



ELECTRICAL WORKERS REGISTRATION BOARD

DISCUSSION PAPER  
EMPLOYER LICENCES

Issued by NJJ Sickels  
Registrar  
13 February 2009

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## **Introduction**

The Electricity Amendment Act 2006 (the Amendment Act) introduced changes to the manner in which employer licences are provided for under the Electricity Act 1992 (the Act).

The principle changes introduced by the Amendment Act in relation to employer licensing are that;

- (a) the Board will be the body responsible for the issuing, renewing, restricting, suspending and cancelling of employer licences. The Board also has the authority to order the payment of fines and issue censures.
- (b) the Board must treat certification from an “approved person” as sufficient verification that a person is maintaining a system of operation that;
  - complies with the requirements that are specified in regulations; and
  - 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;
      - is carried out safely and competently; and
      - complies with the requirements of the Act and any regulations.
- (c) a person is not entitled to be issued with an employer licence if the person is precluded from holding such a licence by any licence restricting, suspending or cancelling action taken by the Board.
- (d) the Board may impose terms and conditions in relation to employer licences.

## **Introduction of regulations**

In releasing this discussion paper the Board is mindful that regulations associated with the Amendment Act, and which are referenced in the employer licence provisions of the Amendment Act, are yet to be introduced.

However, irrespective of the existence of such regulations the Board considers that it is important for interested parties to be informed of the Board’s initial position in relation to employer licences.

## **Board's initial position in relation to employer licences**

The Board has considered its initial position in relation to employer licensing and as this type of licensing is a new function for the Board, the Board would like to give all interested parties the opportunity to comment on the Board's views on how employer licensing should be governed and managed in the future.

The Board's initial views on employer licensing are as follows;

### **Employer licences issued by the Secretary**

- (a) the Board will recognise any current employer licence that has been issued by the Secretary under the Act (an existing employer licence) and any such licence will be subject to any existing conditions.

An existing employer licence will remain in force until its expiry date unless it is revoked sooner.

- (b) every year the Board will require all existing employer licence holders to supply to the Board a certificate from an "approved person" which certifies that the employer licence holder is maintaining a system of operation that;

- complies with the requirements that are specified in regulations; and
- 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;

- is carried out safely and competently; and

- complies with the requirements of the Act and any regulations.

- (c) the annual certificate referenced in (b) above will be required to be provided to the Board on each annual anniversary of the employer licence grant date and that certificate must have been issued by an "approved person" within the previous thirty days of being provided to the Board.

- (d) the Board will not renew existing employer licences following the expiration of such licences however if an application for a new employer licence is received prior to an existing employer licence expiring the existing employer licence will remain in force until the new application is dealt with by the Board.

## **New employer licences**

- (e) The Board will issue any new employer licence to any person who;
  - (i) makes an application for an employer licence on the prescribed form (if any), and
  - (i) pays the prescribed fee (if any); and
  - (ii) provides the Board with a certificate from an “approved person” that certifies that the first referenced person is maintaining a system of operation that;
    - complies with the requirements that are specified in regulations; and
    - is sufficient to ensure that employees of that person who do, or assist in doing prescribed electrical work -
  - (iv) are competent to carry out the range of work for which they are employed; and
  - (v) receive the supervision and training that is necessary to ensure that the work;
    - is carried out safely and competently; and
    - complies with the requirements of the Act and any regulations.
- (f) The “approved person” referenced in (e) above must provide the certificate to the Board in the prescribed manner.
- (g) The certificate referenced in (e) above must be in the prescribed form.
- (h) Following consideration of any application for an employer licence the Board may impose terms and conditions that it thinks fit (eg the Board may restrict the types of prescribed electrical work that may be done under the licence).
- (i) The Board will place a condition on all new employer licences that will require every holder of an employer licence to ensure that all employees of the licence holder, who carry out prescribed electrical work under the auspices of the licence, satisfactorily complete instruction in basic first aid and cardio-pulmonary resuscitation within three months of the grant date of the licence and then at periods not exceeding two years. (Please note that there is no need to repeat the above mentioned three month instruction if such instruction has been completed prior to the employer licence grant date.)

- (j) The Board will place a condition on all new employer licences that will enable any person authorised by the Board to enter, and re enter, any premises (not being a dwelling house) which are occupied by the employer licence holder to inspect, 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 that relates to;
  - (i) ensuring compliance with the terms and conditions of the employer licence; or
  - (ii) ensuring that the prescribed electrical work done by the employer licence holder;
    - is at all times carried out safely and competently; and
    - complies with the Act and any regulations.
- (k) The Board will place a condition on all new employer licences that will state that the licence applies only to employees of the licence holder.
- (l) The Board will place a condition on all new employer licences that will require any work on live high voltage electric lines carried out under an employer licence to comply with the provisions of New Zealand Electrical Code of Practice 46: 2003.
- (m) The Board will issue any new employer licence for a period of five years from the licence grant date and any such licence will remain in force for that period unless it is sooner cancelled or suspended.
- (n) The Board will not issue any employer licence to any person if any person is precluded from holding an employer licence because of any action taken by the Board relating to licence restricting, suspending or cancelling.

### **Renewal of new employer licences**

- (o) The Board considers that the renewing of an employer licence is essentially the same as the issuing of such a licence, and to ensure maximum consistency the Board will require any person wishing to renew an employer licence to satisfy the same requirements and be subject to the same conditions as those applicable for the issuing of the licence (sections (e) to (n) above refer).

In addition the requirements referenced in sections (e) to (n) above the Board will require every employer licence holder to each year supply the Board with a certificate from an “approved person” which certifies that the employer licence holder is maintaining a system of operation that;

- complies with the requirements that are specified in regulations; and

- 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;
  - is carried out safely and competently; and
  - complies with the requirements of the Act and any regulations.
- (p) The certificate referred to in (o) above will be required to be provided to the Board on each annual anniversary of the employer licence grant date and the certificate must have been issued within the previous thirty days of the date of being presented to the Board.

**Cancellation, suspension and other actions in relation to employer licences**

- (q) The Amendment Act provides for the Board to cancel, suspend or restrict an employer licence if the Board is satisfied that the employer licence holder;
- obtained the licence by making false or misleading representations or declarations; or
  - was not entitled to be issued with an employer licence; or
  - no longer meets all the requirements for the issue of an employer licence; or
  - has failed to ensure that prescribed electrical work done by employees of that person;
    - (i) is at all times carried out safely and competently; and
    - (iii) complies with the requirements of the Act and regulations.

The Amendment Act also provides for the Board to order the payment of fines and issues censures.

- (r) The Board will not take any action in relation to cancelling or suspending or restricting an employer licence or order fines or issue censures until the Board has informed the employer licence holder as to why it may take any of those actions and given the employer licence holder a reasonable opportunity to make written submissions.

The Board will also ensure any employer licence holder has the opportunity to be heard either personally or by the employer licence holder's 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 30 March 2009. 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 M.', written in a cursive style.

Registrar  
13 February 2009