

[This Bill was formerly Part XXIX of the Energy Sector Reform Bill (No. 2) as reported from the Planning and Development Committee (114-2A).

[Pursuant to power granted to it by the House, the Planning and Development Committee divided the Energy Sector Reform Bill into 2 bills: the Energy Sector Reform Bill (114-2) and the Energy Sector Reform Bill (No. 2) (114-2A) (formerly clause 1, Parts X to XXIX of, and the Seventh to Eighteenth Schedules to, the Energy Sector Reform Bill as introduced). The Energy Sector Reform Bill was reported to the House on 7 May 1992.

[AS REPORTED FROM THE PLANNING AND DEVELOPMENT COMMITTEE]

House of Representatives, 30 September 1992.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 3 December 1992.

Words struck out are shown in italics within double bold round brackets, or with double black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. John Luxton

**PLUMBERS, GASFITTERS, AND DRAINLAYERS
AMENDMENT**

No. 114—3E

Price Code: J

*Plumbers, Gasfitters, and Drainlayers
Amendment*

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A BILL INTITULED

An Act to amend the Plumbers, Gasfitters, and Drainlayers Act 1976

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Plumbers, Gasfitters, and Drainlayers Amendment Act 1992, and shall be read together with and deemed part of the Plumbers, Gasfitters, and Drainlayers Act 1976 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of April 1993.

[Parts I to IX of the Energy Sector Reform Bill omitted and new Parts I to VII, as amended, now enacted as Energy Companies Act 1992 (1992, No. 56).

[Parts X to XXIII of the Energy Sector Reform Bill (No. 2) (114–2A), as reported from the Planning and Development Committee, now form the Electricity Bill

(114-3c), as reported from the Committee of the whole House.

5 [Parts XXIV to XXVIII of the Energy Sector Reform Bill (No. 2) (114-2A), as so reported, now form the Gas Bill (114-3D), as so reported.]

329. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “Gas”, and substituting the following definition:

10 “‘Gas’ has the same meaning as in section 282 of the Gas Act 1992.”

(2) Section 2 of the principal Act is hereby amended by inserting in the definition of the term “Gasfitting”, after the words “that uses gas;”, the words “and also includes the work of fixing or unfixing the whole or any part of the control system of any (*appliance that uses gas*) gas appliance within the meaning of the Gas Act 1992;”.

(3) Section 2 of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

20 *Struck Out*

“‘Distribution system’ has the same meaning it has in section 282 of the Energy Sector Reform Act 1991:

“‘Employer licence’ means an employer licence issued under section 39A of this Act:

25 *Struck Out*

“‘Fittings’, in relation to gas, means every thing used, or designed or intended for use, in or in connection with the supply, distribution, compression, or use of gas:

30 “‘Gas distributor’ has the same meaning it has in section 282 of the Energy Sector Reform Act 1991:

35 “‘Gas inspector’ means a person whose name appears for the time being in the register of gas inspectors maintained under section 20 of this Act; and ‘registered as a gas inspector’ and ‘registration as a gas inspector’ have corresponding meanings:

Struck Out

“ ‘Gas installation’ means an installation, including a gas appliance, that is connected or is intended to be connected with any source from which gas is supplied; and includes all associated fittings; but does not include any part of a distribution system: ”

“ ‘Ministry’ means the department of State that, with the authority of the Prime Minister, is for the time being responsible for administration of the **Gas Act 1992**: ”

“ ‘Secretary’ means the chief executive of the Ministry: ”

New

“ ‘Tradesperson’ means any person who is authorised by **section 57 (2A)** of this Act to do gasfitting: ”.

(4) Section 2 of the principal Act is hereby amended by inserting in the definition of the term “Licence”, after the expression “section 36”, the expression “or **section 36b**”. 15

(5) Section 2 of the principal Act is hereby amended by inserting in the definition of the term “Registered person”, after the words “craftsman gasfitter,”, the words “a gas inspector,”. 20

330. Functions and powers of Board—Section 11 (1) of the principal Act is hereby amended by inserting, after paragraph (d), the following paragraph:

“(da) To ensure that craftsmen gasfitters, gas inspectors, and registered gasfitters maintain an adequate level of competence in the field of work in respect of which they are registered:”.

331. Registers—Section 20 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph: 30

“(ba) A Register of Gas Inspectors:”.

332. Qualifications for registration as gas inspector—The principal Act is hereby amended by inserting, after section 22, the following section:

“22A. Subject to section 27 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a gas inspector if the person satisfies the Board—

- 5 “(a) That he or she is—
“(i) A qualified gas engineer; or
“(ii) A Registered Engineering Associate (Gas); or
“(iii) A craftsman gasfitter (*or a registered gasfitter*);
or
10 “(iv) Otherwise suitably qualified to be a gas inspector; and
“(b) That he or she has undergone such course of training and acquired such experience and passed such examination or examinations as may be prescribed, or, if no course ~~((of))~~ or experience or examination
15 (as the case may require) is prescribed, as may be approved by the Board, for the purposes of this section.”

20 **333. Persons qualified overseas**—Section 26 of the principal Act is hereby amended by inserting, after the words “a craftsman gasfitter,”, the words “a gas inspector,”.

25 **334. Registered persons to have licences**—(1) Section 36 (2) of the principal Act is hereby amended by omitting the words “or be entitled to do any gasfitting unless he is the holder of a craftsman gasfitter’s licence or a registered gasfitter’s licence,”.

(2) Section 36 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

30 “(3) Subject to the payment of the prescribed fee, the Registrar, on application made to the Registrar by a craftsman plumber, or registered plumber, or registered drainlayer, shall issue to him or her an appropriate licence.

(3) Section 36 (7) of the principal Act is hereby amended by repealing paragraph (b).

35 **335. New sections (relating to licences for gasfitters and gas inspectors) inserted**—The principal Act is hereby amended by inserting, after section 36, the following sections:

40 “36A. **Annual licence for gasfitters and gas inspectors**—Except as provided in sections 38, **39A**, 53, and 57 of this Act, no registered person shall in any year be entitled to do any gasfitting unless that person is the holder of a craftsman

gasfitter's licence or a registered gasfitter's licence, or be entitled to carry out any work authorised by or under this Act to be done by a gas inspector unless he or she is the holder of a gas inspector's licence, issued under **section 36B** of this Act in respect of that year.

5

“36B. Applications for licence for gasfitters and gas inspectors—(1) Every application for the issue of a craftsman gasfitter's licence or a registered gasfitter's licence or a gas inspector's licence shall be made to the Registrar.

“(2) Every application under **subsection (1)** of this section shall— 10

“(a) Specify—

“(i) Whether the applicant is, at the date of the application, actively engaged in work as a gasfitter or, as the case may require, a gas inspector; and 15

“(ii) Such other particulars as may be prescribed; and

“(b) Be accompanied by the prescribed fee (if any).

“(3) On receiving an application under **subsection (1)** of this section, the Register shall— 20

“(a) Subject to **section 36D** of this Act, where the application specifies that the applicant is, at the date of the application, actively engaged in work as a gasfitter or, as the case requires, a gas inspector, issue to the applicant an appropriate licence; or 25

“(b) In any other case, refer the application to the Board.

“(4) Notwithstanding anything in **subsection (2)** of this section, if a registered gasfitter, being the holder of a current registered gasfitter's licence, becomes a craftsman gasfitter, that person shall be required to pay for a craftsman gasfitter's licence, in respect of any period during which both licences will be in force, only the amount (if any) by which the fee prescribed for the craftsman gasfitter's licence exceeds the fee paid by that person for his or her registered gasfitter's licence in respect of the same period. 30 35

“36c. Board to consider applications—(1) The Board shall consider every application referred to it under **section 36B (3) (b)** of this Act, and, if it is satisfied that the applicant is competent to engage in work as a craftsman gasfitter or, as the case requires, a registered gasfitter or a gas inspector, shall direct the Registrar to issue an appropriate licence to the applicant. 40

“(2) The Board shall not decline an application referred to it under **section 36B (3) (b)** of this Act without first giving the applicant—

5 “(a) A copy of any information on which the Board relies in proposing to decline the application; and

“(b) A reasonable opportunity to comment on that information and to be heard, either personally or by that person’s representative, in support of the application.

10 “(3) Where the Board declines an application referred to it under **section 36B (3) (b)** of this Act, it shall direct accordingly, and shall direct the Registrar to notify the applicant in writing of—

“(a) The reasons for its direction; and

15 “(b) Any condition (being a condition that the applicant pass a specified examination, or complete any specified period of practical training, or acquire any specified practical experience, or attend any specified course of instruction) that the Board requires the applicant to fulfil before a licence will be issued to him or her;

20 “(c) The applicant’s rights of appeal against the decision.

“**36D. Regulations may prescribe conditions for issue of licences to gasfitters and gas inspectors**—(1) For the purpose of ensuring that all craftsman gasfitters, registered gasfitters, and gas inspectors are competent to engage in work of the class or classes in respect of which they are registered, the Governor-General may from time to time, by Order in Council made on the advice of the Minister tendered on the recommendation of the Board, make regulations prescribing conditions that must be fulfilled by applicants for a craftsman gasfitter’s licence or a registered gasfitter’s licence or a gas inspector’s licence, or by any specified class or classes of applicants for a craftsman gasfitter’s licence or a registered gasfitter’s licence or a gas inspector’s licence, before such a licence will be issued to them.

35 “(2) The following conditions may be prescribed under **subsection (1)** of this section:

“(a) A condition that the applicant has passed such examination as may be prescribed:

40 “(b) A condition that the applicant has completed such period of practical training as may be prescribed:

“(c) A condition that the applicant has acquired such practical experience as may be prescribed:

“(d) A condition that the applicant has attended such course of instruction as may be prescribed.

“(3) Different conditions may be prescribed under **subsection (1)** of this section for different classes of applicants.

“(4) Any regulations prescribing any condition under **subsection (1)** of this section may exempt or provide for the exemption of any person or class of persons from the requirement to fulfil such condition. 5

“(5) Notwithstanding anything in **paragraph (a) of subsection (3) of section 36B** of this Act, where— 10

“(a) An application to which that paragraph applies is received by the Registrar; and

“(b) The Registrar is not satisfied that the applicant has fulfilled all the conditions prescribed under **subsection (1)** of this section that must be fulfilled by the applicant,— 15

the Registrar shall decline to issue a licence to the applicant, and shall notify the applicant of that decision, of the reasons for it, and of the applicant’s rights of appeal against that decision.

“**36E. Currency of licences for gasfitters and gas inspectors**—(1) Subject to **subsection (3)** of this section, every licence issued under **section 36B** of this Act shall be in force for such period (not exceeding 5 years) as is specified in that behalf in the licence. 20

“(2) A licence issued under **section 36B** of this Act shall come into force— 25

“(a) If it is issued before the date of the expiry of the current licence held by the applicant, on the 1st day of April next following; and

“(b) In any other case, on the date of its issue,— 30
and in either case it shall expire with the close of the 31st day of March in the year in which it is stated to expire.

“(3) If at any time during the currency of a licence its holder ceases to be registered under this Act, that person’s licence shall cease to be in force, and the Board may direct that person to return that licence to the Registrar. 35

“(4) Every person who is entitled to receive a licence under **section 36B (3) (a)** of this Act shall be deemed to be the holder of that licence when that person has duly applied for it to the Registrar and has paid the prescribed fee (*if any*). 40

“(5) Every craftsman gasfitter’s licence and every registered gasfitter’s licence, issued under **section 36** of this Act, that was valid immediately before the date of commencement of this

section shall be deemed to be a valid licence issued under section 36B of this Act.”

5 **336. Provisional licences**—Section 37 (3) of the principal Act is hereby amended by inserting, after the words “craftsman gasfitter,”, the words “or a gas inspector,”.

337. New sections (relating to employer licences) inserted—The principal Act is hereby amended by inserting in Part III, after section 39, the following heading and sections:

“Employer Licence

10 **“39A. Employer licence—**

Struck Out

(1) Every person shall, on application in the prescribed form (if any) and on payment of the prescribed fee (if any), be entitled to be granted an employer licence by the Secretary, if that person satisfies the Secretary that—

15 “(a) The person employs such number of registered persons as is sufficient to ensure that gasfitting carried out by persons employed by that person (including persons who are not registered persons) is carried out safely and competently; and

20 “(b) The person will at all times maintain a system of operation that complies with such requirements as are prescribed by regulations made under section 66 of this Act and that is sufficient to ensure that employees of that person who do any gasfitting—

25 “(i) Have training and experience satisfactory to the Secretary; and

30 “(ii) Receive appropriate and regular training in safe working practices, and testing; and

“(iii) Are competent to carry out the range of work for which they are employed; and

35 “(iv) Are provided with such supervision as is necessary to ensure that such work is carried out safely and competently.

New

(1) Every person shall, on application in the prescribed form (if any) and on payment of the prescribed fee (if any), be entitled to be granted an employer licence by the Secretary, if that person satisfies the Secretary that the person will at all times maintain a system of operation—

- “**(a)** That complies with such requirements as are prescribed by regulations made under **section 66** of this Act; and
- “**(b)** That is sufficient to ensure that employees of that person who do any gasfitting—
 - “**(i)** Are competent to carry out the range of work for which they are employed; and
 - “**(ii)** Receive such supervision and training as is necessary to ensure that such work—
 - “**(A)** Is carried out safely and competently; and
 - “**(B)** Complies with the requirements of the **Gas Act 1992** and any regulations made under **section 322** of that Act.

“**(2)** The Secretary may impose in respect of any employer licence issued pursuant to this section such conditions as the Secretary thinks fit.

Struck Out

“**(3)** Subject to any regulations made under section 66 of this Act and to any conditions imposed pursuant to **subsection (2)** of this section, every employer licence shall authorise the holder of the licence to authorise any employee of that person to do any gasfitting.

New

“**(3)** Subject to any conditions imposed pursuant to **subsection (2)** of this section and to any regulations made under **section 66** of this Act,—

- “**(a)** An employer licence shall authorise the holder of the licence to authorise any employee of that person to do any gasfitting; and

New

5 “(b) Any authority given under an employer licence to any person to do any gasfitting shall be sufficient authority for the person so authorised to do that work.

10 “39B. **Duration and renewal of licence**—(1) Subject to this section and to **section 39c** of this Act, every employer licence shall be in force for such period not exceeding *(1 year) 5 years* as is specified in the licence, and shall come into force on the date of its issue.

“(2) Every employer licence, unless it has been revoked pursuant to **section 39c** of this Act, may from time to time be renewed in accordance with this section.

15 “(3) An application for the renewal of an employer licence shall be made in writing, in the prescribed form (if any), to the Secretary, and shall be accompanied by the prescribed fee (if any).

20 “(4) On receiving an application under **subsection (3)** of this section, the Secretary shall, subject to **subsection (5)** of this section, renew the employer licence to which the application relates for such period not exceeding *(1 year) 5 years* as the Secretary thinks fit.

25 “(5) The Secretary shall not renew an employer licence unless the Secretary is satisfied that the applicant meets all the requirements for the issue of such a licence.

30 “(6) Where an application for the renewal of an employer licence has been made but not dealt with before the licence expires, the licence shall continue in force until the application is dealt with by the Secretary, and any renewal in any such case shall take effect from the date on which the licence would (but for the renewal) have expired.

35 “39c. **Revocation of employer licence**—(1) Subject to **subsection (2)** of this section, the Secretary may at any time revoke the employer licence issued to any person if the Secretary is satisfied that the person—

“(a) No longer meets all the requirements for the issue of an employer licence; or

“(b) Has failed to comply with any condition imposed by the Secretary in respect of that licence; or

Struck Out

“(c) Has failed to ensure that gasfitting done by employees of that person is at all times carried out safely and competently.

New

5

“(c) Has failed to ensure that gasfitting done by employees of that person—

 “(i) Is at all times carried out safely and competently; and

 “(ii) Complies with the requirements of the **Gas Act 1992** and any regulations made under **section 322** of that Act.

10

“(2) The Secretary shall not revoke an employer licence issued to any person unless the Secretary has first given that person an opportunity to be heard.

15

“39D. **Revocation, etc., of conditions**—The Secretary may at any time revoke, amend, or add to any condition imposed under **section 39A (2)** of this Act.

“39E. **Powers of inspection**—(1) There shall be deemed to be imposed in respect of every employer licence the condition that the Secretary, or any employee of the Ministry authorised by the Secretary for the purpose, may, for the purpose of ensuring compliance with the terms of the licence,—

20

 “(a) At any reasonable time, inspect any premises (not being a dwellinghouse) occupied by the holder of the licence, and for that purpose may enter and re-enter any place:

25

 “(b) Require the holder of the licence to produce for inspection, within such reasonable period as the Secretary or the employee may specify, any document in the possession or under the control of the holder of the licence, and may take copies of or extracts from any such document:

30

 “(c) Require the holder of the licence to furnish, within such reasonable period as the Secretary or the employee may specify, such information or particulars as the Secretary or the employee may require.

35

“(2) If the holder of an employer licence breaches a condition expressed in **subsection (1)** of this section, the Secretary may revoke that person’s licence pursuant to **section 39c** of this Act.

5 “(3) Every person shall give reasonable notice of that person’s intention to enter any premises pursuant to **subsection (1) (a)** of this section to the holder of the employer licence, unless the giving of the notice would defeat the purpose of the entry.

“(4) Every person shall, on entering any premises pursuant to **subsection (1) (a)** of this section, and when requested at any
10 subsequent time, produce—

“(a) Evidence of that person’s authority to enter the premises; and

“(b) Evidence of that person’s identity.

15 “(5) Nothing in this section authorises any person to enter or search any restricted area within a defence area (within the meaning of the Defence Act 1990) unless the person entering that area has a security clearance approved by the person in charge of the area.”

New

20 **337A. Complaints against registered persons**—Section 41 (1) of the principal Act is hereby amended by inserting, after the words “registered person”, the words “or a tradesperson”.

337B. Disciplinary powers of Board—(1) Section 42 of the principal Act is hereby amended by inserting, after
25 subsection (2), the following subsection:

“(2A) If a tradesperson, after due inquiry, is found by the Board—

30 “(a) To have done gasfitting in a negligent, unsatisfactory, or incompetent manner, or in a manner contrary to any enactment relating to gasfitting that was in force at the time the gasfitting was done; or

“(b) To have done gasfitting that, under the terms of any restriction or limitation that applies in respect of gasfitting that he or she may do, the person is not
35 authorised to do,—

the Board may, if it thinks fit,—

40 “(c) Order that the person be disqualified from doing gasfitting that the person would otherwise be authorised to do in that person’s capacity as a tradesperson—

New

“(i) Permanently or for such period as the Board thinks fit; or	
“(ii) Until that person does any one or more of the following things:	5
“(A) Passes any specified examination:	
“(B) Completes any specified period of training:	
“(C) Attends any specified course of instruction;	
or	
“(d) Order that the authority conferred by this Act on that person in that person’s capacity as a tradesperson to do gasfitting be restricted, for such period as the Board thinks fit, in any one or more of the following ways:	10
“(i) The person shall be limited to such work as the Board may specify, and in imposing such a limitation the Board may also impose limitations on the circumstances in which the person may do that work:	15
“(ii) The person shall be limited to work only on ((approved premises)) <u>premises approved by the Board:</u>	20
“(iii) The person shall be limited to work only in the employ of an ((approved employer)) <u>employer approved by the Board;</u> or	25
“(e) Order that the person be censured.”	
(2) Section 42 (8) of the principal Act is hereby amended by omitting the words “under subsection (2)”, and substituting the words “or a tradesperson under subsection (2) or, as the case may be, subsection (2A)”.	30
(3) Section 42 of the principal Act is hereby amended by inserting, after subsection (10), the following subsection:	
“(10A) While an order under subsection (2A) of this section disqualifying a tradesperson from doing gasfitting remains in force, the person in respect of whom the order is made shall be deemed, for the purposes of the provisions of this Act, not to be a tradesperson; but forthwith on the expiry of the order, that person’s rights and privileges as a tradesperson shall be revived as from the date of the expiry.”	35

New

(4) Section 42 (14) of the principal Act is hereby amended by inserting, after the word “suspension”, the words “or disqualification or restriction”.

5 **337c. Procedure**—(1) Section 43 of the principal Act is hereby amended by inserting in subsections (1), (3), (4), (5), (9), and (15), after the words “registered person” in each place where they appear, the words “or tradesperson”.

10 (2) Section 43 (6) of the principal Act is hereby amended by inserting, after the word “section”, the words “in respect of a complaint against a registered person”.

(3) Section 43 of the principal Act is hereby amended by inserting, after subsection (6), the following subsection:

15 “(6A) The determination of a committee appointed under subsection (5) of this section in respect of a complaint against a tradesperson shall be of no effect until it has been confirmed by the Board, which shall have power—

 “(a) To determine that no penalty be imposed; or

20 “(b) To reduce the penalty determined by the committee by substituting, for an order made under section 42 (2A) (c) of this Act, an order under section 42 (2A) (d) of this Act; or

 “(c) To reduce the period of disqualification imposed pursuant to section 42 (2A) (c) of this Act; or

25 “(d) To substitute a censure for any of the other penalties; or

 “(e) To rescind or modify an order to pay costs and expenses.”

338. Offences—(1) Section 50 (1) (a) of the principal Act is hereby amended—

30 (a) By inserting, after the words “craftsman gasfitter,” where they first appear, the words “or not being a gas inspector,”:

 (b) By inserting, after the words “craftsman gasfitter,” where they appear for the second time, the words “or a gas inspector,”.

35

New

(1A) Section 50 (1) (d) of the principal Act is hereby amended by omitting the expression “section 57”, and substituting the expression “sections 39A and 57”.

(1B) Section 50 (1) (f) of the principal Act is hereby amended by inserting, after the expression “sections 38”, the expression “, 39A,”.

(2) Section 50 (1) of the principal Act is hereby amended by inserting, after paragraph (f), the following paragraphs:

“(fa) Does any work authorised by or under this Act to be done by a gas inspector while not holding a current licence as a gas inspector; or

“(fb) Knowingly employs or permits or pays any person to do any work authorised by or under this Act to be done by a gas inspector when that work is done contrary to the provisions of this Act; or”.

New

338A. Offence to contravene condition of employer licence—The principal Act is hereby amended by inserting, after section 50, the following section:

“50A. Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who, being the holder of an employer licence, acts in contravention of, or fails to comply with, any condition of the licence.”

338B. Onus of proof—(1) Section 51 (1) of the principal Act is hereby amended by inserting, after the word “person”, the words “or a tradesperson”.

(2) Section 51 (2) of the principal Act is hereby amended by inserting, after the word “Registrar”, the words “or (in the case of an employer licence) under the hand of the Secretary”.

(3) Section 51 (3) of the principal Act is hereby amended by inserting, after the words “limited certificate” where they appear for the second time, the words “, or to the effect that a person is disqualified from doing gasfitting by virtue of an order made under section 42 (2A) (c) of this Act, or that the authority of a person to do gasfitting in that person’s capacity

New

as a tradesperson is restricted by virtue of an order made under section 42 (2A) (d) of this Act.”

5 (4) Section 51 of the principal Act is hereby amended by adding the following subsection:

10 “(4) In a prosecution for an offence against this Act, a certificate purporting to be under the hand of the Secretary to the effect that a person is not the holder of an employer licence shall, in the absence of proof to the contrary, be sufficient evidence of the fact stated in the certificate.”

339. Exemptions in respect of gasfitting—The principal Act is hereby amended by repealing section 57, and substituting the following section:

“57.

15

Struck Out

20 (1) Notwithstanding anything in this Act, but subject to any regulations made under this Act, a person who is authorised under an employer licence to do gasfitting may, subject to the conditions of that licence and to the terms of that person’s authority, do gasfitting.

25 “(2) Notwithstanding anything in this Act, but subject to any regulations made under this Act and to the provisions of any other enactment, any person who satisfies the Board, whether by examination or otherwise, that he or she is competent to install and maintain particular gas equipment or gas equipment of a particular kind may, either personally or by some other person acting under his or her direct personal supervision,—

30 “(a) Install and maintain in any industrial or commercial premises the equipment or equipment of the kind specified in writing by the Board as equipment of a kind that may be installed and maintained by him or her; and

“(b) Fix or unfix pipes for the purposes of such installation and maintenance.

New

“(2A) Notwithstanding anything in this Act, any person (being a person who is engaged in any profession, trade, or calling specified in that behalf in regulations made under **section 66** of this Act, or in any class of profession, trade, or calling so specified) may do any gasfitting in the course of that person’s profession, trade, or calling, if— 5

“(a) The work done by that person is within the limits prescribed by regulations made under **section 66** of this Act for the purposes of this subsection; and 10

“(b) The work is carried out in accordance with the requirements of any regulations made under **section 322** of the **Gas Act 1992**; and

“(c) The work is carried out in a competent manner.

“(3) Nothing in this Act shall apply in respect of any person doing gasfitting on any industrial premises that have a design capacity for energy consumption by gas-fired installations of more than 60,000 megajoules per hour, if the person in charge of the industrial plant on those premises has been approved for the purposes of this subsection by the Secretary. 15 20

“(4) Notwithstanding anything in this Act, if any pipe conveying or intended to convey gas is installed underground from the outlet connection of a gas meter to any premises, any person may, with the prior approval of any gas operator (within the meaning of the **Gas Act 1992**) supplying that gas to those premises, or of the Natural Gas Corporation of New Zealand, if the gas is supplied to the premises by that corporation, fix or unfix that pipe. 25

“(5) Notwithstanding anything in this Act, but subject to any regulations made under this Act, any person may do any gasfitting if— 30

“(a) The work done by that person is carried out under the supervision of a craftsman gasfitter (*or a person who is authorised to do that gasfitting under an employer licence*); and 35

“(b) While that work is done, no pipe or appliance in respect of which that gasfitting is done is connected to any supply of gas; and

“(c) The work is—

“(i) Tested and certified in accordance with regulations made under ~~((this Act))~~ section 322 of the Gas Act 1992; and

5 “(ii) Connected to a supply of gas—
by a craftsman gasfitter, or by a registered gasfitter acting under the authority of a craftsman gasfitter.

10 “(6) In subsection (5) of this section, the term ‘supervision’, in relation to any work, means that the work is undertaken under such control and direction of a craftsman gasfitter, ~~(or a person authorised under an employer licence to do gasfitting.)~~ as is sufficient to ensure that the work is performed competently and safely.”

340. Matters on which appeals lie—(1) Section 58 (1) of the principal Act is hereby amended by inserting, after paragraph (d), the following paragraph:

15 “(da) Under section 36c of this Act relating to that person; or”.

New

(1A) Section 58 (1) of the principal Act is hereby amended by inserting, after paragraph (e), the following paragraph:

20 “(ea) Under section 42 (2A) of this Act relating to that person; or”.

(2) Section 58 of the principal Act is hereby amended by adding the following subsection:

“ (2) Any person who is dissatisfied with the whole or any part of—

25 “(a) Any decision of the Registrar under section 36D of this Act relating to that person; or

 “(b) Any decision of the Secretary under section 39A or section 39B or section 39D or section 39E of this Act relating to that person—

30 may, within 28 days after notice of the decision has been communicated to that person, appeal to the High Court against the decision.”

341. Decisions of Court in respect of appeals under this Part—(1) Section 59 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

35 “(1) The Court may, on hearing an appeal under this Part of this Act, confirm, reverse, or modify the decision, direction, or order of the Board or, as the case may require, the Registrar or

the Secretary, or may give any decision, or make any direction or order, that the Board or, as the case may require, the Registrar or the Secretary could have given or made in respect of the matter.”

(2) Section 59 (2) of the principal Act is hereby amended by omitting the words “Board’s decision”, and substituting the words “decision, direction, or order of the Board or the Registrar or the Secretary”.

342. Decision of committee of Board deemed to be decision of Board—Section 61 of the principal Act is hereby amended by inserting, after the expression “Part II”, the expression “or section 36c”.

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343. New Part inserted—The principal Act is hereby amended by inserting, after Part VII, the following Part:

“PART VIIA

“TESTING AND INSPECTION OF GASFITTING WORK

“61A. **Testing and inspection of gasfitting work**—
(1) Where any gasfitting is carried out, that work or, as the case may require, the gas installation or gas appliance in respect of which that work is carried out shall not be connected to a gas supply unless that work has been tested and certified in accordance with regulations made under this Act.

“(2) No person shall sell, or offer for sale, or permit to be connected to a gas supply, any gas installation that has not been tested and certified in accordance with regulations made under this Act.

“(3) No gas distributor shall connect or permit to be connected to any gas supply system under its control any gas installation, or any part of any gas installation, unless it is satisfied that any inspection of that gas installation required by regulations made under this Act has been carried out.

Cf. 1979, No. 139, ss. 37, 38

“61B. **Power of entry**—(1) For the purpose of ensuring that the requirements of section 61A of this Act are complied with in relation to any gasfitting that has been certified in accordance with regulations made under this Act, any person authorised by

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the Board for the purpose may, at any reasonable time, enter any premises and—

5 “(a) Inspect and test any gas installation on those premises that is, or is intended to be, connected to a gas supply:

“(b) Make such inquiries as are necessary to determine whether or not any gasfitting on those premises has been properly certified.

10 “(2) The power of entry conferred by **subsection (1)** of this section may be exercised whether or not there are any grounds to believe that any gasfitting has not been properly carried out.

15 “(3) Every person shall give reasonable notice of that person’s intention to enter any premises pursuant to **subsection (1)** of this section to both the owner and the occupier of the premises.

“(4) Every person shall, on entering any premises pursuant to **subsection (1)** of this section, and when requested at any subsequent time, produce to the person in charge of the premises—

20 “(a) Evidence of that person’s authority to enter the premises; and

“(b) Evidence of that person’s identity.

25 “(5) Nothing in this section authorises any person to enter or search any restricted area within a defence area (within the meaning of the Defence Act 1990) unless the person entering that area has a security clearance approved by the person in charge of the area.

Cf. 1979, No. 139, s. 39

30 “61c. **Power to require information**—(1) Where any gasfitting has been done on any premises, any person (being a gas inspector or any other person authorised by or under this Act to inspect gasfitting) may from time to time require any person who was the occupier of the premises at the time the gasfitting was done to furnish, within such reasonable period as
35 the inspector or authorised person may specify, any information or particulars at that person’s disposal that are relevant for the purpose of identifying the person who did the gasfitting.

40 “(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who,—

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“(a) Without reasonable excuse, refuses or fails to comply with any requirement made under **subsection (1)** of this section; or

“(b) Makes any statement knowing that it is both incorrect and material in any information or particulars furnished (whether in writing or not) under **subsection (1)** of this section. 5

“(3) No person shall be excused from answering any question, or furnishing any information or particulars, when required to do so under **subsection (1)** of this section, on the ground that compliance with that requirement could or would tend to incriminate that person or subject that person to any penalty or forfeiture. 10

“(4) No statement or disclosure furnished or made by any person in compliance or purported compliance with any requirement made under **subsection (1)** of this section shall be admissible against that person in any criminal or civil proceedings, other than proceedings for an offence against **subsection (2) (b)** of this section.” 15 20

344. Application of Act in relation to local authorities—Section 63 (6) of the principal Act is hereby repealed.

345. Regulations—(1) Section 66 (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph: 25

“(d) Prescribing the matters in respect of which fees are payable under this Act, ~~(and)~~ prescribing the amounts of the fees or the method by which they are to be assessed; and prescribing the persons to whom the fees are to be paid.” 30

(2) Section 66 (1) of the principal Act is hereby amended by inserting, after paragraph (f), the following paragraphs:

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- 5 “(fa) Prescribing the requirements that the system of operation to be maintained by the holder of an employer licence must comply with:
“(fb) Providing for the testing, inspection, and approval of gasfitting:”.

New

- 10 “(fa) Prescribing, for the purposes of section 39A (1) (a) of this Act, requirements in relation to the system of operation to be maintained by holders of an employer licence:
“(fb) Prescribing the limits or scope of work which any person to whom section 57 (2A) of this Act applies may do:
15 “(fc) Prescribing, for the purposes of section 57 (2A) of this Act, professions, trades, or callings, or classes of professions, trades, or callings, in the course of which persons may do gasfitting work:”.

- 20 **346. Consequential repeals**—The following enactments are hereby consequentially repealed, namely,—
(a) Section 8 of the Plumbers, Gasfitters, and Drainlayers Amendment Act 1980:
(b) The Plumbers, Gasfitters, and Drainlayers Amendment Act 1986:
25 (c) So much of the First Schedule to the Ministry of Energy (Abolition) Act 1989 as relates to the principal Act.

30 **[Part XXIXA of the Energy Sector Reform Bill (No. 2) (114-2A), as reported from the Planning and Development Committee, now forms the Building Amendment Bill (114-3F) as reported from the Committee of the whole House.**

[Part XXIXB of the Energy Sector Reform Bill (No. 2) (114-2A), as so reported, now forms the Energy Companies Amendment Bill (114-3c), as so reported.

[Part XXX of, and the Nineteenth Schedule to, the Energy Sector Reform Bill now enacted as State-Owned Enterprises Amendment Act (No. 2) 1992 (1992, No. 57). 5

[First and Second Schedules to Energy Sector Reform Bill struck out (114-2).

[Third to Sixth Schedules to the Energy Sector Reform Bill, as amended, now enacted as part of Energy Companies Act 1992 (1992, No. 56). 10

[Seventh, Twelfth to Fifteenth Schedules, and Schedule 15A to the Energy Sector Reform Bill (No. 2) (114-2A), as reported by the Planning and Development Committee, are now Schedules to the Electricity Bill (114-3c), as reported from the Committee of the whole House. 15

[Eighth to Eleventh Schedules to the Energy Sector Reform Bill struck out (114-2A).