



## ELECTRICAL WORKERS REGISTRATION BOARD

### DISCUSSION PAPER

### LIMITED CERTIFICATES FOR TRAINEES

Issued by NJJ Sickels  
Registrar  
3 September 2008

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## **Introduction**

On 23 November 2006 the Electricity Act 1992 (the Act) was amended through the Electricity Amendment Act 2006 (the Amendment Act).

The Amendment Act makes a number of changes to the electrical registration regime and the Electrical Workers Registration Board (the Board) will play a critical role in the successful implementation of the amended legislation.

The Board has been delegated the responsibility for the registration and licensing of electrical workers.

The Amendment Act includes a number of checks and balances to ensure these responsibilities are properly discharged. For example, the Board must act in accordance with clear principles guiding registration and licensing. Other accountability mechanisms are outlined as follows:

### Accountability of the Board and Clarity of Roles

The Amendment Act provides greater guidance to the Board on its role and on procedures to be followed, and establishes increased accountability of the Board to the Minister.

There is also greater clarity about the respective roles of the relevant Industry Training Organisations and the Board.

Specifically, the Amendment Act requires the Board to follow guiding principles set down in the Amendment Act, when determining registration and licensing matters. The Board is also required to consult with stakeholders on key matters such as registration classes, competence programmes, standards, terms and conditions.

The Board will require the Minister's approval for notices relating to registration classes, standards, terms and conditions.

## **General comment**

In line with the guiding principles set down in the Amendment Act the Board has developed proposals for authorising trainees to carry out prescribed electrical work. Those proposals are listed at page 7 of this discussion paper.

The Board considers the proposals place the least cost and impediment on the industry while maintaining a level of safety which the Board, industry and the public can have confidence in.

This discussion paper has been produced to give stakeholders the opportunity to provide comment on the Board's proposals. Detail on how to provide comment is included at page 9 of this discussion paper.

It should be noted that any decisions which maybe made in relation to the proposals contained in this discussion paper can not be implemented until the sections of the Act referenced in this discussion paper come into force in accordance with section 2 of the Amendment Act.

### **Implementation of decisions**

While it is acknowledged that there is no date for the above mentioned implementation, it is considered that in establishing proposed policy early the Board will ensure an open consultation process with final decisions addressing any identified key problem areas.

For the purposes of this discussion paper, sections referenced in this discussion paper are to be read as the new sections of the Act as substituted by the Amendment Act.

### **Trainees carrying out prescribed electrical work**

The Amendment Act changes the status of trainees. Under section 108 of the Act trainees are entitled to assist with the carrying out of prescribed electrical work however the Amendment Act removes that entitlement and establishes specific provisions for the Board to authorise trainees to carry out prescribed electrical work.

### **General legislative provisions**

Section 74 of the Act sets out the provisions relating to restrictions on doing or assisting with prescribed electrical work.

Section 74(2) of the Act states;

“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.”

Section 74(3) of the Act states;

“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.”

Section 75 of the Act enables the Board by notice in the Gazette to exempt any person or class of person from section 74 while section 76 provides for exemptions if prescribed electrical work is done under supervision.

### **Exempting work done under supervision**

Section 76 of the Act states;

“A person (the supervised person) may do any prescribed electrical work, or assist in doing any prescribed electrical work, if-

- (a) the work is in limits prescribed in regulations made for the purpose 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 the work is being carried out by the registered 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.”

### **Trainees**

Section 77 of the Act states;

- “(1) A person may do, or assist in doing, any prescribed electrical work if-
  - (a) that work is within limits prescribed in regulations made for the purpose of this section; and
  - (b) the person is a trainee in relation to the work; and
  - (c) the work is 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).

### **Limited certificates**

Section 78 of the Act states;

- “(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 the Board thinks fit.
- (3) The Board may, by written notice to any 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.

### **Comment**

It can be argued that there is no need for a trainee to be subjected to the limited certificate provisions of section 77 of the Act as the trainee could work under the supervision exemption provisions afforded by section 76. However when the supervision exemptions provisions are considered there is a fundamental difference in the “limits of work” which apply to the two sections.

If a trainee was to operate under the supervision exemption provisions the trainee would have to operate on prescribed electrical work that was not connected to a power supply and the trainee would not be able to test or connect the work to such a supply. It would follow therefore that the trainee would not be able to satisfy some of the fundamental requirements for registration and, as such, industry expectations. Please note that the above mentioned phrase “was not connected to a power supply” is not used in this discussion paper in any context relative to work which is “electrically live”.

## Proposals

The Board proposes;

- (1) to issue limited certificates and set terms and conditions for those certificates pursuant to section 78 of the Act; and
- (2) that the terms and conditions for the issuing of limited certificates be that the applicant must provide;
  - (i) evidence that the applicant is a trainee pursuant to the section 77(2) of the Act; and
  - (ii) evidence that any safety training, the Board may require workers to complete prior to commencing prescribed electrical work, has been completed; and
  - (iii) a statement from a person, who holds a current practising licence that authorises the person to supervise electrical work, which attests that the trainee will be supervised in a manner which satisfies the requirements of the Act and regulations; and
  - (iv) an assurance that the applicant will work within the trainee limits as specified by the Board; and
  - (v) an assurance that examination(s)/practical assessment(s) relevant to the category of registration to which the applicant is aspiring will be attempted through the duration of any limited certificate that may be issued; and
- (3) that the duration for limited certificates be as shown in the following table;

Registration category to which trainee aspiring	Duration of limited certificates
Electrician	4 years
Electrical appliance serviceperson	18 months
Line mechanic (all categories)	2 years
Electrical engineer	4 years
Electrical service technician	2 years
Tradesperson	4 years

and be in line with the registration training/experience requirements stated in the Board's May 2008 discussion paper on proposed categories of registration; and

- (4) that any application for the renewal of a limited certificate be granted provided the trainee has satisfied the Board that every attempt has been made to fulfil the initial issuing requirements; and
- (5) that limited certificates would be subject to cancellation if the Board was satisfied that a trainee;
  - (i) does not satisfy the definition of a trainee pursuant to the section 77(2) of the Act; or
  - (ii) did not complete any safety training, that the Board required workers to complete prior to commencing prescribed electrical work; or
  - (iii) has not complied with supervision instructions from the person, who holds a current practising licence that authorises the person to supervise electrical work, and who attested that the trainee would be supervised in a manner which satisfied the requirements of the Act and regulations; or
  - (iv) has repeatedly worked outside the limits of the certificate; and
- (6) that prior to making any decision in relation to the refusal to renew or cancel a limited certificate the Board would;
  - (a) observe the rules of natural justice; and
  - (b) without limiting those rules, give the trainee –
    - (i) notice of any matter that may give the Board cause to refuse to renew or cancel a limited certificate; and
    - (ii) provide the trainee with all information the Board will be considering in relation to the matter; and
    - (iii) reasonable opportunity to make written submissions and be heard on the question, either personally or by the trainees representative.

## Comments sought on this discussion paper

- 1 The Board would appreciate any comments about the implications and impact of the proposals in this discussion paper by 31 October 2008. Comments should be sent to:

The Registrar  
Electrical Workers Registration Board  
P O Box 10156  
WELLINGTON  
Or Fax (04) 473 2395  
Or by e-mail to: [trish.tchernegovski@dbh.govt.nz](mailto:trish.tchernegovski@dbh.govt.nz)

Please ensure that your submissions clearly identify your organisation (if any) and any other individuals or organisations represented in the submission.

The Board would prefer to receive your submission as a word document attachment to an e-mail, but fax or posted submissions are all welcome.

Also, the Board would appreciate receiving submissions in the following format:

Section No.	Issue/Proposed Change	Comment/Reason for comment
		I support/disagree with.... because....

## Official Information Act 1982

- 2 Please note that any submissions received by the Board will constitute 'official information' under the Official Information Act 1982. That Act is designed to give the people of New Zealand access to information, but with exceptions to preserve the public interest and personal privacy.
- 3 The Board will prepare a summary of submissions received, together with the Board's responses. This summary is intended for circulation to parties who have made submissions.
- 4 In providing your submission, please advise the Board if you have any objections to the release of your submission, and, if you do object, the parts of your submission that you want withheld, and the grounds, under the Official Information Act, for withholding them. The Board will carefully consider your reasons when preparing and releasing any summary, and in considering any formal Official Information Act requests that might be received in the future.

### **Privacy Act 1993**

- 5 Any personal information that you supply to the Board in the course of making your submission will be used by the Board only in conjunction with the consideration of matters covered by this discussion paper.
- 6 Your name will be included in any summary unless you inform the Board that you do not wish your name to be included.

A handwritten signature in black ink, appearing to be 'John Doherty', written in a cursive style.

Registrar  
3 September 2008