

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

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: Christchurch

Hearing Type: On the Papers

Hearing and Decision Date: 23 April 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.

Contents

Summary of the Board’s Decision..... 2

Introduction..... 2

The Function of Disciplinary Action 4

Procedure 4

Evidence..... 5

Board’s Conclusion and Reasoning..... 6

 Negligence..... 7

 Failure to Provide a Return 9

Penalty, Costs and Publication..... 9

 Penalty 10

 Costs..... 10

 Publication 11

Penalty, Costs and Publication Orders 12

Submissions on Penalty, Costs and Publication 12

Right of Appeal..... 12

Summary of the Board’s Decision

[1] The Respondent carried out prescribed electrical work in a negligent manner and failed to provide required returns within the prescribed time frames. The Respondent is fined \$1,000 and ordered to pay costs of \$250. A summary 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. Between 1 October 2019 and 20 July 2020 at [Omitted], Mr Joseph Coleman 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. Installed a cable that passed through an aperture that had a sharp metal edge that was likely to damage the cable insulation; and/or

- b. Installed cables of low and extra low voltage through a common enclosure in the same wiring system that required a degree of separation; and/or
- c. Installed a socket outlet in a manner that did not provide adequate protection against electric shock, avoiding inadvertent direct contact with live parts.

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

Or in the Alternative

- 2. Between 1 October 2019 and 20 July 2020 at [Omitted], Mr Joseph Coleman 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. Installed a cable that passed through an aperture that had a sharp metal edge that was likely to damage the cable insulation; and/or
 - b. Installed cables of low and extra low voltage through a common enclosure in the same wiring system that required a degree of separation; and/or
 - c. Installed a socket outlet in a manner that did not provide adequate protection against electric shock, avoiding inadvertent direct contact with live parts.

Or in the Alternative

- 3. Between 1 October 2019 and 20 July 2020 at [Omitted], Mr Joseph Coleman 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. Installed a cable that passed through an aperture that had a sharp metal edge that was likely to damage the cable insulation; and/or
 - b. Installed cables of low and extra low voltage through a common enclosure in the same wiring system that required a degree of separation; and/or
 - c. Installed a socket outlet in a manner that did not provide adequate protection against electric shock, avoiding inadvertent direct contact with live parts.

Second Alleged Disciplinary Offence

- 4. Between 20 July 2020 and 8 October 2020 at [Omitted], Mr Joseph Coleman has failed to provide a return or provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he failed to issue a Certificate of Compliance within 20 working days after the work was completed to the person who contracted the work or the occupier.

Third Alleged Disciplinary Offence

5. Between 20 July and 8 October 2020 at [Omitted], Mr Joseph Coleman has failed to provide a return or provide a false or misleading return being an offence under 143(f) of the ACT, IN THAT, he failed to issue an Electricity Safety Certificate within 20 working days after the work was completed.
- [4] Counsel for the Investigator advised that the Investigator was not pursuing the charges alternative on 143(b)(ii) as regards the First Alleged Disciplinary Offence.
- [5] The allegation that the Respondent had installed a socket outlet in a manner that did not provide adequate protection against electric shock, avoiding inadvertent direct contact with live parts, was withdrawn.
- [6] 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.
- [7] No Board Members declared any conflicts of interest in relation to the matters under consideration.

The Function of Disciplinary Action

- [8] 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.
- [9] 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.”*
- [10] 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

- [11] The parties agreed that the matter would proceed on the basis of an Agreed Statement of Facts.

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

- [12] On 6 April 2021, Counsel for the Respondent sought an adjournment of the hearing on the basis that a further related complaint about the Respondent had been made. The Respondent's views were sought. The Respondent opposed the application. An adjournment was not granted.
- [13] On 14 April 2021, an Agreed Statement of Facts was filed with the Board.
- [14] The hearing was scheduled to commence at 10.30 am. Counsel for the Investigator was present. The Respondent did not appear. Efforts were made to contact the Respondent. The commencement was delayed until 11 am. The Respondent did not appear.
- [15] On the basis that the Respondent had been given the required notice of the hearing, and that the matter was proceeding on the basis of an Agreed Statement of Facts which had been signed by the Investigator and the Respondent, the Board decided that it would proceed and deal with the matter on the papers.

Evidence

- [16] 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.

- [17] The Agreed Statement of Facts set out that the Respondent was engaged by [Omitted] to install a builder's temporary supply and carry out the wire out of a new build. This involved a wiring plan and details of fixtures and fittings to be installed at a new build home and associated connected flat. The work was carried out between 1 October 2019 and 30 July 2020 and was interrupted by the Covid-19 lockdown Level 4.
- [18] Upon return to the property at Covid-19 Level 2, the Respondent discovered another party had carried out work at the site. He disconnected what he believed the other party had done, leaving it safe. The property owner sought significant variations to the original plans, and as a result, the Respondent sought a new contract covering this work. The Complainant decided to employ another party to carry out the finishing work of the original contract and also for the variations. On 20 July 2020, through his lawyers, the Complainant removed the Respondent from the site by writing to him, and subsequently, a commercial dispute between the parties arose. On 8 October 2020, the Respondent came to the realisation that he would not be able to complete the work and had run out of legal options. At this stage, he issued a

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

Certificate of Compliance and an Electricity Safety Certificate for the work he had carried out.

- [19] The Investigator engaged Mr Mark Carter, an Electrical Inspector (I 262132), to conduct a review of the investigation file and to produce a technical report setting out his findings. Those findings resulted in the charges laid before the Board. His report noted that cables passing over metal edges was contrary to clauses 3.1.2.(f) and 3.10.3.5 of AS/NZS 3000:2007 (a cited standard) and regulations 20(2)(g) and 59(1) of the Electricity (Safety) Regulations 2010 and that the failure to separate telecommunication services from low voltage wiring systems was contrary to clause 3.9.8.4(c) and figure 3.8 of AS/NZS 3000:2007 and regulation 59(1) of the Electricity (Safety) Regulations 2010.
- [20] The Respondent, in the signed Agreed Statement of Facts, accepted that he had carried out the prescribed electrical work set out in the Notice of Proceeding in a negligent and incompetent manner, being an offence under section 143(a)(i) of the Act in that he had:
- (a) installed a cable that passed through an aperture that had a sharp metal edge that was likely to damage the cable insulation; and
 - (b) installed cables of low and extra-low voltage through a common enclosure in the same wiring system that required a degree of separation.
- [21] The Respondent also accepted that he had failed to issue a Certificate of Compliance and an Electrical Safety Certificate after completion of the work within the specified time frames for each in breach of Electricity (Safety) Regulations 2010.
- [22] 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

- [23] The Board has decided that 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 installed a cable that passed through an aperture that had a sharp metal edge that was likely to damage the cable insulation, and installed cables of low and extra-low voltage through a common enclosure in the same wiring system that required a degree of separation.
- [24] The Board has also decided that the Respondent **has** failed to provide returns being an offence under section 143(f) of the Act, in that, he failed to issue a Certificate of Compliance and an Electrical Safety Certificate within 20 working days.
- [25] The Board made the findings on the basis of the Agreed Statement of Facts that was filed with the Board and the Respondent's acceptance that he had committed the above disciplinary offences.

[26] The reasoning for the Board's decisions follows.

Negligence

[27] The charges that were pursued put before the Board were laid in the alternatives of negligence or incompetence under section 143(a)(i) and contrary to an enactment under section 143(a)(ii).

[28] 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, it then needs to consider whether the conduct reaches the threshold for a finding of negligence or incompetence.

[29] 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. In this respect, the provisions of Regulation 11 are noted:

11 Strict liability offences

(1) *Subclauses (2) and (3) apply to every offence in these regulations except those that specifically refer to a defendant's state of knowledge or intention regarding the facts constituting the offence.*

(2) *In a prosecution for an offence to which this subclause applies, it is not necessary for the prosecution to prove that the defendant knew or intended the facts that constitute the offence.*

[30] 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*⁶ 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.

[31] 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*⁷ test of negligence which has been adopted by the New Zealand Courts⁸.

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

⁶ Judge McElrea, DC Whangarei, CIV-2011-088-313

⁷ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

⁸ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

- [32] 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*,⁹ it was stated as “*an inability to do the job*”.
- [33] The New Zealand Courts have stated that assessment of negligence and/or incompetence in a disciplinary context is a two-stage test¹⁰. 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.
- [34] 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 Act¹¹. 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 practitioner¹².
- [35] 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.]*

- [36] 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.

⁹ *Ali v Kumar and Others* [2017] NZDC 23582 at [30]

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

¹¹ *Martin v Director of Proceedings* [2010] NZAR 333 at p.33

¹² *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

- [37] Turning to seriousness in *Collie v Nursing Council of New Zealand*¹³, 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.

- [38] Looking at the conduct in question, the manner in which the prescribed electrical work had been carried out was contrary to an enactment. This was confirmed in Mr Carter's report and was accepted by the Respondent. The Board, which includes persons with extensive experience and expertise in the electrical industry, also agreed that the conduct came within section 143(a)(i) of the Act, in that the Respondent had displayed a lack of reasonably expected care and that the conduct was sufficiently serious enough to warrant a disciplinary outcome. The Board, therefore, found that the Respondent had been negligent.

Failure to Provide a Return

- [39] The second and third allegations were 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).
- [40] 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) of the Safety Regulations, a CoC must be issued within 20 days of completion.
- [41] 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.
- [42] The Respondent did not provide the returns as per the requirements, and he accepted that he had not done so. Accordingly, the Board decided that the offences had been committed. It also decided that it would consolidate the findings into a single finding under section 143(f) of the Act.

Penalty, Costs and Publication

- [43] 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.

¹³ [2001] NZAR 74

- [44] 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

- [45] 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*¹⁴ 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.

- [46] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*¹⁵ 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.
- [47] The Board considered that the conduct was in the lower to middle band of disciplinary offending and that fine was the appropriate form of penalty. The Board adopted a starting point of a fine of \$1,500, which is consistent with penalties imposed by the Board for similar disciplinary offending. The Board took into account the Respondent’s acceptance of responsibility and decided to reduce the fine of \$1,000.

Costs

- [48] 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.
- [49] 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 case¹⁶.

¹⁴ HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

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

¹⁶ *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.

[50] In *Collie v Nursing Council of New Zealand*,¹⁷ 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.

[51] 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 of costs the Board took into account that the Respondent had agreed to the matter proceeding by way of an Agreed Statement of Facts.

Publication

[52] 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 Act¹⁸. 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.

[53] 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.

[54] Within New Zealand, there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990¹⁹. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction²⁰. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive²¹. 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*²².

[55] 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 interest²³. 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.

¹⁷ [2001] NZAR 74

¹⁸ Refer sections 128 of the Act

¹⁹ Section 14 of the Act

²⁰ Refer sections 200 and 202 of the Criminal Procedure Act

²¹ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

²² *ibid*

²³ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

[56] Based on the above, the Board will publish a general article in the Electron summarising the matter but will not order further publication. The Respondent will be identified in the Electron.

Penalty, Costs and Publication Orders

[57] 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.

[58] 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.

Submissions on Penalty, Costs and Publication

[59] The Board invites the Respondent to make written submissions on the matters of disciplinary penalty, costs and publication up until the close of business on 27 May 2021. 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

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

Signed and dated this 29th day of April 2021



Mr M Orange
Presiding Member

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

-
- (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.*