

**Before the Electrical Workers Registration Board**

CE No. 22535

**In the matter of:**

A disciplinary hearing before the Electrical Workers Registration Board

**Between:**

The Ministry of Business Innovation and Employment

**And**

Corey Beaumont a registered and licensed electrical worker (E 277625, EW 134266, Electrician) (the Respondent)

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**Decision of the Board in Respect of the Conduct of an Electrical Worker  
Under section 147G and 147M of the Electricity Act 1992**

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Hearing Location:

New Plymouth

Hearing Type:

In Person

Hearing and Decision Date:

23 June 2023

Board Members Present:

Mr R Keys, Registered Inspector (Presiding)  
Ms J Davel, Lay Member  
Ms M Kershaw, Registered Electrician  
Ms A Yan, Registered Electrical Engineer  
Mr M Perry, Registered Electrician

**Appearances:**

A Miller for the Investigator

**Procedure:**

The matter was considered by the Electrical Workers Registration Board (the Board) under the provisions of Part 11 of the Electricity Act 1992 (the Act), the Electricity (Safety) Regulations 2010 (the Regulations) and the Board's Disciplinary Hearing Rules.

**Board Decision:**

The Respondent **has** committed disciplinary offences under sections 143(a)(i) and 143(f) of the Act.

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**Summary of the Board’s Decision**

[1] The Respondent carried out prescribed electrical work in a negligent manner and failed to provide certification for prescribed electrical work. He is fined \$2,500 and ordered to pay costs of \$2,000. A record of the disciplinary offending will be recorded on the Public Register for a period of three years.

**The Board**

[2] The Board is a statutory body established under the Electricity Act.<sup>1</sup> Its functions include hearing complaints about and disciplining persons to whom Part 11 of the Act.

**Introduction**

[3] The hearing resulted from a complaint about the conduct of the Respondent and a report under section 147G(1) of the Act from the Investigator<sup>2</sup> that the complaint should be considered by the Board. Under section 147T of the Act, the Investigator must prosecute the matter at a Board hearing who may be represented by counsel.

[4] The Respondent was served with a notice setting out the alleged disciplinary offences the Investigator reported should be considered by the Board. Counsel, in advance of the hearing, sought leave to amend the charges. The amendment sought

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<sup>1</sup> Section 148 of the Act.

<sup>2</sup> Under section 145 of the Act, an Investigator is appointed by the Chief Executive of the Ministry

was the inclusion of a lesser alternative charge. Leave was granted pursuant to section 156A of the Act. The amended charges were:

**First Alleged Disciplinary Offence**

1. On or around November 2019 and September to November 2020 at [OMITTED], New Plymouth, Mr Corey Beaumont has carried out or caused to be carried out prescribed electrical work in a manner contrary to any enactment relating to prescribed electrical work that was in force at the time the work was done being an offence under section 143(a)(ii) of the Act, IN THAT, he:
  - (a) Provided inadequate fixing of electrical fittings; and/or
  - (b) Cut off protective earthing to new recessed downlights; and/or
  - (c) Failed to provide residual current device (RCD) protection to a new socket outlet

In breach of Regulation 20 and 59(1) of the Electricity (Safety) regulations 2010.

Or in the alternative

2. On or around November 2019 and September to November 2020 at [OMITTED], New Plymouth, Mr Corey Beaumont has carried out or caused to be carried out prescribed electrical work in a negligent or incompetent manner being an offence under section 143(a)(i) of the Act, IN THAT, he:
  - (a) Provided inadequate fixing of electrical fittings; and/or
  - (b) Cut off protective earthing to new recessed downlights; and/or
  - (c) Failed to provide RCD protection to a new socket outlet;

Or in the alternative

3. On or around November 2019 and September to November 2020 at [OMITTED], New Plymouth, Mr Corey Beaumont has negligently created a risk of serious harm to any person, or a risk of significant property damage, through having carried out or caused to be carried out prescribed electrical work being an offence under section 143(b)(ii) of the Act, IN THAT, he:
  - (a) Provided inadequate fixing of electrical fittings; and/or
  - (b) Cut off protective earthing to new recessed downlights; and/or
  - (c) Failed to provide RCD protection to a new socket outlet.

## Second Alleged Disciplinary Offence

4. On or around September to November 2020 at [OMITTED], New Plymouth, Mr Corey Beaumont has failed to provide a return being an offence under section 143(f) of the Act, IN THAT, he failed to provide a Certificate of Compliance and an Electrical Safety Certificate for prescribed electrical work carried out by him within the maximum allowable periods being 20 working days after connection.
- [5] Prior to the hearing, the Respondent and the Board were provided with all of the documents the Investigator had in his/her power or possession.
- [6] No Board Members declared any conflicts of interest in relation to the matters under consideration.

## Function of Disciplinary Action

- [7] The common understanding of the purpose of professional discipline is to uphold the integrity of the profession. The focus is not punishment, but the protection of the public, the maintenance of public confidence and the enforcement of high standards of propriety and professional conduct. Those purposes were recently reiterated by the Supreme Court of the United Kingdom in *R v Institute of Chartered Accountants in England and Wales*<sup>3</sup> and in New Zealand in *Dentice v Valuers Registration Board*<sup>4</sup>.
- [8] Disciplinary action under the Act is not designed to redress issues or disputes between a complainant and a respondent. In *McLanahan and Tan v The New Zealand Registered Architects Board*,<sup>5</sup> Collins J. noted that:
- “... the disciplinary process does not exist to appease those who are dissatisfied ... . The disciplinary process ... exists to ensure professional standards are maintained in order to protect clients, the profession and the broader community.”*
- [9] The Board can only inquire into “the conduct of an electrical worker” with respect to the grounds for discipline set out in section 143 of the Act. It does not have any jurisdiction over contractual matters.

## Procedure

- [10] The Respondent did not engage in the investigation process and did not appear at the hearing. The Board was satisfied that he had been given notice of the complaint, the allegations to be heard at a hearing and of the hearing itself and that those notices complied with the requirements in the Act and with natural justice requirements. In making its decision, the Board also noted that the intent and objects of the disciplinary provisions of the Act could be put at risk if respondents do not engage and matters cannot progress as a result.

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<sup>3</sup> *R v Institute of Chartered Accountants in England and Wales* [2011] UKSC 1, 19 January 2011.

<sup>4</sup> [1992] 1 NZLR 720 at p 724

<sup>5</sup> [2016] HZHC 2276 at para 164

- [11] The matter proceeded in The Respondent's absence as a formal proof hearing. Counsel for the Investigator appeared, and the Investigator's witnesses attended and gave evidence.

### Evidence

- [12] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed<sup>6</sup>. The Board notes, as regards evidence in proceedings before it, that the provisions of section 147W of the Act apply. This section states:

*In all proceedings under this Part, the Board may, subject to section 156, receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectively with the matter before it, whether or not it would be admissible as evidence in a court of law.*

The Respondent was engaged to carry out prescribed electrical work by the owners (the Complainants) of [OMITTED], New Plymouth. The first lot of work was undertaken when the owners were carrying out alterations. On that occasion he was accompanied by a trainee apprentice. The electrical work carried out by Mr Beaumont on this occasion included the following the installation of additional socket outlets in the kitchen, LED lights, dimming switches and installation of electrical wiring. The Respondent did not issue any certification for that work.

- [13] Between November and December 2020, further work was carried out. That work comprised the installation of three additional socket outlets in the kitchen (protected by a Residual Current Device), and the replacement of an existing oven. On 7 November 2019, the Respondent issued an Electrical Safety Certificate with the description of work stated as "One for one swap of oven. Tested old oven and passed all tests". On 25 November 2019, he issued a Certificate of Compliance with the description, "Add three power points protected by 20A RCCB".
- [14] In or around July 2021, the oven was removed from its original location. In doing so, the socket outlet was pulled off the wall. A different electrical worker was contracted to refix the oven socket outlet, and the Complainants became concerned about the quality of the electrical work carried out by the Respondent. They engaged an Electrical Inspector to review the Respondent's work. After a visual inspection on or around 3 November 2021, the Inspector concluded that aspects of the electrical work did not comply with the required regulations and standards. A complaint was then made.
- [15] The Investigator sought an opinion on the compliance of the Respondent's work from Mr Mark Carter, an Electrical Inspector. Mr Carter did not visit the property but did conduct a file review and spoke with persons involved in the matter, including the builder who carried out the alterations at the Property and the Inspector who did a visual inspection.

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<sup>6</sup> *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

[16] Mr Carter's findings formed the basis of the charges laid, which related to various breaches of AS/NZS 3000:2007 and the Electricity (Safety) Regulations 2010. The Board was provided with his full report, which, in summary, alleged that the Respondent:

- (a) provided inadequate fixing of electrical fittings, being the oven socket outlet;
- (b) cut off protective earthing to new recessed downlights;
- (c) failed to provide residual current device (RCD) protection to a new socket outlet; and
- (d) failed to provide a Certificate of Compliance and an Electrical Safety Certificate for prescribed electrical work carried out between September and November 2020 within the maximum allowable period being 20 working days after connection.

### **Board's Conclusion and Reasoning**

[17] The Board has decided that the Respondent **has**:

#### **First Disciplinary Offence**

The Respondent has carried out or caused to be carried out prescribed electrical work in a negligent manner being an offence under section 143(a)(i) of the Act in that he provided inadequate fixing of electrical fittings, cut off protective earthing to new recessed downlights, and failed to provide RCD protection to a new socket outlet.

#### **Second Disciplinary Offence**

The Respondent failed to provide a return being an offence under section 143(f) of the Act in that he failed to provide a Certificate of Compliance and an Electrical Safety Certificate for prescribed electrical work carried out by him within the maximum allowable periods being 20 working days after connection.

[18] The reasons for the Board's decisions follow.

#### First Offence

[19] The charges put before the Board were laid in the alternatives. The finding was that the Respondent had carried out prescribed electrical work (PEW) in a negligent manner.

[20] Mr Carter's report clearly established that the Respondent's prescribed electrical work had been completed in a manner that was contrary to an enactment as there were multiple contraventions of the Safety Regulations and of AS/NZS 3000, a standard that must be complied with when carrying out prescribed electrical work

on low voltage installations.<sup>7</sup> Contrary to an enactment is a form of strict liability offence in that all that need be proven is that the relevant enactment has been breached – in the instance the Electricity (Safety) Regulations 2010 or any of the cited standards within Schedule 2 of the Regulations. The Board does not need to find that there was intention, fault or negligence<sup>8</sup>.

- [21] Turning to negligence, it is the departure by an electrical worker, whilst carrying out or supervising prescribed electrical work, from an accepted standard of conduct. It is judged against those of the same class of licence as the person whose conduct is being inquired into. This is described as the *Bolam*<sup>9</sup> test of negligence which has been adopted by the New Zealand Courts<sup>10</sup>.
- [22] The New Zealand Courts have stated that an assessment of negligence in a disciplinary context is a two-stage test<sup>11</sup>. The first is for the Board to consider whether the practitioner has departed from the acceptable standard of conduct of a professional. The second is to consider whether the departure is significant enough to warrant a disciplinary sanction.
- [23] Inspection of high-risk prescribed electrical is important. It ensures that a more qualified person reviews and assesses the work to ensure that it is safe and compliant. This accords with the purposes of the Act, which include:

**1A Purposes**

*The purposes of this Act are—*

- (c) *to protect the health and safety of members of the public in connection with the supply and use of electricity in New Zealand; and*
- (d) *to promote the prevention of damage to property in connection with the supply and use of electricity in New Zealand;*

- [24] When considering what an acceptable standard is, the Board must have reference to the conduct of other competent and responsible practitioners and the Board's own assessment of what is appropriate conduct, bearing in mind the purpose of the Act as noted above.<sup>12</sup>
- [25] The test is an objective one and, in this respect, it has been noted that the purpose of discipline is the protection of the public by the maintenance of professional

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<sup>7</sup> Regulation 59:

*Low and extra-low voltage installations to comply with AS/NZS 3000*

- (1) *Every low or extra-low voltage domestic installation, or part of a domestic installation, must be installed, tested, inspected, and connected so as to comply with Part 2 of AS/NZS 3000 if it has a maximum demand at or below—*
- (a) *80 amperes per phase if single-phase; or*
- (b) *50 amperes per phase if multi-phase.*

<sup>8</sup> *Blewman v Wilkinson* [1979] 2 NZLR 208

<sup>9</sup> *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

<sup>10</sup> *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

<sup>11</sup> *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

<sup>12</sup> *Martin v Director of Proceedings* [2010] NZAR 333 at p.33

standards and that this could not be met if, in every case, the Board was required to take into account subjective considerations relating to the practitioner<sup>13</sup>.

- [26] Turning to seriousness in *Collie v Nursing Council of New Zealand*,<sup>14</sup> the Court's noted, as regards the threshold for disciplinary matters, that:

*[21] Negligence or malpractice may or may not be sufficient to constitute professional misconduct and the guide must be standards applicable by competent, ethical and responsible practitioners and there must be behaviour which falls seriously short of that which is to be considered acceptable and not mere inadvertent error, oversight or for that matter carelessness.*

- [27] The Board, which includes persons with extensive knowledge and experience as electrical workers, considered that the conduct had fallen below an acceptable standard. The failings were fundamental and they involved safety, especially with regard to removing an earth and failing to install an RCD. A reasonable practitioner should know and apply the requirements of AS/NZS 3000. The Respondent failed to do so, and he has put persons and property at risk. There was nothing complex or unusual about the work, and no reasons why a compliant installation could not have been completed. The failings are serious, and the Respondent should be disciplined for them.

### Second Offence

- [28] The allegation was that the Respondent had failed to provide returns required under an enactment, in this instance, a Certificate of Compliance (CoC), and an Electrical Safety Certificate (ESC).
- [29] A CoC must, under regulation 65 of the Safety Regulations, be issued for all general and high-risk prescribed electrical work on installations or part installations. Under regulation 74E(2), a CoC must be issued within 20 days of completion.
- [30] An ESC must, under regulation 74A of the Safety Regulations, be issued for all prescribed electrical work on installations, part installations or any fitting that supplies an installation or a part installation with electricity. Under regulation 74C, an ESC must be issued within 20 days after connection.
- [31] The Respondent did not provide either a CoC or an ESC within the required time frames. It follows that the disciplinary offence has been committed.

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<sup>13</sup> *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

<sup>14</sup> [2001] NZAR 74



## Penalty, Costs and Publication

- [32] Having found that one or more of the grounds in section 143 applies the Board must, under section 147M of the Act<sup>i</sup>, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [33] The matter was dealt with on the papers. Included was information relevant to penalty, costs and publication, and the Board has decided to make indicative orders and give the Respondent an opportunity to provide further evidence or submissions relevant to the indicative orders.

## Penalty

- [34] The Board has the discretion to impose a range of penalties, which are set out in section 147M of the Act. Exercising that discretion and determining the appropriate penalty requires that the Board balance various factors, including the seriousness of the conduct and any mitigating or aggravating factors present.<sup>15</sup> It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:<sup>16</sup>
- (a) protection of the public and consideration of the purposes of the Act;<sup>17</sup>
  - (b) deterring other Licensed Building Practitioners from similar offending;<sup>18</sup>
  - (c) setting and enforcing a high standard of conduct for the industry;<sup>19</sup>
  - (d) penalising wrongdoing;<sup>20</sup> and
  - (e) rehabilitation (where appropriate).<sup>21</sup>
- [35] Overall, the Board should assess the conduct against the range of penalty options available in section 318 of the Act, reserving the maximum penalty for the worst cases<sup>22</sup> and applying the least restrictive penalty available for the particular offending.<sup>23</sup> In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty<sup>24</sup> that is consistent with other penalties imposed by the Board for comparable offending.<sup>25</sup>

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<sup>15</sup> *Ellis v Auckland Standards Committee* 5 [2019] NZHC 1384 at [21]; cited with approval in *National Standards Committee (No1) of the New Zealand Law Society v Gardiner-Hopkins* [2022] NZHC 1709 at [48]

<sup>16</sup> Cited with approval in *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28] and [29]

<sup>17</sup> Section 3 Building Act

<sup>18</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

<sup>19</sup> *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724

<sup>20</sup> *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

<sup>21</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354; *Shousha v A Professional Conduct Committee* [2022] NZHC 1457

<sup>22</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

<sup>23</sup> *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

<sup>24</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

<sup>25</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

- [36] In general, when determining the appropriate penalty, the Board adopts a starting point based on the principles outlined above prior to it considering any aggravating and/or mitigating factors present.<sup>26</sup>
- [37] The Board considered the conduct to be in the mid-range of seriousness from a penalty perspective. It has decided that a fine of \$2,500 is appropriate and that it is an amount that is consistent with other fines imposed by the Board for similar offending.

### Costs

- [38] Under section 147N of the Act, the Board may require the Respondent to pay the Board any sum that it considers just and reasonable towards the costs and expenses of, and incidental to the investigation, prosecution and the hearing.
- [39] The Respondent should note that the High Court has held that 50% of total reasonable costs should be taken as a starting point in disciplinary proceedings and that the percentage can then be adjusted up or down having regard to the particular circumstances of each case<sup>27</sup>.
- [40] In *Collie v Nursing Council of New Zealand*,<sup>28</sup> where the order for costs in the tribunal was 50% of actual costs and expenses, the High Court noted that:

*But for an order for costs made against a practitioner, the profession is left to carry the financial burden of the disciplinary proceedings, and as a matter of policy that is not appropriate.*

- [41] In *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*,<sup>29</sup> the High Court noted:

*[46] All cases referred to in Cooray were medical cases and the Judge was careful to note that the 50 per cent was the general approach that the Medical Council took. We do not accept that if there was any such approach, it is necessarily to be taken in proceedings involving other disciplinary bodies. Much will depend upon the time involved, actual expenses incurred, attitude of the practitioner bearing in mind that whilst the cost of a disciplinary action by a professional body must be something of a burden imposed upon its members, those members should not be expected to bear too large a measure where a practitioner is shown to be guilty of serious misconduct.*

*[47] Costs orders made in proceedings involving law practitioners are not to be determined by any mathematical approach. In some cases 50 per cent will be too high, in others insufficient.*

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<sup>26</sup> In *Lochhead v Ministry of Business Innovation and Employment* 3 November [2016] NZDC 21288 the District Court recommended that the Board adopt the approach set out in the Sentencing Act 2002.

<sup>27</sup> *Cooray v The Preliminary Proceedings Committee* HC, Wellington, AP23/94, 14 September 1995, *Macdonald v Professional Conduct Committee*, HC, Auckland, CIV 2009-404-1516, 10 July 2009, *Owen v Wynyard* HC, Auckland, CIV-2009-404-005245, 25 February 2010.

<sup>28</sup> [2001] NZAR 74

<sup>29</sup> CIV-2011-485-000227 8 August 2011

- [42] The Board has adopted an approach to costs that uses a scale based on 50% of the average costs of different categories of hearings, simple, moderate and complex. The current matter was moderately complex. Adjustments based on the High Court decisions above are then made.
- [43] The matter involved a half-day in-person hearing. The standard tariff for such a hearing is \$2,000. The Board sees no reason to depart from that amount.

#### Publication

- [44] As a consequence of its decision, the Respondent's name and the disciplinary outcomes will be recorded in the public register as required by the Act<sup>30</sup>. The Board can, pursuant to section 147Z of the Act, also order publication over and above the public register notation. Under section 147Z the Board may, if no appeal is brought within 20 working days of its decision, direct the Registrar to cause a notice stating the effect of the decision or order, the reasons for the decision or order, and (unless the Board directs otherwise) the name of the person in respect of whom the decision or order was made, to be published in the Gazette and any other publications as may be directed by the Board.
- [45] As a general principle, such further public notification may be required where the Board perceives a need for the public and/or the profession to know of the findings of a disciplinary hearing. This is in addition to the Respondent being named in this decision.
- [46] Within New Zealand, there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990<sup>31</sup>. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction<sup>32</sup>. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive<sup>33</sup>. The High Court provided guidance as to the types of factors to be taken into consideration in *N v Professional Conduct Committee of Medical Council*<sup>34</sup>.
- [47] The courts have also stated that an adverse finding in a disciplinary case usually requires that the name of the practitioner be published in the public interest<sup>35</sup>. It is, however, common practice in disciplinary proceedings to protect the names of other persons involved as naming them does not assist the public interest.
- [48] Based on the above, the Board will publish a general article in the Electron summarising the matter. The Respondent will be identified in the Electron.

#### **Penalty, Costs and Publication Orders**

- [49] For the reasons set out above, the Board directs that:

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<sup>30</sup> Refer sections 128 of the Act

<sup>31</sup> Section 14 of the Act

<sup>32</sup> Refer sections 200 and 202 of the Criminal Procedure Act

<sup>33</sup> *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

<sup>34</sup> *ibid*

<sup>35</sup> *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

**Penalty:** Pursuant to section 147M(1)(f) of the Electricity Act 1992, the Respondent is ordered to pay a fine of \$2,500.

**Costs:** Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$2,000 (GST included) towards the costs of, and incidental to, the inquiry of the Board.

**Publication:** The Registrar shall record the Board's action in the Register of Electrical Workers in accordance with section 128(1)(c)(viii) of the Act.

The Respondent will be named in this decision.

A summary of the matter will be published by way of an article in the Electron which will focus on the lessons to be learnt from the case. The Respondent will be in the publication.

[50] The Respondent should note that the Board may refuse to relicense an electrical worker who has not paid any fine or costs imposed on them.

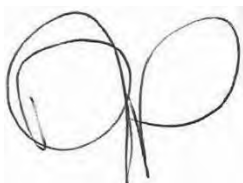
### **Submissions on Penalty, Costs and Publication**

[51] The Board invites the Respondent to make written submissions on the matters of disciplinary penalty, costs and publication up until close of business on **8 August 2023**. The submissions should focus on mitigating matters as they relate to the penalty, costs and publication orders. If no submissions are received then this decision will become final. If submissions are received then the Board will meet and consider those submissions prior to coming to a final decision on penalty, costs and publication.

### **Right of Appeal**

[52] The right to appeal Board decisions is provided for in sections 147ZA and 147ZB of the Act<sup>ii</sup>.

Signed and dated this 17<sup>th</sup> day of July 2023



**R Keys**  
Presiding Member

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<sup>i</sup> **Section 147M of the Act**

(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—*

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- (a) do 1 or more of the following things:
    - (i) order that the person's registration or practising licence (or both) be cancelled:
    - (ii) order that the person's provisional licence be cancelled:
    - (iii) order that the person may not apply to be reregistered or re-licensed before the expiry of a specified period:
  - (b) order that the person's registration or practising licence (or both), or the person's provisional licence, be suspended—
    - (i) for any period that the Board thinks fit; or
    - (ii) until that person does 1 or more of the things specified in subsection (2):
  - (c) order that the person's registration or practising licence (or both), or the person's provisional licence, be restricted for any period that the Board thinks fit, in either or both of the following ways:
    - (i) by limiting the person to the work that the Board may specify:
    - (ii) by limiting the person to doing, or assisting in doing, work in certain circumstances (for example, by limiting the person to work only on approved premises or only in the employ of an approved employer):
  - (d) order that the person be disqualified from doing or assisting in doing prescribed electrical work that the person would otherwise be authorised to do in that person's capacity as a person to whom this Part applies—
    - (i) permanently, or for any period that the Board thinks fit; or
    - (ii) until that person does 1 or more of the things specified in subsection (2):
  - (e) order the person to do 1 or more of the things specified in subsection (2) within the period specified in the order:
  - (f) order the person to pay a fine not exceeding \$10,000:
  - (g) order that the person be censured:
  - (h) make no order under this subsection.
- (2) The things that the person can be required to do for the purposes of subsection (1)(b), (d), and (e) are to—
    - (a) pass any specified examination:
    - (b) complete any competence programme or specified period of training:
    - (c) attend any specified course of instruction.
  - (3) The Board may take only 1 type of action in subsection (1) in relation to a case, except that it may impose a fine under subsection (1)(f) in addition to taking the action under subsection (1)(b), (c), (e) or (g).
  - (4) No fine may be imposed under subsection (1)(f) in relation to an act or omission that constitutes an—
    - (a) offence for which the person has been convicted by a court; or
    - (b) infringement offence for which the person has been issued with an infringement notice and has paid an infringement fee.
  - (5) The Board must not exercise any authority conferred by this section in respect of any offence committed by any person before the date of that person's registration or, as the case may be, the date on which that person's provisional licence was issued if at that date the Board was aware of that person's conviction for that offence.
  - (6) If a person is registered under Part 10 in respect of more than 1 class of registration, the Board may exercise its powers under subsection (1)(a) to (e) in respect of each of those classes or 1 or more of those classes as the Board thinks fit.]

#### **ii Section 147ZA Appeals**

- (1) 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:
  - (e) any decision, direction, or order under any of sections 108, 109, 120, 133, 137, and 153 or Part 11 (except section 147C).

#### **Section 147ZB Time for lodging appeal**

An appeal under section 147ZA must be brought within—

- (a) 20 working days after notice of the decision, direction, or order was given to, or served on, the appellant; or
- (b) any further time that the District Court may allow on application made before or after the expiration of that period.