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Electricity Act 1992

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Contents

		Page
	Title *[Repealed]*	15
1	Short Title and commencement	15
1A	Purposes	15
	Part 1 **Preliminary provisions**	
2	Interpretation	16
3	Act to bind the Crown	27
	Part 2 **General**	
	Electricity operators	
4	Declaration of electricity distributors as electricity operators	27
4A	Declaration of electricity generators as electricity operators	28
	Functions and powers of WorkSafe and Secretary	
5	Functions of WorkSafe	28
5A	Functions of Secretary	29
5B	WorkSafe and Secretary must share information	29

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Business, Innovation, and Employment.

6 Inspection of works, etc 30
7 Report to be compiled on inspection 30
8 Special powers of WorkSafe 31
9 Objections to WorkSafe's requirements 32
10 Effect of notice or requirement pending hearing 33
11 Procedure on hearing of objection 33
12 Appeal on question of law 33
13 WorkSafe may require immediate compliance 34
14 Appeal against decision on application for injunction 34
15 Assessors 35
16 Notification of accidents 35
16A Transfer of accident information 37
17 Interference with scene of accident 37
18 Inquiries into accidents 37
19 Assistance to WorkSafe 38
20 Obstructing WorkSafe 38
21 Privilege against self-incrimination 39

Part 3
Powers and duties of electricity operators and other owners of electrical works

22 Protection of existing works 40
22A Owners of land not responsible for maintenance 40
23 Rights of entry in respect of existing works 40
23A Line owner must give written notice of intention to maintain or complete existing works 41
23B Line owner must give notice of intention to inspect or operate existing works 41
23C Notice in emergencies 41
23D Land owner may set reasonable conditions on line owner's entry 42
23E Agreements preserved 42
23F Disputes about land access 42
24 Construction or maintenance of works on roads 43
24A Criteria for setting reasonable conditions 44
25 Notice to be given before work undertaken 45
26 Offence 46
27 Appeals in relation to conditions imposed 46
28 Determination of appeals 46
29 Appeal on question of law 46
30 Charging for access to road reserve 47
31 Rights of entry in respect of level crossings 47
32 Local authority, etc, may require works to be moved 48
33 Cost of work required under section 32 49
34 Government Roading Powers Act 1989 not to apply 51
35 Owners and occupiers of private land may move works 51

Part 4
Electrical codes of practice

36 Issue of electrical code of practice 51
37 Code may incorporate official standards by reference 52
38 Code to be approved by Minister 53
39 Availability of codes 53
40 Emergency amendment of code 54
41 Citation of code 55
42 Proof of code 55
43 Codes promulgated under Electricity Act 1968 56
43A Different Ministries responsible for different codes *[Repealed]* 56

Part 5
Rural electrical reticulation

[Repealed]

44 Rural Electrical Reticulation Council *[Repealed]* 56
45 Functions of Council *[Repealed]* 56
46 Council to comply with government policies *[Repealed]* 56
47 Further provisions applying to Council *[Repealed]* 56
48 Levies *[Repealed]* 57
49 Interest on levies *[Repealed]* 57
50 Application of levies *[Repealed]* 57
51 Transitional provision relating to subsidies *[Repealed]* 57
52 Transitional provision relating to membership of Council *[Repealed]* 57
53 Council to wind up operations before dissolution *[Repealed]* 57
54 Dissolution of Council *[Repealed]* 57
55 Expiration of provisions relating to Council *[Repealed]* 57
56 Consequential amendment to Official Information Act 1982 *[Repealed]* 57

Part 6
Miscellaneous provisions relating to supply of electricity

57 Compensation for damage 58
58 Compensation for trees and vegetation removed 58
59 Returns relating to construction of works, etc 58
60 Standards for electricity supply 59
61 Safety requirements 59
61A Electricity generators and electricity distributors must have safety management systems 59
62 Continuance of supply *[Repealed]* 60

Part 6A
Restriction on new fossil-fuelled thermal electricity generating capacity

[Repealed]

Preliminary provisions

[Repealed]

62A Purpose of this Part *[Repealed]* 60
62B Expiry of this Part *[Repealed]* 60
62C Interpretation *[Repealed]* 60

Restriction on connection and operation of specified generation plant

[Repealed]

62D Restriction on connection and operation of specified generation plant *[Repealed]* 61
62E Additional penalty for breach involving commercial gain *[Repealed]* 61

Exemptions

[Repealed]

62F Minister of Energy may grant exemption *[Repealed]* 61
62G Minister of Energy may only grant exemption if satisfied of certain matters *[Repealed]* 61
62H Grounds and terms and conditions of exemption *[Repealed]* 61
62I Public consultation on recommendations *[Repealed]* 61
62J Publication of exemption and reasons *[Repealed]* 61
62K Revocation of exemption *[Repealed]* 62
62L Commission may grant temporary emergency exemption *[Repealed]* 62

Enforcement

[Repealed]

62M Commission must monitor compliance *[Repealed]* 62

Commission may use information collected or provided under regulations or rules

[Repealed]

62N Commission may use information collected or provided under regulations or rules *[Repealed]* 62

Regulations

[Repealed]

62O Regulations for purposes of this Part *[Repealed]* 62

Part 7
Price restraint

[Repealed]

63 Regulations relating to price of electricity *[Repealed]* 63
64 Definition of domestic premises *[Repealed]* 63
65 Offences *[Repealed]* 63
66 Other Acts relating to price control not affected *[Repealed]* 63
67 Expiry of this Part *[Repealed]* 63

Part 8
Licensing of electricity suppliers

[Repealed]

68 Definition of consumer for purposes of this Part *[Repealed]* 63
69 Licence to supply electricity *[Repealed]* 63
70 Offence *[Repealed]* 63
71 Supply of electricity to consumers outside supply area *[Repealed]* 64
72 Duty to supply *[Repealed]* 64
73 Expiry of this Part *[Repealed]* 64

Part 9
Restrictions on electrical work

74 Restrictions on doing or assisting with prescribed electrical work 64

Exemptions

75 Board may exempt person or class of persons from section 74 65
76 Exemption for work done under supervision 65
77 Exemption for trainees 66
78 Board may issue limited certificate for purposes of section 77 66
79 Exemption for domestic electrical wiring work 67
80 Exemption for maintenance of domestic appliances 67

Board may cancel application of exemption

81 Board may cancel application of exemption to any person 68

Testing, certification, and inspection

82 Testing, certification, and inspection 69
83 Power of entry 69

Part 10
Registration and licensing of electrical workers and employer licences

Subpart 1—Electrical worker registration and licensing

Classes of registration

84 Classes of registration may be designated by Board 70
85 Board may prescribe other registration and licensing matters 71
86 Minimum standards for registration 73

87 Principles guiding prescribing of registration and licensing matters 73
88 Board must consult before making notices 74
89 Notices made under sections 84 and 85 must be approved by Minister 74
90 Other provisions relating to notices under sections 84 and 85 75
[Repealed]

How to become registered

91 Entitlement to registration 75
92 Applications for registration 75
93 Board may issue provisional licence pending consideration of application 76
94 Duration of provisional licence 76
95 Board to consider application 76
96 Board to register applicant or decline application 77
97 Registration subject to terms and conditions 77

How to become licensed

98 Practising licence required 78
99 Entitlement to practising licence 78
100 Applications for practising licence 78
101 Board to consider application 79
102 Board to issue practising licence or decline application 79
103 Practising licence subject to terms and conditions 80

Duration and renewal of practising licence

104 Duration of practising licence 80
105 Applications for renewal of practising licence 81
106 Renewal of practising licence 81

Exemptions from registration and practising licence requirements and conditions

107 Board may grant exemptions from registration and practising licence requirements and conditions 82

Competence

108 Competence programmes 83
109 Unsatisfactory results of competence programme 84

Cancellation and suspension

110 Cancellation and suspension generally 85
111 Effect of suspension 86
112 Board may cancel registration or licence if obtained wrongfully 86
113 Cancellation or suspension of overseas qualification, certificate, registration, or licence 87

Miscellaneous provision

114 Board may delegate power to Plumbers, Gasfitters, and Drainlayers Board to act under this subpart 88

Subpart 2—Employer licences

115 Employer licence 89
116 Requirements treated as satisfied if person obtains certification from approved person 90
117 Prescribed electrical work may be done under employer licence 90
118 Duration of employer licence 90
119 Renewal of employer licence 90
120 Cancellation, suspension, and other actions in relation to employer licences 91
121 Board must give employer licence holder reasonable opportunity to be heard 92
122 Miscellaneous provisions concerning actions under section 120 93
123 Powers of inspection 93

Subpart 3—Register of electrical workers

124 Register of electrical workers 94
125 Registrar must enter matters in register 94
126 Purpose of register 94
127 Form of register 95
128 Matters to be contained in register 95
129 Historical registration and licence information and documentation to be included in register 97
130 Duty to notify change of address 97
131 Duty to notify change of name 98
132 Revision of register 98
133 Restoration of registration or licence 99
134 Board may direct Registrar to record cancellation, suspension, or order 99
135 Alterations to register 99
136 Register to be public 100
137 Restricting public access to information and documents on register 100
138 Search of register 100
139 Search criteria 101
140 Search purposes 101
141 When search constitutes interference with privacy of individual 101

Part 11
Disciplinary provisions

Preliminary provisions

142 Persons to whom this Part applies 101
143 Disciplinary offence 102

Complaints

144 Complaints 103

Investigations

145 Secretary must appoint investigator 103
146 Investigation of complaint 104
147 Investigator's powers 104
147A Secretary must supply warrant of authority 105
147B Duties of investigator supplied with warrant of authority 105
147C Restriction on entry to dwellinghouse 106
147D Investigator must give notice to occupier of dwellinghouse 106
147E Notices to supply information or documents 106
147F Offence to fail to comply with notice to supply information or document 107

Consideration of complaint by Board

147G Board must hold hearing if investigator reports that complaint should be considered by Board 107
147H Notice of disciplinary proceedings 107

Interim suspension or disqualification

147I Interim suspension or disqualification 108
147J Form of interim suspension or disqualification order 109
147K Revocation of interim suspension or disqualification 109
147L Board must take reasonable steps to hold hearing as soon as practicable if it makes interim suspension or disqualification order 109

Exercise of disciplinary powers

147M Disciplinary powers of Board 110
147N Costs and expenses 111
147O Enforcement of fines, costs, and expenses 111
147P Suspension, restriction, or disqualification may take effect immediately 112
147Q Effect of disqualification 112
147R Consequences of failure to comply with order to pass examination, complete competence programme, or attend course of instruction 112

Procedure and miscellaneous matters

147S Right to appear and be heard 113
147T Investigator to prosecute matter 113
147U Appointment of legal advisor to assist Board 113
147V Appointment of persons to assist investigator 113
147W Evidence 114
147X Board to have powers of commission of inquiry 114
147Y Orders to be in writing 115
147Z Publication of orders 115

Part 12
Appeals

147ZA Appeals 116
147ZB Time for lodging appeal 116
147ZC Procedure on appeal 117
147ZD Court may refer appeals back for reconsideration 117
147ZE Costs 117
147ZF Power of court to prohibit publication of person's name or affairs 118
147ZG Decision to continue in force pending appeal 118
147ZH Appeal on question of law 118

Part 13
Administration

Electrical Workers Registration Board

148 Electrical Workers Registration Board 119
149 Functions of Board 119
150 Membership 120
151 Registrar 120
152 Delegation of functions and powers 121
153 Meetings to be held in public 121

Complaints Assessment Committees

[Repealed]

154 Complaints Assessment Committees *[Repealed]* 122
155 Secretary to maintain list *[Repealed]* 122

General provisions

156 Rules of natural justice to be observed 122
156A Power to amend or revoke 123
156B Notice and service of documents by Board, member, Registrar, or investigator 123
157 Further provisions applying to Board 124
158 Review of operation of Act 124

Part 14
Miscellaneous provisions

Subpart 1—General electricity matters

Financial statements of customer and community trusts

[Repealed]

158A Community and customer trusts to prepare audited financial statements *[Repealed]* 124
158B Publication of audited financial statements *[Repealed]* 125
158C Auditor of trusts *[Repealed]* 125
158D Procedures for annual meeting to appoint auditor *[Repealed]* 125

158E Auditor-General to be auditor if no other auditor appointed *[Repealed]* 125
158F Application of sections 158A to 158E *[Repealed]* 125

Complaints resolution system

[Repealed]

158G Complaints resolution system *[Repealed]* 125

Powers of entry

159 Conditions relating to power to enter land or premises 125

Offences

160 False declarations and representations 127
161 Unlicensed or unregistered person must not claim to be licensed or registered 127
162 Offence to engage in prescribed electrical work in breach of section 74 128
163 Offence to employ person to engage in prescribed electrical work in breach of section 74 128
163A Offence to fail to comply with condition of employer licence 128
163B Offence to breach requirement to have safety management system 129
163C Offences for actions or omissions likely to cause serious harm or significant property damage 129
163D Other offences 130
164 Directors and officers of bodies corporate 131
165 Time for filing charging document 131

Infringement offences

165A Infringement offences 131
165B Infringement notices 132
165C Procedural requirements for infringement notices 133
165D Payment of infringement fee 134
165E Effect of infringement notice 134

Miscellaneous provisions

166 Payment of fees 134
167 Certificate by Registrar to be evidence of various matters 134
168 Notices in relation to Maori land 135

Regulations—General

169 Regulations 135
169A Regulations that prescribe requirements for safety management systems 146
169B Miscellaneous provisions relating to regulations that prescribe requirements for safety management systems 147

Safe work instruments—Legal effect

169C Legal effect of safe work instruments 147

Regulations—Information disclosure

[Repealed]

170 Regulations relating to information disclosure *[Repealed]* 148

Regulations—Consumer choice of electricity retailer

[Repealed]

170A Regulations relating to ability of consumers to choose preferred electricity retailer *[Repealed]* 148

171 Information to be supplied to Secretary *[Repealed]* 148

171A Reasonable charge may be imposed for providing copies of statements *[Repealed]* 148

172 Offences *[Repealed]* 148

Subpart 2—Electricity industry regulation-making powers

[Repealed]

172A Outline of subpart *[Repealed]* 149

Regulations—Low fixed charge tariff option for domestic consumers

[Repealed]

172B Low fixed charge tariff option for domestic consumers *[Repealed]* 149

Regulations—Code on access for beneficiaries of community and customer trusts

[Repealed]

172C Regulations for code on access for beneficiaries of customer and community trusts *[Repealed]* 149

Regulations—Reserve energy

[Repealed]

172CA Reserve energy *[Repealed]* 149

Electricity governance regulations

[Repealed]

172D Electricity governance regulations *[Repealed]* 150

172E Conditions and process for recommendations on electricity governance regulations *[Repealed]* 150

172F Assessment of proposed electricity governance regulations *[Repealed]* 150

172G Process for recommendations on other electricity governance regulations *[Repealed]* 150

172H Electricity governance rules *[Repealed]* 150

172I Method of making electricity governance rules *[Repealed]* 150

Supplementary provisions

[Repealed]

172J Supplementary empowering provision for regulations and rules *[Repealed]* 150
172K Supplementary empowering provision for regulations *[Repealed]* 151

Provisions that apply if electricity governance regulations or rules are in force

[Repealed]

172KA Transmission agreements *[Repealed]* 151
172KB Party must co-operate with investigations *[Repealed]* 151
172KC Privileges protected *[Repealed]* 151
172KD Limits on investigation powers *[Repealed]* 151
172KE Rulings Panel may make certain orders *[Repealed]* 151
172KF Restriction of remedies *[Repealed]* 151
172KG Limit on tort claims against service providers *[Repealed]* 151

Appeals

[Repealed]

172KH Appeals on ground of lack of jurisdiction *[Repealed]* 152
172KI Judicial review not precluded *[Repealed]* 152
172KJ Appeals on question of law in relation to decisions by Commission or Rulings Panel *[Repealed]* 152
172KK Right of appeal against suspension or termination orders *[Repealed]* 152
172KL Persons entitled to appeal *[Repealed]* 152
172KM Determination of appeals *[Repealed]* 152
172KN High Court may refer appeals back to Commission or Rulings Panel for reconsideration *[Repealed]* 152
172KO Provisions pending determination of appeal *[Repealed]* 153
172KP High Court may order proceedings be heard in private *[Repealed]* 153
172KQ Appeal to Court of Appeal in certain cases *[Repealed]* 153

Part 15
Governance of electricity industry

[Repealed]

Preliminary provisions

[Repealed]

172L Purpose *[Repealed]* 153

Subpart 1—Electricity Governance Board

[Repealed]

172M Continuation of Commission *[Repealed]* 153

172N Principal objectives and specific outcomes *[Repealed]* 154
172O Functions of Commission *[Repealed]* 154
172P Body corporate status and powers *[Repealed]* 154
172Q Role of board of the Commission *[Repealed]* 154
172R Membership of the Commission's board *[Repealed]* 154

Duties of members

[Repealed]

172S Duties of members *[Repealed]* 154
172T Collective duties of the Commission's board *[Repealed]* 154
172U Members accountable to Minister *[Repealed]* 154
172V Notice of special meetings of Commission's board *[Repealed]* 155

Role of the Commission in relation to electricity governance regulations and rules

[Repealed]

172W EGB to make recommendations concerning electricity governance regulations and rules *[Repealed]* 155
172X Objectives of recommendations *[Repealed]* 155
172Y Obligation to consult *[Repealed]* 155
172Z Minister must have regard to recommendations *[Repealed]* 155

Power to direct EGB

[Repealed]

172ZA Power to direct EGB *[Repealed]* 155
172ZB Procedure for giving direction *[Repealed]* 156

Levy of industry participants

[Repealed]

172ZC Levy of industry participants *[Repealed]* 156
172ZCA Commission must consult about request for appropriation *[Repealed]* 156

Miscellaneous

[Repealed]

172ZD Accountability of the Commission *[Repealed]* 156
172ZE Regulations *[Repealed]* 156
172ZF The Commission is public authority *[Repealed]* 156
172ZG Amendment to Ombudsmen Act 1975 *[Repealed]* 156
172ZH Amendment to Public Finance Act 1989 *[Repealed]* 157

Subpart 2—Accountability of Electricity Commission

[Repealed]

172ZI Application of subpart *[Repealed]* 157
172ZJ Interpretation *[Repealed]* 157

172ZK Setting of GPS objectives and outcomes *[Repealed]* 157
172ZL Annual performance standards *[Repealed]* 157
172ZM Additional information to be included in annual report *[Repealed]* 157
172ZN Minister must present annual performance report to House of Representatives *[Repealed]* 157
172ZO Assurance audit by Auditor-General *[Repealed]* 157
172ZP Report by Parliamentary Commissioner for Environment *[Repealed]* 158
172ZQ Functions under this subpart *[Repealed]* 158

Subpart 3—Miscellaneous provisions

[Repealed]

172ZR Specific authorisation for purposes of restrictive trade practices rules *[Repealed]* 158

Part 16
Repeals, etc, and transitional provisions

Repeals, revocations, amendments, and savings

173 Repeals, revocations, and consequential amendments 158
174 Regulations deemed to have been made under this Act 158
175 Savings 159
176 Application of Clutha Development (Clyde Dam) Empowering Act 1982 *[Repealed]* 159
177 Middle line Proclamation relating to Hairini-Mount Maunganui transmission line *[Repealed]* 159

Amendment to Electricity Act 1968

178 Rights of entry for energy companies 159

Amendment to Electrical Registration Act 1979

179 Certificate of compliance where prescribed electrical work covered by building consent 159

Transitional provisions

180 Transitional provision relating to electricity agreements 159
181 Electricity distributors to ensure provision of inspection services 159
182 Transitional provisions relating to proceedings, etc 160

Schedule 1 161
Provisions applying in respect of Rural Electrical Reticulation Council

[Repealed]

Schedule 2 162
Provisions applying in respect of Electrical Workers Registration Board

Schedule 2A 167
Further provisions for the Commission and the Commission's Board

[Repealed]

Schedule 3 168
Enactments repealed

Schedule 4 172
Enactments amended

Schedule 5 174
Regulations and orders revoked

Schedule 6 176
Regulations deemed to have been made pursuant to section 169

Title *[Repealed]*

Title: repealed, on 1 April 2010, by section 4 of the Electricity Amendment Act 2006 (2006 No 70).

1 Short Title and commencement

(1) This Act may be cited as the Electricity Act 1992.

(2) Except as provided in subsection (3) and in sections 54(2) and 56(2), this Act shall come into force on 1 April 1993.

(3) Part 1, Part 4 (other than section 43), sections 63 and 64, Part 13, and sections 169, 170, 178, and 179, and Schedule 2, shall come into force on the day after the date on which this Act receives the Royal assent.

1A Purposes

The purposes of this Act are—

(a) to provide for the regulation, supply, and use of electricity in New Zealand; and

(b) *[Repealed]*

(c) to protect the health and safety of members of the public in connection with the supply and use of electricity in New Zealand; and

(d) to promote the prevention of damage to property in connection with the supply and use of electricity in New Zealand; and

(da) to provide for the regulation of fittings and electrical appliances that are, or may be, exported pursuant to an international trade instrument; and

(e) to provide for the regulation of electrical workers.

Section 1A: inserted, on 1 April 2010, by section 5 of the Electricity Amendment Act 2006 (2006 No 70).

Section 1A(b): repealed, on 1 November 2010, by section 161 of the Electricity Industry Act 2010 (2010 No 116).

Part 1
Preliminary provisions

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

applicable minimum standards for registration means the minimum standards for registration that—

(a) apply in relation to the relevant class of registration; and

(b) are prescribed under Part 10

approved means approved by the Board

associated equipment means any equipment that is used, or designed or intended for use, in connection with any works or electrical installation, where such use is for construction, maintenance, or safety purposes and not for purposes that relate directly to the generation, conversion, transformation, conveyance, or use of electricity

Board means the Electrical Workers Registration Board established by section 148

condition includes a restriction or limit

connectable installation, in relation to a vehicle, a relocatable building, or a pleasure vessel, means an electrical installation of that vehicle, relocatable building, or pleasure vessel that is designed or intended for, or capable of, connection to an external power supply that operates at or above such voltage as is prescribed for the purposes of this definition by regulations made under section 169; and includes any electrical appliance that is connected, or intended to be connected, to any such installation

construct includes to erect, to lay, and to place; and **construction** has a corresponding meaning

consumer—

(a) means any person who is supplied, or who applies to be supplied, with electricity; but

(b) does not include any electricity generator or any electricity distributor or electricity retailer, except where the electricity generator or, as the case may be, the electricity distributor or electricity retailer is supplied, or applies to be supplied, with electricity for its own consumption and not for the purposes of resupply to any other person

corporation means a State enterprise (within the meaning of section 2 of the State-Owned Enterprises Act 1986) or a mixed ownership model company (within the meaning of section 45P of the Public Finance Act 1989) that is a generator of electricity, and includes any of its subsidiaries

document has the same meaning as in section 2(1) of the Official Information Act 1982

dwellinghouse means any building or part of a building occupied as a separate dwelling; but does not include a meter box or meter located on the exterior of the building or the part of the building

electrical appliance means any appliance that uses, or is designed or intended to use, electricity, whether or not it also uses, or is designed or intended to use, any other form of energy

electrical code of practice or **code** means an electrical code of practice issued pursuant to section 36

electrical installation—

(a) means—

(i) in relation to a property with a point of supply, all fittings beyond the point of supply that form part of a system that is used to convey electricity to a point of consumption, or used to generate or store electricity; and

(ii) in relation to a property without a point of supply, all fittings that form part of a system that is used to convey electricity to a point of consumption, or used to generate or store electricity; but

(b) does not include any of the following:

(i) an electrical appliance:

(ii) any fittings that are owned or operated by an electricity generator and that are used, designed, or intended for use in or in association with the generation of electricity, or used to convey electricity from a source of generation to distribution or transmission lines:

(iii) any fittings that are used, designed, or intended for use in or in association with the conversion, transformation, or conveyance of electricity by distribution or transmission lines

electrical wiring work means prescribed electrical work that consists of any of the following work:

(a) the installation or maintenance of electrical wiring:

(b) the connection or disconnection of fittings to or from electrical wiring

electricity distributor means a person who supplies line function services to any other person or persons

electricity generator means any person who owns or operates a generator connected to distribution or transmission lines

electricity operator means—

(a) any body or person that, immediately before 1 April 1993, was the holder of a licence issued under section 20 of the Electricity Act 1968 and in force immediately before that date; and

(b) any person declared under section 4 or section 4A to be an electricity operator for the purposes of this Act or any provision or provisions of this Act

electricity retailer means a person who supplies electricity to another person or other persons for any purpose other than for resupply by the other person or persons

employer licence means an employer licence issued under section 115

existing works,—

(a) in relation to works owned by the Corporation, means any works constructed before 1 January 1988; and includes any works that were wholly or partly in existence, or work on the construction of which commenced, before 1 January 1988:

(b) in relation to works owned by any other person, means any works constructed before 1 January 1993; and includes any works that were wholly or partly in existence, or work on the construction of which commenced, before 1 January 1993

fittings means everything used, or designed or intended for use, in or in connection with the generation, conversion, transformation, conveyance, or use of electricity

infringement fee, in relation to an infringement offence, means the amount prescribed by regulations made under section 169 as the infringement fee for the offence

infringement notice means a notice given under section 165B

infringement offence means—

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

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

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

level crossing has the same meaning as in section 4(1) of the Railways Act 2005

line function services means—

(a) the provision and maintenance of works for the conveyance of electricity:

(b) the operation of such works, including the control of voltage and assumption of responsibility for losses of electricity

line owner means a person that owns works that are used or intended to be used for the conveyance of electricity

lines means works that are used or intended to be used for the conveyance of electricity

local authority means a territorial authority within the meaning of the Local Government Act 2002

maintain includes to repair; and **maintenance** has a corresponding meaning

Minister, in any provision of this Act, means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of that provision

Ministry means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

official standard means—

(a) a New Zealand Standard within the meaning of the Standards and Accreditation Act 2015:

(b) a standard specification prescribed by any standards organisation within the meaning of that Act

place means—

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

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

(c) any aircraft, hovercraft, or vehicle

pleasure vessel has the same meaning as in section 2(1) of the Shipping and Seamen Act 1952

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

point of supply has the meaning set out in subsection (3)

power supply means a supply of electricity

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

prescribed electrical work means electrical work prescribed in regulations made under section 169, being work that falls into any of the following categories:

(a) the design or construction or maintenance of electrical installations:

(b) the maintenance of electrical appliances:

(c) the connection or disconnection of works, electrical installations, and electrical appliances to or from a power supply, other than by means of—

(i) a plug; or

(ii) an appliance inlet; or

(iii) a pin—

that is inserted into a socket outlet:

(d) the design or construction or maintenance of works:

(e) the testing or certification or inspection or supervision of the work described in paragraphs (a) to (d)

price includes valuable consideration in any form, whether direct or indirect; and also includes any consideration that in effect relates to the acquisition of goods or services or the acquisition or disposition of any interest in land, although ostensibly relating to any other matter or thing

provisional licence means a provisional licence issued under section 93

reasonably practicable, in relation to a duty to ensure health and safety or to protect property, means that which is, or was, at a particular time, reasonably able to be done in relation to ensuring health and safety or protecting property, taking into account and weighing up all relevant matters, including—

(a) the likelihood of the hazard or the risk concerned occurring; and

(b) the degree of harm or damage that might result from the hazard or risk; and

(c) what the person concerned knows, or ought reasonably to know, about—

(i) the hazard or risk; and

(ii) ways of eliminating or minimising the risk; and

(d) the availability and suitability of ways to eliminate or minimise the risk; and

(e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk

register means the register kept under Part 10

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

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

(b) is deemed to be registered under that subpart

Registrar means the Registrar appointed pursuant to section 151

relocatable building means any structure designed or adapted for human occupation that is designed to be relocatable; but does not include any tent

road has the same meaning as in section 315 of the Local Government Act 1974; and includes a road under the jurisdiction of any local authority; and also includes a public footpath; and also includes a State highway within the meaning of section 2(1) of the Government Roading Powers Act 1989; but does not include—

(a) a private road within the meaning of section 315 of the Local Government Act 1974; or

(b) a motorway within the meaning of the Government Roading Powers Act 1989; or

(c) any roadway laid out by order of the Maori Land Court under sections 315 to 327 of Te Ture Whenua Maori Act 1993 or under any former Act, except where that order has been cancelled, or where the roadway has been declared under section 320 of that Act to be a road; or

(d) any level crossing

roading structure means any bridge, underpass, overpass, culvert, or tunnel

Secretary means the chief executive of the Ministry

serious harm means—

(a) death; or

(b) injury that consists of or includes loss of consciousness; or

(c) a notifiable injury or illness as defined in section 23 of the Health and Safety at Work Act 2015

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 or, in the case of section 76, a person authorised to supervise work under that section as is sufficient to ensure—

(a) that the work is performed competently; and

(b) that while the work is being undertaken, appropriate safety measures are adopted; and

(c) that the completed work complies with the requirements of any regulations made under section 169

telecommunications line means any line within the meaning of the Telecommunications Act 2001

vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

worker means any person who is employed or engaged (whether under a contract of service or a contract for services) to do any work for hire or reward

working day means any day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year

works—

(a) means any fittings that are used, or designed or intended for use, in or in connection with the generation, conversion, transformation, or conveyance of electricity; but

(b) does not include any part of an electrical installation

WorkSafe means WorkSafe New Zealand established by section 5 of the WorkSafe New Zealand Act 2013.

(2) *[Repealed]*

(3) In this Act, **point of supply**, in relation to a property, means the point or points on the boundary of the property at which exclusive fittings enter that property, except that,—

(a) if there are both high voltage lines and a transformer owned by the electricity distributor on the property, the point of supply is the point at which electricity from the transformer enters exclusive fittings; or

(b) if there are non-exclusive fittings on the property, the point of supply is the point at which those fittings become exclusive fittings; or

(c) if the exclusive fittings on the property are owned by a consumer that is a tenant or licensee of the owner or occupier of the property, the point of supply is the point at which those exclusive fittings enter the area leased or licensed by the consumer; or

(d) if there is specific agreement that any other point on the property is the point of supply, the point of supply is the agreed point;—

and, in this definition,—

exclusive fittings means fittings used or intended to be used for the purpose of supplying electricity exclusively to that property

high voltage lines means lines conveying electricity at a voltage of 1 000 volts or more

property—

(a) means the land within the boundary where the electricity is consumed:

(b) includes the whole of the property, if the property is occupied wholly or partially by tenants or licensees of the owner or occupier:

(c) includes the whole of any property that has been subdivided under the Unit Titles Act 2010

specific agreement may be an agreement—

(a) entered into by—

(i) the existing consumer; or

(ii) any person with a greater interest in the property than the consumer (such as the consumer's landlord); or

(iii) any body corporate under the Unit Titles Act 2010 or the registered owner of the land to which the unit plan relates; and

(b) entered into by the electricity distributor or the electricity retailer; and

(c) entered into before or after the date on which this provision comes into force.

(4) The new definition of point of supply in subsection (3)—

(a) applies on and after the date on which the Electricity Amendment Act 2001 receives the Royal assent if—

(i) an agreement exists between the electricity distributor and the consumer that the point of supply is already located at the point provided for in the new definition; and

(ii) the consumer has not challenged the existence of that agreement before that date; and

(b) is, in other cases, subject to the transitional provision in subsection (5).

(5) The new definition of point of supply in subsection (3) does not apply in any other particular case until the electricity distributor has—

(a) brought the fittings for which the consumer will become responsible as a result of the new definition to a reasonable standard of maintenance or repair, if those fittings are not at a reasonable standard at the time when this provision comes into force; and

(b) notified the consumer in writing—

(i) that the point of supply is as defined in accordance with the new definition; and

(ii) the location of that point of supply; and

(iii) the effect of the change to the point of supply; and

(iv) that the point of supply may not take effect under this Act unless any fittings for which the consumer will become responsible have been brought to a reasonable standard of maintenance and repair; and

(v) the date on which the point of supply will change (which must be no less than 20 working days after the date of the notification).

Section 2(1) **all practicable steps**: repealed, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 2(1) **applicable minimum standards for registration**: inserted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **Commission**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **Commission's board** or **board**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **Committee**: repealed, on 1 April 2010, by section 6(4) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **community trust**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **condition**: inserted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **consumer** paragraph (b): amended, on 14 October 2008, by section 29(2)(a) of the Commerce Amendment Act 2008 (2008 No 70).

Section 2(1) **consumer** paragraph (b): amended, on 14 October 2008, by section 29(2)(b) of the Commerce Amendment Act 2008 (2008 No 70).

Section 2(1) **corporation**: replaced, on 30 June 2012, by section 11 of the Public Finance (Mixed Ownership Model) Amendment Act 2012 (2012 No 45).

Section 2(1) **Council**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **customer trust**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **domestic consumer**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **domestic premises**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **EGB**: repealed, on 18 October 2004, by section 4(1) of the Electricity Amendment Act 2004 (2004 No 80).

Section 2(1) **EGB's board** or **board**: repealed, on 18 October 2004, by section 4(1) of the Electricity Amendment Act 2004 (2004 No 80).

Section 2(1) **electrical installation**: substituted, on 1 November 2010, by section 162(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **electricity generator**: inserted, on 8 August 2001, by section 7(2) of the Electricity Amendment Act 2001 (2001 No 40).

Section 2(1) **electricity governance organisation**: repealed, on 18 October 2004, by section 4(1) of the Electricity Amendment Act 2004 (2004 No 80).

Section 2(1) **electricity governance regulations**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **electricity operator**: substituted, on 14 May 1999, by section 100 of the Electricity Industry Reform Act 1998 (1998 No 88).

Section 2(1) **electricity operator** paragraph (b): amended, on 22 October 2003, by section 3 of the Electricity Amendment Act 2003 (2003 No 72).

Section 2(1) **employer licence**: substituted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **fire brigade**: repealed, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Section 2(1) **GPS objectives and outcomes**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **industry participant**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **infringement fee**: inserted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **infringement notice**: inserted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **infringement offence**: inserted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **investigator**: inserted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **level crossing**: substituted, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 2(1) **lines**: inserted, on 18 October 2004, by section 4(2) of the Electricity Amendment Act 2004 (2004 No 80).

Section 2(1) **local authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **Minister**: replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 2(1) **Ministry**: replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 2(1) **national grid**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **official standard** paragraph (a): amended, on 1 March 2016, by section 45(1) of the Standards and Accreditation Act 2015 (2015 No 91).

Section 2(1) **performance standards**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **place**: inserted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **Plumbers, Gasfitters, and Drainlayers Board**: inserted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **point of supply**: substituted, on 8 August 2001, by section 7(1) of the Electricity Amendment Act 2001 (2001 No 40).

Section 2(1) **practising licence**: inserted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **prescribed electrical work** paragraph (a): amended, on 1 April 2010, by section 6(6) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **prescribed electrical work** paragraph (d): amended, on 1 April 2010, by section 6(6) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **prescribed electrical work** paragraph (e): added, on 1 April 2010, by section 6(7) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **provisional licence**: substituted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **publicise**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **qualified engineer**: repealed, on 1 April 2010, by section 6(4) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **qualifying experience**: repealed, on 1 April 2010, by section 6(4) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **reasonably practicable**: inserted, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 2(1) **recognised certificate**: repealed, on 1 April 2010, by section 6(4) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **register**: substituted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **registered**: repealed, on 1 April 2010, by section 6(4) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **registered person**: substituted, on 1 April 2010, by section 6(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **report date**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **reporting period**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **reserve energy**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **road**: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **road**: amended, on 28 July 1997, by section 2(2) of the Electricity Amendment Act 1997 (1997 No 42).

Section 2(1) **road** paragraph (a): substituted, on 28 July 1997, by section 2(3) of the Electricity Amendment Act 1997 (1997 No 42).

Section 2(1) **road** paragraph (b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **road** paragraph (c): amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 2(1) **rules** and **electricity governance rules**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **Rulings Panel**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **Secretary**: replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 2(1) **serious harm**: inserted, on 5 December 2006, by section 6(1) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **serious harm** paragraph (c): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 2(1) **subsidiary**: repealed, on 28 September 1993, by section 2(1) of the Electricity Amendment Act 1993 (1993 No 143).

Section 2(1) **supervision**: amended, on 1 April 2010, by section 6(8) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **supervisor of electrical work**: repealed, on 1 April 2010, by section 6(4) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **telecommunications line**: amended, on 20 December 2001, by section 158 of the Telecommunications Act 2001 (2001 No 103).

Section 2(1) **tradesperson**: repealed, on 1 April 2010, by section 6(4) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **trainee**: repealed, on 1 April 2010, by section 6(4) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **Transpower**: repealed, on 1 November 2010, by section 164(1) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **vehicle**: amended, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 2(1) **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 2(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 2(1) **works** paragraph (b): substituted, on 1 November 2010, by section 162(2) of the Electricity Industry Act 2010 (2010 No 116).

Section 2(1) **WorkSafe**: inserted, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 2(2): repealed, on 1 April 2010, by section 6(9) of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(3): substituted, on 8 August 2001, by section 7(3) of the Electricity Amendment Act 2001 (2001 No 40).

Section 2(3) **property** paragraph (c): amended, on 20 June 2011, by section 233(1) of the Unit Titles Act 2010 (2011 No 22).

Section 2(3) **specific agreement** paragraph (a)(iii): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 2(3) **specific agreement** paragraph (a)(iii): amended, on 20 June 2011, by section 233(1) of the Unit Titles Act 2010 (2011 No 22).

Section 2(4): added, on 8 August 2001, by section 7(3) of the Electricity Amendment Act 2001 (2001 No 40).

Section 2(5): added, on 8 August 2001, by section 7(3) of the Electricity Amendment Act 2001 (2001 No 40).

3 Act to bind the Crown

This Act binds the Crown.

Part 2
General

Electricity operators

4 Declaration of electricity distributors as electricity operators

(1) The Minister may, by notice in the *Gazette*, declare a person to be an electricity operator for the purposes of this Act or any provision or provisions of this Act if the Minister is satisfied that a declaration is necessary to enable the person to commence or carry on a business as an electricity distributor.

(2) The Minister must, as soon as reasonably practicable, by notice in the *Gazette*, declare that a person ceases to be an electricity operator on a date stated in the

notice if the Minister is satisfied that the person has ceased to carry on a business as an electricity distributor.

Section 4: substituted, on 8 August 2001, by section 8 of the Electricity Amendment Act 2001 (2001 No 40).

4A Declaration of electricity generators as electricity operators

(1) The Minister may, by notice in the *Gazette*, declare an electricity generator to be an electricity operator for the purposes of this Act, or any provision or provisions of this Act, if the Minister is satisfied—

(a) that the declaration is necessary to enable the person to commence or carry on an activity as an electricity generator; and

(b) that the business interests in respect of which the declaration is made are confined to any or all of the works necessary to convey the electricity generated to an electricity installation owned by an electricity generator, electricity distributor, or a consumer.

(2) The Minister must, as soon as is reasonably practicable, by notice in the *Gazette*, declare that a person ceases to be an electricity operator on a date stated in the notice if the Minister is satisfied that the person is no longer carrying out any of the activities referred to in subsection (1).

(3) *[Repealed]*

Section 4A: substituted, on 8 August 2001, by section 8 of the Electricity Amendment Act 2001 (2001 No 40).

Section 4A heading: substituted, on 14 October 2008, by section 30(2) of the Electricity Industry Reform Amendment Act 2008 (2008 No 71).

Section 4A(1): substituted, on 14 October 2008, by section 30(3) of the Electricity Industry Reform Amendment Act 2008 (2008 No 71).

Section 4A(2): substituted, on 14 October 2008, by section 30(4) of the Electricity Industry Reform Amendment Act 2008 (2008 No 71).

Section 4A(3): repealed, on 14 October 2008, by section 30(4) of the Electricity Industry Reform Amendment Act 2008 (2008 No 71).

Functions and powers of WorkSafe and Secretary

Heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

5 Functions of WorkSafe

(1) The functions of WorkSafe under this Act are—

(a) to carry out such inquiries, tests, audits, or investigations as may be necessary to determine whether a person is complying with this Act:

(b) to take all such lawful steps as may be necessary to ensure the safe supply and use of electricity:

(c) to perform such other functions as are provided for under this Act.

(2) This section is subject to section 5A.

Section 5: replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

5A Functions of Secretary

(1) The Secretary—

(a) must carry out the functions conferred on the Secretary under this Act or regulations made under this Act; and

(b) may carry out a function conferred on WorkSafe under a specified provision of this Act or regulations made under this Act in relation to a specified matter.

(2) The Prime Minister may, by notice in the *Gazette*, specify—

(a) 1 or more matters in relation to which the Secretary may carry out functions conferred on WorkSafe under this Act; and

(b) 1 or more provisions of this Act or regulations made under this Act that confer functions on WorkSafe and under which the Secretary may exercise functions in relation to the specified matter.

(3) If the Secretary carries out a function in relation to a specified matter, every reference to WorkSafe in the relevant specified provision must be read as if it were a reference to the Secretary.

(4) Without limiting subsection (3), the Secretary has the powers necessary to carry out the functions in a specified provision in relation to a specified matter in accordance with this Act.

(5) WorkSafe and the Secretary must work co-operatively to ensure that their functions under this Act and any regulations made under this Act are carried out in an effective and efficient manner.

(6) In this section,—

specified matter means a matter that is specified in a *Gazette* notice under subsection (2)(a)

specified provision means a provision that is specified in a *Gazette* notice under subsection (2)(b).

Section 5A: inserted, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

5B WorkSafe and Secretary must share information

(1) WorkSafe must provide information to the Secretary if the information is necessary or desirable for the Secretary to carry out his or her functions under this Act.

(2) The Secretary must provide information to WorkSafe if the information is necessary or desirable for WorkSafe to carry out its functions under this Act.

Section 5B: inserted, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

6 Inspection of works, etc

(1) For the purposes of performing any of WorkSafe's functions under this Act, WorkSafe may at any reasonable time inspect the whole or any part of any works, electrical installation, electrical appliance, or associated equipment.

(2) For the purposes of carrying out an inspection under this section, WorkSafe may enter and re-enter any place.

(3) Before carrying out any inspection under this section, WorkSafe shall give to the person who has control of the works, installation, electrical appliance, or associated equipment, and to the occupier of the land affected, reasonable notice of WorkSafe's intention to carry out the inspection.

(4) Where WorkSafe has entered any place under subsection (2), WorkSafe may—

(a) inspect any fittings or associated equipment:

(b) by notice in writing require any person whom WorkSafe reasonably believes to be for the time being in charge of the place, or of any fittings or associated equipment in the place, to take any specified action in respect of that place, those fittings, or that equipment that WorkSafe reasonably believes is necessary to render that place, those fittings, or that equipment safe:

(c) require any person who has control of the works, electrical installation, electrical appliance, or associated equipment to produce any document required by this Act or any regulations made under section 169 or section 170 to be kept by that person, and may examine and make copies of, or take extracts from, any such document.

(5) This section shall apply notwithstanding anything to the contrary in section 52 of the Government Roading Powers Act 1989.

Compare: 1982 No 27 s 8

Section 6(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 6(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 6(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 6(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 6(4)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 6(5): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

7 Report to be compiled on inspection

Where any inspection is carried out under section 6, the person who carries out the inspection shall—

(a) compile a written report of the results of the inspection; and

(b) give a copy of the report to—

(i) the person whom the person reasonably believed to be in charge of the place in which the inspection was carried out; and

(ii) the owner or occupier of that place (where that person is not the person referred to in subparagraph (i)); and

(iii) the person who has control of the works, electrical installation, electrical appliance, or associated equipment concerned (where that person is not the person referred to in subparagraph (i) or subparagraph (ii)).

Compare: 1982 No 27 s 9

8 Special powers of WorkSafe

(1) WorkSafe may at any time, by notice in writing, require any person who has control of any works, electrical installation, or electrical appliance to take apart or dismantle any fittings to facilitate or assist an inspection for the purposes of this Act.

(2) Where WorkSafe believes on reasonable grounds—

(a) that there is a danger or potential danger to the safety of any person or property arising directly or indirectly from any fittings or electrical appliance or electrical installation; or

(b) that, because of anything done or omitted to be done, or intended to be done or not to be done, by any person, in relation to any fittings or electrical appliance or electrical installation, there would be a danger or potential danger of injury to any person or of damage to any property,—

WorkSafe may do all such things, and require any person to do or refrain from doing all such things, as WorkSafe considers necessary to remove or minimise the danger or potential danger.

(2A) WorkSafe's power to require a person to do a thing under subsection (2) includes the power to require, by written notice, that the person—

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

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

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

(3) This section shall apply notwithstanding anything to the contrary in section 52 of the Government Roading Powers Act 1989.

Compare: 1982 No 27 s 10

Section 8 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 8(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 8(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 8(2): amended, on 1 April 2010, by section 8(1)(a) of the Electricity Amendment Act 2006 (2006 No 70).

Section 8(2): amended, on 1 April 2010, by section 8(1)(b) of the Electricity Amendment Act 2006 (2006 No 70).

Section 8(2A): inserted, on 1 April 2010, by section 8(2) of the Electricity Amendment Act 2006 (2006 No 70).

Section 8(2A): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 8(2A)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 8(2A)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 8(2B): inserted, on 1 April 2010, by section 8(2) of the Electricity Amendment Act 2006 (2006 No 70).

Section 8(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

9 Objections to WorkSafe's requirements

(1) Every person who is affected by any notice given under section 6(4)(b) or section 8(1), or any requirement made under section 8(2), may, within 15 working days after receiving the notice or being made subject to the requirement, object to that notice or requirement.

(2) Every objection under subsection (1) shall be made by lodging a written notice of objection with the Registrar of the office of the District Court nearest to the place where the notice was given or the requirement made, or, with the consent of WorkSafe, with the Registrar of any other office of the District Court.

(3) Every notice of objection shall specify the grounds of the objection.

(4) The objector shall cause a copy of the notice of objection to be served on WorkSafe, either before or immediately after it is lodged with the Registrar.

(5) The Registrar of the court shall give notice of the time and place fixed for the hearing of the objection to the objector and WorkSafe.

Compare: 1982 No 27 s 11(2)–(4)

Section 9 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 9(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 9(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 9(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 9(5): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

10 Effect of notice or requirement pending hearing

Subject to section 13, where a notice of objection is lodged under section 9, the notice or requirement to which the notice of objection relates shall be suspended until an order is made by the District Court under section 11(2), or until the withdrawal of the objection or the withdrawal of the notice or requirement, whichever occurs first.

Compare: 1982 No 27 s 11(7)

Section 10: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

11 Procedure on hearing of objection

(1) On the hearing of an objection under section 9, both the objector and WorkSafe, either personally or by their counsel, shall be entitled to be present and be heard.

(2) On hearing the objection, the court may by order confirm, reverse, or modify the notice or requirement.

(3) Subject to section 12, every order made under subsection (2) shall be final.

Compare: 1982 No 27 s 11(5), (6)

Section 11(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

12 Appeal on question of law

(1) Where any party to an objection under section 9 is dissatisfied with the decision of the District Court on that objection as being erroneous in point of law, that party may appeal to the High Court on the question of law only.

(2) Subject to subsection (3), every appeal under this section shall be heard and determined in accordance with rules of court.

(3) Subpart 8 of Part 6 of the Criminal Procedure Act 2011 applies as far as applicable with the necessary modifications to every appeal under this section.

(4) Subject to section 13, where a notice of appeal is filed pursuant to this section, the notice or requirement to which the notice of appeal relates shall be suspended until the appeal has been determined or abandoned.

Section 12(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 12(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 12(3): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 12(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

13 WorkSafe may require immediate compliance

(1) Notwithstanding sections 10 and 12(4), where a notice of objection is lodged under section 9 by any person in respect of any notice or requirement, WorkSafe may advise the objector that WorkSafe considers the situation to be one involving immediate danger to life or property, and on being so advised the objector shall immediately take active steps to comply with that notice or requirement.

(2) Every person commits an offence who fails to comply immediately with any notice or requirement to which subsection (1) applies, and every such person shall be liable on conviction to a fine not exceeding $1,000 for every day or part of a day that such failure continues.

(3) Without limiting the liability of any person to be convicted of an offence against subsection (2), both the High Court and the District Court shall each have jurisdiction to restrain any contravention or threatened contravention of subsection (1) by injunction on the application of WorkSafe, and to make such order in the matter as to costs and otherwise as it thinks fit.

(4) No person shall be precluded by any contract or agreement from doing or refraining from doing any such acts as may be necessary to comply with the provisions of this section, or be liable under any contract or agreement to any penalty or forfeiture for doing or refraining from doing any such act.

Compare: 1982 No 27 s 11(8)–(11)

Section 13 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 13(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 13(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 13(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 13(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

14 Appeal against decision on application for injunction

(1) A party to proceedings in the District Court on an application under section 13(3) may appeal to the High Court against any decision of the District Court.

(1A) The High Court Rules 2016 and sections 126 to 130 of the District Court Act 2016, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under section 124 of that Act.

(2) On the *ex parte* application of the appellant, the District Court may order that the appellant must not be required under section 126(1) of the District Court Act 2016 to give the Registrar of the High Court security for costs.

(2A) Subsection (2) overrides subsection (1A).

(3) A party to any appeal under subsection (1) may, with the leave of the Court of Appeal, appeal to the Court of Appeal against any determination of the High Court on a question of law arising in an appeal under that subsection.

(4) On an appeal to the Court of Appeal under this section, the Court of Appeal shall have the same power to adjudicate on the proceeding as the High Court had.

(5) The decision of the Court of Appeal on an appeal to that court under this section, and on an application to it under this section for leave to appeal, shall be final.

(6) Subject to subsections (3) to (5), the decision of the High Court on an appeal to that court under this section shall be final.

Section 14(1): substituted, on 24 November 2003, by section 4 of the District Courts Amendment Act 2002 (2002 No 63).

Section 14(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 14(1A): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 14(2): substituted, on 24 November 2003, by section 4 of the District Courts Amendment Act 2002 (2002 No 63).

Section 14(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 14(2A): inserted, on 24 November 2003, by section 4 of the District Courts Amendment Act 2002 (2002 No 63).

15 Assessors

(1) Where any objection has been lodged under section 9, WorkSafe or the objector may ask for the objection to be heard with the assistance of 2 assessors, one to be appointed by WorkSafe and the other by the objector.

(2) No person shall be appointed to act as an assessor unless he or she has special skill or knowledge relevant to the particular matter to be considered by the court.

(3) There shall be paid, out of public money appropriated by Parliament for the purpose, to any assessors appointed under this section 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 assessors were members of a statutory board within the meaning of that Act.

Compare: 1982 No 27 s 12; 1989 No 44 s 86(1)

Section 15(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

16 Notification of accidents

(1) This section applies to every accident that—

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

(b) results in—

(i) serious harm to any person; or

(ii) damage to any place or part of a place that renders that place or that part of that place unusable for any purpose for which it was used or designed to be used before that accident.

(2) *[Repealed]*

(3) Where any accident to which this section applies occurs in any place, the appropriate person shall notify WorkSafe of the particulars of the accident forthwith on becoming aware of the accident.

(4) For the purposes of subsection (3), the **appropriate person** is as follows:

(a) in the case of an accident involving or affecting any works or electrical installation, the person who has control of those works or that installation:

(b) if the accident is discovered by any person who is authorised to do prescribed electrical work under Part 10, that person:

(c) in all other cases, the occupier of the place where the accident occurred.

(5) Every notice under this section shall be in the prescribed form (if any) and shall contain such particulars as are prescribed (if any).

(6) Notification of an accident in accordance with either or both of the following provisions is compliance with subsection (3):

(a) section 17(3) of the Gas Act 1992:

(b) section 56 of the Health and Safety at Work Act 2015.

Compare: 1982 No 27 s 14(1)–(3)

Section 16 heading: amended, on 5 December 2006, by section 9(1) of the Electricity Amendment Act 2006 (2006 No 70).

Section 16(1): substituted, on 5 December 2006, by section 9(2) of the Electricity Amendment Act 2006 (2006 No 70).

Section 16(2): repealed, on 5 December 2006, by section 9(2) of the Electricity Amendment Act 2006 (2006 No 70).

Section 16(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 16(4)(b): substituted, on 1 April 2010, by section 9(3) of the Electricity Amendment Act 2006 (2006 No 70).

Section 16(6): added, on 5 December 2006, by section 9(4) of the Electricity Amendment Act 2006 (2006 No 70).

Section 16(6)(b): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

16A Transfer of accident information

(1) In this section, **specified matter** means a matter that is specified in a *Gazette* notice under section 5A(2).

(2) If WorkSafe is notified of an accident under section 16 and the accident relates to a specified matter, WorkSafe must provide the notice and any particulars that WorkSafe has received to the Secretary.

(3) If an accident relates to a specified matter, a person required to provide notification of any accident under section 16 may notify the Secretary in accordance with that section instead of WorkSafe.

Section 16A: replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

17 Interference with scene of accident

(1) No person shall interfere in any way with the scene of any accident to which section 16 applies without the permission of WorkSafe, or if WorkSafe is not present, a constable or an employee, volunteer, or contractor of Fire and Emergency New Zealand carrying out designated services, except to the extent that the person believes is necessary to avoid or minimise further injury or damage or to restore the safe supply of electricity.

(2) Where any person does interfere in any way with the scene of any accident to which section 16 applies, the person shall as soon as practicable notify WorkSafe of the action the person has taken.

(3) Nothing in subsection (1) applies in respect of any person who is investigating the accident pursuant to the Health and Safety at Work Act 2015.

(4) In subsection (1), **designated services** has the same meaning as in section 6 of the Fire and Emergency New Zealand Act 2017.

Compare: 1982 No 27 s 14(4), (5)

Section 17(1): amended, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Section 17(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 17(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 17(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 17(3): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 17(4): inserted, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

18 Inquiries into accidents

(1) WorkSafe may conduct an inquiry into any accident to which section 16 applies to establish the cause of the accident.

(2) Where WorkSafe believes, on reasonable grounds, that any occurrence may be an accident to which section 16 applies, WorkSafe may conduct a preliminary inquiry in order to establish whether or not the occurrence is such an accident.

(3) Subject to section 21, WorkSafe may, for the purpose of any inquiry or preliminary inquiry under this section, require any person to supply to WorkSafe all such information as that person may have of relevance to the inquiry or preliminary inquiry.

(4) Where WorkSafe conducts an inquiry under this section, WorkSafe shall prepare a written report of the findings of the inquiry, and shall make copies of that report available on request to interested parties.

Compare: 1982 No 27 s 14(6), (7)

Section 18(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 18(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 18(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 18(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

19 Assistance to WorkSafe

Where WorkSafe is performing any duty or exercising any power in respect of any place, or any fittings or associated equipment in any place, the owner or occupier of the place, and any other person who is for the time being in charge of the place, shall provide all such facilities and assistance as WorkSafe may reasonably require.

Compare: 1982 No 27 s 15

Section 19 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 19: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

20 Obstructing WorkSafe

Every person commits an offence and is liable on conviction to a fine not exceeding $50,000 in the case of an individual, or $250,000 in the case of a body corporate, who—

(a) intentionally obstructs WorkSafe when WorkSafe is lawfully carrying out duties under this Act:

(b) refuses or fails without reasonable excuse—

(i) to produce any document when required to do so by WorkSafe for the purposes of this Act; or

(ii) to allow WorkSafe to examine or make copies of or take extracts from any such document; or

(iii) to supply any information required of the person by WorkSafe under this Act; or

(iv) to comply with any other lawful order or requisition given or made by WorkSafe:

(c) intentionally damages or interferes with any property used by, or supplied for the use or in the possession of, WorkSafe for the purposes of this Act:

(d) fails without reasonable excuse to notify any accident to which section 16 applies when required to do so by subsection (3) of that section, or interferes in any way with the scene of any such accident otherwise than in accordance with section 17(1), or, having interfered in any such scene in accordance with section 17(1), fails without reasonable excuse to notify WorkSafe of the steps he or she has taken as required by section 17(2).

Compare: 1982 No 27 s 16

Section 20 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 20: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 20: amended, on 1 April 2010, by section 11(1) of the Electricity Amendment Act 2006 (2006 No 70).

Section 20(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 20(b)(i): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 20(b)(ii): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 20(b)(iii): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 20(b)(iv): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 20(c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 20(d): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 20(d): amended, on 1 April 2010, by section 11(2) of the Electricity Amendment Act 2006 (2006 No 70).

21 Privilege against self-incrimination

No person shall be required, pursuant to any provision of this Part, to reply to any question if the answer might tend to incriminate him or her.

Part 3
Powers and duties of electricity operators and other owners of electrical works

22 Protection of existing works

Any existing works, lawfully fixed to or lawfully installed over or under any land that is not owned by the person that owns the works, shall continue to be fixed or installed until the owner of the works otherwise decides, and no person other than the owner of the works shall have any interest in any such works by reason only of having an interest in the land.

Compare: 1987 No 116 s 20; 1988 No 164 s 17

22A Owners of land not responsible for maintenance

(1) An owner or occupier of land on which any existing works are situated is not required by this Act to maintain existing works, or to maintain tracks for the purpose of providing the owner of the works with access to the existing works.

(2) This section does not limit or override any new or existing legally binding agreement that provides for an owner or occupier of the land to be responsible for any maintenance.

Section 22A: inserted, on 8 August 2001, by section 9 of the Electricity Amendment Act 2001 (2001 No 40).

23 Rights of entry in respect of existing works

(1) Any person that owns any existing works may enter upon land for the purpose of gaining access to those works and may perform any act or operation necessary for the purpose of—

(a) inspecting, maintaining, or operating the works:

(b) in the case of works the construction of which had not been completed before 1 January 1988 (in the case of works owned by the Corporation) or before 1 January 1993 (in the case of works owned by any other electricity operator), completing the works.

(2) A certificate signed by the owner of any existing works containing a statement that any specified works were constructed (in whole or in part) before 1 January 1988 (in relation to works owned by the Corporation) or before 1 January 1993 (in the case of works owned by any other person) under the authority of the Electricity Act 1968 (or any Act repealed by that Act) or the Electric Power Boards Act 1925 or the Local Government Act 1974 or the Public Works Act 1981 or any local or private Act shall be admissible in evidence in any proceedings and shall, in the absence of proof to the contrary, constitute proof of that statement.

(3) In this section, **maintenance** includes—

(a) any repairs and any other activities for the purpose of maintaining, or that have the effect of maintaining, existing works; and

(b) the carrying out of any replacement or upgrade of existing works as long as the land will not be injuriously affected as a result of the replacement or upgrade.

(4) Further rights of entry, which concern the use of existing works to deploy and use fibre optic cable for telecommunications purposes, are provided for in the Telecommunications Act 2001 (*see* sections 155ZR to 155ZZH of that Act).

Compare: 1987 No 116 s 12; 1988 No 164 s 14

Section 23(3): added, on 8 August 2001, by section 10(1) of the Electricity Amendment Act 2001 (2001 No 40).

Section 23(4): inserted, on 3 May 2017, by section 19(2) of the Telecommunications (Property Access and Other Matters) Amendment Act 2017 (2017 No 16).

23A Line owner must give written notice of intention to maintain or complete existing works

(1) An owner of existing works that intends to enter upon land for the purpose of maintaining or completing the works under section 23 must give reasonable notice (at least 10 working days before entry) of its intention to do so to the owner or occupier of the land.

(2) The notice must be in writing, and must specify—

(a) the location of the proposed entry and work; and

(b) the reasons for the entry and work and the nature of the work to be undertaken; and

(c) the date and time of entry; and

(d) the length of time that the owner of the works expects to be on the land.

Section 23A: inserted, on 8 August 2001, by section 11(1) of the Electricity Amendment Act 2001 (2001 No 40).

23B Line owner must give notice of intention to inspect or operate existing works

(1) An owner of existing works that intends to enter upon land for the purpose of inspecting or operating the works under section 23 must give reasonable notice of its intention to do so to the owner or occupier of the land.

(2) The notice may be given by telephone or in any other manner that the owner of the works thinks appropriate.

Section 23B: inserted, on 8 August 2001, by section 11(1) of the Electricity Amendment Act 2001 (2001 No 40).

23C Notice in emergencies

(1) An owner of existing works is excused from giving notice as required by section 23A or section 23B if—

(a) entry upon the land is necessary in circumstances of probable danger to life or property; or

(b) entry upon the land is immediately necessary to maintain the continuity or safety of the supply and distribution of electricity.

(2) However, in either case, the owner of the existing works must give notice to the owner or occupier of the land as soon as practicable and to the extent that the circumstances permit (and no later than 5 working days after entry).

Section 23C: inserted, on 8 August 2001, by section 11(1) of the Electricity Amendment Act 2001 (2001 No 40).

23D Land owner may set reasonable conditions on line owner's entry

The owner or occupier of the land may set reasonable conditions relating to the timing of entry under section 23 and the access route, but those conditions may not—

(a) delay the entry by more than 15 working days; or

(b) require monetary or other consideration; or

(c) otherwise defeat the ability of the owner of the works to exercise effectively the powers in section 23.

Section 23D: inserted, on 8 August 2001, by section 11(1) of the Electricity Amendment Act 2001 (2001 No 40).

23E Agreements preserved

Sections 23A to 23D do not limit or override any new or existing agreement that is legally binding on the owner or occupier of the land and the owner of the works.

Section 23E: inserted, on 8 August 2001, by section 11(1) of the Electricity Amendment Act 2001 (2001 No 40).

23F Disputes about land access

(1) The owner or occupier of land, or the owner of the works, may refer any dispute under sections 23 to 23E to the Environment Court.

(2) The objector must, as soon as practicable after making a written objection, serve a copy of the objection on the other party to the dispute.

(3) Within 1 month after receiving a copy of the objection or within any further period that the Environment Court allows, the other party to the dispute must send to the Environment Court and serve on the objector a reply to the objection containing matters that are appropriate having regard to the objection made and to any practice directions issued by the Environment Court.

(4) The Environment Court must inquire into the objection and, for that purpose, may conduct a hearing at any time and place it appoints.

(5) The Environment Court must give not less than 15 working days' notice of any time and place so appointed to the objector and to the other party to the dispute.

(6) The Environment Court has power to make a declaration as if the proceeding had been brought under sections 310 to 313 of the Resource Management Act 1991.

(7) The findings of the Environment Court are binding on the objector and the other party to the dispute.

(8) The Environment Court may award those costs that it considers just either in favour of or against either party.

(9) Subject to sections 299 to 308 of the Resource Management Act 1991, no appeal lies from any declaration of the Environment Court under this section.

Compare: 1981 No 35 s 24

Section 23F: inserted, on 8 August 2001, by section 12 of the Electricity Amendment Act 2001 (2001 No 40).

24 Construction or maintenance of works on roads

(1) Except as provided in subsections (2) and (5), an electricity operator may from time to time construct and maintain works in, on, along, over, across, or under any road, and for any of these purposes may—

(a) open or break up any road:

(b) alter the position of—

(i) any pipe (not being a main) for the supply of water or gas; or

(ii) any telecommunications line; or

(iii) any works—

that are constructed in, on, along, over, across, or under that road:

(c) alter, repair, or remove any works so constructed or maintained, or any part of any such works.

(2) No electricity operator may exercise the powers contained in subsection (1) otherwise than in accordance with such reasonable conditions as may be prescribed by the local authority or other body or person having jurisdiction over the road.

(3) Without limiting the generality of subsection (2), a local authority or other body or person having jurisdiction over a road may impose under that subsection, in relation to any work undertaken by any electricity operator, a condition requiring the electricity operator to meet the reasonable costs and expenses of that local authority or other body or person—

(a) in processing any notice given under section 25(1) by the electricity operator in relation to the work:

(b) in supervising the carrying out of the work, where such supervision is necessary in the circumstances of the case.

(4) To avoid doubt, subsection (1) does not prevent the construction or maintenance of works that are undertaken under an agreement entered into by—

(a) the electricity operator; and

(b) the local authority or other body with jurisdiction over the road to which the works relate; and

(c) any owner referred to in section 25(1)(b).

(5) Subsection (1) does not apply to the construction of works that are intended to convey, or are associated with, electricity at a voltage of more than 110 kV and a capacity of more than 100 MVA.

(6) In subsection (5), **works** means works located at or above ground level in, on, along, over, or across a road, but does not include works suspended above a road.

Compare: 1987 No 116 s 15; 1988 No 164 s 16

Section 24(1): amended, on 9 August 2005, by section 3(1) of the Electricity Amendment Act 2005 (2005 No 88).

Section 24(2): substituted, on 6 August 2010, by section 14 of the Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99).

Section 24(4): substituted, on 9 August 2005, by section 3(2) of the Electricity Amendment Act 2005 (2005 No 88).

Section 24(5): added, on 9 August 2005, by section 3(2) of the Electricity Amendment Act 2005 (2005 No 88).

Section 24(6): added, on 9 August 2005, by section 3(2) of the Electricity Amendment Act 2005 (2005 No 88).

24A Criteria for setting reasonable conditions

(1) In setting, varying, or revoking reasonable conditions under section 24(2), the local authority or other body or person having jurisdiction over the road concerned may consider all or any of the following matters:

(a) the safe and efficient flow of traffic (whether pedestrian or vehicular):

(b) the health and safety of any person who is, or class of persons who are, likely to be directly affected by the work on the road:

(c) the need to lessen the damage that is likely to be caused to property (including structural integrity of the roads) as a result of work on the road:

(d) the compensation that may be payable under section 57 for property that is likely to be damaged as a result of work on the road:

(e) the need to lessen disruption to the local community (including businesses):

(f) the co-ordination of installation of other networks:

(g) the co-ordination with road construction work by the local authority or other body or person who has jurisdiction over that road:

(h) the need of the electricity operator to establish an electricity network in a timely manner.

(2) Nothing in subsection (1) limits a local authority's or other body's or person's ability to impose reasonable conditions under section 24(2).

(3) However, a condition requiring a network operator to increase amenity values (rather than to merely maintain them) must not be imposed unless the work to be done is in an area identified in a district plan as an area in relation to which, under the district plan, there are particular considerations, or rules or requirements, relating to amenity values.

(4) If the cost to the network operator of complying with a condition referred to in subsection (3) is higher than it would have been if there were not a requirement to increase amenity values, then the person imposing the condition must pay that increase in cost.

(5) In subsection (3), a reference to a district plan includes a reference to a development plan under the Urban Development Act 2020.

Compare: 2001 No 103 s 119

Section 24A: inserted, on 6 August 2010, by section 15 of the Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99).

Section 24A(5): inserted, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

25 Notice to be given before work undertaken

(1) Except as provided in subsection (5), before an electricity operator proceeds to undertake any work pursuant to the powers contained in section 24(1), the electricity operator shall give notice of its intention to undertake the work to—

(a) the local authority or other body or person having jurisdiction over the road to which the work relates; and

(b) the owner of any pipe, telecommunications line, or works that are constructed in, on, along, over, across, or under that road and that will be affected, or are likely to be affected, by the work.

(2) Every such notice shall be in writing, and shall specify the location of the proposed work, the nature of the work to be undertaken, and the reasons for it.

(3) Within 15 working days after the receipt of the written notice of the intention to undertake work, the persons who are given a notice pursuant to subsection (1) shall notify the electricity operator, in writing, of any conditions imposed pursuant to section 24(2).

(4) Where a person who is given a notice pursuant to subsection (1) fails to notify the electricity operator of the conditions imposed pursuant to section 24(2) within the period referred to in subsection (3) of this section, no such conditions may be imposed, and the electricity operator may commence work.

(5) Where any such work is rendered urgent and necessary by any defective equipment, or other emergency, the electricity operator shall be excused from complying with the requirements of subsection (1) before commencing the work,

but shall give the information required by subsection (2) as soon as practicable thereafter.

Compare: 1987 No 116 s 15A; 1988 No 164 s 16

26 Offence

(1) Every electricity operator commits an offence and is liable on conviction to a fine not exceeding $10,000 who fails to comply with section 24 or section 25.

(2) In addition to any fine imposed pursuant to subsection (1), the court may make such order relating to compensation as it thinks fit.

Compare: 1987 No 116 s 15B; 1988 No 164 s 16

Section 26(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

27 Appeals in relation to conditions imposed

(1) An electricity operator shall have a right of appeal to the District Court against all or any of the conditions imposed pursuant to section 24(2) by—

(a) the local authority or other body or person having jurisdiction over the road; or

(b) the owner of any pipe, telecommunications line, or works.

(2) Every such appeal shall be made by giving notice of appeal within 40 working days after the date of notification of the conditions imposed, or within such further period as the court may allow on application made to it for that purpose either before or after the expiration of those 40 working days.

Compare: 1987 No 116 s 15C; 1988 No 164 s 16

Section 27(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

28 Determination of appeals

(1) In its determination of any appeal under section 27, the District Court may confirm or modify or cancel any or all of the conditions imposed.

(2) Subject to section 29, the decision of the District Court in the determination of an appeal under section 27 shall be final.

Compare: 1987 No 116 s 15D; 1988 No 164 s 16

Section 28(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 28(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

29 Appeal on question of law

(1) Where any party to any appeal under section 27 is dissatisfied with the decision of the District Court as being erroneous in point of law, that party may appeal to the High Court on the question of law only.

(2) Subject to subsection (3), every appeal under this section shall be heard and determined in accordance with rules of court.

(3) Subpart 8 of Part 6 of the Criminal Procedure Act 2011 applies as far as applicable with the necessary modifications to every appeal under this section.

Section 29(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 29(3): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

30 Charging for access to road reserve

(1) Notwithstanding anything in this Act or in any other enactment, no local authority or other body or person having jurisdiction over any road shall require the payment, by or on behalf of any electricity operator, of any amount of or in the nature of rent in respect of any works constructed in, on, along, over, across, or under that road.

(2) Nothing in subsection (1) applies in respect of a rate that is assessed under the Local Government (Rating) Act 2002.

(3) In this section, the term **road** has the meaning given to it in section 2, but also includes a motorway within the meaning of the Government Roading Powers Act 1989.

Section 30(2): substituted, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 30(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

31 Rights of entry in respect of level crossings

(1) Where—

(a) an electricity operator wishes to enter upon any level crossing for the purpose of constructing or maintaining any works in, on, along, over, across, or under that level crossing; and

(b) after taking all reasonable steps to do so, the electricity operator has been unable to negotiate an agreement for entry,—

the electricity operator may, upon giving the owner and occupier of the level crossing not less than 10 working days' notice of its intention to do so, apply to the District Court for an order under this section.

(2) On being satisfied that the construction or maintenance of any works is necessary for the purposes of distributing electricity, and that the electricity operator has taken all reasonable steps to negotiate an agreement for entry, and that, in relation to the construction of any works, no practical alternative route or site exists, the court may make an order authorising the electricity operator to—

(a) enter and re-enter the level crossing at reasonable times, with or without such assistants, aircraft, boats, vehicles, appliances, machinery, and

equipment as are reasonably necessary for the construction or maintenance of any works:

(b) perform such work as may be reasonably necessary to construct or maintain any works.

(3) Every order under this section shall specify—

(a) how and when entry is to be made; and

(b) the specific powers intended to be exercised; and

(c) such other conditions (including conditions relating to the payment of compensation) as the court thinks fit to impose.

(4) Before exercising any powers authorised by an order made under this section, the electricity operator shall serve the order on the owner and occupier of the level crossing to which the order relates.

(5) Every officer, employee, or agent of an electricity operator acting in pursuance of an order made under this section shall have with him or her and shall produce on initial entry and, if requested, at any subsequent time, evidence of his or her authority and identity.

(6) This section does not apply to the construction or maintenance of works that are intended to convey, or are associated with, electricity at a voltage of more than 110 KV and a capacity of more than 100 MVA.

(7) In subsection (6), **works** means works located at or above ground level in, on, along, over, or across a level crossing, but does not include works suspended above a level crossing.

Compare: 1987 No 116 s 11; 1988 No 164 s 13

Section 31(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 31(6): substituted, on 9 August 2005, by section 4 of the Electricity Amendment Act 2005 (2005 No 88).

Section 31(7): added, on 9 August 2005, by section 4 of the Electricity Amendment Act 2005 (2005 No 88).

32 Local authority, etc, may require works to be moved

(1) Where any works (being works to which section 22 applies or works constructed pursuant to section 24) are fixed to or installed over or under any road, the local authority or other body or person having jurisdiction over that road may at any time, by notice in writing, require the owner of the works to raise, lower, or otherwise alter the position of those works.

(2) If the owner of the works refuses or fails within a reasonable time to do the work required under subsection (1), the person requiring the work to be done may, after giving the owner of the works written notice of that person's intention to do so, do the work or have the work done by some other person.

(3) The notice required by subsection (2) shall be given at least 15 working days before the work commences.

Compare: 1982 No 27 s 48(1), (4)

33 Cost of work required under section 32

(1) Subject to subsection (2), the reasonable cost of all work required to be done under section 32(1) shall be paid by the person that requires the work to be done.

(2) Where any work is required to be done under section 32(1) by reason that the works to which the work relates—

(a) were constructed contrary to any provision of—

(i) this Act or any regulations made under section 169; or

(ii) the Electricity Act 1968 (or any enactment repealed by that Act); or

(iii) the Electric Power Boards Act 1925; or

(iv) the Local Government Act 1974 or the Local Government Act 2002; or

(v) the Public Works Act 1981; or

(vi) any local or private Act; or

(vii) any regulations made under any enactment, or under any enactment of any of the classes of enactment, referred to in any of subparagraphs (ii) to (vi); or

(b) are in a dangerous or unsafe condition,—

the cost of the work shall be paid by the owner of the works.

(3) Where any person requires any work to be done under section 32(1), no claim by or against that person for betterment shall be allowed in respect of that work.

(4) Where a controlling authority (being the New Zealand Transport Agency or the agent of the Minister of Transport) requires any work to be done under section 32(1) in relation to any works, subsections (1) to (3) of this section shall apply subject to the following provisions:

(a) in all cases the cost of all fittings that are used in the carrying out of the required work (other than fittings used only during the course of construction) shall be paid by the owner of the works:

(b) where—

(i) as a consequence of the requirement, the owner of the works elects to fix works to, or install works over, under, or through, a roading structure that is being, or is to be, constructed or altered; and

(ii) the cost of that construction or those alterations is increased by reason that those works will be fixed to, or installed over, under, or through, that roading structure,—

an amount equal to the amount by which the cost, to the controlling authority, of that construction or those alterations, as the case requires, is so increased shall be paid to the controlling authority by the owner of the works:

(c) where, as a consequence of the requirement, the owner of the works relocates the works and reconstructs them to specifications different from those of the original works, the owner of the works shall pay the difference between—

(i) what it would have cost to relocate and reconstruct the works as near as reasonably practicable to their original specifications (excluding any costs to which paragraph (a) would have applied), taking into account—

(A) any restrictions or conditions imposed by or under any enactment in relation to the relocation and reconstruction; and

(B) the location of the original works and the alternatives reasonably available to the owner of the works; and

(ii) the actual cost of the relocation and reconstruction (excluding any costs to which paragraph (a) applies),—

where the amount calculated in accordance with subparagraph (i) is less than the amount calculated in accordance with subparagraph (ii).

(5) Subsections (1) to (4) shall apply subject to any agreement between the person requiring the work to be done and the owner of the works to which that requirement relates.

(6) The amount of any payment that is required to be made under this section shall be determined in each case—

(a) by agreement between the person liable for the payment and the person to whom it is payable; or

(b) failing such agreement, by arbitration under the Arbitration Act 1996, with 1 arbitrator to be appointed by each party and an umpire to be appointed by those arbitrators before entering upon their reference.

Compare: 1982 No 27 s 48(3), (5)

Section 33(2)(a)(iv): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 33(4): amended, on 6 August 2010, by section 16 of the Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99).

Section 33(6)(b): amended, on 1 July 1997, pursuant to section 20 of the Arbitration Act 1996 (1996 No 99).

34 Government Roading Powers Act 1989 not to apply

Sections 32 and 33 shall apply notwithstanding anything to the contrary in section 54 of the Government Roading Powers Act 1989.

Section 34 heading: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 34: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

35 Owners and occupiers of private land may move works

(1) Subject to subsection (2), the owner or occupier of any private land or buildings into, through, over, or against which any works to which section 22 applies have been constructed may, at that person's own expense, on giving written notice to the person that owns the works, move those works and reconstruct or replace them, subject to the work being lawfully carried out and to such reasonable conditions as the owner of the works may reasonably impose.

(2) No works may be moved, reconstructed, or replaced under subsection (1) without the consent of the person that owns the works, but that consent shall not be unreasonably withheld.

(3) The notice required by subsection (1) shall be given at least 15 working days before the work to move the works commences.

Compare: 1982 No 27 s 49

Part 4
Electrical codes of practice

36 Issue of electrical code of practice

(1) WorkSafe may from time to time issue any instrument (in this Act referred to as an **electrical code of practice**) for the purposes of, or relating to,—

(a) the setting or endorsing of standards or specifications concerning the design, construction, installation, importation, or manufacture of works, electrical installations, fittings, electrical appliances, or associated equipment:

(b) the setting of standards in respect of electricity that is to be supplied to or used by electricity retailers and consumers:

(c) the operation or use of works, electrical installations, fittings, electrical appliances, or associated equipment:

(d) the inspection or maintenance of works, electrical installations, fittings, electrical appliances, or associated equipment:

(e) the safety of persons or property associated with or using works, electrical installations, fittings, electrical appliances, or associated equipment:

(f) the setting or endorsing of standards or requirements relating to—

(i) the training required for any specified class or classes of workers for the purposes of establishing and maintaining safety standards in relation to the generation, conversion, transformation, conveyance, and use of electricity:

(ii) the levels of electrical or technical qualifications necessary for the carrying out of any specified class or classes of electrical work or for the holding of positions of electrical responsibility in any branch of the electrical industry or in any specified undertakings concerned with the particular application of electricity:

(g) the setting or endorsing of standards, specifications, or requirements relating to or concerning the periodic examination of connectable installations of vehicles, relocatable buildings, and pleasure vessels, or any of them, and the issue of warrants of electrical fitness in respect of such installations:

(h) the setting or endorsing of standards, controls, or requirements for the whole or any part of any tree or vegetation to prevent the interruption of the supply of electricity or interference with the electrical supply system.

(2) WorkSafe may from time to time issue an amendment or revocation of any electrical code of practice.

(3) Every electrical code of practice and every amendment or revocation of an electrical code of practice shall show the date on which it was issued.

Compare: 1968 No 125 ss 24A, 24B(1), (2); 1983 No 123 s 6

Section 36(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 36(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

37 Code may incorporate official standards by reference

(1) WorkSafe may include in any electrical code of practice a reference to—

(a) an official standard or a specified part of an official standard; or

(b) an official standard or a specified part of an official standard with such additions or variations as are specified in the code—

if that official standard or, as the case may be, that part of that official standard relates to the subject matter of the code.

(2) On the inclusion in a code of a reference to an official standard or part of an official standard, that official standard or, as the case may be, that part of that official standard (as it existed on the date of the inclusion but with such additions or variations (if any) as are specified in the code) shall be deemed to form part of the code.

Compare: 1968 No 125 s 24B(3), (4); 1983 No 123 s 6

Section 37(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

38 Code to be approved by Minister

(1) Subject to subsection (5), an electrical code of practice, an amendment to such a code, and a revocation of such a code, shall not have any force or effect until it has been approved by the Minister.

(2) Subject to subsection (3), the Minister shall not approve any code, or any amendment or revocation of a code, unless—

(a) not less than 1 month has elapsed since the publication in the *Gazette* of a notice of the intention of WorkSafe to apply for approval; and

(b) the Minister has consulted such persons as will be affected by the code or amendment or revocation, or representatives of those persons, and they have had the opportunity to consider its possible effects and to comment on those effects to the Minister; and

(c) the Minister has considered any comments made to the Minister concerning those effects.

(3) The Minister may approve an electrical code of practice or any amendment or revocation of that code without complying with the requirements of subsection (2)(a) or (b) if the Minister is satisfied that sufficient consultation has already taken place in respect of the matters in the code or amendment or revocation.

(4) When the Minister approves an electrical code of practice or an amendment or revocation of that code, the Minister shall—

(a) publish a notice of the approval in the *Gazette*; and

(b) show the date of the approval on the code, amendment, or revocation and promulgate it in such manner as the Minister thinks fit.

(5) The fact that the Minister has published in the *Gazette* a notice under subsection (4)(a) shall be conclusive proof that the requirements of this section have been complied with in respect of the approval specified in the notice.

Compare: 1968 No 125 s 24C; 1983 No 123 s 6

Section 38(2)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

39 Availability of codes

(1) WorkSafe shall ensure that copies of all electrical codes of practice, and all amendments to such codes, that are for the time being in force are available—

(a) for inspection by members of the public free of charge; and

(b) for purchase by members of the public at a reasonable price.

(2) The notice of approval published in the *Gazette* pursuant to section 38(4)(a) shall show, in relation to the code, or the amendment of a code, to which it

relates, a place at which copies of the code or, as the case requires, the amendment are available for inspection free of charge and for purchase.

Section 39(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

40 Emergency amendment of code

(1) If WorkSafe considers it essential in the interests of safety or ensuring the continuity of the supply or conveyance of electricity to amend any electrical code of practice forthwith, WorkSafe may issue an emergency amendment to the code and promulgate it in such manner as WorkSafe thinks fit.

(2) Every amendment issued under subsection (1) shall be identified as an emergency amendment issued under this section, and show the date on which it was issued.

(3) Every such amendment shall remain in force for a period of 60 days after the date on which it was issued and may be continued in force by the Minister for such further period or periods as the Minister thinks fit, but the maximum period of time during which an emergency amendment may remain in force shall be 180 days.

(4) Subject to subsection (5), an emergency amendment issued under this section shall for all purposes, while it remains in force, be deemed to have been issued under section 36, and to have been approved, on the date of its issue, by the Minister under section 38.

(5) If any regulation in force under section 169 requires compliance with any electrical code of practice that has been amended under this section, that regulation shall, while the emergency amendment remains in force, be deemed to require compliance with the code as so amended notwithstanding the fact that the regulation was made before that amendment to the code came into force.

(6) Despite section 73 of the Crown Entities Act 2004, WorkSafe must not delegate to any person the power conferred by this section.

(7) Subsection (8) applies if, pursuant to section 5A(3) and (4), the Secretary may exercise the power conferred by this section in relation to a matter specified in a *Gazette* notice under section 5A(2).

(8) Despite clauses 2 and 3 of Schedule 6 of the Public Service Act 2020, the Secretary must not delegate to any person the power conferred by this section.

Compare: 1968 No 125 s 24D; 1983 No 123 s 6

Section 40(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 40(6): replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 40(7): replaced, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 40(8): inserted, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 40(8): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

41 Citation of code

In any regulations made under section 169, any electrical code of practice or amendment of an electrical code of practice may, without prejudice to any other method of citation, be cited by the title or reference given to it by WorkSafe and by its date of issue; and such citation shall be deemed, subject to section 40(5), to include and refer to the latest electrical code of practice or amendment in force when the regulations were made.

Compare: 1968 No 125 s 24E; 1983 No 123 s 6

Section 41: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

42 Proof of code

(1) Without affecting any other method of proof, the production in any proceedings of a copy of any electrical code of practice or amendment or revocation of an electrical code of practice, purporting to have been issued by WorkSafe and to have been approved by the Minister, shall, in the absence of proof to the contrary, be sufficient evidence that it has been issued under the authority of section 36 and approved by the Minister, on the date shown on it as the date of approval, under section 38.

(2) Without affecting any other method of proof, the production in any proceedings of—

(a) a copy of an emergency amendment of an electrical code of practice purporting to have been issued by WorkSafe shall, in the absence of proof to the contrary, be sufficient evidence that it has been issued under the authority of section 40 on the date shown on it as the date of issue:

(b) a certificate under the hand of the Minister that the Minister has continued such an amendment in force until a date specified in the certificate shall, in the absence of proof to the contrary, be sufficient evidence that the amendment has been continued in force until that date under section 40(3).

(3) In any proceedings for an offence against this Act or against any regulations made under section 169,—

(a) any requirement or standard prescribed in an electrical code of practice by reference to any official standard (not being a New Zealand Standard) may be proved by the production of a copy of that official standard certified to be correct by the chairperson of WorkSafe:

(b) judicial notice shall be taken of a signature purporting to be the signature of the chairperson of WorkSafe.

Compare: 1968 No 125 s 24F; 1983 No 123 s 6

Section 42(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 42(2)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 42(3)(a): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 42(3)(b): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 42(3)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

43 Codes promulgated under Electricity Act 1968

Every electrical code of practice promulgated under the Electricity Act 1968 that was in force immediately before 1 April 1993 is deemed to be in force under this Part, and may be amended and revoked accordingly.

43A Different Ministries responsible for different codes

[Repealed]

Section 43A: repealed, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Part 5
Rural electrical reticulation

[Repealed]

Part 5: repealed, on 1 November 2010, by section 164(2) of the Electricity Industry Act 2010 (2010 No 116).

44 Rural Electrical Reticulation Council

[Repealed]

Section 44: repealed, on 1 April 1997, by section 55.

45 Functions of Council

[Repealed]

Section 45: repealed, on 1 April 1997, by section 55.

46 Council to comply with government policies

[Repealed]

Section 46: repealed, on 1 April 1997, by section 55.

47 Further provisions applying to Council

[Repealed]

Section 47: repealed, on 1 April 1997, by section 55.

48 Levies

[Repealed]

Section 48: repealed, on 1 April 1997, by section 55.

49 Interest on levies

[Repealed]

Section 49: repealed, on 1 April 1997, by section 55.

50 Application of levies

[Repealed]

Section 50: repealed, on 1 April 1997, by section 55.

51 Transitional provision relating to subsidies

[Repealed]

Section 51: repealed, on 1 April 1997, by section 55.

52 Transitional provision relating to membership of Council

[Repealed]

Section 52: repealed, on 1 April 1997, by section 55.

53 Council to wind up operations before dissolution

[Repealed]

Section 53: repealed, on 1 April 1997, by section 55.

54 Dissolution of Council

[Repealed]

Section 54: repealed, on 1 November 2010, by section 164(2) of the Electricity Industry Act 2010 (2010 No 116).

55 Expiration of provisions relating to Council

[Repealed]

Section 55: repealed, on 1 November 2010, by section 164(2) of the Electricity Industry Act 2010 (2010 No 116).

56 Consequential amendment to Official Information Act 1982

[Repealed]

Section 56: repealed, on 1 November 2010, by section 164(2) of the Electricity Industry Act 2010 (2010 No 116).

Part 6
Miscellaneous provisions relating to supply of electricity

57 Compensation for damage

(1) Every person having any right, title, estate, or interest in any land or property injuriously affected by the exercise from time to time of any powers conferred by Part 2 or Part 3 on WorkSafe or an electricity operator or any other owner of existing works shall be entitled to full compensation for all loss, injury, or damage suffered by that person.

(2) In default of agreement between the parties, claims for compensation under this section shall be made and determined within the time and in the manner provided by the Public Works Act 1981, and the provisions of that Act shall, as far as they are applicable and with all necessary modifications, apply with respect to claims under this section.

(3) Notwithstanding the provisions of any enactment or any rule of law, the exercise of any power conferred by this Act on WorkSafe shall not be curtailed, suspended, or delayed by reason of the fact that any claim for compensation under this section has been made but not determined.

Compare: 1968 No 125 s 16

Section 57(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 57(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

58 Compensation for trees and vegetation removed

Where any tree or part of a tree or any vegetation or part of any vegetation is removed pursuant to any regulations made under section 169, compensation, to be assessed in the manner prescribed by the Public Works Act 1981, shall be payable if the tree or vegetation was growing on the land before the construction of the works or electrical installation but not in any other case.

Compare: 1968 No 125 s 19B; 1986 No 2 s 4

59 Returns relating to construction of works, etc

Every person who constructs any works or electrical installation shall, where required by regulations made under section 169, furnish to WorkSafe, in such form and at such time as may be prescribed, such particulars relating to the works or installation as may be prescribed by regulations made under that section.

Section 59: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

60 Standards for electricity supply

All electricity distributed by an electricity distributor shall comply with such standards as are for the time being prescribed by regulations made under section 169.

61 Safety requirements

All works, electrical installations, and electrical appliances shall be of such quality and standard, and shall be constructed, maintained, and operated in accordance with such safety requirements, as are prescribed by regulations made under section 169.

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

(1) Every electricity generator and every electricity distributor that owns or operates an electricity supply system must implement and maintain, in accordance with regulations made under section 169, a safety management system.

(1A) The safety management system must prevent, so far as is reasonably practicable, the electricity supply system from presenting a significant risk of—

(a) serious harm to any member of the public; or

(b) significant damage to property owned by a person other than the electricity generator or electricity distributor.

(2) For the purposes of this Act, **electricity supply system** means,—

(a) in relation to an electricity generator, assets that, whether taken individually or as a whole, have a rated electricity generating capacity equal to, or greater than, 10 MW:

(b) in relation to an electricity distributor, assets that, whether taken individually or as a whole, are used, or designed or intended for use, in or in connection with the conversion, transformation, or conveyance of electricity at a capacity equal to, or greater than, 10 MVA.

(3) The Governor-General may, by Order in Council, make regulations for either or both of the following purposes:

(a) increasing the rated electricity generating capacity that applies under subsection (2)(a):

(b) increasing the capacity that applies under subsection (2)(b).

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116

This note is not part of the Act.

Section 61A: inserted, on 1 April 2010, by section 12 of the Electricity Amendment Act 2006 (2006 No 70).

Section 61A(1): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 61A(1A): inserted, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 61A(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

62 Continuance of supply

[Repealed]

Section 62: repealed, on 1 November 2010, by section 164(3) of the Electricity Industry Act 2010 (2010 No 116).

Part 6A
Restriction on new fossil-fuelled thermal electricity generating capacity

[Repealed]

Part 6A: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Preliminary provisions

[Repealed]

Heading: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62A Purpose of this Part

[Repealed]

Section 62A: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62B Expiry of this Part

[Repealed]

Section 62B: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62C Interpretation

[Repealed]

Section 62C: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Restriction on connection and operation of specified generation plant

[Repealed]

Heading: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62D Restriction on connection and operation of specified generation plant

[Repealed]

Section 62D: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62E Additional penalty for breach involving commercial gain

[Repealed]

Section 62E: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Exemptions

[Repealed]

Heading: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62F Minister of Energy may grant exemption

[Repealed]

Section 62F: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62G Minister of Energy may only grant exemption if satisfied of certain matters

[Repealed]

Section 62G: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62H Grounds and terms and conditions of exemption

[Repealed]

Section 62H: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62I Public consultation on recommendations

[Repealed]

Section 62I: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62J Publication of exemption and reasons

[Repealed]

Section 62J: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62K Revocation of exemption

[Repealed]

Section 62K: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62L Commission may grant temporary emergency exemption

[Repealed]

Section 62L: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Enforcement

[Repealed]

Heading: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62M Commission must monitor compliance

[Repealed]

Section 62M: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Commission may use information collected or provided under regulations or rules

[Repealed]

Heading: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62N Commission may use information collected or provided under regulations or rules

[Repealed]

Section 62N: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Regulations

[Repealed]

Heading: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

62O Regulations for purposes of this Part

[Repealed]

Section 62O: repealed, on 23 December 2008, by section 4 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Part 7
Price restraint

[Repealed]

Part 7: repealed, on 1 April 1997, by section 67(a).

63 Regulations relating to price of electricity

[Repealed]

Section 63: repealed, on 1 April 1997, by section 67(a).

64 Definition of domestic premises

[Repealed]

Section 64: repealed, on 1 April 1997, by section 67(a).

65 Offences

[Repealed]

Section 65: repealed, on 1 April 1997, by section 67(a).

66 Other Acts relating to price control not affected

[Repealed]

Section 66: repealed, on 1 April 1997, by section 67(a).

67 Expiry of this Part

[Repealed]

Section 67: repealed, on 1 April 1997, by section 67(a).

Part 8
Licensing of electricity suppliers

[Repealed]

Part 8: repealed, on 1 April 1994, by section 73.

68 Definition of consumer for purposes of this Part

[Repealed]

Section 68: repealed, on 1 April 1994, by section 73.

69 Licence to supply electricity

[Repealed]

Section 69: repealed, on 1 April 1994, by section 73.

70 Offence

[Repealed]

Section 70: repealed, on 1 April 1994, by section 73.

71 Supply of electricity to consumers outside supply area

[Repealed]

Section 71: repealed, on 1 April 1994, by section 73.

72 Duty to supply

[Repealed]

Section 72: repealed, on 1 April 1994, by section 73.

73 Expiry of this Part

[Repealed]

Section 73: repealed, on 1 April 1994, by section 73.

Part 9
Restrictions on electrical work

Part 9: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

74 Restrictions on doing or assisting with prescribed electrical work

(1) A person must not do any prescribed electrical work, or assist in doing any prescribed electrical work, unless that person is authorised to do so under this section.

(2) The following persons may do prescribed electrical work, or assist in doing prescribed electrical work, within the limits prescribed in regulations (if any):

(a) a registered person who is authorised to do, or assist in doing, the work under a current practising licence:

(b) a person who is authorised to do, or assist in doing, the work under a provisional licence:

(c) a person who is authorised to do, or assist in doing, the work under an employer licence.

(3) A person does not do any prescribed electrical work, or assist in doing any prescribed electrical work, in breach of this section if that work is done in accordance with any of sections 75 to 80.

(4) A body corporate that is responsible for any prescribed electrical work does not do any prescribed electrical work, or assist in doing any prescribed electrical work, in breach of this section if the natural person or natural persons who actually do, or assist in doing, that work are authorised to do so under this Act.

(5) Subsection (1) is subject to subsections (3) and (4) and sections 75 to 81.

(6) For the purposes of this Part and Part 10, **regulations** means regulations made under section 169.

Section 74: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Exemptions

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

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

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

(3) A person may do any prescribed electrical work, or assist in doing any prescribed electrical work, under an exemption granted under subsection (1) if—

(a) the work is within the limits specified in the exemption; and

(b) the exemption applies to the person; and

(c) the work is done in accordance with the terms and conditions of the exemption; and

(d) the work is carried out in a competent and safe manner.

(4) An exemption under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 75: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 75(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 75(4): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

76 Exemption for work done under supervision

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

(a) that work is within the limits prescribed in regulations made for the purposes of this section; and

(b) the work done by the supervised person is carried out under the supervision of a registered person who holds a current practising licence issued under this Act that authorises the person to supervise electrical work; and

(c) except as provided in any regulations, while that work is being carried out by the supervised person, no part of the work is connected to a power supply; and

(d) the work is—

(i) tested and certified in accordance with regulations; and

(ii) connected to a power supply by a registered person who holds a current practising licence issued under this Act that authorises the person to supervise electrical work.

Section 76: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

77 Exemption for trainees

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

(a) that work is within the limits prescribed in regulations made for the purposes of this section; and

(b) the person is a trainee in relation to the work; and

(c) the work done by that person is carried out in accordance with a limited certificate issued by the Board to the trainee under section 78.

(2) In this section, **trainee**—

(a) means a person who is undergoing instruction or training in any class of prescribed electrical work for the purpose of obtaining registration as a registered person; and

(b) includes an apprentice who is working in the electricity industry.

(3) This section does not prevent a trainee from doing, or assisting in doing, work under section 76 (which allows work to be done under supervision).

Section 77: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

78 Board may issue limited certificate for purposes of section 77

(1) The Board may, on payment of the prescribed fee (if any), issue to any person a limited certificate for the purposes of section 77.

(2) The Board may issue the limited certificate subject to any terms and conditions that the Board thinks fit.

(3) The Board may, by written notice to a person, revoke, amend, or add to any term or condition imposed in relation to that person's certificate.

(4) A limited certificate issued under this section, unless it is sooner cancelled, is in force for the period, not exceeding 5 years, specified in the certificate, but it may from time to time be renewed for a further term not exceeding 5 years.

(5) The Board may, if it thinks fit, refuse to renew any limited certificate.

(6) A limited certificate issued under this section may be cancelled by the Board—

(a) if the Board considers that any of the terms or conditions of the certificate have not been met; or

(b) following the determination of an application for registration as a registered person or for a practising licence.

Section 78: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

79 Exemption for domestic electrical wiring work

(1) The owner of any premises that are occupied, or intended to be occupied, by that person as a residence for that person, or for that person and members of that person's family, may do any electrical wiring work, or assist in doing any electrical wiring work, in relation to those premises, if—

(a) the work is within the limits prescribed in regulations made for the purposes of this section; and

(b) the work is carried out in accordance with the requirements of any regulations; and

(c) the work is carried out in a competent and safe manner; and

(d) while that work is being carried out, no part of the work is connected to a power supply; and

(e) the work is, before connection to a power supply, tested and certified, in accordance with regulations, by a registered person who holds a current practising licence issued under this Act that authorises that person to test and certify prescribed electrical work; and

(f) the work is connected to a power supply by the registered person referred to in paragraph (e).

(2) Subsection (1)(e) and (f) apply only if required by regulations.

(3) For the purposes of subsection (1), **owner**, in relation to any premises, means the person who (whether alone or as a joint tenant or tenant in common) would for the time being be entitled to receive the rack rent of the premises on his or her own account if the premises were let to a tenant at a rack rent.

Section 79: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

80 Exemption for maintenance of domestic appliances

(1) The owner of any electrical appliance may do any prescribed electrical work, or assist in doing any prescribed electrical work, in relation to that appliance if—

(a) the appliance is kept principally for the use of that person, or any near relative of that person, or both; and

(b) the appliance is used principally for domestic purposes and not for commercial or industrial purposes; and

(c) the work is within the limits prescribed in regulations made for the purposes of this section; and

(d) the work is carried out in accordance with the requirements of any regulations; and

(e) the work is carried out in a competent and safe manner; and

(f) while that work is being carried out, the appliance is not connected to a power supply; and

(g) the work is, before connection to a power supply, tested and certified, in accordance with regulations, by a registered person who holds a current practising licence issued under this Act that authorises that person to test and certify prescribed electrical work.

(2) Subsection (1)(g) applies only if required by regulations.

(3) For the purposes of subsection (1), **near relative**, in relation to any person, means—

(a) a grandparent of that person:

(b) a parent or step-parent of that person:

(c) a parent or step-parent of that person's spouse, civil union partner, or de facto partner:

(d) a brother or sister of that person, including a half-brother or half-sister:

(e) that person's spouse, civil union partner, or de facto partner:

(f) a child or step-child of that person:

(g) a grandchild of that person.

Section 80: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Board may cancel application of exemption

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

81 Board may cancel application of exemption to any person

(1) The Board may, by notice in writing to a person, cancel the application of any exemption under sections 76 to 80 to the person from a date specified in the notice.

(2) The exemption referred to in the notice under subsection (1) ceases to apply to the person from the date specified in the notice.

(3) The Board may not cancel the application of an exemption under subsection (1) unless it has first—

(a) informed the person concerned why it may cancel the application of the exemption; and

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

Section 81: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Testing, certification, and inspection

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

82 Testing, certification, and inspection

(1) If any prescribed electrical work is carried out, that work or, as the case may require, the works or electrical installation or electrical appliance in respect of which that work is carried out must not be connected to a power supply unless the testing, certification, and inspection that is required by regulations has been carried out.

(2) A person must not sell, or offer for sale, any works or electrical installation or electrical appliance that has not been tested and certified in accordance with regulations.

(3) A person must not supply electricity to any works or electrical installation unless that person is satisfied that any inspection and certification required in respect of those works or that installation by regulations has been carried out.

(4) This section does not prevent the connection, to any power supply, of any works, electrical installation, or electrical appliance, or the supply of electricity to any works or electrical installation, if that connection or supply is solely for the purposes of carrying out any testing, inspection, or certification required by any regulations.

Section 82: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

83 Power of entry

(1) For the purpose of ensuring that the requirements of section 82 are complied with in relation to any prescribed electrical work, any person authorised by the Board for the purpose may, at any reasonable time, enter any premises (including a dwellinghouse) and—

(a) inspect and test any prescribed electrical work on those premises that is, or is intended to be, connected to a power supply:

(b) make any inquiries that are necessary to determine whether or not any prescribed electrical work on those premises has been properly tested, certified, or inspected.

(2) The power of entry under subsection (1) may be exercised whether or not there are any grounds to believe that any prescribed electrical work has not been properly carried out.

(3) Every person must give reasonable notice of that person's intention to enter any premises under subsection (1) to both the owner and the occupier of the premises.

(4) Every person must, on entering any premises under subsection (1), and when requested at any subsequent time, produce to the person in charge of the premises—

(a) evidence of that person's authority to enter the premises; and

(b) evidence of that person's identity.

Section 83: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Part 10
Registration and licensing of electrical workers and employer licences

Part 10: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Subpart 1—Electrical worker registration and licensing

Subpart 1 heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Classes of registration

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

84 Classes of registration may be designated by Board

(1) The Board may, by notice,—

(a) designate classes of registration for the purposes of registration under this subpart; and

(b) specify for each of those classes the prescribed electrical work that a person is authorised to do, or assist in doing, by virtue of being a registered person of a particular class and holding a current practising licence.

(2) The notice may describe the classes of registration in any way the Board thinks fit, including in 1 or more of the following ways:

(a) by reference to a name or form of words that is commonly understood by persons who carry out electrical work:

(b) by reference to an area of science or learning:

(c) by reference to tasks commonly performed.

(3) In specifying the work that may be carried out by registered persons who hold current practising licences, the Board may impose limitations on the circumstances in which a registered person may do, or assist in doing, that work.

(4) The Board may not make a notice under this section unless the Minister approves the proposed notice under section 89.

(5) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must: • publish it in the *Gazette* • make it available at all reasonable times on a website maintained by or on behalf of the Board • make it available at the office of the Board during business hours, for inspection free of charge and purchase for a reasonable fee	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 84: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 84(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 84(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 84(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

85 Board may prescribe other registration and licensing matters

(1) The Board may, by notice,—

(a) prescribe for each class of registration the minimum standards for registration (including standards relating to required competence, qualifications, and experience) that persons must meet in order to be registered as registered persons and to be issued with practising licences; and

(b) prescribe for each class of registration the terms and conditions subject to which persons are registered as registered persons; and

(c) prescribe for each class of registration the terms and conditions subject to which practising licences are issued; and

(d) prescribe requirements relating to the completion of competence programmes in respect of persons who—

(i) apply for practising licences or provisional licences; or

(ii) hold practising licences or provisional licences; or

(iii) apply for renewals of practising licences or provisional licences; and

(e) prescribe requirements relating to competent and safe work practices and the testing of those practices; and

(f) recognise any overseas qualification, certificate, registration, or licence as satisfying a particular minimum standard for registration (in whole or in part) if, in the opinion of the Board, that overseas qualification, certificate, registration, or licence is equivalent to, or as satisfactory as, the standard, or part of the standard, that is treated as being satisfied.

(2) The terms and conditions referred to in subsection (1)(c) may include, for example,—

(a) a term that authorises the person to test or certify work or to supervise work:

(b) a condition that requires compliance with the requirements referred to in subsection (1)(e):

(c) a condition that requires the person to complete a competence programme:

(d) a condition that imposes limitations on the circumstances in which the person may do, or assist in doing, work:

(e) a condition that imposes limits on the work that the person may do, or assist in doing, under the practising licence.

(3) The Board may make arrangements with the appropriate authorities controlling the registration, licensing, or recognition of electrical workers outside New Zealand for the reciprocal recognition of registration, licences, certificates, or other evidence of proficiency in electrical work.

(4) The Board may not make a notice under this section unless the Minister approves the proposed notice under section 89.

(5) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must: • publish it in the *Gazette* • make it available at all reasonable times on a website maintained by or on behalf of the Board • make it available at the office of the Board during business hours, for inspection free of charge and purchase for a reasonable fee	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 85: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 85(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 85(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 85(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

86 Minimum standards for registration

(1) A notice under section 85 may prescribe minimum standards for registration in any way the Board thinks fit, including in 1 or more of the following ways:

(a) by requiring a degree or diploma or certificate of a stated kind recognised by the Board:

(b) by requiring the successful completion of a competence programme, degree, or course of studies accredited by the Board:

(c) by requiring a pass in a specified examination or any other assessment set by the Board or by another organisation approved by the Board:

(d) by reference to registration with, or a licence issued by, an overseas organisation that performs functions that correspond wholly or partly to those performed by the Board:

(e) by requiring experience in the provision of services of a particular kind:

(f) by requiring a certain level of competence.

(2) However, the minimum standards for registration prescribed under section 85 may require a person to pass a specified examination or other assessment set by the Board only if the Board is satisfied that the person does not have a degree, diploma, or certificate of a stated kind recognised by the Board under subsection (1)(a).

Section 86: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

87 Principles guiding prescribing of registration and licensing matters

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

(a) the matters must be necessary to—

(i) protect the health or safety of members of the public; or

(ii) promote the prevention of damage to property; or

(iii) promote the competency of persons who do, or assist in doing, prescribed electrical work; or

(iv) carry out, give effect to, or provide for a matter that is incidental to, or consequential on, the matters relating to subparagraph (i), (ii), or (iii); and

(b) the matters may not unnecessarily restrict the registration or licensing of persons as electrical workers; and

(c) the matters may not impose undue costs on electrical workers or on the public.

Section 87: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

88 Board must consult before making notices

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

(a) with persons who the Board considers are able to represent the views of electrical workers, or of classes of electrical workers, registered under this Act; and

(b) with organisations—

(i) that the Board considers will be substantially affected by the proposal; or

(ii) whose members the Board considers will be substantially affected by the proposal.

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

Section 88: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 88 heading: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 88(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 88(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

89 Notices made under sections 84 and 85 must be approved by Minister

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

(2) The Minister must, as soon as practicable after receiving a proposed notice under subsection (1), by written notice to the Board,—

(a) approve it; or

(b) decline to approve it.

(3) If the Minister declines to approve a proposed notice,—

(a) the Minister must indicate the grounds on which he or she declines to approve it; and

(b) the Minister may direct the Board to prepare and submit a revised proposed notice; and

(c) the Board must, as soon as practicable after receiving a direction under paragraph (b), submit a revised proposed notice under subsection (1).

(4) *[Repealed]*

Section 89: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 89 heading: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 89(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 89(4): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

90 Other provisions relating to notices under sections 84 and 85

[Repealed]

Section 90: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

How to become registered

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

91 Entitlement to registration

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

(a) that he or she has complied with the application requirements in section 92; and

(b) that he or she meets the applicable minimum standards for registration; and

(c) that he or she is not precluded from being registered because of any action taken by the Board under section 147M; and

(d) that he or she is a fit and proper person to be registered under this subpart; and

(e) that he or she has paid the prescribed fee (if any).

Section 91: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

92 Applications for registration

(1) An application for registration under this subpart must—

(a) be sent or delivered to either—

(i) the Registrar; or

(ii) the Plumbers, Gasfitters, and Drainlayers Board if the application is to be considered by that Board under section 114; and

(b) be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and

(c) contain, or be accompanied by, the information and documentation required by the Board; and

(d) be accompanied by the prescribed fee (if any).

(2) The Registrar must refer any application received by the Registrar under this section to the Board for consideration under section 95.

Section 92: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

93 Board may issue provisional licence pending consideration of application

(1) The Board may, on payment of the prescribed fee (if any), issue to any person a provisional licence to carry out any specified electrical work.

(2) The Board may issue the licence subject to any terms and conditions that the Board thinks fit.

(3) A provisional licence authorises the holder, while the licence is in force pending the consideration of his or her application for registration or a practising licence (or both) under this subpart, to do, or assist in doing, the work that is specified in the licence.

Section 93: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

94 Duration of provisional licence

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

(2) The Board may, if it thinks fit, refuse to renew any provisional licence.

(3) A provisional licence may be cancelled—

(a) in any of the ways described in section 110(1); or

(b) if the Board considers that any of the terms or conditions of the licence have not been met; or

(c) following the determination of an application for registration or a practising licence under this subpart.

Section 94: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

95 Board to consider application

(1) The Board must consider each application for registration under this subpart as soon as practicable after receiving it.

(2) In considering an application for registration under this subpart, the Board must,—

(a) if the applicant has previously had his or her registration or practising licence cancelled under this Act, have regard to the reasons for that cancellation; and

(b) observe the rules of natural justice; and

(c) without limiting those rules, give an applicant—

(i) notice of any matter that might result in the application being declined; and

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

Section 95: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

96 Board to register applicant or decline application

(1) If the Board is satisfied that the applicant is entitled, under section 91, to be registered under this subpart, the Board must direct the Registrar to—

(a) register the applicant as a registered person of a particular class; and

(b) send to the applicant a certificate of registration; and

(c) enter details of that person's registration in the register; and

(d) issue a unique identifier (for example, a registration number) to the applicant, and notify the applicant of that identifier.

(2) If the Board is not satisfied that the applicant is entitled to be registered under this subpart, the Board must notify the applicant of—

(a) the Board's decision; and

(b) the applicant's right of appeal to the District Court against the decision.

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

Section 96: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 96(2)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

97 Registration subject to terms and conditions

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

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

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

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

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

Section 97: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

How to become licensed

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

98 Practising licence required

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

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

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

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

Section 98: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

99 Entitlement to practising licence

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

(a) that he or she has complied with the application requirements in section 100; and

(b) that he or she meets the current applicable minimum standards for registration; and

(c) that he or she is not precluded from holding a licence because of any action taken by the Board under section 147M; and

(d) that he or she is a fit and proper person to be issued with a practising licence; and

(e) that he or she has paid the prescribed fee (if any).

Section 99: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

100 Applications for practising licence

(1) An application for a practising licence under this subpart must—

(a) be sent or delivered to either—

(i) the Registrar; or

(ii) the Plumbers, Gasfitters, and Drainlayers Board if the application is to be considered by that Board under section 114; and

(b) be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and

(c) contain, or be accompanied by, the information and documentation required by the Board; and

(d) be accompanied by the prescribed fee (if any).

(2) The Registrar must refer any application received by the Registrar under this section to the Board for consideration under section 101.

Section 100: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

101 Board to consider application

(1) The Board must consider each application for a practising licence under this subpart as soon as practicable after receiving it.

(2) In considering an application for a practising licence under this subpart, the Board must,—

(a) if the applicant has previously had his or her registration or practising licence cancelled under this Act, have regard to the reasons for that cancellation; and

(b) observe the rules of natural justice; and

(c) without limiting those rules, give the applicant—

(i) notice of any matter that might result in the application being declined; and

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

Section 101: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

102 Board to issue practising licence or decline application

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

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

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

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

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

(a) the Board's decision; and

(b) the applicant's right of appeal to the District Court against the decision.

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

Section 102: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 102(2)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

103 Practising licence subject to terms and conditions

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

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

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

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

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

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

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

(3) The conditions referred to in subsection (2)(b) and (c) may be in addition to, or instead of, any other limits that would otherwise apply in respect of the class of registration concerned.

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

(5) Subsection (1)(a) is subject to subsection (4) and section 107.

Section 103: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Duration and renewal of practising licence

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

104 Duration of practising licence

(1) A practising licence issued under this subpart must specify the date of its expiry.

(2) The date of expiry must not be later than 5 years after the date of the issue or renewal of the practising licence.

(3) A practising licence continues in force until the close of the date of its expiry unless sooner suspended or cancelled under this Act.

Section 104: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

105 Applications for renewal of practising licence

(1) An application for the renewal of a practising licence under this subpart—

(a) must not be made earlier than 3 months before the licence's date of expiry; and

(b) must be sent or delivered to either—

(i) the Registrar; or

(ii) the Plumbers, Gasfitters, and Drainlayers Board if the application is to be considered by that Board under section 114; and

(c) must be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and

(d) must contain, or be accompanied by, the information and documentation required by the Board; and

(e) must be accompanied by the prescribed fee (if any).

(2) The Registrar must refer any application received by the Registrar under this section to the Board for consideration under section 106.

(3) If an application for the renewal of a practising licence is made before the licence's date of expiry but the licence has not been renewed before that date, the licence continues in force until the application is determined.

Section 105: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

106 Renewal of practising licence

(1) A registered person is entitled to a renewal of his or her practising licence if the Board is satisfied that—

(a) the person has complied with the application requirements in section 105; and

(b) the person complies with the current applicable minimum standards for registration; and

(c) there is no reason to believe that the person has breached any term or condition of the licence during the period before the licence is renewed; and

(d) the person is a fit and proper person to hold a practising licence; and

(e) the person has satisfied the requirements of a competence programme that the person is required to complete under subsection (5).

(2) If the Board is satisfied that the registered person is entitled to a renewal of his or her practising licence, the Board must direct the Registrar to—

(a) renew the licence for the period (not exceeding 5 years) that the Board thinks fit; and

(b) send to the person notification of the Board's decision; and

(c) enter details of the renewal in the register.

(3) If the Board is not satisfied that the registered person is entitled to a renewal of his or her practising licence, the Board must notify the person of—

(a) the Board's decision; and

(b) the person's right of appeal to the District Court against the decision.

(4) For the purposes of subsection (1)(c), the Board may, if it thinks fit, disregard a breach of a term or condition of the practising licence.

(5) The Board may require a registered person to complete a competence programme before it renews that person's practising licence (regardless of whether or not the Board is satisfied of the matters referred to in subsection (1)(a) to (d)) if the person is required to complete a competence programme when applying for a renewal of the licence in accordance with a condition or requirement imposed by a notice published under section 85.

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

Section 106: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 106(3)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Exemptions from registration and practising licence requirements and conditions

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

(1) The Board may,—

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

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

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

(b) by notice, exempt any class of persons from compliance with—

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

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

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

(3) A notice under subsection (1)(b) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 107: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 107(1)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 107(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Competence

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

108 Competence programmes

(1) For the purpose of examining or improving the competence of persons who do, or assist in doing, prescribed electrical work, the Board may set or recognise competence programmes in respect of persons who—

(a) apply for practising licences or provisional licences; or

(b) hold practising licences or provisional licences; or

(c) apply for renewals of practising licences or provisional licences.

(2) Any competence programme may be made to apply generally in respect of all of those persons, or in respect of a specified person, or in respect of any specified class of those persons.

(3) However, a registered person may be required by the Board to complete a competence programme only if 1 or more of the following applies:

(a) the registration of the person or the practising licence held by the person is subject to a condition imposed by a notice published under section 85 that requires the person to complete a competence programme; or

(b) the person is required to complete a competence programme in accordance with an applicable minimum standard for registration; or

(c) the person is required to complete a competence programme in accordance with a requirement imposed by a notice published under section 85(1)(d); or

(d) the person is required to complete a competence programme under Part 11 (which relates to discipline).

(4) Any competence programme may require a person to do 1 or more of the following, within the period, or at the intervals, prescribed in the programme:

(a) pass an examination:

(b) complete a period of practical training:

(c) complete a period of practical experience:

(d) undertake a course of studies:

(e) anything else that the Board considers appropriate.

(5) The Board may specify a period within which the person to whom a competence programme applies must comply with the requirements of the programme.

(6) The Board may exempt any person or class of persons from all or any of the requirements of a competence programme.

Section 108: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

109 Unsatisfactory results of competence programme

(1) If any person who is required to complete a competence programme does not satisfy the requirements of the programme, the Board may make 1 or more of the following orders:

(a) that the person's practising licence or provisional licence be subject to any condition that the Board considers appropriate:

(b) that the person's practising licence or provisional licence be suspended:

(c) that the person's application for a renewal of a practising licence or provisional licence be declined.

(2) The Board may not suspend a licence under subsection (1) unless it has first—

(a) informed the person concerned why it may suspend the licence of that person; and

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

(3) The Registrar must ensure that a copy of the order made under subsection (1) is given to the person concerned.

(4) An order made under subsection (1) takes effect from the day on which a copy of the order is given to the person concerned or from any date that is specified in the order, whichever is the later.

(5) Any order made under subsection (1)(a) or (b) remains in effect until the time that the person concerned has satisfied all the requirements of the competence programme, and for that purpose the Board may extend the period within which the person is required to satisfy those requirements.

Section 109: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Cancellation and suspension

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

110 Cancellation and suspension generally

(1) The Board may cancel a person's registration, practising licence, or provisional licence—

(a) if the person, by written notice, requests that the Board do so; or

(b) if the Board believes on reasonable grounds that the person has died; or

(c) in accordance with section 112 (which concerns the cancellation of registration or of a licence if the registration or licence was obtained wrongfully); or

(d) in accordance with section 113 (which concerns the cancellation or suspension of an overseas qualification, certificate, registration, or licence); or

(e) in accordance with section 132 (which concerns the revision of the register); or

(f) in accordance with Part 11 (which concerns disciplinary proceedings).

(2) If a person's registration is cancelled, the practising licence held by the person for the class of registration concerned (if any) is also cancelled.

(3) The Board may suspend—

(a) a person's registration—

(i) in accordance with section 113 (which concerns the cancellation or suspension of an overseas qualification, certificate, registration, or licence); or

(ii) in accordance with Part 11 (which concerns disciplinary proceedings):

(b) a person's practising licence or provisional licence—

(i) in accordance with section 109 (which concerns competence); or

(ii) in accordance with section 113 (which concerns the cancellation or suspension of an overseas qualification, certificate, registration, or licence); or

(iii) in accordance with Part 11 (which concerns disciplinary proceedings).

(4) The cancellation or suspension of the registration, practising licence, or provisional licence of a person under this Act does not affect that person's liability for any act or default occurring before the cancellation or suspension.

(5) If a person is registered under this Part in respect of more than 1 class of registration, the Board may exercise its powers to cancel or suspend registration or a practising licence under this Act in respect of each of those classes or 1 or more of those classes as the Board thinks fit.

Section 110: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

111 Effect of suspension

(1) If a person's registration is suspended,—

(a) the person is not a registered person, for the class of registration concerned, for the period during which the registration is suspended; and

(b) the practising licence held by the person for the class of registration concerned (if any) is also suspended for the period during which the registration is suspended.

(2) If a person's practising licence is suspended, the person—

(a) is not the holder of a current practising licence, for the class of registration concerned, for the period during which the licence is suspended; and

(b) is not authorised to do, or assist in doing, work under that licence for the period during which the licence is suspended.

(3) If a person's provisional licence is suspended, the person—

(a) is not a provisional licence holder for the period during which the licence is suspended; and

(b) is not authorised to do, or assist in doing, work under that licence for the period during which the licence is suspended.

(4) At the end of the period of suspension, the person's registration, practising licence, or provisional licence is immediately revived (unless there is some other ground to suspend or cancel the registration or licence).

(5) Subsections (1) and (2) do not prevent the Registrar from including information in the register in relation to the person under section 128(1).

(6) Subsection (3) does not prevent the Registrar from including information in the register in relation to the person under section 128(2).

Section 111: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

112 Board may cancel registration or licence if obtained wrongfully

(1) The Board may order the cancellation of a person's registration, practising licence, or provisional licence if it is satisfied that he or she—

(a) obtained registration or obtained the licence by making a false or misleading representation or declaration (whether oral or written); or

(b) was not entitled to be registered or issued with the licence.

(2) The Board may not act under subsection (1) unless it has first—

(a) informed the person concerned why it may act under that subsection; and

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

(3) The Registrar must ensure that a copy of the order made under this section is given to the person concerned.

(4) An order made under this section takes effect from the day on which a copy of the order is given to the person concerned or from any date that is specified in the order, whichever is the later.

Section 112: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

(1) The Board may review the registration, practising licence, or provisional licence of a person who was registered or issued with the licence by virtue of an overseas qualification, certificate, registration, or licence if satisfied that—

(a) the educational establishment that gave him or her an overseas qualification or certificate has cancelled or suspended it (or taken action equivalent to cancelling or suspending it); or

(b) an overseas authority that maintains a register of people registered or licensed as electrical workers has, as a result of disciplinary action taken against the person,—

(i) removed his or her name from that register; or

(ii) cancelled his or her licence; or

(iii) suspended his or her registration or licence; or

(iv) taken action equivalent to an action referred to in subparagraph (i) or (ii) or (iii).

(2) The form of a review under this section is at the Board's discretion.

(3) However, in conducting the review, the Board must give the person concerned—

(a) the particulars that are reasonably necessary to clearly inform the person of the substance of the grounds on which the Board has decided to carry out the review; and

(b) a reasonable opportunity to make written submissions and be heard on the question, either personally or by his or her representative.

(4) After the review, the Board may, if it thinks fit,—

(a) order the suspension of the person's registration, practising licence, or provisional licence for any period it thinks fit; or

(b) order the cancellation of the person's registration, practising licence, or provisional licence.

(5) The Registrar must ensure that a copy of the order made under subsection (4) is given to the person concerned.

(6) An order made under subsection (4) takes effect from the day on which a copy of the order is given to the person concerned or from any date that is specified in the order, whichever is the later.

Section 113: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Miscellaneous provision

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

(1) The Board may delegate any of the functions or powers of the Board under this subpart, either generally or specifically, to the Plumbers, Gasfitters, and Drainlayers Board.

(2) The Plumbers, Gasfitters, and Drainlayers Board may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the Plumbers, Gasfitters, and Drainlayers Board were the Board.

(3) If the Plumbers, Gasfitters, and Drainlayers Board purports to perform a function or exercise a power under a delegation, the Plumbers, Gasfitters, and Drainlayers Board—

(a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and

(b) must produce evidence of its authority to do so, if reasonably requested to do so.

(4) The Plumbers, Gasfitters, and Drainlayers Board must—

(a) give effect to any direction given to it by the Board in relation to the performance of functions or the exercise of powers under this section; and

(b) notify the Board if it has registered a person or issued a licence under this Act.

(5) No delegation under this section—

(a) affects or prevents the performance of any function or the exercise of any power by the Board; or

(b) affects the responsibility of the Board for the actions of the Plumbers, Gasfitters, and Drainlayers Board acting under the delegation; or

(c) is affected by any change in the membership of the Plumbers, Gasfitters, and Drainlayers Board or the Board.

Section 114: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Subpart 2—Employer licences

Subpart 2 heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

115 Employer licence

(1) A person is, on application in the prescribed form (if any) and on payment of the prescribed fee (if any), entitled to be issued with an employer licence by the Board if the person satisfies the Board that the person will at all times maintain a system of operation—

(a) that complies with the requirements that are prescribed by regulations; and

(b) that is sufficient to ensure that employees of that person who do, or assist in doing, prescribed electrical work—

(i) are competent to carry out the range of work for which they are employed; and

(ii) receive the supervision and training that is necessary to ensure that the work—

(A) is carried out safely and competently; and

(B) complies with the requirements of this Act and any regulations.

(2) However, a person is not entitled to be issued with an employer licence if the person is precluded from holding an employer licence because of any action taken by the Board under section 120.

(3) The Board may impose in respect of any employer licence issued under this section any terms and conditions that the Board thinks fit (for example, by restricting the types of prescribed electrical work that may otherwise be done under the licence).

Section 115: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

(1) A person must be treated as maintaining a system of operation described in section 115(1)(a) and (b) if an approved person, in the prescribed manner, certifies that the system of operation complies with those provisions, and issues a certificate to that effect in the prescribed form.

(2) A certification under subsection (1) ceases to have effect if—

(a) the approved person, by notice in writing to the certificate holder, revokes the certificate; or

(b) the term of the certification comes to an end.

(3) For the purposes of this section, **approved person** means—

(a) a person designated by regulations as an approved person:

(b) a member of a class of persons designated by regulations as a class of approved persons.

Section 116: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

117 Prescribed electrical work may be done under employer licence

(1) An employer licence authorises the licence holder to authorise any employee of that person to do, or assist in doing, any prescribed electrical work.

(2) Any authority given under an employer licence to any person to do, or assist in doing, any prescribed electrical work is sufficient authority for the person so authorised to do or, as the case may be, assist in doing that work.

(3) This section is subject to the terms and conditions imposed under section 115 and to any regulations.

Section 117: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

118 Duration of employer licence

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

Section 118: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

119 Renewal of employer licence

(1) Every employer licence, unless it has been cancelled, may from time to time be renewed in accordance with this section.

(2) An application for the renewal of an employer licence must—

(a) be sent or delivered to the Registrar; and

(b) be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and

(c) contain, or be accompanied by, the information and documentation required by the Board; and

(d) be accompanied by the prescribed fee (if any).

(3) The Registrar must refer any application received by the Registrar under subsection (2) to the Board for consideration under this section.

(4) On receiving an application under subsection (3), the Board may renew the employer licence to which the application relates for the period (not exceeding 5 years) that the Board thinks fit.

(5) However, the Board must not renew an employer licence unless the Board is satisfied that the applicant meets all the requirements for the issue of an employer licence.

(6) If an application for the renewal of an employer licence has been made but not dealt with before the licence expires, the licence continues in force until the application is dealt with by the Board, and any renewal in that case must take effect from the date on which the licence would (but for the renewal) have expired.

Section 119: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

(1) The Board may (in relation to a matter raised by a complaint or by its own inquiries) take any of the actions referred to in subsection (2) in relation to an employer licence if it is satisfied that the employer licence holder—

(a) obtained the licence by making a false or misleading representation or declaration (whether oral or written); or

(b) was not entitled to be issued with an employer licence; or

(c) no longer meets all the requirements for the issue of an employer licence; or

(d) has failed to comply with any term or condition imposed by the Board in respect of that licence; or

(e) has failed to ensure that the prescribed electrical work done by employees of that person—

(i) is at all times carried out safely and competently; and

(ii) complies with the requirements of this Act and any regulations.

(2) In any case to which subsection (1) applies, the Board may—

(a) do both of the following things:

(i) order that the employer licence be cancelled; and

(ii) order that the employer licence holder may not apply to be issued with an employer licence before the expiry of a specified period:

(b) order that the employer licence be suspended—

(i) for any period that the Board thinks fit; or

(ii) until the employer licence holder does any things that the Board may specify (for example, reviewing and improving safety procedures):

(c) order that the employer licence be restricted, for any period that the Board thinks fit, by limiting the prescribed electrical work that the employer licence holder may authorise an employee to do, or assist in doing, to the work that the Board may specify, and in imposing a limitation of this type the Board may also impose limitations on the circumstances in which an employee may do, or assist in doing, that work:

(d) order the employer licence holder to pay a fine not exceeding $50,000:

(e) order that the employer licence holder be censured:

(f) make no order under this subsection.

(3) The Board may take only 1 type of action in subsection (2) in relation to a case, except that it may impose a fine under subsection (2)(d) in addition to taking the action under subsection (2)(b), (c), or (e).

(4) No fine may be imposed under subsection (2)(d) in relation to an act or omission that constitutes an—

(a) offence for which the person has been convicted by a court; or

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

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

Section 120: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

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

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

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

Section 121: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

122 Miscellaneous provisions concerning actions under section 120

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

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

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

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

Section 122: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

123 Powers of inspection

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

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

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

(i) require the employer licence holder to produce for inspection, within any reasonable period that the Board may specify, any document or class of document in the possession or under the control of the employer licence holder, and may take copies of, or extracts from, any of those documents:

(ii) require the employer licence holder to provide, within any reasonable period that the Board may specify, any information or class of information that the Board may require.

(2) If the employer licence holder breaches a condition expressed in subsection (1), the Board may act under section 120.

(3) A person must give to the employer licence holder reasonable notice of that person's intention to enter any premises under subsection (1)(a), unless the giving of the notice would defeat the purpose of the entry.

(4) Every person must, on entering any premises under subsection (1)(a), and when requested at any subsequent time, produce—

(a) evidence of that person's authority to enter the premises; and

(b) evidence of that person's identity.

(5) The following are **authorised purposes** for the purposes of this section:

(a) the purpose of ensuring compliance with the terms and conditions of the employer licence:

(b) the purpose of ensuring that the prescribed electrical work done by employees of the employer licence holder—

(i) is at all times carried out safely and competently; and

(ii) complies with the requirements of this Act and any regulations.

Section 123: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Subpart 3—Register of electrical workers

Subpart 3 heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

124 Register of electrical workers

(1) The Board must establish and maintain, in accordance with this Act, a register of electrical workers.

(2) The register must be kept by the Registrar.

Section 124: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

125 Registrar must enter matters in register

The Registrar must—

(a) enter in the register the information and documentation referred to in sections 128 and 129; and

(b) make any other entries in the register that may be required, permitted, or directed to be entered by or under this Act.

Section 125: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

126 Purpose of register

(1) The purpose of the register is—

(a) to enable members of the public to—

(i) determine whether a person is a registered person or holds a practising licence, provisional licence, or employer licence issued under this Part and, if so, the status and relevant history of the person's registration or licence; and

(ii) choose a suitable person to do electrical work; and

(iii) know how to contact a registered person or a provisional licence holder or an employer licence holder; and

(iv) obtain information concerning which persons have been disciplined under this Act within the last 3 years; and

(b) to enable members of the public to obtain information concerning whether or not a person has previously been registered under this Act or held a licence under this Act and, if so, the relevant history of the person's registration or licence; and

(c) to facilitate the administrative, disciplinary, and other functions of the Board, the Plumbers, Gasfitters, and Drainlayers Board, the Secretary, any investigator, and the Registrar under this Act.

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

Section 126: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

127 Form of register

(1) The register may be kept—

(a) as an electronic register; or

(b) in any other manner that the Registrar thinks fit.

(2) The Registrar may keep the register in separate parts.

(3) The register must be operated at all times unless—

(a) the Registrar suspends the operation of the register, in whole or in part, in accordance with subsection (4); or

(b) otherwise provided in regulations.

(4) The Registrar may refuse access to the register or otherwise suspend the operation of the register, in whole or in part, if the Registrar considers that it is not practical to provide access to the register.

Section 127: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

128 Matters to be contained in register

(1) The register must contain all of the following information, to the extent that the information is relevant, for each registered person:

(a) full name; and

(b) street address, telephone number, and email address (if any); and

(c) the following information about the status and history of the person's registration and practising licence (if any):

(i) the class or classes of registration in respect of which the person is registered; and

(ii) the date on which the person was first registered in respect of each of those classes; and

(iii) whether, in respect of each of those classes, the person holds a current practising licence; and

(iv) the date on which the person was first issued with a practising licence for a particular class of registration; and

(v) the expiry date of each practising licence held by the person; and

(vi) a statement of the limitations subject to which the person is registered or a practising licence has been issued (if any); and

(vii) any conditions placed on the registration or licence of the person; and

(viii) any action taken under section 127 (as in force immediately before the commencement of this section) or section 147M on a disciplinary matter in respect of the person in the last 3 years; and

(ix) any current suspension, the ground under this Act for the suspension, its period, and any conditions for its termination; and

(d) information about any cancellation of the registration of the person or of any licence held by the person under this Act, including the ground under this Act for the cancellation.

(2) The register must contain all of the following information, to the extent that the information is relevant, for each provisional licence holder and each employer licence holder:

(a) full name; and

(b) street address, telephone number, and email address (if any); and

(c) the following information about the status and history of the person's licence:

(i) the type of licence held by the person; and

(ii) the date on which the person was first issued with the licence; and

(iii) the period for which the licence has been issued; and

(iv) a statement of the limitations subject to which the licence has been issued (if any); and

(v) any conditions placed on the licence; and

(vi) any action taken under section 127 (as in force immediately before the commencement of this section) or section 120 or section 147M on a disciplinary matter against the person under this Act in the last 3 years; and

(vii) any current suspension, the ground under this Act for the suspension, its period, and any conditions for its termination; and

(d) information about any cancellation of the registration of the person or of any licence held by the person under this Act, including the ground under this Act for the cancellation; and

(e) the following information about an employer licence holder that is a body corporate:

(i) the full name of a contact person for the body corporate:

(ii) the company number or incorporation number of the body corporate (if any).

(3) The register must contain—

(a) all of the information referred to in subsection (1), to the extent that the information is relevant, in relation to a person who was formerly a registered person; and

(b) all of the information referred to in subsection (2), to the extent that the information is relevant, in relation to a person who was formerly a provisional licence holder or formerly an employer licence holder; and

(c) all other information and documentation that is prescribed as information and documentation that must be included in the register.

(4) The register may contain any other information or documentation that the Registrar considers necessary or desirable for the purposes of the register.

(5) For the purposes of this section, **disciplinary matter** means an inquiry into, or complaint about, the conduct of a person, or a decision on that inquiry or complaint.

Section 128: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

(1) This section applies to all of the information and documentation contained in the registers that were kept under section 87 (as in force immediately before the commencement of this section).

(2) The information and documentation that this section applies to must be maintained as part of the register.

(3) The inclusion of that information and documentation as part of the register—

(a) does not confer any rights or privileges on any person; and

(b) does not authorise any person to do prescribed electrical work or to assist in doing prescribed electrical work.

Section 129: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

130 Duty to notify change of address

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

(2) The Registrar must enter the new address in the register.

(3) Every person who breaches subsection (1) commits an offence and is liable on conviction to a fine not exceeding $500.

Section 130: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 130(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

131 Duty to notify change of name

(1) If a practising licence holder, a provisional licence holder, or an employer licence holder changes that person's name, that person must, within 1 month after the change, notify the Registrar of the person's new name.

(2) If the Registrar is satisfied that a registered person, a provisional licence holder, or an employer licence holder has changed that person's name, or that it is wrongly entered in the register, the Registrar must correct the entry in the register relating to that person.

(3) Every person who breaches subsection (1) commits an offence and is liable on conviction to a fine not exceeding $500.

Section 131: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 131(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

132 Revision of register

(1) The Registrar may at any time, and must if the Board directs, ask whether—

(a) a registered person wishes to have that person's registration or practising licence cancelled; or

(b) a provisional licence holder or an employer licence holder wishes to have that person's licence cancelled.

(2) The Registrar must ask by letter addressed to the registered person, provisional licence holder, or employer licence holder at that person's last known street address.

(3) If the registered person tells the Registrar in writing that the person wishes to have the person's registration or practising licence cancelled, the Board may order that the registration or practising licence be cancelled.

(4) If the provisional licence holder or employer licence holder tells the Registrar in writing that the person wishes to have the person's licence cancelled, the Board may order that the licence be cancelled.

(5) If the Registrar does not receive a reply to the letter within 3 months after it was posted, or if the letter is returned to the Registrar undelivered, the Registrar may give the registered person or provisional licence holder or employer licence holder notice in writing at that person's last known street

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

(6) If the Registrar does not receive a reply within 20 working days after the date of the notice, the Board may order that—

(a) the registered person's registration or practising licence (or both) be cancelled; or

(b) the licence of the provisional licence holder or employer licence holder be cancelled.

Section 132: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

133 Restoration of registration or licence

(1) This section applies to a person if the person's registration or licence has been cancelled under section 110(1)(b) or section 132.

(2) On the written application of a person to whom this section applies, the Registrar must restore the entry in the register relating to the person's registration or licence unless—

(a) the person is not entitled to be registered or issued with the licence; or

(b) the person is subject to pending disciplinary proceedings under Part 11; or

(c) the person is subject to an order under section 120(2)(a) or section 147M(1)(a).

Section 133: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

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

(a) a cancellation of registration or of a licence; or

(b) a suspension of registration or of a licence; or

(c) any decision, direction, or order made under section 120 or Part 11.

Section 134: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

135 Alterations to register

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

(a) reflect any changes in the information specified in section 128; or

(b) correct a mistake caused by any error or omission on the part of the Registrar or any person to whom the Registrar has delegated his or her functions, duties, or powers; or

(c) comply with a direction given by the Board.

Section 135: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

136 Register to be public

(1) The register must be open for public inspection during ordinary office hours at the place where it is kept.

(2) The Registrar must, on payment of the prescribed fee (if any), supply—

(a) a copy of any entry in the register to any person requesting it; or

(b) a certified copy of any entry in the register to any person requesting it.

(3) The fee charged under subsection (2)(a) must be not more than the fee that may be charged by a department of State for providing information under the Official Information Act 1982.

Section 136: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

137 Restricting public access to information and documents on register

(1) Despite section 136, the Registrar—

(a) may restrict public access to all or any of the information referred to in section 128(1)(b), (2)(b), or (2)(e)(i) in relation to a particular person if that person requires the Registrar to restrict public access to that information; and

(b) must restrict public access to any information or documentation referred to in section 128(1)(c)(viii), (2)(c)(vi), (3), or (4) or section 129 if—

(i) required to do so by regulations made under section 169; or

(ii) directed to do so by the Board.

(2) For the purposes of subsection (1)(b), the Board may direct the Registrar to restrict public access to any information or documents referred to in that paragraph if, in the opinion of the Board, it is not necessary, or it is not desirable, for the information or documents to be publicly available.

Section 137: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

138 Search of register

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

Section 138: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

139 Search criteria

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

Section 139: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

140 Search purposes

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

Section 140: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

141 When search constitutes interference with privacy of individual

A search of the register for personal information that has not been carried out in accordance with sections 138 to 140 constitutes an action that is an interference with the privacy of an individual under section 69 of the Privacy Act 2020.

Section 141: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 141: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Part 11
Disciplinary provisions

Part 11: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Preliminary provisions

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

142 Persons to whom this Part applies

This Part applies to the following persons:

(a) every registered person:

(b) every provisional licence holder:

(c) every person who is no longer a registered person but who was a registered person at the time of the relevant conduct:

(d) every person who is no longer a provisional licence holder but who was a provisional licence holder at the time of the relevant conduct:

(e) every person who is the subject of an order of the Board under this Part.

Section 142: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

143 Disciplinary offence

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

(a) to have carried out or caused to be carried out prescribed electrical work—

(i) in a negligent or incompetent manner; or

(ii) in a manner contrary to any enactment relating to electrical supply or prescribed electrical work that was in force at the time the work was done; or

(b) to have intentionally or negligently created a risk of serious harm to any person, or a risk of significant property damage, through—

(i) having used or caused to be used faulty or improper fittings; or

(ii) having carried out or caused to be carried out any prescribed electrical work; or

(c) to have failed to have complied with a term or condition of the person's registration or licence; or

(d) to have done prescribed electrical work that, under the terms of any restriction or limitation that applies to the prescribed electrical work that the person may do, the person is not authorised to do; or

(e) to have intentionally deceived or attempted to deceive any registered person who is authorised to test and certify prescribed electrical work by—

(i) purposely concealing inferior work or inferior fittings used as part of any works or electrical installation; or

(ii) making any false or misleading statement (whether in writing or not) to that person; or

(f) to have failed to provide any return required under any enactment relating to prescribed electrical work or to have provided a false or misleading return; or

(g) to have employed, directed, or permitted any unauthorised person to do any prescribed electrical work.

Section 143: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Complaints

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

144 Complaints

(1) Any person (including any person in the service of the Crown acting in his or her official capacity) may complain to the Board about the conduct of a person to whom this Part applies by making the complaint in the prescribed manner to the Registrar.

(2) However, a complaint may not be made under subsection (1) by the Board, a member of the Board, or the Registrar.

(3) The Registrar must, as soon as practicable after receiving a complaint,—

(a) inform the Secretary; and

(b) inform the person complained against of the general nature of the complaint.

(4) However, if the Registrar is satisfied that the complaint is frivolous or vexatious,—

(a) subsection (3) does not apply; and

(b) section 145 does not apply; and

(c) the Registrar must inform the complainant that the complaint will not be investigated or proceeded with.

Section 144: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Investigations

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

145 Secretary must appoint investigator

(1) The Secretary must, as soon as practicable after being informed by the Registrar of a complaint, appoint an investigator to investigate the complaint.

(2) The person appointed as the investigator must not be—

(a) a member of the Board; or

(b) the person who made the complaint.

(3) The appointment must be made in accordance with regulations (if any).

(4) No investigator is personally liable for any act done or omitted to be done by the investigator in good faith in the performance or intended performance of the functions, duties, or powers of the investigator under this Act.

(5) The Secretary must pay to the investigator, by way of remuneration and expenses for his or her services, the sum that is agreed upon between the investigator and the Secretary.

Section 145: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

146 Investigation of complaint

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

(2) The investigator must—

(a) determine whether, in the investigator's opinion, the complaint should be considered by the Board; and

(b) report the investigator's findings to the Board.

(3) The investigator may recommend that the Board make an order under section 147I in respect of the person complained against pending the determination of disciplinary proceedings against that person.

(4) Before the investigator makes a determination that the complaint should be considered by the Board, the investigator or the Secretary—

(a) must send particulars of the complaint to the person complained against; and

(b) must give the person a reasonable opportunity to make written submissions and be heard on the matter, either personally or by that person's representative.

(5) The Registrar must send a copy of the investigator's report under subsection (2) to the person complained against and to the complainant.

Section 146: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147 Investigator's powers

(1) An investigator, for the purpose of investigating a complaint,—

(a) may, at any reasonable time, enter and re-enter any land or premises and—

(i) inspect and test any prescribed electrical work on that land or those premises that is, or is intended to be, connected to a power supply:

(ii) make any inquiries that are reasonably necessary to determine whether or not any prescribed electrical work on that land or those premises has been carried out in a competent and safe manner and in accordance with enactments relating to electrical supply or prescribed electrical work that were in force at the time the work was done; and

(iii) generally do any other things on that land or those premises that are reasonably necessary to enable the investigation to be carried out; and

(b) may, by written notice served on any person, require that person to—

(i) produce for inspection, within any reasonable period that the investigator may specify, any document or class of document in the possession or under the control of the person:

(ii) provide, within any reasonable period that the investigator may specify, any information or class of information that the investigator may require; and

(c) may take copies of, or extracts from, any of the documents referred to in paragraph (b).

(2) Subsection (1)(a) applies in respect of dwellinghouses subject to section 147C.

(3) Every person who is required to supply information or documents to an investigator has the same privileges in relation to the supply of the information or documents as witnesses have in any court.

Section 147: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147A Secretary must supply warrant of authority

(1) The Secretary must supply to an investigator who intends to act under section 147(1)(a), a written warrant of authority that contains—

(a) a reference to that provision; and

(b) the full name of the investigator; and

(c) a statement of the powers conferred by that provision.

(2) A person who does not have a warrant supplied under this section must not represent himself or herself to be the holder of a warrant supplied under this section.

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

(a) fails to comply with subsection (2); or

(b) impersonates or falsely pretends to be a person named in a warrant supplied under this section.

Section 147A: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 147A(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

147B Duties of investigator supplied with warrant of authority

(1) An investigator supplied with a warrant of authority under section 147A—

(a) must carry and produce the warrant in accordance with section 159(1)(d); and

(b) must, on the termination of his or her authority to act under section 147, surrender the warrant to the Secretary; and

(c) must not purport to act under a warrant after the termination of his or her authority to act under section 147.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $10,000 who fails to comply with subsection (1).

Section 147B: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 147B(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

147C Restriction on entry to dwellinghouse

(1) Despite section 147, an investigator may not enter a dwellinghouse without—

(a) the consent of the occupier of the dwellinghouse; or

(b) a warrant issued under subsection (2).

(2) A District Court Judge, on the written application of the investigator, may, by warrant, authorise the investigator to enter a dwellinghouse.

(3) The District Court Judge may authorise the investigator to enter a dwellinghouse under subsection (2)—

(a) only if the Judge is satisfied that—

(i) the proposed entry is necessary for the purposes of section 147; and

(ii) the investigator has taken all reasonable steps to obtain the consent of the occupier to the proposed entry; and

(b) subject to any conditions that the Judge thinks fit.

(4) Section 159(1)(e) does not apply in relation to the powers referred to in section 147(1)(a).

Section 147C: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147D Investigator must give notice to occupier of dwellinghouse

An investigator must,—

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

(b) before he or she enters a dwellinghouse under the authority of a warrant under section 147C, give a copy of the warrant to the occupier of the dwellinghouse to which that warrant relates.

Section 147D: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147E Notices to supply information or documents

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

(a) it is in writing; and

(b) it is signed by the investigator; and

(c) it is given to the person or persons primarily concerned or to any person or organisation considered by the investigator to represent the person or persons primarily concerned.

Section 147E: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

(1) No person may,—

(a) without reasonable excuse, refuse or fail to comply with a notice under section 147(1)(b); or

(b) in purported compliance with the notice, supply information, or supply a document, knowing it to be false or misleading.

(2) Every person who breaches subsection (1) commits an offence and is liable on conviction to a fine not exceeding $10,000 in the case of an individual, or $50,000 in the case of a body corporate.

Section 147F: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 147F(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Consideration of complaint by Board

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147G Board must hold hearing if investigator reports that complaint should be considered by Board

(1) If the investigator reports that a complaint should be considered by the Board, the Board must hold a hearing to determine whether it should exercise its disciplinary powers under section 147M.

(2) If the investigator reports that a complaint should not be considered by the Board, the Registrar must inform the complainant and the person complained against of that determination.

Section 147G: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147H Notice of disciplinary proceedings

(1) If the Board is required to hold a hearing in respect of any person, the Presiding Member of the Board must serve on the person concerned a notice—

(a) that contains a statement to the effect that the investigator has reason to believe that a ground exists entitling the Board to exercise its powers under section 147M; and

(b) that contains the particulars that are reasonably necessary to clearly inform the person of the substance of the grounds believed to exist; and

(c) that specifies a date, being not less than 20 working days after the date of service of the notice, on which the Board intends to hear the matter.

(2) The notice may require the person to whom the notice is addressed to notify the Board in writing, not later than 10 working days after the date of service of the notice, whether the person intends to appear before the Board at the hearing of the matter.

(3) If the person fails to notify that person's intention under subsection (2), that person is entitled to appear and be heard at the hearing of the matter only on the conditions as to payment of costs and expenses or otherwise that the Board thinks fit.

(4) Subsection (3) applies despite anything in section 147S or section 156.

(5) Despite subsection (1)(c), the Board may hear the matter earlier than 20 working days after the date of service of the notice if the person concerned agrees.

Section 147H: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Interim suspension or disqualification

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147I Interim suspension or disqualification

(1) The Board may make an order under subsection (2)—

(a) before or after a notice has been served on a person under section 147H; and

(b) if it is satisfied that it is necessary to do so having regard to the need to protect the safety of members of the public.

(2) An order under this subsection is either—

(a) an order suspending the person's practising licence or provisional licence; or

(b) an order disqualifying a person from doing, or assisting in doing, prescribed electrical work that the person would otherwise be authorised to do or assist in doing.

(3) An order under subsection (2) continues in force until—

(a) the investigator determines that the complaint should not be considered by the Board; or

(b) the Board determines that it should not exercise its disciplinary powers under section 147M; or

(c) the Board does any of the things authorised by section 147M.

(4) The Board may make an order under subsection (2) on the recommendation of the investigator or on its own motion.

(5) Despite section 156, the Board is not required to give any notice to a person that it intends to make an order under subsection (2) in respect of that person.

Section 147I: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147J Form of interim suspension or disqualification order

(1) Every order made under section 147I must—

(a) be in writing; and

(b) contain a statement of the reasons on which it is based; and

(c) contain a clear statement of the right of the person in respect of whom it is made to apply to the Board for the revocation of the order; and

(d) be signed by the Presiding Member of the Board.

(2) A copy of an order made under section 147I must be served by the Registrar on the person in respect of whom it is made.

Section 147J: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147K Revocation of interim suspension or disqualification

(1) A person in respect of whom an order is made under section 147I may apply to the Board for the revocation of the order.

(2) An application under subsection (1) must be heard within 5 working days after it is received by the Board.

(3) The Board may grant or refuse the application as it thinks fit.

(4) The Board may, on its own motion, revoke an order made under section 147I.

Section 147K: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

(1) If the Board has made an order under section 147I in respect of a person, the Board must take reasonable steps to hold a hearing as soon as practicable after the making of that order.

(2) Subsection (1) does not apply after the order made under section 147I is no longer in force.

(3) This section is subject to section 147H

Section 147L: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Exercise of disciplinary powers

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147M Disciplinary powers of Board

(1) If the Board, after conducting a hearing, is satisfied that a person to whom this Part applies is guilty of a disciplinary offence, the Board may—

(a) do 1 or more of the following things:

(i) order that the person's registration or practising licence (or both) be cancelled:

(ii) order that the person's provisional licence be cancelled:

(iii) order that the person may not apply to be re-registered or re-licensed before the expiry of a specified period:

(b) order that the person's registration or practising licence (or both), or the person's provisional licence, be suspended—

(i) for any period that the Board thinks fit; or

(ii) until that person does 1 or more of the things specified in subsection (2):

(c) order that the person's registration or practising licence (or both), or the person's provisional licence, be restricted for any period that the Board thinks fit, in either or both of the following ways:

(i) by limiting the person to the work that the Board may specify:

(ii) by limiting the person to doing, or assisting in doing, work in certain circumstances (for example, by limiting the person to work only on approved premises or only in the employ of an approved employer):

(d) order that the person be disqualified from doing or assisting in doing prescribed electrical work that the person would otherwise be authorised to do in that person's capacity as a person to whom this Part applies—

(i) permanently, or for any period that the Board thinks fit; or

(ii) until that person does 1 or more of the things specified in subsection (2):

(e) order the person to do 1 or more of the things specified in subsection (2) within the period specified in the order:

(f) order the person to pay a fine not exceeding $10,000:

(g) order that the person be censured:

(h) make no order under this subsection.

(2) The things that the person can be required to do for the purposes of subsection (1)(b), (d), and (e) are to—

(a) pass any specified examination:

(b) complete any competence programme or specified period of training:

(c) attend any specified course of instruction.

(3) The Board may take only 1 type of action in subsection (1) in relation to a case, except that it may impose a fine under subsection (1)(f) in addition to taking the action under subsection (1)(b), (c), (e) or (g).

(4) No fine may be imposed under subsection (1)(f) in relation to an act or omission that constitutes an—

(a) offence for which the person has been convicted by a court; or

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

(5) The Board must not exercise any authority conferred by this section in respect of any offence committed by any person before the date of that person's registration or, as the case may be, the date on which that person's provisional licence was issued if at that date the Board was aware of that person's conviction for that offence.

(6) If a person is registered under Part 10 in respect of more than 1 class of registration, the Board may exercise its powers under subsection (1)(a) to (e) in respect of each of those classes or 1 or more of those classes as the Board thinks fit.

Section 147M: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147N Costs and expenses

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

(a) the investigator's investigation of the complaint:

(b) the prosecution of the complaint by the investigator:

(c) the hearing by the Board.

Section 147N: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147O Enforcement of fines, costs, and expenses

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

Section 147O: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

(1) The Board may order that an order under section 147I or 147M(1)(b) to (d) take effect on the day of the making of the order.

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

Section 147P: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147Q Effect of disqualification

(1) A person is not authorised to do or assist in doing prescribed electrical work for the period for which the person is disqualified from doing or assisting in doing that work.

(2) At the end of the period of disqualification, the person's authorisation is immediately revived (unless there is some other ground to disqualify the person from doing or assisting in doing prescribed electrical work or the person's authorisation has otherwise ended).

Section 147Q: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

(1) If the Board makes an order under section 147M(1)(e) and the person concerned fails to comply with the order, the Board may make either or both of the following orders:

(a) that the person's registration, practising licence, or provisional licence be subject to any condition that the Board considers appropriate:

(b) that the person's registration, practising licence, or provisional licence be suspended.

(2) The Board may not suspend registration or a licence under subsection (1) unless it has first—

(a) informed the person concerned why it may act in that manner; and

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

(3) The Registrar must ensure that a copy of the order made under subsection (1) is given to the person concerned.

(4) An order made under subsection (1) takes effect from the day on which a copy of the order is given to the person concerned or from any date that is specified in the order, whichever is the later.

(5) Any order made under subsection (1) remains in effect until the time that the person concerned has complied with the order under section 147M(1)(e), and for that purpose the Board may extend the period within which the person is required to comply with the order.

Section 147R: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Procedure and miscellaneous matters

Heading: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147S Right to appear and be heard

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

Section 147S: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147T Investigator to prosecute matter

(1) If the investigator reports that in the investigator's opinion a complaint should be considered by the Board, the matter must be prosecuted by the investigator at the hearing held by the Board under this Part (unless the Board orders otherwise).

(2) The investigator may be represented by counsel or otherwise.

Section 147T: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147U Appointment of legal advisor to assist Board

(1) For the purposes of advising the Board on questions of law and procedure arising in proceedings under this Part, the Board may appoint an advisor who is a barrister or solicitor to attend the proceedings.

(2) The Board must pay to the advisor, by way of remuneration and expenses for his or her services for the proceedings, the sum that is agreed upon between the advisor and the Board.

Section 147U: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147V Appointment of persons to assist investigator

(1) For the purposes of assisting the investigator in the performance of the investigator's functions under this Part, the Secretary may appoint any person (the **appointed person**) to assist the investigator.

(2) The Secretary must pay to the appointed person, by way of remuneration and expenses for his or her services, the sum that is agreed upon between the appointed person and the Secretary.

(3) No appointed person is personally liable for any act or omission done, in good faith, in the performance or exercise or intended performance or exercise of his or her functions or powers under this Act.

(4) The investigator may delegate any of the functions or powers of the investigator, either generally or specifically, to the appointed person.

(5) The appointed person may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the appointed person were the investigator.

(6) If the appointed person purports to perform a function or exercise a power under a delegation, the appointed person—

(a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and

(b) must produce evidence of his or her authority to do so, if reasonably requested to do so.

(7) No delegation under this section—

(a) affects or prevents the performance of any function or the exercise of any power by the investigator; or

(b) affects the responsibility of the investigator for the actions of the appointed person acting under the delegation.

Section 147V: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147W Evidence

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

Section 147W: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147X Board to have powers of commission of inquiry

(1) The Board has, for the purposes of any hearing under this Part, the same powers as are conferred on commissions of inquiry by sections 4 and 4B to 9 of the Commissions of Inquiry Act 1908.

(2) Sections 4 and 4B to 9 of the Commissions of Inquiry Act 1908 apply to all persons involved in any capacity in any hearing held by the Board under this Part as if it were an inquiry conducted by a commission of inquiry under that Act.

Section 147X: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147Y Orders to be in writing

(1) Every order of the Board under section 147M must—

(a) be in writing; and

(b) contain a statement of the reasons on which it is based; and

(c) contain a clear statement of the right of the person in respect of whom it is made to appeal against the order, and the time within which notice of appeal must be given; and

(d) be signed by the Presiding Member of the Board.

(2) A copy of every order of the Board under section 147M must be served by the Registrar on the person in respect of whom it is made, and takes effect—

(a) in accordance with section 147P; or

(b) from the day on which service is effected, or any later date that is specified in the order.

(3) The Registrar must ensure that a copy of any order made under section 147M is given, as soon as practicable, to—

(a) the investigator who investigated the complaint; and

(b) the complainant (if any).

(4) The Registrar must, if the Board so directs, give a copy of any order made under section 147M to the owner and to the occupier of the premises to which the complaint relates.

Section 147Y: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147Z Publication of orders

(1) This section applies if—

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

(b) an order has been made under Part 12 by any court in respect of a person.

(2) The Registrar must, if the Board in its discretion so directs, cause a notice stating the effect of the decision or order, the reasons for the decision or order, and (unless the Board directs otherwise) the name of the person in respect of whom the decision or order was made, to be published in the *Gazette* and any other publications as may be directed by the Board.

(3) This section is subject to any order of any court.

Section 147Z: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Part 12
Appeals

Part 12: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147ZA Appeals

(1) A person who is dissatisfied with the whole or any part of any of the following decisions, directions, or orders may appeal to the District Court against the decision, direction, or order:

(a) any decision of the Board to decline to register the person or to decline to issue a licence to the person or to decline to renew the licence of the person:

(b) any decision of the Board to decline to issue a limited certificate under section 78 to the person or to decline to renew the limited certificate of the person:

(c) any decision of the Board to suspend or cancel the person's registration or licence:

(d) any decision of the Board to impose any term or condition in relation to the person's registration or licence or to vary any of those terms or conditions:

(e) any decision, direction, or order under any of sections 108, 109, 120, 133, 137, and 153 or Part 11 (except section 147C).

(2) For the purposes of this Part, any decision of the Plumbers, Gasfitters, and Drainlayers Board acting under this Act must be treated as a decision of the Board.

(3) Subsection (1) does not confer a right to appeal against a decision under any of sections 84 to 90.

Section 147ZA: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 147ZA(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

147ZB Time for lodging appeal

An appeal under section 147ZA must be brought within—

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

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

Section 147ZB: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 147ZB(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

147ZC Procedure on appeal

(1) Every appeal under section 147ZA must be heard as soon as practicable after the appeal is lodged.

(2) On the hearing of an appeal under section 147ZA, the District Court may—

(a) confirm, reverse, or modify the decision, direction, or order of the Board; or

(b) give any decision, or make any direction or order, that the Board could have given or made in respect of the matter.

(3) Nothing in this section gives the District Court power to review any part of the decision, direction, or order of the Board other than the part against which the appellant has appealed.

(4) Subject to section 147ZH, the decision of the District Court on any appeal under section 147ZA is final.

Section 147ZC: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 147ZC(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 147ZC(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

147ZD Court may refer appeals back for reconsideration

(1) The District Court may in any case, instead of determining any appeal under section 147ZA, direct the Board to reconsider, either generally or in respect of any specified matters, the whole or any part of the matter to which the appeal relates.

(2) In giving any direction under subsection (1), the District Court must—

(a) advise the Board of its reasons for so doing; and

(b) give to the Board any directions it thinks just as to the whole or any part of the matter that is referred back for reconsideration.

(3) In reconsidering any matter referred back to the Board under subsection (1), the Board must have regard to the District Court's reasons for giving a direction under that subsection, and to the court's directions under subsection (2).

Section 147ZD: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 147ZD(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

147ZE Costs

On any appeal under section 147ZA, the District Court may make an order for the payment, by the Board or the appellant, of the costs incurred in respect of the appeal by the other party to the appeal.

Section 147ZE: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 147ZE: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

147ZF Power of court to prohibit publication of person's name or affairs

(1) On any appeal under section 147ZA, the District Court may, if in the court's opinion it is proper to do so having regard to the interests of any person and to the public interest, make an order prohibiting the publication of the name or particulars of the affairs of any person.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $5,000 who commits a breach of any order made under subsection (1) or evades or attempts to evade the order.

Section 147ZF: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 147ZF(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 147ZF(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

147ZG Decision to continue in force pending appeal

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

Section 147ZG: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147ZH Appeal on question of law

(1) If, in respect of any appeal under section 147ZA, the Board or the appellant is dissatisfied with any decision of the District Court as being erroneous in point of law, the Board or the appellant may appeal to the High Court on the question of law only.

(2) Every appeal under this section must be heard and determined in accordance with rules of court.

(3) Subpart 8 of Part 6 of the Criminal Procedure Act 2011 applies as far as applicable with the necessary modifications to every appeal under this section.

Section 147ZH: inserted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Section 147ZH(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 147ZH(3): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 13
Administration

Electrical Workers Registration Board

148 Electrical Workers Registration Board

(1) There is hereby established a board called the Electrical Workers Registration Board.

(2) The Board shall have all such powers as are reasonably necessary or expedient to enable the Board to carry out its functions.

Compare: 1959 No 46 s 3(1); 1979 No 139 s 4(1)

149 Functions of Board

The functions of the Board are—

(a) to designate classes of registration for the purposes of Part 10:

(b) to specify for each of those classes the prescribed electrical work that a person is authorised to do, or assist in doing, by virtue of being a registered person of a particular class and holding a current practising licence:

(c) to prescribe the minimum standards for registration for each of those classes that persons must meet in order to be registered as registered persons and to be issued with practising licences:

(d) to prescribe the terms and conditions subject to which persons are registered and licences are issued:

(e) to prescribe standards or requirements relating to competent and safe work practices and the testing of those practices:

(f) to recognise appropriate overseas qualifications, certificates, registration, or licences for the purposes of registering persons and issuing licences under Part 10:

(g) to consider applications for registration and licences under Part 10, and to register persons and issue licences in proper cases:

(h) to establish criteria for granting, and to grant, exemptions from registration and licensing requirements to persons and classes of persons:

(i) to renew licences for subsequent terms in proper cases:

(j) to issue limited certificates under Part 9 in proper cases:

(k) to promote, monitor, and review the ongoing competency and safe work practices of registered persons and licence holders:

(l) to hear complaints about, and to discipline, persons to whom Part 11 applies:

(m) to institute prosecutions against persons for the breach of this Act or any regulation relating to prescribed electrical work:

(n) to consider any reports that are referred to the Board in respect of accidents to which section 16 applies, and to take any action in relation to those reports that the Board thinks fit:

(o) to exercise and perform any other functions, duties, and powers as are conferred or imposed on the Board by or under this Act or by or under any other enactment:

(p) to do any other things as may, in the Board's opinion, be necessary for the effective administration of this Act:

(q) to carry out any functions that are incidental and related to, or consequential on, its functions stated in this section.

Section 149: substituted, on 1 April 2010, by section 14 of the Electricity Amendment Act 2006 (2006 No 70).

Section 149(n): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

150 Membership

(1) The Board consists of—

(a) 4 persons who are registered, or entitled to be registered, under Part 10, of whom at least 2 must be persons who hold current practising licences; and

(b) 3 other persons, of whom at least 1 must be a person whom the Minister considers has appropriate electrical industry qualifications or experience.

(2) The members of the Board shall be appointed by the Minister.

(3) A person who is acting as an investigator under Part 11 is not eligible to hold office as a member of the Board.

(4) Subject to subsection (3), any person appointed as a member of the Board may hold that office concurrently with any other office.

(5) *[Repealed]*

Section 150(1): substituted, on 1 April 2010, by section 15(1) of the Electricity Amendment Act 2006 (2006 No 70).

Section 150(3): substituted, on 1 April 2010, by section 15(2) of the Electricity Amendment Act 2006 (2006 No 70).

Section 150(5): repealed, on 1 April 2010, by section 15(7) of the Electricity Amendment Act 2006 (2006 No 70).

151 Registrar

(1) There shall be a Registrar of the Board, who shall be appointed under the Public Service Act 2020 by the Secretary.

(2) The office of Registrar may be held concurrently with any other office.

Compare: 1959 No 46 s 8; 1979 No 139 s 12

Section 151(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

152 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 to the Registrar.

(2) No delegation under this section shall include—

(a) the power to delegate under this section:

(b) any function or power conferred or imposed on the Board by or under Part 11.

(3) Subject to any general or special directions given or conditions imposed by the Board, the Registrar may, without confirmation by the Board, exercise or perform the delegated powers or functions in the same manner and with the same effect as the Board could itself have exercised or performed them.

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

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

Compare: 1979 No 139 s 13

153 Meetings to be held in public

(1) Except as provided in this section, every meeting of the Board shall be in public.

(2) The Board may deliberate in private as to its decision in any matter or as to any question arising in the course of any proceedings before it.

(3) If the Board is of the opinion that it is proper to do so, having regard to the interests of any person and to the public interest, it may, of its own motion or on the application of any party to the proceedings,—

(a) order that the whole or any part of a hearing shall be held in private:

(b) make an order prohibiting the publication of any report or account of any part of any proceedings before it, whether held in public or in private:

(c) make an order prohibiting the publication of the whole or any part of any documents produced at any hearing:

(d) make an order prohibiting the publication of the name or any particulars of the affairs of—

(i) any person who is the subject of proceedings before it:

(ii) any other person.

(4) Every application to the Board under subsection (3) shall be heard in private, but the other parties to the proceedings shall be entitled to be present and to make submissions with regard to the application.

(5) In any case where a hearing of the Board is held in private, the Board may allow any particular person to attend the private hearing if it is satisfied that the person has a special and proper interest in the matter to be heard.

(6) Unless reversed or modified in respect of its currency by the court on an appeal under Part 12, an order made under any of paragraphs (b) to (d) of subsection (3) shall continue in force until such time as may be specified in the order, or, if no time is specified, until the Board, in its discretion, revokes it on the application of any party to the proceedings in which the order was made.

(7) Every person commits an offence and is liable on conviction to a fine not exceeding $5,000 who, without lawful excuse, acts in contravention of any order made by the Board under any of paragraphs (b) to (d) of subsection (3).

Section 153(6): amended, on 1 April 2010, by section 16(1) of the Electricity Amendment Act 2006 (2006 No 70).

Section 153(7): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 153(7): amended, on 1 April 2010, by section 16(2) of the Electricity Amendment Act 2006 (2006 No 70).

Complaints Assessment Committees

[Repealed]

Heading: repealed, on 1 April 2010, by section 17(1) of the Electricity Amendment Act 2006 (2006 No 70).

154 Complaints Assessment Committees

[Repealed]

Section 154: repealed, on 1 April 2010, by section 17(2) of the Electricity Amendment Act 2006 (2006 No 70).

155 Secretary to maintain list

[Repealed]

Section 155: repealed, on 1 April 2010, by section 17(2) of the Electricity Amendment Act 2006 (2006 No 70).

General provisions

156 Rules of natural justice to be observed

In carrying out their functions and duties under this Act, the Board and every investigator must observe the rules of natural justice.

Section 156: amended, on 1 April 2010, by section 18 of the Electricity Amendment Act 2006 (2006 No 70).

156A Power to amend or revoke

(1) The Board's power to make, issue, give, or publish any order, notice, exemption, or other instrument includes the power to—

(a) amend or revoke it:

(b) revoke it and replace it with another.

(2) The Board's power to impose any terms or conditions includes the power to—

(a) amend or revoke those terms or conditions:

(b) revoke those terms or conditions and replace them with other terms or conditions.

(3) This section does not limit section 48 of the Legislation Act 2019.

Section 156A: inserted, on 1 April 2010, by section 19 of the Electricity Amendment Act 2006 (2006 No 70).

Section 156A(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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

(1) If a provision of this Act requires or authorises any notice or other document, or any notification, to be given to, or served on, a person by the Board, a member of the Board, the Registrar, or an investigator, that notice, document, or notification must be given in writing to the person—

(a) by delivering it personally or by an agent (for example, a courier) to the person; or

(b) by sending it by facsimile or email to the person's facsimile number or email address; or

(c) by sending it by pre-paid post addressed to the person at the person's usual or last known place of residence or business; or

(d) in any other manner a District Court Judge directs.

(2) In the absence of proof to the contrary, a notice, document, or notification sent by post to a person in accordance with subsection (1)(c) must be treated as having been given to, or served on, the person when it would have been delivered in the ordinary course of the post; and, in proving the delivery, it is sufficient to prove that the letter was properly addressed and posted.

(3) If a person is absent from New Zealand, a notice, document, or notification given to, or served on, the person's agent in New Zealand in accordance with subsection (1) must be treated as having been given to, or served on, him or her.

(4) If a person has died, the notice, document, or notification may be given or served, in accordance with subsection (1), to or on his or her personal representative.

(5) This section applies unless a provision of this Act provides otherwise.

Section 156B: inserted, on 1 April 2010, by section 19 of the Electricity Amendment Act 2006 (2006 No 70).

157 Further provisions applying to Board

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

Section 157: substituted, on 1 April 2010, by section 20 of the Electricity Amendment Act 2006 (2006 No 70).

158 Review of operation of Act

(1) As soon as practicable after the expiry of the period of 3 years beginning on the commencement of this section, and then at intervals of not more than 5 years, the Board shall—

(a) review the operation of this Act (other than Parts 2 to 8) since—

(i) the date of the commencement of this section (in the case of the first review carried out under this paragraph); or

(ii) the date of the last review carried out under this paragraph (in the case of every subsequent review); and

(b) consider whether any amendments to this Act (other than Parts 2 to 8) are necessary or desirable; and

(c) report the Board's findings to the Minister.

(2) As soon as practicable after receiving a report from the Board under subsection (1)(c), the Minister shall lay a copy of that report before the House of Representatives.

Part 14
Miscellaneous provisions

Subpart 1—General electricity matters

Subpart 1 heading: inserted, on 8 August 2001, by section 13(1) of the Electricity Amendment Act 2001 (2001 No 40).

Financial statements of customer and community trusts

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(4) of the Electricity Industry Act 2010 (2010 No 116).

158A Community and customer trusts to prepare audited financial statements

[Repealed]

Section 158A: repealed, on 1 November 2010, by section 164(4) of the Electricity Industry Act 2010 (2010 No 116).

158B Publication of audited financial statements

[Repealed]

Section 158B: repealed, on 1 November 2010, by section 164(4) of the Electricity Industry Act 2010 (2010 No 116).

158C Auditor of trusts

[Repealed]

Section 158C: repealed, on 1 November 2010, by section 164(4) of the Electricity Industry Act 2010 (2010 No 116).

158D Procedures for annual meeting to appoint auditor

[Repealed]

Section 158D: repealed, on 1 November 2010, by section 164(4) of the Electricity Industry Act 2010 (2010 No 116).

158E Auditor-General to be auditor if no other auditor appointed

[Repealed]

Section 158E: repealed, on 1 November 2010, by section 164(4) of the Electricity Industry Act 2010 (2010 No 116).

158F Application of sections 158A to 158E

[Repealed]

Section 158F: repealed, on 1 November 2010, by section 164(4) of the Electricity Industry Act 2010 (2010 No 116).

Complaints resolution system

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(4) of the Electricity Industry Act 2010 (2010 No 116).

158G Complaints resolution system

[Repealed]

Section 158G: repealed, on 1 November 2010, by section 164(4) of the Electricity Industry Act 2010 (2010 No 116).

Powers of entry

159 Conditions relating to power to enter land or premises

(1) Subject to subsections (2) and (3) and to sections 23A to 23E, 31, 83, and 147 to 147D, but notwithstanding any other provision of this Act, any provision in this Act or in any regulations made under section 169 giving any person the power to enter any land or premises without the consent of the owner or occupier shall be subject to the following conditions:

(a) entry to the land or premises shall only be made by the person specified in the relevant provision or any other person that the person so specified

authorises in writing, either specifically or as a member of a class so authorised:

(b) reasonable notice of the intention to enter shall be given unless the giving of the notice would defeat the purpose of the entry:

(c) entry shall be made at reasonable times:

(d) the person entering shall carry a warrant of authority or be working under the immediate control of a person holding such authority, which shall be produced on initial entry and, if requested, at any subsequent time:

(e) entry into a dwellinghouse must be authorised by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) on an application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012.

(2) The conditions specified in subsection (1) shall not apply where the entry is necessary in circumstances of probable danger to life or property or where entry is necessary to maintain the continuity or safety of the supply and distribution of electricity.

(3) Nothing in this section shall restrict rights of access in order to obtain consent to enter the land or premises for the authorised purposes in respect of which entry is required.

(4) Notwithstanding any other provision of this Act, no provision in this Act or in any regulations made under section 169 giving any person the power to enter any land or premises without the consent of the owner or occupier shall authorise any person to enter or search any restricted area within a defence area (within the meaning of the Defence Act 1990) unless the person entering that area has a security clearance approved by the person in charge of the area.

(5) Subparts 1, 3, 5, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of an application for, and issue of, a warrant under subsection (1)(e).

Compare: 1968 No 125 s 15A; 1983 No 123 s 4; 1987 No 111 s 5

Section 159(1): amended, on 1 April 2010, by section 21 of the Electricity Amendment Act 2006 (2006 No 70).

Section 159(1): amended, on 8 August 2001, by section 11(2) of the Electricity Amendment Act 2001 (2001 No 40).

Section 159(1)(e): replaced, on 1 October 2012, by section 315(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 159(5): inserted, on 1 October 2012, by section 315(3) of the Search and Surveillance Act 2012 (2012 No 24).

Offences

160 False declarations and representations

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

(a) either orally or in writing, makes any declaration or representation that, to the person's knowledge, is false or misleading in any material particular; or

(b) provides to the Registrar, the Board, or the Plumbers, Gasfitters, and Drainlayers Board, any document knowing that the document—

(i) contains any declaration or representation that is false or misleading in any material particular; or

(ii) is not genuine; or

(c) makes use of any document knowing that the document—

(i) contains any declaration or representation that is false or misleading in any material particular; or

(ii) is not genuine.

Section 160: substituted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

Section 160: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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

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

(a) not being registered or licensed under Part 10 in respect of a particular class of prescribed electrical work,—

(i) does any act that is intended to cause or may reasonably cause any other person to believe that the person is so registered or licensed; or

(ii) uses, or causes or permits to be used, in connection with any business, trade, or calling any written words, titles, or initials, or any abbreviation of any words, titles, or initials, that are intended to cause or may reasonably cause any other person to believe that the person using them is so registered or licensed; or

(iii) in any way holds himself or herself or itself out as being so registered or licensed; or

(b) knowing that some other person is not registered or licensed under Part 10 in respect of a particular class of prescribed electrical work, and with intent to deceive, makes any statement or does any act calculated to suggest that the other person is so registered or licensed; or

(c) with intent to deceive, makes use of any certificate of registration or licence issued to that person or any other person under Part 10; or

(d) allows a certificate of registration or a licence to be used by any other person for the purpose of enabling that other person to do any prescribed electrical work in breach of Part 9.

Section 161: substituted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

Section 161: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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

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

Section 162: substituted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

Section 162: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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

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

Section 163: substituted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

Section 163: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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

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

Section 163A: inserted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

Section 163A: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

163B Offence to breach requirement to have safety management system

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

Section 163B: inserted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

Section 163B: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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

(1) Every person commits an offence if—

(a) the person takes an action knowing that the action is reasonably likely to cause serious harm to any person or significant property damage; and

(b) the action is contrary to a provision of this Act; and

(c) the person fails to prevent, so far as is reasonably practicable, the serious harm or significant property damage.

(2) Every person commits an offence if—

(a) the person fails to take an action knowing that the failure to take the action is reasonably likely to cause serious harm to any person or significant property damage; and

(b) the person is required by this Act to take the action; and

(c) the person fails to prevent, so far as is reasonably practicable, the serious harm or significant property damage.

(3) Every person who commits an offence under this section is liable on conviction to—

(a) imprisonment for a term of not more than 2 years; or

(b) a fine of not more than $100,000 in the case of an individual, or $500,000 in the case of a body corporate; or

(c) both.

(4) A person charged with an offence under this section may be convicted of an offence under any other section in this Act as if the person had been charged under that section.

(5) To avoid doubt, a person required by this section to prevent, so far as is reasonably practicable, serious harm or significant property damage is required to take action only in respect of circumstances that the person knows, or ought reasonably to know, about.

(6) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011 a charging document may be filed at any time in respect of an offence under this section.

Compare: 1992 No 96 s 49

Section 163C: inserted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

Section 163C(1)(c): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 163C(2)(c): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 163C(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 163C(5): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 163C(6): inserted, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

163D Other offences

(1) Every person commits an offence and is liable on conviction to a fine not exceeding $50,000 in the case of an individual, or $250,000 in the case of a body corporate, who—

(a) intentionally or negligently does or causes or permits to be done any work on any works or electrical installation or electrical appliance in a manner that is dangerous to life; or

(b) knowingly employs, permits, or pays any person to do any prescribed electrical work in breach of section 74; or

(c) being a person registered or licensed or authorised in accordance with this Act, does any prescribed electrical work that the person is not entitled under this Act to do; or

(d) intentionally obstructs any person in the performance of any duty or in doing any work that the person has lawful authority to do under Part 3; or

(e) intentionally hinders or obstructs any authorised person in the exercise of any powers conferred by or under section 83 or 123 or 147 or any regulations made under section 169.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $10,000 who, being in possession of any limited certificate issued under Part 9 or certificate of registration or licence issued under Part 10, fails or refuses to surrender it to the Board or the Secretary within 10 working days of a written demand to do so by the Registrar or the Secretary.

(3) A charging document must not be filed under subsection (1)(b) by any person other than the Registrar or a person authorised in writing in that behalf by the Board.

Section 163D: inserted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

Section 163D(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 163D(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 163D(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

164 Directors and officers of bodies corporate

(1) If a body corporate is convicted of an offence against any provision of this Act or against any regulations made under section 169, every director and every person concerned in the management of the body corporate is himself or herself guilty of the offence if it is proved that the act constituting the offence took place with that person's knowledge, authority, permission, or consent.

(2) Every person who is guilty of an offence pursuant to subsection (1) shall be liable on conviction to a fine not exceeding that imposed on the body corporate.

Compare: 1970 No 143 s 53(3)

Section 164(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

165 Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act (other than an offence under section 163C) or against any regulations made under section 169 ends on the date that is 5 years after the date on which the offence was committed.

Section 165: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Infringement offences

Heading: inserted, on 1 April 2010, by section 24 of the Electricity Amendment Act 2006 (2006 No 70).

165A Infringement offences

(1) If a person is alleged to have committed an infringement offence, the person may either—

(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice as provided in section 165B.

(2) Despite section 21 of the Summary Proceedings Act 1957, leave of a District Court Judge or Registrar to file a charging document is not necessary if WorkSafe, the Registrar, or the Board commences proceedings for an infringement offence by filing a charging document under the Criminal Procedure Act 2011.

Section 165A: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 165A(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

165B Infringement notices

(1) WorkSafe or the Registrar may issue an infringement notice to a person if—

(a) WorkSafe or the Registrar believes on reasonable grounds that the person is committing, or has committed, an infringement offence; and

(b) WorkSafe, the Registrar, or another person has not taken enforcement action against the same defendant in respect of the same matter.

(2) WorkSafe or the Registrar may revoke an infringement notice before the infringement fee is paid, or before an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.

(3) An infringement notice is revoked by giving written notice to the person to whom it was issued that the notice is revoked.

(4) For the purposes of this section, **enforcement action** means,—

(a) in relation to WorkSafe or the Registrar,—

(i) the filing of a charging document under this Act; or

(ii) the issuing of an infringement notice under this Act; and

(b) in relation to a person other than WorkSafe or the Registrar, the filing of a charging document under this Act.

Section 165B: inserted, on 1 April 2010, by section 24 of the Electricity Amendment Act 2006 (2006 No 70).

Section 165B(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 165B(1)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 165B(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 165B(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 165B(4)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 165B(4)(a)(i): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 165B(4)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 165B(4)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

165C Procedural requirements for infringement notices

(1) An infringement notice may not be issued by a person after the close of the 14th day after the person becomes aware of the alleged infringement offence.

(2) An infringement notice may be served on a person—

(a) by delivering it, or a copy of it, personally to the person who appears to have committed the infringement offence; or

(b) by sending it, or a copy of it, by post, addressed to the person at the person's last known place of residence or business.

(3) An infringement notice sent under subsection (2)(b) must be treated as having been served on the person on the date it was posted.

(4) An infringement notice must be in the prescribed form and must contain—

(a) details of the alleged infringement offence that are sufficient to fairly inform a person of the time, place, and nature of the alleged infringement offence; and

(b) the amount of the infringement fee; and

(c) an address at which the infringement fee may be paid; and

(d) the time within which the infringement fee must be paid; and

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and

(f) a statement that the person served with the notice has a right to request a hearing; and

(g) a statement of what will happen if the person served with the notice does not pay the fee and does not request a hearing; and

(h) any other prescribed matters.

(5) If an infringement notice has been issued, proceedings in respect of the infringement offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957 and, in that case,—

(a) reminder notices may be prescribed under regulations made under this Act; and

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

(6) Reminder notices must contain the prescribed information.

Section 165C: inserted, on 1 April 2010, by section 24 of the Electricity Amendment Act 2006 (2006 No 70).

Section 165C(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

165D Payment of infringement fee

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

Section 165D: inserted, on 1 April 2010, by section 24 of the Electricity Amendment Act 2006 (2006 No 70).

Section 165D: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

165E Effect of infringement notice

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

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

Section 165E: inserted, on 1 April 2010, by section 24 of the Electricity Amendment Act 2006 (2006 No 70).

Miscellaneous provisions

166 Payment of fees

(1) All fees and other money payable under this Act to the Board shall be paid to the Registrar, who shall forthwith pay it into such bank account as the Board determines.

(2) Where any fee is payable to the Board under this Act in respect of any matter, until the fee is paid to the Registrar the Registrar may decline to do any act, or to permit any act to be done, or to receive any document, in respect of which the fee is payable.

Compare: 1959 No 46 s 24; 1979 No 139 s 50; 1989 No 44 s 86(1)

167 Certificate by Registrar to be evidence of various matters

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

(2) The matters are—

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

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

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

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

Section 167: substituted, on 1 April 2010, by section 25 of the Electricity Amendment Act 2006 (2006 No 70).

168 Notices in relation to Maori land

(1) Where a notice or other document is to be given to the owner of land for the purposes of this Act, then, in the case of Maori land, the notice or other document may be served on the Registrar of the Maori Land Court in accordance with Part 9 of the Maori Affairs Amendment Act 1974, and the provisions of that Part shall apply accordingly.

(2) In this section, the term **Maori land** has the same meaning as in section 4 of Te Ture Whenua Maori Act 1993.

Section 168(2): amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Regulations—General

169 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

Electrical safety and related matters

(1) providing for the removal of any works constructed or used contrary to the provisions of this Act or any regulations made under this section, and for the removal or alteration of any dangerous works, at the expense in all cases of the owner of the works:

(2) securing the protection of persons and property from injury or damage caused through electricity, either directly or indirectly, by—

(a) authorising, controlling, and prescribing conditions in respect of the design, construction, installation, maintenance, use, management, inspection, and testing of works, electrical installations, or associated equipment:

(b) authorising, controlling, and prescribing conditions in respect of the design, installation, manufacture, maintenance, use, inspection, importation, exportation from New Zealand pursuant to the Conformity Cooperation Agreement, sale, and testing of fittings and electrical appliances used or intended to be used in the application of electricity (including fittings and electrical appliances intended to be used in China after their exportation from New Zealand pursuant to the Conformity Cooperation Agreement):

(c) prohibiting, or providing for the prohibition of, the manufacture, importation, exportation from New Zealand pursuant to the Conformity Cooperation Agreement, sale, and use of such fittings and

electrical appliances as do not satisfy any prescribed tests, standards, or safety criteria (including fittings and electrical appliances intended to be used in China after their exportation from New Zealand pursuant to the Conformity Cooperation Agreement):

(d) requiring such types or categories of fittings and electrical appliances as are—

(i) specified in the regulations; or

(ii) from time to time declared by WorkSafe to be subject to the regulations (*see* subsection (8))—

to be approved by WorkSafe before being offered for sale in New Zealand, and providing for the giving of such approval, for the specifying by WorkSafe of conditions subject to which such approval may be given, for the variation or withdrawal of any such approval, and for the revocation, variation, or addition of any condition of any such approval, and prescribing circumstances in which types or categories of fittings and electrical appliances are deemed to be approved by WorkSafe for the purposes of the regulations:

(e) authorising, controlling, and prescribing conditions in respect of the design, manufacture, maintenance, use, inspection, and testing of electric fishing devices, including (without limitation)—

(i) providing for the issue of certificates of competency to persons who wish to operate electric fishing devices; prescribing the persons or class or classes of persons who may issue such certificates or providing for the designation of such certifying authorities; providing for the specifying of conditions subject to which such certificates may be issued, and for the revocation, variation, and addition of any such condition; and providing for the suspension or cancellation of any such certificate:

(ii) providing for the approval of electric fishing devices; prescribing the persons or class or classes of persons who may approve such devices or providing for the designation of such approving authorities; and providing for the specifying of conditions subject to which such approval may be given, for the variation or withdrawal of any such approval, and for the revocation, variation, and addition of any condition of any such approval:

(iii) requiring electric fishing devices, or parts of electric fishing devices, or both, to carry marks enabling the ready identification of individual devices:

(iv) requiring the operator of an electric fishing device to produce that person's certificate of competency, and the certificate of approval issued in respect of the device, and to supply to such person or class or classes of persons as are specified in the regulations such particulars relating to the identity of that operator (including that person's signature) as are prescribed in the regulations:

(f) authorising, controlling, restricting, prescribing conditions in respect of, and, where necessary, prohibiting, the construction, installation, use, management, operation, maintenance, transportation, and movement of any structure, device, thing, or substance, whether fixed or movable and whether permanent or temporary, in the vicinity of any works or electrical installation where any works or electrical installation may affect or be affected by the structure, device, thing, or substance:

(g) controlling the existence and location of the whole or any part of any tree or vegetation that is in the vicinity of, or may affect, any works or electrical installation, including (without limitation)—

(i) requiring the removal of the whole or any part of any tree or vegetation:

(ii) requiring the removal of any debris produced as a result of any work carried out pursuant to the regulations:

(iii) prescribing the person or persons who shall meet the costs of carrying out any work required pursuant to the regulations, and providing for the recovery of such costs:

(iv) providing for the payment of the costs of remedying any damage caused to any works by any tree or vegetation, or any part of any tree or vegetation, where that damage arises (whether directly or indirectly) out of any failure to comply with the requirements of the regulations; prescribing the person or persons who shall pay those costs; and providing for the recovery of those costs:

(3) requiring any person who intends to construct any works in the vicinity of, or that are likely to affect, any trees of any class of tree specified in the regulations,—

(a) in determining the route or location of the works, to have regard to the need to interfere with those trees to the least extent practicable in the circumstances:

(b) to notify such persons as are prescribed in the regulations of the intention to construct the works:

(c) to inform such persons as are prescribed in the regulations of the rights and obligations that will be conferred or imposed on those

persons, by any regulations made under subparagraph (g) of paragraph (2), in relation to those trees, if the works are constructed:

(d) to consider any submissions made to that person by such persons as are prescribed in the regulations:

(3A) prescribing requirements for safety management systems:

(4) prescribing standards that must be met in respect of fittings, electrical appliances, electrical installations, and electricity that are or is to be supplied to or used by electricity retailers and consumers:

(5) providing for the periodic examination of connectable installations of vehicles, relocatable buildings, and pleasure vessels, or any of them, and the issue of warrants of fitness by such persons or class or classes of persons as are prescribed; prescribing fees or maximum fees or authorising the charging of reasonable fees in respect of such examinations (and different fees may be prescribed or provided for in respect of different circumstances and different testing authorities); prescribing the persons to whom any fees are to be paid; and exempting specified vehicles, relocatable buildings, or pleasure vessels, or classes of vehicles, relocatable buildings, or pleasure vessels, from the provisions of the regulations:

(6) prescribing, in relation to workers,—

(a) the training required for any specified class or classes of workers for the purposes of establishing and maintaining safety standards in relation to the generation, conversion, transformation, conveyance, and use of electricity:

(b) the levels of electrical or technical qualifications necessary for the carrying out of any specified class or classes of electrical work or for the holding of positions of electrical responsibility in any branch of the electrical industry or in any specified undertakings concerned with the particular application of electricity:

(7) prescribing the requirements for standardisation of systems of supply and the preservation of the quality of electricity supplied in New Zealand:

(7A) providing that fittings or electrical appliances that are, or may be, exported from New Zealand pursuant to the Conformity Cooperation Agreement must comply with requirements relating to the preservation of the quality of electricity supplied in China:

(8) authorising WorkSafe—

(a) in cases of urgency, to issue, in such manner as may be prescribed, instructions, orders, or requirements for securing the protection of persons from injuries caused, directly or indirectly, by electricity:

provided that any such instruction, order, or requirement shall remain in force for such period, not exceeding 6 months, as may

be determined by WorkSafe or until its earlier revocation by WorkSafe:

(aa) in cases of urgency, to issue, in such manner as may be prescribed, instructions, orders, or requirements for securing the protection of persons from injuries caused, directly or indirectly, by electricity to the extent that such injuries are caused by fittings or electrical appliances that are, or may be, exported pursuant to the Conformity Cooperation Agreement:

provided that any such instruction, order, or requirement must remain in force for such period, not exceeding 6 months, as may be determined by WorkSafe or until its earlier revocation by WorkSafe:

(b) *[Repealed]*

(c) to carry out tests on works, electrical installations, fittings, electrical appliances, and associated equipment (including fittings or electrical appliances that are, or may be, exported from New Zealand pursuant to the Conformity Cooperation Agreement):

(9) authorising WorkSafe or the chief executive of the department of State responsible for the administration of the Building Act 2004, or both, to exempt specific works, electrical installations, fittings, electrical appliances, associated equipment, persons, or things from requirements imposed by regulations made under paragraphs (1) to (7), subject to any conditions that WorkSafe or, as the case may be, the chief executive thinks fit:

(10) providing for the constitution, functions, and powers of arbitrators for the purposes of this Act or any regulations made under this section:

(11) requiring the keeping and retention of such records as are necessary for the purposes of establishing and maintaining safety standards in relation to the generation, conversion, transformation, conveyance, and use of electricity, and prescribing the particulars that shall be included in such records:

Employer licences

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

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

(14) prescribing the manner in which approved persons may certify a system of operation for the purposes of section 116:

(15) *[Repealed]*

(16) *[Repealed]*

(17) *[Repealed]*

(18) *[Repealed]*

Prescribed electrical work

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

(20) prescribing the limits or scope of prescribed electrical work that any registered persons or provisional licence holders, or any person to whom any of the provisions of sections 75 to 80 applies, may do or assist in doing:

(21) *[Repealed]*

(22) *[Repealed]*

(23) providing for the testing, inspection, and certification of—

(a) prescribed electrical work:

(b) works, electrical installations, fittings, and electrical appliances:

Statistics

(23A) authorising the Secretary to obtain such information concerning the generation, conversion, transformation, conveyance, sale, consumption, and use of electricity as may be required for statistical purposes:

Miscellaneous provisions

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

(25) specifying—

(i) the information that must be provided by persons who make complaints against persons to whom Part 11 applies; and

(ii) the way in which that information must be provided; and

(iii) the way in which that information must be evaluated; and

(iv) the way in which investigators must exercise their powers and functions under this Act:

(26) regulating the procedure of the Board:

(26A) prescribing procedures, requirements, and other matters, not inconsistent with this Act, for the register, including matters that relate to—

(i) the operation of the register:

(ii) the form of the register:

(iii) the information to be contained in the register:

(iv) access to the register:

(v) the location of, and hours of access to, the register:

(vi) search criteria for the register:

(26B) prescribing the forms of applications, certificates, licences, notices, and other documents required under this Act, or authorising the Board, WorkSafe, or the Secretary to prescribe or approve forms, and requiring the use of those forms:

(26C) prescribing infringement offences:

(26D) setting the infringement fee for each infringement offence, which,—

(i) in the case of an individual, must not exceed $1,000; or

(ii) in the case of a body corporate, must not exceed $3,000:

(26E) prescribing information to be included in infringement notices and reminder notices:

(27) prescribing the manner in which any notice or other document required by this Act to be given or served by, or to or on, any person is to be so given or served:

(28) prescribing the matters in respect of which fees are payable under this Act; prescribing the amounts of the fees or the method by which they are to be assessed; and prescribing the persons to whom the fees are to be paid:

(29) exempting or providing for the exemption of any person or class of persons from liability to pay any fees payable under this Act:

(30) authorising the waiver, refund, or remission, in such circumstances as in accordance with the regulations the Board, WorkSafe, or the Secretary thinks fit, of the whole or part of any fees payable under this Act:

(31) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section, and the amount of the fine that may be imposed in respect of any such offence, which fine shall be an amount not exceeding $50,000 and, where the offence is a continuing one, a further amount not exceeding $2,000 for every day or part of a day during which the offence has continued:

(32) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

(2) Any regulations made under any of paragraphs (2) to (6) of subsection (1) may—

(a) require compliance with the whole or any part of any electrical code of practice or any official standard:

(b) provide that proof of compliance with—

(i) any electrical code of practice, or any part of such a code; or

(ia) any official standard, or any part of an official standard; or

(ii) any approved code of practice for the time being in force pursuant to section 222 of the Health and Safety at Work Act 2015, or any part of any such approved code of practice,—

shall be proof of compliance with such provisions of the regulations as are specified in the regulations.

(2A) Regulations may require compliance with an official standard (or a specified part of an official standard) that relates to the subject matter of the regulations by referring to it in the regulations (with any additions or variations that may be specified in the regulations).

(2B) That official standard (or the specified part), as it existed on the date of the inclusion (but with any specified additions or variations), is then deemed to form part of the regulations.

(2C) In subsections (2), (2A), and (2B), **official standard** may be treated as including, for the purposes of subsections (1)(2)(b) and (c), (7A), and (8)(aa) and (c), the Conformity Cooperation Agreement (including any amendments made to that agreement in accordance with it) and any standards or rules referred to in the Conformity Cooperation Agreement.

(3) No regulation made under this section shall be invalid because it leaves any matter to the discretion of WorkSafe, the Secretary, or any other person, or because it authorises WorkSafe, the Secretary, or any other person—

(a) to give any consent or approval on or subject to conditions to be imposed or approved by WorkSafe, the Secretary, or any other person; or

(b) to set any standard.

(4) Notwithstanding section 1(3), and without limiting section 43 of the Legislation Act 2019, no regulations made under this section may be expressed to come into force before 1 April 1993.

(5) In this section, **Conformity Cooperation Agreement** means the Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components, which is Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China done at Beijing on 7 April 2008.

(6) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(7) Subpart 1 of Part 3 and section 114 of the Legislation Act 2019 do not apply to material that is incorporated by reference in regulations under subsections (2) to (2B) merely because it is incorporated.

(8) Subsection (9) applies if regulations made under this section authorise any of the following:

(a) a person to prohibit a matter referred to in subsection (1)(2)(c):

(b) WorkSafe to make a declaration referred to in subsection (1)(2)(d)(B):

(c) WorkSafe to issue instructions, orders, or requirements referred to in subsection (1)(8)(a) or (aa):

(d) WorkSafe or the chief executive to grant exemptions referred to in subsection (1)(9):

(e) a person to grant exemptions referred to in subsection (1)(29):

(f) the Board, WorkSafe, or the Secretary to waive, refund, or remit fees referred to in subsection (1)(30).

(9) If this subsection applies,—

(a) an instrument exercising that authority is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and

(b) the regulations must contain a statement to that effect.

Compare: 1968 No 125 s 55; 1983 No 123 s 8; 1987 No 111 s 13

Legislation Act 2019 requirements for secondary legislation referred to in subsection (6)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (9)(a)		
Publication	See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (6)	LA19 ss 73, 74, Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 169(1)(2)(b): amended, on 29 July 2008, by section 7(1)(a) of the Electricity Amendment Act 2008 (2008 No 53).

Section 169(1)(2)(b): amended, on 29 July 2008, by section 7(1)(b) of the Electricity Amendment Act 2008 (2008 No 53).

Section 169(1)(2)(c): amended, on 29 July 2008, by section 7(2)(a) of the Electricity Amendment Act 2008 (2008 No 53).

Section 169(1)(2)(c): amended, on 29 July 2008, by section 7(2)(b) of the Electricity Amendment Act 2008 (2008 No 53).

Section 169(1)(2)(d): replaced, on 28 October 2021, by regulation 47(1) of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

Section 169(1)(3A): inserted, on 5 December 2006, by section 26(1) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(5): amended, on 1 April 2010, by section 26(2) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(6) proviso: repealed, on 1 April 2010, by section 26(3) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(7A): inserted, on 29 July 2008, by section 7(3) of the Electricity Amendment Act 2008 (2008 No 53).

Section 169(1)(8): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 169(1)(8)(a) proviso: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 169(1)(8)(aa): inserted, on 29 July 2008, by section 7(4) of the Electricity Amendment Act 2008 (2008 No 53).

Section 169(1)(8)(aa) proviso: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 169(1)(8)(b): repealed, on 20 September 2007, by section 4(1) of the Electricity Amendment Act 2007 (2007 No 53).

Section 169(1)(8)(c): amended, on 29 July 2008, by section 7(5) of the Electricity Amendment Act 2008 (2008 No 53).

Section 169(1)(9): substituted, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 169(1)(9): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 169(1)(12) heading: amended, on 1 April 2010, by section 26(4) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(12): substituted, on 1 April 2010, by section 26(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(13): substituted, on 1 April 2010, by section 26(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(14): substituted, on 1 April 2010, by section 26(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(15): repealed, on 1 April 2010, by section 26(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(16): repealed, on 1 April 2010, by section 26(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(17): repealed, on 1 April 2010, by section 26(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(18): repealed, on 1 April 2010, by section 26(5) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(19): substituted, on 1 April 2010, by section 26(6) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(20): substituted, on 1 April 2010, by section 26(6) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(21): repealed, on 1 April 2010, by section 26(6) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(22): repealed, on 1 April 2010, by section 26(6) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(23A) heading: inserted, on 20 September 2007, by section 4(2) of the Electricity Amendment Act 2007 (2007 No 53).

Section 169(1)(23A): inserted, on 20 September 2007, by section 4(2) of the Electricity Amendment Act 2007 (2007 No 53).

Section 169(1)(24): substituted, on 1 April 2010, by section 26(7) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(25): substituted, on 1 April 2010, by section 26(7) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(26): substituted, on 1 April 2010, by section 26(7) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(26A): inserted, on 1 April 2010, by section 26(7) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(26B): inserted, on 1 April 2010, by section 26(7) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(26B): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 169(1)(26C): inserted, on 1 April 2010, by section 26(7) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(26D): inserted, on 1 April 2010, by section 26(7) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(26E): inserted, on 1 April 2010, by section 26(7) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(1)(30): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 169(1)(31): amended, on 1 April 2010, by section 26(8) of the Electricity Amendment Act 2006 (2006 No 70).

Section 169(2)(a): amended, on 27 September 2001, by section 4(1) of the Electricity Amendment Act (No 2) 2001 (2001 No 64).

Section 169(2)(b)(ia): inserted, on 27 September 2001, by section 4(2) of the Electricity Amendment Act (No 2) 2001 (2001 No 64).

Section 169(2)(b)(ii): amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 169(2A): inserted, on 27 September 2001, by section 4(3) of the Electricity Amendment Act (No 2) 2001 (2001 No 64).

Section 169(2B): inserted, on 27 September 2001, by section 4(3) of the Electricity Amendment Act (No 2) 2001 (2001 No 64).

Section 169(2C): inserted, on 29 July 2008, by section 7(6) of the Electricity Amendment Act 2008 (2008 No 53).

Section 169(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 169(3)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 169(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 169(5): added, on 29 July 2008, by section 7(7) of the Electricity Amendment Act 2008 (2008 No 53).

Section 169(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 169(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 169(8): replaced, on 28 October 2021 (immediately after being inserted by section 3 of the Secondary Legislation Act 2021), by regulation 47(2) of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

Section 169(9): inserted, on 28 October 2021, by regulation 47(2) of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

169A Regulations that prescribe requirements for safety management systems

(1) Regulations made under section 169(1)(3A) must provide for requirements relating to—

(a) the systematic identification of—

(i) existing hazards; and

(ii) new hazards (if possible before, and otherwise as, they arise); and

(b) the elimination, isolation, or minimisation of those hazards, so far as is reasonably practicable; and

(c) the regular assessment of each hazard identified; and

(d) the documentation of the safety management system; and

(e) the audit of the safety management system.

(2) Regulations made under section 169(1)(3A) for the purposes of subsection (1)(b) may include, for example, requirements relating to—

(a) the design, construction, operation, maintenance, and inspection of the electricity supply system; and

(b) security and the control of access to the electricity supply system; and

(c) the skills, knowledge, and experience of persons who do, or assist in doing, work on or in connection with the electricity supply system; and

(d) the implementation and management of contingency plans for emergency situations that may affect, or be affected by, the electricity supply system; and

(e) processes for the ongoing improvement of safety in connection with the electricity supply system; and

(f) the investigation of accidents that involve or affect the electricity supply system.

(3) Regulations made under section 169(1)(3A) for the purposes of subsection (1)(e) may include, for example, requirements relating to—

(a) who may conduct audits; and

(b) how often audits must be conducted; and

(c) the outcomes and objectives of audits.

(4) Subsections (2) and (3) do not limit subsection (1).

(5) In this section, **hazard**—

(a) means an activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation, or substance (whether arising or caused within or outside the electricity supply system) that presents or may present a significant risk of—

(i) serious harm to any member of the public; or

(ii) significant damage to property owned by a person other than the electricity generator or electricity distributor; and

(b) includes—

(i) a situation where a person's behaviour may present a significant risk of the matters referred to in paragraph (a)(i) or (ii); and

(ii) without limitation, a situation described in subparagraph (i) resulting from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour.

Section 169A: inserted, on 5 December 2006, by section 27 of the Electricity Amendment Act 2006 (2006 No 70).

Section 169A(1)(b): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

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

(1) To avoid doubt, a person required by a safety management system to eliminate, isolate, or minimise hazards so far as is reasonably practicable is required to take action only in respect of circumstances that the person knows, or ought reasonably to know, about.

(2) Different requirements may be prescribed under section 169(1)(3A) in respect of different classes of electricity generators or electricity distributors.

Section 169B: inserted, on 5 December 2006, by section 27 of the Electricity Amendment Act 2006 (2006 No 70).

Section 169B(1): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Safe work instruments—Legal effect

Heading: inserted, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

169C Legal effect of safe work instruments

(1) For the purposes of this Act, a safe work instrument made under section 227 of the Health and Safety at Work Act 2015 has legal effect only to the extent that any regulations made under this Act refer to it.

(2) For the purposes of subsection (1), regulations may refer to—

(a) a particular safe work instrument as amended or replaced from time to time; or

(b) any safe work instrument that may be made for the purposes of regulations (even if the instrument is not or has not been made at the time the regulations are made).

Section 169C: inserted, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Regulations—Information disclosure

[Repealed]

Heading: repealed, on 8 August 2001, by section 14(1) of the Electricity Amendment Act 2001 (2001 No 40).

170 Regulations relating to information disclosure

[Repealed]

Section 170: repealed, on 8 August 2001, by section 14(1) of the Electricity Amendment Act 2001 (2001 No 40).

Regulations—Consumer choice of electricity retailer

[Repealed]

Heading: repealed, on 8 August 2001, pursuant to section 15 of the Electricity Amendment Act 2001 (2001 No 40).

170A Regulations relating to ability of consumers to choose preferred electricity retailer

[Repealed]

Section 170A: repealed, on 8 August 2001 (after expiring on 1 April 2001), by section 15 of the Electricity Amendment Act 2001 (2001 No 40).

171 Information to be supplied to Secretary

[Repealed]

Section 171: repealed, on 8 August 2001, by section 14(1) of the Electricity Amendment Act 2001 (2001 No 40).

171A Reasonable charge may be imposed for providing copies of statements

[Repealed]

Section 171A: repealed, on 8 August 2001, by section 14(1) of the Electricity Amendment Act 2001 (2001 No 40).

172 Offences

[Repealed]

Section 172: repealed, on 8 August 2001, by section 14(1) of the Electricity Amendment Act 2001 (2001 No 40).

Subpart 2—Electricity industry regulation-making powers

[Repealed]

Subpart 2: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172A Outline of subpart

[Repealed]

Section 172A: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

Regulations—Low fixed charge tariff option for domestic consumers

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172B Low fixed charge tariff option for domestic consumers

[Repealed]

Section 172B: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

Regulations—Code on access for beneficiaries of community and customer trusts

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172C Regulations for code on access for beneficiaries of customer and community trusts

[Repealed]

Section 172C: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

Regulations—Reserve energy

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172CA Reserve energy

[Repealed]

Section 172CA: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

Electricity governance regulations

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172D Electricity governance regulations

[Repealed]

Section 172D: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172E Conditions and process for recommendations on electricity governance regulations

[Repealed]

Section 172E: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172F Assessment of proposed electricity governance regulations

[Repealed]

Section 172F: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172G Process for recommendations on other electricity governance regulations

[Repealed]

Section 172G: repealed, on 18 October 2004, by section 9 of the Electricity Amendment Act 2004 (2004 No 80).

172H Electricity governance rules

[Repealed]

Section 172H: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172I Method of making electricity governance rules

[Repealed]

Section 172I: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

Supplementary provisions

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172J Supplementary empowering provision for regulations and rules

[Repealed]

Section 172J: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172K Supplementary empowering provision for regulations

[Repealed]

Section 172K: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

Provisions that apply if electricity governance regulations or rules are in force

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KA Transmission agreements

[Repealed]

Section 172KA: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KB Party must co-operate with investigations

[Repealed]

Section 172KB: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KC Privileges protected

[Repealed]

Section 172KC: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KD Limits on investigation powers

[Repealed]

Section 172KD: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KE Rulings Panel may make certain orders

[Repealed]

Section 172KE: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KF Restriction of remedies

[Repealed]

Section 172KF: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KG Limit on tort claims against service providers

[Repealed]

Section 172KG: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

Appeals

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KH Appeals on ground of lack of jurisdiction

[Repealed]

Section 172KH: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KI Judicial review not precluded

[Repealed]

Section 172KI: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KJ Appeals on question of law in relation to decisions by Commission or Rulings Panel

[Repealed]

Section 172KJ: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KK Right of appeal against suspension or termination orders

[Repealed]

Section 172KK: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KL Persons entitled to appeal

[Repealed]

Section 172KL: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KM Determination of appeals

[Repealed]

Section 172KM: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KN High Court may refer appeals back to Commission or Rulings Panel for reconsideration

[Repealed]

Section 172KN: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KO Provisions pending determination of appeal

[Repealed]

Section 172KO: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KP High Court may order proceedings be heard in private

[Repealed]

Section 172KP: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

172KQ Appeal to Court of Appeal in certain cases

[Repealed]

Section 172KQ: repealed, on 1 November 2010, by section 164(5) of the Electricity Industry Act 2010 (2010 No 116).

Part 15
Governance of electricity industry

[Repealed]

Part 15: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

Preliminary provisions

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172L Purpose

[Repealed]

Section 172L: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

Subpart 1—Electricity Governance Board

[Repealed]

Subpart 1: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172M Continuation of Commission

[Repealed]

Section 172M: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172N Principal objectives and specific outcomes

[Repealed]

Section 172N: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172O Functions of Commission

[Repealed]

Section 172O: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172P Body corporate status and powers

[Repealed]

Section 172P: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172Q Role of board of the Commission

[Repealed]

Section 172Q: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172R Membership of the Commission's board

[Repealed]

Section 172R: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

Duties of members

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172S Duties of members

[Repealed]

Section 172S: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172T Collective duties of the Commission's board

[Repealed]

Section 172T: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172U Members accountable to Minister

[Repealed]

Section 172U: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172V Notice of special meetings of Commission's board

[Repealed]

Section 172V: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

Role of the Commission in relation to electricity governance regulations and rules

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172W EGB to make recommendations concerning electricity governance regulations and rules

[Repealed]

Section 172W: repealed, on 18 October 2004, by section 17 of the Electricity Amendment Act 2004 (2004 No 80).

172X Objectives of recommendations

[Repealed]

Section 172X: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172Y Obligation to consult

[Repealed]

Section 172Y: repealed, on 18 October 2004, by section 19 of the Electricity Amendment Act 2004 (2004 No 80).

172Z Minister must have regard to recommendations

[Repealed]

Section 172Z: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

Power to direct EGB

[Repealed]

Heading: repealed, on 18 October 2004, by section 21 of the Electricity Amendment Act 2004 (2004 No 80).

172ZA Power to direct EGB

[Repealed]

Section 172ZA: repealed, on 18 October 2004, by section 21 of the Electricity Amendment Act 2004 (2004 No 80).

172ZB Procedure for giving direction

[Repealed]

Section 172ZB: repealed, on 18 October 2004, by section 21 of the Electricity Amendment Act 2004 (2004 No 80).

Levy of industry participants

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZC Levy of industry participants

[Repealed]

Section 172ZC: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZCA Commission must consult about request for appropriation

[Repealed]

Section 172ZCA: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

Miscellaneous

[Repealed]

Heading: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZD Accountability of the Commission

[Repealed]

Section 172ZD: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172ZE Regulations

[Repealed]

Section 172ZE: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZF The Commission is public authority

[Repealed]

Section 172ZF: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172ZG Amendment to Ombudsmen Act 1975

[Repealed]

Section 172ZG: repealed, on 18 October 2004, by section 24(3) of the Electricity Amendment Act 2004 (2004 No 80).

172ZH Amendment to Public Finance Act 1989

[Repealed]

Section 172ZH: repealed, on 18 October 2004, by section 24(3) of the Electricity Amendment Act 2004 (2004 No 80).

Subpart 2—Accountability of Electricity Commission

[Repealed]

Subpart 2: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZI Application of subpart

[Repealed]

Section 172ZI: repealed, on 18 October 2004, by section 25 of the Electricity Amendment Act 2004 (2004 No 80).

172ZJ Interpretation

[Repealed]

Section 172ZJ: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZK Setting of GPS objectives and outcomes

[Repealed]

Section 172ZK: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZL Annual performance standards

[Repealed]

Section 172ZL: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZM Additional information to be included in annual report

[Repealed]

Section 172ZM: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZN Minister must present annual performance report to House of Representatives

[Repealed]

Section 172ZN: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172ZO Assurance audit by Auditor-General

[Repealed]

Section 172ZO: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZP Report by Parliamentary Commissioner for Environment

[Repealed]

Section 172ZP: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZQ Functions under this subpart

[Repealed]

Section 172ZQ: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

Subpart 3—Miscellaneous provisions

[Repealed]

Subpart 3: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

172ZR Specific authorisation for purposes of restrictive trade practices rules

[Repealed]

Section 172ZR: repealed, on 1 November 2010, by section 164(6) of the Electricity Industry Act 2010 (2010 No 116).

Part 16
Repeals, etc, and transitional provisions

Part 16 heading: inserted, on 8 August 2001, by section 17 of the Electricity Amendment Act 2001 (2001 No 40).

Repeals, revocations, amendments, and savings

173 Repeals, revocations, and consequential amendments

(1) The enactments specified in Schedule 3 are hereby repealed.

(2) The enactments specified in Schedule 4 are hereby amended in the manner indicated in that schedule.

(3) The regulations and orders specified in Schedule 5 are hereby revoked.

174 Regulations deemed to have been made under this Act

(1) The regulations specified in Schedule 6 are hereby deemed to have been made pursuant to section 169, and may be amended and revoked accordingly.

(2) Any regulations specified in Schedule 6 that would have been valid if section 169 had been in force when the regulations were made are hereby validated and declared to have been lawfully made.

(3) Nothing in subsection (2) shall affect any proceedings taken before or after the commencement of this section in respect of any offence committed before the commencement of this section.

175 Savings

(1) The repeal, by section 173(1), of the enactments specified in Schedule 3 does not affect the validity of anything validated by any of the provisions of any of those enactments.

(2) The repeal, by section 173(1), of the Electricity Operators Act 1987 does not affect the amendments made by section 3(4) of that Act.

176 Application of Clutha Development (Clyde Dam) Empowering Act 1982

[Repealed]

Section 176: repealed, on 14 May 1999, by section 100 of the Electricity Industry Reform Act 1998 (1998 No 88).

177 Middle line Proclamation relating to Hairini-Mount Maunganui transmission line

[Repealed]

Section 177: repealed, on 1 November 2010, by section 164(7) of the Electricity Industry Act 2010 (2010 No 116).

Amendment to Electricity Act 1968

178 Rights of entry for energy companies

Amendment(s) incorporated in the Act(s).

Amendment to Electrical Registration Act 1979

179 Certificate of compliance where prescribed electrical work covered by building consent

Amendment(s) incorporated in the Act(s).

Transitional provisions

180 Transitional provision relating to electricity agreements

Notwithstanding the repeals effected by section 173(1), where any electricity agreement was registered under any of the provisions of sections 50 to 52 of the Electricity Act 1968 immediately before the commencement of this section, those provisions shall continue to apply to that agreement as if this Act had not been passed.

181 Electricity distributors to ensure provision of inspection services

(1) This section applies to every electricity distributor—

(a) that, immediately before the date of the commencement of this section, was the holder of a licence issued under section 20 of the Electricity Act 1968 and in force immediately before that date; or

(b) that is the successor of a person or body that, immediately before that date, was the holder of such a licence.

(2) Every electricity distributor to which this section applies shall, during the period of 1 year beginning on the date of the commencement of this section, ensure that there is available, within the area that, immediately before the commencement of this section, was specified in the licence held by that electricity distributor or the person or body of which that electricity distributor is the successor, such number of persons as is sufficient to ensure that persons wishing to have prescribed electrical work tested, certified, or inspected for the purposes of section 114(1) are able to have that testing, certification, and inspection carried out promptly and efficiently and at a reasonable cost.

182 Transitional provisions relating to proceedings, etc

(1) All investigations, inquiries, and other proceedings of a disciplinary nature under the Electrical Registration Act 1979, and all appeals under section 43 or section 44 of that Act, that have been commenced before the commencement of this section and have not been completed before that date shall be continued and completed as if this Act had not been passed.

(2) All investigations, inquiries, and other proceedings of a disciplinary nature under the Electric Linemen Act 1959, and all appeals under section 21 of that Act, that have been commenced before the commencement of this section and have not been completed before that date shall be continued and completed as if this Act had not been passed.

(3) Where—

(a) before the commencement of this section,—

(i) any person (being the holder of a certificate of competency as an electric lineman under the Electric Linemen Act 1959) has engaged in conduct that would, in the opinion of the Board, have justified the taking of proceedings of a disciplinary nature under section 18A of that Act; or

(ii) any person (being registered under the Electrical Registration Act 1979 or being the holder of a provisional licence issued under that Act or being a qualified engineer) has engaged in conduct that would, in the opinion of the Board, have justified the taking of proceedings of a disciplinary nature under section 29 or section 40 of that Act; and

(b) disciplinary proceedings could have been taken against that person under Part 11 if that conduct had been engaged in by that person after the commencement of this section; and

(c) no proceedings of a disciplinary nature have been taken against that person in respect of that conduct under the Electric Linemen Act 1959 or the Electrical Registration Act 1979,—

the following provisions shall apply:

(d) disciplinary proceedings may be taken against that person under Part 11 as if that conduct had been engaged in by that person after the commencement of this section:

(e) if the person is found guilty of a disciplinary offence under Part 11 in respect of that conduct,—

(i) that person may be dealt with under this Act; but

(ii) except with the consent of that person, neither the Board nor any court shall have power to make against that person, in respect of that conduct, any order in the nature of a penalty that could not have been made against that person at the time when that person engaged in that conduct.

Schedule 1
Provisions applying in respect of Rural Electrical Reticulation Council

[Repealed]

s 47

Schedule 1: repealed, on 1 April 1997, by section 55.

Schedule 2
Provisions applying in respect of Electrical Workers Registration Board

s 157

Schedule 2 heading: amended, on 1 April 2010, by section 28(a) of the Electricity Amendment Act 2006 (2006 No 70).

1 Presiding Member and Deputy Presiding Member

(1) At its first meeting in each year beginning with 1 January, the Board shall elect one of its members to be its Presiding Member, and another to be its Deputy Presiding Member.

(2) Every person elected as Presiding Member or Deputy Presiding Member, unless he or she sooner resigns or vacates office as a member of the Board, shall hold office until his or her successor is elected under this clause, and shall be eligible for re-election.

(3) If any person who is for the time being holding office as Presiding Member or Deputy Presiding Member vacates office as a member of the Board, an election to fill the vacancy in the office of Presiding Member or Deputy Presiding Member shall be held at the first meeting of the Board held after the vacancy on the Board has been filled.

(4) Where the office of Presiding Member or Deputy Presiding Member becomes vacant in any other case, the Board shall elect one of its members to fill that vacancy as soon as practicable after its occurrence.

(5) During every vacancy in the office of Presiding Member, or while the Presiding Member is for any reason unable to perform the functions, powers, and duties of the Presiding Member, the Deputy Presiding Member shall perform the functions, powers, and duties of the Presiding Member.

2 Term of office

Every member of the Board—

(a) shall be appointed by notice published in the *Gazette*:

(b) shall be appointed for a term not exceeding 3 years:

(c) shall take office from the date of the notice of appointment or such later date as may be specified in the notice:

(d) shall be eligible for reappointment.

3 Continuation in office after term expires

Notwithstanding clause 2, every member of the Board whose term of office has expired shall, unless sooner vacating office under clause 4, continue to hold office, by virtue of the appointment for the term that has expired, until—

(a) that member is reappointed; or

(b) a successor to that member is appointed; or

(c) that member is informed in writing by the Minister that the member is not to be reappointed and that a successor to that member is not to be appointed.

4 Extraordinary vacancies

(1) Any member of the Board may at any time be removed from office by the Minister for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

(2) Any member of the Board may at any time resign his or her office by giving written notice to that effect to the Minister.

(3) Every member of the Board who becomes ineligible for appointment to the Board under the provision of section 150 under which the member was appointed shall cease to be a member of the Board.

(4) If a member dies, resigns, is removed from office, or ceases to be a member in accordance with subclause (3), the vacancy so created shall be deemed to be an extraordinary vacancy.

(5) An extraordinary vacancy may be filled by the appointment of a person by the Minister.

(6) Every person appointed to fill an extraordinary vacancy shall be appointed for a term determined by the Minister, not exceeding 3 years.

Schedule 2 clause 4(1): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

Schedule 2 clause 4(6): amended, on 24 October 2019, by section 53(1) of the Statutes Amendment Act 2019 (2019 No 56).

5 Proceedings not invalidated through vacancy in membership

No act or proceeding of the Board, or of any person acting as a member of the Board, shall be invalidated because there was a vacancy in the membership of the Board at the time of the act or proceeding, or because of the subsequent discovery that there was a defect in the appointment of a person so acting, or that the person was incapable of being, or had ceased to be, a member.

Schedule 2 clause 5: amended, on 1 April 2010, by section 28(b) of the Electricity Amendment Act 2006 (2006 No 70).

Schedule 2 clause 5: amended, on 1 April 2010, by section 28(c) of the Electricity Amendment Act 2006 (2006 No 70).

6 Appointment of deputies

(1) The Minister may appoint any person to be the deputy of the Presiding Member of the Board or of any other member of the Board.

(2) No person shall be appointed under subclause (1) as the deputy of any member of the Board unless that person is eligible to be appointed as a member of the Board.

(3) Where a member of the Board is appointed as the deputy of the Presiding Member of the Board and acts as the Presiding Member, the Minister may appoint some other qualified person in that person's place as a member of the Board.

(4) Any person who is appointed under this clause as the deputy of the Presiding Member of the Board or of any other member of the Board may attend any meeting of the Board in the place of the person whose deputy that person is.

(5) The fact that any person appointed under this clause acts as a member of the Board shall, in the absence of proof to the contrary, be sufficient evidence of the person's authority to do so.

7 Meetings

(1) Meetings of the Board shall be held at such times and places as the Board or its Presiding Member from time to time appoints.

(2) *[Repealed]*

(3) At every meeting of the Board the quorum necessary for the transaction of business shall be 4 members.

(4) *[Repealed]*

Schedule 2 clause 7(2): repealed, on 1 April 2010, by section 28(d) of the Electricity Amendment Act 2006 (2006 No 70).

Schedule 2 clause 7(4): repealed, on 1 April 2010, by section 28(d) of the Electricity Amendment Act 2006 (2006 No 70).

8 Presiding Member to preside at meetings

(1) At every meeting of the Board the Presiding Member of that body shall preside if he or she is present.

(2) If the Presiding Member is not present at any meeting of the Board, or if there is no Presiding Member of the Board, the Deputy Presiding Member, if present, shall preside.

(3) If neither the Presiding Member nor the Deputy Presiding Member are present at any meeting of the Board, or if there is no Presiding Member and no Deputy Presiding Member of the Board, the members present shall elect some member present to preside at that meeting, and the person so elected shall have and may exercise in such case all the powers and functions of the Presiding Member for the purposes of that meeting.

(4) *[Repealed]*

Schedule 2 clause 8(1): amended, on 1 April 2010, by section 28(c) of the Electricity Amendment Act 2006 (2006 No 70).

Schedule 2 clause 8(4): repealed, on 1 April 2010, by section 28(d) of the Electricity Amendment Act 2006 (2006 No 70).

9 Voting at meetings

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

(2) The member presiding at any such meeting shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(3) A resolution assented to by letter, telegram, fax message, telex, or electronic message by all members of the Board is as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.

Schedule 2 clause 9(1): amended, on 1 April 2010, by section 28(b) of the Electricity Amendment Act 2006 (2006 No 70).

Schedule 2 clause 9(1): amended, on 1 April 2010, by section 28(c) of the Electricity Amendment Act 2006 (2006 No 70).

Schedule 2 clause 9(3): substituted, on 15 November 2000, by section 8 of the Electricity Amendment Act 2000 (2000 No 61).

Schedule 2 clause 9(3): amended, on 1 April 2010, by section 28(b) of the Electricity Amendment Act 2006 (2006 No 70).

Schedule 2 clause 9(3): amended, on 1 April 2010, by section 28(c) of the Electricity Amendment Act 2006 (2006 No 70).

10 Disqualification from attendance

No member of the Board shall be entitled to be present or vote or otherwise participate in the capacity of a member of the Board at any part of a meeting of the Board where any matter relating to the member's registration, suspension, or discipline under this Act is being considered.

Schedule 2 clause 10: amended, on 1 April 2010, by section 28(b) of the Electricity Amendment Act 2006 (2006 No 70).

Schedule 2 clause 10: amended, on 1 April 2010, by section 28(c) of the Electricity Amendment Act 2006 (2006 No 70).

11 Procedure

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

Schedule 2 clause 11: amended, on 1 April 2010, by section 28(e) of the Electricity Amendment Act 2006 (2006 No 70).

12 Committees

(1) The Board may from time to time appoint committees, consisting of 2 or more members of the Board and such other persons (if any) as the Board thinks fit, to inquire into and report to the Board on such matters within the scope of its functions as are referred to them by the Board, or to exercise on behalf of the Board any of its functions or powers, and may from time to time delegate to any such committee any such function or power.

(2) Every committee appointed under this clause shall be subject in all things to the control of the Board, and may at any time be discharged, altered, or reconstituted by the Board.

(3) Subject to any general or special directions given or conditions imposed by the Board, any committee to which any function or power is delegated under this clause may exercise that function or power in the same manner and with the same effect as if it had been conferred directly by this Act and not by delegation.

(4) Every committee purporting to act pursuant to any delegation under this clause shall, until the contrary is proved, be presumed to be acting in accordance with the terms of the delegation.

(5) Any delegation under this clause may be revoked at any time.

(6) No delegation under this clause shall prevent the exercise of any function or power by the Board.

13 Remuneration and travelling allowances

(1) There may be paid to the members of the Board and the members of any committee appointed by 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.

(2) For the purposes of subclause (1), the Board and every committee appointed by the Board is declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.

Schedule 2 clause 13(1): amended, on 1 April 2010, by section 28(f) of the Electricity Amendment Act 2006 (2006 No 70).

Schedule 2 clause 13(2): amended, on 1 April 2010, by section 28(g) of the Electricity Amendment Act 2006 (2006 No 70).

14 Application of certain Acts to members

No person shall be deemed to be employed in the service of the Crown for the purposes of the Public Service Act 2020 or the Government Superannuation Fund Act 1956 by reason only of that person's appointment as a member of the Board or any committee appointed by the Board.

Schedule 2 clause 14: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 2 clause 14: amended, on 1 April 2010, by section 28(f) of the Electricity Amendment Act 2006 (2006 No 70).

15 Seal

The Board shall have a seal, which shall be judicially noticed in all courts and for all purposes.

16 Annual report

(1) The Board shall in each year furnish to the Minister a report on the operation of the Board in that year.

(2) A copy of every annual report of the Board shall be laid before the House of Representatives not later than 10 sitting days after the date on which it is received by the Minister.

Schedule 2 clause 16(2): amended, on 24 October 2019, by section 53(2) of the Statutes Amendment Act 2019 (2019 No 56).

17 Members not personally liable

No member of the Board shall be personally liable for any act or default done or made by the Board, or by any member of the Board, in good faith in the course of the operations of the Board.

Schedule 2 clause 17: amended, on 1 April 2010, by section 28(b) of the Electricity Amendment Act 2006 (2006 No 70).

Schedule 2 clause 17: amended, on 1 April 2010, by section 28(c) of the Electricity Amendment Act 2006 (2006 No 70).

Schedule 2A
Further provisions for the Commission and the Commission's Board

[Repealed]

s 172V

Schedule 2A: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 3
Enactments repealed

s 173(1)

Auckland Electric Lighting Act 1900 (1900 No 17 (L))

Auckland Electric Power Board Act 1978 (1978 No 11 (L))

Amendment(s) incorporated in the Act(s).

Auckland Electric Power Board Amendment Act 1981 (1981 No 4 (L))

Amendment(s) incorporated in the Act(s).

Auckland Electric-power Station Site Act 1911 (1911 No 28 (L))

Borough of Dannevirke Electric Power and Loan Empowering Act 1903 (1903 No 40 (L))

Borough of Gore Electric Power Empowering Act 1903 (1903 No 4 (L))

Christchurch City Electricity and General Empowering Act 1929 (1929 No 14 (L))

Christchurch Electrical Supply Amendment Act 1915 (1915 No 9 (L))

Christchurch Electrical Supply Empowering Act 1913 (1913 No 4 (L))

City of Christchurch Electric Power and Loan Empowering Act 1902 (1902 No 13 (L))

Dunedin City and Suburban Tramways and Water-power Act 1903 (1903 No 8 (L))

Dunedin City and Suburban Tramways and Water-power Act 1903 Amendment Act 1905 (1905 No 25 (L))

Dunedin City and Suburban Tramways and Water-power Amendment Act 1911 (1911 No 30 (L))

Electric Linemen Act 1959 (1959 No 46) (Reprinted 1976, Vol 4, p 3445)

Electric Linemen Amendment Act 1966 (1966 No 33) (Reprinted 1976, Vol 4, p 3462)

Electric Linemen Amendment Act 1970 (1970 No 132) (Reprinted 1976, Vol 4, p 3463)

Electric Linemen Amendment Act 1975 (1975 No 14) (Reprinted 1976, Vol 4, p 3464)

Electric Linemen Amendment Act 1985 (1985 No 174)

Electric Power Boards Act 1925 (1925 No 38) (RS Vol 28, p 197)
Amendment(s) incorporated in the Act(s).

Electric Power Boards Amendment Act 1980 (1980 No 57) (RS Vol 28, p 291)
Amendment(s) incorporated in the Act(s).

Electrical Registration Act 1979 (1979 No 139)

Electrical Registration Amendment Act 1982 (1982 No 52)

Electricity Act 1968 (1968 No 125) (RS Vol 6, p 271)

Electricity Amendment Act 1969 (1969 No 45) (RS Vol 6, p 309)

Electricity Amendment Act 1976 (1976 No 38) (RS Vol 6, p 310)

Electricity Amendment Act 1980 (1980 No 56)

Electricity Amendment Act 1982 (1982 No 69)

Electricity Amendment Act 1983 (1983 No 123)

Electricity Amendment Act 1986 (1986 No 2)

Electricity Amendment Act 1987 (1987 No 111)

Electricity Amendment Act 1990 (1990 No 95)

Electricity Operators Act 1987 (1987 No 109)

Finance Act 1987 (1987 No 200)
Amendment(s) incorporated in the Act(s).

Greytown Electric Lighting and Loan Empowering Act 1900 (1900 No 15 (L))

Harbours Act 1950 (1950 No 34) (RS Vol 2, p 551)
Amendment(s) incorporated in the Act(s).

Hawera County Electric Lighting Act 1902 (1902 No 1 (P))

Hawera Gasworks and Electric Lighting Act 1897 (1897 No 1 (P))

Housing Amendment Act 1956 (1956 No 40) (RS Vol 7, p 326)

Hutt Valley Electric Power Board Empowering Act 1950 (1950 No 4 (L))

Invercargill City Gasworks and Electricity Empowering Act 1948 (1948 No 6 (L))

Lyttelton Borough Gasworks and Electricity Empowering Act 1951 (1951 No 4 (L))

New Plymouth Borough Electric and Waterworks Loans Validation Act 1907 (1907 No 4 (L))

New Plymouth City Electricity and Gas Empowering Act 1966 (1966 No 1 (L))

Ohinemuri County Electric Power and Lighting Act 1899 (1899 No 18 (L))

Otago Dock Trust Electric Lighting Act 1903 (1903 No 27 (L))

Palmerston North City Gasworks and Electricity Empowering Act 1950 (1950 No 3 (L))

Petone Corporation Lighting and Sanitation Loans Empowering Act 1898 (1898 No 24 (L))

Queenstown Electric Lighting Act 1900 (1900 No 18 (L))

Reserves and other Lands Disposal and Public Bodies Empowering Act 1910 (1910 No 80)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal and Public Bodies Empowering Act 1915 (1915 No 68)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal and Public Bodies Empowering Act 1916 (1916 No 14)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 (1925 No 46)

Amendment(s) incorporated in the Act(s).

Ross Goldfields Electric Power Transmission Act 1908 (1908 No 37 (L))

South Canterbury Electric Power Board Validation Act 1958 (1958 No 10 (L))

Taupo Borough Council Empowering Act 1987 (1987 No 1 (L))

Taupo Borough Council Empowering (Electricity) Act 1972 (1972 No 9 (L))

Tauranga Borough Council Electric Loans Empowering Act 1919 (1919 No 1 (L))

Tauranga Borough Council Electric Loan Empowering Act 1921 (1921 No 5 (L))

Tauranga City Council and Tauranga Electric Power Board Empowering Act 1965 (1965 No 22 (L))

Waikato Electricity Authority Act 1988 (1988 No 7 (L))

Amendment(s) incorporated in the Act(s).

Waimairi County Electrical Supply and Christchurch City Empowering Act 1945 (1945 No 8 (L))

Waipori Falls Electrical Power Act 1904 (1904 No 5 (P))

Wairarapa Electric Power Board Empowering Act 1928 (1928 No 21 (L))

Waitemata Electric Power Board (Electric Transmission Lines and Substations) Validation Act 1982 (1982 No 6 (L))

Wanganui-Rangitikei Electric Power Board Enabling Act 1924 (1924 No 4 (L))

Wanganui Suburbs Lighting Act 1903 (1903 No 18 (L))

Wellington Electric Lighting Act 1891 (1891 No 4 (P))

Wellington Electric Lighting Act 1891 Amendment Act 1899 (1899 No 2 (P))

Schedule 4
Enactments amended

s 173(2)

Conservation Act 1987 (1987 No 65)
Amendment(s) incorporated in the Act(s).

Conservation Law Reform Act 1990 (1990 No 31)
Amendment(s) incorporated in the Act(s).

Environment Act 1986 (1986 No 127)
Amendment(s) incorporated in the Act(s).

Health and Safety in Employment Act 1992 (1992 No 96)
Amendment(s) incorporated in the Act(s).

Judicature Amendment Act 1991 (1991 No 60)
Amendment(s) incorporated in the Act(s).

Local Government Act 1974 (1974 No 66) (RS Vol 25, p 1)
Amendment(s) incorporated in the Act(s).

Mining Act 1971 (1971 No 25) (RS Vol 17, p 355)
Amendment(s) incorporated in the Act(s).

Ministry of Energy (Abolition) Act 1989 (1989 No 140)
Amendment(s) incorporated in the Act(s).

New Zealand Railways Corporation Act 1981 (1981 No 119)
Amendment(s) incorporated in the Act(s).

Public Bodies Contracts Act 1959 (1959 No 98) (RS Vol 27, p 795)
Amendment(s) incorporated in the Act(s).

Public Finance Act 1989 (1989 No 44)
Amendment(s) incorporated in the Act(s).

Public Works Act 1981 (1981 No 35)
Amendment(s) incorporated in the Act(s).

Radiocommunications Act 1989 (1989 No 148)
Amendment(s) incorporated in the Act(s).

Resource Management Act 1991 (1991 No 69)

Amendment(s) incorporated in the Act(s).

State-Owned Enterprises Act 1986 (1986 No 124)

Amendment(s) incorporated in the Act(s).

Submarine Cables and Pipelines Protection Act 1966 (1966 No 5) (RS Vol 13, p 629)

Amendment(s) incorporated in the Act(s).

Schedule 5
Regulations and orders revoked

s 173(3)

Electric Linemen Regulations 1960 (SR 1960/154)

Electric Linemen Regulations 1960, Amendment No 2 (SR 1967/196)

Electric Linemen Regulations 1960, Amendment No 3 (SR 1971/128)

Electric Linemen Regulations 1960, Amendment No 4 (SR 1976/46)

Electric Linemen Regulations 1960, Amendment No 5 (SR 1981/21)

Electric Linemen Regulations 1960, Amendment No 6 (SR 1983/203)

Electrical Registration Regulations 1980 (SR 1980/225)

Electrical Registration Regulations 1980, Amendment No 1 (SR 1987/89)

Electrical Registration Regulations 1980, Amendment No 2 (SR 1987/408)

Electrical Supply Regulations 1984 (SR 1984/167)

Electrical Supply Regulations 1984, Amendment No 1 (SR 1986/243)

Electrical Supply Regulations 1984, Amendment No 2 (SR 1987/91)

Electrical Supply Regulations 1984, Amendment No 3 (SR 1988/264)

Electrical Supply Regulations 1984, Amendment No 4 (SR 1991/62)

Electrical Supply Regulations 1984, Amendment No 5 (SR 1991/99)

Electrical Wiring Regulations 1976 (SR 1976/38)

Electrical Wiring Regulations 1976, Amendment No 1 (SR 1979/184)

Electrical Wiring Regulations 1976, Amendment No 2 (SR 1987/90)

Electrical Wiring Regulations 1976, Amendment No 3 (SR 1987/178)

Electrical Wiring Regulations 1976, Amendment No 4 (SR 1987/391)

Electrical Wiring Regulations 1976, Amendment No 5 (SR 1988/273)

Electrical Wiring Regulations 1976, Amendment No 6 (SR 1989/180)

Electrical Wiring Regulations 1976, Amendment No 7 (SR 1990/274)

Electrical Wiring Regulations 1976, Amendment No 8 (SR 1991/298)

Electricity Operator Order 1988 (SR 1988/66)

Revocation of Electricity Control Orders (SR 1987/100)

Revocation of Electricity Control Regulations (SR 1987/98)

Schedule 6
Regulations deemed to have been made pursuant to section 169

s 174(1)

Trees (Electric Lines) Regulations 1986 (SR 1986/315)

Trees (Electric Lines) Regulations 1986, Amendment No 1 (SR 1986/379)

Electricity Amendment Act 2001

Public Act	2001 No 40
Date of assent	7 August 2001
Commencement	see section 2

1 Title

(1) This Act is the Electricity Amendment Act 2001.

(2) In this Act, the Electricity Act 1992 is called "the principal Act".

2 Commencement

Except as provided in section 3, this Act comes into force on the day after the date on which it receives the Royal assent.

10 Rights of entry in respect of existing works

(1) *Amendment(s) incorporated in the Act(s)*.

(2) The amendment made by subsection (1) does not have the effect of making an activity a permitted use under a district plan or regional plan under the Resource Management Act 1991 if it would not have been a permitted use if subsection (1) had not been enacted.

13 New headings and sections 158A to 158F inserted

(1) *Amendment(s) incorporated in the Act(s)*.

(2) Sections 158C to 158E (as inserted by subsection (1)) apply to a community trust or customer trust for a financial year that begins no sooner than 6 months after the commencement of this section, and for subsequent financial years.

14 Repeal and saving of information disclosure provisions

(1) *Amendment(s) incorporated in the Act(s)*.

(2) The Electricity (Information Disclosure) Regulations 1999 continue in force until they are revoked, despite the repeal of section 170.

(3) Sections 171, 171A, and 172 continue in force for the purpose of the continuation of the Electricity (Information Disclosure) Regulations 1999 under subsection (2).

19 Transitional provision for Transpower's pricing methodology on and after 26 July 2001

(1) Any person who has assets that are directly connected to the national grid must pay for grid connection services provided on and after 26 July 2001 the amount that is charged by Transpower in accordance with the transitional pricing methodology.

(2) The **transitional pricing methodology** is the pricing methodology contained in Pricing for Grid Connection Services from 1 April 2001, as published by Transpower in December 2000, without being affected by any year-specific data that is, or may later be, appended to that methodology.

(3) The amount payable under subsection (1)—

(a) is recoverable in any court of competent jurisdiction as a debt due to Transpower; and

(b) may be challenged in any proceedings to recover the debt on the ground that Transpower has incorrectly applied the methodology in a manner that is adverse to the payer, but the methodology itself may not be challenged.

(4) This section applies—

(a) except to the extent that it would limit or override any new or existing agreement that is binding on Transpower and the other person; and

(b) until the end of the transitional period.

(5) The **transitional period** ends on the close of 6 April 2004.

(6) *[Repealed]*

Section 19(5): substituted, on 26 January 2004, by section 30 of the Electricity Amendment Act 2004 (2004 No 80).

Section 19(6): repealed, on 26 January 2004, by section 30 of the Electricity Amendment Act 2004 (2004 No 80).

20 Savings provision for Transpower's pricing methodology before 26 July 2001

(1) No person who owns assets that are directly connected to the national grid may, on or after 26 July 2001,—

(a) recover in court any amount paid for grid connection services provided by Transpower before 26 July 2001; or

(b) make any set-off, counterclaim, or deduction in respect of all or any part of such an amount, against or from any amount that is owing to Transpower under section 19 or otherwise.

(2) Transpower may not, on or after 26 July 2001, recover in court any amount—

(a) that has been charged in respect of grid connection services provided by Transpower before 26 July 2001; and

(b) that is the subject of a genuine dispute relating to the transitional pricing methodology (or a previous pricing methodology relating to grid connection services), which dispute has been notified in writing to Transpower before 26 July 2001.

(3) Subsection (1) applies despite the fact that a person may have paid the amount to Transpower on a without prejudice basis.

21 Validations of actions by persons without electricity operator status

(1) Actions taken by persons in the following circumstances are as lawful as if the persons who carried out the actions were electricity operators under section 4 of the principal Act at the time when the actions were carried out:

(a) actions carried out, at any time during the period commencing on 1 April 1993 and ending with the date of commencement of the Electricity Operators Order 1995, by persons named in that order; and

(b) actions carried out, at any time during the period commencing on 23 June 1998 and ending with 28 December 2000, by the companies currently known as United Networks Limited, VECTOR Limited, Orion New Zealand Limited, and Eastland Network Limited.

(2) Subsection (1) applies only to the extent that the actions were carried out in a way that is consistent with being an electricity operator.

Electricity Amendment Act 2006

Public Act	2006 No 70
Date of assent	4 December 2006
Commencement	see section 2

1 Title

This Act is the Electricity Amendment Act 2006.

2 Commencement

(1) Section 1, this section, sections 3, 6(1) to (3), 7, 9 (except subsection (3)), 10, 26(1), 27, 29 to 31, and 42 come into force on the day after the date on which this Act receives the Royal assent.

(2) The rest of this Act comes into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made appointing different dates for different provisions.

Section 2(2): the rest of this Act brought into force, on 1 April 2010, by clause 2 of the Electricity Amendment Act 2006 Commencement Order 2010 (SR 2010/35).

3 Principal Act amended

This Act amends the Electricity Act 1992.

15 Membership

(1), (2) *Amendment(s) incorporated in the Act(s)*.

(3) Every person who, immediately before the commencement of this section, held office as a member of the Board is deemed to be appointed as a member of the Board under section 150 of the principal Act (as amended by this Act).

(4) The term of office of every person deemed to be appointed as a member of the Board under this section expires on the date on which, but for the passing of this Act, that term would have expired under the principal Act.

(5) The person who, immediately before the commencement of this section, held office as the Presiding Member of the Board is deemed to be appointed as the Presiding Member of the Board under clause 1 of Schedule 2 of the principal Act.

(6) The person who, immediately before the commencement of this section, held office as the Deputy Presiding Member of the Board is deemed to be appointed as the Deputy Presiding Member of the Board under clause 1 of Schedule 2 of the principal Act.

(7) *Amendment(s) incorporated in the Act(s)*.

17 Heading and sections 154 and 155 repealed

(1), (2) *Amendment(s) incorporated in the Act(s).*

(3) The Crown is not liable to make a payment to, or otherwise compensate, any person in respect of the person ceasing to hold an office as a member of a Complaints Assessment Committee.

23 Time for laying information

(1) *Amendment(s) incorporated in the Act(s)*.

(2) Nothing in this section enables any proceedings to be brought that were barred before the commencement of this section.

Transitional provisions

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

(1) A power conferred by sections 84 to 90 of the principal Act (as substituted by section 13 of this Act) may be exercised by the Board or, as the case may be, by the Minister before those sections come into force or take effect.

(2) Subsection (1) applies as if the enactment under which the power is exercised and any other enactment that is not in force when the power is exercised were in force when the power is exercised.

(3) This section does not limit section 11 of the Interpretation Act 1999.

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

(1) The Board must, as soon as practicable after the commencement of this section, consider whether it should designate, in relation to each of the following types of registration under the principal Act as in force immediately before the commencement of this section, 1 or more classes of registration under section 84 of the principal Act that, with or without modification, replace, or correspond to, that type of registration:

(a) registered electrical service technician:

(b) registered electrician:

(c) registered line mechanic:

(d) registered electrical inspector.

(2) The Board must consult with the following persons in relation to the matter specified in subsection (1):

(a) persons who the Board considers are able to represent the views of electrical workers, or classes of electrical workers, registered under the principal Act; and

(b) organisations—

(i) that the Board considers will be substantially affected by the Board's decision on the matter; or

(ii) whose members the Board considers will be substantially affected by the Board's decision on the matter.

(3) This section does not limit sections 84 to 90 of the principal Act.

31 Exercise of regulation making powers before commencement of certain provisions

(1) A power conferred by section 169(1)(12) to (14), (19), (20), and (24) to (26E) of the principal Act (as substituted by section 26 of this Act) may be exercised before those provisions come into force or take effect.

(2) Subsection (1) applies as if the enactment under which the power is exercised and any other enactment that is not in force when the power is exercised were in force when the power is exercised.

(3) This section does not limit section 11 of the Interpretation Act 1999.

32 Registered persons continue to be registered persons

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

(2) The registration of a person under subsection (1) is deemed to be—

(a) for a class of registration in respect of the work for which the person was registered under the principal Act (as in force immediately before the commencement of this section); and

(b) subject to any conditions, limitations, or restrictions that, immediately before the commencement of this section, were imposed by or under the principal Act on the person's registration.

(3) A person who is deemed to be registered under subsection (1) may be issued with a practising licence under subpart 1 of Part 10 of the principal Act if the Board is satisfied that—

(a) the person meets the standard of competence reasonably to be expected of a registered person who does work of the kind that the person would be authorised to do under the practising licence; and

(b) the person is otherwise entitled to be issued with a practising licence under section 99(a) and (c) to (e) of the principal Act.

(4) In considering the matter under subsection (3)(a), the Board must have regard to any current applicable minimum standards for registration for a class of registration designated by the Board that, with or without modification, replaces, or corresponds to, the type of registration under the principal Act in relation to which, immediately before the commencement of this section, the person was registered (if any).

(5) Nothing in this section prevents the Board from—

(a) cancelling or suspending the registration of a person who is deemed to be registered under subpart 1 of Part 10 of the principal Act; or

(b) exercising any other power in relation to that registration under the principal Act.

(6) Nothing in this section limits sections 74 and 98 of the principal Act (which provide that a registered person is not authorised to do, or assist in doing, prescribed electrical work that the person is otherwise entitled to do by virtue of that person's registration unless the person holds a current practising licence that authorises the person to do, or assist in doing, the work).

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

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

(2) However, the practising licence that a person is deemed to hold under subsection (1) is deemed to expire on the date on which the practising licence held before the commencement of this section would have expired if this Act had not been enacted (but may be renewed under subsection (4)).

(3) The registration and practising licence of a person under subsection (1) is deemed to—

(a) be for a class of registration in respect of the work for which the person was registered and held a current practising licence issued under the principal Act (as in force immediately before the commencement of this section); and

(b) authorise that person to do, or assist in doing, work of the kind that the person was, immediately before the commencement of this section, permitted to do, or assist in doing, by virtue of his or her registration and licence under the principal Act (as in force immediately before the commencement of this section); and

(c) authorise the person to supervise electrical work if the person was a supervisor of electrical work under the principal Act (as in force immediately before the commencement of this section); and

(d) be subject to any conditions, limitations, or restrictions that, immediately before the commencement of this section, were imposed by or under the principal Act on the person's registration or practising licence.

(4) The practising licence that a person is deemed to hold under subsection (1) may be renewed if the Board is satisfied that—

(a) the person meets the standard of competence reasonably to be expected of a registered person who does work of the kind that the person is authorised to do under the practising licence; and

(b) the person is otherwise entitled to a renewal of his or her practising licence under section 106(1)(a), (c) to (e), and (4) to (6) of the principal Act.

(5) In considering the matter under subsection (4)(a), the Board must have regard to any current applicable minimum standards for registration for a class of registration designated by the Board that, with or without modification, replaces, or corresponds to, the type of registration under the principal Act in relation to which, immediately before the commencement of this section, the person was registered (if any).

(6) Subsection (2) is subject to section 105(3) of the principal Act.

(7) Nothing in this section prevents the Board from—

(a) cancelling or suspending the registration or practising licence of a person who is deemed to be a registered person who holds a practising licence issued under subpart 1 of Part 10 of the principal Act; or

(b) exercising any other power in relation to that registration or licence under the principal Act.

34 Persons holding provisional licences

(1) Every person who, immediately before the commencement of this section, held a provisional licence under section 79 of the principal Act (as in force immediately before the commencement of this section) is, on and from the commencement of this section, deemed to be a person who holds a provisional licence issued under section 93 of the principal Act.

(2) The licence that a person is deemed to hold under subsection (1) is deemed to—

(a) expire on the date on which the provisional licence under section 79 of the principal Act would have expired if this Act had not been enacted (but may be renewed under section 94 of the principal Act); and

(b) authorise that person to do, or assist in doing, work of the kind that the person was, immediately before the commencement of this section, permitted to do, or assist in doing, by virtue of a provisional licence issued under the principal Act (as in force immediately before the commencement of this section); and

(c) be subject to any conditions, limitations, or restrictions that, immediately before the commencement of this section, were imposed by or under the principal Act on the person's licence.

(3) Nothing in this section prevents the Board from—

(a) cancelling or suspending the provisional licence that a person is deemed to hold under subsection (1); or

(b) exercising any other power in relation to that provisional licence under the principal Act.

35 Persons holding employer licences

(1) Every person who, immediately before the commencement of this section, held an employer licence under section 101 of the principal Act (as in force immediately before the commencement of this section) is, on and from the commencement of this section, deemed to be a person who holds an employer licence issued under section 115 of the principal Act.

(2) The licence that a person is deemed to hold under subsection (1) is deemed to—

(a) expire on the date on which the employer licence under section 101 of the principal Act would have expired if this Act had not been enacted (but may be renewed under section 119 of the principal Act); and

(b) authorise the holder of the licence to authorise any employee of that person to do, or assist in doing, any prescribed electrical work; and

(c) be subject to any conditions, limitations, or restrictions that, immediately before the commencement of this section, were imposed by or under the principal Act on the person's licence.

(3) Nothing in this section prevents the Board from—

(a) cancelling or suspending the employer licence that a person is deemed to hold under subsection (1) in accordance with subpart 2 of Part 10 of the principal Act; or

(b) exercising any other power in relation to that employer licence under the principal Act.

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

(1) The Board may at any time, by written notice to a person,—

(a) vary any licence or registration that is deemed to be held by that person under any of sections 32 to 35; and

(b) impose conditions, limitations, or restrictions on that licence or the registration of that person (or both).

(2) The variation, condition, limitation, or restriction takes effect on the date specified for the purpose in the notice.

(3) Any decision of the Board under this section may be appealed under section 147ZA of the principal Act.

37 Applications pending at commencement of section

(1) This section applies to an application for, or concerning, registration or a licence under the principal Act that is, immediately before the commencement of this section, pending before the Board, the Registrar, or WorkSafe.

(2) The applicant under an application to which this section applies may, before the application is determined by the Board, the Registrar, or WorkSafe, elect to withdraw the application in order to make an application to the Board under Part 10 of the principal Act (as substituted by this Act).

(3) If an application to which this section applies is not withdrawn under subsection (2), it must be considered and determined as if this Act had not been enacted.

(4) When a determination of an application to which this section applies results in—

(a) the registration, or a change in the registration, of a person, that registration or change is deemed to have taken effect immediately before the commencement of this section; and

(b) the issue of a licence to a person, the issue of that licence is deemed to have taken effect immediately before the commencement of this section; and

(c) the renewal of a licence of a person, the renewal of that licence is deemed to have taken effect immediately before the commencement of this section.

38 Provisions relating to persons whose registration is suspended

(1) The application of section 33, which deems a person to hold a licence, is not precluded merely by the fact that the person's registration was, immediately before the commencement of that section, suspended.

(2) However, the licence that the person is deemed, by virtue of section 33, to hold is deemed to be suspended until the suspension of that person's registration would have expired if this Act had not been enacted.

39 Continuation of pending investigations, inquiries, and disciplinary proceedings

(1) All investigations, inquiries, and disciplinary proceedings under the principal Act that have been commenced before the commencement of this section and that have not been completed before that commencement are to be continued and completed as if this Act had not been enacted.

(2) The Board, WorkSafe, the Registrar, and every committee constituted or appointed under the principal Act in respect of complaints and disciplinary proceedings continues to have and may exercise all of his, her, or its powers, functions, and duties under the principal Act (as in force immediately before the

commencement of this section) for the purpose of giving effect to subsection (1).

(3) However, if a complaint or disciplinary proceeding continued under this section relates to a person who is deemed, under any of sections 32 to 34, to be a registered person or to hold a practising licence or a provisional licence, the Board's power to discipline the person includes the power to make an order under section 147M(1)(a) to (e) of the principal Act (as substituted by this Act) in relation to that registration, practising licence, or provisional licence.

40 Complaints about conduct before commencement of this section

(1) The Board may deal with a complaint about the conduct of a registered person, former registered person, provisional licence holder, or former provisional licence holder under Part 11 of the principal Act (as substituted by this Act), even though the conduct is alleged to have occurred before the commencement of this section.

(2) Subsection (1) does not apply if an inquiry or investigation into the conduct concerned has been commenced under the principal Act before the commencement of this section.

(3) In dealing with a complaint to which subsection (1) applies, the Board may not have regard to any duty or obligation that was not binding on the registered person, former registered person, provisional licence holder, or former provisional licence holder at the time that the conduct complained about is alleged to have occurred.

(4) For the purposes of this section, **former registered person** includes a person who was registered under the principal Act and who would have been deemed to be registered under subpart 1 of Part 10 of the principal Act had the person still been registered under the principal Act on the commencement of section 32.

41 Hearing concerning conduct before commencement of this section

(1) An investigator may report under Part 11 of the principal Act (as substituted by this Act) that a complaint against a person should be considered by the Board in respect of conduct alleged to have occurred before the commencement of this section, but only if the investigator is satisfied that,—

(a) at the time of the occurrence of the conduct, the person was registered or held a licence under the principal Act and the complaint could have been referred to the Board under the principal Act; and

(b) the complaint had not been referred to the Board before the commencement of this section.

(2) If, after conducting a hearing on a complaint of the kind referred to in subsection (1), the Board finds the person guilty of a disciplinary offence under Part 11 of the principal Act (as substituted by this Act) in respect of conduct that

occurred before the commencement of this section, the Board may not impose on that person, in respect of that conduct, any order in the nature of a penalty that could not have been made against that person at the time when the conduct occurred.

(3) However, if a hearing under this section relates to a person who is deemed, under any of sections 32 to 34, to be a registered person or to hold a practising licence or a provisional licence, the Board's power to discipline the person includes the power to make an order under section 147M(1)(a) to (e) of the principal Act (as substituted by this Act) in relation to that registration, practising licence, or provisional licence.

42 Regulations for transitional and savings purposes

(1) The Governor-General may, by Order in Council, make regulations prescribing transitional or savings provisions relating to the coming into force of this Act.

(2) Any transitional or savings provisions prescribed in regulations made under subsection (1) are in addition to the provisions of sections 32 to 41.

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

Infrastructure (Amendments Relating to Utilities Access) Act 2010

Public Act	2010 No 99
Date of assent	5 August 2010
Commencement	see section 2

1 Title

This Act is the Infrastructure (Amendments Relating to Utilities Access) Act 2010.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purpose of Act

(1) The purpose of this Act is to amend a variety of Acts relating to utility operators' access to transport corridors in order to achieve greater certainty and consistency in the rights and obligations of utility operators and corridor managers.

(2) In this section, **corridor manager**, **transport corridor**, and **utility operator** have the meanings in section 4 of the Utilities Access Act 2010.

Transitional provision

28 Transitional provision

To avoid doubt, the amendments made by this Act are intended to apply prospectively only and do not apply to or affect any notice given, request made, condition proposed or agreed to, or any other thing done before this Act comes into force.

Notes

1 General

This is a consolidation of the Electricity Act 1992 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247): regulation 47

Secondary Legislation Act 2021 (2021 No 7): section 3

Urban Development Act 2020 (2020 No 42): section 300

Public Service Act 2020 (2020 No 40): section 135

Privacy Act 2020 (2020 No 31): section 217

Statutes Amendment Act 2019 (2019 No 56): section 53

Land Transfer Act 2017 (2017 No 30): section 250

Fire and Emergency New Zealand Act 2017 (2017 No 17): section 197

Telecommunications (Property Access and Other Matters) Amendment Act 2017 (2017 No 16): section 19

District Court Act 2016 (2016 No 49): section 261

Standards and Accreditation Act 2015 (2015 No 91): section 45(1)

Health and Safety at Work Act 2015 (2015 No 70): section 232

WorkSafe New Zealand Act 2013 (2013 No 94): section 22

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Public Finance (Mixed Ownership Model) Amendment Act 2012 (2012 No 45): section 11

Search and Surveillance Act 2012 (2012 No 24): section 315

Criminal Procedure Act 2011 (2011 No 81): section 413

Electricity Industry Act 2010 (2010 No 116): sections 161–164

Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99): sections 14–16
Unit Titles Act 2010 (2010 No 22): section 233(1)
Electricity Amendment Act 2006 Commencement Order 2010 (SR 2010/35)
Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111)
Policing Act 2008 (2008 No 72): section 116(a)(ii)
Electricity Industry Reform Amendment Act 2008 (2008 No 71): section 30
Commerce Amendment Act 2008 (2008 No 70): section 29
Electricity Amendment Act 2008 (2008 No 53)
Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)
Electricity Amendment Act 2007 (2007 No 53)
Electricity Amendment Act 2006 (2006 No 70)
Electricity Amendment Act 2005 (2005 No 88)
Railways Act 2005 (2005 No 37): section 103(3)
Crown Entities Act 2004 (2004 No 115): section 200
Electricity Amendment Act 2004 (2004 No 80)
Building Act 2004 (2004 No 72): section 414
Electricity Amendment Act 2003 (2003 No 72)
Local Government Act 2002 (2002 No 84): section 262
District Courts Amendment Act 2002 (2002 No 63): section 4
Local Government (Rating) Act 2002 (2002 No 6): section 137(1)
Telecommunications Act 2001 (2001 No 103): section 158
Human Rights Amendment Act 2001 (2001 No 96): section 70(1)
Electricity Amendment Act (No 2) 2001 (2001 No 64)
Electricity Amendment Act 2001 (2001 No 40)
Electricity Amendment Act 2000 (2000 No 61)
Land Transport Act 1998 (1998 No 110): section 215(1)
Electricity Industry Reform Act 1998 (1998 No 88): section 100
Electricity Amendment Act 1997 (1997 No 42)
Arbitration Act 1996 (1996 No 99): section 20
Submarine Cables and Pipelines Protection Act 1996 (1996 No 22): section 37(1)
Electricity Amendment Act 1993 (1993 No 143)
Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)
Electricity Act 1992 (1992 No 122): sections 55, 67(a), 73

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