may from time to time enter into contracts of insurance insuring members of the Board, any person co-opted to advise the Board, and any person appointed as an examiner, moderator, or supervisor against loss from personal accident arising out of and in the course of the exercise and performance of their powers and duties as such, and may pay the premiums payable in respect of any such contracts.

**19. Accounts and annual report—**(1) The Board shall keep full and correct accounts of all money received and expended by it.

(2) The accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all the powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of the accounts of local authorities.

(3) As soon as practicable after the end of each financial year the Board shall cause to be prepared and submitted to the Audit Office full and true statements and accounts of all its income and expenditure in that year and of its assets and liabilities at the end of that year.

(4) Within one month after the date of the receipt of the accounts certified by the Audit Office, the Board shall send to the Minister a true copy of its accounts for the immediately preceding financial year so certified, together with a report of the Board's activities during that year.

**20. Officers and employees**—(1) The Board may from time to time appoint a Secretary and such other officers and employees, including acting or temporary or casual officers and employees, as it thinks necessary for the efficient exercise of its functions and powers under this Act, and, subject to subsection (3) of this section and to any contract of service, may at any time remove the Secretary or any other officer or employee from his office or employment.

(2) The Secretary and the other officers and employees of the Board shall be paid such salaries and allowances (within scales fixed by the Board after consultation with the State Services Commission) as the Board from time to time determines.

(3) The Secretary and the other officers and employees of the Board shall be employed on terms and conditions of employment from time to time determined by the Board after consultation with the State Services Commission.

**21. Expenses of Board**—All payments made in the course of the administration of this Act shall be made out of money which the Board receives in the exercise of its functions from fees and otherwise, and, to the extent that that money is insufficient, shall be made out of money from time to time appropriated by Parliament for the purposes of the Department of Education.

**22. Repeals**—The following enactments are hereby repealed:

(a) The Trades Certification Act 1948:

(b) So much of the First Schedule to the Fees and Travelling Allowances Act 1951 as relates to the New Zealand Trades Certification Board, and so much of the Second Schedule to that Act as relates to the Trades Certification Act 1948.