

**Reprint
as at 6 August 2010**

Electricity Act 1992

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This Act is administered in the Ministry of Economic Development

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[Repealed]

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[Repealed]

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Title [Repealed]

1 Short Title and commencement

- (1) This Act may be cited as the Electricity Act 1992.
- (2) Except as provided in subsection (3) of this section and in sections 54(2) and 56(2) of this Act, this Act shall come into force on the 1st day of April 1993.
- (3) Part 1, Part 4 (other than section 43), sections 63 and 64, Part 13, and sections 169, 170, 178, and 179 of this Act, and Schedule 2 to this Act, 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) to provide for the regulation of the electricity industry in New Zealand; and
- (c) to protect the health and safety of members of the public in connection with the supply and use of electricity in New Zealand; and
- (d) to promote the prevention of damage to property in connection with the supply and use of electricity in New Zealand; and
- (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(da): inserted, on 29 July 2008, by section 6 of the Electricity Amendment Act 2008 (2008 No 53).

Part 1 Preliminary provisions

2 Interpretation

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

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

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

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 of this Act

Commission means the Electricity Commission continued under subpart 1 of Part 15

Commission's board or **board**, for the purposes of Part 15, means the members of the Commission's board who number not less than the required quorum acting together as a board.

community trust means an electricity trust (within the meaning of section 3(1) of the Electricity Industry Reform Act 1998) that is a community trust under section 38 of that Act

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 of this Act; 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 that is a generator of electricity and includes any subsidiary of any such State enterprise

Council means the Rural Electrical Reticulation Council continued by section 44 of this Act

customer trust means an electricity trust (within the meaning of section 3(1) of the Electricity Industry Reform Act 1998) that is a customer trust under section 38 of that Act

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

domestic consumer means any person who purchases or uses electricity in respect of any domestic premises

domestic premises means any premises that are used or intended for occupation by any person principally as a place of residence; but does not include any premises referred to in paragraphs (a) to (i) of section 90 of the Electricity Industry Reform Act 1998

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 of this Act

electrical installation—

- (a) means all fittings—
 - (i) that form part of a system for conveying electricity; and
 - (ii) that form part of such a system at any point from the point of supply to a consumer to any point from which electricity conveyed through that system may be consumed; and
- (b) includes any fittings that are used, or designed or intended for use, by any person, in or in connection with the generation of electricity for that person's use and not for supply to any other person; but
- (c) does not include any electrical appliance

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 governance regulations means regulations made under section 172D

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 4A of this Act 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 the 1st day of January 1988; and includes any works that were wholly or partly in existence, or work on the construction of which commenced, before the 1st day of January 1988:

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

fire brigade has the same meaning as in section 2 of the Fire Service Act 1975; and includes a defence fire brigade and an industrial fire brigade within the meaning of that Act

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

GPS objectives and outcomes has the meaning set out in section 172ZJ

industry participant means—

- (a) an electricity retailer:
- (b) an electricity distributor:
- (c) an electricity generator:
- (d) a line owner:
- (e) a person who uses electricity that is conveyed to the person directly from the national grid:
- (f) a person who buys electricity on the wholesale market:
- (g) a service provider appointed under any electricity governance regulations:
- (h) an electricity metering equipment owner:
- (i) a data administrator that provides data administration services to the electricity industry,—

but does not include the Commission (even to the extent that the Commission may be acting as a service provider after an appointment under electricity governance regulations)

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, in any provision of this Act, means the department of State that, with the authority of the Prime Minister, is responsible for the administration of that provision

national grid means the assets used or owned by Transpower for the purpose of conveying electricity

official standard means—

- (a) a New Zealand Standard within the meaning of the Standards Act 1988:
- (b) a standard specification prescribed by any standards organisation within the meaning of that Act

performance standards has the meaning set out in section 172ZJ

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 of this Act, 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

publicise, in relation to a document, means—

- (a) to make the document available to the public, at no cost, on a website maintained by or on behalf of the Commission, at all reasonable times; and
- (b) to give notice of the document in the *Gazette*

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 of this Act

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

report date has, for the purposes of subpart 2 of Part 15, the meaning set out in section 172ZJ

reporting period has the meaning set out in section 172ZJ

reserve energy means energy that is secured by contract (including by contracting for demand-side savings) by, or on behalf of, the Commission for the purpose of ensuring security of supply

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 Roothing 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 Roothing 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

rules and **electricity governance rules** mean, for the purposes of subpart 2 of Part 14 and subpart 1 of Part 15, rules made under section 172H

Rulings Panel means the Rulings Panel established under electricity governance regulations

Secretary, in any provision of this Act, means the chief executive of the Ministry responsible for the administration of that provision; and includes any person for the time being authorised by delegation to exercise or perform any of the powers or functions of the Secretary under that provision

serious harm means—

- (a) death; or
- (b) injury that consists of or includes loss of consciousness; or
- (c) injury that necessitates the person suffering the injury—
 - (i) being admitted to hospital; or
 - (ii) receiving medical treatment from a health practitioner who is, or is deemed to be, registered with an authority established or continued by section 114 of the Health Practitioners Competence Assurance Act 2003 as a practitioner of a particular health profession

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 of this Act

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

transpower means Transpower New Zealand Limited or any subsidiary of, or successor to, that company.

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) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
- (b) a day in the period commencing with the 25th day of December in any year and ending with the 15th day of 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—
 - (i) any fittings that are used, or designed or intended for use, by any person, in or in connection with the generation of electricity for that person's use and not for supply to any other person; or
 - (ii) any part of any electrical installation.

(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 1000 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 1972

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 1972 or the registered proprietor 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**: inserted, on 5 December 2006, by section 6(1) of the Electricity Amendment Act 2006 (2006 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**: inserted, on 18 October 2004, by section 4(2) of the Electricity Amendment Act 2004 (2004 No 80).

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

Section 2(1) **Commission's board** or **board**: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

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

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

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

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

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

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

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

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

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

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) **GPS objectives and outcomes**: inserted, on 8 August 2001, by section 7(2) of the Electricity Amendment Act 2001 (2001 No 40).

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

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

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 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

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

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

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

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

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

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

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

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

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): of this definition the references to sections 315 to 327 of Te Ture Whenua Maori Act 1993 and section 320 have been substituted for the references to Part 27 of the Maori Affairs Act 1953 and section 421.

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

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

Section 2(1) **Secretary**: substituted, on 5 December 2006, by section 6(3) of the Electricity Amendment Act 2006 (2006 No 70).

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

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

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

Section 2(3) was repealed, on 28 September 1993, by section 2(1) of the Electricity Amendment Act 1993 (1993 No 143).

Section 2(3) to (5) were inserted, 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).

Section 4A: 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: inserted, on 9 July 1998, by section 101 of the Electricity Industry Reform Act 1998 (1998 No 88).

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

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 Secretary

5 Functions of Secretary

The functions of the Secretary or Secretaries under this Act are—

- (a) to carry out such enquiries, tests, audits, or investigations as may be necessary to determine whether or not 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.

Compare: 1982 No 27 s 5

Section 5: amended, on 5 December 2006, by section 7 of the Electricity Amendment Act 2006 (2006 No 70).

6 Inspection of works, etc

- (1) For the purposes of performing any of the Secretary's functions under this Act, the Secretary 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, the Secretary may enter and re-enter any place.
- (3) Before carrying out any inspection under this section, the Secretary 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 the Secretary's intention to carry out the inspection.
- (4) Where the Secretary has entered any place under subsection (2) of this section, he or she may—
 - (a) inspect any fittings or associated equipment:
 - (b) by notice in writing require any person whom the Secretary 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 the Secretary 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 of this Act 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 Roving Powers Act 1989.

Compare: 1982 No 27 s 8

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 of this Act, 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) of this paragraph); 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) of this paragraph).

Compare: 1982 No 27 s 9

8 Special powers of Secretary

- (1) The Secretary 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 the Secretary 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,—
 the Secretary may do all such things, and require any person to do or refrain from doing all such things, as the Secretary considers necessary to remove or minimise the danger or potential danger.
- (2A) The Secretary's power to require a person to do a thing under subsection (2) includes the power to require, by written notice, that the person—
 - (a) produce for inspection, within any reasonable period that the Secretary may specify, any document or class of document in the possession or under the control of the person that the Secretary considers would assist the Secretary to remove or minimise a danger or potential danger:
 - (b) supply, within any reasonable period that the Secretary may specify, any information or class of information that the Secretary considers would assist the Secretary to remove or minimise a danger or potential danger.
- (2B) Every person who is required to produce documents or supply information under this section has the same privileges in relation to the production of the documents or the supply of the information as witnesses have in any court.
- (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(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(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 Secretary's requirements

- (1) Every person who is affected by any notice given under section 6(4)(b) or section 8(1) of this Act, or any requirement made under section 8(2) of this Act, 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) of this section shall be made by lodging a written notice of objection with the Registrar of the District Court nearest to the place where the notice was given or the requirement made, or, with the consent of the Secretary, with the Registrar of any other 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 the Secretary, 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 the Secretary.

Compare: 1982 No 27 s 11(2) to (4)

10 Effect of notice or requirement pending hearing

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

11 Procedure on hearing of objection

- (1) On the hearing of an objection under section 9 of this Act, both the objector and the Secretary, 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 of this Act, every order made under subsection (2) of this section shall be final.

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

12 Appeal on question of law

- (1) Where any party to an objection under section 9 of this Act is dissatisfied with the decision of a District Court on that objection as being erroneous in point of law, that party may appeal to the High Court by way of case stated for the opinion of that Court on the question of law only.
- (2) Subject to subsection (3) of this section, every appeal under this section shall be heard and determined in accordance with rules of Court.
- (3) The provisions of Part 4 of the Summary Proceedings Act 1957 (including the other provisions of that Act that are applied in that Part), so far as they relate to appeals by way of case stated on questions of law only, shall apply, so far as they are applicable and with all necessary modifications, to every appeal under this section.
- (4) Subject to section 13 of this Act, 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 until a District Court Judge certifies that the appeal has not been prosecuted, or the Registrar of the High Court has certified that the appeal has been dismissed for non-prosecution, whichever occurs first.

13 Secretary may require immediate compliance

- (1) Notwithstanding sections 10 and 12(4) of this Act, where a notice of objection is lodged under section 9 of this Act by any person in respect of any notice or requirement, the Secretary may advise the objector that the Secretary 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) of this section applies, and every such person shall be liable on summary 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) of this section, both the High Court and any District Court shall each have jurisdiction to restrain any contravention or threatened contravention of subsection (1) of this section by injunction on the application of the Secretary, 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 pro-

visions 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) to (11)

14 Appeal against decision on application for injunction

- (1) A party to proceedings in a 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 and sections 74 to 78 of the District Courts Act 1947, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under section 72 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 74(1) of the District Courts Act 1947 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) of this section 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) of this section, 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(1A): inserted, on 24 November 2003, by section 4 of the District Courts Amendment Act 2002 (2002 No 63).

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

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 of this Act, the Secretary or the objector may ask for the objection to be heard with the assistance of 2 assessors, one to be appointed by the Secretary 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)

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 the Secretary of the particulars of the accident forthwith on becoming aware of the accident.
- (4) For the purposes of subsection (3) of this section, 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:
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 25(3) of the Health and Safety in Employment Act 1992.

Compare: 1982 No 27 s 14(1) to (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(4)(b): substituted, on 1 April 2010, by section 9(3) of the Electricity Amendment Act 2006 (2006 No 70).

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

16A Transfer of accident information

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

Section 16A: inserted, on 5 December 2006, by section 10 of the Electricity Amendment Act 2006 (2006 No 70).

17 Interference with scene of accident

- (1) No person shall interfere in any way with the scene of any accident to which section 16 of this Act applies without the permission of the Secretary, or if the Secretary is not present, a member of the Police or a member of a fire brigade, 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 of this Act applies, the person shall as soon as practicable notify the Secretary of the action the person has taken.
- (3) Nothing in subsection (1) of this section applies in respect of any person who is investigating the accident pursuant to the Health and Safety in Employment Act 1992.

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

18 Inquiries into accidents

- (1) The Secretary may conduct an inquiry into any accident to which section 16 of this Act applies to establish the cause of the accident.

- (2) Where the Secretary believes, on reasonable grounds, that any occurrence may be an accident to which section 16 of this Act applies, the Secretary may conduct a preliminary inquiry in order to establish whether or not the occurrence is such an accident.
- (3) Subject to section 21 of this Act, the Secretary may, for the purpose of any inquiry or preliminary inquiry under this section, require any person to supply to the Secretary all such information as that person may have of relevance to the inquiry or preliminary inquiry.
- (4) Where the Secretary conducts an inquiry under this section, the Secretary 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)

19 Assistance to Secretary

Where the Secretary 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 the Secretary may reasonably require.

Compare: 1982 No 27 s 15

20 Obstructing Secretary

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

- (a) intentionally obstructs the Secretary when the Secretary 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 the Secretary for the purposes of this Act; or
 - (ii) to allow the Secretary to examine or make copies of or take extracts from any such document; or
 - (iii) to supply any information required of the person by the Secretary under this Act; or
 - (iv) to comply with any other lawful order or requisition given or made by the Secretary:
- (c) intentionally damages or interferes with any property used by, or supplied for the use or in the possession of, the Secretary for the purposes of this Act:
- (d) fails without reasonable excuse to notify any accident to which section 16 of this Act 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) of this Act, or, having interfered in any such scene in accordance with section 17(1) of this Act, fails without reasonable excuse to notify the Secretary of the steps he or she has taken as required by section 17(2) of this Act.

Compare: 1982 No 27 s 16

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

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 of this Act, 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 the 1st day of January 1988 (in the case of works owned by the Corporation) or before the 1st day of 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 the 1st day of January 1988 (in relation to works owned by the Corporation) or before the 1st day of 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.

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

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

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) of this section, 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) of this section, 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) of this Act 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): inserted, on 9 August 2005, by section 3(2) of the Electricity Amendment Act 2005 (2005 No 88).

Section 24(6): inserted, 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.

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).

25 Notice to be given before work undertaken

- (1) Except as provided in subsection (5) of this section, before an electricity operator proceeds to undertake any work pursuant to the powers contained in section 24(1) of this Act, 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) of this section shall notify the electricity operator, in writing, of any conditions imposed pursuant to section 24(2) of this Act.
- (4) Where a person who is given a notice pursuant to subsection (1) of this section fails to notify the electricity operator of the conditions imposed pursuant to section 24(2) of this Act 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) of this section before commencing the work, but shall give the information required by subsection (2) of this section 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 summary conviction to a fine not exceeding \$10,000 who fails to comply with section 24 or section 25 of this Act.
- (2) In addition to any fine imposed pursuant to subsection (1) of this section, the Court may make such order relating to compensation as it thinks fit.

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

27 Appeals in relation to conditions imposed

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

28 Determination of appeals

- (1) In its determination of any appeal under section 27 of this Act, a District Court may confirm or modify or cancel any or all of the conditions imposed.
- (2) Subject to section 29 of this Act, the decision of a District Court in the determination of an appeal under section 27 of this Act shall be final.

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

29 Appeal on question of law

- (1) Where any party to any appeal under section 27 of this Act is dissatisfied with the decision of the District Court as being erroneous in point of law, that party may appeal to the High Court by way of case stated for the opinion of that Court on the question of law only.
- (2) Subject to subsection (3) of this section, every appeal under this section shall be heard and determined in accordance with rules of Court.
- (3) The provisions of Part 4 of the Summary Proceedings Act 1957 (including the other provisions of that Act that are applied in that Part), so far as they relate to appeals by way of case stated on questions of law only, shall apply, so far as they are applicable and with all necessary modifications, to every appeal under this section.

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 assessed under the Local Government (Rating) Act 2002.
- (3) In this section, the term **road** has the meaning given to it in section 2 of this Act, 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 a 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(6): substituted, on 9 August 2005, by section 4 of the Electricity Amendment Act 2005 (2005 No 88).

Section 31(7): inserted, 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 of this Act applies or works constructed pursuant to section 24 of this Act) 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) of this section, 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) of this section 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) of this section, the reasonable cost of all work required to be done under section 32(1) of this Act 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) of this Act 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 of this Act; 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) of this paragraph; 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) of this Act, 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) of this Act 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) of this subsection 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) of this subsection applies),—
- where the amount calculated in accordance with subparagraph (i) of this paragraph is less than the amount calculated in accordance with subparagraph (ii) of this paragraph.
- (5) Subsections (1) to (4) of this section 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 1908, 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 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

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

34 Government Roothing Powers Act 1989 not to apply

Sections 32 and 33 of this Act shall apply notwithstanding anything to the contrary in section 54 of the Government Roothing 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) of this section, the owner or occupier of any private land or buildings into, through, over, or against which any works to which section 22 of this Act 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) of this section 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) of this section 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) The Secretary 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) The Secretary 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

37 Code may incorporate official standards by reference

- (1) The Secretary 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

38 Code to be approved by Minister

- (1) Subject to subsection (5) of this section, 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) of this section, 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 the Secretary 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) of this section 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) of this section 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

39 Availability of codes

- (1) The Secretary 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) of this Act 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.

40 Emergency amendment of code

- (1) If the Secretary 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, the Secretary may issue an emergency amendment to the code and promulgate it in such manner as the Secretary thinks fit.
- (2) Every amendment issued under subsection (1) of this section 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) of this section, 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 of this Act, and to have been approved, on the date of its issue, by the Minister under section 38 of this Act.
- (5) If any regulation in force under section 169 of this Act 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) Notwithstanding anything in section 41 of the State Sector Act 1988, the Secretary shall not delegate to any other person the power conferred on the Secretary by this section.
- (7) In this section, the term **Secretary** means the chief executive of the Ministry, and includes any person who is authorised, pursuant to a direction given pursuant to section 40 of the State Sector Act 1988, to exercise the power conferred on the Secretary by this section.

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

41 Citation of code

In any regulations made under section 169 of this Act, 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 the Secretary and by its date of issue; and such citation shall be deemed, subject to section 40(5) of this Act, 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

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 the Secretary 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 of this Act and approved by the Minister, on the date shown on it as the date of approval, under section 38 of this Act.
- (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 the Secretary shall, in the absence of proof to the contrary, be sufficient evidence that it has been issued under the authority of section 40 of this Act 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) of this Act.
- (3) In any proceedings for an offence against this Act or against any regulations made under section 169 of this Act,—
 - (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 Secretary:
 - (b) judicial notice shall be taken of the signature of the Secretary.

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

43 Codes promulgated under Electricity Act 1968

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

Part 5 Rural electrical reticulation

44 Rural Electrical Reticulation Council

[Repealed]

Section 44: repealed, on 31 March 1997, by section 55.

45 Functions of Council

[Repealed]

Section 45: repealed, on 31 March 1997, by section 55.

46 Council to comply with Government policies

[Repealed]

Section 46: repealed, on 31 March 1997, by section 55.

47 Further provisions applying to Council

[Repealed]

Section 47: repealed, on 31 March 1997, by section 55.

48 Levies

[Repealed]

Section 48: repealed, on 31 March 1997, by section 55.

49 Interest on levies

[Repealed]

Section 49: repealed, on 31 March 1997, by section 55.

50 Application of levies

[Repealed]

Section 50: repealed, on 31 March 1997, by section 55.

51 Transitional provision relating to subsidies

[Repealed]

Section 51: repealed, on 31 March 1997, by section 55.

52 Transitional provision relating to membership of Council

[Repealed]

Section 52: repealed, on 31 March 1997, by section 55.

53 Council to wind up operations before dissolution

[Repealed]

Section 53: repealed, on 31 March 1997, by section 55.

54 Dissolution of Council

(1) On the commencement of this section,—

- (a) the Council shall be dissolved; and
- (b) every person holding office as a member of the Council shall cease to hold that office; and no such member shall be entitled to any compensation in respect of loss of office; and

- (c) all rights, assets, liabilities, and debts of the Council shall become vested in the Crown; and
 - (d) the sum (if any) separately accounted for under section 48 of this Act shall cease to be separately accounted for.
- (2) This section shall come into force on—
- (a) the 1st day of April 1997; or
 - (b) such earlier date as may be appointed for the commencement of this section by the Governor-General by Order in Council,—
- whichever occurs first.
- (3) Any Order in Council made under subsection (2)(b) of this section shall not come into force before the expiration of 3 months after the Order in Council has been gazetted.

55 Expiration of provisions relating to Council

As from the earlier of—

- (a) the close of the 31st day of March 1997; or
- (b) where an Order in Council is made under section 54(2)(b) of this Act, the close of the day before the date appointed in that Order in Council as the day on which section 54 of this Act is to come into force (in this section referred to as the appointed day),—

sections 44 to 53 of this Act, and Schedule 1 to this Act, shall expire, and on the earlier of the 1st day of April 1997 or the appointed day those sections and that Schedule shall be deemed to have been repealed.

56 Consequential amendment to Official Information Act 1982

- (1) The Official Information Act 1982 is hereby amended by omitting from Schedule 1 (as substituted by section 23(1) of the Official Information Amendment Act 1987) the item relating to the Rural Electrical Reticulation Council.
- (2) This section shall come into force on the date on which section 54 of this Act comes into force.

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 of this Act on the Secretary 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 the Secretary 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

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 of this Act, 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 of this Act, furnish to the Secretary, 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.

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 of this Act.

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 of this Act.

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

- (1) Every electricity generator and every electricity distributor that owns or operates an electricity supply system must implement and maintain, in accordance with regulations made under section 169, a safety management system that requires all practicable steps to be taken to prevent the electricity supply system from presenting a significant risk of—

- (a) serious harm to any member of the public; or
 - (b) significant damage to property owned by a person other than the electricity generator or electricity distributor.
- (2) For the purposes of this Act, **electricity supply system** means,—
- (a) in relation to an electricity generator, assets that, whether taken individually or as a whole, have a rated electricity generating capacity equal to, or greater than, 10 MW:
 - (b) in relation to an electricity distributor, assets that, whether taken individually or as a whole, are used, or designed or intended for use, in or in connection with the conversion, transformation, or conveyance of electricity at a capacity equal to, or greater than, 10 MVA.
- (3) The Governor-General may, by Order in Council, make regulations for either or both of the following purposes:
- (a) increasing the rated electricity generating capacity that applies under subsection (2)(a):
 - (b) increasing the capacity that applies under subsection (2)(b).

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

62 Continuance of supply

- (1) In this section,—
- designated electricity distributor**, in relation to a place, means the person who is, for the time being, the operator of—
- (a) the works used for the purposes of supplying line function services to that place on 1 April 1993; or
 - (b) any works subsequently used, including works that replace works to which paragraph (a) applies, for the purposes of supplying line function services to that place:
- existing electricity distributor** means any electricity distributor 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.
- (2) Except as provided by this Act or any regulations made under section 169 or by written agreement with a particular consumer (whether entered into before or after 1 April 1993), where, on 1 April 1993, an existing electricity distributor was supplying line function services to any place, the person that, in relation to that place, is for the time being the designated electricity distributor must not cease to supply line function services to that place without the prior consent of the Minister or of every consumer who would be affected by the cessation of those services.

- (3) Nothing in subsection (2) applies where a designated electricity distributor ceases to supply line function services to any place in any of the following circumstances:
- (a) where the designated electricity distributor is entitled to cease to supply line function services by reason of the failure of any consumer to pay any money due on account of—
 - (i) the supply of those line function services to that place; or
 - (ii) the supply of electricity to that place:
 - (b) where cessation of supply is rendered necessary for reasons of safety or in order to carry out maintenance or upgrading work:
 - (c) where cessation of supply results from circumstances beyond the control of the designated electricity distributor, including (without limitation) fire, earthquake, lightning, inevitable accident, act of God, or *force majeure*.
- (4) Where, for any of the reasons referred to in subsection (3) of this section, a designated electricity distributor ceases to supply line function services to any place, that cessation of services may continue only for so long as any 1 or more of those reasons continues to exist.
- (5) Except as provided by subsection (3) of this section, every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 and to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues who, in contravention of subsection (2) of this section, ceases to supply line function services to any place.
- (6) This section shall expire with the close of the 31st day of March 2013, and on the 1st day of April 2013 this section shall be deemed to have been repealed.

Section 62(1): substituted, on 28 July 1997, by section 3(1) of the Electricity Amendment Act 1997 (1997 No 42).

Section 62(2): substituted, on 28 July 1997, by section 3(1) of the Electricity Amendment Act 1997 (1997 No 42).

Section 62(3): substituted, on 28 July 1997, by section 3(1) of the Electricity Amendment Act 1997 (1997 No 42).

Section 62(4): amended, on 28 July 1997, by section 3(2) of the Electricity Amendment Act 1997 (1997 No 42).

Section 62(5): amended, on 28 July 1997, by section 3(3) of the Electricity Amendment Act 1997 (1997 No 42).

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

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

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

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

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

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

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 of the Electricity Act 1992 (1992 No 122).

63 Regulations relating to price of electricity

[Repealed]

Section 63: repealed, on 1 April 1997, by section 67 of the Electricity Act 1992 (1992 No 122).

64 Definition of domestic premises

[Repealed]

Section 64: repealed, on 1 April 1997, by section 67 of the Electricity Act 1992 (1992 No 122).

65 Offences

[Repealed]

Section 65: repealed, on 1 April 1997, by section 67 of the Electricity Act 1992 (1992 No 122).

66 Other Acts relating to price control not affected

[Repealed]

Section 66: repealed, on 1 April 1997, by section 67 of the Electricity Act 1992 (1992 No 122).

67 Expiry of this Part

[Repealed]

Section 67: repealed, on 1 April 1997, by section 67 of the Electricity Act 1992 (1992 No 122).

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, by notice in the *Gazette*, exempt any person or class of persons from compliance with section 74 generally or in relation to a particular type of prescribed electrical work.
- (2) The Board may grant the exemption subject to any terms and conditions that it thinks fit.
- (3) A person may do any prescribed electrical work, or assist in doing any prescribed electrical work, under an exemption granted under subsection (1) if—
 - (a) the work is within the limits specified in the exemption; and
 - (b) the exemption applies to the person; and
 - (c) the work is done in accordance with the terms and conditions of the exemption; and
 - (d) the work is carried out in a competent and safe manner.
- (4) A notice published under this section is a regulation for the purposes of the Regulations (Disallowance) Act 1989 but is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.

Section 75: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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 halfbrother 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: 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 Board not to decline application without giving applicant opportunity to be heard

- (1) The Board may, by notice in the *Gazette*,—
 - (a) designate classes of registration for the purposes of registration under this subpart; and

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

Section 84: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

85 Board may prescribe other registration and licensing matters

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

- (a) a term that authorises the person to test or certify work or to supervise work;
 - (b) a condition that requires compliance with the requirements referred to in subsection (1)(e);
 - (c) a condition that requires the person to complete a competence programme;
 - (d) a condition that imposes limitations on the circumstances in which the person may do, or assist in doing, work;
 - (e) a condition that imposes limits on the work that the person may do, or assist in doing, under the practising licence.
- (3) The Board may make arrangements with the appropriate authorities controlling the registration, licensing, or recognition of electrical workers outside New Zealand for the reciprocal recognition of registration, licences, certificates, or other evidence of proficiency in electrical work.

Section 85: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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 publishing notices

- (1) Before the Board publishes a notice under section 84 or 85(1)(a) to (e), the Board must have consulted about its proposal for the contents of the notice—
 - (a) with persons who the Board considers are able to represent the views of electrical workers, or of classes of electrical workers, registered under this Act; and
 - (b) with organisations—
 - (i) that the Board considers will be substantially affected by the proposal; or
 - (ii) whose members the Board considers will be substantially affected by the proposal.
- (2) A failure to comply with subsection (1) does not affect the validity of any notice published under section 84 or 85(1)(a) to (e).

Section 88: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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

- (1) The Board must, before publishing a notice under section 84 or 85, submit the proposed notice for the approval of the Minister.
- (2) The Minister must, as soon as practicable after receiving a proposed notice under subsection (1), by written notice to the Board,—
 - (a) approve it; or

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

Section 89: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

90 Other provisions relating to notices under sections 84 and 85

The Board may direct the Registrar to remove the name of any person from any register, or may cancel the provisional licence of any person, if it is proved to the satisfaction of the Board that—

- (a) the person has died; or
- (b) the person has been registered or granted a provisional licence by reason of any false or fraudulent representation or declaration, made either orally or in writing; or
- (c) the person is not entitled to be registered or, as the case may be, granted a provisional licence; or
- (d) the person is no longer employed in the situation to which his or her registration applies; or
- (e) his or her name is transferred to any other such register on becoming entitled to the transfer.

Section 90: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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 a District Court against the decision.
- (3) As soon as practicable after receiving the Board's direction under subsection (1), the Registrar must enter the details of the registration in the register.

Section 96: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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 a District Court against the decision.
- (3) As soon as practicable after receiving the Board's direction under subsection (1), the Registrar must enter the details of the practising licence in the register.

Section 102: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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 a District Court against the decision.
- (4) For the purposes of subsection (1)(c), the Board may, if it thinks fit, disregard a breach of a term or condition of the practising licence.
- (5) The Board may require a registered person to complete a competence programme before it renews that person's practising licence (regardless of whether or not the Board is satisfied of the matters referred to in subsection (1)(a) to (d)) if the person is required to complete a competence programme when applying for a renewal of the licence in accordance with a condition or requirement imposed by a notice published under section 85.
- (6) Despite subsection (1), if any fee or other money payable to the Board under this Act by the registered person has not been paid, the Board may refuse to renew that person's practising licence until that fee or other money is paid.

Section 106: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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 in the *Gazette*, exempt any class of persons from compliance with—
 - (i) the minimum standards for registration that those persons must meet in order to be registered as registered persons or issued with practising licences or to obtain renewals of practising licences; and
 - (ii) the terms and conditions imposed by notices published under section 85 that must be complied with by those persons.
- (2) The Board may grant an exemption subject to any terms and conditions that it thinks fit.
- (3) Each notice published in the *Gazette* under this section is a regulation for the purposes of the Regulations (Disallowance) Act 1989 but is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.

Section 107: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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: 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: 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 summary 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).

131 Duty to notify change of name

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

Section 131: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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 66 of the Privacy Act 1993.

Section 141: substituted, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Part 11 Discipline

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 summary conviction to a fine not exceeding \$10,000 who—
 - (a) fails to comply with subsection (2); or
 - (b) impersonates or falsely pretends to be a person named in a warrant supplied under this section.

Section 147A: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147B Duties of investigator supplied with warrant of authority

- (1) An investigator supplied with a warrant of authority under section 147A—
 - (a) must carry and produce the warrant in accordance with section 159(1)(d); and
 - (b) must, on the termination of his or her authority to act under section 147, surrender the warrant to the Secretary; and
 - (c) must not purport to act under a warrant after the termination of his or her authority to act under section 147.
- (2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who fails to comply with subsection (1).

Section 147B: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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: added, 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: added, 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: added, 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 summary conviction to a fine not exceeding \$10,000 in the case of an individual, or \$50,000 in the case of a body corporate.

Section 147F: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Consideration of complaint by Board

Heading: added, 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: added, 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 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: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Interim suspension or disqualification

Heading: added, 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: added, 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: added, 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: added, 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: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Exercise of disciplinary powers

Heading: added, 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 reregistered 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 re-

spect of each of those classes or 1 or more of those classes as the Board thinks fit.

Section 147M: added, 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: added, 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: added, 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: added, 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: added, 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: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

Procedure and miscellaneous matters

Heading: added, 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: added, 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: added, 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: added, 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: added, 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: added, 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: added, 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: added, 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: added, 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 a District Court against the decision, direction, or order:
- (a) any decision of the Board to decline to register the person or to decline to issue a licence to the person or to decline to renew the licence of the person;
 - (b) any decision of the Board to decline to issue a limited certificate under section 78 to the person or to decline to renew the limited certificate of the person;
 - (c) any decision of the Board to suspend or cancel the person's registration or licence;

- (d) any decision of the Board to impose any term or condition in relation to the person's registration or licence or to vary any of those terms or conditions:
 - (e) any decision, direction, or order under any of sections 108, 109, 120, 133, 137, and 153 or Part 11 (except section 147C).
- (2) For the purposes of this Part, any decision of the Plumbers, Gasfitters, and Drainlayers Board acting under this Act must be treated as a decision of the Board.
- (3) Subsection (1) does not confer a right to appeal against a decision under any of sections 84 to 90.

Section 147ZA: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147ZB Time for lodging appeal

An appeal under section 147ZA must be brought within—

- (a) 20 working days after notice of the decision, direction, or order was given to, or served on, the appellant; or
- (b) any further time that a District Court may allow on application made before or after the expiration of that period.

Section 147ZB: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147ZC Procedure on appeal

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

Section 147ZC: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147ZD Court may refer appeals back for reconsideration

- (1) A District Court may in any case, instead of determining any appeal under section 147ZA, direct the Board to reconsider, either generally or in respect of any

specified matters, the whole or any part of the matter to which the appeal relates.

- (2) In giving any direction under subsection (1), the District Court must—
 - (a) advise the Board of its reasons for so doing; and
 - (b) give to the Board any directions it thinks just as to the whole or any part of the matter that is referred back for reconsideration.
- (3) In reconsidering any matter referred back to the Board under subsection (1), the Board must have regard to the District Court's reasons for giving a direction under that subsection, and to the Court's directions under subsection (2).

Section 147ZD: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147ZE Costs

On any appeal under section 147ZA, a District Court may make an order for the payment, by the Board or the appellant, of the costs incurred in respect of the appeal by the other party to the appeal.

Section 147ZE: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

147ZF Power of Court to prohibit publication of person's name or affairs

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

Section 147ZF: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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: added, 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 by way of case stated for the opinion of that Court on the question of law only.

- (2) Every appeal under this section must be heard and determined in accordance with rules of court.
- (3) However, Part 4 of the Summary Proceedings Act 1957 (including the other provisions of that Act which are applied in that Part), so far as it relates to appeals by way of case stated on questions of law only, applies, so far as it is applicable and with all necessary modifications, to every appeal under this section.

Section 147ZH: added, on 1 April 2010, by section 13 of the Electricity Amendment Act 2006 (2006 No 70).

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 by the Secretary in respect of accidents to which section 16 applies, and to take any action in relation to those reports that the Board thinks fit:
- (o) to exercise and perform any other functions, duties, and powers as are conferred or imposed on the Board by or under this Act or by or under any other enactment:
- (p) to do any other things as may, in the Board's opinion, be necessary for the effective administration of this Act:
- (q) to carry out any functions that are incidental and related to, or consequential on, its functions stated in this section.

Section 149: substituted, on 1 April 2010, by section 14 of the Electricity Amendment Act 2006 (2006 No 70).

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) of this section, 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 State Sector Act 1988 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

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 of this Act.
- (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) of this section 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 of this Act, an order made under any of paragraphs (b) to (d) of subsection (3) of this section 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 summary 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) of this section.

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 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 15 of the Interpretation Act 1999.

Section 156A: inserted, on 1 April 2010, by section 19 of the Electricity Amendment Act 2006 (2006 No 70).

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) of this section, the Minister shall lay a copy of that report before the House of Representatives.

Part 14

Miscellaneous provisions

Subpart 1—General electricity matters

Financial statements of customer and community trusts

Heading: inserted, on 8 August 2001, by section 13(1) of this Electricity Amendment Act 2001 (2001 No 40).

158A Community and customer trusts to prepare audited financial statements

The trustees of a community trust and the trustees of a customer trust must, within 4 months after the end of each financial year of the trust,—

- (a) prepare financial statements in accordance with generally accepted accounting practice (within the meaning of section 3 of the Financial Reporting Act 1993, applied as if trusts were reporting entities) with respect to the affairs of the trust for that financial year; and
- (b) submit those financial statements to an auditor for audit; and
- (c) make available to the public in accordance with section 158B those audited financial statements and the auditor's report on those financial statements.

Section 158A: inserted, on 8 August 2001, by section 13(1) of the Electricity Amendment Act 2001 (2001 No 40).

158B Publication of audited financial statements

- (1) The trustees of a community trust and the trustees of a customer trust must make the documents referred to in section 158A(c) available to the public by making copies of them available—
 - (a) for inspection at every office of the trust or at any other place specified in the notification under subsection (2) (during ordinary office hours) free of charge; and
 - (b) for purchase at a reasonable price.
- (2) The trustees must also notify the fact that copies are so available (and where) by advertisement in the news section of 2 separate editions of each newspaper that is widely read by customers of the customer trust or by persons in the community of the community trust (as the case requires).

Section 158B: inserted, on 8 August 2001, by section 13(1) of the Electricity Amendment Act 2001 (2001 No 40).

158C Auditor of trusts

- (1) The trustees of a community trust or a customer trust must, in each financial year, hold an annual meeting of beneficiaries at which the beneficiaries appoint an auditor to hold office from the conclusion of that meeting until the conclusion of the next annual meeting of beneficiaries.
- (2) The trustees of a community trust or a customer trust may fill any casual vacancy in the office of auditor by appointing an auditor to hold office until the conclusion of the next annual meeting of beneficiaries (but, while the vacancy remains, the surviving or continuing auditor, if any, may continue to act as auditor).
- (3) The fees and expenses of the auditor must be fixed—
 - (a) at the annual meeting of beneficiaries or in the way the beneficiaries determine at the meeting, if appointed at the annual meeting;
 - (b) by the trustees, if appointed by the trustees.
- (4) An auditor of a community trust or customer trust—

- (a) must be a person who is qualified to act as an auditor under section 199(1) of the Companies Act 1993 and, in selecting an auditor, the beneficiaries may seek the advice of the Auditor-General:
 - (b) must not be a trustee, director, employee, or agent of the trust or of any electricity company owned by the trust or otherwise disqualified from being an auditor under section 199(2)(b) and (d) of the Companies Act 1993.
- (5) In addition, sections 198, 200, and 202 to 207 of the Companies Act 1993 apply in relation to the auditor.
- (6) These sections of the Companies Act 1993 apply as if references to a company were to a trust, references to a director were to a trustee, references to a board were to the trustees, references to shareholders were to beneficiaries, references to a subsidiary were to an electricity company owned by the trust and that company's subsidiaries, and all other necessary modifications were made.
- (7) In this section, **electricity company** has the meaning set out in section 3(1) of the Electricity Industry Reform Act 1998.

Section 158C: inserted, on 8 August 2001, by section 13(1) of the Electricity Amendment Act 2001 (2001 No 40).

158D Procedures for annual meeting to appoint auditor

- (1) The trustees must give no less than 14 days' notice of the annual meeting of beneficiaries to appoint an auditor in the news section of 2 separate editions of each newspaper that is widely read by customers of the customer trust or by persons in the community of the community trust (as the case requires).
- (2) Every beneficiary has 1 vote.
- (3) The quorum for the annual meeting is 20 beneficiaries.
- (4) No business may be transacted at the annual meeting if a quorum is not present.
- (5) The regulations under section 172C (if any) may govern proceedings at the annual meeting.

Section 158D: inserted, on 8 August 2001, by section 13(1) of the Electricity Amendment Act 2001 (2001 No 40).

158E Auditor-General to be auditor if no other auditor appointed

- (1) If no auditor is appointed in accordance with section 158C(1) or a casual vacancy in the office of auditor is not filled within 1 month of the vacancy occurring in accordance with section 158C(2), the Auditor-General must be the auditor of a community trust or customer trust.
- (2) The trustees of a community trust or customer trust must, within 5 working days of subsection (1) becoming applicable, give written notice to the Auditor-General of this fact.

- (3) If this section applies, the sections and Parts of the Public Audit Act 2001 listed in section 19 of that Act apply to the trust, until an auditor is appointed at an annual meeting of beneficiaries, as if references in those sections to a public entity were references to the trust and with any other necessary modifications.

Section 158E: inserted, on 8 August 2001, by section 13(1) of the Electricity Amendment Act 2001 (2001 No 40).

158F Application of sections 158A to 158E

- (1) The trustees of a community trust and the trustees of a customer trust must comply with sections 158A and 158B, rather than section 46A of the Energy Companies Act 1992.
- (2) Except as provided in subsection (1), nothing in sections 158A to 158E limits any other enactment or rule of law concerning the maintenance and auditing of the financial statements of a person.

Section 158F: inserted, on 8 August 2001, by section 13(1) of the Electricity Amendment Act 2001 (2001 No 40).

Complaints resolution system

Heading: inserted, on 18 October 2004, by section 5 of the Electricity Amendment Act 2004 (2004 No 80).

158G Complaints resolution system

- (1) Every electricity distributor and every electricity retailer must participate in a complaints resolution system that is approved by the Commission for the purpose of addressing complaints by any person (including potential consumers and owners and occupiers of land) relating to electricity retailers and electricity distributors.
- (2) This section applies provided the Commission has approved 1 or more complaints resolution system by notice in the *Gazette*.

Section 158G: inserted, on 18 October 2004, by section 5 of the Electricity Amendment Act 2004 (2004 No 80).

Powers of entry

159 Conditions relating to power to enter land or premises

- (1) Subject to subsections (2) and (3) of this section and to sections 31, 83, and 147 to 147D of this Act, but notwithstanding any other provision of this Act, any provision in this Act or in any regulations made under section 169 of this Act 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 shall be authorised by a warrant from a District Court Judge or Justice, or Community Magistrate or any Court Registrar (not being a constable), by written application on oath.
- (2) The conditions specified in subsection (1) of this section 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 of this Act 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.

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)(e): amended, on 30 June 1998, by section 7 of the District Courts Amendment Act 1998 (1998 No 76).

Offences

160 False declarations and representations

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

- (a) either orally or in writing, makes any declaration or representation that, to the person's knowledge, is false or misleading in any material particular; or
- (b) provides to the Registrar, the Board, or the Plumbers, Gasfitters, and Drainlayers Board, any document knowing that the document—

- (i) contains any declaration or representation that is false or misleading in any material particular; or
- (ii) is not genuine; or
- (c) makes use of any document knowing that the document—
 - (i) contains any declaration or representation that is false or misleading in any material particular; or
 - (ii) is not genuine.

Section 160: substituted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

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

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

- (a) not being registered or licensed under Part 10 in respect of a particular class of prescribed electrical work,—
 - (i) does any act that is intended to cause or may reasonably cause any other person to believe that the person is so registered or licensed; or
 - (ii) uses, or causes or permits to be used, in connection with any business, trade, or calling any written words, titles, or initials, or any abbreviation of any words, titles, or initials, that are intended to cause or may reasonably cause any other person to believe that the person using them is so registered or licensed; or
 - (iii) in any way holds himself or herself or itself out as being so registered or licensed; or
- (b) knowing that some other person is not registered or licensed under Part 10 in respect of a particular class of prescribed electrical work, and with intent to deceive, makes any statement or does any act calculated to suggest that the other person is so registered or licensed; or
- (c) with intent to deceive, makes use of any certificate of registration or licence issued to that person or any other person under Part 10; or
- (d) allows a certificate of registration or a licence to be used by any other person for the purpose of enabling that other person to do any prescribed electrical work in breach of Part 9.

Section 161: substituted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

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

Every person who does, or assists in doing, any prescribed electrical work in breach of section 74 commits an offence and is liable on summary conviction

to a fine not exceeding \$50,000 in the case of an individual, or \$250,000 in the case of a body corporate.

Section 162: substituted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

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

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

Section 163: substituted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

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

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

Section 163A: inserted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

163B Offence to breach requirement to have safety management system

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

Section 163B: inserted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

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

- (1) Every person commits an offence if—
 - (a) the person takes an action knowing that the action is reasonably likely to cause serious harm to any person or significant property damage; and
 - (b) the action is contrary to a provision of this Act; and
 - (c) the person fails to take all practicable steps to prevent the serious harm or significant property damage.
- (2) Every person commits an offence if—
 - (a) the person fails to take an action knowing that the failure to take the action is reasonably likely to cause serious harm to any person or significant property damage; and
 - (b) the person is required by this Act to take the action; and

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

Compare: 1992 No 96 s 49

Section 163C: inserted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

163D Other offences

- (1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$50,000 in the case of an individual, or \$250,000 in the case of a body corporate, who—
 - (a) intentionally or negligently does or causes or permits to be done any work on any works or electrical installation or electrical appliance in a manner that is dangerous to life; or
 - (b) knowingly employs, permits, or pays any person to do any prescribed electrical work in breach of section 74; or
 - (c) being a person registered or licensed or authorised in accordance with this Act, does any prescribed electrical work that the person is not entitled under this Act to do; or
 - (d) intentionally obstructs any person in the performance of any duty or in doing any work that the person has lawful authority to do under Part 3; or
 - (e) intentionally hinders or obstructs any authorised person in the exercise of any powers conferred by or under section 83 or 123 or 147 or any regulations made under section 169.
- (2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who, being in possession of any limited certificate issued under Part 9 or certificate of registration or licence issued under Part 10, fails or refuses to surrender it to the Board or the Secretary within 10 working days of a written demand to do so by the Registrar or the Secretary.

- (3) An information must not be laid under subsection (1)(b) by any person other than the Registrar or a person authorised in writing in that behalf by the Board.

Section 163D: inserted, on 1 April 2010, by section 22 of the Electricity Amendment Act 2006 (2006 No 70).

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 of this Act, 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) of this section shall be liable on summary conviction to a fine not exceeding that imposed on the body corporate.

Compare: 1970 No 143 s 53(3)

165 Time for laying information

Notwithstanding section 14 of the Summary Proceedings Act 1957, an information for an offence against any provision of this Act or against any regulations made under section 169 of this Act may be laid at any time within 5 years after the time when the matter of the information arose.

Compare: 1979 No 139 s 49

Section 165: amended, on 1 April 2010, by section 23(1) of the Electricity Amendment Act 2006 (2006 No 70).

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

Section 165A: inserted, on 1 April 2010, by section 24 of the Electricity Amendment Act 2006 (2006 No 70).

165B Infringement notices

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

Section 165B: inserted, on 1 April 2010, by section 24 of the Electricity Amendment Act 2006 (2006 No 70).

165C Procedural requirements for infringement notices

- (1) An infringement notice may not be issued by a person after the close of the 14th day after the person becomes aware of the alleged infringement offence.
- (2) An infringement notice may be served on a person—
 - (a) by delivering it, or a copy of it, personally to the person who appears to have committed the infringement offence; or
 - (b) by sending it, or a copy of it, by post, addressed to the person at the person's last known place of residence or business.
- (3) For the purposes of the Summary Proceedings Act 1957, an infringement notice sent under subsection (2)(b) must be treated as having been served on the person on the date it was posted.
- (4) An infringement notice must be in the prescribed form and must contain—
 - (a) details of the alleged infringement offence that are sufficient to fairly inform a person of the time, place, and nature of the alleged infringement offence; and
 - (b) the amount of the infringement fee; and
 - (c) an address at which the infringement fee may be paid; and

- (d) the time within which the infringement fee must be paid; and
 - (e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
 - (f) a statement that the person served with the notice has a right to request a hearing; and
 - (g) a statement of what will happen if the person served with the notice does not pay the fee and does not request a hearing; and
 - (h) any other prescribed matters.
- (5) If an infringement notice has been issued, proceedings in respect of the infringement offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957 and, in that case,—
- (a) reminder notices may be prescribed under regulations made under this Act; and
 - (b) in all other respects, section 21 of the Summary Proceedings Act 1957 applies with all necessary modifications.
- (6) Reminder notices must contain the prescribed information.

Section 165C: inserted, on 1 April 2010, by section 24 of the Electricity Amendment Act 2006 (2006 No 70).

165D Payment of infringement fee

The Secretary 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).

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 2 of the Maori Affairs Act 1953.

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 specified in the regulations, or as are from time to time declared by the Secretary by public notice to be subject to the regulations, to be approved by the Secretary before being offered for sale in New Zealand; providing for the giving of such approval, for the specifying by the Secretary 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 the Secretary 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) of this subsection, 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 the Secretary—
 - (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 the Secretary or until its earlier revocation by the Secretary:
 - (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 the Secretary or until its earlier revocation by the Secretary:
 - (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 the Secretary 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 the Secretary 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 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 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) of this section 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 20 of the Health and Safety in Employment Act 1992, 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) Without limiting the Acts Interpretation Act 1924, no regulation made under this section shall be invalid because it leaves any matter to the discretion of the Secretary or any other person, or because it authorises the Secretary or any other person—

- (a) to give any consent or approval on or subject to conditions to be imposed or approved by the Secretary or any other person; or
 - (b) to set any standard.
- (4) Notwithstanding section 1(3) of this Act, and without limiting section 12 of the Acts Interpretation Act 1924, no regulations made under this section may be expressed to come into force before the 1st day of 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.

Compare: 1968 No 125, s 55; 1983 No 123, s 8; 1987 No 111, s 13

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)(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)(aa): inserted, on 29 July 2008, by section 7(4) of the Electricity Amendment Act 2008 (2008 No 53).

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)(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)(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 23 December 2008, by section 5(3) of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Section 169(1)(30): amended, on 26 September 2008, by section 5(3) of the Electricity (Renewable Preference) Amendment Act 2008 (2008 No 86).

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 of the Electricity Amendment Act (No 2) 2001 (2001 No 64).

Section 169(2)(b)(ia): inserted, on 27 September 2001, by section 4 of the Electricity Amendment Act (No 2) 2001 (2001 No 64).

Section 169(2A): inserted, on 27 September 2001, by section 4 of the Electricity Amendment Act (No 2) 2001 (2001 No 64).

Section 169(2B): inserted, on 27 September 2001, by section 4 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(5): added, on 29 July 2008, by section 7(7) of the Electricity Amendment Act 2008 (2008 No 53).

169A Regulations that prescribe requirements for safety management systems

- (1) Regulations made under section 169(1)(3A) must provide for requirements relating to—
 - (a) the systematic identification of—
 - (i) existing hazards; and
 - (ii) new hazards (if possible before, and otherwise as, they arise); and
 - (b) the taking of all practicable steps to eliminate, isolate, or minimise those hazards; and
 - (c) the regular assessment of each hazard identified; and
 - (d) the documentation of the safety management system; and
 - (e) the audit of the safety management system.
- (2) Regulations made under section 169(1)(3A) for the purposes of subsection (1)(b) may include, for example, requirements relating to—
 - (a) the design, construction, operation, maintenance, and inspection of the electricity supply system; and
 - (b) security and the control of access to the electricity supply system; and
 - (c) the skills, knowledge, and experience of persons who do, or assist in doing, work on or in connection with the electricity supply system; and
 - (d) the implementation and management of contingency plans for emergency situations that may affect, or be affected by, the electricity supply system; and
 - (e) processes for the ongoing improvement of safety in connection with the electricity supply system; and
 - (f) the investigation of accidents that involve or affect the electricity supply system.
- (3) Regulations made under section 169(1)(3A) for the purposes of subsection (1)(e) may include, for example, requirements relating to—
 - (a) who may conduct audits; and
 - (b) how often audits must be conducted; and
 - (c) the outcomes and objectives of audits.
- (4) Subsections (2) and (3) do not limit subsection (1).
- (5) In this section, **hazard** —

- (a) means an activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation, or substance (whether arising or caused within or outside the electricity supply system) that presents or may present a significant risk of—
 - (i) serious harm to any member of the public; or
 - (ii) significant damage to property owned by a person other than the electricity generator or electricity distributor; and
- (b) includes—
 - (i) a situation where a person's behaviour may present a significant risk of the matters referred to in paragraph (a)(i) or (ii); and
 - (ii) without limitation, a situation described in subparagraph (i) resulting from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour.

Section 169A: inserted, on 5 December 2006, by section 27 of the Electricity Amendment Act 2006 (2006 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 take all practicable steps is required to take those steps only in respect of circumstances that the person knows, or ought reasonably to know, about.
- (2) Different requirements may be prescribed under section 169(1)(3A) in respect of different classes of electricity generators or electricity distributors.

Section 169B: inserted, on 5 December 2006, by section 27 of the Electricity Amendment Act 2006 (2006 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, by 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, 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

Subpart 2: inserted, on 8 August 2001, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

172A Outline of subpart

(1) In this subpart, the principal regulation-making powers are as follows:

Type of regulations	How they can be made
1 Regulations on a low fixed charge tariff option or options for domestic consumers under section 172B	Can be made at any time, whether or not the Electricity Commission has made a recommendation
2 Regulations on a code on access for beneficiaries of customer and community trusts under section 172C	
3 First regulations on reserve energy under section 172CA	
4 First regulations on distributed generation under section 172D(1)(10)	
All other regulations, for example, on wholesale, generation, transmission, and retail issues	Can be made only for transitional purposes or to implement the effect of a recommendation by the Electricity Commission.

(2) This section is intended only as a guide to the general scheme and effect of the principal regulation-making powers in this Part.

Section 172A: substituted, on 18 October 2004, by section 6 of the Electricity Amendment Act 2004 (2004 No 80).

Regulations—Low fixed charge tariff option for domestic consumers

172B Low fixed charge tariff option for domestic consumers

- (1) The objective of this section is to enable the making of regulations to ensure that electricity providers offer a low fixed charge tariff option or options for delivered electricity to domestic consumers that will assist low-use consumers and encourage energy conservation.
- (2) In this section,—

delivered electricity includes components like electricity supply, line function services, customer service, meter provision, and meter reading services

electricity provider means an electricity retailer or other business that contracts with consumers to sell delivered electricity or a component of delivered electricity

fixed charge means a charge levied for each customer connection in currency per time period (for example, cents per day).

low-use consumer means a domestic consumer of a type specified in the regulations.
- (3) The Governor-General may, by Order in Council, make regulations—
 - (a) requiring electricity providers to make available to domestic consumers 1 or more tariff options that include a fixed charge for delivered electricity to domestic premises at not more than a specified amount:
 - (ab) specifying which domestic consumers are low-use consumers (these types of consumer may, for example, vary according to the particular area of New Zealand in which the domestic premises are situated, or according to whether the domestic premises are the domestic consumer's principal place of residence):
 - (b) regulating the variable (cents per kilowatt hour) charges in those required low fixed charge tariff options to ensure that low-use consumers would pay a lower total charge on that tariff option than on any similar alternative tariff option available from that electricity provider:
 - (c) regulating other charges and other terms and conditions of the contracts to which the low fixed charge tariff options in paragraph (a) relate, to ensure that they are not, in the opinion of the Minister, unreasonably detrimental to the interests of low-use consumers:
 - (d) setting rules as to the offering, supply, advertisement, promotion, availability, and unbundling of regulated charging options:
 - (e) specifying criteria for the Minister to exempt electricity providers, or electricity providers in relation to particular areas, from the application of the regulations if, in the opinion of the Minister,—
 - (i) the electricity providers materially comply with the objective of this section; or

- (ii) the electricity providers would incur a significant or unreasonable cost to comply with the regulations.
- (3A) No electricity provider that is a customer trust or a community trust may pay a low-use consumer who is on the required low fixed charge tariff option a different rebate only because the consumer is on that tariff option.
- (3B) Each trustee of an electricity provider that contravenes subsection (3A) commits an offence, and is liable on summary conviction to a fine not exceeding \$20,000.
- (4) If the components that make up the delivered electricity are unbundled, regulations may be made under subsection (3) for each component, or group of components, of delivered electricity to ensure that the objective of this section is achieved for the aggregate of all the components.
- (5) Subsection (4) applies regardless of whether different components of delivered electricity are supplied by the same electricity provider.
- (6) *[Repealed]*
- (7) The Governor-General may, for the purpose of assisting retailers to deliver low fixed charge tariff options, by Order in Council, make regulations—
 - (a) regulating all or any charges charged by electricity distributors to ensure that they are not, in the opinion of the Minister, unreasonably detrimental to the interests of low-use consumers:
 - (b) regulating the terms and conditions under which electricity distributors supply their services in relation to domestic consumers to ensure that they are not, in the opinion of the Minister, unreasonably detrimental to the interests of low-use consumers:
 - (c) setting rules as to the offering, availability, supply, and unbundling of electricity distributors' services.
 - (d) regulating the charging, offering, supply, and availability of delivered electricity by other electricity providers.
- (8) The Governor-General may, by Order in Council, make regulations providing for the supply and collection of information from electricity providers and electricity distributors—
 - (a) about contracts, offers, advertising, or promotion relating to the supply of delivered electricity, or components of delivered electricity, to domestic consumers; or
 - (b) *[Repealed]*
- (9) Subsection (7) does not apply to Transpower.

Section 172B: inserted, on 8 August 2001, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

Section 172B(2) **low-use consumer**: substituted, on 19 April 2008, by section 4(1) of the Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29).

Section 172B(3)(a): amended, on 18 October 2004, by section 7(2) of the Electricity Amendment Act 2004 (2004 No 80).

Section 172B(3)(ab): inserted, on 19 April 2008, by section 4(2) of the Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29).

Section 172B(3)(b): substituted, on 18 October 2004, by section 7(3) of the Electricity Amendment Act 2004 (2004 No 80).

Section 172B(3)(e): substituted, on 19 April 2008, by section 4(3) of the Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29).

Section 172B(3A): inserted, on 18 October 2004, by section 7(4) of the Electricity Amendment Act 2004 (2004 No 80).

Section 172B(3B): inserted, on 18 October 2004, by section 7(4) of the Electricity Amendment Act 2004 (2004 No 80).

Section 172B(6): repealed, on 18 October 2004, by section 7(5) of the Electricity Amendment Act 2004 (2004 No 80).

Section 172B(7)(d): inserted, on 18 October 2004, by section 7(6) of the Electricity Amendment Act 2004 (2004 No 80).

Section 172B(8)(b): repealed, on 18 October 2004, by section 7(7) of the Electricity Amendment Act 2004 (2004 No 80).

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

172C Regulations for code on access for beneficiaries of customer and community trusts

- (1) The objective of this section is to enable the making of regulations to promote the accountability of community and customer trusts to their beneficiaries.
- (2) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes in relation to community trusts and customer trusts:
 - (a) providing for a code of practice for those trusts and their trustees that specifies—
 - (i) requirements for trustees to disclose to beneficiaries information of the kind that they are required to disclose to beneficiaries under the Trustee Act 1956, the relevant trust deed, and any other rule of law:
 - (ii) procedures and other matters concerning requests for information, decisions on those requests, and the form in which information must be provided:
 - (iii) requirements for those trustees to hold at least 1 annual meeting that beneficiaries may attend and other matters concerning those meetings, including notice requirements, the rights of beneficiaries to attend and to receive copies of minutes of or other material relating to those meetings, and a requirement for the chairperson of those meetings to allow a reasonable opportunity for beneficiar-

ies at the meeting to question, discuss, or comment on the management of the trust:

- (b) providing for rights of review of acts and decisions of trustees concerning matters governed by the code, the powers and procedures of the person or court undertaking that review, and consequential rights of appeal or review.
- (3) Nothing in the code under subsection (2)(a) limits any rights to information under any other enactment or rule of law.

Section 172C: inserted, on 8 August 2001, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

Regulations—Reserve energy

Heading: inserted, on 18 October 2004, by section 8 of the Electricity Amendment Act 2004 (2004 No 80).

172CA Reserve energy

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations in respect of the securing and use of reserve energy, including—
 - (a) types of reserve energy to be secured and procedures to be followed in securing reserve energy; and
 - (b) conditions of securing and using reserve energy; and
 - (c) circumstances in which, and terms (including volume and price) on which, reserve energy must or may be offered on the wholesale market.
- (2) The Minister may make a recommendation under this section in relation to the first Order in Council made under this section without the Commission having made a recommendation on the matter.
- (3) Section 172E otherwise applies to each Order in Council made under this section as if regulations under this section were electricity governance regulations and with all necessary modifications.

Section 172CA: inserted, on 18 October 2004, by section 8 of the Electricity Amendment Act 2004 (2004 No 80).

Electricity governance regulations

172D Electricity governance regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister in accordance with section 172E, make regulations for all or any of the following purposes:

Wholesale market

- (1) providing for the establishment and operation of competitive wholesale markets for electricity, including for—

- (a) discovery of prices and determining quantities of electricity for market transactions:
- (b) clearing, settling, and reconciling market transactions:
- (c) scheduling and dispatching electricity:
- (d) disclosure of market information:
- (e) disclosure of information on hedge and contract volumes and prices:
- (f) the promotion of hedge (including futures) markets:
- (g) minimum prudential standards for market participation:
- (h) minimum standards of market conduct:

Generation

- (2) providing for generation of electricity and management of supply and price risks in a competitive market, including for—
 - (a) electricity generators to hold or provide for reserve fuels (including water):
 - (b) electricity generators to offer by tender a minimum volume of contracts that enable the price risks associated with the spot market to be managed, including for the terms and conditions of those contracts (excluding prices and reserve prices):
 - (c) electricity generators to post buy and sell prices for hedge (including futures) contracts:
 - (d) disclosure of information on hydro lake levels and inflows, thermal fuel stockpiles, supply contracts for thermal fuels (excluding price), capacity to generate, and proposed outages:
 - (e) disclosure of offers into the spot market by electricity generators:
 - (f) disclosure of information on spill from hydro dams:

Transmission

- (3) setting standards and making provision for common quality and minimum real-time security on the national grid, and requiring industry participants to comply with those standards:
- (4) setting quality and security standards for the transmission system or parts of the transmission system, or for the use of that system or part, and requiring industry participants to comply with those standards:
- (5) prescribing reasonable terms and conditions on which Transpower must enable distribution lines, and electricity generators and users of electricity, to be connected to the national grid, and that must be complied with in connecting to the national grid:

- (6) regulating the way in which expansions, replacements, or upgrades of the national grid or parts of the national grid must be evaluated, carried out, and funded, including specifying—
 - (a) the circumstances in which Transpower must generally carry out expansions, replacements, or upgrades:
 - (b) particular expansions, replacements, or upgrades that Transpower must carry out:
 - (c) the methodology on which costs for expansions, replacements, or upgrades must be allocated among industry participants, or the actual allocation of those costs, and providing for their payment by industry participants:
 - (d) obligations for Transpower to report in relation to forecasts of medium-term system adequacy to assist in identifying opportunities for the use of alternatives to expansions, replacements, or upgrades:
- (7) requiring the use by Transpower of a specified methodology or component of a methodology for allocating Transpower's revenue requirement to individual electricity generators, electricity retailers, electricity distributors, line owners, customers, or consumers, or classes of any of those persons, including—
 - (a) defining the charges for any of those persons or classes of any of those persons:
 - (b) imposing quality standards generally or in respect of the supply of transmission services to any of those persons or classes of any of those persons:
 - (c) requiring a specified person or class of persons receiving (either directly or indirectly) goods or services from Transpower to pay a specified amount or proportion of the total price, or the total price, for those goods or services:
 - (d) authorising a way or ways in which Transpower may apply the methodology:
- (8) providing for financial instruments for managing risks relating to transmission losses and constraints:
Distribution and retailing
- (9) providing for a price methodology or methodologies for recovery of the revenue requirements of electricity distributors:
- (10) providing for terms and conditions on which line owners and electricity distributors must enable generators to be connected to distribution lines:
- (11) providing for requirements on buyers of electricity on the wholesale market to do either or both of the following:

- (a) maintain minimum levels of hedge and contract cover with electricity generators:
- (b) maintain minimum levels of demand-side management programmes and interruptible load:
- (12) providing for establishing and operating markets for exchange of demand-side savings:
- (13) providing for the use of ripple control of hot water heating for security of supply or load management purposes:
- (14) providing for the management and co-ordination of outages for security of supply purposes:
- (15) providing for terms and conditions for the use of lines and related services by electricity retailers:
- (16) providing for the reconciliation of, and payment for, losses of electricity from distribution lines:
- (17) providing for the disclosure of information by electricity retailers and electricity distributors on tariffs and other charges:
- (18) providing for arrangements to enable consumers to switch electricity retailers:
- (19) providing for arrangements for consumers in the event of insolvency of electricity retailers:
- (20) providing for terms and conditions for access to electricity meters by electricity retailers:
- (21) providing for the introduction of time-of-use meters:
- (22) providing for terms and conditions on which electricity retailers must offer prepayment meters to domestic consumers:
- (22A) providing for the terms and conditions on which electricity retailers must provide domestic consumers with billing and payment options (for example, smoothed payments and redirection of income):
- (22B) providing for the terms and conditions on which electricity retailers must provide domestic consumers with information about overdue accounts and disconnection processes:
- (23) providing for terms and conditions (including metering arrangements) for purchase by electricity retailers of surplus electricity generated by generating units that are owned or operated by a consumer and that have an electricity generating capacity of less than 40,000 kWh in any financial year, subject to the electricity retailer not incurring ongoing financial losses as a result of those terms and conditions:
- (24) providing for the provision of information on customer accounts:

- (24A) providing for electricity retailers to proactively provide information about a particular domestic consumer or a particular domestic consumer's account—
 - (a) to the consumer; and
 - (b) with the consumer's authorisation, to Government agencies:
- (25) providing for minimum terms and conditions in contracts between domestic consumers and electricity retailers or electricity distributors:
- (25A) providing for the terms and conditions on which electricity retailers may and may not disconnect prescribed classes of domestic consumers:
- (25B) providing for the terms and conditions on which electricity retailers must reconnect a domestic consumer's electricity after a disconnection:
- (25C) providing for the terms and conditions for the supply of electricity or line function services to domestic consumers by electricity retailers or electricity distributors:
- (26) providing for the use of bonds by electricity retailers and electricity distributors:
- (27) providing for the establishment of, and participation by electricity distributors and electricity retailers in, a complaints resolution system (which may include codes of practice) for the purpose of addressing complaints by any person (including potential consumers and owners and occupiers of land) relating to electricity retailers and electricity distributors, and setting out minimum requirements in relation to that system, including—
 - (a) provision for compensation up to a maximum of \$20,000 to be awarded, and other actions to be taken, by the complaints resolution agency in relation to those complaints:
 - (b) provision for rights of review, or rights of appeal on a question of law only, in relation to decisions relating to those complaints:

Dispute resolution procedures

- (28) providing procedures for resolving disputes between industry participants:
- (29) providing for the operation and facilitation of those dispute resolution procedures by a person, and the powers and procedures of that person:

Processes

- (30) providing for processes for settling particular issues within the electricity industry that may result in recommendations for electricity governance regulations or rules, and requiring compliance by industry participants and the Commission with those processes, including compliance with requirements to produce documents as part of those processes:

Enforcement of electricity governance regulations

- (31) providing for compliance with electricity governance regulations and rules to be monitored and enforced by the Commission or any other person or court, and the powers and procedures of that person or court.
- (2) In subsection (1)(2), **electricity generator** means a person who owns or operates assets that, whether taken individually or as a whole, have a rated electricity generating capacity equal to, or greater than, 10 MW.
- (3) The Commission and the Minister must ensure, before making a recommendation for any regulations under subsection (1)(2), that those regulations do not provide for undue discrimination between electricity generators.
- (3A) Subsection (1)(24A) does not override the Privacy Act 1993.
- (4) In this section, unless the context otherwise requires, **terms and conditions** includes both contractual matters and other types of arrangements and requirements.

Section 172D: substituted, on 18 October 2004, by section 9 of the Electricity Amendment Act 2004 (2004 No 80).

Section 172D(1)(10): amended, on 20 September 2007, by section 5 of the Electricity Amendment Act 2007 (2007 No 53).

Section 172D(1)(22A): inserted, on 19 April 2008, by section 5(1) of the Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29).

Section 172D(1)(22B): inserted, on 19 April 2008, by section 5(1) of the Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29).

Section 172D(1)(24A): inserted, on 19 April 2008, by section 5(2) of the Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29).

Section 172D(1)(25A): inserted, on 19 April 2008, by section 5(3) of the Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29).

Section 172D(1)(25B): inserted, on 19 April 2008, by section 5(3) of the Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29).

Section 172D(1)(25C): inserted, on 19 April 2008, by section 5(3) of the Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29).

Section 172D(3A): inserted, on 19 April 2008, by section 5(4) of the Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29).

172E Conditions and process for recommendations on electricity governance regulations

- (1) The Minister may recommend electricity governance regulations under section 172D (other than the first regulations made under section 172D(1)(10)) only if the recommendation—
- (a) implements the effect of a recommendation of the Commission; and
- (b) does not differ from that recommendation in any material way (for example, other than in matters of drafting style or minor detail).
- (2) The following applies to recommendations by the Commission concerning those regulations:

- (a) sections 172X to 172Z apply; and
 - (b) before making a recommendation, the Commission must—
 - (i) undertake an assessment under section 172F; and
 - (ii) consult with persons that the Commission thinks are representative of the interests of persons likely to be substantially affected by the proposed regulations; and
 - (iii) give those persons the opportunity to make submissions; and
 - (iv) consider those submissions; and
 - (c) no later than 10 working days after making a recommendation, the Commission must publicise the recommendation and the assessment completed under section 172F; and
 - (d) section 54V of the Commerce Act 1986 (which requires the Commission to advise the Commerce Commission of any recommendation that is likely to affect certain of the powers of the Commerce Commission under that Act) applies.
- (3) Subsection (2)(b) and section 172F (which relate to consultation and assessments) do not apply if the Commission considers that it is necessary or desirable in the public interest that the proposed regulations be made urgently, and, in this case, the recommendation must state that it is made in reliance on this subsection and then, within 6 months of those regulations being made,—
- (a) the Commission must—
 - (i) comply with subsection (2)(b) and section 172F; and
 - (ii) make a recommendation to the Minister on whether or not the regulations should be revoked, replaced, or amended; and
 - (iii) no later than 10 working days after making the recommendation, publicise the recommendation and the assessment completed under section 172F; and
 - (b) after receiving that recommendation, the Minister must publish a notice in the *Gazette* stating whether or not he or she decides to recommend the revocation, replacement, or amendment of the regulations and explaining the reasons for that decision, or stating where copies of that explanation may be obtained,—
- and then within a further 6 months, the Minister must make that recommendation.
- (4) A regulation that is found by a court to be invalid solely because of a contravention of subsection (2)(b) or subsection (5) may not be declared to be invalid with effect earlier than 6 months after the date of the declaration.
 - (5) The Minister must, before making a recommendation concerning regulations under section 172D(1)(18) to (27), consult with the Minister of Consumer Affairs.

Section 172E: substituted, on 18 October 2004, by section 9 of the Electricity Amendment Act 2004 (2004 No 80).

Section 172E(2)(d): amended, on 14 October 2008, by section 29(3) of the Commerce Amendment Act 2008 (2008 No 70).

172F Assessment of proposed electricity governance regulations

- (1) Before making a recommendation to the Minister on an electricity governance regulation, the Commission must—
 - (a) seek to identify all reasonably practicable options for achieving the objective of the regulation; and
 - (b) assess those options by considering—
 - (i) the benefits and costs of each option; and
 - (ii) the extent to which the objective would be promoted or achieved by each option; and
 - (iii) any other matters that the Commission considers relevant; and
 - (c) ensure that the objective of the regulation is unlikely to be satisfactorily achieved by any reasonably practicable means other than the making of the regulation (for example, by education, information, or voluntary compliance); and
 - (d) prepare a statement of the proposal for the purpose of consultation under section 172E(2)(b)(ii).
- (2) The statement of the proposal referred to in subsection (1)(d) must contain—
 - (a) a detailed statement of the proposal; and
 - (b) a statement of the reasons for the proposal; and
 - (c) an assessment of the reasonably practicable options, including the proposal, identified under subsection (1); and
 - (d) other information that the Commission considers relevant.
- (3) The Commission is not required to comply with subsection (1) if it is satisfied that the effect of the recommendation is minor and will not adversely affect the interests of any person in a substantial way.

Section 172F: substituted, on 18 October 2004, by section 9 of the Electricity Amendment Act 2004 (2004 No 80).

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

- (1) The Minister may make a rule for all or any of the purposes for which an electricity governance regulation may be made.

- (2) In deciding whether to make a rule rather than recommend the making of an electricity governance regulation, the Minister must have regard to only—
 - (a) the importance of the rule, including whether the rule has a material effect on the rights and interests of individuals:
 - (b) the subject matter of the rule, including whether the rule contains detailed or technical matters rather than matters of general principle:
 - (c) the application of the rule, including—
 - (i) whether the rule applies principally to a particular group (eg, industry participants) rather than the general public:
 - (ii) whether the benefits of publication in accordance with section 172I rather than the Acts and Regulations Publication Act 1989 outweigh the costs of publication by that method:
 - (d) the expertise and rule-making procedures of the agency that has recommended the rule (eg, the expertise of the Commission).
- (3) If the Minister makes, or EGB recommends, a rule for a purpose for which an electricity governance regulation may be made, the Minister and EGB must comply with the same conditions and process that would apply under section 172D(3), section 172E, or section 172F if they were making recommendations on that electricity governance regulation, and those sections apply (with all necessary modifications) accordingly.
- (4) Section 172I applies to the method of making the rule.
- (5) A rule is a regulation for the purposes of the Regulations (Disallowance) Act 1989 (but not for the purposes of the Acts and Regulations Publication Act 1989).
- (6) To the extent that a rule is inconsistent with an electricity governance regulation, the rule is subject to the electricity governance regulation.
- (7) A rule that is found by a court to be invalid solely because of a contravention of subsection (2) may not be declared to be invalid with effect earlier than 6 months after the date of the declaration.

Section 172H: inserted, on 8 August 2001, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

Section 172H(3): amended, on 18 October 2004, by section 10(1) of the Electricity Amendment Act 2004 (2004 No 80).

Section 172H(7): substituted, on 18 October 2004, by section 10(2) of the Electricity Amendment Act 2004 (2004 No 80).

172I Method of making electricity governance rules

- (1) A rule may be made under section 172H by the Minister publishing a notice in the *Gazette* that states—

- (a) the empowering provision for the electricity governance regulation in relation to which the rule is made and a brief description of the nature of the rule; and
 - (b) where copies of the rule are available for inspection and purchase.
- (2) The notice in the *Gazette* need not contain the rule.
- (3) A rule comes into force 28 days after the date on which it is notified in the *Gazette* or on any later date stated in the notice.
- (4) The Minister or the Commission must make all of the rules made under section 172H available to the public by making copies of them available—
- (a) for inspection, free of charge,—
 - (i) at the Ministry or the principal office of the the Commission (during ordinary office hours), as the case requires; and
 - (ii) on the Internet in an electronic form that is publicly accessible (at all reasonable times); and
 - (b) for purchase at a reasonable price.

Section 172I: inserted, on 8 August 2001, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

Section 172I(4): amended, on 18 October 2004, by section 14(3) of the Electricity Amendment Act 2004 (2004 No 80).

Supplementary provisions

172J Supplementary empowering provision for regulations and rules

- (1) Any regulations made under sections 172B to 172D and any rules made under section 172H may—
- (a) provide for the establishment of 1 or more persons or bodies or groups of persons to carry out functions in relation to those regulations or rules, and for matters concerning their constitution, functions, members (including their appointment, removal, duties, and protection from liability), procedures, employees, administration and operation, funding by industry participants, and reporting requirements:
 - (aa) provide for systems, processes, and procedures (including dispute resolution procedures), and the keeping, supply, and disclosure of information, in relation to any of the matters specified in sections 172B to 172D:
 - (b) prescribe the form and manner in which information is to be disclosed:
 - (c) require disclosed information, or information from which disclosed information is derived (in whole or in part), to be certified, in the prescribed form and manner, by persons belonging to any specified class of persons:
 - (d) prescribe when and for how long information must be disclosed:

- (e) exempt or provide for exemptions (including provide for the revocation of exemptions), on any terms and conditions, of any person or class of persons from all or any of the requirements in regulations made under sections 172B to 172D and rules made under section 172H:
 - (f) provide for the supply of information for the purpose of administration and enforcement of this Act, and regulations and rules made under this Act:
 - (g) provide for transitional provisions:
 - (h) provide for any other matters contemplated by this Act or necessary for its administration or necessary for giving it full effect.
- (2) Regulations or rules that may be made in respect of all industry participants or classes of industry participants may be made in respect of all or any of the persons in that class and in respect of all or part of their business.

Section 172J: inserted, on 8 August 2001, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

Section 172J: amended, on 18 October 2004, by section 10(3) of the Electricity Amendment Act 2004 (2004 No 80).

Section 172J(1)(aa): inserted, on 18 October 2004, by section 11 of the Electricity Amendment Act 2004 (2004 No 80).

172K Supplementary empowering provision for regulations

Any regulations made under sections 172B to 172D may—

- (a) provide for offences that are punishable by summary conviction for a contravention of those regulations, or of rules made under section 172H, and provide for penalties not exceeding \$20,000 for those offences:
- (b) provide for compensation, civil penalties, and other actions that may be taken in respect of contraventions of those regulations or of rules made under section 172H:
- (c) confer and provide for rights of appeal and review in relation to decisions relating to contraventions of the regulations or of rules made under section 172H.

Section 172K: inserted, on 8 August 2001, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

Section 172K: amended, on 18 October 2004, by section 10(3) of the Electricity Amendment Act 2004 (2004 No 80).

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

Heading: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KA Transmission agreements

- (1) The Commission or the Rulings Panel, or electricity governance regulations or rules, may direct Transpower, and 1 or more industry participants, to enter into

- 1 or more transmission agreements for connection to, use of, and (where relevant) investment in, the national grid.
- (2) The terms of those transmission agreements may be set by the Commission or the Rulings Panel or prescribed in those regulations or rules.
 - (3) Those transmission agreements are binding on both parties and are enforceable as if they were contracts between the parties that were freely and voluntarily entered into.
 - (4) If the parties do not comply with the direction, the terms set by the Commission or the Rulings Panel, or prescribed in those regulations or rules, are also binding on both parties and enforceable as if they were such a contract.
 - (5) The terms may be amended or replaced, but only by mutual consent of the parties.
 - (6) The consultation, dispute resolution, and other procedural provisions that apply to mandatory or default transmission agreements are contained in electricity governance regulations or rules.

Section 172KA: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KB Party must co-operate with investigations

Every industry participant must co-operate fully with any investigation carried out, for the purposes of monitoring or enforcing any electricity governance regulations or rules, by the Commission, or by an investigator appointed under those regulations,—

- (a) by providing, within any reasonable time specified by the Commission or the investigator, all information, papers, recordings, and documents concerning the matter that are in the possession, or under the control, of the industry participant and that are requested for the purpose of the investigation; and
- (b) by permitting its officers or other employees to be interviewed (which interview may be recorded) and by ensuring as far as possible that they are made available for interview and answer truthfully and fully any questions put to them; and
- (c) by giving to the Commission, or any person authorised by the Commission, at all reasonable times, full access to any premises (subject to complying with any safety requirements that apply to visitors to those premises) at which the industry participant carries on business or maintains records; and
- (d) by giving all other assistance that may be reasonable and necessary to enable the matter to be fully investigated.

Compare: SR 2003/374 r 79

Section 172KB: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

Section 172KB: amended, on 23 December 2008, by section 6 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Section 172KB: amended, on 26 September 2008, by section 6 of the Electricity (Renewable Preference) Amendment Act 2008 (2008 No 86).

172KC Privileges protected

- (1) Section 172KB does not limit any claim for legal professional privilege.
- (2) A person is not excused from answering a question or giving any information or document on the ground that to do so may incriminate or tend to incriminate that person.
- (3) However, a self-incriminating statement or document made or given—
 - (a) is not admissible as evidence in criminal or civil proceedings against that person; and
 - (b) may not be used against the person in any proceedings before the Rulings Panel, except for information provided under any self-reporting obligation under those regulations.

Compare: SR 2003/374 r 80

Section 172KC: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KD Limits on investigation powers

- (1) The Commission may authorise, in writing, any person or persons to exercise all or any of the powers referred to in section 172KB(b) or (c) in respect of an industry participant.
- (2) An authorised person must, before entering premises under section 172KB(c), give reasonable notice to the owner or occupier of the premises (at least 4 days before entry) of his or her intention to enter the premises.
- (3) An authorised person must, on first entering any premises under section 172KB(c) and, if requested, at any later time, produce to the person apparently in charge of the premises the authorisation under subsection (1).
- (4) If an authorised person enters any premises under section 172KB(c) and is unable, despite reasonable efforts, to find any person apparently in charge, the authorised person must, before leaving the premises, leave a written notice stating—
 - (a) the authorised person's identity; and
 - (b) the address of premises where the authorised person may be contacted; and
 - (c) the date and time of entry; and
 - (d) the reasons for entering.
- (5) Section 172KB(c) does not authorise an authorised person to enter a home, except with the consent of an occupier or under the authority of a warrant.

- (6) An authorised person may apply for a warrant by written application on oath.
- (7) A District Court Judge, Justice, or Community Magistrate, or a Court Registrar (not being a constable) who is satisfied that there are reasonable grounds to believe that it is necessary, for the purpose of ascertaining whether or not an industry participant has breached, or may breach, the electricity governance regulations or rules, for an authorised person to search any place may, by warrant, authorise that person to search a place specified in the warrant.

Compare: SR 2003/374 r 81

Section 172KD: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KE Rulings Panel may make certain orders

- (1) The Rulings Panel may, after considering any complaint or matter referred to it in respect of an allegation that an industry participant has breached any electricity governance regulations or rules,—
 - (a) decide that no action should be taken:
 - (b) issue a private warning or reprimand to an industry participant:
 - (c) issue a public warning or reprimand to an industry participant:
 - (d) impose additional or more stringent record-keeping or reporting requirements under or in connection with any electricity governance regulation or rule:
 - (e) order an industry participant to pay a civil pecuniary penalty not exceeding \$20,000:
 - (f) order an industry participant to pay a sum by way of compensation to any other person:
 - (g) order an industry participant that is found not to be complying with any electricity governance regulations or rules to take any action that is necessary to restore it to a position of compliance:
 - (h) make an order terminating or suspending the rights of an industry participant under any electricity governance regulation or rule:
 - (i) make orders regarding the reasonable costs of any investigations or proceedings:
 - (j) propose to the Commission that it recommend to the Minister that a change should be made to a regulation or rule.
- (2) In making any such decision, the Rulings Panel must take into account its previous decisions in respect of any similar situations previously dealt with by the Commission or the Rulings Panel.

Compare: SR 2003/374 r 107

Section 172KE: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KF Restriction of remedies

- (1) The remedies provided for in section 172KE and in the electricity governance regulations and rules are the only remedies in respect of a breach of those regulations or rules.
- (2) No one can bring an action for breach of statutory duty that arises out of, or relates to, a breach of those regulations or rules by an industry participant.
- (3) This section does not limit the recovery of—
 - (a) a debt owing under any electricity governance regulations or rules; or
 - (b) damages in tort other than breach of statutory duty, for breach of contract, or for any other wrong, that arises from any act or omission that is also a breach of those regulations or rules.

Compare: SR 2003/374 r 6

Section 172KF: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KG Limit on tort claims against service providers

- (1) No industry participant may bring an action in tort against a service provider that arises out of, or relates to, any act, matter, or thing done, or required or omitted to be done, by the service provider in its role as service provider, provided that the act or omission is not a fraudulent act or omission by the service provider.
- (2) **Service provider** means a service provider appointed under the electricity governance regulations.

Section 172KG: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

Appeals

Heading: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KH Appeals on ground of lack of jurisdiction

An industry participant affected by a decision of the Rulings Panel may appeal that decision to the High Court on the ground of lack of jurisdiction.

Compare: SR 2003/374 r 184

Section 172KH: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KI Judicial review not precluded

Nothing in this Act limits access to the courts in an action for judicial review.

Compare: SR 2003/374 r 185

Section 172KI: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KJ Appeals on question of law in relation to decisions by Commission or Rulings Panel

- (1) There is a right of appeal to the High Court on a question of law only against a decision of the Commission or the Rulings Panel under any electricity governance regulations or rules.
- (2) The appeal must be made by giving notice of appeal within 20 working days after the date of the decision appealed against or within any further time that the Court allows.

Compare: SR 2003/374 r 186

Section 172KJ: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KK Right of appeal against suspension or termination orders

- (1) An industry participant in respect of which a suspension order or termination order is made may appeal to the High Court against the order.
- (2) The appeal must be made by giving notice of appeal within 20 working days after the date of the order appealed against or within any further time that the Court allows.

Compare: SR 2003/374 r 187

Section 172KK: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KL Persons entitled to appeal

The Commission, and the following industry participants, may exercise a right of appeal under this Part:

- (a) an industry participant in whose favour or against whom a decision or order of the Commission or the Rulings Panel is made:
- (b) an industry participant who was a party to a dispute that was determined by the Commission or the Rulings Panel:
- (c) any industry participant who joined as a party to the investigation of the matter that is subject to the appeal.

Compare: SR 2003/374 r 188

Section 172KL: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KM Determination of appeals

In its determination of any appeal (other than an appeal to the High Court by way of case stated for the opinion of the Court on a question of law only), the High Court may do any 1 or more of the following things:

- (a) confirm, modify, or reverse the decision or any part of it:

- (b) exercise any of the powers that could have been exercised by the Commission or the Rulings Panel in relation to the matter to which the appeal relates.

Compare: 1986 No 5 s 93; SR 2003/374 r 189

Section 172KM: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KN High Court may refer appeals back to Commission or Rulings Panel for reconsideration

- (1) The High Court may, in any case, instead of determining any appeal, direct the Commission or the Rulings Panel to reconsider, either generally or in respect of any specified matters, the whole or any specified part of the matter to which the appeal relates.
- (2) In giving any direction under this section, the Court must—
- (a) advise the Commission or the Rulings Panel, as the case may be, of its reasons for doing so; and
- (b) give to the Commission or the Rulings Panel, as the case may be, any directions that it thinks just concerning the reconsideration or otherwise of the whole or any part of the matter that is referred back.
- (3) In reconsidering the matter, the Commission or the Rulings Panel, as the case may be, must have regard to the Court's reasons for giving the direction, and the Court's directions.

Compare: 1986 No 5 s 94; SR 2003/374 r 190

Section 172KN: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KO Provisions pending determination of appeal

If an appeal is brought against any decision of the Commission or the Rulings Panel, the decision to which the appeal relates remains in full force pending the determination of the appeal, unless the High Court orders to the contrary.

Compare: 1986 No 5 s 95; SR 2003/374 r 191

Section 172KO: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KP High Court may order proceedings be heard in private

- (1) The High Court may, in its discretion, order that the hearing or any part of the hearing of any proceedings under this Part be held in private.
- (2) The High Court may make an order prohibiting the publication of any report or description of proceedings or any part of proceedings (whether heard in public or in private), but no order may prohibit the publication of any determination of the Court.

Compare: 1986 No 5 s 96; SR 2003/374 r 192

Section 172KP: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

172KQ Appeal to Court of Appeal in certain cases

- (1) Any party to any appeal before the High Court against any decision of the Commission or the Rulings Panel, as the case may be, who is dissatisfied with any decision or order of the High Court may, with the leave of the High Court or of the Court of Appeal, appeal to the Court of Appeal.
- (2) Section 66 of the Judicature Act 1908 applies to the appeal.
- (3) In determining whether to grant leave to appeal under this section, the court to which the application for leave is made must have regard to the following matters:
 - (a) whether any question of law or general principle is involved:
 - (b) the importance of the issues to the parties:
 - (c) the amount of money in issue:
 - (d) any other matters that in the particular circumstances the court thinks fit.
- (4) The court granting leave may, in its discretion, impose any conditions that it thinks fit, whether as to costs or otherwise.

Compare: 1986 No 5 s 97; SR 2003/374 r 193

Section 172KQ: inserted, on 18 October 2004, by section 12(1) of the Electricity Amendment Act 2004 (2004 No 80).

Part 15 Governance of electricity industry

Preliminary provisions

172L Purpose

The purpose of this Part is to—

- (a) provide for the Electricity Commission to be responsible for—
 - (i) developing recommendations on electricity governance regulations or rules that give effect to its principal objectives and specific outcomes in accordance with subpart 1:
 - (ii) other matters relating to the governance of the electricity industry in accordance with section 172O:
- (b) ensure the accountability of the Electricity Commission in accordance with subpart 2.

Part 15: inserted, on 8 August 2001, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

Paragraph (a): amended, on 18 October 2004, by section 13(1) of the Electricity Amendment Act 2004 (2004 No 80).

Paragraph (a)(i): amended, on 18 October 2004, by section 13(2) of the Electricity Amendment Act 2004 (2004 No 80).

Section 172L(b): amended, on 20 September 2007, by section 6 of the Electricity Amendment Act 2007 (2007 No 53).

Subpart 1—Electricity Governance Board

Subpart 1: inserted, on 15 September 2003, by section 16 of the Electricity Amendment Act 2001 (2001 No 40)..

172M Continuation of Commission

- (1) There continues to be an organisation to be called the Electricity Commission.
- (2) The Commission is a Crown entity for the purposes of the section 7(1) of the Crown Entities Act 2004.
- (2A) The Crown Entities Act 2004 applies to the Commission except to the extent that this Act expressly provides otherwise.
- (3) The Commission is the same body as the Electricity Governance Board established under section 172M as in force immediately before its substitution by section 14 of the Electricity Amendment Act 2004.

Section 172M: substituted, on 18 October 2004, by section 14(1) of the Electricity Amendment Act 2004 (2004 No 80).

Subsection (2): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Subsection (2A): inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172N Principal objectives and specific outcomes

- (1) The principal objectives of the Commission in relation to electricity are—
 - (a) to ensure that electricity is produced and delivered to all classes of consumers in an efficient, fair, reliable, and environmentally sustainable manner; and
 - (b) to promote and facilitate the efficient use of electricity.
- (2) Consistent with those principal objectives, the Commission must seek to achieve, in relation to electricity, the following specific outcomes:
 - (a) energy and other resources are used efficiently:
 - (b) risks (including price risks) relating to security of supply are properly and efficiently managed:
 - (c) barriers to competition in the electricity industry are minimised for the long-term benefit of end-users:
 - (d) incentives for investment in generation, transmission, lines, energy efficiency, and demand-side management are maintained or enhanced and do not discriminate between public and private investment:
 - (e) the full costs of producing and transporting each additional unit of electricity are signalled:

- (f) delivered electricity costs and prices are subject to sustained downward pressure:
- (g) the electricity sector contributes to achieving the Government's climate change objectives by minimising hydro spill, efficiently managing transmission and distribution losses and constraints, promoting demand-side management and energy efficiency, and removing barriers to investment in new generation technologies, renewables, and distributed generation.

Section 172N: substituted, on 18 October 2004, by section 15 of the Electricity Amendment Act 2004 (2004 No 80).

172O Functions of Commission

- (1) The functions of the Commission are to—
 - (a) formulate and make recommendations concerning electricity governance regulations and rules in accordance with this Act:
 - (b) administer, monitor compliance with, investigate, enforce, and apply penalties or other remedies for contraventions of electricity governance regulations and rules:
 - (c) establish, operate, and facilitate the operation of markets for industry participants or consumers, or both:
 - (d) use reasonable endeavours to ensure security of supply (including contracting for reserve energy), without assuming any reduction in demand from emergency conservation campaigns, while minimising distortions to the normal operation of the market:
 - (e) undertake forecasting and modelling of future electricity supply and demand:
 - (f) promote and facilitate the efficient use and conservation of electricity (including funding programmes that provide incentives for cost-effective energy efficiency and conservation):
 - (g) manage emergency conservation campaigns to avoid material risk of supply shortages:
 - (h) approve 1 or more complaints resolution system for the purpose of section 158G:
 - (i) develop best practice methodologies and other standards and model agreements for use by industry participants:
 - (j) give effect to GPS objectives and outcomes:
 - (ja) *[Repealed]*
 - (jb) *[Repealed]*
 - (jc) *[Repealed]*
 - (jd) *[Repealed]*

- (k) provide advice to the Minister on matters concerning the electricity industry.
- (2) The Commission's functions may be carried out by contracting with other parties, entering into a joint venture or contractual arrangement in respect of reserve energy and other things, or other means.

Section 172O: substituted, on 18 October 2004, by section 16 of the Electricity Amendment Act 2004 (2004 No 80).

Section 172O(1)(ja): repealed, on 23 December 2008, by section 7 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Section 172O(1)(jb): repealed, on 23 December 2008, by section 7 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Section 172O(1)(jc): repealed, on 23 December 2008, by section 7 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

Section 172O(1)(jd): repealed, on 23 December 2008, by section 7 of the Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111).

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

The Commission's board must consist of members numbering no less than 5 and no more than 9.

Section 172R: inserted, on 15 September 2003, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

Duties of members

172S Duties of members

- (1) *[Repealed]*
- (2) A member, when acting as a member, must not act as a representative of, or promote the interests or views of, any organisation to which the member belongs, a particular industry participant, or a particular group of industry participants.
- (3) This section is in addition to the duties in Part 2 of the Crown Entities Act 2004.

Section 172S: inserted, on 15 September 2003, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

Subsection (1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Subsection (3): inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

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

Despite clause 7(2) of Schedule 5 of the Crown Entities Act 2004, at least 2 days' notice of a special meeting must be given.

Section 172V: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

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

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

In formulating recommendations for electricity governance regulations and rules, the Commission must give effect to its principal objectives and specific outcomes and its GPS objectives and outcomes.

Section 172X: substituted, on 18 October 2004, by section 18 of the Electricity Amendment Act 2004 (2004 No 80).

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

- (1) The Minister must have regard to a recommendation by the Commission in exercising any of his or her functions or powers in relation to electricity governance regulations or rules.

- (2) Section 172E applies to the Minister's power to recommend electricity governance regulations.
- (3) In addition, the Minister may, if he or she considers that the principal objectives and specific outcomes of the Commission will be better given effect to by doing so, within 90 working days of receiving the recommendation, do either or both of the following:
 - (a) decide not to act on that recommendation:
 - (b) refer the Commission's recommendation back to the Commission for further consideration by the Commission.
- (4) The Minister must publish a notice in the *Gazette*, within 10 working days of deciding what to do with a Commission recommendation, explaining the reasons for the decision or where copies of that explanation may be obtained.

Section 172Z: substituted, on 18 October 2004, by section 20 of the Electricity Amendment Act 2004 (2004 No 80).

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

172ZC Levy of industry participants

- (1) Every industry participant (or prescribed class of industry participant) must pay to the Commission on behalf of the Crown a levy prescribed by regulations under section 172ZE.
- (1A) The levy must be prescribed on the basis that the following costs should be met fully out of the levy:
 - (a) the estimated costs of performing the Commission's functions, powers, and duties under this Act and any other Act, including the Commission's costs in relation to endeavouring to ensure security of supply (which includes any costs incurred by the Commission as a result of any contract

- entered into under section 27 of the Electricity Amendment Act 2004 in respect of reserve energy); and
- (b) the costs incurred by Transpower to fund the MACQS reform process (including establishment of MACQS, grid security committee costs, and related rule development) together with interest at the rate of 8% per annum calculated and capitalised annually; and
 - (c) the costs of collecting the levy money.
- (1B) The levy may be prescribed on the basis that any actual cost that could have been, but has not been, recovered as a levy shortfall for a year may be recovered (along with any financing charge) over any period of up to 5 years.
- (2) The regulations may—
- (a) specify the amount of levies or method of calculating or ascertaining the amount of levies:
 - (b) include or provide for including in levies any shortfall in recovering those actual costs:
 - (c) refund or provide for refunds of any over-recovery of those actual costs:
 - (d) provide different levies for different classes of industry participants:
 - (e) specify the financial year or part financial year to which those levies apply, and apply to that financial year or part and each subsequent financial year until revoked or replaced:
 - (f) provide for the payment and collection of those levies:
 - (g) for the first financial year to which the levy applies, include in the levy amount or method the costs of performing the Commission's functions, duties, and powers under this Act from the date on which this subpart comes into force, irrespective of the fact that the regulations may be made and come into effect after that date:
 - (h) require payment of a levy for a financial year or part financial year, irrespective of the fact that the regulations may be made after that financial year has commenced:
 - (i) exempt or provide for exemptions from, or provide for waivers of, the whole or any part of the levy for any case or class of cases.
- (2A) The levy for a financial year that starts after the Commission begins to carry out any additional function under this Act or any other Act may cover the costs of performing that additional function, irrespective of the fact that the regulations may be made and come into effect after that date.
- (3) The amount of any unpaid levy is recoverable in any court of competent jurisdiction as a debt due to the Commission on behalf of the Crown.
- (4) *[Repealed]*

- (5) The Commission must, as soon as practicable after receiving any levy payment, pay it into the Crown Bank Account and separately account for each payment.

Section 172ZC: inserted, on 15 September 2003, by section 16 of the Electricity Amendment Act 2001 (2001 No 40).

Subsection (1): substituted, on 18 October 2004, by section 22(1) of the Electricity Amendment Act 2004 (2004 No 80).

Subsection (1A): inserted, on 18 October 2004, by section 22(1) of the Electricity Amendment Act 2004 (2004 No 80).

Subsection (1B): inserted, on 18 October 2004, by section 22(1) of the Electricity Amendment Act 2004 (2004 No 80).

Subsection (2): amended, on 18 October 2004, by section 22(2) of the Electricity Amendment Act 2004 (2004 No 80).

Subsection (2)(a): substituted, on 18 October 2004, by section 22(3) of the Electricity Amendment Act 2004 (2004 No 80).

Subsection (2A): inserted, on 18 October 2004, by section 22(4) of the Electricity Amendment Act 2004 (2004 No 80).

Subsection (3): amended, on 18 October 2004, by section 22(5) of the Electricity Amendment Act 2004 (2004 No 80).

Subsection (4): repealed, on 18 October 2004, by section 22(6) of the Electricity Amendment Act 2004 (2004 No 80).

Subsection (5): inserted, on 18 October 2004, by section 22(7) of the Electricity Amendment Act 2004 (2004 No 80).

172ZCA Commission must consult about request for appropriation

- (1) The Commission must, before submitting a request to the Minister seeking an appropriation of public money for the following year, or any change to an appropriation for the current year, consult with those industry participants who are liable to pay a levy under section 172ZC about that request.
- (2) The Commission must, at the time when the request is submitted, report to the Minister on the outcome of that consultation.

Section 172ZCA: inserted, on 18 October 2004, by section 23 of the Electricity Amendment Act 2004 (2004 No 80).

Miscellaneous

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

The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:

- (b) providing for the levies under section 172ZC:

- (c) providing for any other matters contemplated by this subpart or necessary for its administration or necessary for giving it full effect.

Section 172ZE: inserted, on 15 September 2003, by section 16 of the Electricity Amendment Act 2001 (2001 No 40)..

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

Subpart 2: substituted, on 18 October 2004, by section 25 of the Electricity Amendment Act 2004 (2004 No 80).

172ZI Application of subpart

[Repealed]

Section 172ZI: substituted, on 18 October 2004, by section 25 of the Electricity Amendment Act 2004 (2004 No 80).

172ZJ Interpretation

In this subpart, unless the context otherwise requires,—

financial year has the same meaning as in section 136 of the Crown Entities Act 2004.

GPS objectives and outcomes means the objectives and outcomes that apply to the Commission under section 172ZK

performance standards means the performance targets and measures referred to in section 172ZL.

Section 172ZJ: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172ZK Setting of GPS objectives and outcomes

- (1) The Minister must set objectives and outcomes that the Government wants the Commission to give effect to in relation to the governance of the electricity industry, and against which the Commission must report and be examined in accordance with this subpart.

- (2) The Minister must set those objectives and outcomes by—
 - (a) giving the Commission a statement of government policy containing those objectives and outcomes; or
 - (b) giving the Commission an amendment to, or replacement of, that statement.
- (3) Each statement (or amendment to, or replacement of, a statement) under subsection (2) must be published in the *Gazette* and presented to the House of Representatives by the Minister as soon as practicable after it is given to the Commission.
- (4) GPS objectives and outcomes must be consistent with the purpose of this Part and the functions, principal objectives, and specific outcomes of the Commission.
- (5) GPS objectives and outcomes must not require the Commission, in respect of a particular person, to make a particular decision, or to do or refrain from doing a particular act, or to bring about a particular result (other than in relation to Transpower).
- (6) Subsection (5), in so far as it relates to Transpower, applies despite section 113 of the Crown Entities Act 2004.
- (7) The Minister must consult with the Commission before giving a statement under this section.

Section 172ZK: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172ZL Annual performance standards

- (1) The Commission must include, in its statement of intent prepared in accordance with section 139 of the Crown Entities Act 2004, performance standards for the first financial year to which the statement of intent relates that have been agreed with the Minister.
- (2) The performance standards—
 - (a) must include the performance targets and other measures by which the performance of the Commission may be judged; and
 - (b) must be matters against which the Commission's actual performance may be reported and audited; and
 - (c) must relate to all of the GPS objectives and outcomes.
- (3) The Minister must consult with the Auditor-General on whether the proposed performance standards meet the requirements in subsection (2)(b) and (c) before agreeing the performance standards.
- (4) The Minister may direct the Commission to amend the draft performance standards, and section 147 of the Crown Entities Act 2004 applies accordingly.

Section 172ZL: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172ZM Additional information to be included in annual report

- (1) The Commission must include, in its annual report prepared under section 150 of the Crown Entities Act 2004, the information that is necessary to enable an informed assessment to be made of the performance of the Commission against the GPS objectives and outcomes and against the performance standards in its statement of intent for that year.
- (2) The Commission must, within 90 days after the end of the financial year, submit that information to the Auditor-General, for an assurance audit under section 172ZO.

Section 172ZM: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

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

- (1) The Auditor-General must—
 - (a) examine the information included in the annual report, and provided to the Auditor-General, under section 172ZM; and
 - (b) either report on it—
 - (i) in the audit report provided to the Commission under section 156 of the Crown Entities Act 2004; or
 - (ii) despite that section, to the Minister and the House of Representatives as soon as practicable after receiving the information.
- (2) The Auditor-General's report under subsection (1) must provide assurance on—
 - (a) the appropriateness, adequacy, and accuracy of the information contained, or to be contained, in the annual report under section 172ZM; and
 - (b) whether the information included in the annual report under that section enables, or is likely to enable, an informed assessment to be made of the matters stated in that section.
- (3) The Auditor-General may, at any time, examine the information to be contained in the annual report and the systems of the Commission, and report on that examination to the Minister and the House of Representatives.
- (4) This section does not limit section 156 of the Crown Entities Act 2004.

Section 172ZO: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172ZP Report by Parliamentary Commissioner for Environment

- (1) The Parliamentary Commissioner for the Environment must examine, in accordance with subsection (2), the extent to which the Commission is meeting the GPS objectives and outcomes concerning the environment.
- (2) The Parliamentary Commissioner for the Environment—
 - (a) must, as soon as practicable after the end of each financial year of the Commission, carry out that examination in respect of that financial year and report to the House of Representatives on the results of the examination; and
 - (b) in addition, may carry out the examination under subsection (1) and report to the House of Representatives on the results of the examination at any other time.

Section 172ZP: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

172ZQ Functions under this subpart

- (1) The Parliamentary Commissioner for the Environment may exercise all of the Commissioner's powers under the Environment Act 1986 in relation to the functions in this subpart, and that Act applies to those functions as if they were functions conferred under that Act.
- (2) The functions conferred on the Auditor-General and the Parliamentary Commissioner for the Environment by this subpart are additional to, and do not limit, the Auditor-General's or the Commissioner's functions, powers, and duties under the Public Audit Act 2001, the Crown Entities Act 2004, or the Environment Act 1986 (as the case may be).

Section 172ZQ: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Subpart 3—Miscellaneous provisions

Subpart 3: inserted, on 18 October 2004, by section 25 of the Electricity Amendment Act 2004 (2004 No 80).

172ZR Specific authorisation for purposes of restrictive trade practices rules

The following are specifically authorised for the purpose of section 43 of the Commerce Act 1986:

- (a) anything done or omitted to be done by the Commission for the purpose of carrying out its functions, powers, and duties in relation to reserve energy under this Act; and
- (b) anything done, or omitted to be done, by the Commission, the Rulings Panel, or an industry participant, that is reasonably necessary to comply with, enforce, or otherwise administer any electricity governance regulations or rules

Section 172ZR: inserted, on 18 October 2004, by section 25 of the Electricity Amendment Act 2004 (2004 No 80).

Part 16

Repeals, etc, and transitional provisions

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 to this Act are hereby repealed.
- (2) The enactments specified in Schedule 4 to this Act are hereby amended in the manner indicated in that Schedule.
- (3) The regulations and orders specified in Schedule 5 to this Act are hereby revoked.

174 Regulations deemed to have been made under this Act

- (1) The regulations specified in Schedule 6 to this Act are hereby deemed to have been made pursuant to section 169 of this Act, and may be amended and revoked accordingly.
- (2) Any regulations specified in Schedule 6 to this Act that would have been valid if section 169 of this Act had been in force when the regulations were made are hereby validated and declared to have been lawfully made.
- (3) Nothing in subsection (2) of this section 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 this Act, of the enactments specified in Schedule 3 to this Act 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 this Act, 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

- (1) In this section, **the Proclamation** means the Proclamation issued pursuant to section 14 of the Electricity Act 1968 on the 3rd day of September 1982, and published in the *Gazette* on the 23rd day of September 1982 at pages 3103 and 3104.
- (2) Notwithstanding the repeal, by section 173(1) of this Act, of the Electricity Amendment Act 1987, section 14 of that Act shall, subject to subsection (3) of this section, continue to have effect in respect of the Proclamation as if that section of that Act had not been repealed.
- (3) If construction of the proposed transmission line referred to in the Proclamation is not commenced before the 1st day of October 1996, then,—
 - (a) For the purposes of section 14(8) of the Electricity Act 1968 (as continued in respect of the Proclamation by subsection (2) of this section), construction of that proposed transmission line shall be deemed to have been abandoned; and
 - (b) The Minister shall take the steps referred to in section 14(8) of that Act (as so continued) to cause the cancellation of the registration of the Proclamation.
- (4) Nothing in section 36A of the Public Works Act 1981 applies in respect of the Proclamation.
- (5) Subject to subsection (6) of this section, it is hereby declared that—
 - (a) The rights of the Crown arising out of the Proclamation are and have always been assets (within the meaning of section 29(1) of the State-Owned Enterprises Act 1986) that were transferred pursuant to section 23 of that Act by the Crown to the Electricity Corporation of New Zealand Limited (hereafter in this subsection called “the Corporation”) by the deed dated the 31st day of March 1988 between—
 - (i) the Minister of Finance and the Minister for State Owned Enterprises acting jointly for Her Majesty the Queen in right of New Zealand; and
 - (ii) the Corporation; and
 - (b) in accordance with clause 3.1 of that deed, Transpower New Zealand Limited was the purchaser of those rights; and
 - (c) the value of those rights is and has always been included in the purchase price referred to in clause 2.1 of that deed.
- (6) Nothing in this section affects the question whether or not the Proclamation was validly issued.

Subsection (5)(b): amended, on 17 November 1997, by clause 3(1) of the State-Owned Enterprises (Transpower New Zealand Limited) Order 1997 (SR 1997/299).

Amendment to Electricity Act 1968

178 Rights of entry for energy companies

The Electricity Act 1968 is hereby amended by inserting, after section 15A (as inserted by section 4 of the Electricity Amendment Act 1983), the following section:

15B

- (1) Subject to section 15A of this Act, an electricity operator (being an energy company) may—
 - (a) enter upon any land for the purposes of gaining access to any works—
 - (i) that are owned or operated by the electricity operator; and
 - (ii) either—
 - (A) that were constructed, erected, or laid (in whole or in part) on, under, or over that land before the date of the commencement of this section under the authority of any enactment; or
 - (B) that were wholly or partly in existence, or work on the construction, erection, or laying of which commenced, before that date; and
 - (b) inspect, maintain, repair, or operate any such works; and
 - (c) in the case of works the construction, erection, or laying of which had not been completed before the date of the commencement of this section, complete the works.
- (2) A certificate signed by an electricity operator containing a statement that any specified works were constructed, erected, or laid (in whole or in part) before the date of the commencement of this section under the authority of a specified enactment 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, the term **energy company** means an energy company within the meaning of the Energy Companies Act 1992; and includes any company or other entity that is deemed, by section 78 or section 81 of that Act, to be an energy company for the purposes of sections 36, 37, 39 to 46, 85, 87, and 88 of that Act.

Amendment to Electrical Registration Act 1979

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

The Electrical Registration Act 1979 is hereby amended by inserting, after section 38, the following section:

38A Where—

- (a) a building consent is issued under the Building Act 1991 by a territorial authority in respect of any prescribed electrical work; and
- (b) this Act requires that the work be inspected, tested, and approved,— then, as soon as practicable after that approval is given,—
- (c) the Electrical Supply Authority by or on whose authority the approval is given; or
- (d) the Secretary, in any case where the approval is given by a person authorised in that behalf by the Secretary,—

shall ensure that there is supplied to the territorial authority that issued the building consent a written notice certifying that the work complies with the requirements of the Electrical Wiring Regulations 1976.

*Transitional provisions***180 Transitional provision relating to electricity agreements**

Notwithstanding the repeals effected by section 173(1) of this Act, 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) of this Act 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 of this Act 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 of this Act 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 of this Act 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 of this Act.

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 the 1st day of 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 of this Schedule, every member of the Board whose term of office has expired shall, unless sooner vacating office under clause 4 of this Schedule, 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 of this Act 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) of this clause, 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 the residue of the term for which the vacating member was appointed.

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

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) of this clause 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) of this clause, 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 State Sector Act 1988 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 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 6 sitting days after the date on which it is received by the Minister.

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 Station Site Act 1911 (1911 No 28 (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).

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 (Local))

Christchurch Electrical Supply Empowering Act 1913 (1913 No 4 (L))

Christchurch Electrical Supply Amendment Act 1915 (1915 No 9 (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))

Electricity Act 1968 (1968 No 125)

Electricity Amendment Act 1980 (1980 No 56)

Electricity Amendment Act 1969 (1969 No 45)

Electricity Amendment Act 1976 (1976 No 38)

Electricity Amendment Act 1990 (1990 No 95)

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)

Electric Linemen Act 1959 (1959 No 46)

Electric Linemen Amendment Act 1966 (1966 No 33)

Electric Linemen Amendment Act 1970 (1970 No 132)

Electric Linemen Amendment Act 1975 (1975 No 14)

Electric Linemen Amendment Act 1985 (1985 No 174)

Electricity Operators Act 1987 (1987 No 109)

Electric Power Boards Amendment Act 1980 (1980 No 57)

Electric Power Boards Act 1925 (1925 No 38)

Amendment(s) incorporated in the Act(s).

Electrical Registration Act 1979 (1979 No 139)

Electrical Registration Amendment Act 1982 (1982 No 52)

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)

Amendment(s) incorporated in the Act(s).

Hawera Gasworks and Electric Lighting Act 1897 (1897 No 1 (P))

Hawera County Electric Lighting Act 1902 (1902 No 1 (P))

Housing Amendment Act 1956 (1956 No 40)

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 Amendment Act 1899 (1899 No 2 (P))

Wellington Electric Lighting Act 1891 (1891 No 4 (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)***Amendment(s) incorporated in the Act(s).***Mining Act 1971 (1971 No 25)***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)***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).***Radio-communications Act 1989 (1989 No 148)***Amendment(s) incorporated in the Act(s).*

State Owned Enterprises Act 1986 (1986 No 124)

Amendment(s) incorporated in the Act(s).

Schedule 4: amended, on 7 July 1993, by section 83(3) of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 4: amended, on 16 May 1996, by section 37(1) of the Submarine Cables and Pipelines Protection Act 1996 (1996 No 22).

An item amending the Mining Act 1971 was impliedly repealed by section 62(1) Health and Safety in Employment Act 1992 (1992 No 96).

Schedule 5

Regulations and orders revoked

Section 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)

Electrical Registration Regulations 1980 (SR 1980/225)

Electric Linemen Regulations 1960, Amendment No 6 (SR 1983/203)

Electricity Operator Order 1988 (SR 1988/66)

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)

Revocation of Electricity Control Regulations (SR 1987/98)

Revocation of Electricity Control Orders (SR 1987/100)

Schedule 6
Regulations deemed to have been made pursuant to section 169 of
this Act

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 2006

Public Act 2006 No 70
Date of assent 4 December 2006

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): Electricity Amendment Act 2006 (except sections 1, 2, 3, 6(1)-(3), 7, 9(1), (2), and (4), 10, 26(1), 27, 29-31, and 42) brought into force, on 1 April 2010, by the Electricity Amendment Act 2006 Commencement Order 2010 (SR 2010/35).

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, per-

mitted to do, or assist in doing, by virtue of a provisional licence issued under the principal Act (as in force immediately before the commencement of this section); and

- (c) be subject to any conditions, limitations, or restrictions that, immediately before the commencement of this section, were imposed by or under the principal Act on the person's licence.
- (3) Nothing in this section prevents the Board from—
- (a) cancelling or suspending the provisional licence that a person is deemed to hold under subsection (1); or
 - (b) exercising any other power in relation to that provisional licence under the principal Act.

35 Persons holding employer licences

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

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

- (1) The Board may at any time, by written notice to a person,—
- (a) vary any licence or registration that is deemed to be held by that person under any of sections 32 to 35; and

- (b) impose conditions, limitations, or restrictions on that licence or the registration of that person (or both).
- (2) The variation, condition, limitation, or restriction takes effect on the date specified for the purpose in the notice.
- (3) Any decision of the Board under this section may be appealed under section 147ZA of the principal Act.

37 Applications pending at commencement of section

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

38 Provisions relating to persons whose registration is suspended

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

39 Continuation of pending investigations, inquiries, and disciplinary proceedings

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

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

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

40 Complaints about conduct before commencement of this section

- (1) The Board may deal with a complaint about the conduct of a registered person, former registered person, provisional licence holder, or former provisional licence holder under Part 11 of the principal Act (as substituted by this Act), even though the conduct is alleged to have occurred before the commencement of this section.
- (2) Subsection (1) does not apply if an inquiry or investigation into the conduct concerned has been commenced under the principal Act before the commencement of this section.
- (3) In dealing with a complaint to which subsection (1) applies, the Board may not have regard to any duty or obligation that was not binding on the registered person, former registered person, provisional licence holder, or former provisional licence holder at the time that the conduct complained about is alleged to have occurred.
- (4) For the purposes of this section, **former registered person** includes a person who was registered under the principal Act and who would have been deemed to be registered under subpart 1 of Part 10 of the principal Act had the person still been registered under the principal Act on the commencement of section 32.

41 Hearing concerning conduct before commencement of this section

- (1) An investigator may report under Part 11 of the principal Act (as substituted by this Act) that a complaint against a person should be considered by the Board in respect of conduct alleged to have occurred before the commencement of this section, but only if the investigator is satisfied that,—
 - (a) at the time of the occurrence of the conduct, the person was registered or held a licence under the principal Act and the complaint could have been referred to the Board under the principal Act; and

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- (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.

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.

Contents

- 1 General
- 2 About this eprint
- 3 List of amendments incorporated in this eprint (most recent first)

Notes**1 General**

This is an eprint of the Electricity Act 1992. The eprint incorporates all the amendments to the Act as at 6 August 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

**3 List of amendments incorporated in this eprint
(most recent first)**

Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99): sections 14–16

Electricity (Renewable Preference) Repeal Act 2008 (2008 No 111)

Electricity Industry Reform Amendment Act 2008 (2008 No 71): section 30

Commerce Amendment Act 2008 (2008 No 70): section 29

Electricity (Renewable Preference) Amendment Act 2008 (2008 No 86)

Electricity Amendment Act 2008 (2008 No 53)

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)

Electricity (Disconnection and Low Fixed Charges) Amendment Act 2008 (2008 No 29)

Electricity Amendment Act 2007 (2007 No 53)

Electricity Amendment Act 2006 (2006 No 70)