

## Before the Electrical Workers Registration Board

	CE No. 22336
Electrical Worker:	Joseph Coleman (the Respondent)
Registration Number:	E 265293
Electrical Worker Number:	EW 116580
Registration Class:	Electrician

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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:	Christchurch
Hearing Type:	On the Papers
Hearing and Decision Date:	23 April 2021
Penalty Decision Date:	20 May 2021

Board Members Present:

- M. Orange (Presiding)
- R. Keys, Registered Inspector
- M. Macklin, Registered Inspector
- M. Kershaw, Registered Electrician
- J. Davel, Lay Member
- A. Yan, Registered Electrical Engineer

#### 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 Penalty Decision

- [1] The fine is reduced to \$750. The Respondent is ordered to pay costs of \$250. A summary of the matter will be published in the Electron. The Respondent will not be named.

### The Charges

- [2] This penalty decision arises out of the Board’s substantive decision in which it found that the Respondent had committed disciplinary offences under sections 143(a)(i) and 143(f) of the Act.
- [3] In its substantive decision, the Board set out its indicative position as regards penalty, costs and publication and invited the Respondent to make written submissions on those matters.
- [4] On 29 April 2021, the Board received the Respondent’s submissions. It considered those submissions at its May 2021 meeting and made the following decisions.

### Penalty

- [5] The Board’s initial view was that a \$1,000 fine was the appropriate penalty for the disciplinary offence.
- [6] The Respondent submitted that he had suffered significant financial hardship as a result of the job to which the complaint related and that his business is now at risk. He stated:
- I accept full responsibility for my errors and I believe the \$1250 of costs are significant, reduction in business and financial burden have been sufficient punishment.*
- [7] The Respondent also referred to personal matters and to the impact the Complainant’s actions have had on his reputation and business.
- [8] The Board accepts that there are mitigating factors. Those factors are not, however, such that no fine or penalty should be imposed. The reasons why a penalty should be imposed were set out in the substantive decision. The Respondent should also note that a reduction from a starting point of \$1,500 has already been provided.

- [9] Having considered the submissions received the Board has decided to further reduce the fine to \$750. That will bring the total reduction in the fine imposed to 50%.

#### **Costs**

- [10] The Board's initial view was that \$250 in costs was appropriate. This is a minimal amount compared to the actual amount of costs incurred. It remains an appropriate amount.

#### **Publication of Name**

- [11] The Board's initial view was that the Board should publish a general article in the Electron summarising the matter, but that it would not order further publication. The indicative position was that the Respondent would be identified in the Electron.

- [12] The Respondent, in his submission, requested that he not be named:

*By not publishing my name in the Electron this would allow me to move on take this on the chin and take a good lesson out of this with regards to how this all has played out.*

- [13] Having considered the submissions received the Board has decided that it would not name the Respondent in the Electron article.

- [14] The Respondent should also note that the Board has not made any form of order under section 153(3) of the Act which allows for prohibition of publication.

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

- [15] 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 \$750.

**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.**

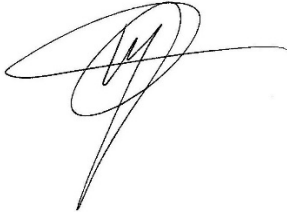
**A summary of the matter will be published by way of an article in the Electron which will focus on the lessons to be learnt from the case. The Respondent will not be named in the publication.**

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

## Right of Appeal

- [17] The right to appeal Board decisions is provided for in section 147ZA and 147ZB of the Act<sup>i</sup>.

Signed and dated this 11<sup>th</sup> day of June 2021



**Mr M Orange**  
Presiding Member

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### <sup>i</sup> **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.