Before the Electrical Workers Registration Board

	CE No. 23021
In the matter of:	A disciplinary hearing before the Electrical Workers Registration Board
Between:	The Ministry of Business Innovation and Employment
	And
	Dylan Joseph Crum, a registered and licensed electrical worker (EW 115985, E 253359, Electrician) (the Respondent)

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:	Paihia on 24 March 2026
Hearing Type:	Liability heard in person; penalty determined on the papers
Liability Hearing Date:	24 March 2026
Penalty Determined:	On the papers, 13 April 2026
Decision Date:	May 2026

Board Members Present:

Mr T Wiseman, Registered Inspector (Presiding)
Mr J Hutton, Registered Inspector
Ms S Cameron, Registered Electrician
Mr S Rogers, Registered Electrician
Ms L Wright, Barrister
Mr T Tran, Barrister

Appearances: J Hilario, counsel for the Investigator, M Wronski for the Investigator
A Mills-Wallis, counsel for the Respondent, D Crum, Respondent

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 Board determined that the Respondent committed disciplinary offences under:

a. Section 143(a)(i) of the Act, by carrying out prescribed electrical work (PEW) in a negligent or incompetent manner;

b. Section 143(f) of the Act, by providing a false or misleading return, in that the Certificate of Compliance (CoC) issued by the Respondent:

i. failed to record the apprentice supervised on site; and

ii. certified the installation as lawful and complete when, in the absence of a Record of Inspection (ROI) for the high-risk PEW, it could not be deemed electrically safe.

[2] Key points that led to this finding:

a. The Respondent connected and livened a high-risk photo-voltaic (PV) array installation on 8 September 2023 before sighting an ROI from the Inspector;

b. Reliance on a verbal indication from the Inspector that the Respondent could liven was not a substitute for sighting a written ROI as required;

c. The CoC issued by the Respondent dated 9 September 2023 did not identify the apprentice supervised on site;

d. The CoC certified the installation as lawful and complete when, in the absence of an ROI for the high-risk PEW, it could not be deemed electrically safe.

[3] The Board ordered:

a. A fine of $600 pursuant to section 147M(1)(f) of the Act (reduced from a starting point of $1,000);

b. Costs of $750 pursuant to section 147N of the Act;

c. Publication of the Board's decision (with the Respondent named) and a general article in the Electron about the disciplinary proceeding without naming the Respondent.

Introduction

[4] 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.

[5] The Respondent was served with a Notice of Proceeding setting out the alleged disciplinary offences the Investigator reported should be considered by the Board.

[6] The following disciplinary charges were alleged in the Notice of Proceeding:

First Alleged Disciplinary Offence

On or around 9 September 2023 at [OMITTED], Mr Dylan Crum 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) Connected and livened the Photo-voltaic installation before sighting a Record of Inspection; and/or

(b) Failed to provide mechanical protection to a wiring system located in the roof space.

Or in the Alternative

On or around 9 September 2023 at [OMITTED], Mr Dylan Crum 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) Connected and livened the Photo-voltaic installation before sighting a Record of Inspection; and/or

(b) Failed to provide mechanical protection to a wiring system located in the roof space.

In breach of regulations 59 and 70 of the Electricity (Safety) Regulations 2010.

Second Alleged Disciplinary Offence

On or around 9 September 2023 at [OMITTED], Mr Dylan Crum has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT he:

(a) Failed to include details of persons supervised on the Certificate of Compliance (COC); and/or

(b) Certified the installation as lawful when there were aspects of the installation that were not.

[7] Before the hearing, the Respondent and the Board were provided with all of the documents in the Investigator's possession.

Function of Disciplinary Action

[8] The purpose of professional discipline is to protect the public, to maintain public confidence in the profession, and to enforce high standards of propriety and professional conduct. The function of the Board's disciplinary jurisdiction under Part 11 of the Act is therefore protective rather than punitive.

[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. Those grounds relate to carrying out or supervising prescribed electrical work (PEW).

Evidence

[10] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed.[1] The burden of proof rests on the Investigator throughout; the Respondent does not bear the burden of proving his innocence. The civil standard is applied flexibly: the more serious the allegation, and the more serious the consequences for the practitioner if it is proved, the more cogent the evidence required to satisfy the Board that the standard is met.

[11] The Board notes, as regards evidence in proceedings before it, that the provisions of section 147W of the Act apply. That section relevantly provides that in all proceedings under Part 11 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 in a court of law.

Procedure

[12] The matter proceeded as a defended hearing on 24 March 2026. The Investigator filed opening written submissions dated 18 March 2026, and a separate memorandum dated 23 March 2026 seeking leave to amend the alternative charge. The Respondent (through his counsel) filed written submissions dated 23 March 2026. Evidence was called by the parties at the hearing on 24 March 2026.

Preliminary matter, application to amend the alternative charge

[13] By memorandum dated 23 March 2026 (the day before the hearing), counsel for the Investigator sought the Board's approval under section 156A of the Act to amend the alternative charge under section 143(a)(ii) by adding a reference to regulation 73A of the Regulations, alongside the existing references to regulations 59 and 70. The Investigator submitted that the amendment merely clarified the legislative basis of the charge and did not alter any defences available to the Respondent.

[14] Counsel for the Respondent opposed the amendment. The Respondent's defence and submissions had been prepared and filed on the basis of regulations 59 and 70 only. Introducing a further regulatory basis on the eve of the hearing left no opportunity to take advice on, or marshal evidence in response to, the new regulation.

[15] The Board accepts that section 156A confers a discretion to permit the amendment of charges, but the discretion must be exercised consistently with the requirements of natural justice; the Respondent must have a fair opportunity to meet the charge as amended. In the particular circumstances of this matter, the Board was satisfied that granting the amendment at this very late stage would unfairly prejudice the Respondent. The application was accordingly declined, and the alternative charge proceeded as originally pleaded.

Withdrawal of the mechanical-protection particular

[16] At the commencement of the hearing, counsel for the Investigator advised the Board that the Investigator would not be offering any evidence in respect of particular (b)

[1] *Z v Dental Complaints Assessment Committee* [2008] NZSC 55.

of the first disciplinary offence - failure to provide mechanical protection to a wiring system located in the roof space - under either the primary or the alternative charge. That particular was, in effect, withdrawn under both alternatives.

[17] The Investigator's case on the first charge accordingly proceeded on particular (a) only, and the Board makes no finding on the mechanical-protection particular.

Evidence at the hearing

[18] The Investigator called three witnesses. Each had filed a brief of evidence, which was confirmed at hearing. What follows is the Board's brief summary of the evidence given.

[19] [OMITTED] (complainant and property owner): His brief set out the contractual arrangement with [OMITTED] for an off-grid solar power system, the chronology of the installation works at the property, the issues he identified with the system (including commissioning on 8 September 2023 without an ROI, his concerns about the supervised apprentice, the damaged generator cable repair, malfunction of the system and the roof-cavity wiring), and the events that led to his complaint. At hearing, [OMITTED] also gave evidence about his sourcing of the generator and denied that he had behaved in a volatile or threatening way towards the Respondent.

[20] [OMITTED] (Electrical Inspector): His brief set out the chronology: he met the Respondent at the property on 7 September 2023 as a courtesy while works were progressing; he next attended on 29 September 2023, when the system was not working; and he issued the ROI on 27 November 2023. The principal issue at hearing was whether he had authorised the Respondent to liven the installation on 8 September 2023. His evidence was that he had no recollection of having done so, and that it was not his usual practice to give verbal authority to liven, but he conceded he may have slipped up and could not rule out that some indication had been given in passing. He also confirmed he had inspected many of Mr Crum's jobs over the years without any prior issue, and that the ROI he eventually issued on 27 November 2023 was without amendment to the work.

[21] Mr Glen McDonald (Technical Advisor): Mr McDonald confirmed his qualifications as a registered Electrical Inspector and his experience in photo-voltaic and renewable- energy systems. He confirmed and adopted his technical advice report, the relevant conclusion of which was that the installation had been made live without an ROI, in breach of regulation 70 of the Regulations. Other matters of non-compliance identified in his report (concerning the MEN configuration and the generator cable repair) were not in the event pursued by the Investigator.

[22] Mr Dylan Crum (the Respondent): Mr Crum gave evidence. He admitted that he had connected and livened the installation on 8 September 2023 without having sighted an ROI; and that he had signed the Certificate of Compliance on 9 September 2023, before the ROI was issued. His evidence was that, having met [OMITTED] on site on 7 September 2023 and discussed the works, he understood [OMITTED] comments to be authorisation to liven. He gave evidence about alleged conduct of the property owner on 8 September 2023 that he said pressured him to leave the site; and about

his reasons for not recording the apprentice on the CoC (concerns he held for the apprentice's welfare).

Facts established at the hearing

[23] Having regard to the evidence given at the hearing, the documents before the Board, and the matters not in dispute, the Board records the following:

a. At all material times the Respondent was a licensed Electrician and held a current practising licence.

b. In September 2023 the Respondent was subcontracted by [OMITTED] to install a residential solar photo-voltaic (PV) array system at [OMITTED] (the property). The complainant, [OMITTED], is the property owner. The installation was high- risk PEW. The Respondent was assisted on site by an apprentice whom he supervised.

c. [OMITTED] was the Inspector engaged in respect of the installation. The Respondent connected and livened the installation on 8 September 2023. He did not, at that time, have an ROI from [OMITTED]. The Respondent signed the CoC dated 9 September 2023, certifying the installation as lawful and complete. [OMITTED] did not in fact issue the ROI until 27 November 2023, some two and a half months later.

d. The Respondent's evidence was that he understood, from a conversation with [OMITTED] on site, that he was authorised to liven. [OMITTED] had no recollection of giving such an authorisation but could not rule out that something to that effect may have been said. The Board accepts that, on the Inspector's own evidence, the possibility of an informal verbal indication cannot be excluded.

e. The Respondent issued a CoC dated 9 September 2023 in respect of the work, certifying the installation as lawful and electrically safe. The CoC did not record the apprentice's name; the Respondent's evidence was that he omitted it because of safety concerns he had for the apprentice.

f. The Technical Advisor, Mr McDonald, in a report dated 27 August 2025, opined that the system had been made live without an ROI in breach of the Regulations.

Board's Decision

<u>First Disciplinary Offence (section 143(a)(i) or, in the alternative, section 143(a)(ii))</u>

[24] The first disciplinary offence is pleaded in two alternatives, primarily under section 143(a)(i) of the Act (negligent or incompetent PEW), and in the alternative under section 143(a)(ii) (PEW contrary to an enactment). The particulars under both alternatives are common: (a) connecting and livening the PV installation before sighting an ROI; and (b) failing to provide mechanical protection to the roof-space wiring. As recorded above, particular (b) was withdrawn by the Investigator at the commencement of the hearing under both alternatives. The Board is therefore

concerned only with whether particular (a) is made out, and (if so) under which of the two alternatives the conduct is most appropriately dealt with.

Negligence

[25] Negligence, in a disciplinary context, is the departure by an electrical worker, while 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* test of negligence which has been adopted by the New Zealand Courts.[2]

[26] The New Zealand Courts have stated that an assessment of negligence in a disciplinary context is a two-stage test.[3]

[27] The first is for the Board to consider whether the practitioner has departed from the acceptable standard of conduct. The second is to consider whether the departure is significant enough to warrant a disciplinary sanction.

[28] In assessing the acceptable standard, the Board has reference to the conduct of other competent and responsible practitioners and to its own assessment of what is appropriate, bearing in mind the purposes of the Act - including protecting the health and safety of the public, and preventing damage to property, in connection with the supply and use of electricity. The test is objective.

[29] Applying that approach, the acceptable standard requires that an electrician carrying out high-risk PEW must not connect and liven the installation until a signed ROI has been sighted. The signed ROI is the Inspector's written record that the installation has been inspected and is electrically safe. The requirement is not optional, and it is not satisfied by a verbal indication that the work may be livened. It is a fundamental procedural safeguard for the protection of the public.

[30] The Respondent accepts that he connected and livened the installation on 8 September 2023 without having sighted a signed ROI. He submits that regulation 70 of the Regulations requires only that the work be inspected, and that as [OMITTED] attended and inspected the work the requirement was met. The Board accepts that, on review of regulation 70 alone, the regulation is concerned with the conduct of the inspection rather than the issue or sighting of a written ROI. The requirement to sight a written ROI before connecting an installation to the power supply is, however, found in regulation 73A(1)(d) of the Regulations.

[31] The Board notes for completeness that the Investigator sought to amend the alternative charge under section 143(a)(ii) to add a reference to regulation 73A. For the reasons set out earlier, the Board declined the amendment, and the alternative charge proceeded as originally pleaded. That does not, however, preclude the Board from considering the regulatory regime as a whole on the primary charge under section 143(a)(i). Read together, regulations 70, 72 and 73A establish that high-risk PEW must be inspected, the inspection must be recorded in a written ROI, and the

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

[3] *Martin v Director of Proceedings* [2010] NZAR 333 (HC); *F v M* 3 *edical Practitioners Disciplinary Tribunal* [2005] NZLR 774 (CA).

ROI must be sighted before the installation is connected to the power supply. The standard of conduct of a competent registered electrician reflects that scheme.

[32] The first charge under section 143(a)(i) alleges, as particularised, that the Respondent connected and livened the installation before sighting an ROI. The Respondent's admission, recorded above, establishes that fact. The documentary evidence confirms it: the CoC bears the date 9 September 2023, while the ROI is signed and dated 27 November 2023. The CoC was thus signed some two and a half months before the ROI was issued, when in the ordinary course the ROI (as the Inspector's written record that the installation is electrically safe) should have preceded the CoC. That is a clear departure from the standard expected of a competent registered electrician.

[33] The Respondent's reliance on his on-site conversation with [OMITTED], and his evidence about the property owner's alleged conduct pressuring him to leave the site, do not assist him. The Board makes no finding on the property owner's alleged conduct; it stands as background context only and would not, in any event, excuse a departure from the standard required of a registered electrician. The departure is established and is sufficiently significant to warrant a disciplinary sanction. The conduct sits at the lower end of the negligence spectrum, but is plainly within it.

[34] The Board finds, by majority, that the first disciplinary offence under section 143(a)(i) is established.

[35] The same conduct also engages the alternative under section 143(a)(ii). A finding of negligence under section 143(a)(i) is, however, the more serious characterisation and most appropriately reflects what the Respondent did. The Board accordingly proceeds on the section 143(a)(i) finding and makes no separate finding on the alternative.

Second Disciplinary Offence (section 143(f))

[36] The second disciplinary offence is laid under section 143(f) of the Act, which makes it a disciplinary offence to provide a false or misleading return. The particulars are: (a) failure to include details of persons supervised on the CoC; and (b) certifying the installation as lawful when there were aspects of the installation that were not.

[37] The Respondent accepts that he did not record his apprentice's name on the CoC. He submits that the omission of a junior staff member's name does not render the CoC false or misleading. The Board does not accept that submission. The CoC is a statutory record identifying who carried out the PEW and who was supervised in doing so. Leaving the apprentice off the "[n]ames of person(s) supervised" field conveys, on its face, that no person was supervised - when, in fact, the apprentice was both present and supervised. That is a false or misleading return for the purposes of section 143(f).

[38] The Respondent's explanation was that he had safety concerns for the apprentice in light of his perception of the property owner's conduct. The Board does not doubt that those concerns were genuinely held but they do not justify the omission. Accurate recording of supervised personnel on a CoC is a fundamental record-

keeping requirement: it is how readers of the certificate know who carried out, and who was supervised in carrying out, the prescribed electrical work. The Respondent's welfare concern could have been managed in other ways consistent with that requirement. Particular (a) is established.

[39] Particular (b) is also established. Regulation 65 of the Regulations sets the conditions under which an installation may be deemed electrically safe. For high-risk PEW, those conditions require an ROI. At the time the Respondent signed the CoC, he did not have an ROI. The installation could not, in those circumstances, be deemed electrically safe, and the CoC certifying the installation as lawful and complete was therefore false or misleading.

Penalty, Costs and Publication

[40] Having found that one or more of the grounds in section 143 applies, the Board must, under section 147M of the Act,[4] consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay a fine, any costs and whether the decision should be published.

[41] Following the Board's indication that the first and second disciplinary offences were made out, counsel for the Investigator made oral submissions on penalty at the hearing. Counsel for the Respondent advised that she had not prepared submissions on penalty, given that the late amendment application and the no-evidence position on particular (b) meant the precise nature of the charge made out was uncertain at hearing. Counsel asked for time to file written submissions on penalty, with the matter then to be deliberated on the papers.

[42] The Board granted that application. The Respondent's submissions were filed on 7 April 2026 (within the two weeks directed) and the Investigator's reply on 8 April 2026. The Board deliberated on penalty on the papers on 13 April 2026.

Penalty

[43] In exercising the discretion under section 147M of the Act, the Board balances the seriousness of the conduct and any aggravating and mitigating factors, and has regard to the established principles in this jurisdiction: protection of the public; deterrence of the Respondent and others from similar offending; setting and enforcing a high standard of conduct; penalising wrongdoing; and rehabilitation where appropriate.[5] The Board reserves the maximum penalty for the worst cases and applies the least restrictive penalty available, imposing a sanction that is fair, reasonable and proportionate, and consistent with penalties imposed in comparable

[4] Section 147M of the Electricity Act 1992 sets out the orders the Board may make where it is satisfied that a person is guilty of a disciplinary offence, including cancellation, suspension, restriction, disqualification, training orders, a fine not exceeding $10,000, censure, or no order. Section 147M(3) permits a fine under subsection (1)(f) to be imposed in addition to action under subsections (1)(b), (c), (e) or (g).

[5] *Ellis v Auckland Standards Committee 5* [2019] NZHC 1384 at [21]; *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28]-[29]; *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354 (deterrence and proportionality); *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724 (high standards); *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27 (penalising wrongdoing); *Shousha v A Professional Conduct Committee* [2022] NZHC 1457 (rehabilitation).

matters.[6] The Board adopts a starting point and then adjusts for aggravating and mitigating factors.[7]

[44] The Investigator submits that the appropriate penalty is twofold:

a. an order under section 147M(1)(d)(ii) and (2) of the Act disqualifying the Respondent from doing or assisting in doing PEW involving PV arrays until he completes a competence programme or course in PV array installation to the Board's satisfaction (an education order); and

b. a fine, with a starting point of $3,000 by reference to *Southon*,[8] with a modest discount of up to 20% for the Respondent's previously clean disciplinary record. The Investigator submits the offending falls in the middle band for PV array disciplinary matters, and emphasises that a finding of negligence is more serious than the alternative finding of acting contrary to an enactment.

[45] The Respondent submits that the offending falls at the lower end of the scale of seriousness, is appropriately marked by a fine alone (no education order being necessary), and that an appropriate starting point is $1,000 by reference to *Tobin*,[9] reduced by 50% for mitigating factors to a fine of $500.

Comparable cases

[46] The Board has considered the comparable cases referred to by counsel, in particular: *Southon* (negligent PV array work and false or misleading CoC; starting point $3,000); *Tobin* (livening a PV array without inspection and an incorrect CoC; starting point $1,000, fine $500, costs $250); *Kumar* (failure to sight an ROI and certifying as lawful when not; fine $350, costs $250); *MBIE v Carroll*[10] (negligence and false return; starting point $2,000, reduced to $1,000); and the earlier non-PV decisions in *MBIE v Coleman*[11] and *MBIE v McCall*[12] (negligence and CoC issues, but not PV array work; starting points of $1,500).

[47] PV array work carries its own duties, risks and responsibilities, and the Board considers *Southon* and *Tobin* to be the most directly comparable. The Respondent's offending sits closer to *Tobin*: it is a procedural failure to sight a signed ROI, in circumstances where the Inspector had attended and inspected, the installation was tested, working and ultimately certified compliant, and no actual safety risks arose. The Board adopts $1,000 as the starting point.

[6] *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354 (maximum reserved for the worst cases; proportionality and consistency); *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818 (least restrictive sanction).

[7] *Lochhead v Ministry of Business Innovation and Employment* [2016] NZDC 21288, 3 November 2016 (recommending the Board adopt the approach in the Sentencing Act 2002).

[8] *Ministry of Business, Innovation and Employment v Southon* [2024] EWRB 22769.

[9] *Ministry of Business, Innovation and Employment v Tobin* [2025] EWRB 22893.

[10] *Ministry of Business, Innovation and Employment v Carroll* [2025] EWRB 22860.

[11] *Ministry of Business, Innovation and Employment v Coleman* [2021] EWRB 22336.

[12] *Ministry of Business, Innovation and Employment v McCall* [2020] EWRB] 22268.

Mitigating factors

[48] The Board has had regard to the mitigating factors submitted by the Respondent, and to the Investigator's responses to them:

a. this is the Respondent's first appearance before the Board, in some 20 years in the trade. The Investigator accepts this as a mitigating factor and the Board agrees;

b. the Respondent honestly (though mistakenly) believed that the Inspector had given him a verbal indication that he could liven. On the Inspector's own evidence at the hearing, the Board cannot rule out that some such indication was given. The Board does not consider this to be a mitigating factor.

c. the Inspector did in fact attend and inspect the installation before livening, and ultimately issued an ROI in respect of the work without amendment. The procedural breach occurred in circumstances where the underlying inspection step had been taken, even if the recording step had not. The Board gives this limited weight;

d. no actual safety incident occurred and the conduct sits at the lower end of the negligence spectrum, which the Board accepts;

e. the Investigator submits that the Respondent's "cooperation" is overstated, given that his account of the verbal indication evolved during the proceedings. The Board accepts the account shifted to some extent, but treats his overall engagement - including partial concessions narrowing the matters in dispute at hearing - as a modest mitigating factor;

f. the Respondent's post-hearing upskilling steps (working with a new Inspector, adopting lock-out procedures, attending a Master Electrician event) reflect appropriate rehabilitative effort, which the Board takes into account.

[49] Having regard to the accepted mitigating factors set out above, the Board reduces the starting point of $1,000 to an end-point of $600, imposed as a fine under section 147M(1)(f) of the Act.

[50] An education order under section 147M(1)(d)(ii) of the Act is not necessary. The Respondent's evidence demonstrated familiarity with PV-array installation generally; the failure here was not one of technical competence but of failing to follow a fundamental procedural safeguard. The findings and the fine are together sufficient to mark the conduct and deliver a proportionate response.

Costs

[51] Under section 147N of the Act, the Board may require the Respondent to pay any sum it considers just and reasonable towards the costs and expenses of, and incidental to, the investigation, prosecution and hearing. The High Court has held

that 50% of total reasonable costs is the starting point in disciplinary proceedings, to be adjusted up or down for the particular circumstances of the case.[13]

[52] The Board's approach is to use a scale based on 50% of the average costs of simple, moderate and complex hearings. This matter proceeded as a defended in person hearing of approximately half a day on liability, with penalty determined on the papers.

[53] The Investigator submitted that the appropriate costs award was $4,500, by reference to the scale for a full day defended hearing (on a complex scale).

[54] The Respondent submits that costs should be $250 in line with *Tobin*, and points to two factors said to reduce the appropriate award: (i) that the absence of an Agreed Statement of Facts is not properly attributable to him because particular (b), which the Investigator did not in the event press, was retained in the charges until the hearing; and (ii) that the late and unsuccessful application by the Investigator to amend the alternative charge required urgent attention by the Respondent's counsel and increased the costs of the proceeding.

[55] The Board does not accept that the present matter is properly characterised as a full day complex defended hearing for costs purposes nor was it done by way of an Agreed Statement of Facts to attract costs of $250.

[56] The Board considers this case to be moderately complex. The Board's scale amount for a *moderate* complexity half-day in person hearing is $1,575 (a full day would equate to $3,150).

[57] Taking into account the late and unsuccessful amendment application and the withdrawal of particular (b), and adopting a starting point of $1,575 from the moderate-category scale, the Board orders costs of $750 under section 147N of the Act.

Publication

[58] The Respondent's name and the disciplinary outcomes will be recorded in the Public Register as required by the Act.[14] Under section 147Z of the Act, the Board may also direct the Registrar, if no appeal is brought within 20 working days, to publish a notice in the Gazette and any other publications the Board directs, stating the effect of and reasons for the decision and (unless the Board directs otherwise) the name of the person concerned.

[59] Further public notification may be required where the Board perceives a need for the public or the profession to know of the findings of a disciplinary hearing, in addition to the Respondent being named in this decision.

[13] *Cooray v The Preliminary Proceedings Committee*, HC Wellington, AP23/94, 14 September 1995 (50% starting point); *Collie v Nursing Council of New Zealand* [2001] NZAR 74 (rationale for costs orders against practitioners); *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*, CIV-2011-485-000227, 8 August 2011 at [46]-[47] (no mathematical approach).

[14] Refer section 128 of the Act.

[60] The principle of open justice is enshrined in the New Zealand Bill of Rights Act 1990.[15] The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction.[16] Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive. The High Court provided guidance as to the types of factors to be taken into consideration in *N v PCC*.[17]

[61] 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.[18] 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.

[62] The Investigator submits there is sufficient public interest in publication of this decision in the usual form, with the Respondent named in a separate Electron article, particularly given that the matter proceeded as a defended hearing in which evidence was contested.

[63] The Respondent submits that the impact of further publication on him outweighs the gravity of the offending, and that an *Ayres*-style approach (a generalised article in the Electron summarising the lessons, without naming him) is the appropriate course.[19]

[64] Publication of a disciplinary decision will, in the ordinary course, have some impact on the practitioner. The Respondent's case on the personal, professional and financial impact of these proceedings was advanced in submissions only; no evidence was filed on which the Board could assess hardship of the kind contemplated by *N v PCC*. On the materials before it, the Board is not satisfied that the Respondent has discharged the threshold for name suppression. The Respondent will accordingly be named in this decision, which will be published in the usual form on the Board's website.

[65] The purpose of an Electron article is to provide guidance to the wider electrical-worker community on the issues addressed in the decision. The Board considers that a general article focused on the lesson - the importance of sighting a signed ROI before connecting and livening high-risk PEW - without naming the Respondent, appropriately serves that educational purpose in this case.

Penalty, Costs and Publication Orders

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

Penalty: **Pursuant to section 147M(1)(f) of the Act, the Respondent is ordered to pay a fine of $600.00**

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[15] Section 14 of the New Zealand Bill of Rights Act 1990.

[16] Refer sections 200 and 202 of the Criminal Procedure Act 2011.

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

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

[19] *Ministry of Business, Innovation and Employment v Ayres* [2023] EWRB 22678.

Costs: **Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of $750.00 (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, which will be publicly available.

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's name will not be published in the Electron article.

Right of Appeal

[67] The right to appeal Board decisions is provided for in sections 147ZA and 147ZB of the Act.[i]

Signed and dated this 5th day of June 2026

T Wiseman

Presiding Member

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[i] ***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.