

Before the Electrical Workers Registration Board

CE No. 22154
Electrical Worker: Tony Ellmers (the Respondent)
Registration Number: E 1679
Electrical Worker Number: EW 045790
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: Palmerston North
Hearing Type: In Person
Hearing Date: 21 February 2020
Decision Date: 3 March 2020

Board Members Present:

Mel Orange (Presiding)
Monica Kershaw, Registered Electrician
Jane Davel, Lay Member
Russell Keys, Registered Inspector
Ashley 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(b)(ii), 143(a)(ii) and 143(f) of the Act.

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Introduction

- [1] 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.
- [2] 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 December 2017 at [REDACTED] Mr Tony Ellmers 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 conduit for photovoltaic (PV) Array cables that did not identify it as being used for DC cables; and/or
 - b) installed unsupported wiring and conduit without fixing; and/or
 - c) installed conduit that was not ultraviolet (UV) protected and marked as SOLAR; and/or
 - d) installed PV Array cables in a manner that exposed components to detrimental environmental effects; and/or

- e) installed two equipotential bonding conductors which were joined and extended by a smaller incorrectly sized conductor connected to a local distribution board; and/or
- f) signage and labels were missing from the external meter board and main switchboard; and/or
- g) did not issue commissioning documentation for the homeowner as required by AS/NZS 5033:2012

In breach of regulations 6A, 13, 22, 59, 70, 73A of the Electricity (Safety) Regulations 2010.

Or in the Alternative

2. On or around December 2017 at [REDACTED] Mr Tony Ellmers 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 conduit for photovoltaic (PV) Array cables that did not identify it as being used for DC cables; and/or
 - b) installed unsupported wiring and conduit without fixing; and/or
 - c) installed conduit that was not ultraviolet (UV) protected and marked as SOLAR; and/or
 - d) installed PV Array cables in a manner that exposed components to detrimental environmental effects; and/or
 - e) installed two equipotential bonding conductors which were joined and extended by a smaller incorrectly sized conductor connected to a local distribution board; and/or
 - f) signage and labels were missing from the external meter board and main switchboard; and/or
 - g) did not issue commissioning documentation for the homeowner as required by AS/NZS 5033:2012

Second Alleged Disciplinary Offence

3. On or around December 2017 at [REDACTED] Mr Tony Ellmers 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) livened a PV Array system prior to it being inspected; and/or
 - b) installed AC circuit breakers used for a DC application; and/or

- c) installed PV Array cables without sufficient support; and/or
- d) Installed PV Array cables through a building structure with no mechanical protection; and/or
- e) installed cables that were exposed to direct solar radiation; and/or
- f) installed cables where the primary support was inadequate; and/or
- g) installed equipotential bonding conductors that were non-compliant; and/or
- h) did not adequately segregate AC and DC circuits operating at different voltages.

Third Alleged Disciplinary Offence

4. On or around December 2017 at [REDACTED] Mr Tony Ellmers has failed to provide a return required under any enactment related to prescribed electrical work being an offence under section 143(f) of the Act, IN THAT, he failed to issue an Electricity Safety Certificate.

Fourth alleged Disciplinary Offence

5. On 31 December 2017 at [REDACTED] Mr Tony Ellmers has issued a false and misleading return relating to prescribed electrical work being an offence under section 143(f) of the Act, IN THAT, he issued a Certificate of Compliance for a non-compliant installation.

- [3] 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.
- [4] No Board Members declared any conflicts of interest in relation to the matters under consideration.

Function of Disciplinary Action

- [5] 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.
- [6] 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:

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

“... 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.”

- [7] 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

- [8] The matter proceeded on the basis of an Agreed Statement of Facts.
- [9] The appearance of the Investigator and Counsel for the investigator was excused.

Evidence

- [10] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed⁴. The Board notes that 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] The Agreed Statement of Facts set out the following, the Respondent was engaged by [REDACTED] to install a Photovoltaic (PV) array at the Property. The installation consisted of 10 DC PV panels in 2 strings of 5, mounted on the roof of the Property.
- [12] Approximately one year after the installation the homeowner of the Property sought reassurance that the PV Array installation was compliant by obtaining an independent inspection from an Electrical Inspector. A complaint was made. The Investigator sought a Technical Advisors report from Mr David Olsen (I 245614) who produced a report.
- [13] In the Respondent accepted that he had committed the offences as outlined in the Notice of Proceeding leaving it open to the Board to decide which of the two alternatives to the First Charge applied.
- [14] The Respondent provided a response to the allegations noting:
- ... he did the work to help [REDACTED] who could not get the house electrician to do the work due to him being too busy and except that I did not have the experience or knowledge to undertake this work. [REDACTED] pressured me to undertake the work leading up to Christmas 2017 and I did*

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

not spend the time required in researching the requirements required in doing this type of work.

Due to lack of knowledge missed the direction in AS/NZ3000 for using the required standard for this type of work.

I except that there is uncompliant work due to me not following the required standard but still believe that the installation was not unsafe, I also except that in the future there was a possibility of deterioration in the installation that could cause issues but like any electrical installation in the environment should and would require constant maintenance throughout its life time.

I was unaware that this was [REDACTED] first install of a solar system and had expected that he knew what they were doing in regards the panel and framing install and that he would have given his client the required documentation for warranties, maintenance etc. Due to the framing issue this caused issues installing cabling for me between panels and main framing also the equipment supplied some of which did not comply due to being misled by his supplier.

I except that the COC was incorrect and no ESC filled out this was not deliberate as I genuinely had thought that the work was standard low voltage being 179 Volts DC and less than 10amps per string so being general work and not requiring inspection. Also, I had up to that stage used separate COC and ESC forms and believed that ESC were used in replacing like for like equipment in normal general repairs and had only just started using combined forms and believed that the COC section applied.

As advised have apologized for my actions and the client should have expected more from me than what I provided. Also as advised this was a one off, I have not been involved in any other solar systems over this period and have no attention doing any solar work as I do not have the experience or knowledge to do so. Also, I had at the time I asked [REDACTED] to audit me to sort out my processes regarding compliance, testing, reporting, health and safety so this doesn't happen again. Also, this has been a wakeup call to me to take the time in understanding the electrical requirements of job before starting and if I don't have the knowledge to turn the job away. To test and correctly fill out required paperwork so the customer has confidence in what we have done. The system has just been reinstalled correctly for the customer and so we have been asked to assist in covering half the cost for this work so will be sorting this out with [REDACTED] insurer shortly.

As a general comment I now understand since I connected the solar system that I have become responsible for the whole installation but it is a little hard to take that [REDACTED] the main contactor has taken very little responsibility for what he has done, no damage to his reputation and very

little monetary cost has his insurer has picked up that bill, unlike myself who's insurer will not cover this.

- [15] The Respondent also stated, in response to the complaint that he was sorry the client had to go through this and should have expected and received more.
- [16] 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 summary.

Board's Conclusion and Reasoning

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

First Alleged Disciplinary Offence

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 conduit for photovoltaic (PV) Array cables that did not identify it as being used for DC cables; and/or
- (b) installed unsupported wiring and conduit without fixing; and/or
- (c) installed conduit that was not ultraviolet (UV) protected and marked as SOLAR; and/or
- (d) installed PV Array cables in a manner that exposed components to detrimental environmental effects; and/or
- (e) installed two equipotential bonding conductors which were joined and extended by a smaller incorrectly sized conductor connected to a local distribution board; and/or
- (f) signage and labels were missing from the external meter board and main switchboard; and/or
- (g) did not issue commissioning documentation for the homeowner as required by AS/NZS 5033:2012

In breach of regulations 6A, 13, 22, 59, 70, 73A of the Electricity (Safety) Regulations 2010.

Second Alleged Disciplinary Offence

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) livened a PV Array system prior to it being inspected; and/or
- (b) installed AC circuit breakers used for a DC application; and/or
- (c) installed PV Array cables without sufficient support; and/or
- (d) Installed PV Array cables through a building structure with no mechanical protection; and/or
- (e) installed cables that were exposed to direct solar radiation; and/or
- (f) installed cables where the primary support was inadequate; and/or
- (g) installed equipotential bonding conductors in a way that were non-compliant; and/or
- (h) did not adequately segregate AC and DC circuits operating at different voltages.

Third Alleged Disciplinary Offence

Failed to provide a return required under any enactment related to prescribed electrical work being an offence under section 143(f) of the Act, IN THAT, he failed to issue an Electricity Safety Certificate.

Fourth alleged Disciplinary Offence

Issued a false and misleading return relating to prescribed electrical work being an offence under section 143(f) of the Act, IN THAT, he issued a Certificate of Compliance for a non-compliant installation.

[18] The Board reached its decision on the basis of the Agreed Statement of Facts and the Respondent's acceptance of wrongdoing.

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

First Charge

[20] The first charge was laid in the alternatives of negligence or incompetence under section 143(a)(i) and contrary to an enactment under section 143(a)(ii) of the Act.

[21] Negligence is the departure by an electrical worker, whilst carrying out or supervising prescribed electrical work, from an accepted standard of conduct. It is judged against those of the same class of licence as the person whose conduct is being inquired into. This is described as the *Bolam*⁵ test of negligence which has been adopted by the New Zealand Courts⁶.

⁵ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

⁶ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

- [22] The New Zealand Courts have stated that assessment of negligence in a disciplinary context is a two-stage test⁷. The first is for the Board to consider whether the practitioner has departed from the acceptable standard of conduct of a professional. The second is to consider whether the departure is significant enough to warrant a disciplinary sanction.
- [23] In *Collie v Nursing Council of New Zealand*⁸ 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.

- [24] Contrary to an enactment, however, is a form of strict liability offence in that all that need be proven is that the relevant enactment has been breached – in the instance the Electricity (Safety) Regulations 2010 or any of the cited standards within Schedule 2 of the Regulations. The Board does not need to find that there was intention, fault or negligence⁹. 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.*

- [25] The Respondent accepted that he had carried out prescribed electrical work that did not meet the required standards. As such the elements of contrary to an enactment under section 143(a)(ii) of the Act had been met. The Board did not however, consider that the contraventions were serious enough to warrant a finding of negligence.

Second Charge

- [26] The Board's finding with respect to the second charge was that the Respondent had created a risk of serious harm to any person, or a risk of significant property damage.
- [27] It should be noted that serious harm is defined in section 2 of the Act. It means:

⁷ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

⁸ [2001] NZAR 74

⁹ *Blewman v Wilkinson* [1979] 2 NZLR 208

*death; or
injury that consists of or includes loss of consciousness; or
a notifiable injury or illness as defined in section 23 of the Health and
Safety at Work Act 2015.*

- [28] Significant property damage is not defined in the Act. Section 16(1)(b)(ii) of the Act, which relates to notification of accidents, also refers to serious harm and to property damage. In respect of damage it requires notification where there is:

damage to any place or part of a place that renders that place or that part of that place unusable for any purpose for which it was used or designed to be used before that accident.

- [29] As section 16 refers to both serious harm and to damage the Board considers significant property damage in section 143(b)(ii) should be interpreted in line with the definition in section 16(1)(b)(ii).
- [30] Actual serious harm or significant property damage need not occur. There need only be a risk that either might occur. The risk must be real in that there needs to be a material or substantial possibility, chance or likelihood that serious harm or significant property damage will occur. A real risk has also been described as one that a reasonable person would not brush aside as being far-fetched or fanciful¹⁰.
- [31] The Board found, on the basis of the evidence heard, and the Respondent's acceptance of the charge, that a risk of serious harm or significant property damage existed. In this respect it should be noted that any one of the compliance failings would have been sufficient for the Board to have made its finding.

Certification

- [32] The final two charges relate to the failure to provide an electrical safety certificate and to the provision of a false or misleading return. Failure to provide is a strict liability offence and with regard to false or misleading returns the intention of the issuer is irrelevant¹¹.
- [33] The returns referred to are issued under the Regulations. There is a requirement that an Electrical Safety Certificate be 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. 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.
- [34] The Respondent accepted that he had failed to provide an Electrical Safety Certificate and that the Certificate of Compliance was false or misleading. The Board agreed. It did note, however, that there was a degree of commonality between the

¹⁰ Overseas Tankship (UK) Ltd v Miller Steamship Co Pty Ltd (The Wagon Mound No 2) [1967] 1 AC 617

¹¹ Taylor Bros Ltd v Taylor Group Ltd [1988] 2 NZLR 1

charges. The Board decided to deal with them as one matter when considering penalties.

Penalty, Costs and Publication

- [35] Having found that one or more of the grounds in section 143 applies the Board must, under section 147M of the Act¹, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [36] The Respondent made submissions at the hearing as regards penalty, costs and publication. He noted the matters raised in the Agreed Statement of Facts which included that he has since been audited by ██████████ and that he no longer undertakes work that he is not competent to carry out. The Respondent also gave evidence as to changes he has made within his business with regard to testing and certification.

Penalty

- [37] 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*¹² 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.

- [38] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*¹³ 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 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.
- [39] The Board noted that the most appropriate penalty in this instance was a fine. The Board adopted a starting point of a fine of \$4,000. It took into consideration the fact that the matter proceeded by way of an Agreed Statement of Facts within which the Respondent accepted culpability and it reduced the fine by \$1,000. The Board also recognised that the Respondent had learnt from the matter, had changed his

¹² HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

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

business practices as a result and that he was remorseful. A further reduction of \$1,000 was granted on the basis of those factors. The final fine was set at \$2,000.

Costs

- [40] 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.
- [41] 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 case¹⁴.
- [42] In *Collie v Nursing Council of New Zealand*¹⁵ 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.

- [43] Based on the above the Board's costs order is that the Respondent is pay the sum of \$500 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

- [44] As a consequence of its decision the Respondent's name and the disciplinary outcomes will be recorded in the public register as required by the Act¹⁶. The Board can, pursuant to section 147Z of the Act, also order publication over and above the public register notation. Under section 147Z the Board may, if no appeal is brought within 20 working days of its decision, direct the Registrar to cause a notice stating the effect of the decision or order, the reasons for the decision or order, and (unless the Board directs otherwise) the name of the person in respect of whom the decision or order was made, to be published in the Gazette and any other publications as may be directed by the Board.
- [45] As a general principle such further public notification may be required where the Board perceives a need for the public and/or the profession to know of the findings of a disciplinary hearing. This is in addition to the Respondent being named in this decision.
- [46] Within New Zealand there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990¹⁷. The Criminal Procedure Act 2011 sets out

¹⁴ *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.

¹⁵ [2001] NZAR 74

¹⁶ Refer sections 128 of the Act

¹⁷ Section 14 of the Act

grounds for suppression within the criminal jurisdiction¹⁸. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive¹⁹. 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*²⁰.

- [47] The courts have also stated that an adverse finding in a disciplinary case usually requires that the name of the practitioner be published in the public interest²¹. It is, however, common practice in disciplinary proceedings to protect the names of other persons involved as naming them does not assist the public interest.
- [48] Based on the above the Board will order further publication. An article will be published in the Electron which will focus on the need to work within a practitioner's competence. The Respondent will not be named or identified in the article.
- [49] 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.

Penalty, Costs and Publication Orders

- [50] 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 \$2,000.

Costs: Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$500 (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.

In terms of section 147Z of the Act, there will not be action taken to publicly notify the Board's action.

- [51] 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.

¹⁸ Refer sections 200 and 202 of the Criminal Procedure Act

¹⁹ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

²⁰ *ibid*

²¹ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

Right of Appeal

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

Signed and dated this 3rd day of March 2020



Mel 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.