

Before the Electrical Workers Registration Board

CE No. 22463
Electrical Worker: Phillip Horncastle (the Respondent)
Registration Number: I 260931
Electrical Worker Number: EW 115166
Registration Class: Inspector

Decision of the Board in Respect of the Conduct of an Electrical Worker Under section 147G and 147M of the Electricity Act 1992

Hearing Location: Blenheim
Hearing Type: In Person
Hearing and Decision Date: 19 August 2022

Board Members Present:

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

Appearances: A Miller for the Investigator

Procedure:

The matter was considered by the Electrical Workers Registration Board (the Board) under the provisions of Part 11 of the Electricity Act 1992 (the Act), the Electricity (Safety) Regulations 2010 (the Regulations) and the Board's Disciplinary Hearing Rules.

Board Decision:

The Respondent **has** committed disciplinary offences under sections 143(a)(i) and 143(f) of the Act.

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Summary of the Board’s Decision

- [1] The Respondent carried out prescribed electrical work in a negligent manner and provided a false or misleading certification. He is fined \$1,500¹ and ordered to pay costs of \$250. A record of the disciplinary offending will be recorded on the Public Register for a period of three years.

Introduction

- [2] The hearing resulted from a complaint about the conduct of the Respondent and a report under section 147G(1) of the Act from the Investigator that the complaint should be considered by the Board.
- [3] The Respondent was served with a notice setting out the alleged disciplinary offences the Investigator reported should be considered by the Board. They were:

First Alleged Disciplinary Offence

1. On or around 11 May 2021 at [OMITTED], Mr Phillip Horncastle 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 switchboard without pole fillers in place;

¹ The imposition of a fine was a majority decision of the Board.

- b. Failed to adequately label a residual current device (RCD) installed in the switchboard so that it was readily identifiable as the circuit protective device for outside heaters;
- c. Failed to install the isolation switch for an oven, range, and hood near the appliances in a visible and readily accessible position; and/or
- d. Did not ensure that switchboard terminations were made so that no loosening is likely because of vibration and other factors to which the connections are likely to be subjected in normal service

In breach of regulations ESR 20(1)(a), 20(2)(d) and 59 of the Electricity (Safety) Regulations 2010.

OR IN THE ALTERNATIVE

- 2. On or around 11 May 2021 at [OMITTED], Mr Phillip Horncastle 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 switchboard without pole fillers in place;
 - b. Failed to adequately label an RCD installed in the switchboard so that it was readily identifiable as the circuit protective device for outside heaters;
 - c. Failed to install the isolation switch for an oven, range, and hood near the appliances in a visible and readily accessible position; and/or
 - d. Did not ensure that switchboard terminations were made so that no loosening is likely because of vibration and other factors to which the connections are likely to be subjected in normal service.

Second Alleged Disciplinary Offence

- 3. On or around 11 May 2021 at [OMITTED], Mr Phillip Horncastle has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he falsely certified that the Prescribed Electrical work he carried out was lawful and safe.

[4] Prior to the hearing, the Respondent and the Board were provided with all of the documents the Investigator had in their power or possession.

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

Function of Disciplinary Action

[6] The common understanding of the purpose of professional discipline is to uphold the integrity of the profession. The focus is not punishment, but the protection of the public, the maintenance of public confidence and the enforcement of high standards of propriety and professional conduct. Those purposes were recently reiterated by

the Supreme Court of the United Kingdom in *R v Institute of Chartered Accountants in England and Wales*² and in New Zealand in *Dentice v Valuers Registration Board*³.

- [7] Disciplinary action under the Act is not designed to redress issues or disputes between a complainant and a respondent. In *McLanahan and Tan v The New Zealand Registered Architects Board*,⁴ 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.”

- [8] The Board can only inquire into “the conduct of an electrical worker” with respect to the grounds for discipline set out in section 143 of the Act. It does not have any jurisdiction over contractual matters.

Procedure

- [9] The matter proceeded on the basis of an Agreed Statement of Facts.
- [10] Counsel for the Investigator appeared by audio-visual link.
- [11] Counsel for the Investigator advised that the Investigator was not offering any evidence on particular (d) of the First Alleged Disciplinary Offence, in that the Respondent did not ensure that switchboard terminations were made so that no loosening is likely because of vibration and other factors to which the connections are likely to be subjected in normal service. The Board proceeded on the basis that only particulars (a) to (c) were before it.

Evidence

- [12] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed⁵. 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.

- [13] The Board heard from the Respondent prior to it making a decision.
- [14] As noted, the matter proceeded on the basis of an Agreed Statement of Facts. The Statement set out that on or around May 2021, the Respondent was engaged by to supply and install electrical fittings in relation to the construction of a new dwelling.

² *R v Institute of Chartered Accountants in England and Wales* [2011] UKSC 1, 19 January 2011.

³ [1992] 1 NZLR 720 at p 724

⁴ [2016] HZHC 2276 at para 164

⁵ *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

The Respondent carried out the work, assisted by a trainee, and completed the work on 11 May 2021. The Respondent provided a Certificate of Compliance and Electrical Safety Certificate on completion.

- [15] Following a complaint being made, the Investigator engaged Mr David Olsen, an Electrical Inspector, to provide a technical review of the prescribed electrical work undertaken by the Respondent. He identified, as regards the matters that were before the Board:
- (a) the main switchboard lacked pole fillers allowing direct and indirect access to live parts without the use of a tool in breach of regulations 20(1)(a) and 59 of the Safety Regulations;
 - (b) a residual current device was not labelled in breach of regulation 59 of the Safety Regulations; and
 - (c) an electric hob with an open cooking surface did not have a switch adjacent within view and within two metres, in breach of regulation 59 of the Safety Regulations;
 - (d) the Certificate of Compliance was incorrect, did not contain all the required information and was false or misleading in breach of regulations 66, 67, and 69 of the Safety Regulations.
- [16] The Respondent accepted the above matters and that he had been negligent or incompetent, and that he had provided a false and misleading Certificate of Compliance and Electrical Safety Certificate.
- [17] The general rule is that all facts in issue or relevant to the issue in a case must be proved by evidence. As the Investigator and Respondent agreed to the facts as outlined above, it was not necessary to call any further evidence or to test the evidence as outlined in the Statement.
- [18] At the hearing, the Respondent referred to a degree of confusion in the industry regarding the requirements for isolation switches for ovens, noting that he had consulted with other electrical workers who had different views on what was required to comply

Board's Conclusion and Reasoning

- [19] 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 switchboard without pole fillers in place, failed to adequately label a residual current device in the switchboard so that it was readily identifiable as the circuit protective device for outside heaters and failed to install the isolation switch for an oven, range, and hood near the appliances in a visible and readily accessible position.

- [20] The Board has also decided that the Respondent **has** provided a false or misleading return being an offence under section 143(f) of the Act in that he falsely certified that the prescribed electrical work he carried out was lawful and safe.
- [21] The Board made its decision on the basis of the Agreed Statement of Facts and the Respondent's acceptance that he had committed the above disciplinary offences.
- [22] The reasons for the Board's decisions follow.

Negligence

- [23] The charges 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).
- [24] 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.
- [25] Contrary 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 negligence⁶.
- [26] 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*⁷ 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.*
- [27] 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*⁸ test of negligence which has been adopted by the New Zealand Courts⁹.
- [28] 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*,¹⁰ it was stated as "*an inability to do the job*".

⁶ *Blewman v Wilkinson* [1979] 2 NZLR 208

⁷ Judge McElrea, DC Whangarei, CIV-2011-088-313

⁸ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

⁹ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

¹⁰ *Ali v Kumar and Others* [2017] NZDC 23582 at [30]

- [29] The New Zealand Courts have stated that an assessment of negligence and/or incompetence in a disciplinary context is a two-stage test¹¹. 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.
- [30] 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 Act¹². 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 practitioner¹³.
- [31] 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.]*

- [32] 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.
- [33] There were clear breaches of the Safety Regulations as set out in Mr Olsen's report and as accepted by the Respondent in the Agreed Statement of Facts. In particular, prescribed electrical work had not been completed in accordance with AS/NZS 3000. Under regulation 59 of the Safety Regulations, all prescribed electrical work must be carried out in accordance with AS/NZS 3000:

¹¹ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

¹² *Martin v Director of Proceedings* [2010] NZAR 333 at p.33

¹³ *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

59 Low and extra-low voltage installations to comply with AS/NZS 3000

- (1) *Every low or extra-low voltage domestic installation, or part of a domestic installation, must be installed, tested, inspected, and connected so as to comply with Part 2 of AS/NZS 3000 if it has a maximum demand at or below—*
- (a) *80 amperes per phase if single-phase; or*
- (b) *50 amperes per phase if multi-phase.*

[34] The prescribed electrical work had, therefore, been carried out in a manner that was contrary to an enactment. Further, the Respondent accepted that he had been negligent or incompetent. The Board decided that he had been negligent in that he knew what was required but failed to adhere to those requirements. On that basis, the Board found that the Respondent's conduct had fallen below an acceptable standard.

[35] Turning to seriousness in *Collie v Nursing Council of New Zealand*,¹⁴ 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.

[36] The conduct was serious. The Respondent displayed a lack of care and attention to what was required. As an Inspector, he should have known better.

False or Misleading Certification

[37] The charge under section 143(f) of the Act related to the provision of a false or misleading return. In determining whether a return is false or misleading is a question of fact to be decided objectively, and the intention of the issuer is irrelevant¹⁵.

[38] 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.

¹⁴ [2001] NZAR 74

¹⁵ *Taylor Bros Ltd v Taylor Group Ltd* [1988] 2 NZLR 1

- [39] As the prescribed electrical work had not been carried out in accordance with AS/NZS 3000, it was neither lawfully completed nor was it safe to use. As such, the disciplinary offence has been committed.

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 Actⁱ, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [41] The Respondent made submissions at the hearing as regards penalty, costs, and publication.

Penalty

- [42] 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*¹⁶ 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.

- [43] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*,¹⁷ 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.
- [44] The Respondent has previously appeared before the Board. In July 2021, he appeared in respect of charges under section 143(f) of the Act relating to the failure to provide returns (two charges) and the provision of a false or misleading return (one charge).¹⁸ The Respondent was censured. There were significant mitigating factors present.
- [45] The Board considered an order under section 147M(1)(c)(i) of the Act to restrict the Respondent’s registration and licence to that of an Electrician until such time as he

¹⁶ HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

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

¹⁸ *Horncastle* [2021] EWRB 22369

completed training. The majority of the Board¹⁹ decided that the conduct was not serious enough to warrant such an order and that an order under section 147M(1)(c)(i) may have been warranted if the Board had found that the Respondent had been incompetent. Member Kershaw considered the order should be imposed given that it was the Respondent's second offence in a short period of time and that he had not displayed the level of knowledge expected of an Inspector.

- [46] The majority of the Board adopted a starting point of a fine of \$2,000, an amount that is consistent with fines imposed by the Board for similar offending. The fine was increased to \$3,000 on the basis that there were aggravating factors. Those were that the Respondent had previously appeared before the Board, and that he is an Inspector and more is expected of him. He should be a leader within the industry.
- [47] There were mitigating factors. The Respondent noted that he had moved to an online Certificate of Compliance system as a result of the previous matter that came before the Board so as to address the issues that arose in that complaint and that he had experienced some teething issues which resulted in the failure to provide full particulars. Those teething issues have now been addressed.
- [48] The Respondent also referred to personal issues, including the illness of a family member and COVID-related issues. He stated that he had learnt from the matter and that he is now far more thorough in how he carries out prescribed electrical work and in the checks that he makes on completion. The Respondent has accepted responsibility, and the matter has been dealt with by way of an Agreed Statement of Facts.
- [49] Taking the mitigation into account and, in particular, the acceptance of responsibility, the majority of the Board (Member Kershaw voting against the resolution) decided to reduce the fine to \$1,500.

Costs

- [50] 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.
- [51] 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 case²⁰.
- [52] In *Collie v Nursing Council of New Zealand*²¹ where the order for costs in the tribunal was 50% of actual costs and expenses the High Court noted that:

¹⁹ Under clause 9 of Schedule 2 of the Act, every question before the Board shall be determined by a majority of the votes of the members present at a meeting of the Board.

²⁰ *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.

²¹ [2001] NZAR 74

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.

[53] In *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*,²² the High Court noted:

[46] All cases referred to in Cooray were medical cases and the Judge was careful to note that the 50 per cent was the general approach that the Medical Council took. We do not accept that if there was any such approach, it is necessarily to be taken in proceedings involving other disciplinary bodies. Much will depend upon the time involved, actual expenses incurred, attitude of the practitioner bearing in mind that whilst the cost of a disciplinary action by a professional body must be something of a burden imposed upon its members, those members should not be expected to bear too large a measure where a practitioner is shown to be guilty of serious misconduct.

[47] Costs orders made in proceedings involving law practitioners are not to be determined by any mathematical approach. In some cases 50 per cent will be too high, in others insufficient.

[54] The Board has adopted an approach to costs that uses a scale based on 50% of the average costs of different categories of hearings, simple, moderate and complex. The current matter was simple. Adjustments based on the High Court decisions above are then made.

[55] Based on the above, the Board's costs order is that the Respondent is to pay the sum of \$225 toward the costs of and incidental to the matter. In setting costs, the Board took into account that the Respondent had agreed to the matter proceeding by way of an Agreed Statement of Facts.

Publication

[56] 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 Act²³. 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.

[57] 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

²² CIV-2011-485-000227 8 August 2011

²³ Refer sections 128 of the Act

of a disciplinary hearing. This is in addition to the Respondent being named in this decision.

- [58] Within New Zealand, there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990²⁴. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction²⁵. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive²⁶. 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*²⁷.
- [59] 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 interest²⁸. 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.
- [60] 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

- [61] 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 \$1,500.

Costs: Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$225 (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.

- [62] 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.

²⁴ Section 14 of the Act

²⁵ Refer sections 200 and 202 of the Criminal Procedure Act

²⁶ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

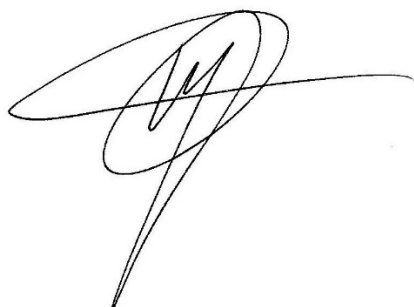
²⁷ *ibid*

²⁸ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

Right of Appeal

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

Signed and dated this sixth day of September 2022



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):*

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- (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.*