

1959, No. 46
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1959, No. 46

An Act to provide for the training, qualification, and certification of electric linemen [15 October 1959]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Electric Linemen Act 1959.

(2) This Act shall come into force on the first day of October, nineteen hundred and sixty.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Alive”, in relation to a conductor of electricity, means charged with electricity so that a difference in electrical potential exists between the conductor and earth:

“Approved school” means a school approved by the Committee under this Act:

“Committee” means the Electric Linemen Training Committee established by this Act:

“Department” means the New Zealand Electricity Department established under the Electricity Act 1945:

“Electric lineman” means a person who does any work on an overhead line in connection with the erection, repair, or maintenance of the line:

“Minister” means the Minister of Electricity:

“Overhead line” means any wire or wires or other conductor which is—

- (a) Supported above ground; and
- (b) Alive or liable to become alive; and
- (c) Used for conducting, transmitting, or distributing electricity;

and includes any support, pole, crossarm, insulator, switchgear, fuse gear, instrument, and any other thing, whether of a similar kind or not, connected with and used for the purposes of an overhead line:

“Prescribed work” means any work on or in connection with an overhead line which is prescribed by regulations under this Act as being work which may only be done by qualified persons referred to in subsection one of section nineteen of this Act:

“Registrar” means the Registrar of Electric Linemen appointed under this Act:

“Supply authority” means any person or body licensed under Part XIII of the Public Works Act 1928, or otherwise authorised to supply electricity and, in respect of any supply of electricity undertaken by the Crown, includes the Crown.

3. Electric Linemen Training Committee—(1) There is hereby established for the purposes of this Act a Committee, to be called the Electric Linemen Training Committee.

- (2) The Committee shall consist of five members of whom—
- (a) One shall be an officer of the Department, who shall be an electrical engineer registered under the Engineers Registration Act 1924 and who shall be Chairman:
 - (b) Two shall be electrical engineers registered under the Engineers Registration Act 1924 who shall be actively engaged in engineering work connected with overhead lines and who shall be recommended by the Electrical Supply Authorities Association of New Zealand:
 - (c) Two shall be holders of certificates of competency as electric linemen actively engaged as such and recommended by a combined group of unions or associations of workers recognised by the Minister as representing electric linemen:

Provided that of the first two members appointed under this paragraph both shall be the holders of certificates as linemen issued by the Electrical Supply Authority Engineers' Institute, Incorporated, and at least one shall be actively engaged as an electric lineman.

(3) The members of the Committee shall be appointed by the Minister.

4. Terms of office of members—(1) The Chairman shall hold office during the pleasure of the Minister.

(2) Except as otherwise provided by this Act, every member of the Committee shall hold office for a term of three years, but may from time to time be reappointed.

(3) Any member of the Committee may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister.

(4) If any member of the Committee dies, or resigns, or is removed from office, his office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.

(5) In the case of an extraordinary vacancy, the Minister may appoint some qualified person to fill the vacancy. Any such appointment shall be made in the same manner as the appointment of the vacating member. Every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

(6) Unless he sooner vacates his office as hereinbefore provided, every member of the Committee shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(7) The powers of the Committee shall not be affected by any vacancy in the membership thereof.

5. Deputies of members—(1) The Minister may from time to time appoint a deputy to act for a member in any case in which the member is incapacitated by illness or absence or from other sufficient cause from performing the duties of his office.

(2) Any deputy appointed under this section shall have the same qualifications and be recommended by the same body as the member for whom he is to be deputy.

(3) A deputy may be appointed under this section notwithstanding that the occasion for him to act as deputy has not arisen.

(4) If the Registrar is satisfied that any member is incapacitated from performing the duties of his office as aforesaid, he shall notify the deputy of that member and thereupon the deputy shall be deemed to be a member of the Committee and shall be deemed to remain a member while he acts for an incapacitated member.

(5) A deputy appointed to act for the Chairman shall not be deemed to be Chairman by virtue of the fact that he is acting as deputy of the Chairman.

(6) No acts done by a deputy as such and no acts done by the Committee while any deputy is acting as such, shall be questioned in any proceedings on the ground that the occasion for his acting as a deputy had not arisen or had ceased.

6. Meetings of Committee—(1) The first meeting of the Committee shall be held on a day appointed by the Minister.

(2) Subsequent meetings of the Committee shall be held at such times and places as the Committee from time to time determines.

(3) The Chairman, or any three members, may at any time call a special meeting of the Committee.

(4) At all meetings of the Committee the quorum necessary for the transaction of business shall be three members.

(5) The Chairman shall preside at any meeting of the Committee at which he is present. In the absence from any meeting of the Chairman, the members present shall appoint one of their number to be Chairman at that meeting.

(6) At any meeting the Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(7) All questions arising at any meeting of the Committee shall be decided by a majority of the valid votes of members recorded thereon.

(8) Subject to the provisions of this Act and of any regulations made thereunder, the Committee may regulate its procedure in such manner as it thinks fit.

7. Fees and travelling allowances—(1) The Committee is hereby declared to be a Statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of the Committee 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.

8. Registrar—There shall from time to time be appointed under the provisions of the Public Service Act 1912 a Registrar of Electric Linemen. The office may be held concurrently with any other office.

9. Functions of Committee—The functions of the Committee shall be—

- (a) To approve schools for training electric linemen:
- (b) To approve courses of training, including refresher courses, for electric linemen:
- (c) To ensure the continued efficiency of approved schools:
- (d) To provide for examinations for electric linemen:
- (e) To provide for the granting and issue of certificates of competency as electric linemen to persons qualified to receive those certificates:
- (f) To keep a register of holders of certificates of competency under this Act:
- (g) To carry out such other functions as may be prescribed by this Act or by regulations under this Act.

10. Supply authorities to make provision for training of linemen—(1) Every supply authority to which this section applies shall make adequate provision to the satisfaction of the Committee for the training of electric linemen in its employ.

(2) If any supply authority fails to comply with subsection one of this section, the Committee may, by notice under the hand of the Chairman, direct the supply authority to make such provision as may be specified in the notice.

(3) If a supply authority fails to comply with any direction in a notice under subsection two of this section within such time as may be specified in the notice it commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(4) This section applies to those supply authorities which for the time being employ any persons undergoing training for the purpose of obtaining certificates of competency under this Act.

11. Approved schools—(1) Any supply authority may establish and operate a school for the purpose of training electric linemen.

(2) Any supply authority may apply to the Committee for its approval of a school established under subsection one of this section.

(3) An application for approval shall be in the prescribed form and shall contain the following particulars:

- (a) A description of the course of training provided at the school:
- (b) The period of training which the school proposes to give each trainee with particulars of the period to be devoted to safety training:
- (c) Details of the equipment available for training:
- (d) Such other particulars as the Committee may require in any case in order to satisfy the Committee that the school is adequate for its purpose.

12. Approval of schools—(1) If, in respect of any application under section eleven of this Act, the Committee is satisfied—

- (a) That the syllabus of training is in accordance with that for the time being prescribed in that behalf by the Electrical Supply Authority Engineers' Institute, Incorporated;
- (b) That sufficient time will be devoted to the training of trainees;
- (c) That the equipment available for training is adequate; and

(d) That the school is otherwise suitable and adequate for its purpose—
it shall approve the school as a training school under this Act and advise the supply authority accordingly.

(2) If at any time the Committee is satisfied that any school approved under this section is not devoting sufficient time to the training of trainees, or that the course of training or the equipment available is no longer adequate, or that the school is no longer adequate in any other respect for its purpose, it may, by notice under the hand of the Chairman, require the supply authority concerned to take such steps as may be specified in the notice in order to rectify the defects.

(3) If any supply authority fails to comply with any requirement of the Committee within such time as may be specified in the notice, the Committee may revoke its approval of the school.

(4) The Committee, if it is satisfied that any body other than a supply authority is conducting a school which is providing a course of training for electric linemen adequate for the purpose, may, in its absolute discretion, approve the school under this section either with or without an application being made by the body concerned to the Committee. Any approval under this section may at any time be revoked by the Committee on the grounds specified in subsection two of this section.

13. Approved schools may conduct examinations—Any school approved under section twelve of this Act may—

- (a) Conduct examinations of trainees trained in the school:
- (b) Conduct examinations on behalf of any supply authority:
- (c) Conduct examinations on behalf of the Committee:
- (d) Notify candidates and the Committee of the results of examinations conducted by the school.

14. Certification—Subject to the provisions of this Act, every person shall, on payment of the prescribed fee, be entitled to a certificate of competency as an electric lineman if he satisfies the Committee—

- (a) That he is not less than twenty years of age; and
- (b) That he has had not less than three years' practical experience of a class prescribed in that behalf by regulations under this Act:

Provided that any applicant who has completed a course of training at an approved school, and who produces to the Committee a written statement signed by the person by whom he was last employed as an electric lineman recommending that a certificate of competency be granted to him, shall require to have not less than two years' such practical experience as aforesaid; and

- (c) That he has passed such examinations as may be prescribed in that behalf by regulations under this Act; and
- (d) That he is of good character and reputation.

15. Grant of certificates to persons previously employed as electric linemen—(1) Notwithstanding the provisions of section fourteen of this Act, every person who immediately before the commencement of this Act was actively engaged as an electric lineman, on making application to the Committee within one year after the commencement of this Act or within such further period as the Committee may in any case allow and on payment of the prescribed fee, may be granted a certificate of competency as an electric lineman if—

- (a) He is the holder of a certificate as a lineman issued by the Electrical Supply Authority Engineers' Institute, Incorporated; or
- (b) He is deemed under the Public Works Act 1928 to be a person competent to undertake any work on an overhead line and he produces to the Committee a statement in writing signed by the person by whom he was last employed as an electric lineman recommending that a certificate of competency be granted to him; or
- (c) In any case where he is not qualified under paragraph (a) or paragraph (b) of this subsection, he produces to the Committee a statement in writing signed by his present employer recommending that a certificate of competency be granted to him.

(2) The Committee may refuse any application under this section on any of the grounds specified in paragraph (a) or paragraph (d) of subsection one of section fourteen of this Act.

(3) No certificate of competency shall be granted under this section unless the applicant has attended such refresher courses in safety precautions and resuscitation as may be prescribed by regulations under this Act in that behalf.

(4) A certificate of competency shall be granted under paragraph (b) or paragraph (c) of subsection one of this section at the absolute discretion of the Committee and only to applicants who satisfy the Committee that they have had satisfactory experience for not less than three years as electric linemen, and a certificate under paragraph (c) of that subsection shall remain valid only while the holder is employed by the same employer by whom he was employed at the date of the grant of the certificate.

(5) Where any person who has been granted a certificate under paragraph (c) of subsection one of this section leaves the employ of the employer by whom he was employed at the date of the grant of the certificate, the employer shall notify the Registrar and the holder of the certificate shall forthwith surrender it to the Registrar.

(6) The Registrar shall indicate in the register the fact that any certificate of competency has been granted under paragraph (c) of subsection one of this section.

16. Mode of certification—(1) Every application for the grant of a certificate of competency under this Act shall be in writing addressed to the Committee, and shall state an address at which notices may be served on the applicant. Every such application shall be accompanied by the prescribed fee.

(2) As soon as practicable after the receipt of any such application the Committee shall consider the application and shall give such directions in respect thereof as it thinks fit.

(3) In connection with any such application, the Committee may, if it thinks fit,—

(a) Examine on oath or otherwise the applicant, or any person objecting to the application, or any other person, with respect to the application; and for the purposes of this paragraph the Chairman of the Committee may administer an oath to any person:

(b) Appoint some competent person or authority to inquire and report to it as to the training, experience, and qualifications of the applicant, or any matter connected with the application:

(c) Receive any evidence which it thinks fit (whether on oath or otherwise); and act on any statement, document, report, information, matter, or recommendation which in its opinion may assist it to deal with the application:

(d) Require any person to verify by statutory declaration any statement made by him with respect to any application or with respect to any objection to an application.

(4) If the Committee, after considering any application as aforesaid, is of opinion that the applicant is entitled to the grant of a certificate of competency under this Act in accordance with his application, it shall so direct, and the Registrar shall thereupon issue the certificate, and shall notify the applicant accordingly.

(5) If the Committee, after considering any application as aforesaid, is of opinion that the applicant is not entitled to a certificate of competency under this Act in accordance with his application, it shall direct accordingly, and the Registrar shall thereupon refuse to issue the certificate, and shall notify the applicant accordingly.

(6) The Registrar, in accordance with the directions of the Committee, shall compile and keep a register of persons to whom certificates of competency have been granted under this Act.

(7) Every person to whom a certificate of competency has been granted under this Act shall be entitled to receive a certificate under the hand of the Registrar. Every such certificate shall remain the property of the Committee and shall be surrendered as required under this Act or on demand by the Registrar in writing.

17. Duration of certificate of competency—(1) Subject to the provisions of this Act, every certificate of competency shall remain in force until it is revoked:

Provided that any such certificate shall not be valid unless the holder, in accordance with regulations under this Act, has attended refresher courses in safety precautions and resuscitation conducted by such authority as may be prescribed in the regulations.

(2) Where a certificate becomes invalid under subsection one of this section, the holder of the certificate may, at any time within five years after the date when the certificate became invalid, apply to the Committee for the grant of a new certificate and, subject to the provisions of paragraph (d) of section fourteen of this Act, the application shall be granted if the Committee is satisfied that the applicant has attended the prescribed refresher courses within the prescribed periods.

REF. 19

No. s.

Substitutn.

REF. 100

No. s.

REF. 106

No. s.

Substitutn.

AMD. 19...
No. 4

(3) Every certificate of competency shall from time to time be endorsed in accordance with regulations under this Act with a statement to the effect that the holder has attended the refresher courses required under subsection one of this section.

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No. 8

18. Revocation of certificate of competency—(1) The Committee may revoke any certificate of competency if—

- (a) It is proved to the satisfaction of the Committee that the holder has died;
- (b) The certificate is deemed to be invalid under subsection four of section fifteen of this Act;
- (c) The holder has been guilty of such improper conduct as renders him, in the opinion of the Committee, unfit to be the holder of the certificate;
- (d) The holder has been culpably negligent in the execution of his duties as an electric lineman to such an extent as to endanger the life of any person.

(2) The Registrar shall note in the register every revocation under this section.

19. Restriction on doing work on overhead line—(1) Subject to the provisions of this Act, no person shall do any prescribed work on any overhead line unless—

- (a) He is an electrical engineer registered under the Engineers Registration Act 1924; or
- (b) He is the holder of a certificate of competency as an electric lineman for the time being in force and not deemed to be invalid under this Act; or
- (c) He is a registered electrician under the Electricians Act 1952 and has attended the prescribed safety and refresher courses.

AMD. 196...
No. 8

(2) Notwithstanding the provisions of subsection one of this section, in cases of emergency where the safety of life or property is involved, any person employed by a supply authority or other authority having control over any overhead line may do prescribed work on the line if instructed to do so by his employer.

(3) Notwithstanding the provisions of subsection one of this section, every person who immediately before the commencement of this Act was deemed under the Public Works Act 1928 to be a person competent to do any work on an overhead line shall be entitled, during the period commencing with the date of the commencement of this Act and ending

with the date of the final determination of his application under section fifteen of this Act for the grant of a certificate of competency, to do prescribed work to the extent that he was entitled to do so under the Public Works Act 1928.

(4) Notwithstanding the provisions of subsection one of this section, an employee of any class specified in that behalf by regulations under this Act may do prescribed work if—

- (a) He is employed by a supply authority; and
- (b) He has attended the prescribed safety and refresher courses; and
- (c) The prescribed work done by him is limited to such work as is normally done by the class of employee to which he belongs in the ordinary course of the duties of that class.

(5) Every person who carries out any prescribed work on an overhead line shall, at the request of his employer, produce evidence of his qualifications to do so.

20. Persons who may assist in doing prescribed work—

Notwithstanding the provisions of this Act, persons training for the purpose of obtaining certificates of competency, or doing work which would qualify them for obtaining any such certificate, or training for the purpose of becoming qualified in any branch of the electrical industry, may assist in doing prescribed work if, at all times while they are so assisting, they are under the supervision of a person authorised under paragraph (a) or paragraph (b) of subsection one of section nineteen of this Act to do the work:

Provided that an apprentice, if not authorised under the foregoing provisions of this section to assist in doing prescribed work, may assist in doing any such work if he has completed twelve months of his apprenticeship and he works under the supervision of and assists a person authorised under subsection one or subsection four of section nineteen of this Act to do the work.

21. Appeals from Committee—(1) There shall be a right of appeal within three months after the date of the decision appealed against from any decision of the Committee refusing an application for the grant of a certificate of competency under this Act or revoking any such certificate.

(2) Every appeal under this section shall be made in the prescribed manner to a Board of Appeal consisting of a Magistrate and two assessors, of whom one shall be appointed by the Committee and one by the appellant.

(3) At the hearing of any appeal the Board of Appeal may confirm the decision of the Committee, or order the grant of a certificate of competency to the appellant, or order the cancellation of the order of revocation.

(4) The decision of the Board of Appeal shall be final and conclusive.

(5) Pending the decision of the Board of Appeal, the decision of the Committee shall be deemed to be suspended.

(6) On any appeal under this section the Board of Appeal shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and all the provisions of that Act shall apply accordingly.

(7) There shall be paid to each assessor appointed under this section fees and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the assessors were members of a statutory board within the meaning of that Act.

22. Offences—(1) Every person commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding one hundred pounds who—

- (a) Makes any false or fraudulent representation or produces to the Committee or the Registrar any false certificate, testimonial, or recommendation for the purpose of receiving a certificate of competency under this Act:
- (b) With intent to deceive makes any false or misleading statement or any material omission in any communication with or any application to the Committee or the Registrar, whether in writing or otherwise:
- (c) Does any prescribed work, or causes any such work to be done, contrary to the provisions of this Act or of any regulations under this Act:
- (d) Employs or permits or pays any person to do any prescribed work contrary to the provisions of this Act or of any regulations under this Act:
- (e) Induces or procures any person to commit a breach of this Act or of any regulations under this Act, or otherwise incites, instigates, aids, or abets a breach of this Act or of any regulations under this Act.

(2) No information shall be laid under subsection one of this section by any person other than the Registrar or a person authorised in that behalf by the Committee.

(3) Every person commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding twenty pounds who—

- (a) Wilfully hinders or obstructs any person in the exercise of any powers conferred by or under this Act:
- (b) Allows his certificate of competency to be used by any other person for the purpose of enabling that other person to do any prescribed work in contravention of the provisions of this Act.

(4) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding five pounds, and to a further fine not exceeding one pound for every day or part of a day during which the offence continues, who, being in possession of any certificate of competency issued under this Act, fails or refuses to surrender it to the Committee on demand by the Registrar in writing, or fails or refuses to produce evidence of his qualifications to his employer in accordance with subsection five of section nineteen of this Act.

23. Proceedings—(1) In any prosecution for an offence against this Act, the onus shall be on the defendant to prove, where the facts are in issue, that he is or on all material dates was the holder of a certificate of competency under this Act or otherwise qualified to do prescribed work. The production by the defendant of a certificate of competency under this Act under the hand of the Registrar shall, in the absence of proof to the contrary, be sufficient evidence of the facts stated in the certificate.

(2) In any such prosecution, a certificate under the hand of the Registrar to the effect that the defendant is not the holder of a certificate of competency under this Act, or to the effect that his certificate has been revoked or is invalid, or to the effect that any person has failed or refused to surrender any certificate on demand by the Registrar in writing, shall, in the absence of proof to the contrary and where the fact is in issue, be sufficient evidence of any such fact which is stated in the certificate.

(3) In any such prosecution, judicial notice shall be taken of the signature of the Registrar on any such certificate.

(4) In any such prosecution, the Court may order any person in possession of a certificate of competency issued under this Act to deliver the certificate to the Registrar if the Court is satisfied that the person in possession is not entitled to have or retain possession of the certificate.

24. Application of fees and fines and expenses of administration—All fees, fines, and other money received or recovered under this Act shall be paid into the Public Account to the credit of the Electric Supply Account, and all expenses incurred by or on behalf of the Committee or otherwise incurred in carrying out the provisions of this Act shall be paid out of the Electric Supply Account.

25. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations in regard to any matter or for any purpose for which regulations are prescribed or contemplated by this Act, and may make all such other regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act, and for the due administration thereof.

(2) Without limiting the general power to make regulations conferred by this section, regulations may be made under this section—

- (a) Defining for the purposes of this Act what work shall be deemed to be or not to be prescribed work and the circumstances and conditions in which any work shall be deemed to be or not to be prescribed work:
- (b) Prescribing the forms of application for and certificates of competency under this Act:
- (c) Prescribing the form of the register of holders of certificates of competency and the particulars to be entered therein:
- (d) Prescribing such other forms as may be necessary for the purposes of this Act:
- (e) Prescribing fees payable under this Act:
- (f) Prescribing the subject matter of examinations to be conducted by or under the direction of the Committee in the case of applicants for certificates of competency under this Act:
- (g) Prescribing the nature and duration of training and refresher courses to be undertaken by persons under this Act:
- (h) Prescribing the limits or scope of work as electric linemen which trainees may do or assist to do:
- (i) Providing for the replacement of lost or destroyed certificates of competency:
- (j) Providing for the refund of fees:
- (k) Prescribing penalties, not exceeding twenty pounds in any case, for any breach of the regulations.

(3) All regulations under this Act shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

26. Act to be administered by New Zealand Electricity Department—(1) This Act shall be administered by the New Zealand Electricity Department established under the Electricity Act 1945.

(2) Section three of the Electricity Act 1945 shall apply in all respects as if this Act were one of the Acts specified in the Schedule to that Act.
