



Electrical Workers  
Registration Board

SAFETY | COMPETENCY | COMPLIANCE

Report on the review of the

# **ELECTRICITY ACT 1992 BY THE ELECTRICAL WORKERS REGISTRATION BOARD**

Pursuant to Section 158 of the Electricity Act 1992

JULY 2026

# Review of the Electricity Act 1992

## Contents

|                                                                   |   |
|-------------------------------------------------------------------|---|
| 1. Introduction.....                                              | 3 |
| 2. Executive Summary .....                                        | 3 |
| 3. Endorsements .....                                             | 4 |
| 4. Competence.....                                                | 5 |
| 5. Penalties and fines .....                                      | 5 |
| 6. Disciplinary provisions .....                                  | 6 |
| 7. Limited certificate holders.....                               | 7 |
| 8. Employer licences .....                                        | 7 |
| 9. Board provisions .....                                         | 9 |
| 10. Amendments to the Electricity (Safety) Regulations 2010 ..... | 9 |

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# 1. Introduction

- 1.1 Section 158 of the Electricity Act 1992 (the Act) requires the Electrical Workers Registration Board (the Board) to complete a review of the occupational regulation parts of the Act<sup>1</sup> at intervals of not more than five years and to report its findings to the Minister for Building and Construction (the Minister). As part of the review, the Board must consider whether any amendments to the Act are necessary or desirable. In conducting a review, the Board determines the scope of the matters to be examined, how the review will be carried out, and the content of the report submitted to the Minister. In doing so, the Board takes into account the Crown's broader objective of establishing, implementing, and maintaining a regulated framework for electrical workers in New Zealand.
- 1.2 The Board is of the view that a comprehensive review of the Act and Electricity (Safety) Regulations 2010 (ESR 2010) is overdue to modernise and future-proof the legislation governing the regulation of electrical workers to ensure it is fit for purpose and operates effectively.
- 1.3 In preparing this report, the Board has drawn on its experience administering its functions under the Act, previous recommendations that continue to be relevant, and Regulatory Review Committee recommendations<sup>2</sup> which found that the Act is outdated and does not adequately reflect the complexity of modern electrical technology.
- 1.4 In addition to the recommendations in this report, the Board continues to support recommendations from previous reports that have been agreed by Cabinet or are under consideration by Parliament. These recommendations include:
- provide for a code of ethics for electrical workers to be made and enforced
  - introduce disciplinary charges for bringing the scheme into disrepute and improper conduct charges
  - enable the Registrar to initiate complaints, and
  - require electrical workers to declare any changes in circumstances that would affect their fitness to continue to hold a practising licence.<sup>3</sup>

## 2. Executive Summary

- 2.1 The Board's review found that the Act and ESR 2010 require modernisation to ensure they remain fit for purpose. Specifically, urgent changes are needed to the Act to recognise the increasing specialisation of electrical work and emerging technologies that can increase risks to public safety.
- 2.2 The Board recommends the following amendments:
- a) Endorsements – as a priority, provide for endorsements to simplify the recognition of areas of practitioner specialisation as well as the registration and licencing of electrical workers.

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<sup>1</sup> Part 1 and Parts 9 to 14 of the Act

<sup>2</sup> The Regulations Review Committee is expected to report to Parliament in due course on the outcome of a complaint about the Electricity (Prescribed Classes of Registration for Electrical Workers) Notice 2025.

<sup>3</sup> [Policy proposals for the Regulatory Systems \(Commercial Matters\) Amendment Bill and Regulatory Systems \(Energy and Resources\) Amendment Bill](#)

- b) Competence – provide for the Board to review the competence of an electrical worker at any time where reasonable grounds exist to improve public confidence and industry practices.
- c) Penalties and fines – review deterrents to make sure they are set at an appropriate level and extend the statutory timeframe for issuing an infringement notice.
- d) Disciplinary provisions – provide clear guidance on when an investigator should not refer a complaint to the Board for consideration, to strengthen confidence in the integrity of the disciplinary process.
- e) Limited certificates – include limited certificate holders in the disciplinary provisions of the Act so that trainees carrying out prescribed electrical work without the knowledge of their supervisor can be held to account.
- f) Employer licences – restrict employer licences to areas where an employer can demonstrate that it is not practical to use a licensed electrical worker, introducing ‘fit and proper person’ requirements, and clarify the disciplinary powers for dealing with complaints.
- g) Board provisions – extend the term of Board members to five years to improve the retention of institutional knowledge.
- h) Related amendments to the ESR 2010 are also recommended including:
  - make the design of an electrical installation a type of prescribed electrical work, providing for electrical design to become a class of registration and require practitioners to be registered and licensed.
  - establish a public certification database for prescribed electrical work to provide an enduring record of electrical certification.
  - review the definition of low-risk prescribed electrical work to remove the maintenance and replacement of fittings in existing installations that would otherwise be considered high-risk work.
  - review prescribed fees and the circumstances in which fees can be refunded or waived.

### 3. Endorsements

#### ***Provide for endorsements***

- 3.1 The Board has the power to designate classes of registration, and to specify for each of those classes the prescribed electrical work that a person is authorised to do, by virtue of holding a particular class under sections 84 and 85 of the Act.
- 3.2 In 2023, the Board introduced further endorsed classes of registration, specific to an electrical worker’s base class of registration, to reduce the risk of harm associated with carrying out prescribed electrical work in certain higher risk work areas involving specialist competence as well as the supervision of more than two people. The resulting number of additional classes of registration has increased the complexity of the registration and licensing framework.
- 3.3 The Board would have preferred to introduce endorsements to authorise electrical workers to carry out prescribed electrical work in specialist areas, without restricting that work to a specific registration class, however the Act does not provide for endorsements to operate

in this way. The Regulations Review Committee findings also noted that the Act does not readily accommodate the complexity of modern electrical technology.

- 3.4 While endorsed classes of registration operate in practice in a similar manner as endorsements would have by authorising a registered electrical worker to do certain prescribed electrical work, granting endorsements may provide additional benefits by being simpler to administer and easier for both electrical workers and the public to understand.
- 3.5 An example where endorsements have been implemented in a similar occupational regulatory scheme can be found in the Plumbers, Drainlayers and Gasfitters Act 2006. Under section 137 of this Act, the Plumbers, Gasfitters and Drainlayers Board functions include prescribing the terms and conditions for granting endorsements as well as the minimum standards that a person must meet to be eligible for an endorsement.
- 3.6 The Board recommends amending the Act to enable the Board to prescribe endorsements to recognise the increasing specialisation of electrical work.

## 4. Competence

### ***Ability to review the competence of an electrical worker at any time***

- 4.1 The Board can only assess an electrical worker's competence when considering an application to issue or renew a licence, or when determining a complaint. Although concerns about a practitioner's competence may arise at any time, the Board's ability to intervene is limited to these specific circumstances. The Board has encountered situations where an electrical worker's competence has been called into question, due to impairment, but it was unable to act because the matter fell outside its statutory powers.
- 4.2 In contrast, similar occupational regulatory schemes include provisions of this nature. For example, section 53 of the Plumbers, Gasfitters, and Drainlayers Act 2006 empowers the Plumbers, Gasfitters, and Drainlayers Board to review, at any time, the competence of a registered person to carry out, or assist in carrying out, sanitary plumbing, gasfitting, or drainlaying work.
- 4.3 The Board recommends that the Act be amended to empower it to review the competence of an electrical worker at any time, where reasonable grounds exist.

## 5. Penalties and fines

### ***Review the maximum penalties and fines under the Act***

- 5.1 The maximum penalties and fines for disciplinary matters under Part 11 and offences relating to illegal prescribed electrical work under Part 14 have not been reviewed since 2010. Given the significant risks that unsafe prescribed electrical work poses to public safety and property, there is a strong case for reassessing whether the current penalties remain appropriate and are an effective deterrent.
- 5.2 A review would consider whether existing penalty levels continue to reflect the seriousness of offending and align with contemporary regulatory practice. It would be appropriate for the review to consider the approach taken in other legislation, such as the Health and Safety at Work Act 2015, where penalty settings are designed to reinforce compliance and reflect the potential consequences of non-compliance.
- 5.3 The Board recommends that the maximum penalties and fines under Parts 11 and 14 of the Act are reviewed and updated as appropriate.

### ***Review the requirements for infringement notices***

- 5.4 The Act provides for infringement notices to be issued, along with associated infringement fees, for a limited range of offences prescribed in Regulation 12 of the ESR 2010.
- 5.5 In practice infringement notice provisions are not being used. There are two reasons for this. First, the Act requires that all matters raised as a complaint must be dealt with as a complaint, and for an Investigator to be assigned, rather than be dealt with as an infringement offence. Second, the Act requires infringement notices to be issued within 14 days of when a person becomes aware of an alleged complaint<sup>4</sup> which in most instances is impractical, because it is inadequate time to establish on reasonable grounds that an offence has occurred.
- 5.6 The Board recommends amending the Act to enable minor disciplinary matters to be addressed through the infringement notice process, including where the matter is initially received as a complaint. This would provide a more proportionate and efficient alternative to a full investigation and, where applicable, a disciplinary hearing.
- 5.7 Examples of offences that may be suitable for more efficient resolution by infringement notice rather than a hearing could include administrative or low-level compliance failures, such as:
- failure to issue certification, such as an electrical safety certificate, or within the required timeframe;
  - undertaking prescribed electrical work during a short-term lapse in licence renewal; or
  - other minor administrative errors that do not raise significant public safety concerns such as providing a false or misleading certification.
- 5.8 Should the legislation be amended, consideration should be made to giving respondents the option to have the offence considered as a complaint given infringements need to be defended through the District Court, which could expose them to more serious disciplinary outcomes.
- 5.9 The Board also recommends extending the statutory timeframe for issuing an infringement notice from 14 days to 28 days. This would provide sufficient time to undertake preliminary enquiries and determine whether there are reasonable grounds to issue an infringement notice.

## **6. Disciplinary provisions**

### ***Guidance to assist Investigators to determine whether to refer a complaint to the Board***

- 6.1 The Act requires an Investigator to determine whether a complaint ‘should’ or ‘should not’ be considered by the Board. As section 146(2) does not provide directions for what the Investigator must consider when making that decision, the matter is within the discretion of the appointed Investigator.<sup>5</sup>
- 6.2 It is common for guidance on the exercise of discretionary powers to be provided. For example, in the criminal justice system, the Solicitor-General issues Prosecution Guidelines to assist prosecuting authorities in making prosecutorial decisions. The Board uses those guidelines when considering action in the District Court to prosecute

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<sup>4</sup> Procedural requirements for infringement notices are set out in section 165C(1) of the Act

<sup>5</sup> Under section 146(2) of the Act, the Investigator must determine whether, in the Investigator’s opinion, the complaint should be considered by the Board.

unlicensed electrical workers who carry out illegal (unauthorised) prescribed electrical work. Similarly, in the Licensed Building Practitioners Scheme, Regulation 9 of the Building Practitioners (Complaints and Disciplinary Procedures) Regulations 2008,<sup>6</sup> provides guidance on whether a complaint should or should not continue.

- 6.3 Given the important function performed by the Investigator, and the need to maintain public confidence that discretion is being used appropriately, the Board recommends amending the Act to include similar provisions to those set out in Regulation 9 of the Building Practitioners (Complaints and Disciplinary Procedures) Regulations 2008 to provide Investigators with clear guidance on why a complaint should not proceed to a hearing.

## 7. Limited certificate holders

### ***Disciplinary provisions for limited certificate holders***

- 7.1 The Act sets out restrictions on carrying out or assisting with prescribed electrical work and persons who are exempt from those restrictions. Trainees who hold a limited certificate are exempt from those restrictions.
- 7.2 The limited certificate process has been operating effectively in authorising holders to carry out any prescribed electrical work, under supervision, for the purposes of training towards a desired class of registration.<sup>7</sup> A limited certificate holder is exempt from the disciplinary provisions of the Act that apply to registered electrical workers. This reflects the fact that the responsibility for the prescribed electrical work rests with the trainee's supervisor. Consequently, where a limited certificate holder undertakes prescribed electrical work in a manner that is contrary to legislative requirements, this usually leads to a complaint being made against their supervisor, who is accountable for the work.
- 7.3 However, in the Board's experience, the supervisor is not always responsible where the limited certificate holder has undertaken work without the supervisor's knowledge or has wilfully not followed their supervisor's instructions. In such cases, the Board is limited to cancelling the trainee's limited certificate or imposing conditions on it.
- 7.4 The Board recommends including limited certificates holders in the disciplinary provisions in Part 11 of the Act as was previously in place prior to the 2006 amendments to the Act.

## 8. Employer licences

- 8.1 Employer licences are an exception to the requirement that prescribed electrical work be carried out by persons who are registered and licensed by the Board. They allow an employer to obtain the authority to carry out prescribed electrical work and to use unregistered, unlicensed staff to carry out that work. The number of employer licences has been declining over time. As of June 2026, there were 9 employer licence holders.

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<sup>6</sup> [Building Practitioners \(Complaints and Disciplinary Procedures\) Regulations 2008 | New Zealand Legislation](#)

<sup>7</sup> The Board has published the Supervision Companion Guide setting out comprehensive guidelines for limited certificate holders and their supervisors.

***Restrict the prescribed electrical work that can be carried out under an employer licence***

- 8.2 The Board must grant an employer licence if an applicant provides a certificate from an approved person.<sup>8</sup> The certificate confirms that the employer has an appropriate system of operation in place to ensure employees carrying out work under the licence are competent, and that any prescribed electrical work will be carried out safely and in accordance with any legal or technical requirements.
- 8.3 The Board may impose terms and conditions on an employer licence provided those conditions do not contradict the certification issued. The Board considers an employer licence to be a suitable licensing approach for authorising certain types of specialised prescribed electrical work.
- 8.4 A concern arises where, in the Board's view, an employer licence is used as a substitute for employing or engaging appropriately licensed electrical workers to carry out non-specialist prescribed electrical work. To support and promote the licensing of individual electrical workers, the Board recommends restricting the use of employer licences to areas where an employer can demonstrate that it is not practical to use licensed electrical workers or for work to be carried out under the supervision of an appropriately licensed electrical worker.

***'Fit and proper entity' requirements to employer licences***

- 8.5 Individuals that apply for registration or licensing must be a 'fit and proper person'; however, there is no equivalent requirement for a person or an entity applying for an employer licence.
- 8.6 This creates a risk that employer licence holders and their staff could conduct themselves in a manner that adversely impacts the public's confidence that prescribed electrical work has been undertaken competently, compliantly and safely. In such a case, the Board can only consider a complaint made about the employer licence holder but the scope of matters that can be considered is limited and does not include fit and proper entity issues.
- 8.7 The Board recommends amending the Act to ensure that fit and proper person requirements are consistent for both individual and employer licence applicants.

***Clearer disciplinary powers for dealing with complaints about an employer licence holder***

- 8.8 The disciplinary process for registered electrical workers set out in the Act is detailed and effective and provides the Board with the powers it requires to hold hearings and discipline individuals. In contrast, the Act does not set out in detail the process for dealing with employer licence complaints or any powers to compel evidence. The Board recommends this gap is addressed by amending the Act to provide clear complaints and disciplinary processes and provisions for employer licence holders aligned to those in place for individual electrical workers.

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<sup>8</sup> Approved persons are defined under Regulation 96 of the ESR 2010

## 9. Board provisions

### ***Extend Board membership to five years***

- 9.1 Schedule 2 of the Act covers provisions that apply to the Board, including the term of office that Board members may serve. The Board recommends extending the term of office from three years to five years to align with the term of appointment for Building Practitioners Board membership under Schedule 3 of the Building Act 2004.
- 9.2 In the Board's experience, it typically takes approximately three years for members to develop a comprehensive understanding of the regulatory regime and operate at full effectiveness. Extending the term to five years would allow members to apply that expertise for a longer period, providing greater continuity, stability, and institutional knowledge. This would be beneficial to electrical workers and the public as it would support more effective Board operations and decision-making.

## 10. Amendments to the Electricity (Safety) Regulations 2010

- 10.1 Section 158 requires the Board to review the operation of the Act. As the Act is implemented, in part, through the Electricity (Safety) Regulations 2010 (ESR 2010), the Board also recommends the following regulatory amendments to support electrical safety and ensure the regulatory framework remains fit for purpose.

### ***Make electrical design a type of prescribed electrical work and require designers to be registered and licensed***

- 10.2 Unlike other electrical work with safety or compliance implications, the design of prescribed electrical work falls outside the Board's registration, licensing and disciplinary jurisdictions under the Act. As a result, the Board cannot regulate individuals undertaking electrical design work or take disciplinary action where work is carried out negligently or incompetently. This creates a regulatory gap. The Board has designated an Electrical Engineer class of registration, and the limits of work could be expanded to include electrical design work.
- 10.3 While the Act provides for the design of electrical installations to be prescribed electrical work, Schedule 1 of the ESR 2010 does not currently include electrical design. The Board recommends amendments to designate electrical design as prescribed electrical work.

### ***Establish a public certification database for prescribed electrical work***

- 10.4 The ESR 2010 requires information about high-risk electrical work to be recorded in the Electricity and Gas High-risk Database, a public, searchable register. However, there is no equivalent requirement for general or low-risk prescribed electrical work, even though certification is required for most electrical work undertaken in New Zealand. This differs from most Australian jurisdictions, where certification must be lodged in a central public database.
- 10.5 The lack of a comprehensive certification database can make it difficult for regulators, property owners, and others to identify who carried out prescribed electrical work when safety, quality, or compliance concerns arise. This issue was highlighted in the coronial inquiry into the death of Mr Mathew John Downs, which recommended that Energy Safety and the Electrical Workers Registration Board consider establishing a comprehensive central register for low-risk and general electrical work.

- 10.6 A central database could improve accountability, preserve records, reduce compliance costs, and support more effective regulation. The case for including low-risk certification is less compelling, as this could increase compliance given the high volume of this work.
- 10.7 The Board recommends establishing a central database for all certification, while making the inclusion of low-risk prescribed electrical work optional.

***Review the definition of low-risk prescribed electrical work***

- 10.8 Regulation 6A classifies prescribed electrical work as low-risk, general-risk, or high-risk, determining the certification and whether an inspection is required. The definition of low-risk prescribed electrical work currently includes the maintenance or replacement of a fitting in an existing installation that would otherwise be classified as high-risk work (deemed low-risk work). In the Board's view the risks associated with deemed low risk work are greater than currently recognised because repair and replacement work is often carried out on older installations where conductors, appliances, and fittings may have deteriorated over time.
- 10.9 The Board has observed uncertainty among electrical workers about the distinction between maintenance and replacement work, resulting in some high-risk work requiring inspection being incorrectly classified as low-risk work, which may create safety risks. Replacement work on mains installations, for example, involves the risk of significant harm. Any changes should also consider practical implications, such as whether urgent work done by an Electrical Inspector in a severe weather event requires an independent inspection.
- 10.10 The Board recommends revisiting the definitions of low-risk work, maintenance, and replacement to ensure they are risk-based, fit for purpose, and practical to implement.

***Review fees and the circumstances in which fees may be waived or refunded***

- 10.11 The Board is limited to charging only those fees prescribed in Schedule 6 of the ESR 2010. However, Regulation 99(3) gives the Board discretion to waive, remit, or refund fees in specified circumstances.
- 10.12 Given the Regulatory Review Committee's findings, the Board recommends an urgent review of the fees prescribed in Schedule 6. This review should ensure the fee structure appropriately reflects the introduction of endorsed registration classes and supports the effective administration of the registration system.
- 10.13 The Board also recommends reviewing Regulation 99(3) to provide greater flexibility in the circumstances where fees may be waived, remitted, or refunded. For example, to enable the Board to waive fees for electrical workers transferring to new registration classes following changes to the registration framework.

