



ANALYSIS

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1958, No. 51

An Act to establish the Technicians Certification Authority of New Zealand and to provide for the award of certificates
[26 September 1958]

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 Technicians Certification Act 1958.

(2) This Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Proclamation.

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

“Authority” means the Technicians Certification Authority of New Zealand:

“Executive Committee” or “Committee” means any Executive Committee that is for the time being established under section four of this Act:

“Minister” means the Minister of Education.

3. Technicians Certification Authority of New Zealand—

(1) There is hereby established for the purpose of this Act an Authority, to be called the Technicians Certification Authority of New Zealand.

(2) The Authority shall consist of—

(a) One member to be appointed by the Minister as Chairman of the Authority:

(b) Two members, being officers of the Department of Education, to be appointed by the Minister:

(c) Two members to be appointed by the Minister on the nomination of the Technical Education Association of New Zealand, of whom at least one shall be the Principal of or a teacher in a technical school:

(d) One member to be appointed by the Senate of the University of New Zealand:

(e) Two members to be appointed by each Executive Committee for the time being established under this Act.

(3) The quorum for any meeting of the Authority shall consist of at least five members of the Authority.

4. **Executive Committees**—(1) The Authority may from time to time, with the prior consent of the Minister, establish an Executive Committee in respect of any occupational group it may specify to assist it in prescribing courses and syllabuses and conducting examinations appropriate to the needs of persons in that occupational group; and may at any time abolish any such Executive Committee.

(2) Every Executive Committee shall consist of—

(a) The Chairman of the Authority, who shall be Chairman:

(b) The person for the time being holding the office of Superintendent of Technical Education:

(c) One member to be appointed by the Technical Education Association of New Zealand:

(d) Such additional members not exceeding six, as the Authority thinks fit, to be appointed by the Authority on the recommendation of bodies selected by the Authority as representative of the particular occupational group in respect of which the Committee is established.

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(3) The quorum for any meeting of any such Executive Committee shall consist of at least four members of that Committee.

(4) The body known as the Controlling Authority for the New Zealand Certificates in Engineering that is in existence on the passing of this Act shall be deemed to have been established as an Executive Committee under this section until such time as an Executive Committee is established under this section in respect of the occupational group which the said body now serves:

Provided that the said Controlling Authority for the New Zealand Certificates in Engineering shall not be entitled to appoint any members of the Technicians Certification Authority of New Zealand.

5. Term of office of members of Authority or Committee—

(1) Every member of the Authority appointed by the Minister under paragraph (b) of subsection two of section three of this Act shall hold office at the pleasure of the Minister.

(2) Except as otherwise provided in this Act, every member of the Authority or of any Executive Committee, other than a member who holds office at the pleasure of the Minister, shall hold office for the term in respect of which he is appointed, but may from time to time be reappointed. The first such term shall expire with the thirty-first day of March in the third year after the year in which this Act comes into force, and successive terms shall expire with that date in every third year thereafter.

(3) Notwithstanding anything to the contrary in this Act, every member of the Authority or of any Executive Committee, other than a member who holds office at the pleasure of the Minister, shall, unless he sooner vacates his office under section six of this Act, continue to hold office until his successor comes into office.

6. Extraordinary vacancies—(1) Any member of the Authority or of any Executive Committee may at any time be removed from office by the Minister for disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may at any time resign his office by notice in writing addressed to the Minister.

(2) If any member of the Authority or of any Executive Committee dies, or is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the

appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(3) The powers of the Authority and of every Executive Committee shall not be affected by any vacancy in the membership thereof.

7. Meetings—(1) Meetings of the Authority and of each Executive Committee shall be held at such times and places as the Authority or Committee, as the case may be, or the Chairman thereof, from time to time determines.

(2) Every question before the Authority or any Executive Committee, as the case may be, shall be determined by a majority of the votes of the members present at a meeting thereof.

(3) As often as the office is vacant the Authority and each Executive Committee, as the case may be, shall appoint a Deputy Chairman thereof, who shall hold office while he continues to be a member thereof for the term of his appointment as a member thereof, and who may be reappointed.

(4) The Chairman of the Authority and of each Executive Committee, as the case may be, shall preside at all meetings thereof at which he is present. In the absence of the Chairman from any meeting of the Authority or of any Executive Committee the Deputy Chairman shall preside. In the absence of both the Chairman and Deputy Chairman from any meeting of the Authority or of any Executive Committee, the members present shall appoint one of their number to preside at that meeting.

(5) The person so presiding at any meeting of the Authority or of any Executive Committee shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(6) Except as expressly provided in this Act, the Authority and every Executive Committee may regulate its own procedure.

8. Functions and powers of Authority—(1) The functions of the Authority shall be—

(a) To establish Executive Committees for the purposes of this Act:

(b) To coordinate the work of the Executive Committees so established:

- (c) To prescribe courses and syllabuses; and to conduct examinations for technicians; and to appoint examiners, moderators, supervisors, and assessors for the purposes of those examinations:
- (d) To prescribe conditions for entry to such courses and to give exemptions where it considers it appropriate:
- (e) To approve schools as suitable to conduct such courses:
- (f) To grant or issue, either independently or in conjunction with any other examining body, diplomas or certificates to any person in recognition of his having successfully completed a course prescribed under this Act.

(2) The Authority may expend any money and generally take any action for any purpose that in its opinion is ancillary to its functions as defined in subsection one of this section. Without limiting the general power hereinbefore conferred, it is hereby declared that the Authority may—

- (a) Co-opt, if necessary, any person or persons to advise or assist the Authority in connection with any of its functions:
- (b) Charge such fees as may be approved by the Minister for entry for any examination conducted under this Act:
- (c) Pay such fees as may be approved by the Minister to examiners, moderators, supervisors, and assessors employed in connection with any such examination.

9. Delegation of powers to Committees—(1) The Authority may from time to time, by resolution, either generally or particularly, delegate to all or any of the Executive Committees that are for the time being established under this Act all or any of its functions and powers.

(2) Subject to any general or special directions given or conditions attached by the Authority, any Executive Committee may perform and exercise any functions and powers delegated to it as aforesaid in the same manner and with the same effect as if they had been conferred on it directly by this section and not by delegation.

(3) Where any Executive Committee purports to act pursuant to any delegation under this section, it shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Every such delegation shall be revocable at will, and no such delegation shall prevent the performance or exercise of any function or power by the Authority.

(5) Until any such delegation is revoked, it shall continue in force according to its tenor, notwithstanding any change in the membership of the Authority or of the Committee.

10. Appointment of subcommittees and advisers—In order to assist it in performing any functions or exercising any powers that are delegated to it as aforesaid, any Executive Committee may—

- (a) Appoint subcommittees; and
- (b) If necessary, co-opt any person or persons to advise or assist it in drawing up syllabuses for which it is responsible.

11. Appointment of officers—(1) Subject to the provisions of subsection two of this section, there shall be appointed as officers or employees of the Public Service such officers and servants as may be necessary for the efficient carrying out of the functions and powers of the Authority and of all Executive Committees established under this Act. Any such office may be held concurrently with any other office.

(2) The Authority shall pay to the Crown the reasonable cost (as determined by the Public Service Commission) of any services performed by officers or servants of the Public Service for the purposes of this Act.

12. Fees and travelling expenses—There shall be paid to the members of the Authority or of any Executive Committee, and to any person co-opted to advise or assist the Authority or any Executive 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 as if the members of the Authority or of any Executive Committee and any persons so co-opted to advise or assist the Authority or any Executive Committee were members of a statutory Board within the meaning of that Act.

13. Expenses of Authority—All payments incurred in the administration of this Act shall be made out of money which the Authority receives in the exercise of its functions from fees and otherwise. To the extent that the money so received is insufficient, all such payments shall be made out of money paid to the Authority from money from time to time appropriated by Parliament for the purpose.

14. Unauthorised expenditure—The Authority may, in any financial year, expend out of its funds for purposes not authorised by this or any other Act any sum or sums not amounting in the whole to more than fifty pounds.

15. Money to be paid into bank—(1) All money belonging to the Authority amounting to five pounds and upward shall, within seven days after it has come into the hands of any member or servant or agent of the Authority, be paid into the account of the Authority at such branch of the Bank of New Zealand as the Authority from time to time appoints.

(2) No money shall be withdrawn from any such account unless authorised by the Authority and by cheque signed by such person or persons as the Authority from time to time, subject to any requirements of the Audit Office, may authorise.

16. Accounts—(1) The Authority shall keep full and correct accounts of all money received and expended by it, and the accounts shall be audited by the Audit Office, which for that purpose shall have all powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts.

(2) The Authority shall, as soon as practicable after the end of any financial year ending with the thirty-first day of March, cause its accounts for that year to be balanced, and full and true statements and accounts of all the money received and expended by it in that year and of its assets and liabilities at the end of that year, to be prepared and submitted to the Audit Office.

17. Annual reports—(1) Every Executive Committee shall, on or before the first day of April in every year, forward a report to the Authority on its activities for the period of twelve months ending with the last day of February immediately preceding.

(2) The Authority shall, within one month after the receipt of the accounts certified by the Audit Office, furnish to the Minister a report of its proceedings and operations for its preceding financial year, together with a copy of its accounts for that year so certified.

18. Members of Authority, etc., to be eligible for appointment as examiners—Notwithstanding anything to the contrary in any Act or rule of law, every member of the Authority or of any Executive Committee or person co-opted to advise

or assist the Authority or any Executive Committee shall be eligible to be employed as an examiner, moderator, supervisor, or assessor in connection with any examination conducted by the Authority or any Executive Committee, and to receive remuneration therefor.

19. Regulations—(1) The Governor-General may from time to time, by Order in Council, make all such 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) All regulations made 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 date of the commencement of the next ensuing session.
