



# Electrical Workers Registration Board

SAFETY | COMPETENCY | COMPLIANCE

## Standing Orders

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**Mel Orange**  
Presiding Member

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## 1. Introduction

- 1.1 The establishment and operation of the Electrical Workers Registration Board (the “EWRB or Board”) is governed by the Electricity Act 1992 (the “Act”).
- 1.2 The Board’s Standing Orders must adhere to the legislative requirements set out in the Act.
- 1.3 Where the Act directly stipulates the Board’s procedures then those provisions are repeated herein.
- 1.4 Where there is a conflict between the provisions of the Act and these Standing Orders the Act shall prevail.
- 1.5 Provisions in these Standing Orders which are reprints of the Act are in italics.
- 1.6 These Standing Orders should be read in conjunction with the Board’s Rules, Policies Procedures and Reference documents.
- 1.7 Where there is a conflict between the provisions of these Standing Orders and any of the Board’s Rules, Policies Procedures and Reference documents these Standing Orders shall prevail.

## 2. Application

- 2.1 These Standing Orders are to apply to all Board and Committee Meetings and to all Board business.

## 3. Power to Regulate Procedures

- 3.1 Section 148(2) of the Act provides that:

*The Board shall have all such powers as are reasonably necessary or expedient to enable the Board to carry out its functions.*

- 3.2 On the basis of section 148(2):

- (a) new standing orders can be adopted or existing standing orders can be suspended or amended by a majority vote at any time, with the exception of anything set out in the Act which does not allow for any discretion in its application; and
- (b) except as expressly provided in the Act, the Board may regulate its procedures in such manner as it thinks fit.

- 3.3 The Board’s disciplinary jurisdiction is a summary jurisdiction in that it has a degree of flexibility in how it deals with matters and wherein it retains inherent jurisdiction beyond that set out in the enabling legislation.

## 4. Schedule 2 of the Act

### 4.1 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.*

- 4.1.1 A Member may at any time during a meeting move a motion of no confidence in the Presiding Member. If the motion is passed then an election in accordance with Schedule 2 clause 1 will be held.
- 4.1.2 The Registrar shall preside over that part of a meeting where:
  - (a) the elections for the office of the Presiding Member and Deputy Presiding Member are held concurrently, or
  - (b) the election is for the office of Deputy Presiding Member and the Presiding Member is not present.
- 4.1.3 The Presiding Member shall preside over that part of a meeting where the election of the Deputy Presiding Member is conducted if it is not concurrent with the election of the Deputy.
- 4.1.4 Any Board Member may request Board only time prior to an election commencing.
- 4.1.5 No person other than a Board Member, the Registrar and the Board Officer shall be entitled to be present when an election is held.

## 4.2 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.*

- 4.2.1 If a member absents themselves for three or more consecutive meetings without reasonable cause the Presiding Member shall discuss with the member their continued commitment to the Board and its business and whether a voluntary resignation is appropriate.

## 4.3 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.*

#### 4.4 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.*

#### 4.5 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.*

#### 4.6 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.*



#### 4.7 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.*

#### 4.8 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.*

#### 4.9 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.*

4.9.1 Any member may abstain from voting and shall have their abstention recorded in the minutes where requested.

#### 4.10 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.*

4.10.1 Board members must disclose any potential conflicts of interest. On being disclosed the Board will discuss and determine whether an actual conflict exists.

4.10.2 No Board member can participate as a member in any part of a meeting of the Board where the member has an actual conflict of interest.

4.10.3 Any notification of a conflict of interest will be recorded in the minutes of that meeting.

4.10.4 Members with an actual conflict of interest must remove themselves from the meeting and the room for the duration of the business to which the conflict relates.



#### 4.11 Procedure

*Except as expressly provided in this Act, the Board may regulate its procedure in such manner as it thinks fit.*

#### 4.12 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.*

Refer B-PO-12 EWRB Committees.

#### 4.13 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.*

4.13.1 The Board will not remunerate by way of fees, salary, or allowances, or travelling allowances or expenses any person other than a Board Member who is on any Board Committee, technical group, working group or other similar group. This provision does not prevent the Board from engaging the services of any person or organisation at any time to assist the Board with its business.

Refer to B-PO-11 Fees, Allowances and Expenses and B-PO-08 Travel Time.

#### 4.14 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.*

#### 4.15 Seal

*The Board shall have a seal, which shall be judicially noticed in all courts and for all purposes.*

- 4.15.1 The seal shall not be affixed to any document unless by resolution of the Board, but the Registrar may, with the consent of the Presiding Member, affix the seal in an urgent case, in which case such action shall be reported to the Board for ratification as soon thereafter as is possible.

#### 4.16 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.*

- 4.16.1 The Board will use its best endeavours to table its report for the preceding financial year (July to June) by no later than November each year.
- 4.16.2 The Presiding Member's introduction to the report will be tabled with the Board no later than September each year for Board approval.
- 4.16.3 The Registrar will table a draft report with the Board with or without financials for the Board to consider no later than October each year.
- 4.16.4 The Annual Report will be tabled for approval at a Board meeting prior to it being furnished to the Minister.

#### 4.17 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.*

- 4.17.1 Members may be held personally liable for any abuse of power or action outside the authority conferred on them.
- 4.17.2 The statutory immunity against any act or omission when performing the functions of the Board in good faith does not confer protection against the costs in defending legal proceedings. Therefore should the Board, or any member of the Board, be sued, their legal costs will not be met by the Crown unless the Minister has agreed to this.
- 4.17.3 Professional indemnity insurance will be provided for the Board and for all Board members and will be paid from the Board's budget to cover the possibility of any legal action directed against the Board or Board members. The Ministry will pay any excess on any claims under the policy or reimburse a member for the same.



## 5. Functions of the Board and Delegation of the Functions

### 5.1 Functions of the Board

*Section 159 – 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... 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.*

### 5.2 Delegation of functions and powers

*Section 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.*

5.2.1 Where the Board delegate any power or function to the Registrar such delegation will, where practicable, be in writing or recorded in the minutes by way of a resolution. Delegations will be reviewed annually or as required.

## 6. Meetings

### 6.1 Meetings to be held in public

Section 153:

- (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... 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.*

## 6.2 Rules of Natural Justice to be observed

### *Section 156:*

*In carrying out their functions and duties under this Act, the Board [and every investigator must] observe the rules of natural justice.*

- 6.2.1 Section 156 of the Act requires that the Board observe the rules of natural justice. The principles of natural justice require that hearings are conducted in a manner that ensures that the Respondent is given a fair opportunity to be heard and to contradict evidence against him or her, and that the decision-making process is conducted fairly, transparently and in good faith. The Board maintains Disciplinary Hearing Rules (B-R-01) which set out how the Board manages hearings and which include principles of natural justice.

## 6.3 Power to Amend or Revoke

### *Section 156A:*

- (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.*

## 6.4 Location of Board Meetings

- 6.4.1 Board meetings will be held in Wellington or Auckland as is appropriate for the business being undertaken at the meeting. Where possible the first day of a three day meeting will be held in Wellington.
- 6.4.2 Where disciplinary hearings are to be held the meeting will, at the discretion of the Board, take place at a location which is the nearest practical location to the practitioner who is the subject of the disciplinary complaint.



- 6.4.3 As a general rule practitioners are not expected to travel more than 4 hours by road to attend a disciplinary hearing.
- 6.4.4 The Board may meet by way of telephone or video conference as and when appropriate and may receive applications or representations from practitioners and or other persons by way of telephone or video conference.

## 6.5 Timing of meeting

- 6.5.1 Board meetings will, unless the proposed agenda requires otherwise, be over three days commencing on the third Wednesday of the month with necessary adjustments for public holidays.
- 6.5.2 The Board Officer will publish a provisional meeting agenda no later than December of the year preceding the meeting year and will provide members with a three month rolling forecast of meeting locations throughout the year.
- 6.5.3 Members will be expected to attend additional meetings as and when required.

## 6.6 Agenda

- 6.6.1 Where practicable:
  - (a) meetings will commence no earlier than 8.30 a.m. on the first day with Board only time whenever feasible. The Board will welcome other persons 30 minutes after the start time. Members may travel the night prior to the meeting in order to meet these timings;
  - (b) Ministry staff will attend the first day of the meeting when it is held in Wellington to present reports and papers to the Board;
  - (c) Members will travel to the next day's meeting location at the end of the day's business.
- 6.6.2 The agenda for any meeting will consist of :
  - (a) standard items such as apologies, confirmation of minutes, conflicts of interest, matters arising etc.;
  - (b) receipt of reports from the Registrar and any Board committees or projects and follow up action points of a governance nature;
  - (c) governance related matters that could impact on the organisation such as accountabilities and environmental scanning (e.g. risk and reputational issues);
  - (d) key operational issues that have governance implications such as approval of the financial report;
  - (e) incoming and outgoing of correspondence;
  - (f) longer term governance issues such as strategy and policy formulation/review;
  - (g) Disciplinary hearings and prosecution reports (note Investigator Reports which recommend a disciplinary hearing be held should not include the supporting evidence for that report; Investigator Reports which do not recommend a disciplinary hearing be held should include any relevant evidence collected in relation to the complaint);



- (h) Disciplinary hearings;
- (i) applications by registered persons;
- (j) Board only time; and
- (k) any other matters relevant to the Board's functions.

6.6.3 Disciplinary hearings and any agenda items involving personal applications by practitioners will be given priority over all other Board business and agenda items.

6.6.4 The Registrar will consult with the Presiding Member about agenda items to be covered at the meeting. A draft agenda and timetable will be sent to the Presiding Member by the Registrar no later than the close of business on Monday of the week preceding the week in which the meeting is to be held.

6.6.5 The accidental failure to give notice to, or non-receipt of a duly despatched notice by a Member, shall not invalidate the proceedings at a meeting.

6.6.6 Items of business may be discussed at any meeting notwithstanding that the item has not been specified in the meeting agenda, provided that, in the opinion of the Presiding Member, either

- (a) the item in question is of a routine and substantially uncontroversial nature, or
- (b) the item requires urgent consideration and has arisen so recently that it was not reasonably practicable to specify it in the meeting notice.

## 6.7 Board papers

6.7.1 Board papers and materials for meetings will be made available for download onto member's iPads no later than the close of business on the Friday prior to the scheduled meeting date and Members are to be advised by the Board Officer when the papers are available.

6.7.2 Papers are to be ordered in folders containing groups of similar or related papers or agenda items.

6.7.3 All Board papers should have a cover note or page which introduces the paper and/or notes the recommendation being made.

6.7.4 Wherever possible digital copies as opposed to scanned copies of documents are to be provided. In particular digital copies of photographs are to be provided.

## 6.8 Consideration of Investigators Reports

6.8.1 The Registrar may at any time by appropriate electronic means put forward a resolution to be assented to by return electronic message to receive any Investigator Reports which recommend matters proceed to a disciplinary hearing and to proceed with the hearing.

6.8.2 A resolution circulated by the Registrar will only be valid and effectual if all Members assent to it in which case it will be as if it had been passed at a meeting of the Board duly called and constituted.

6.8.3 Any such resolution will be noted in the minutes at the next normally constituted Board Meeting.



6.8.4 The Registrar may, if a resolution in 6.8.1 and 6.8.2 above is not approved, call a Special Meeting for consideration of Investigator's Reports.

## 6.9 Special Meetings

6.9.1 A special meeting may be called by the Registrar or any member by notice to the other members.

6.9.2 The notice must specify the time and place of the meeting and the general nature of the business to be tabled at the special meeting and must give at least three working days' notice before the date of the meeting.

6.9.3 A quorum of members must agree to the need for a special meeting for the notice to be effective. Member's agreement will be polled by electronic vote which will be conducted by the Registrar.

## 6.10 Emergency Meetings and Interim Suspensions

6.10.1 The Presiding Member or, in his or her absence, the Deputy Presiding Member or the Registrar may call an emergency meeting of the Board at any time.

6.10.2 Emergency meetings will be used when an interim suspension needs to be considered. Refer B-PO-06 Interim Suspensions.

6.10.3 The Registrar shall give notice to all members by whatever means are reasonable of the time and place or means of the emergency meeting and will give as much notice as is practicable.

## 6.11 Quorum

6.11.1 The quorum necessary for the Board to conduct business is 4 members.

6.11.2 No business shall be conducted at any meeting unless a quorum is present at all times the business is being conducted.

6.11.3 If a meeting is short of a quorum at its commencement or at any time during the meeting, business shall be suspended. If no quorum is present within ten minutes, the Presiding Member may vacate the chair and the meeting will lapse.

6.11.4 The business remaining to be disposed following a lapsed meeting shall stand adjourned until the next ordinary meeting, unless an earlier meeting is fixed by the Presiding Member and notified by the Registrar.

## 6.12 Apologies

6.12.1 If a member will not be present for a meeting then the member is to tender their apology to the presiding Member or the Registrar.

6.12.2 The Presiding Member of each meeting shall invite apologies at the beginning of each meeting and these shall be recorded in the minutes.

## 6.13 Public notification

6.13.1 All meetings of the Board and Committees shall be open to the public in accordance with section 153 of the Act unless the Board directs otherwise.

6.13.2 Board meeting dates and an abridged agenda may be notified on the Board's website and may also be published in Electron magazine.



6.13.3 The Presiding Member or any member on a motion to the Presiding Member may exclude any member of the public from the meeting provided that reasons for the exclusion are recorded in the minutes. Grounds for exclusion shall be consistent with those in the Local Government and Official Information and Meetings Act 1987 or are in accordance with the Board's Disciplinary Rules.

#### 6.14 Deputations

6.14.1 Deputations may be received by the Board provided an application for admission setting forth the subject has been lodged with the Registrar at least 10 working days prior to the date of the meeting concerned and has subsequently been approved by the Presiding Member. The Presiding Member may refuse requests for deputations which are repetitious or offensive.

6.14.2 The notice period may be dispensed with where the Presiding Member is of the opinion that the deputation is one of urgency or in the public interest.

6.14.3 Except with the approval of the Board, not more than two members of a deputation may address a meeting. After a deputation is received, members may put to the deputation any question pertinent to the subject heard, but no member shall express an opinion upon, or discuss the subject, nor move a motion until the deputation has completed making its submissions and answering questions.

6.14.4 The Presiding Member may terminate a deputation in progress which is disrespectful or offensive, or where the Presiding Member has reason to believe that statements have been made with malice.

6.14.5 Unless the meeting determines otherwise in any particular case, a limit of fifteen minutes shall be placed on each of the two members of the deputation addressing the meeting.

6.14.6 The provisions of this clause 6.14 will not apply to a disciplinary hearing.

#### 6.15 Motions

6.15.1 All types of motions and amendments moved in debate (including notices of motion) must be seconded, and thereupon the Presiding Member shall state the matter raised and proposed for discussion.

6.15.2 Once motions or amendments have been seconded and have been proposed by the Presiding Member for discussion, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded cannot be withdrawn until the amendment is first withdrawn or lost.

6.15.3 When a motion has been seconded and proposed by the Presiding Member for discussion, an amendment may be moved and seconded by any member. Amendments which are proposed but not seconded will not be in order or entered into the minutes.

6.15.4 No further amendment shall be allowed until the first amendment is disposed of, although members may give notice to the Presiding Member of their intention to move further amendments and the nature of their content.

6.15.5 Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.





- 6.15.6 The Presiding Member may require the mover of any motion or amendment to submit it in writing signed by the mover.
- 6.15.7 The Presiding Member or the meeting may require a complicated motion (whether an original motion, a substituted motion or an amendment) to be divided.
- 6.15.8 The Presiding Member may, immediately prior to any vote being taken, request the Registrar to restate the motion upon which the vote is to be taken. Once the Presiding Member has put the motion, no Member may speak to that motion after it has been put and voted upon.
- 6.15.9 In speaking in any debate no Member shall cast reflection on any resolution of the Board except by notice of motion to amend or revoke the same.

## 6.16 Resolutions

- 6.16.1 Any resolution must be within the functions of the Board as set down in section 149 of the Act and comply with statutory requirements and be explicit as to the Board's intention and the outcomes the Board requires and if possible the expected timelines for implementation.
- 6.16.2 The minutes of the meeting shall record who moved and seconded any resolution.
- 6.16.3 Any Board meeting may revoke or alter all or part of any resolution previously passed by the Board in accordance with section 156A of the Act.
- 6.16.4 A resolution passed in accordance with these Standing Orders shall only be revoked or amended if the revoking or amending motion itself complies with these Standing Orders.

## 6.17 Rules of Debate

- 6.17.1 All debate shall be carried out in a manner which is respectful and courteous of other Members and members of the public.
- 6.17.2 Any Member may raise a point of order at any time provided that the member state precisely the subject matter of the point of order.
- 6.17.3 The Presiding Member may decide on any point of order immediately after it has been raised by any member, or may first hear argument thereon before deciding. The ruling of the Presiding Member upon any point of order shall not be open to any discussion and shall be final.
- 6.17.4 The Presiding Member may direct a Member or any member of the public to withdraw from the meeting for such period as is appropriate if the Presiding Member is of the opinion the Member or the member of the public is being distrustful or discourteous.
- 6.17.5 If a member of the public is not willing to remove themselves from the meeting when requested to do so the Presiding Member may adjourn the meeting or move that the meeting be held in private.

## 6.18 Advice from the Registrar

- 6.18.1 In the course of a debate or any proceedings of the Board, the Registrar may be requested to provide or may proffer advice or seek clarification on any matter under consideration.

## 6.19 Minutes and Action Points

- 6.19.1 The minutes of any meeting form the basis of a post meeting action list for members of the Board, the Registrar and or the Operations Manager, with progress to be reported on at the



next meeting. Proceedings at Board meetings (excluding in committee matters) will be recorded for the purpose of producing accurate minutes. Once the minutes are approved the recording will be deleted on the basis that the minutes then become the official record of the meeting.

- 6.19.2 The Board will maintain an action points list which will capture all actions resolved during a meeting and the status of each action. The Registrar shall maintain the action points list.
- 6.19.3 All draft minutes and action points will be emailed to the Presiding Member no later than 5 working days after the conclusion of the meeting to which they relate. Once approved they will be circulated for review by Members. Action points will be circulated as soon as practicable after the completion of the meeting.
- 6.19.4 The minutes will be presented at the next Board meeting for approval and when approved will be signed by the Presiding Member.
- 6.19.5 Execution of the minutes may be by way of electronic means provided that all members vote in agreeance to their being accepted.
- 6.19.6 Confirmed minutes will be made available on request from the Ministry and may be by way of publication on the Board's website on the condition that:
- (a) names are removed in respect to discipline matters, registration and provisional licence applications unless a resolution provides otherwise; and
  - (b) in-committee matters are not made available.

## 7. Commission of Inquiry Act 1908

### 7.1 Persons entitled to be heard

*Section 4A:*

- (1) *Any person shall, if he is a party to the inquiry or satisfies the Commission that he has an interest in the inquiry apart from any interest in common with the public, be entitled to appear and be heard at the inquiry.*
- (2) *Any person who satisfies the Commission that any evidence given before it may adversely affect his interests shall be given an opportunity during the inquiry to be heard in respect of the matter to which the evidence relates.*
- (3) *Every person entitled, or given an opportunity, to be heard under this section may appear in person or by his counsel or agent.*

### 7.2 Evidence

*Section 4B of the Commission of Enquiries 1908*

- (1) *The Commission may receive as evidence any statement, document, information, or matter that in its opinion may assist it to deal effectively with the subject of the inquiry, whether or not it would be admissible in a Court of law.*
- (2) *The Commission may take evidence on oath, and for that purpose a member or officer of the Commission may administer an oath.*



- (3) *The Commission may permit a person appearing as a witness before it to give evidence by tendering a written statement and, if the Commission thinks fit, verifying it by oath.*

## 8. Procedure

### 8.1 Notice and service of documents by Board, member, Registrar, or investigator

#### *Section 156B:*

- (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.]*

### 8.2 Orders to be in writing

#### *Section 417Y:*

- (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.*

### 8.3 Publication of orders

#### Section 147Z

- (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.*

## 9. Board Business Outside of Meetings

### 9.1 Board Committees

9.2 Board Members will conduct Board Committee business in accordance with the Board's Policy B-PO-12 EWRB Committees.

### 9.3 Member Appointments as Delegate

9.4 Board Members will when appointed as a delegate abide by the board's policy B-PO-17 Member Appointments as Board Delegates Policy.

### 9.5 Attendances at Conferences and Functions

9.6 Board Members will when attending conferences or functions abide by Board Policy B-PO-16 Attendance at Conferences/Functions and Gifts, Rewards and Hospitality Policy.



## 9.7 Attendance at Ministry Projects and Meetings

- 9.8 Board Members will when appointed as a member of a Ministry project or when attending Ministry meetings as delegate of the Board's abide by policy B-PO-17 Member Appointments as Board Delegates Policy.

## 9.9 Communications Outside of Board Meetings

### **Internal**

- 9.10 Internal communications are those that are between the Board, Board Members and the Ministry of Business Innovation and Employment (the Ministry). These provisions do not apply to routine or administrative communications.
- 9.11 Members should refer to and take account of the Service Level Agreement (SLA) with the Ministry when communicating with the Ministry.
- 9.12 If a matter requires escalation within the Ministry it must be done in accordance with the SLA.
- 9.13 Communications with Ministry should, where appropriate,
- (a) in relation to Board business come from the Presiding Member or the person delegated by the Board or Presiding Member to attend to the communication; and
  - (b) in relation to Board Committee business come from the nominated lead of the Committee or delegated Committee Member.
- 9.14 Members should ensure communications are professional in tone and content and are appropriate for the intended audience.
- 9.15 The Operations Manager and the Registrar should, where appropriate, be included in or kept informed of internal communications.

### **External**

- 9.16 External communications should, where appropriate,
- (a) in relation to Board business come from the Presiding Member or the person delegated by the Board or Presiding Member to attend to the communication; and
  - (b) in relation to Board Committee business come from the nominated lead of the Committee or delegated Committee Member.
- 9.17 Members should ensure communications are professional in tone and content and are appropriate for the intended audience.
- 9.18 The Operations Manager and the Registrar should, where appropriate, be included in or kept informed of external communications.

## 10. Public Statements

- 10.1 All public statements shall be made by the Presiding Member or by the Registrar or, if they are to be made by a Board Member then they are to be authorised by the Presiding Member and notified to the Registrar prior to any such statement being made.
- 10.2 Members shall refer any media enquiries to the Registrar and will refrain from making statements to the media.



- 10.3 Any public statements made by any Member including the Presiding Member are to be notified to the Registrar as soon as is practicable after the statement is made. Members shall also notify the Presiding Member.

## 11. Official Information Act/Privacy Act/Ministerial Questions

- 11.1 All Board business will be conducted in accordance with the provisions of Official Information Act 1982 and the Privacy Act 1993. Board Members are reminded that all documents, including notes and records of telephone conversations may be discoverable in any legal action, or through an Official Information Act and or the Privacy Act.
- 11.2 The Registrar or Ministry will inform the Presiding Member of all Official Information Act requests and Ministerial Questions as and when they occur
- 11.3 The Registrar will respond to all Official Information Act requests in accordance with the Ministry's Policy .
- 11.4 The Registrar will respond to all Ministerial Questions once he or she has consulted with the Presiding Member on the same. The Board instructs the Registrar that the Board can refuse such a request if both the following apply:
- (a) withholding the information is necessary to protect the privacy of a person, dead or alive, which amounts to good reason under the Official Information Act 1982. This has to be weighed against the Minister's need to have the information in order to discharge the Minister's ministerial duties; and
  - (b) the information relates to a particular matter in respect of which the Board or any person appointed or employed by the Board is required to act judicially.
- 11.5 The Registrar will inform the Board of all Official Information and Privacy Act requests and all Ministerial questions at the next available Board meeting.

## 12. Accountability Agreement

- 12.1 The Board has a Letter of Performance Expectations with the Minister.
- 12.2 The objective of the Letter of Performance Expectations is to establish performance expectations of the Board. The Agreement enables the Minister to monitor and hold the Board accountable for its performance.

## 13. Reporting to the Minister

- 13.1 The Board will report to the Minister as and when required on its progress toward or achievement of the matters set out in the Letter of Performance Expectations .
- 13.2 The Board will where and whenever appropriate bring any matters to the Minister's attention which the Board is of the opinion the Minister ought to be aware of.

## 14. Board Strategy and Business Plan

- 14.1 The Board will develop and maintain a strategy which will include:
- (a) Strategic Mission;
  - (b) Strategic Vision; and



(c) Strategies, projects and initiatives to achieve the Mission and Vision.

14.2 The Board will prepare a detailed Annual Business Plan each year for discussion with the Chief Executive of the Ministry (or their delegate), in order to establish its resource requirements for the following budget year and for incorporation into the Ministry's budgetary requirements, noting the Ministry budget year runs from July to June.

14.3 The Board will consult with the Ministry in developing its strategy and Annual Business Plan but will remain primarily responsible for them.

## 15. Service Level Agreement

15.1 An Agreement between the Board and the Ministry may be developed and maintained on an annual basis. The agreement may include the Board's delegations to the Registrar.

15.2 The objective of the Agreement is to set out the levels of support to be provided by the Ministry over and above those matters contained in any delegations to the Registrar to enable the Board to deliver on its Business Plan and Accountability Agreement.

## 16. Miscellaneous

16.1 Apart from the preparation for and the attendance at ordinary, special or emergency Board meetings or at committee meetings, no Member may carry out any other work as a Board Member unless such work is consistent with the provisions of B-PO-11 Fees, Allowances and Expenses.

