

Before the Electrical Workers Registration Board

CE No. 22359

Electrical Worker: Farhad Bhamji (the Respondent)

Registration Number: I 261565

Electrical Worker Number: EW 109094

Registration Class: Inspector

Decision of the Board in Respect of the Conduct of an Electrical Worker

Under section 147G and 147M of the Electricity Act 1992

Hearing Location: By Videoconference

Hearing Type: In Person

Hearing and Decision Date: 19 August 2021

Board Members Present:

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

Appearances: Matthew Hall 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 and incompetent manner and provided a false or misleading return. He is fined \$1,000 and ordered to pay costs of \$250. A summary of the matter will be published in the Electron.

Introduction

- [2] 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 that the complaint should be considered by the Board.
- [3] The Respondent was served with a notice setting out the alleged disciplinary offences the Investigator reported should be considered by the Board. They were: First

Alleged Disciplinary Offence

1. On or around 24 March 2015 at **[Omitted]**, Mr Farhad Bhamji 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 has failed to test prescribed electrical work prior to completing a certificate of compliance, in breach of regulation 63 of the Electricity (Safety) Regulations 2010.

Or in the Alternative

2. On or around 24 March 2015 at **[Omitted]**, Mr Farhad Bhamji 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 has failed to test prescribed electrical work prior to completing a certificate of compliance.

Second Alleged Disciplinary Offence

3. On or around 24 March 2015 at **[Omitted]**, Mr Farhad Bhamji has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he:

- a. has issued a certificate of compliance for prescribed electrical work that he has not tested; and/or
- b. has failed to provide the details of electrical workers on the certificate of compliance; and/or
- c. Incorrectly identified general work on the certificate of compliance as being mains work.

[4] 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.

[5] No Board Members declared any conflicts of interest in relation to the matters under consideration.

Function of Disciplinary Action

[6] 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*¹ and in New Zealand in *Dentice v Valuers Registration Board*².

[7] 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*,³ 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.”

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

² [1992] 1 NZLR 720 at p 724

³ [2016] HZHC 2276 at para 164

- [8] 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

- [9] The matter proceeded on the basis of an Agreed Statement of Facts.

Evidence

- [10] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed⁴. 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.

- [11] Whilst the matter proceeded on the basis of an Agreed Statement of Facts, the Board also heard from the Respondent prior to it making a decision.
- [12] The Respondent, who normally carries out industrial and commercial work, set up a business with another person to carry out the wiring of new domestic dwellings to earn some extra money. The business did two dwellings prior to it failing. Money is now owing to the Inland Revenue Department as a result of the failure. The prescribed electrical work was carried out by unregistered persons. The Respondent’s intention was to supervise, but other commitments prevented him from doing so.
- [13] The Respondent, in the Agreed Statement of Facts, stated that he visited the Property but cannot recall carrying out any testing. He issued a certificate of compliance for the work undertaken. He took responsibility for the work but stated he was unable to provide further information as his records had been stolen.
- [14] Following completion and certification of the prescribed electrical work, issues with it were identified, including that a truss in the master bedroom had been cut while installing downlight, there were unclipped cables with exposed connections which had been placed over a truss, there was an overloaded kitchen circuit, and neutrals for subcircuits of residual current devices (RCD) were not wired through their separate neutral bars. The Respondent stated:

“I agree that the neutral should have gone to the neutral bar or a little neutral block that comes with a RCD should have been put in. I think the neutrals were put in and a neutral bar that goes in the RCD is missing or maybe they forgot to put it in later after testing. I understand that this job wasn’t

⁴ *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

completed properly but the only good thing was that all neutrals were connected to the RCD that would still protect the circuits and won't cause any harm or damage to the property.

Unfortunately I'm at a loss of words for this. They should not have touched that or cut any timber whatsoever.

The photo doesn't do justice as you can see that all the insulation has been moved around, but in saying that the wires should have been clipped. I thought that the cable should only be clipped 2 metres around the man-hole but going through the regulations I found that I mis-read it. It should also have been clipped if it is has excess space exceeding 0.6m high".

- [15] The Investigator obtained a technical assessment to clarify if any breaches of the Electricity (Safety) Regulations 2010 (the "Regulations") had occurred.
- [16] The Respondent accepted that he had, on his certificate of compliance, incorrectly indicated that the general work was high risk. He failed to test the work and failed to provide the details of the individuals who carried out the work on the certificate of compliance that he provided for the work. At the hearing, he stated that he was not, at the time, familiar with certificates of compliance. He has, since the complaint, updated his knowledge and had ceased doing domestic work.
- [17] The general rule is that all facts in issue or relevant to the issue in a case must be proved by evidence. As the Investigator and Respondent agreed to the facts as outlined above, it was not necessary to call any further evidence or to test the evidence as outlined in the Statement.

Board's Conclusion and Reasoning

- [18] The Board has decided that the Respondent **has** carried out or caused to be carried out prescribed electrical work in a negligent and or incompetent manner being an offence under section 143(a)(i) of the Act, in that, he failed to test prescribed electrical work prior to completing a certificate of compliance.
- [19] The Board has also decided that the Respondent **has** provided a false or misleading return being an offence under section 143(f) of the Act, in that, he issued a certificate of compliance for prescribed electrical work that he had not tested, failed to provide the details of electrical workers on the certificate of compliance, and incorrectly identified general work on the certificate of compliance as being mains work.
- [20] The Board noted that the Respondent's conduct also came within the provisions section 143(g) of the Act in that he employed, directed, or permitted unauthorised persons to do prescribed electrical work. As a charge under section 143(g) of the Act was not put before the Board, it could not make any findings with respect to it.

Negligence and Incompetence

- [21] The charges put before the Board were laid in the alternatives of negligence or incompetence under section 143(a)(i) of the Act and contrary to an enactment under section 143(a)(ii) of the Act.
- [22] There is a hierarchy to the disciplinary charges in that the Board needs to first consider whether the prescribed electrical work was carried out or caused to be carried out in a manner that was contrary to an enactment. If the Board finds in the affirmative, then it needs to consider whether the conduct reaches the threshold for a finding of negligence or incompetence.
- [23] Contrary to an enactment is a form of strict liability offence in that all that needs to 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 negligence⁵.
- [24] The allegation before the Board was that the Respondent had failed to test. Other issues with the prescribed electrical work were raised in the Agreed Statement of Facts but did not form part of the charges. As such, the Board can only deal with the issue of testing.
- [25] Under regulation 63 of the Safety Regulations, all prescribed electrical work on low voltage installations must be tested.

63 *Testing prescribed electrical work on low and extra-low voltage installations*

- (1) *All prescribed electrical work done on a low or extra-low voltage installation or part installation must be tested—*
- (a) *for operational safety; and*
- (b) *to ensure that the installation or part installation is not electrically unsafe; and*
- (c) *as required by regulation 59 or 60, as the case requires; and*
- (d) *in the case of an installation or part installation that does not comply with Part 2 of AS/NZS 3000, in accordance with the verification or testing process set out in the certified design for the installation or part installation.*

⁵ *Blewman v Wilkinson* [1979] 2 NZLR 208

- [26] The prescribed electrical work was low voltage work,⁶ and it was on an installation.⁷ As such, the prescribed electrical work had to be tested.
- [27] Regulation 73A of the Safety Regulations stipulates that, prior to prescribed electrical work being connected to a power supply, that the work is tested, and a certificate of compliance is issued. Under regulation 66 a certificate of compliance must state that testing has been satisfactorily completed.
- [28] Given the above regulatory provisions, there were clear legal requirements for the prescribed electrical work to be tested. As testing did not occur, the prescribed electrical work was carried out in a manner that was contrary to an enactment.
- [29] Turning to negligence and/or incompetence there are no statutory definitions of the terms. It is noted, however, that they are not the same. In *Beattie v Far North Council*⁸ Judge McElrea noted:
- [43] Section 317 of the Act uses the phrase “in a negligent or incompetent manner”, so it is clear that those adjectives cannot be treated as synonymous.*
- [30] Negligence is considered to be 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*⁹ test of negligence which has been adopted by the New Zealand Courts¹⁰.
- [31] Incompetence is a lack of ability, skill or knowledge to carry out or supervise prescribed electrical work to an acceptable standard. *Beattie* put it as “*a demonstrated lack of the reasonably expected ability or skill level*”. In *Ali v Kumar and Others*,¹¹ it was stated as “*an inability to do the job*”.
- [32] The New Zealand Courts have stated that assessment of negligence and/or incompetence in a disciplinary context is a two-stage test¹². 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.

⁶ Under regulation 4 of the Safety Regulations low voltage is defined any voltage exceeding 50 volts AC or 120 volts ripple-free DC but not exceeding 1 000 volts AC or 1 500 volts ripple-free DC

⁷ Under section 2 of the Act an installation is defined, in relation to a property with a point of supply, as all fittings beyond the point of supply that form part of a system that is used to convey electricity to a point of consumption, or used to generate or store electricity

⁸ Judge McElrea, DC Whangarei, CIV-2011-088-313

⁹ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

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

¹¹ *Ali v Kumar and Others* [2017] NZDC 23582 at [30]

¹² *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

[33] 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 Act¹³. 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 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 practitioner¹⁴.

[34] The Board notes that the purposes of the Act are:

1A Purposes

The purposes of this Act are—

- (a) *to provide for the regulation, supply, and use of electricity in New Zealand; and*
- (b) *Repealed.*
- (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; and*
- (da) *to provide for the regulation of fittings and electrical appliances that are, or may be, exported pursuant to an international trade instrument; and*
- (e) *to provide for the regulation of electrical workers.]*

[35] The Board also notes, as regards acceptable standards, that all prescribed electrical work must comply with the Electricity (Safety) Regulation 2010 and the cited Standards and Codes of Practice in Schedule 2 of the Regulations. As such, when considering what is and is not an acceptable standard, they must be taken into account.

[36] Turning to seriousness in *Collie v Nursing Council of New Zealand*,¹⁵ 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.

[37] As noted above, there was a legal requirement for the prescribed electrical work to be tested. The Respondent, who is an Electrical Inspector, should have known of those requirements. It was disconcerting that he did not. It shows that, at the time,

¹³ *Martin v Director of Proceedings* [2010] NZAR 333 at p.33

¹⁴ *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

¹⁵ [2001] NZAR 74

the Respondent not only departed from an acceptable standard of conduct but that he failed to display the required level of knowledge.

- [38] Testing is an important and fundamental aspect of the safety and compliance regime for prescribed electrical work. It is the means and method by which errors or faults can be identified and eliminated. It gives those who are going to use the installation confidence that the prescribed electrical work is safe to use. A failure to test is serious.
- [39] On the basis of the above, the Board decided that the Respondent was both negligent and incompetent when he failed to test.

False or Misleading Return

- [40] The charge under section 143(f) of the Act related to the provision of a false or misleading return. In determining whether a return is false or misleading is a question of fact to be decided objectively, and the intention of the issuer is irrelevant¹⁶.
- [41] The return referred to is issued under the Regulations. There is a requirement that an electrical safety certificate is issued for all prescribed electrical work. It must contain a statement to the effect that the installation or part installation is connected to a power supply and is safe to use. No charges were brought in relation to the electrical safety certificate issued.
- [42] There is also a requirement that a certificate of compliance is issued for high and general risk prescribed electrical work. A Certificate of Compliance must state that the prescribed electrical work has been done lawfully and safely and that the information in the certificate is correct.
- [43] The certificate of compliance issued stated that the prescribed electrical work had been tested when it had not. It also failed to provide details of the persons who carried out the prescribed electrical work under supervision, and it incorrectly identified the risk category of the prescribed electrical work. As such, it was false or misleading.

Penalty, Costs and Publication

- [44] Having found that one or more of the grounds in section 143 applies the Board must, under section 147M of the Actⁱ, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [45] The Respondent made submissions at the hearing as regards penalty, costs and publication.

¹⁶ *Taylor Bros Ltd v Taylor Group Ltd* [1988] 2 NZLR 1

Penalty

[46] The purpose of professional discipline is to uphold the integrity of the profession; the focus is not punishment, but the enforcement of a high standard of propriety and professional conduct. The Board does note, however, that the High Court in *Patel v Complaints Assessment Committee*¹⁷ commented on the role of “punishment” in giving penalty orders stating that punitive orders are, at times, necessary to provide a deterrent and to uphold professional standards. The Court noted:

[28] I therefore propose to proceed on the basis that, although the protection of the public is a very important consideration, nevertheless the issues of punishment and deterrence must also be taken into account in selecting the appropriate penalty to be imposed.

[47] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*,¹⁸ the Court noted that whilst the statutory principles of sentencing set out in the Sentencing Act 2002 do not apply to the Electricity Act, they have the advantage of simplicity and transparency. The Court recommended adopting a starting point for a penalty based on the seriousness of the disciplinary offending prior to considering any aggravating and/or mitigating factors. The same applies to disciplinary proceedings under the Electricity Act.

[48] The Respondent noted that he has dependents, is in full-time employment doing industrial work and that he no longer carries out domestic wiring. He is paying off debts to the Inland Revenue Department related to the failure of his business. The Respondent also notes that he had learnt from the matter and that he has improved his certificate of compliance knowledge.

[49] The Respondent cooperated in the investigation and accepted responsibility for his conduct. At the same time, he is an Inspector, and, as an Inspector, he should have known the basic requirement that prescribed electrical work must be tested.

[50] The Board adopted a starting point for the offending of a fine of \$2,000. The amount was consistent with other fines imposed by the Board for similar offending. Taking the mitigating factors into account, the Board reduced the fine to \$1,000.

Costs

[51] 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.

[52] 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

¹⁷ HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

¹⁸ 3 November 2016, CIV-2016-070-000492, [2016] NZDC 21288

that the percentage can then be adjusted up or down having regard to the particular circumstances of each case¹⁹.

- [53] In *Collie v Nursing Council of New Zealand*²⁰ 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.

- [54] Based on the above, the Board's costs order is that the Respondent is to pay the sum of \$250 toward the costs of and incidental to the matter. In setting the amount the Board took into account that the Respondent had agreed to the matter proceeding by way of an Agreed Statement of Facts.

Publication

- [55] 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 Act²¹. 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.
- [56] 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.
- [57] Within New Zealand there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990²². The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction²³. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive²⁴. 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*²⁵.

¹⁹ *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.

²⁰ [2001] NZAR 74

²¹ Refer sections 128 of the Act

²² Section 14 of the Act

²³ Refer sections 200 and 202 of the Criminal Procedure Act

²⁴ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

²⁵ *ibid*

- [58] 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 interest²⁶. 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.
- [59] 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

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

Penalty: Pursuant to section 147M(1)(f) of the Electricity Act 1992, the Respondent is ordered to pay a fine of \$1,000.

Costs: Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$250 (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 named in the publication.

- [61] 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.
- [62] The Respondent should note that he can make an application for the fine and costs to be paid off over time. The application should be made to the Registrar.

Right of Appeal

- [63] The right to appeal Board decisions is provided for in section 147ZA and 147ZB of the Actⁱⁱ.

Signed and dated Thursday 2nd September 2021.



Mr M Orange
Presiding Member

²⁶ Kewene v Professional Conduct Committee of the Dental Council [2013] NZAR 1055

ⁱ 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—*
- (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

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- (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.*