Version
as at 28 October 2021

Engineering Associates Act 1961

Public Act	1961 No 70
Date of assent	24 November 1961
Commencement	see section 1(2)

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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.

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Schedule 20
Rules and objects of associations

An Act to provide for the registration and control of certain persons associated with or employed in engineering work, and for the encouragement of better qualification in that work

1 Short Title and commencement

(1) This Act may be cited as the Engineering Associates Act 1961.

(2) This Act shall come into force on 1 April 1962.

2 Interpretation

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

association means an association or institute or organisation to which the Minister, by notice (*see* subsection (2)) and not in like manner revoked or suspended, has declared that this Act shall apply, being an association or institute or organisation whose rules and objects satisfy the requirements specified in the Schedule

Board means the Engineering Associates Registration Board constituted under this Act

engineering experience means full-time employment in any field of engineering, or in any work associated with any field of engineering, whether indoors or out of doors

Investigation Committee or **Committee** means the Engineering Associates Investigation Committee constituted under section 8

Minister means the Minister of Commerce

register means the register kept by the Registrar under subsection (4) of section 11

Registrar means the Registrar of the Engineering Associates Registration Board appointed under section 7.

(2) 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*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	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 2(1) **association**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **Minister**: replaced, on 1 December 1988, by section 4(1) of the Trade and Industry Act Repeal Act 1988 (1988 No 156).

Section 2(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Registration Board and Investigation Committee

3 Constitution of Board

(1) There is hereby established a Board to be known as the Engineering Associates Registration Board.

(2) The Board shall consist of:

(a) 1 member appointed by the Minister as Chairman of the Board:

(b) 1 member of each association which has not less than 50 members registered or eligible for registration under this Act, which member shall be appointed by the Minister on the nomination of that association:

(c) 2 other members appointed by the Minister.

(3) Except as provided in section 10, every member of the Board shall hold office for a term of 2 years but may from time to time be reappointed.

(3A) A member continues in office despite the expiry of the member's term of office until—

(a) a successor is appointed; or

(b) the member is reappointed.

(3B) When a member of the Board is appointed, the Minister must publish a notice in the *Gazette* confirming the appointment.

(4) The Minister may appoint any member of an association nominated as such by that association to be the deputy of that association's member on the Board to act in the event of the absence from any meeting of the Board of the member whose deputy he is.

(5) Where any member (being an employee of the Government service and not being a nominee of an association) is absent from any meeting he may authorise any other officer of his Department to attend the meeting in his stead. While any person is attending any meeting of the Board pursuant to this subsection, he shall be deemed for all purposes to be a member of the Board.

Section 3(3A): inserted, on 24 October 2019, by section 55 of the Statutes Amendment Act 2019 (2019 No 56).

Section 3(3B): inserted, on 24 October 2019, by section 55 of the Statutes Amendment Act 2019 (2019 No 56).

4 Meetings of Board

(1) The first meeting of the Board shall be held at a time and place of which notice shall be given by the Minister to the members, and meetings shall be held thereafter at such times and places as the Board or the Chairman shall decide.

(2) At every meeting of the Board 6 members shall form a quorum.

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

Section 4(2): amended, on 20 September 2007, by section 4 of the Engineering Associates Amendment Act 2007 (2007 No 55).

5 Chairman and Deputy Chairman of Board

(1) The Board shall from time to time appoint one of its members as Deputy Chairman of the Board. During any vacancy in the office of Chairman or whenever the Chairman is unable to act, whether by reason of absence or otherwise, the Deputy Chairman may exercise and perform all the powers and duties of the Chairman.

(2) The Chairman shall preside at every meeting of the Board at which he is present. If at any meeting of the Board the Chairman for the time being is not present or there is no Chairman, the Deputy Chairman shall preside at the meeting; and if the Deputy Chairman also is not present at the meeting or there is no Deputy Chairman, the Board shall appoint some member present to act as Chairman in respect of that meeting.

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

6 Procedure of Board

Except as expressly provided in this Act or in any regulations made under this Act, the Board may regulate its procedure in such manner as it thinks fit.

7 Registrar of Board

(1) The Board shall from time to time appoint a person to be the Registrar of the Board.

(2) The Registrar of the Board shall be employed on such terms and conditions of employment and shall be paid such salary and allowances as the Board from time to time determines.

(3) Subject to the terms and conditions of employment, the Board may at any time terminate or suspend the employment of the Registrar.

(4) The Board shall operate a personnel policy that complies with the principle of being a good employer.

(5) For the purposes of subsection (4), a **good employer** is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment.

Section 7: replaced, on 2 September 1996, by section 2 of the Engineering Associates Amendment Act 1996 (1996 No 120).

8 Engineering Associates Investigation Committee

(1) There shall be a Committee to be called the Engineering Associates Investigation Committee.

(2) The Committee shall consist of 3 members to be appointed by the Minister on the joint nomination of the Councils of the associations. One of the said members shall be so appointed as Chairman of the Committee.

(3) No person shall be appointed as a member of the Committee unless he is a member of an association and is registered under this Act, and no member of the Board shall be appointed as a member of the Committee.

(4) Except as otherwise provided in section 10, every member of the Committee shall hold office for a period of 1 year, but may from time to time be reappointed.

(5) The decision of any 2 members of the Committee shall be the decision of the Committee.

(6) Subject to the foregoing provisions of this section, the Committee may regulate its procedure as it thinks fit.

9 Remuneration and travelling expenses

(1) The Board and the Investigation Committee are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may be paid to members of the Board or of the Investigation Committee, out of the funds of the Board, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

10 Extraordinary vacancies on Board and Committee

(1) Any member of the Board or of the Investigation Committee 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, or may at any time resign his office by writing addressed to the Registrar.

(2) If any member of the Investigation Committee becomes a member of the Board, his office as a member of the Committee shall be thereby vacated.

(3) If any member of the Board or Committee dies or is removed from office or resigns, the vacancy so created shall, as soon as practicable, be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for a term determined by the Minister, not exceeding 2 years.

(4) Unless he sooner vacates his office as provided in the foregoing provisions of this section, every member of the Board and of the Committee shall continue in office until his successor comes into office, notwithstanding anything to the contrary in this Act.

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

Section 10(1): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

Section 10(3): amended, on 24 October 2019, by section 56 of the Statutes Amendment Act 2019 (2019 No 56).

Reporting by Board

Heading: inserted, on 24 October 2019, by section 57 of the Statutes Amendment Act 2019 (2019 No 56).

10A Board to prepare annual report

The Board must prepare an annual report on its operations for each period ending with 31 March in each year.

Section 10A: inserted, on 24 October 2019, by section 57 of the Statutes Amendment Act 2019 (2019 No 56).

10B Form and content of annual report

(1) An annual report must include all the information that is necessary to enable an informed assessment to be made of the Board's performance during the year.

(2) An annual report must be in writing, and be dated and signed on behalf of the Board by 2 members.

Section 10B: inserted, on 24 October 2019, by section 57 of the Statutes Amendment Act 2019 (2019 No 56).

10C Board to give annual report to Minister

The Board must give the annual report to the Minister as soon as practicable after 31 March in each year.

Section 10C: inserted, on 24 October 2019, by section 57 of the Statutes Amendment Act 2019 (2019 No 56).

10D Board to publish reports

As soon as practicable after giving a report to the Minister, the Board must make the report publicly available on an Internet site maintained by or on behalf of the Board.

Section 10D: inserted, on 24 October 2019, by section 57 of the Statutes Amendment Act 2019 (2019 No 56).

10E Annual reports to be presented to House of Representatives

The Minister must present a copy of the annual report to the House of Representatives no later than 10 sitting days after the date on which the Minister receives the report.

Section 10E: inserted, on 24 October 2019, by section 57 of the Statutes Amendment Act 2019 (2019 No 56).

Registration

11 Registration

(1) Subject to the provisions of subsections (2) and (3), any person shall be eligible for registration under this Act if, in the opinion of the Board,—

(a) having been born before 1 January 1936 he has had a basic engineering training, and has had not less than 12 years of engineering experience, including not less than 6 years in positions which are positions of responsibility in relation to engineering work; or

(b) he has had a basic engineering training, and has had not less than 6 years of engineering experience, including 1 year in positions which are positions of responsibility in relation to engineering work, and holds a New Zealand Certificate in Engineering or a First-Class Marine Engineers' Certificate valid throughout the Commonwealth or any other certificate which, in the opinion of the Board, denotes a standard of knowledge and experience equivalent to or higher than is required for the New Zealand Certificate in Engineering; or

(c) he has had a basic engineering training, and has had not less than 12 years of engineering experience, including at least 6 years in positions of responsibility in relation to engineering work, and has demonstrated, by submitting to the Board a written statement of at least 4 000 words on a subject approved by the Board concerning an aspect of engineering with which he has been associated in his career, that he possesses expert knowledge of that subject.

(2) No person shall be registered under this Act, unless—

(a) *[Repealed]*

(b) he has paid the prescribed annual fee to the Board.

(3) In determining whether the experience of any applicant qualifies him for registration under this Act, the Board shall require the candidate to show that he has a reasonable standard of general competency in the branch or branches of engineering in which he has had experience, or that he has a highly specialised knowledge in a particular branch of engineering in which he has had experience.

(4) Registration under this Act shall be effected by entry in the register of the Board (which shall be kept by the Registrar) of the name and address of the applicant, of the qualifications by virtue of which he is registered, and of such other particulars as may be prescribed.

(5) The register shall be open to inspection by the public during reasonable office hours on payment of the prescribed fee.

Section 11(1)(a): amended, on 13 December 1968, by section 2(1)(a) of the Engineering Associates Amendment Act 1968 (1968 No 81).

Section 11(1)(b): amended, on 13 December 1968, by section 2(1)(b) of the Engineering Associates Amendment Act 1968 (1968 No 81).

Section 11(1)(c): replaced, on 10 December 1976, by section 2(1) of the Engineering Associates Amendment Act 1976 (1976 No 88).

Section 11(1)(c): amended, on 20 September 2007, by section 5(1)(a) of the Engineering Associates Amendment Act 2007 (2007 No 55).

Section 11(1)(c) proviso: repealed, on 20 September 2007, by section 5(1)(b) of the Engineering Associates Amendment Act 2007 (2007 No 55).

Section 11(2)(a): repealed, on 20 September 2007, by section 5(2) of the Engineering Associates Amendment Act 2007 (2007 No 55).

Section 11(2)(b): replaced, on 13 November 1964, by section 2 of the Engineering Associates Amendment Act 1964 (1964 No 52).

Section 11(5): amended, on 20 September 2007, by section 5(3) of the Engineering Associates Amendment Act 2007 (2007 No 55).

12 Application for registration

Application for registration under this Act shall be made in writing addressed to the Registrar. Every such application shall be accompanied by the prescribed fee.

13 Consideration of applications

(1) As soon as practicable after the Board receives any application for registration, it shall consider the application and shall give such directions in respect thereof as it thinks fit and as are hereafter authorised by this Act.

(2) The Board may, if it thinks fit, require any person to verify by statutory declaration any statement made by him with respect to any application or with respect to any objection to an application.

14 Registrar to observe directions of Board

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

(2) If the Board, after considering any application as aforesaid, is of the opinion that the applicant is not entitled to be so registered, it shall direct accordingly; and the Registrar shall thereupon refuse to register the applicant in respect of that occupation or class and shall notify him accordingly.

(3) No entry of the name of any person shall be made in the register without the direction in writing of the Board, and no such entry shall be made by any person other than the Registrar.

15 Certificate of registration

The Registrar shall, on application in that behalf made to him at any time by any person whose name is on the register, and on payment of the prescribed fee, issue to that person a certificate of registration, which certificate shall include a reference to the class or classes of engineering experience by virtue of which that person is registered. Every certificate of registration shall remain the property of the Board, and shall be returned to the Board when the holder ceases to be registered under this Act.

16 False representation or declaration

Every person commits an offence against this Act who wilfully makes or causes to be made any false entry in or falsification of any register, or procures or attempts to procure himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either in writing or orally.

17 Name to be removed from register if person cannot be found, etc

(1) The Registrar may at any time, and shall if the Board so directs, send to any person whose name is on the register, by registered letter addressed to him at his address as appearing on the register, an inquiry as to whether or not he desires to have his name retained on the register.

(2) If no reply is received to the letter within 6 months after the date of the posting thereof, or if the letter is not duly delivered and is returned to the Registrar, the Registrar shall, if the Board so directs, remove from the register the name of the person to whom the letter was sent.

(3) Any person whose name has been removed from the register under this section may apply to the Registrar to have his name restored to the register, and on payment of the prescribed fee his name shall, if the Board so directs, be restored to the register accordingly.

(4) Every person registered under this Act who at any time changes his address as appearing in the register shall, within 3 months thereafter, send to the Registrar a notice of his new address; and the Registrar shall thereupon correct the entry in the register relating to that person accordingly.

(5) Every person registered under this Act who fails to comply with the provisions of subsection (4) commits an offence and is liable on conviction to a fine not exceeding $10.

Section 17(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

18 Correction of register

(1) If any person has been registered under this Act by reason of any false or fraudulent representation or declaration, made either orally or in writing, or if any person not entitled to be registered under this Act has been so registered,

the Board shall cause the name of that person to be removed from the register, and the fact of the removal shall be notified by the Registrar in the *Gazette*.

(2) If any particulars appearing in the register in respect of the qualifications of any person are proved to the satisfaction of the Board to be, or are to the knowledge of the Board, false or erroneous in any respect, the Board shall direct the Registrar to erase those particulars from the register, or otherwise to amend the register, and the Registrar shall thereupon amend the register accordingly.

(3) The provisions of subsection (2) shall apply, notwithstanding the fact that at the time when the entry in the register was made the person actually possessed the qualifications particulars of which appear in the register, or that at the time the entry was otherwise correct.

19 Voluntary removal of name from register

(1) If any person applies to the Registrar to have his name removed from the register, the Board shall direct the Registrar to remove the name of that person from the register accordingly.

(2) Any person whose name is removed from the register under this section may apply to have his name restored to the register, and on payment of the prescribed fee his name shall, if the Board so directs, be restored to the register accordingly.

20 Removal of name from register for default in payment of annual fee

(1) If the prescribed annual fee payable to the Board by a person who is registered under this Act is not paid by 1 July in any year or such other date as the Board may from time to time specify, the Board may direct the Registrar to delete the name of that person from the register.

(2) Any person whose name is removed from the register under this section may apply to the Registrar to have his name restored to the register. If the applicant satisfies the Registrar that all fees payable by him as aforesaid have been paid, the Registrar shall, on payment of the prescribed registration fee, restore the name to the register accordingly.

Section 20 heading: amended, on 13 November 1964, by section 3 of the Engineering Associates Amendment Act 1964 (1964 No 52).

Section 20(1): replaced, on 13 November 1964, by section 3 of the Engineering Associates Amendment Act 1964 (1964 No 52).

Complaints against persons registered under this Act

21 Complaints against persons registered under this Act

(1) Every person (other than the Investigation Committee) who seeks to make a formal complaint that any person who is registered under this Act has been guilty of any misconduct, or convicted of any offence, for which his name may

be removed from the register in accordance with section 22 shall make the complaint to the Registrar.

(2) Every such complaint shall be in writing and shall, if the Registrar or the Investigation Committee so requires, be supported by such statutory declarations as the Registrar or the Committee may require.

(3) Where the Registrar has received any such complaint and such statutory declarations as may be required as aforesaid, he shall refer the complaint to the Investigation Committee; and the Committee, after due inquiry, shall decide whether the complaint should be referred to the Board to be dealt with as hereafter provided in this Act.

22 Removal of name from register

(1) Upon a complaint referred to the Board as aforesaid by the Investigation Committee, or upon a complaint made to the Board by the Investigation Committee of its own motion, the Board may cause the name of any person to be removed from the register, and may order that person to pay any costs and expenses of and incidental to the inquiry by the Board and any preliminary inquiry by the Investigation Committee, if it is satisfied, after inquiry as hereafter provided in this Act, but not otherwise—

(a) that he has been guilty of such improper conduct as renders him in the opinion of the Board unfit to be registered under this Act, or has been convicted (either before or after his registration) of an offence punishable by imprisonment for a term of 2 years or upwards; or

(b) that he has been guilty of such improper or incompetent conduct in the performance of his duties as, in the opinion of the Board, renders him unfit to be registered under this Act.

(2) The name of any person shall not be removed from the register under paragraph (a) of subsection (1) by reason of any offence committed before the date of his registration, if at that date the Board was aware of his conviction in respect of that offence.

23 Inquiry by Board into complaint

(1) Upon any complaint being referred or made to it as aforesaid, the Board shall hold an inquiry into the matter, and shall give to the person concerned not less than 30 days' notice in writing of its intention to hold an inquiry, and of the time and place of hearing, and of the nature of the charge to be inquired into. The notice may be served personally or by registered letter addressed to the person concerned at his last known place of business or abode.

(2) At the inquiry the person concerned shall be entitled to be present and to be heard, and may if he thinks fit be represented by counsel or otherwise.

(3) Every complaint that is referred or made to the Board by the Investigation Committee shall be prosecuted at the inquiry by such person as that Committee shall appoint.

(4) At any inquiry, any association and any person so appointed by the Investigation Committee may be heard and may be represented by counsel or otherwise.

(5) The Board, by notice in writing under the hand of its Chairman or the Registrar, may require any person to attend and give evidence before it at any such inquiry.

(6) The Board may require any such evidence to be given on oath, and either orally or in writing, and for that purpose the Chairman of any meeting of the Board may administer an oath.

(7) Every person commits an offence against this Act who without lawful justification refuses or fails to give evidence when required to do so by the Board, or to answer truly and fully any question put to him by the Board.

(8) Witnesses and counsel shall have the same privileges and immunities in relation to inquiries before the Board as if they were proceedings in a court of law.

(9) Every witness giving evidence or intending to give evidence at any inquiry before the Board shall be entitled in the discretion of the Board to such sum for his expenses and loss of time as the Board may determine, which sum shall be paid out of the funds of the Board:

provided that the sum which may be so paid to any witness shall not exceed the amount to which he would have been entitled for expenses and loss of time if the inquiry had been a proceeding in the District Court.

Section 23(9) proviso: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

24 Further disciplinary powers of Board

(1) In addition to the powers conferred on it by section 22, the Board may, in any case where it has power to remove the name of any person from the register under that section, by writing under the hand of the Chairman, suspend his registration for a period not exceeding 12 months.

(2) While any order of suspension of registration under this section remains in force the person concerned shall be deemed not to be registered under this Act, but forthwith on the expiry of the order his rights and privileges as a person registered under this Act shall be revived as from the date of the expiry of the order.

(3) An order of suspension shall not take effect in any case until the expiration of 28 clear days after the date of the notification by the Board to the person of the making of the order. If within that period the person gives due notice of appeal under section 25, the order shall not take effect unless and until it is confirmed by an Appeal Tribunal constituted under that section or the appeal is for any reason dismissed by such an Appeal Tribunal:

provided that, unless an Appeal Tribunal otherwise orders, the period of suspension specified in the order shall commence with the day on which the order commences to have effect.

(4) The powers conferred on the Board by this section are in addition to its powers under any other section of this Act.

Appeals

25 Appeals from decision of the Board

(1) Every person who is dissatisfied with any decision of the Board relating to an application by him for registration, or the removal of his name from the register, or the suspension of his registration, or the imposition on him of any liability to pay costs or expenses, may, within 3 months after notice of the decision has been given to him by the Registrar, give notice of appeal in the prescribed manner to the Registrar.

(2) Upon receipt of the notice of appeal, the Registrar shall forthwith inform the Minister, who shall thereupon take all steps necessary for the constitution of an Appeal Tribunal consisting of a District Court Judge and 2 assessors, of whom one shall be appointed by the Board and one by the appellant.

(3) The Appeal Tribunal so constituted shall as soon as practicable hear the appeal; and may confirm or vary or cancel the decision of the Board, or may order the registration of the appellant or the restoration of his name to the register or the determination of the order of suspension, or the remission of the whole or any part of any liability to pay costs or expenses imposed on him, or may make such other order as the case may require.

(4) On any appeal under this section the decision of the Appeal Tribunal shall be final and conclusive.

(5) On any appeal under this section the Appeal Tribunal may make an order for the payment by or to the Board or an association or the appellant, as the case may be, of the costs incurred in respect of the appeal, including the costs and expenses of the Appeal Tribunal, and in any such case the costs so awarded may be recovered in any court of competent jurisdiction as a debt due by the party against whom they have been awarded to the party in whose favour they have been awarded.

(6) From the time an appeal is lodged under this section until a decision is given by the Appeal Tribunal, any appellant who was registered under the provisions of this Act shall be deemed to remain so registered.

(7) On any appeal under this section the Appeal Tribunal shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and all the provisions of that Act shall apply accordingly.

Section 25(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Financial provisions

26 Application of fees, etc, received by Board

(1) The Registrar shall take and receive the fees prescribed by regulations made under this Act as payable to the Board in respect of the matters specified in the regulations.

(2) Until the prescribed fee has been paid, 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 that fee is payable.

(3) All fees and other money received on behalf of the Board under this Act shall be paid forthwith into such bank within the meaning of the Banking Act 1908 as the Board may determine to the credit of a separate account in its name, and may be applied by the Board as follows:

(a) in payment of the expenses incurred by the Board in respect of this Act, including remuneration of the officers and servants of the Board:

(b) in payment of any costs, fees, salaries, allowances, and travelling allowances and expenses payable in accordance with this Act to the members of the Board and the members of the Investigation Committee:

(c) otherwise for the payment of any expenditure lawfully incurred by the Board.

(4) All cheques drawn on the said bank account shall be signed, and all negotiable and other instruments requiring endorsement shall be endorsed, by any 2 of such members of the Board as are nominated for the purpose, or by one such member and the Registrar.

(5) Every payment of money by the Board shall either be authorised by a prior resolution of the Board or be confirmed by the Board at its first ordinary meeting after the date of payment.

(6) The Board may from time to time, as it thinks fit, invest any money not for the time being required for any of the purposes mentioned in subsection (3) by depositing it in its name in the Post Office Savings Bank or with any bank or investing it in any manner in which trustees are for the time being authorised to invest trust funds.

Section 26(5): replaced, on 10 December 1976, by section 3 of the Engineering Associates Amendment Act 1976 (1976 No 88).

27 Financial statements

(1) The Board must ensure that, within 5 months after the end of the financial year ending on 31 March, financial statements that comply with generally accepted accounting practice are—

(a) completed in relation to the Board and that financial year; and

(b) dated and signed on behalf of the Board by 2 members of the Board.

(2) In this section and section 27A,—

financial statements has the same meaning as in section 6 of the Financial Reporting Act 2013

generally accepted accounting practice has the same meaning as in section 8 of the Financial Reporting Act 2013.

Section 27: replaced, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

27A Financial statements must be audited

(1) The Board must ensure that the financial statements of the Board are audited.

(2) The Board is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Section 27A: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

28 Associations to contribute to Board's funds

(1) In the event of the Board not having sufficient funds (whether in its said bank account or on deposit as aforesaid or otherwise) for payment of its lawful expenditure at any time, the amount of the deficiency shall be met by the associations in proportion to the numbers of their members who are registered under this Act. The amount to be so met by an association shall be recoverable from it by the Board as a debt.

(2) If any question arises as to the amount to be paid under this section, it shall be determined by the Minister, whose decision shall be final.

29 Unauthorised expenditure

The Board may, in any financial year, expend out of its funds for purposes not authorised by this Act or any other Act any sum or sums not amounting in the whole to more than $100.

Miscellaneous

30 Suspension of application of Act to association

(1) The Minister may at any time, by notice published in the *Gazette*, suspend the application of this Act to any association if its rules fail to provide to his satisfaction for all suitably qualified persons of good fame and character to be eligible for membership of the association.

(2) The Minister may at any time in like manner revoke any such notice of suspension, if the rules of the association are altered to his satisfaction.

Section 30(2): editorial change made by the PCO, on 11 March 2026, under sections 86(1) and 87(l)(i) of the Legislation Act 2019 (2019 No 58).

31 Certificate by Registrar to be evidence of registration, etc

A certificate under the hand of the Registrar to the effect that any person was or was not registered by the Board under this Act at any time or during any period specified in the certificate, or as to any entry in the register or as to any act or proceeding of the Board, shall, until the contrary is proved, be sufficient evidence of the matters therein specified.

32 Registrar to notify association of entries in register

As soon as practicable after the entry in the register of any person's name, or after the removal of any person's name therefrom, or after the suspension of any registration, the Registrar shall give notice in writing to every association of which the person is a member of the entry, removal, or suspension, as the case may be, together with all relevant particulars.

33 Use of words, initials, etc, implying registration

(1) Every person registered under this Act shall be entitled to use such words or initials signifying his registration as are specified by the Board for this purpose and approved by the Minister.

(2) Every person commits an offence against this Act who, not being registered under this Act, uses or causes or permits to be used any written words, titles, or initials, or any written abbreviation of any words, titles, or initials, which are intended to cause or may reasonably cause any person to believe that he is registered under this Act.

(3) Every person commits an offence against this Act who, not being a member of an association, uses or causes or permits to be used any written words, titles, or initials, or any written abbreviation of any words, titles, or initials, which are intended to cause or may reasonably cause any person to believe that he is a member of an association when he is not a member, or that he has any status in an association when he does not have that status.

34 Penalty for offences

Every person who commits an offence against this Act for which no penalty is provided in this Act elsewhere than in this section is liable on conviction to a fine not exceeding $100, and, where the offence is a continuing one, to a further fine not exceeding $10 for every day during which the offence has continued.

Section 34: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

35 Regulations

(1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:

(a) prescribing the form of and the method of keeping the register:

(b) prescribing the forms of applications, certificates, and other documents required under this Act:

(c) prescribing the fees payable to the Board in respect of examination and of registration under this Act and in respect of the restoration of names after their removal from the register and in respect of any other alteration of or addition to the register; and also prescribing fees for the issue of certificates of registration, and other certificates, and for copies of certificates, and for inspections of the register:

(d) prescribing the annual fee payable to the Board in accordance with section 11 or section 20 by persons who are registered or who seek registration under this Act; and (if expedient) prescribing different annual fees for those who are and those who are not financial members of an association:

(e) providing for examinations to be conducted for the purposes of registration under this Act, and prescribing the subject matter of those examinations, the standards required to be attained by successful candidates, and the times when examinations will be held:

(f) regulating the procedure of the Board:

(g) providing for such other matters as may be necessary for the efficient discharge by the Board of its duties and functions under this Act:

(h) providing for the constitution of an Appeal Tribunal and regulating the conduct of appeals under section 25:

(i) providing for the taxation or review by the Board or the Investigation Committee or a District Court Judge of charges made by persons registered under this Act:

(j) prescribing fines, not exceeding $100, and in the case of a continuing offence a further fine not exceeding $10 for every day during which the offence has continued, for the breach of any regulation made under this section.

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

(3) *[Repealed]*

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 35(2)(d): replaced, on 13 November 1964, by section 4 of the Engineering Associates Amendment Act 1964 (1964 No 52).

Section 35(2)(i): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 35(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 35(3): repealed, on 19 December 1989, by section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

Schedule
Rules and objects of associations

s 2

The Minister shall not extend the application of this Act to any association, institute, or organisation, unless—

(a) its membership includes persons who have attained a standard of qualification and experience in engineering which, in the opinion of the Minister, is not less than that required for registration under this Act:

(b) it has in effect among its objects the following:

  (i) to endeavour to assist in increasing the number of qualified persons available to assist in the general field of engineering:

  (ii) to encourage better qualification of such persons:

  (iii) to promote and maintain efficiency, good management, proper conduct of its members, and understanding and co-operation among its members and between them and other persons:

  (iv) to conserve, promote, foster, advance, and protect generally the interests, integrity, status, and welfare of members of the association, institute, or organisation:

  (v) to suppress illegal, dishonourable, improper, and objectionable practices of members of the association, institute, or organisation.

Notes

1 General

This is a consolidation of the Engineering Associates Act 1961 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

Secondary Legislation Act 2021 (2021 No 7): section 3

Statutes Amendment Act 2019 (2019 No 56): Part 16

District Court Act 2016 (2016 No 49): section 261

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 125

Criminal Procedure Act 2011 (2011 No 81): section 413

Engineering Associates Amendment Act 2007 (2007 No 55)

Human Rights Amendment Act 2001 (2001 No 96): section 70(1)

Engineering Associates Amendment Act 1996 (1996 No 120)

Regulations (Disallowance) Act 1989 (1989 No 143): section 11

Trade and Industry Act Repeal Act 1988 (1988 No 156): section 4(1)

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Engineering Associates Amendment Act 1976 (1976 No 88)

Engineering Associates Amendment Act 1968 (1968 No 81)

Engineering Associates Amendment Act 1964 (1964 No 52)

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