

Building and Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Bill

Government Bill

As reported from the Transport and Infrastructure Committee

Commentary

Recommendation

The Transport and Infrastructure Committee has examined the Building and Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Bill and recommends that it be passed. We recommend all amendments unanimously.

Introduction

The bill is intended to ensure that licensed professionals in the building and construction sector can be appropriately held to account. It would do so by strengthening existing complaints and disciplinary processes and raising standards for conduct and competence. These changes include:

- clarifying and separating the functions of regulatory boards and registrars, and expanding registrars' powers
- enabling codes of ethics to be made and enforced for licensed plumbers, gasfitters, drainlayers, and electrical workers
- enabling the Building Practitioners Board to enforce training orders
- removing restrictions on what disciplinary action can be taken in conjunction with other disciplinary actions
- improving the licence renewal process for licensed building practitioners
- amending the composition of the Plumbers, Gasfitters, and Drainlayers Board to be less prescriptive.

The bill is an omnibus bill that would amend the following Acts:

- Building Act 2004
- Plumbers, Gasfitters, and Drainlayers Act 2006

- Electricity Act 1992.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Amendments to the Building Act

The following proposed amendments would amend the Building Act. In this section, unless otherwise specified, all references to “the Board” are to the Building Practitioners Board.

Commencement provisions

Clause 2 of the bill specifies when provisions would commence. All clauses except 11, 12, 13, and 15 would come into force on the day after Royal assent, with those clauses commencing on a date or dates to be set by Order in Council. We consider that some other clauses in the bill should have delayed commencement dates.

To reflect the changes this bill would make to the Building Act, the Building Practitioners (Complaints and Disciplinary Procedures) Regulations 2008 and the Licensed Building Practitioners Rules 2007 would need to be updated. We consider that some parts of this bill should not come into force until this happens, as parts of the regulations may be redundant or inconsistent with provisions in the bill. We therefore recommend amending clause 2 to provide that clauses 9, 10, 16, 17, 19, 25, 26, 30, and certain parts of Schedule 1 would come into force on a date or dates set by Order in Council, or one year after Royal assent (whichever is earlier).

Persons appointed to assist in investigating complaints

Sections 315 and 316 of the Building Act set out the procedures for making and investigating complaints against licensed building practitioners. Clause 17 of the bill would expand on these provisions, by replacing sections 315 and 316 with new sections 315 to 316J.

The bill sets out that any person (including any person in the service of the Crown acting in their official capacity) may complain to the Board about the conduct of a licensed building practitioner or an automatically licensed person. As soon as practicable after being informed by the Registrar of Licensed Building Practitioners of a complaint, the chief executive of the Ministry of Business, Innovation and Employment must appoint an investigator to investigate the complaint.

Proposed new section 316A(1) states that the Registrar may appoint any person to assist the investigator in the performance of their functions. However, we note that it is the ministry’s chief executive that appoints the investigator. Subsection (2) provides that the Board must pay remuneration to the appointed person, but we note that the chief executive is responsible for the investigator’s remuneration. We consider that both of these provisions should be made consistent. We therefore recommend amend-

ing new section 316A to state that the chief executive is responsible for appointing and providing remuneration to any person appointed to assist the investigator.

We also recommend amending new section 316A so that good-faith liability protections that would apply to the investigator also apply to any person assisting the investigator. This would also align with similar good-faith liability protections in the Plumbers, Gasfitters, and Drainlayers Act and the Electricity Act.

Disciplinary penalties

Clause 20 of the bill would amend section 318 of the Building Act (Disciplinary penalties).

The bill would retain the current maximum disciplinary penalty provisions. The fine that a licensed building practitioner may be ordered to pay if they meet the grounds for discipline under section 317 could not exceed \$10,000, and the maximum period of suspension could not exceed 12 months.

We note that the disciplinary penalties for licensed building practitioners have not been updated since the scheme was established in 2007. We consider that, given the bill's aim to strengthen accountability for licensed building practitioners, these penalties could be updated. We therefore recommend amending clause 20 to increase the maximum fine to \$20,000, and the maximum suspension period to 24 months. We understand that the Ministry of Business, Innovation and Employment intends to conduct future work to ensure consistency across regimes. We understand that this will likely include consideration of whether maximum penalties should be increased for practitioners other than licensed building practitioners.

Disciplinary powers of the Board

Clause 20 would replace subsections (1) and (2) of section 318 with new subsections (1) to (2B). Proposed new section 318(2B) provides that nothing in section 318 would prevent the Board from making more than 1 order, at different times, in relation to the same case.

While we understand that the intention of the new subsections is to make sure the Board can properly enforce training orders, we consider that the bill as introduced is too broad and could potentially lead to disciplinary matters being revisited after a decision had already been made about the appropriate disciplinary action. We therefore recommend amending clause 20 to clarify the circumstances in which the Board may issue a subsequent order.

We also recommend amending similar provisions in clause 48 (amending section 106 of the Plumbers, Gasfitters, and Drainlayers Act) and clause 76 (amending section 147M of the Electricity Act). These relate to the disciplinary powers of the Plumbers, Gasfitters, and Drainlayers Board and the Electrical Workers Registration Board, respectively.

Amendments to the Plumbers, Gasfitters, and Drainlayers Act

The following amendments would amend the Plumbers, Gasfitters, and Drainlayers Act. In this section, unless specified, all references to “the Board” are to the Plumbers, Gasfitters, and Drainlayers Board.

Competence reviews

The Plumbers, Gasfitters, and Drainlayers Act allows the Board to review the competence of a registered person to do, or assist in doing, sanitary plumbing, gasfitting, or drainlaying work. In conducting a review, the Board must give the person concerned a reasonable opportunity to make written and oral submissions on the question of their competency.

Section 54(3) of the Act states that if, after conducting a review, the Board has reason to believe that the competence of a registered person is deficient, the Board may make either or both of the following orders, namely that:

- the registered person undertake a competence programme
- one or more conditions be placed on the registered person’s practising licence.

The bill does not propose any changes to this section. However, we understand from the Board that it is currently difficult to manage competence concerns when a person under review refuses to participate in a review. We considered whether the Board should be able to place an order on someone for failing to engage with the review process.

We recommend inserting clause 34A into the bill to amend section 54. It would specify that, if a person fails to adequately respond to a competence review by giving a satisfactory written and/or oral submission, this would be sufficient grounds for the Board to order that person to undertake a competence programme.

Membership of the Board

Clause 56 of the bill would replace section 134 of the Plumbers, Gasfitters, and Drainlayers Act to amend the requirements for membership of the Board to be less prescriptive. Proposed section 134(3) states that, when appointing any additional members, the Minister responsible must consider whether, collectively, the Board has sufficient technical expertise to be able to perform its functions.

We understand that the intention of this section is to ensure that the Minister has the flexibility to appoint a Board that has a range of specialist trade knowledge as well as governance knowledge. This would help the Board to effectively conduct its functions and protect the public from harm. To better reflect this, we recommend amending new section 134(3) so that there must be consideration of “knowledge, experience, and expertise”, rather than only technical expertise. We were initially concerned that the removal of requirements for “technical” expertise could mean that the Board no longer has the relevant knowledge to oversee the sector. However, we note that there are requirements in new section 134(2) for the Minister to appoint

persons to the Board with specific classes of registration. We are satisfied that this would maintain an appropriate level of technical expertise on the Board.

Schedule 1 of the Plumbers, Gasfitters, and Drainlayers Act sets out provisions applying to the Board and its members. Clause 3 specifies that the quorum necessary for any business of the Board to be undertaken is 5 members. We understand that disciplinary hearings do not generally require a quorum this large. We therefore recommend inserting clause 66A to amend Schedule 1, reducing the quorum necessary for the Board to hold disciplinary hearings to a minimum of 3 members. We consider that this would also help to reduce costs and make the process easier for the Board.

Other matter considered: codes of ethics

Clauses 47 and 75 of the bill as introduced would insert new sections 105A into the Plumbers, Gasfitters, and Drainlayers Act and 147LA into the Electricity Act, respectively. These would add the ability to create codes of ethics for registered persons covered by both Acts. These sections allow the Governor-General, by Order in Council and on the recommendation of the Minister, to prescribe a code or codes of minimum standards of ethical conduct.

Some of us consider that codes of ethics should be confined to professional practice matters and/or trades practice matters, and should not creep into subjective matters such as political views. Some of us consider this is especially true for contested political matters, and do not consider that these should be reflected in codes of ethics.

Appendix

Committee process

The Building and Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Bill was referred to this committee on 18 November 2025. The House instructed us to report the bill back no later than 19 March 2026.

We called for submissions on the bill with a closing date of 8 January 2026. We received and considered submissions from 15 interested groups and individuals. We heard oral evidence from 4 submitters at hearings in Wellington.

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Advice on the bill was provided by the Ministry of Business, Innovation and Employment. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Andy Foster (Chairperson)

Dan Bidois

Dr Carlos Cheung

Simon Court (from 19 November 2025)

Hon Julie Anne Genter (until 11 February 2026)

Mariameno Kapa-Kingi

Cameron Luxton (until 19 November 2025)

Dr Tracey McLellan

Tangi Utikere

Celia Wade-Brown (from 11 February 2026)

Arena Williams also participated in our consideration.

Related resources

The documents we received as advice and evidence are available on the Parliament website.

**Building and Construction Sector (Strengthening
Occupational Licensing Regimes) Amendment Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Chris Penk

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Schedule 3

New Part 2 inserted into Schedule 1AA of Plumbers, Gasfitters, and Drainlayers Act 2006

Schedule 4

New Schedule 1AA inserted into Electricity Act 1992

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Building and Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Act **2025**.

2 Commencement

- (1) This Act (~~other than sections 11, 12, 13, and 15~~) comes into force on the day after Royal assent.
- (2) ~~Sections 11, 12, 13, and 15~~ However, the following sections (which all amend the Building Act 2004) commence on a date or dates set by Order in Council:–

- (a) **section 9:**
- (b) **section 10:**
- (c) **section 11:**
- (d) **section 12:**
- (e) **section 13:** 5
- (f) **section 15:**
- (g) **section 16:**
- (h) **section 17:**
- (i) **section 19:**
- (j) **section 20A:** 10
- (k) **section 25:**
- (l) **section 26:**
- (m) **section 30:**
- (n) **section 31** (for the purposes of the last 8 items in **Schedule 1**).
- (3) Any part of the Act that has not come into force by the first anniversary of 15
Royal assent comes into force then.
- (4) An Order in Council made under this section is secondary legislation (*see* Part
3 of the Legislation Act 2019 for publication requirements).

Part 1 Amendments to Building Act 2004 20

3 Principal Act

This Part amends the Building Act 2004.

4 Section 7 amended (Interpretation)

- (1) In section 7(1), insert in its appropriate alphabetical order:
automatically licensed person means a person who is currently treated as 25
being licensed in a particular class or classes under section 291(2) because of
an order made under section 285
- (2) In section 7, replace the definition of **licensed building practitioner** with:
licensed building practitioner means a building practitioner who is licensed
under section 288 and whose licensing is in force under section 290 30

5 Cross-heading above section 84 replaced

Replace the cross-heading above section 84 with:

Carrying out or supervising restricted building work

- 6 Section 84 replaced (Licensed building practitioner must carry out or supervise restricted building work)**
- Replace section 84 with:
- 84 Who may carry out or supervise restricted building work**
- All restricted building work must be carried out or supervised by— 5
- (a) a licensed building practitioner who is licensed to carry out or supervise the work; or
 - (b) an automatically licensed person who is treated as being licensed to carry out or supervise the work.
- 7 Section 85 amended (Offences relating to carrying out or supervising restricted building work)** 10
- (1) Replace section 85(1) with:
- (1) A person who is not a licensed building practitioner commits an offence if they carry out restricted building work while not supervised by one of the following:
- (a) a licensed building practitioner who is licensed to carry out or supervise the carrying out of restricted building work of that kind: 15
 - (b) an automatically licensed person who is treated as being licensed to carry out or supervise the carrying out of restricted building work of that kind.
- (2) After section 85(2), insert: 20
- (2A) An automatically licensed person commits an offence if they—
- (a) carry out restricted building work and the order treating them as licensed does not treat them as licensed to carry out restricted building work of that kind; or
 - (b) supervises restricted building work and the order treating them as licensed does not treat them as licensed to carry out or supervise the carrying out of restricted building work of that kind. 25
- (3) In section 85(3), replace “Subsection (1) and (2)(a)” with “Subsections (1), (2)(a), and **(2A)(a)**”.
- (4) After section 85(3), insert: 30
- (3A) **Subsection (1)** does not apply to an automatically licensed person.
- 8 Section 86 amended (Offence to engage another person to carry out or supervise restricted building work if person is not licensed building practitioner)**
- (1) Replace the heading to section 86 with “**Offences relating to engaging another person to carry out or supervise restricted building work**”. 35
- (2) Replace section 86(1)(b) with:

- (b) knows that the other person—
- (i) is neither a licensed building practitioner nor an automatically licensed person; or
 - (ii) is a licensed building practitioner, but is not licensed to carry out the restricted building work; or
 - (iii) is an automatically licensed person, but is not treated as being licensed to carry out the restricted building work.
- (3) Replace section 86(1A)(b) with:
- (b) knows that the other person—
- (i) is neither a licensed building practitioner nor an automatically licensed person; or
 - (ii) is a licensed building practitioner, but is not licensed to carry out or supervise the restricted building work; or
 - (iii) is an automatically licensed person, but is not treated as being licensed to carry out or supervise the restricted building work.
- 9 Section 282 amended (Definitions for this Part)**
- (1) In section 282, definition of **appeal authority**, paragraph (a), replace “decision of the Registrar under section 330(1)” with “decision of the Registrar under **section 330(1)(a)** or by an investigator under **section 330(1)(b)**”.
- (2) In section 282, definition of **decision**, after paragraph (b), insert:
- (c) a finding by an investigator
- (2A) In section 282, replace the definition of **disciplinary matter** with:
- disciplinary matter** means a matter that is the subject of complaint under this Part
- (3) In section 282, insert in its appropriate alphabetical order:
- investigator** means a person appointed by the chief executive under **section 316(1)**
- 10 New section 291A and cross-heading inserted**
- After section 291, insert:
- Licensed building practitioners to pay levy*
- 291A Licensed building practitioners to pay levy**
- (1) A licensed building practitioner must, within 20 working days of being contacted by the Registrar under **section 303**, pay the levy prescribed by the regulations (if any).

- (2) The levy may be applied to costs and other expenses incurred in the licensing and disciplining of building practitioners under this Act, including the costs of the operation and administration of the Board.

11 Section 293 replaced (Consequences of failure to meet applicable minimum standards for licensing) 5

Replace section 293 with:

- 293 Consequences of failure to meet applicable minimum standards for licensing**
- (1) This section applies if, after making an assessment under section 292, the Registrar determines that a licensed building practitioner (**A**) no longer meets the applicable minimum standards for licensing. 10
- (2) The Registrar must—
- (a) suspend A’s licensing; and
 - (b) notify A in the manner set out in the rules—
 - (i) that their licence has been suspended; and 15
 - (ii) that the suspension will be lifted if they satisfy the Registrar that they meet the standards before the end of the period set out in the rules (the **grace period**).
- (3) If A does not satisfy the Registrar that they meet the standards before the end of the grace period, the Registrar must notify A in the manner set out in the rules that their licence is still suspended and will be cancelled unless they satisfy the Registrar that they meet the standards within 12 months after the notice is given (the **final due date**). 20
- (4) If A does not satisfy the Registrar that they meet the standards before the final due date, the Registrar must cancel A’s licensing. 25

12 Section 294 amended (Cancellation of licensing)

- (1) In section 294, delete “and remove the person’s name from the register”.
- (2) Replace section 294(b) with:
- (b) in accordance with **section 293(4)** (consequences of failure to meet applicable minimum standards for licensing by final due date); or 30
 - (ba) in accordance with **section 303(5)** (Registrar must contact licensed building practitioners); or

13 Section 295 amended (Mandatory licensing suspension)

- (1) Replace section 295(1) and (2) with:
- (1) The Registrar must suspend a person’s licensing in accordance with— 35
- (a) **section 293(2)** (consequences of failure to meet applicable minimum standards for licensing); and

- (b) **section 303(3)** (Registrar must contact licensed building practitioners).
- (2) The Registrar must, in the case of a person who is the subject of disciplinary proceedings under this subpart, suspend the person’s licensing until an order is made under section 318 or until those disciplinary proceedings are otherwise finished if, in the opinion of the Registrar, suspension of the person’s licensing is necessary for the purpose of protecting the public. 5
- (2) In section 295(3), delete “and direct the Registrar to record the suspension in the register”.
- 14 Section 301 amended (Matters to be contained in register)**
- Replace section 301(2) with: 10
- (2) In addition,—
- (a) if a person’s licensing has been suspended in the last 3 years, the register must show that information, as well as the following:
- (i) the ground under this Act for the suspension (for example, for non-payment of a levy that was required from the licensed building practitioner); and 15
- (ii) the period of suspension; and
- (iii) any conditions for termination of the suspension; and
- (b) if a person’s licensing has been cancelled in the last 3 years for disciplinary reasons under section 318 or **319**, the register must show that information; and 20
- (c) if a person’s licensing has been cancelled in the last 3 years other than for a disciplinary reason, the register must show that information if the Registrar considers it appropriate.
- (3) However, the Registrar must remove from the register information about a former licensed building practitioner if the person’s licensing was cancelled more than 3 years ago. 25
- 15 Section 303 replaced (Registrar must contact licensed building practitioners on annual basis)**
- Replace section 303 with: 30
- 303 Registrar must contact licensed building practitioners**
- (1) The Registrar must—
- (a) contact each licensed building practitioner (**A**)—
- (i) in the manner set out in the rules; and
- (ii) with the frequency set out in the rules, but at least once every 5 years; and 35
- (b) as part of that contact (the **first notice**),—

- (i) ask whether A wishes to continue to be licensed; and
 - (ii) ask whether the information shown on the register about A is correct; and
 - (iii) notify A that they must pay a prescribed levy (*see* **section 291A**); and
 - (iv) notify A that their licence will be suspended unless they comply with the requirements in **subsection (2)** within 20 working days after the first notice is given.
- (2) A must—
 - (a) reply to the questions referred to in **subsection (1)(b)(i) and (ii)**, and supply any information necessary to ensure that the information shown on the register is correct; and
 - (b) pay the prescribed levy to the Registrar (*see* **section 291A**).
- (3) If A does not comply with **subsection (2)** within 20 working days after the first notice is given, the Registrar must—
 - (a) suspend A's licensing until they do so; and
 - (b) notify A in the manner set out in the rules (the **second notice**) that—
 - (i) their licence has been suspended; and
 - (ii) they will be charged a late fee (prescribed in regulations) unless they comply with **subsection (2)** before the end of the period set out in the rules (the **grace period**); and
 - (iii) their licence will be cancelled unless they comply with **subsection (2)** within 12 months after the second notice is given (the **final due date**).
- (4) If A does not comply with **subsection (2)** before the end of the grace period, the Registrar must notify A in the manner set out in the rules that their licence is still suspended and will be cancelled unless they comply with **subsection (2)** and pay the late fee before the final due date.
- (5) If A does not comply with **subsection (2)** and pay the late fee before the final due date, the Registrar must cancel A's licensing.

16 Section 311 amended (Functions of Registrar)

Replace section 311(c) with:

- (c) to receive and deal with complaints in accordance with **sections 315 and 315A**; and

17 Sections 315 and 316 and cross-heading replaced

Replace sections 315 and 316 and the cross-heading above section 315 with:

Complaints

315 Complaints

- (1) Any person (including any person in the service of the Crown acting in their official capacity) may complain to the Board about the conduct of a licensed building practitioner or an automatically licensed person by making the complaint in the prescribed manner to the Registrar. 5
- (2) The Registrar may also initiate a complaint.
- (3) However, a complaint may not be made under **subsection (1)** by the Board or a member of the Board.
- (4) The Registrar must, as soon as practicable after receiving or initiating a complaint,— 10
 - (a) inform the Board and the chief executive; and
 - (b) inform the person complained against of the general nature of the complaint.
- (5) However, if the Registrar is satisfied that the complaint is frivolous or vexatious,— 15
 - (a) **subsection (4)** does not apply; and
 - (b) **section 316** does not apply; and
 - (c) the Registrar must, as soon as practicable after receiving the complaint, inform the person who made the complaint that the complaint will not be investigated or proceeded with. 20
- (6) A complaint, and any decision on the complaint, may relate to a person who is no longer a licensed building practitioner or an automatically licensed person but who was at the time of the relevant conduct.
- (7) In relation to complaints about an automatically licensed person, *see also* **section 315A**. 25

315A Complaints about automatically licensed persons

- (1) This section applies if the Registrar receives a complaint about a person—
 - (a) who is an automatically licensed person; and
 - (b) who is, in the opinion of the Registrar, subject to a substantially similar or more stringent disciplinary regime by or under the other enactment under which the person is registered, licensed, or otherwise recognised (*see* section 291). 30
- (2) **Section 315(4) and (5)** does not apply.
- (3) The Registrar must refer the complaint to the body that is responsible for dealing with complaints under the other enactment referred to in **subsection (1)(b)**. 35

*Investigations***316 Appointment of investigator**

- (1) The chief executive must, as soon as practicable after being informed by the Registrar of a complaint, appoint an investigator to investigate the complaint.
- (2) The person appointed as the investigator must— 5
 - (a) be suitably qualified and trained to perform or exercise all or any of the functions, duties, and powers of an investigator; and
 - (b) be appointed in accordance with the regulations (if any); and
 - (c) not be a member of the Board; and
 - (d) not be the person who made the complaint. 10
- (3) The chief executive must pay to the investigator, by way of remuneration and expenses for their services, the sum that is agreed on between the investigator and the chief executive.
- (4) An investigator is not personally liable for any act done or omitted to be done by the investigator in good faith in the performance or intended performance of the functions, duties, or powers of the investigator under this Act. 15

316A Appointment of person to assist investigator

- (1) The ~~chief executive Registrar~~ may appoint any person (the **appointed person**) for the purpose of assisting the investigator in the performance of the investigator's functions under this subpart. 20
- (2) The ~~chief executive Board~~ must pay to the appointed person, by way of remuneration and expenses for their services, the sum that is agreed on between the appointed person and the ~~chief executive Registrar~~.
- (2A) The appointed person is not personally liable for any act done or omitted to be done by the appointed person in good faith in the performance or exercise, or intended performance or exercise, of the functions, duties, or powers of the appointed person under this Act. 25
- (3) The investigator may delegate any of the functions or powers of the investigator, either generally or specifically, to the appointed person.
- (4) The appointed person may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the appointed person were the investigator. 30
- (5) If the appointed person purports to perform a function or exercise a power under a delegation, the appointed person— 35
 - (a) is, in the absence of proof to the contrary, deemed to do so in accordance with the terms of that delegation; and

(b)	must produce evidence of their authority to do so, if reasonably requested to do so.	
(6)	No delegation under this section—	
(a)	affects or prevents the performance of any function or the exercise of any power by the investigator; or	5
(b)	affects the responsibility of the investigator for the actions of the appointed person acting under the delegation.	
	Compare: 2006 No 74 s 116	
316B	Investigation of complaint	
(1)	The investigator must investigate the complaint to determine whether, in the investigator's opinion, the complaint should be considered by the Board.	10
(2)	As part of the investigation, the investigator must—	
(a)	send particulars of the complaint to the person complained against; and	
(b)	give the person a reasonable opportunity to make written submissions and be heard on the matter, either personally or by their representative.	15
(3)	The investigator may exercise the powers in sections 316C to 316F for the purposes of investigating the complaint.	
316C	Power to require complaint to be supported by statutory declaration	
	The investigator may require that a complaint be supported by any statutory declaration that the investigator thinks fit.	20
316D	Power to require person to provide information and documents	
(1)	The investigator may, by written notice served on any person, require that person—	
(a)	to provide, within the time and in the manner specified in the notice, any information or class of information specified in the notice; and	25
(b)	to produce, within the time and in the manner specified in the notice, any document or class of document in the possession or under the control of the person; and	
(c)	if necessary, to reproduce, or assist in reproducing, in usable form, information recorded or stored in any documents or classes of documents specified in the notice (within the time and in the manner specified in the notice).	30
(2)	The person must provide the information or document as required by the notice.	
(3)	If a document is produced in response to a notice under subsection (1) , the investigator may—	35
(a)	inspect and make records of that document; and	

- (b) take copies of the document or extracts from the document.
 - (4) Any notice given by an investigator under **subsection (1)** is sufficiently given if it is—
 - (a) in writing; and
 - (b) signed by the investigator; and 5
 - (c) given to the person or persons primarily concerned or to any person or organisation considered by the investigator to represent the person or persons primarily concerned.
 - (5) Every person who is required to supply information or documents to an investigator under this section has the same privileges in relation to the supply of the information or documents as witnesses have in any court. 10
- 316E Powers of entry and inspection**
- (1) The investigator may—
 - (a) inspect any of the following:
 - (i) a place at which building work is, or is proposed to be, carried out; 15
 - (ii) building work that has been, or is being, carried out;
 - (iii) any building or building product; and
 - (b) enter any premises for the purpose of carrying out an inspection under **paragraph (a)**. 20
 - (2) However, if the premises are a household unit or marae, *see* **section 316F**.
 - (3) ~~As soon as practicable after entering premises under this section, the investigator must give written notice to the owners and occupiers of the premises of the exercise of a power under this section.~~
 - (4) ~~A person who enters premises under this section must, when first entering the premises and on request at any other time, show the following to any occupier of the premises:~~ 25
 - (a) ~~evidence of the person's identity;~~
 - (b) ~~if the premises are a household unit or marae, the warrant to enter the premises (if required).~~ 30
 - (5) Part 4 of the Search and Surveillance Act 2012 (other than subparts 2, 3, and 8 and sections 118 and 119) applies in respect of the powers conferred by this section.
- 316F Power to enter household unit or marae**
- (1) Despite **section 316E**, the investigator must not exercise the power of entry to enter a household unit that is being used as a household unit or marae except— 35
 - (a) with the consent of an occupier who is at least 14 years of age; or

(b) in accordance with a warrant issued under this section.

Entry with consent

(2) The investigator must not enter with the occupier's consent unless the investigator has—

- (a) told the occupier the reason for the proposed entry; and 5
- (b) told the occupier that they may consent, or refuse to consent, to the entry.

(3) The investigator may enter the household unit or marae, and exercise the other powers under **section 316E**, only in accordance with the conditions of the occupier's consent (if any). 10

Entry under warrant

(4) An issuing officer (as defined in section 3(1) of the Search and Surveillance Act 2012) may, on application, issue a warrant to enter a household unit or marae if the officer reasonably considers that entering the unit or marae is reasonably necessary for the purposes of investigating a complaint. 15

(5) The investigator must apply for the warrant in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012, which applies with any necessary modifications.

(6) The warrant authorises the investigator to enter the household unit or marae and exercise the other powers under **section 316E**. 20

(7) ~~Part 4 of the Search and Surveillance Act 2012 (other than subparts 2 and 8 and sections 118 and 119) applies in respect of the powers conferred by this section.~~

316G Offence to fail to comply with notice to provide information

A person who, without reasonable excuse, refuses or fails to provide any information or document as required by **section 316D**— 25

- (a) commits an offence; and
- (b) is liable on conviction,—
 - (i) in the case of an individual, to a fine not exceeding \$10,000; or
 - (ii) in any other case, to a fine not exceeding \$50,000. 30

316H Offence to knowingly provide false or misleading information

A person who, in purported compliance with **section 316D**, provides information or a document knowing the information or document to be false or misleading—

- (a) commits an offence; and 35
- (b) is liable on conviction,—
 - (i) in the case of an individual, to a fine not exceeding \$10,000; or

(ii) in any other case, to a fine not exceeding \$50,000.

316I Report with findings of investigation

- (1) The investigator must, after investigating a complaint under **section 316B**, report the investigator's findings to the Board (including whether, in the investigator's opinion, the complaint should be considered by the Board).
- (2) The investigator must also send a copy of the report to—
 - (a) the person who made the complaint; and
 - (b) the person complained against.

Consideration of complaints by Board

316J Board must hold hearing if investigator reports that complaint should be considered by Board

- (1) This section applies if the investigator's report under **section 316I** states that, in the investigator's opinion, a complaint (or part of a complaint) should be considered by the Board.
- (2) The Board must hold a hearing to determine whether it should take any of the actions referred to in section 318.
- (3) The matter must be prosecuted at the hearing by the investigator (unless the Board orders otherwise).
- (4) The investigator (and the person who is the subject of the complaint) may be represented by counsel or otherwise.

18 New cross-heading above section 317 inserted

After section 316, insert:

Exercise of disciplinary powers

19 Section 317 amended (Grounds for discipline of licensed building practitioners)

In section 317(1), delete "or by its own inquiries".

20 Section 318 amended (Disciplinary penalties)

Replace section 318(1) and (2) with:

- (1) In any case to which section 317 applies, the Board may—~~do any 1 or more of the following:~~
 - (a) direct the Registrar to cancel the person's licensing and (if the Board considers it appropriate) order that the person may not be relicensed before the expiry of a specified period; or
 - (b) ~~order that a person whose licensing has been cancelled may not be relicensed before the expiry of a specified period:~~

- (c) direct the Registrar to suspend the person's licensing for a period of no more than ~~24~~12 months or until the person meets any requirements specified in the order (but in any case, for a period of no more than ~~24~~12 months); ~~or~~;
- (d) order that the person undertake any training specified in the order ~~before the expiry of a specified period~~; ~~or~~;
- (e) restrict the type of building work or building inspection work that the person may carry out or supervise under the person's licensing class or classes and direct the Registrar to record the restriction in the register; ~~or~~;
- (f) order that the person be censured; ~~or~~;
- (g) order that the person pay a fine not exceeding ~~\$20,000~~ \$10,000.
- (1A) The Board may take more than 1 type of action under **subsection (1)** in relation to the same case.
- (1B) However,—
 - (a) if the Board suspends a person's licensing under **subsection (1)(c)**, the Board must not also cancel the person's licensing under **subsection (1)(a)**; and
 - (b) once the Board has made an order under **subsection (1)**, the Board must not subsequently make any additional order in relation to the same case, unless **subsection (1C)** or **section 319** applies.
- (1C) If a person fails to complete training ordered by the Board under **subsection (1)(d)**, the Board may do 1 or more of the following:
 - (a) either—
 - (i) cancel the person's licensing under **subsection (1)(a)**; or
 - (ii) suspend the person's licensing under **subsection (1)(c)**;
 - (b) impose a fine under **subsection (1)(g)**.
- (2) The Board may not suspend or cancel a person's licensing under **subsection (1)** or **(1C)** unless it has first—
 - (a) informed the person concerned why it proposes to act in that manner; and
 - (b) given the person a reasonable opportunity to make written submissions and be heard, either personally or by a representative.
- (2A) If the Board suspends or cancels a person's licensing under **subsection (1)** or **(1C)**,—
 - (a) the Registrar must notify the person concerned; and
 - (b) the suspension or cancellation takes effect from the day on which the person concerned is notified under **paragraph (a)** or from any date that is specified in that notice, whichever is the later.

~~(2B) Nothing in this section prevents the Board from making more than 1 order at different times in relation to the same case.~~

20A New section 318A inserted (Costs and expenses)

After section 318, insert:

318A Costs and expenses

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In any case to which section 317 applies, the Board may order the person concerned to pay to the Board any sum that it considers just and reasonable towards the costs and expenses of, and incidental to,—

- (a) the investigator's investigation of the complaint;
- (b) the prosecution of the complaint by the investigator;
- (c) the hearing by the Board.

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21 Section 319 replaced (Non-payment of fines or costs)

Replace section 319 with:

319 Non-payment of fines or costs

If money payable by a person under **section 318(1)(g)** or (4) remains unpaid for 60 days or more after the date of the order, the Board may—

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- (a) direct the Registrar to cancel the person's licensing; or
- (b) direct the Registrar to—
 - (i) suspend the person's licensing until the person pays the money; and
 - (ii) if the person does not do so within 12 months, cancel the person's licensing.

20

22 Section 323 amended (Issuing of summons by Board)

After section 323(2), insert:

(2A) A summons must,—

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- (a) if it is delivered personally under section 394(1)(a), be served at least 48 hours before the attendance of the witness is required; and
- (b) if it is served using any other method under section 394, be served at least 10 days before the attendance of the witness is required.

23 Section 324 repealed (Service of summons)

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Repeal section 324.

24 New section 324A inserted (Hearings to be in public)

After section 324, insert:

324A Hearings to be in public

- (1) Every hearing of the Board must be held in public, except as provided in this section.
- (2) The Board may hold a hearing or part of a hearing in private if it is of the opinion that it is proper to do so, having regard to the interests of any person (including, without limitation, the privacy of the complainant (if any)) and to the public interest. 5

24A Section 326 amended (Failure to comply with summons)

In section 326(2), replace “sufficient cause” with “reasonable excuse”.

25 Section 330 amended (Right of appeal) 10

- (1) Replace section 330(1) with:
 - (1) A person may appeal to the Board against—
 - (a) any decision of the Registrar to—
 - (i) decline to license the person as a building practitioner; or
 - (ii) suspend or cancel the person’s licensing; or 15
 - (iii) determine that a complaint is frivolous or vexatious under **section 315(5)**; or
 - (b) a finding by an investigator (made in a report to the Board under **section 316I**) that a complaint, or a part of a complaint, should not be considered by the Board. 20
- (2) In section 330(2)(a), after “subsection (1)”, insert “(other than an appeal brought under **subsection (1)(a)(iii) or (b)**)”.

26 Section 335 amended (Procedure on appeal)

After section 335(3), insert:

- (3A) However, subsection (3) does not apply in relation to an appeal to the Board against a finding of an investigator under **section 330(1)(b)** (which relates to a finding that a complaint should not be considered by the Board). 25
- (3B) On hearing an appeal against a finding of an investigator under **section 330(1)(b)**, the Board may—
 - (a) direct the investigator to reconsider the finding appealed against in accordance with section 337; or 30
 - (b) direct the chief executive to appoint a new investigator under **section 316** to investigate (or reinvestigate) the complaint to which the finding appealed against relates; or
 - (c) confirm the finding appealed against; or 35

	(d) take any combination of the actions in paragraphs (a) to (c) in relation to different parts of the complaint to which the finding appealed against relates.	
27	Section 336 replaced (Appeal authority’s decision final) Replace section 336 with:	5
336	District Court’s decision final Except as provided in section 340, the decision of the District Court on an appeal under this subpart is final.	
28	Section 337 amended (Appeal authority may refer matter back for reconsideration) Replace section 337(3)(b) with:	10
	(b) in doing so, must have regard to the appeal authority’s reasons for giving a direction under subsection (1), and to the appeal authority’s directions (if any) under subsection (2).	
29	Section 344 amended (Composition of Board) In section 344(1), replace “8” with “10”.	15
30	Section 353 amended (Rules relating to licensed building practitioners)	
(1)	After section 353(2)(c), insert:	
	(d) the manner in which the Registrar must notify a licensed building practitioner of the matters in section 293(2)(b) and (3) ; and	20
	(e) the manner in which the Registrar must contact licensed building practitioners and the frequency with which this must be done (<i>see section 303(1)</i>); and	
	(f) the manner in which the Registrar must notify a licensed building practitioner of the matters in section 303(3)(b) and (4) .	25
(2)	After section 353(2), insert:	
(2A)	The rules may also contain rules relating to any other matters that this Act says may or must be dealt with in the rules.	
30A	Section 402 amended (Regulations: general) <u>In section 402(1)(f)(i), replace “against a licensed building practitioner or a former licensed building practitioner” with “against a licensed building practitioner or an automatically licensed person or a former licensed building practitioner or automatically licensed person (as the case may be)”.</u>	30
31	Minor and consequential amendments Amend the principal Act as set out in Schedule 1 .	35

32 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 2** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

32A Schedule 1 amended

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- (1) In the Schedule 1 heading, replace “s 12” with “s 42A”.
- (2) In Schedule 1, heading to clause 3B, after “by licensed building practitioner”, insert “or automatically licensed person”.
- (3) In Schedule 1, after “a licensed building practitioner”, insert “or an automatically licensed person” in each place.

10

Part 2

Amendments to Plumbers, Gasfitters, and Drainlayers Act 2006

33 Principal Act

This Part amends the Plumbers, Gasfitters, and Drainlayers Act 2006.

34 Section 4 amended (Interpretation)

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- (1) In section 4, repeal the definition of **dwellinghouse**.
- (2) In section 4, insert in their appropriate alphabetical order:

appeal authority,—

- (a) in relation to an appeal against a decision of the Registrar or an investigator under **section 162(1AAA)**, means the Board; and
- (b) in relation to an appeal against a decision of the Board under section 162(1), means the District Court

20

decision, in relation to an appeal under subpart 2 of Part 4, includes—

- (a) any action taken under section 106; and
- (b) an order; and
- (c) a finding by an investigator

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decision-maker, in relation to an appeal, means the person or body that made the decision or took the action appealed against

household unit—

- (a) means a building or group of buildings, or part of a building or group of buildings, that is—
 - (i) used, or intended to be used, only or mainly for residential purposes; and
 - (ii) occupied, or intended to be occupied, exclusively as the home or residence of not more than 1 household; but

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- (b) does not include a hostel, boardinghouse, or other specialised accommodation

34A Section 54 amended (Procedure on review of competence)

After section 54(3), insert:

- (3A) The Board may also order that a registered person undertake a competence programme if the Board considers that the person has failed to provide an adequate written or oral submission as part of a review conducted under section 53.

5

35 Section 69 amended (Powers of inspection)

In section 69(1)(a), replace “dwellinghouse” with “household unit or marae”.

10

36 Section 87M amended (Powers of inspection to investigate complaint)

In section 87M(3)(a), replace “dwellinghouse” with “household unit”.

37 Section 89 amended (Disciplinary offence)

After section 89(c), insert:

- (ca) to have failed to comply with the code of ethics prescribed under **section 105A**; or

15

38 Section 90 amended (Complaints)

- (1) Replace section 90(2) with:

- (2) The Registrar may also initiate a complaint.

- (2A) However, a complaint may not be made under subsection (1) by the Board or a member of the Board.

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- (2) In section 90(3), after “receiving”, insert “or initiating”.

- (3) In section 90(4)(c), after “complainant”, insert “(if any)”.

39 Section 91 amended (Registrar must appoint investigator)

- (1) In section 91(1), after “receiving”, insert “or initiating”.

25

- (2) Replace section 91(2) with:

- (2) The person appointed as the investigator must—

- (a) be suitably qualified and trained to perform or exercise all or any of the functions, duties, and powers of an investigator; and

- (b) not be a member of the Board; and

- (c) not be the person who made the complaint.

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40 Section 92 amended (Investigation of complaint)

In section 92(5), after “complainant”, insert “(if any)”.

41 Section 93 amended (Investigator’s powers)

- (1) Replace section 93(2) with:
- (2) However, if the premises are a household unit or marae, *see* **section 96**.
- (2) After section 93(3), insert:
- (4) As soon as practicable after entering premises under this section, the investigator must give written notice to the owners and occupiers of the premises of the exercise of a power under this section. 5
- (5) A person who enters premises under this section must, when first entering the premises and on request at any other time, show the following to any occupier of the premises: 10
 - (a) evidence of the person’s identity:
 - (b) the investigator’s written authorisation to enter the site:
 - (c) if the premises are a household unit or marae, the warrant to enter the premises (if required).

42 Section 94 amended (Registrar must supply warrant of authority) 15

- (1) In the heading to section 94, replace “**warrant of authority**” with “**written authorisation**”.
- (2) In section 94(1), replace “a written warrant of authority” with “(other than in relation to a household unit or marae) a written authorisation”.
- (3) In section 94(2) and (3), replace “warrant” with “written authorisation” in each place. 20
- (4) After section 94(3), insert:
- (4) In relation to the exercise of a power under section 93(1)(a) to enter or re-enter a household unit or marae, *see* **section 96**.

43 Section 95 replaced (Duties of investigator supplied with warrant of authority) 25

Replace section 95 with:

95 Duties of investigator supplied with written authorisation

An investigator supplied with written authorisation under section 94—

- (a) must, on the termination of their authority to act under section 93, surrender the authorisation to the Registrar; and 30
- (b) must not purport to act under an authorisation after the termination of their authority to act under section 93.

44 Section 96 replaced (Restriction on entry to dwellinghouse)

Replace section 96 with: 35

96 Power to enter household unit or marae

- (1) Despite section 93, an investigator must not exercise the power of entry to enter a household unit that is being used as a household unit or marae except—
- (a) with the consent of an occupier who is at least 14 years of age; or
 - (b) in accordance with a warrant issued under this section.

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Entry with consent

- (2) The investigator must not enter with the occupier's consent unless the investigator has—
- (a) told the occupier the reason for the proposed entry; and
 - (b) told the occupier that they may consent, or refuse to consent, to the entry.

10

- (3) The investigator may enter the household unit or marae, and exercise the other powers under section 93, only in accordance with the conditions of the occupier's consent (if any).

Entry under warrant

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- (4) An issuing officer (as defined in section 3(1) of the Search and Surveillance Act 2012) may, on application, issue a warrant to enter a household unit or marae if the officer reasonably considers that entering the unit or marae is reasonably necessary for the purposes of investigating a complaint.

- (5) The investigator must apply for the warrant in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012, which applies with any necessary modifications.

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- (6) The warrant authorises the investigator to enter the household unit or marae and exercise the other powers under section 93.

- (7) ~~Part 4 of the Search and Surveillance Act 2012 (other than subparts 2 and 8 and sections 118 and 119) applies in respect of the powers conferred by this section.~~

25

45 Section 97 repealed (Investigator must give notice to occupier of dwellinghouse)

Repeal section 97.

30

46 Section 100 replaced (Board must hold hearing if investigator reports that complaint should be considered by Board)

Replace section 100 with:

100 Board must hold hearing if investigator reports that complaint should be considered by Board

35

- (1) This section applies if the investigator's report under section 92 states that, in the investigator's opinion, a complaint (or part of a complaint) should be considered by the Board.

- (2) The Board must hold a hearing to determine whether it should take any of the actions referred to in section 106.
- (3) The matter must be prosecuted at the hearing by the investigator (unless the Board orders otherwise).
- (4) The investigator (and the person who is the subject of the complaint) may be represented by counsel or otherwise.

47 New section 105A and cross-heading inserted

After section 105, insert:

Code of ethics

105A Code of ethics for registered persons

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, prescribe a code or codes of minimum standards of ethical conduct for—
 - (a) registered persons or classes of registered persons; and
 - (b) provisional licence holders or classes of provisional licence holders.
- (2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

48 Section 106 amended (Disciplinary powers of Board)

- (1) Replace section 106(1) to (3) with:
 - (1) If the Board, after conducting a hearing, is satisfied that a person to whom this subpart applies is guilty of a disciplinary offence, the Board may—~~do any 1 or more of the following:~~
 - (a) direct the Registrar to cancel the person’s registration or practising licence (or both), or the person’s provisional licence, and (if the Board considers it appropriate) order that the person may not be reregistered or relicensed (as the case may be) before the expiry of a specified period; or:
 - (b) ~~order that a person subject to a cancellation under paragraph (a) may not be reregistered or relicensed (as the case may be) before the expiry of a specified period:~~
 - (c) direct the Registrar to suspend the person’s registration or practising licence (or both), or the person’s provisional licence, for any period that the Board thinks fit or until the person meets any requirements imposed under paragraph (e); or:
 - (d) ~~order that a suspension may not be lifted until the person meets any requirements specified in the order (for example, a requirement to undertake training):~~

- (e) order that the person undertake any training or competence programme specified in the order before the expiry of a specified period; or:
- (f) restrict the type of work that the person may carry out, assist with, or supervise under the person's registration or licensing (for any period that the Board thinks fit) ~~class or classes~~ and direct the Registrar to record the restriction in the register; or: 5
- (fa) order that the person be disqualified from doing, assisting with, or supervising any type of work that they would otherwise be authorised to do, assist with, or supervise under their registration or licensing, for any period that the Board thinks fit or until the person meets any requirements imposed under **paragraph (e)**; or 10
- (g) order that the person be censured; or:
- (h) order that the person pay a fine not exceeding \$10,000.
- (1A) The Board may take more than 1 type of action under **subsection (1)** in relation to the same case. 15
- (1B) However,—
- (a) if the Board suspends a person's registration or licensing under **subsection (1)(c)**, the Board must not also cancel the person's registration or licensing under **subsection (1)(a)**; and
- (b) once the Board has made an order under **subsection (1)**, the Board must not subsequently make any additional order in relation to the same case unless section 111 applies. 20
- (2) The Board may not suspend or cancel a person's registration or licensing under **subsection (1)** unless it has first—
- (a) informed the person concerned why it proposes to act in that manner; and 25
- (b) given the person a reasonable opportunity to make written submissions and be heard, either personally or by a representative.
- (3) If the Board suspends or cancels a person's registration or licensing under **subsection (1)**,— 30
- (a) the Registrar must notify the person concerned; and
- (b) the suspension or cancellation takes effect from the day on which the person concerned is notified under **paragraph (a)** or from any date that is specified in that notice, whichever is later.
- (3A) ~~Nothing in this section prevents the Board from making more than 1 order at different times in relation to the same case.~~ 35
- (2) In section 106(4), replace “subsection (1)(f)” with “**subsection (1)(h)**”.
- (3) ~~In section 106(6), replace “subsection (1)(a) to (e)” with “**subsection (1)**”.~~

48A Section 109 amended (Suspension, restriction, or disqualification may take effect immediately)

In section 109, replace “section 106(1)(b) to (d)” with “**section 106(1)(c), (f), or (fa)**” in each place.

48B Section 111 amended (Consequences of failure to comply with order to pass examination, complete competence programme, or attend course of instruction) 5

(1) In the heading to section 111, replace “**pass examination, complete competence programme, or attend course of instruction**” with “**complete training or competence programme**”. 10

(2) In section 111, replace “section 106(1)(e)” with “**section 106(1)(e)**” in each place.

49 Cross-heading above section 112 amended

In the cross-heading above section 112, replace “*Procedure*” with “*Powers and procedure of Board*”. 15

50 New section 112A inserted (Board must act independently)

After section 112, insert:

112A Board must act independently

The Board must act independently in performing its functions under this sub-part. 20

Compare: 2004 No 72 s 321

51 Section 113 amended (Meetings to be held in public)

In section 113(3), after “the interests of any person”, insert “(including, without limitation, the privacy of any person)”.

52 New sections 113A to 113F inserted 25

After section 113, insert:

113A Board may hear evidence for disciplinary matters

- (1) In relation to a disciplinary matter, the Board may—
- (a) receive as evidence any statement, document, information, or matter that in its opinion may assist it to deal effectively with the subject of the disciplinary matter, whether or not it would be admissible in a court of law: 30
 - (b) receive evidence on oath (and for that purpose a member of the Board may administer an oath):

(c) permit a person appearing as a witness before it to give evidence by tendering a written statement and verifying that statement by oath, statutory declaration, or otherwise: (d) appoint any persons as special advisers to assist the Board (for example, to advise on technical evidence). (2) A hearing before the Board on a disciplinary matter is a judicial proceeding for the purposes of sections 108 and 109 of the Crimes Act 1961. Compare: 2004 No 72 s 322	5
113B Issuing of summons by Board	
(1) The Board may issue a summons to a person requiring that person to attend a hearing before the Board and to do all or any of the following: (a) give evidence: (b) give evidence under oath: (c) produce documents, things, or information, or any specified documents, things, or information, in the possession or control of that person that are relevant to the hearing. (2) The summons must be in writing, be signed by a member of the Board, and state— (a) the date and time when, and the place where, the person must attend; and (b) the documents, things, or information that the person is required to bring and produce to the Board; and (c) if a sum in respect of witnesses' fees, allowances, and expenses is not paid at the time of the summons, the entitlement to be paid or tendered a sum at some reasonable time before the hearing; and (d) the penalty for failing to attend. (3) A summons must,— (a) if it is delivered personally under section 170(1)(a), be served at least 48 hours before the attendance of the witness is required; and (b) if it is served using any other method under section 170, be served at least 10 days before the attendance of the witness is required. (4) The Board may require that any documents, things, or information produced under this section be verified by oath, statutory declaration, or otherwise. Compare: 2004 No 72 s 323	10 15 20 25 30
113C Witnesses' fees, allowances, and expenses	
(1) A witness appearing before the Board under a summons is entitled to be paid witnesses' fees, allowances, and expenses in accordance with the scales prescribed by regulations under the Criminal Procedure Act 2011.	35

- (2) The person requiring attendance of the witness must pay or tender to the witness the fees, allowances, and expenses at the time the summons is served or at some other reasonable time before the hearing.

Compare: 2004 No 72 s 325

113D Offence to fail to comply with summons

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- (1) A person summoned under **section 113B** must—
- (a) attend in accordance with the summons; and
 - (b) give evidence when required to do so; and
 - (c) give evidence under oath when required to do so; and
 - (d) answer any question that is lawfully asked by the Board; and
 - (e) provide any documents, things, or information that the summons requires the person to provide.

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- (2) A person who fails to comply with **subsection (1)** without reasonable excuse ~~sufficient cause~~—

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- (a) commits an offence; and
- (b) is liable on conviction to a fine not exceeding \$5,000.

- (3) A person must not be convicted of an offence under this section if witnesses' fees, allowances, and expenses to which the person is entitled under **section 113D** have not been paid or tendered to them.

Compare: 2004 No 72 s 326

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113E Witness and counsel privileges

- (1) Every person who does the following things has the same privileges as witnesses have in a court:
- (a) provides documents, things, or information to the Board in relation to a disciplinary matter; or
 - (b) gives evidence or answers questions at a hearing of the Board in relation to a disciplinary matter.

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- (2) Every counsel appearing before the Board in relation to a disciplinary matter has the same privileges and immunities as counsel in a court.

Compare: 2004 No 72 s 327

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113F Certificate of Board to be conclusive evidence

A written certificate signed by any person authorised by the Board is for all purposes conclusive evidence, in the absence of proof to the contrary, of any act or proceeding of the Board.

Compare: 2004 No 72 s 329

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53 Section 114 repealed (Investigator to prosecute matter)

Repeal section 114.

54 Section 117 repealed (Evidence)

Repeal section 117.

55 Section 118 repealed (Board to have powers of commission of inquiry)

Repeal section 118.

56 Section 134 replaced (Membership of Board)

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Replace section 134 with:

134 Membership of Board

(1) The Minister must appoint at least 5, but no more than 10, persons as members of the Board.

(2) The Minister must appoint—

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(a) at least 1 person who is registered under Part 2 in relation to a class of registration that includes or involves sanitary plumbing, and who holds a current practising licence; and

(b) at least 1 person who is registered under Part 2 in relation to a class of registration that includes or involves gasfitting, and who holds a current practising licence; and

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(c) at least 1 person who is registered under Part 2 in relation to a class of registration that includes or involves drainlaying, and who holds a current practising licence; and

(d) at least 2 persons whom the Minister considers are able to represent consumer interests.

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(3) When appointing any additional members, the Minister must consider whether, collectively, the Board has sufficient knowledge, experience, and technical expertise to be able to perform its functions.

(4) Each member is appointed by the Minister by notice in the *Gazette*.

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57 Section 162 amended (Appeals)

(1) Before section 162(1), insert:

(1AAA) A person may appeal to the Board against—

(a) any decision of the Registrar to determine that a complaint is frivolous or vexatious under section 90(4); or

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(b) a finding by an investigator (made in a report to the Board under section 92) that a complaint, or part of a complaint, should not be considered by the Board.

(2) In section 162(1), replace “A person who is dissatisfied with the whole or any part of any of the following decisions, directions, or orders may appeal to the District Court against the decision, direction, or order:” with “A person may appeal to the District Court against any of the following:”.

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(3) Replace section 162(3) with:

- (3) Subsection (1) does not confer a right to appeal against—
- (a) a decision under any of sections 28 to 35; or
 - (b) a decision of the Board made by it on appeal brought under **subsection (1AAA)**.

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58 Section 163 amended (Time for lodging appeal)

In section 163(b), replace “District Court” with “appeal authority”.

59 New section 163A inserted (Method of bringing appeal)

After section 163, insert:

163A Method of bringing appeal

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An appeal—

- (a) must be brought to the Board by notice in writing to the Board; or
- (b) must be brought to the District Court by way of notice of appeal in accordance with the rules of court.

Compare: 2004 No 72 s 332

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60 Section 164 amended (Procedure on appeal)

Replace section 164(2) with:

- (2) On hearing the appeal, the appeal authority—
- (a) may confirm, reverse, or modify the decision or action appealed against; and
 - (b) may make any other decision or take any other action that the decision-maker could have made.
- (2A) However, **subsection (2)** does not apply in relation to an appeal to the Board against the finding of an investigator under **section 162(1AAA)(b)**.
- (2B) On hearing an appeal against a finding of an investigator under **section 162(1AAA)(b)**, the Board may—
- (a) direct the investigator to reconsider the finding appealed against in accordance with **section 165**; or
 - (b) direct the chief executive to appoint a new investigator under section 91 to investigate (or reinvestigate) the complaint to which the finding appealed against relates; or
 - (c) confirm the finding appealed against; or
 - (d) take any combination of the actions in **paragraphs (a) to (c)** in relation to different parts of the complaint to which the finding appealed against relates.

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61 Section 165 replaced (Court may refer appeals back for reconsideration)

Replace section 165 with:

165 Appeal authority may refer matter back for reconsideration

- (1) Instead of determining an appeal under this subpart, the appeal authority may direct the decision-maker to reconsider, generally or in respect of any specified aspect, the whole or any part of the decision or action. 5
- (2) In giving a direction under **subsection (1)**, the appeal authority—
 - (a) must state its reasons for the direction; and
 - (b) may give any other directions it thinks just as to the matter referred back for reconsideration. 10
- (3) The decision-maker—
 - (a) must reconsider the matter; and
 - (b) in doing so, must have regard to the appeal authority’s reasons for giving a direction under **subsection (1)**, and to the appeal authority’s directions (if any) under **subsection (2)**. 15

62 Section 166 replaced (Costs)

Replace section 166 with:

166 Costs

On an appeal under this subpart, the appeal authority may order any party to the appeal to pay to any other party to the appeal any or all of the costs incurred by the other party in respect of the appeal. 20

63 Section 167 amended (Power of court to prohibit publication of person’s name or affairs)

- (1) Replace the heading to section 167 with “**Orders as to publication of names or affairs**”. 25
- (2) In section 167(1), replace “the District Court may, if in the court’s opinion” with “the appeal authority may, if in its opinion”.

64 Section 168 amended (Decision to continue in force pending appeal)

In section 168, replace “the Board or the Registrar” with “the decision-maker”.

65 Section 169 amended (Appeal on question of law)

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Replace section 169(1) with:

- (1) A party to an appeal to the District Court under this subpart may appeal to the High Court on any question of law arising in the appeal.

66 Schedule 1AA amended

In Schedule 1AA,—

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- (a) insert the Part set out in **Schedule 3** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

66A Schedule 1 amended

In Schedule 1, after clause 3(3), insert:

- (3A) However, for the purposes of any hearing under subpart 1 of Part 3 or any appeal under subpart 2 of Part 4, the quorum necessary for the transaction of business is 3 members.

Part 3

Amendments to Electricity Act 1992

67 Principal Act 10

This Part amends the Electricity Act 1992.

68 Section 2 amended (Interpretation)

In section 2(1), insert in their appropriate alphabetical order:

appeal authority,—

- (a) in relation to an appeal against a decision of the Registrar under **section 147ZA(1AAA)(a)** or an investigator under **section 147ZA(1AAA)(b)**, means the Board; and 15
- (b) in relation to an appeal against a decision of the Board under section 147ZA(1), means the District Court

decision, in relation to an appeal under Part 12, includes— 20

- (a) any action taken under section 147M; and
- (b) an order; and
- (c) a finding by an investigator

decision-maker, in relation to an appeal, means the person or body that made the decision or took the action appealed against 25

69 New section 2A inserted (Transitional, savings, and related provisions)

After section 2, insert:

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms. 30

70 Section 143 amended (Disciplinary offence)

After section 143(c), insert:

- (ca) to have failed to comply with the code of ethics prescribed under **section 147LA**; or

71 Section 144 amended (Complaints)

- (1) Replace section 144(2) with:
- (2) The Registrar may also initiate a complaint.
- (2A) However, a complaint may not be made under subsection (1) by the Board or a member of the Board.
- (2) In section 144(3), after “receiving”, insert “or initiating”.
- (3) In section 144(4)(c), after “complainant”, insert “(if any)”.

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72 Section 145 amended (Secretary must appoint investigator)

- (1) Replace section 145(2) with:
- (2) The person appointed as the investigator must—
 - (a) be suitably qualified and trained to perform or exercise all or any of the functions, duties, and powers of an investigator; and
 - (b) be appointed in accordance with the regulations (if any); and
 - (c) not be a member of the Board; and
 - (d) not be the person who made the complaint.

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- (2) Repeal section 145(3).

73 Section 146 amended (Investigation of complaint)

In section 146(5), after “complainant”, insert “(if any)”.

74 Section 147G amended (Board must hold hearing if investigator reports that complaint should be considered by Board)

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In section 147G(2), after “complainant”, insert “(if any)”.

75 New section 147LA and cross-heading inserted

After section 147L, insert:

Code of ethics

147LA Code of ethics for registered persons

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- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, prescribe a code or codes of minimum standards of ethical conduct for—
 - (a) registered persons or classes of registered persons; and
 - (b) provisional licence holders or classes of provisional licence holders.
- (2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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76 Section 147M amended (Disciplinary powers of Board)

- (1) Replace section 147M(1) to (3) with:

- (1) If the Board, after conducting a hearing, is satisfied that a person to whom this Part applies is guilty of a disciplinary offence, the Board may ~~do any 1 or more of the following:~~
- (a) direct the Registrar to cancel the person's registration or practising licence (or both), or the person's provisional licence, and (if the Board considers it appropriate) order that the person may not be reregistered or relicensed (as the case may be) before the expiry of a specified period; ~~or:~~ 5
 - (b) ~~order that a person subject to a cancellation under **paragraph (a)** may not be reregistered or relicensed (as the case may be) before the expiry of a specified period:~~ 10
 - (c) direct the Registrar to suspend the person's registration or practising licence (or both), or the person's provisional licence, for any period that the Board thinks fit or until the person meets any requirements imposed under **paragraph (e)**; or: 15
 - (d) ~~order that a suspension may not be lifted until the person meets any requirements specified in the order (for example, a requirement to undertake training):~~
 - (e) order that the person undertake any training or competence programme specified in the order before the expiry of a specified period; or: 20
 - (f) restrict the type of prescribed electrical work that the person may carry out, assist with, or supervise under the person's registration or licensing (for any period that the Board thinks fit) class or classes and direct the Registrar to record the restriction in the register; or:
 - (fa) order that the person be disqualified from doing, assisting with, or supervising any type of work that they would otherwise be authorised to do, assist with, or supervise under their registration or licensing, for any period that the Board thinks fit or until the person meets any requirements imposed under **paragraph (e)**; or 25
 - (g) order that the person be censured; ~~or:~~ 30
 - (h) order that the person pay a fine not exceeding \$10,000.
- (1A) The Board may take more than 1 type of action under **subsection (1)** in relation to the same case.
- (1B) However,—
- (a) if the Board suspends a person's registration or licensing under **subsection (1)(c)**, the Board must not also cancel the person's registration or licensing under **subsection (1)(a)**; and 35
 - (b) once the Board has made an order under **subsection (1)**, the Board must not subsequently make any additional order in relation to the same case unless section 147R applies. 40

- (2) The Board may not suspend or cancel a person’s registration or licensing under **subsection (1)** unless it has first—
- (a) informed the person concerned why it proposes to act in that manner; and
 - (b) given the person a reasonable opportunity to make written submissions and be heard, either personally or by a representative. 5
- (3) If the Board suspends or cancels a person’s registration or licensing under **subsection (1)**,—
- (a) the Registrar must notify the person concerned; and
 - (b) the suspension or cancellation takes effect from the day on which the person concerned is notified under **paragraph (a)** or from any date that is specified in that notice, whichever is later. 10
- ~~(3A) Nothing in this section prevents the Board from making more than 1 order at different times in relation to the same case.~~
- (2) In section 147M(4), replace “subsection (1)(f)” with “**subsection (1)(h)**”. 15
- (3) ~~In section 147M(6), replace “subsection (1)(a) to (e)” with “**subsection (1)**”.~~

76A Section 147P amended (Suspension, restriction, or disqualification may take effect immediately)

In section 147P, replace “section 147M(1)(b) to (d)” with “**section 147M(1)(c), (f), or (fa)**” in each place. 20

76B Section 147R amended (Consequences of failure to comply with order to pass examination, complete competence programme, or attend course of instruction)

- (1) In the heading to section 147R, replace “**pass examination, complete competence programme, or attend course of instruction**” with “**complete training or competence programme**”. 25
- (2) In section 147R, replace “section 147M(1)(e)” with “**section 147M(1)(e)**” in each place.

77 Cross-heading above section 147S amended

In the cross-heading above section 147S, replace “*Procedure*” with “*Powers and procedure of Board*”. 30

78 New sections 147RA to 147RH inserted

Before section 147S, insert:

147RA Board must act independently

- (1) The Board must act independently in performing its functions under this Part. 35

- (2) The Registrar must ensure that any staff that the Registrar provides by way of administrative support for the Board have not been involved in assisting the Registrar to perform the functions of the Registrar under this Part.

Compare: 2004 No 72 s 321

147RB Hearings to be in public

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- (1) Every hearing of the Board must be held in public, except as provided in this section.
- (2) The Board may hold a hearing or part of a hearing in private if it is of the opinion that it is proper to do so, having regard to the interests of any person (including, without limitation, the privacy of the complainant (if any)) and to the public interest.

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147RC Board may hear evidence for disciplinary matters

- (1) In relation to a disciplinary matter, the Board may—
- (a) receive as evidence any statement, document, information, or matter that in its opinion may assist it to deal effectively with the subject of the disciplinary matter, whether or not it would be admissible in a court of law:
 - (b) receive evidence on oath (and for that purpose a member of the Board may administer an oath):
 - (c) permit a person appearing as a witness before it to give evidence by tendering a written statement and verifying that statement by oath, statutory declaration, or otherwise:
 - (d) appoint any persons as special advisers to assist the Board (for example, to advise on technical evidence).
- (2) A hearing before the Board on a disciplinary matter is a judicial proceeding for the purposes of sections 108 and 109 of the Crimes Act 1961.

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Compare: 2004 No 72 s 322

147RD Issuing of summons by Board

- (1) The Board may issue a summons to a person requiring that person to attend a hearing before the Board and to do all or any of the following matters:
- (a) give evidence:
 - (b) give evidence under oath:
 - (c) produce documents, things, or information, or any specified documents, things, or information, in the possession or control of that person that are relevant to the hearing.
- (2) The summons must be in writing, be signed by a member of the Board, and state—
- (a) the date and time when, and the place where, the person must attend; and

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(b)	the documents, things, or information that the person is required to bring and produce to the Board; and	
(c)	if a sum in respect of witnesses' fees, allowances, and expenses is not paid at the time of the summons, the entitlement to be paid or tendered a sum at some reasonable time before the hearing; and	5
(d)	the penalty for failing to attend.	
(3)	A summons must,—	
(a)	if it is delivered personally under section 156B(1)(a), be served at least 48 hours before the attendance of the witness is required; and	
(b)	if it is served using any other method under section 156B, be served at least 10 days before the attendance of the witness is required.	10
(4)	The Board may require that any documents, things, or information produced under this section be verified by oath, statutory declaration, or otherwise.	
	Compare: 2004 No 72 s 323	
	147RE Witnesses' fees, allowances, and expenses	15
(1)	A witness appearing before the Board under a summons is entitled to be paid witnesses' fees, allowances, and expenses in accordance with the scales prescribed by regulations under the Criminal Procedure Act 2011.	
(2)	The person requiring attendance of the witness must pay or tender to the witness the fees, allowances, and expenses at the time the summons is served or at some other reasonable time before the hearing.	20
	Compare: 2004 No 72 s 325	
	147RF Failure to comply with summons	
(1)	A person summoned under section 147RD must—	
(a)	attend in accordance with the summons; and	25
(b)	give evidence when required to do so; and	
(c)	give evidence under oath when required to do so; and	
(d)	answer any question that is lawfully asked by the Board; and	
(e)	provide any documents, things, or information that the summons requires the person to provide.	30
(2)	A person who fails to comply with subsection (1) without <u>reasonable excuse</u> sufficient cause —	
(a)	commits an offence; and	
(b)	is liable on conviction to a fine not exceeding \$5,000.	
(3)	A person must not be convicted of an offence under this section if witnesses' fees, allowances, and expenses to which the person is entitled under section 147RE have not been paid or tendered to them.	35
	Compare: 2004 No 72 s 326	

147RG Witness and counsel privileges

(1) Every person who does the following things has the same privileges as witnesses have in a court:

- (a) provides documents, things, or information to the Board in relation to a disciplinary matter; or
- (b) gives evidence or answers questions at a hearing of the Board in relation to a disciplinary matter.

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(2) Every counsel appearing before the Board in relation to a disciplinary matter has the same privileges and immunities as counsel in a court.

Compare: 2004 No 72 s 327

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147RH Certificate of Board to be conclusive evidence

A written certificate signed by any person authorised by the Board is for all purposes conclusive evidence, in the absence of proof to the contrary, of any act or proceeding of the Board.

Compare: 2004 No 72 s 329

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79 Section 147U repealed (Appointment of legal advisor to assist Board)

Repeal section 147U.

80 Section 147W repealed (Evidence)

Repeal section 147W.

81 Section 147X repealed (Board to have powers of commission of inquiry)

Repeal section 147X.

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82 Section 147ZA amended (Appeals)

(1) Before section 147ZA(1), insert:

(1AAA) A person may appeal to the Board against—

- (a) any decision of the Registrar to determine that a complaint is frivolous or vexatious under section 144(4); or
- (b) a finding by an investigator (made in a report to the Board under section 146) that a complaint, or part of a complaint, should not be considered by the Board.

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(2) In section 147ZA(1), replace “A person who is dissatisfied with the whole or any part of any of the following decisions, directions, or orders may appeal to the District Court against the decision, direction, or order:” with “A person may appeal to the District Court against any of the following:”.

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(3) Replace section 147ZA(3) with:

(3) Subsection (1) does not confer a right to appeal against—

- (a) a decision under any of sections 84 to 90; or

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(b) a decision of the Board made by it on appeal brought under **subsection (1AAA)**.

83 Section 147ZB amended (Time for lodging appeal)

In section 147ZB(b), replace “District Court” with “appeal authority”.

84 New section 147ZBA inserted (Method of bringing appeal)

5

After section 147ZB, insert:

147ZBA Method of bringing appeal

An appeal—

- (a) must be brought to the Board by notice in writing to the Board; or
- (b) must be brought to the District Court by way of notice of appeal in accordance with the rules of court.

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Compare: 2004 No 72 s 332

85 Section 147ZC amended (Procedure on appeal)

Replace section 147ZC(2) with:

(2) On hearing the appeal, the appeal authority— 15

- (a) may confirm, reverse, or modify the decision or action appealed against; and
- (b) may make any other decision or take any other action that the decision-maker could have made.

(2A) However, **subsection (2)** does not apply in relation to an appeal to the Board against the finding of an investigator under **section 147ZA(1AAA)(b)**. 20

(2B) On hearing an appeal against a finding by an investigator under **section 147ZA(1AAA)(b)**, the Board may—

- (a) direct the investigator to reconsider the finding appealed against in accordance with **section 147ZD**; or
- (b) direct the chief executive to appoint a new investigator under section 145 to investigate (or reinvestigate) the complaint to which the finding appealed against relates; or
- (c) confirm the finding appealed against; or
- (d) take any combination of the actions in **paragraphs (a) to (c)** in relation to different parts of the complaint to which the finding appealed against relates.

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86 Section 147ZD replaced (Court may refer appeals back for reconsideration)

Replace section 147ZD with:

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147ZD Appeal authority may refer matter back for reconsideration

- (1) Instead of determining an appeal under this Part, the appeal authority may direct the decision-maker to reconsider, generally or in respect of any specified aspect, the whole or any part of the decision or action.
- (2) In giving a direction under **subsection (1)**, the appeal authority—
 - (a) must state its reasons for the direction; and
 - (b) may give any other directions it thinks just as to the matter referred back for reconsideration.
- (3) The decision-maker—
 - (a) must reconsider the matter; and
 - (b) in doing so, must have regard to the appeal authority’s reasons for giving a direction under **subsection (1)**, and to the appeal authority’s directions (if any) under **subsection (2)**.

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87 Section 147ZE replaced (Costs)

Replace section 147ZE with:

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147ZE Costs

On an appeal under this Part, the appeal authority may order any party to the appeal to pay to any other party to the appeal any or all of the costs incurred by the other party in respect of the appeal.

88 Section 147ZF amended (Power of court to prohibit publication of person’s name or affairs)

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- (1) Replace the heading to section 147ZF with “**Orders as to publication of names or affairs**”.
- (2) In section 147ZF(1), replace “the District Court may, if in the court’s opinion” with “the appeal authority may, if in its opinion”.

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89 Section 147ZG amended (Decision to continue in force pending appeal)

In section 147ZG, replace “the Board” with “the decision-maker”.

90 Section 147ZH amended (Appeal on question of law)

Replace section 147ZH(1) with:

- (1) A party to an appeal to the District Court under this Part may appeal to the High Court on ~~against~~ any question of law arising in the appeal.

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91 New Schedule 1AA inserted

Insert the **Schedule 1AA** set out in **Schedule 4** of this Act as the first schedule to appear after the last section of the principal Act.

Part 4

Amendments to other legislation

Amendments to Search and Surveillance Act 2012

92 Principal Act

Section 93 amends the Search and Surveillance Act 2012. 5

93 Schedule 2 amended

- (1) In Schedule 2, item relating to the Building Act 2004, insert in their ~~its~~ appropriate numerical order:

316E	Investigator may enter and inspect premises (other than a household unit or marae) for the purposes of investigating a complaint	All (except subparts 2, 3, and 8 and sections 118 and 119)
316F	Investigator may obtain and execute a warrant to enter a household unit or marae and exercise powers of inspection	Subpart 3

- (2) In Schedule 2, insert in its appropriate alphabetical order:

Plumbers, Gasfitters, and Drainlayers Act 2006	96	Investigator may obtain and execute a warrant to enter a household unit or marae and exercise powers of inspection	Subpart 3
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Amendment to Building Practitioners (Licensing Fees and Levy) Regulations 2010 10

94 Principal regulations

Section 95 amends the Building Practitioners (Licensing Fees and Levy) Regulations 2010.

95 Regulation 13 amended (Scheme levy) 15

In regulation 13, replace “section 303(2)(b)” with “**section 291A(1)**”.

Schedule 1

Minor and consequential amendments to Building Act 2004

s 31

Section 14E

In section 14E(3),— 5

- (a) after “licensed building practitioner”, insert “or an automatically licensed person”; and
- (b) after “ensuring that he or she is licensed”, insert “(or is treated as being licensed)”.

Section 15 10

In section 15(1)(f), after “licensed building practitioners”, insert “or automatically licensed persons”.

Section 30C

Replace section 30C(2) with:

- (2) The design work referred to in subsection (1) must be carried out or supervised by— 15
 - (a) 1 or more licensed building practitioners who are licensed to carry out or supervise that work; or
 - (b) 1 or more automatically licensed persons who are treated as being licensed to carry out or supervise that work. 20

In section 30C(3)(a), after “licensed building practitioners”, insert “or automatically licensed persons”.

Section 45

In section 45(1)(e), after “licensed building practitioner”, insert “or automatically licensed person”. 25

Replace section 45(2) with:

- (2) If an application for a building consent is accompanied by plans and specifications that contain design work (relating to building work) that is restricted building work, that design work must be carried out or supervised by—
 - (a) 1 or more licensed building practitioners who are licensed to carry out or supervise that work; or 30
 - (b) 1 or more automatically licensed persons who are treated as being licensed to carry out or supervise that work.

In section 45(3)(a), after “licensed building practitioners”, insert “or automatically licensed persons”. 35

Section 45—*continued*

In section 45(3A)(b), after “licensed building practitioner”, insert “or automatically licensed person”.

Section 45AA

In section 45AA(3)(a), after “licensed building practitioners”, insert “or automatically licensed persons”.

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In section 45AA(4)(b), after “licensed building practitioner”, insert “or automatically licensed person”.

Section 87

In the heading to section 87, replace “**licensed building practitioners**” with “**persons**”.

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In section 87(1), (2)(b), and (3)(c), replace “licensed building practitioner” with “licensed building practitioner or automatically licensed person”.

In section 87(2)(a) and (4), after “licensed building practitioner”, insert “or an automatically licensed person”.

Section 88

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Replace the heading to section 88 with “**Record of work required in respect of restricted building work**”.

In section 88(1), (1A), and (4), after “licensed building practitioner”, insert “or automatically licensed person” in each place.

Section 89

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Replace the heading to section 89 with “**Breaches of building consent to be notified to building consent authority**”.

In section 89(1), after “licensed building practitioner”, insert “or an automatically licensed person”.

In section 89(2), after “licensed building practitioner”, insert “or automatically licensed person” in each place.

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Section 90D

In section 90D(1), after “licensed building practitioner”, insert “or an automatically licensed person”.

Section 92

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In section 92(2A), after “licensed building practitioners”, insert “or automatically licensed persons”.

Section 175

After section 175(1)(b)(iii), insert:

Section 175—*continued*

- (iv) automatically licensed persons; and

Section 176

In section 176(d), after “licensed building practitioner”, insert “or automatically licensed person”.

Section 216

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In section 216(2)(b)(iva), replace “licensed building practitioners under section 45(2) or 88(1)(a)” with “licensed building practitioners or automatically licensed persons under section 45(3)(a) or 88(1)”.

Section 238A

In section 238A(1)(b)(ii), after “licensed building practitioners”, insert “or automatically licensed persons”.

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In section 238A(3)(c)(ii), replace “licensed building practitioners under section 45(2) or 88(1)(a)” with “licensed building practitioners or automatically licensed persons under section 45(3)(a) or 88(1)”.

Cross-heading above section 283

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In the cross-heading above section 283, delete “*of Board and Registrar*”.

Section 283

In section 283, replace “Board and the Registrar” with “Board, the Registrar, and an investigator”.

Section 284

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In section 284, replace “Board and the Registrar” with “Board, the Registrar, and an investigator”.

Section 291

In section 291(4), delete “and the rules”.

Section 292

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In section 292(3), replace “section 303” with “**sections 291A and 303**”.

Section 318

Repeal section 318(4).

Section 319

In section 319, replace “(4)” with “**section 318A**”.

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Section 402

In section 402(1)(e), replace “section 303” with “**section 291A**”.

Schedule 1

In the Schedule 1 heading, replace “s 12” with “s 42A”.

In Schedule 1, heading to clause 3B, after “~~by licensed building practitioner~~”, insert “~~or automatically licensed person~~”.

In Schedule 1, after “a licensed building practitioner”, insert “or an automatically licensed person” in each place. 5

Schedule 2

New Part 6 inserted into Schedule 1AA of Building Act 2004

s 32

Part 6
Provisions relating to Building and Construction Sector
(Strengthening Occupational Licensing Regimes) Amendment Act
2025

18 Interpretation

In this Part, unless the context otherwise requires,—

amendment Act means the Building and Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Act **2025**

commencement date means the date on which the amendment Act (excluding the sections referred to in **section 2(2)** ~~sections 11, 12, 13, and 15~~) comes into force

transitional period means the period of time that—

- (a) starts on the ~~commencement date~~ on which **section 30** of the amendment Act comes into force; and
- (b) ends on the day before the date that is 12 months after ~~that the commencement date~~.

19 Consequences of failure to meet applicable minimum standards for licensing if determination made before replacement of section 293

(1) **Section 293**, as replaced by **section 11** of the amendment Act, applies only in relation to determinations made by the Registrar after the date on which **section 11** of the amendment Act comes into force.

(2) The consequences of a determination that was made by the Registrar before the date on which **section 11** comes into force must be imposed under **section 293** as if the amendment Act had not been enacted.

20 Register not required to contain additional information in relation to cancellations that took place before commencement date

Section 301(2)(b) and (c) does not apply in respect of any cancellation of a person's licensing that took place before the commencement date.

21 Process to be followed if annual contact by Registrar to licensed building practitioner began before section 303 replaced

(1) This clause applies if, before the date on which **section 15** of the amendment Act comes into force (the **relevant date**),—

	(a) the Registrar had contacted a licensed building practitioner under section 303; but	
	(b) immediately before the relevant date, the licensed building practitioner—	
	(i) had not complied with section 303(2); or	5
	(ii) had complied with section 303(2) but had not paid a late fee that had been imposed in accordance with section 303(3); or	
	(iii) had neither complied with section 303(2) nor paid a late fee that had been imposed in accordance with section 303(3).	
(2)	Section 303 applies as if the amendment Act had not been enacted.	10
(3)	The reference in section 303(3) to the rules must be read as a reference to the rules immediately before the commencement date.	
(4)	In this clause, references to section 303 must be read as references to that section immediately before the <u>relevant date</u> amendment Act was enacted .	
22	Process to be followed for disciplinary proceedings begun before <u>relevant commencement date</u>	15
(1)	This clause applies if, before the commencement date <u>on which section 17 of the amendment Act comes into force (the relevant date)</u> , the Board had received a complaint (or initiated inquiries) about the conduct of a licensed building practitioner.	20
(2)	The complaint must be dealt with in all respects as if—	
	(a) the amendment Act had not been enacted; and	
	(b) the reference to regulations in section 315 were a reference to the regulations immediately before the <u>relevant commencement date</u> .	
23	Process to be followed for disciplinary proceedings begun on or after <u>relevant commencement date</u>	25
(1)	This clause applies if, at any time on or after the commencement date <u>on which section 17 of the amendment Act comes into force</u> , the Board receives a complaint about the conduct of a licensed building practitioner or an automatically licensed person.	30
(2)	The matter must be dealt with in all respects under the relevant provisions as amended by the amendment Act (regardless of when the conduct that is the subject of the complaint occurred).	
24	Content of rules relating to licensed building practitioners during transitional period	35
	Section 353(2)(d) to (f) does not apply during the transitional period.	

Schedule 3
**New Part 2 inserted into Schedule 1AA of Plumbers, Gasfitters, and
Drainlayers Act 2006**

s 66

	Part 2	5
	Provisions relating to Building and Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Act 2025	
4	Interpretation	
	In this Part, unless the context otherwise requires,—	10
	amendment Act means the Building and Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Act 2025	
	commencement date means the date on which the amendment Act (excluding <u>the sections referred to in section 2(2) sections 11, 12, 13, and 15</u>) comes into force	15
	relevant person means a person to whom subpart 1 of Part 3 applies (<i>see</i> section 88).	
5	Ability of Registrar to initiate complaints	
(1)	Section 90 (as amended by the amendment Act) does not enable the Registrar to initiate a complaint if the complaint relates entirely to conduct that occurred before the commencement date.	20
(2)	However,—	
	(a) the Registrar may initiate a complaint under section 90 (as amended by the amendment Act) if the complaint relates to conduct that occurred both before and on or after the commencement date; and	25
	(b) in that case, the complaint must be dealt with in all respects under the relevant provisions as amended by the amendment Act.	
6	Membership of Board continues	
(1)	Section 134 (as replaced by the amendment Act) does not affect the member- ship or term of office of any person who, immediately before the commence- ment date, was a member of the Board.	30
(2)	The term of office of every person who was a member of the Board immedi- ately before the commencement date expires on the date on which the term would have expired if the amendment Act had not been enacted (or on the date of any further term, if the person is reappointed).	35

7	Process to be followed for disciplinary proceedings begun before commencement date	
(1)	This clause applies if, before the commencement date, the Board had received a complaint about the conduct of a relevant person.	
(2)	The complaint must be dealt with in all respects as if the amendment Act had not been enacted.	5
8	Process to be followed for disciplinary proceedings begun on or after commencement date	
(1)	This clause applies if, at any time on or after the commencement date, the Board receives a complaint about the conduct of a relevant person.	10
(2)	The matter must be dealt with in all respects under the relevant provisions as amended by the amendment Act (regardless of when the conduct that is the subject of the complaint occurred).	

Schedule 4
New Schedule 1AA inserted into Electricity Act 1992

s 91

Schedule 1AA
Transitional, savings, and related provisions

5

s 2A

Part 1
Provisions relating to Building and Construction Sector
(Strengthening Occupational Licensing Regimes) Amendment Act
2025

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1 Interpretation

In this Part, unless the context otherwise requires,—

amendment Act means the Building and Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Act **2025**

commencement date means the date on which the amendment Act (excluding the sections referred to in **section 2(2)-sections 11, 12, 13, and 15**) comes into force

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relevant person means a person to whom Part 11 applies (*see* section 142).

2 Ability of Registrar to initiate complaints

(1) Section 144 (as amended by the amendment Act) does not enable the Registrar to initiate a complaint if the complaint relates entirely to conduct that occurred before the commencement date.

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(2) However,—

(a) the Registrar may initiate a complaint under section 144 (as amended by the amendment Act) if the complaint relates to conduct that occurred both before and after the commencement date; and

25

(b) in that case, the complaint must be dealt with in all respects under the relevant provisions as amended by the amendment Act.

3 Process to be followed for disciplinary proceedings begun before commencement date

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(1) This clause applies if, before the commencement date, the Board had received a complaint about the conduct of a relevant person.

(2) The complaint must be dealt with in all respects as if the amendment Act had not been enacted.

- 4 Process to be followed for disciplinary proceedings begun on or after
 commencement date**
- (1) This clause applies if, at any time on or after the commencement date, the
 Board receives a complaint about the conduct of a relevant person.
- (2) The matter must be dealt with in all respects under the relevant provisions as
 amended by the amendment Act (regardless of when the conduct that is the
 subject of the complaint occurred).

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Legislative history

11 November 2025
18 November 2025

Introduction (Bill 224–1)
First reading and referral to Transport and Infrastructure
Committee