

Before the Electrical Workers Registration Board

CE No. 22965

In the matter of:

A disciplinary hearing before the Electrical Workers Registration Board

Between:

The Ministry of Business Innovation and Employment

And

Parveen Kumar a registered and licensed electrical worker (EW144665, EE282921, Electrical Engineer) (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:

Napier

Hearing Type:

Audio Visual Link

Hearing Date:

20 August 2025

Decision Date:

20 August 2025

Board Members Present:

Mr R Keys, Registered Inspector (Presiding)

Mr T Wiseman, Registered Inspector

Ms S Cameron, Registered Electrician

Mr J Hutton, Registered Inspector

Ms L Wright, Barrister

Mr T Tran, Barrister

Mr S Rogers, Registered Electrician

Appearances: S Hendren, counsel for the Investigator and M Johnson, Investigator

P Kumar, self-represented

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 the Respondent committed a disciplinary offence under sections 143(a)(i) and 143(f) of the Act.
- [2] The Board ordered:
- a. Pursuant to sections 147M(1)(e) and 147M(2)(a) and (c), the Respondent must attend a regulations course and sit and pass the regulations exam within 12 months from the date of this decision;
 - b. Costs of \$250;
 - c. The name of the Respondent to be published in this decision but not in the Electron.

Introduction

- [3] 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.
- [4] The Respondent was engaged to carry out prescribed electrical work (PEW) associated with the removal of old heaters, changing of power points, installing a new towel rail, replacing old lights with downlights and replacing old switches at **[Omitted]** on or between 31 August 2024 and 27 October 2024.
- [5] The Respondent was served with a Notice of Proceeding dated 26 June 2025 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 (as served on the Respondent):

First Alleged Disciplinary Offence:

On or around 31 August 2024 – 27 October 2024 at [Omitted] Mr Parveen Kumar 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. Failed to adequately protect live conductors inside an accessible ceiling cavity in a manner preventing inadvertent contact with live parts.*

In breach of AS/NZS 3000:2007 1.5.3, 1.5.4.1 and Electricity Safety Regulations 2010 13, 16, 20(2), 59

Or in the Alternative

On or around 31 August 2024 – 27 October 2024 at [Omitted] Mr Parveen Kumar 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. Failed to adequately protect live conductors inside an accessible ceiling cavity in a manner preventing inadvertent contact with live parts in breach of AS/NZS 3000:2007 1.5.3, 1.5.4.1 and Electricity Safety Regulations 2010 13, 16, 20(2), 59; and/or*
- b. Failed to ensure that a protective earthing conductor connected to a terminal was suitably insulated and enclosed at every lighting point in breach of AS/NZS 3000:2007 5.4.3 and Electricity Safety Regulations 2010 59; and/or*
- c. Failed to ensure that the electrical joint was insulated appropriately or that the joint was enclosed in a junction box in breach of AS/NZS 3000:2007 3.7.2.2, 3.7.3 and Electricity Safety Regulations 2010 59; and/or*
- d. Incorrectly used conductors with green/yellow combination coloured insulation as active conductors when replacing the light switches in breach of AS/NZS 3000:2007 3.8.1 and Electricity Safety Regulations 2010 20(2), 59; and/or*
- e. Failed to ensure that insulated unsheathed cables were enclosed inside a wiring enclosure throughout their entire length i.e. were exposed where the sheath had been removed for termination at recessed downlights in breach of AS/NZS 3000:2007 3.10.1.1, 3.10.1.2 and Electricity Safety Regulations 2010 59.*

Or in the Alternative

On or around 31 August 2024 – 27 October 2024 at [Omitted] Mr Parveen Kumar 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. Failed to adequately protect live conductors inside an accessible ceiling cavity in a manner preventing inadvertent contact with live parts in breach of AS/NZS*

3000:2007 1.5.3, 1.5.4.1 and Electricity Safety Regulations 2010 13, 16, 20(2), 59; and/or

- b. Failed to ensure that a protective earthing conductor connected to a terminal was suitably insulated and enclosed at every lighting point in breach of AS/NZS 3000:2007 5.4.3 and Electricity Safety Regulations 2010 59; and/or*
- c. Failed to ensure that the electrical joint was insulated appropriately or that the joint was enclosed in a junction box in breach of AS/NZS 3000:2007 3.7.2.2, 3.7.3 and Electricity Safety Regulations 2010 59; and/or*
- d. Incorrectly used conductors with green/yellow combination coloured insulation as active conductors when replacing the light switches in breach of AS/NZS 3000:2007 3.8.1 and Electricity Safety Regulations 2010 20(2), 59; and/or*
- e. Failed to ensure that insulated unsheathed cables were enclosed inside a wiring enclosure throughout their entire length i.e. were exposed where the sheath had been removed for termination at recessed downlights in breach of AS/NZS 3000:2007 3.10.1.1, 3.10.1.2 and Electricity Safety Regulations 2010 59.*

Second Alleged Disciplinary Offence:

On or around 31 August 2024 – 27 October 2024 at [Omitted], Mr Parveen Kumar has failed to provide a return being an offence under section 143(f) of the Act, IN THAT, he:

- a. failed to issue a Certificate of Compliance for parts of the installation worked upon by him prior to the connection to an electricity supply, and/or;*
- b. he did not issue an Electricity Safety Certificate for prescribed electrical work connected by him to an electricity supply within 20 working days following its connection.*

In breach of Electricity (Safety) Regulations 2010 65, 73A and 74C.

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

Function of Disciplinary Action

- [8] The common understanding of the purpose of professional discipline is to uphold the integrity of the profession. The focus is not punishment but the protection of the public, the maintenance of public confidence and the enforcement of high standards of propriety and professional conduct. Those purposes were recently reiterated by the Supreme Court of the United Kingdom in *R v Institute of Chartered Accountants in England and Wales*¹ and in New Zealand in *Dentice v Valuers Registration Board*².
- [9] 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 PEW.

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.

Evidence

[10] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed.³ 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.

Procedure

[11] The matter proceeded on the basis of an Agreed Statement of Facts (ASOF), with the Respondent accepting responsibility for the disciplinary offences as outlined in the Notice of Proceeding.

[12] In summary, the ASOF established that:

- a. The Respondent faces two disciplinary offences as outlined in the Notice of Proceeding issued on 26 June 2025. The first disciplinary offence is worded in three alternatives.
- b. The disciplinary offences relate to PEW carried out at **[Omitted]** (the Property).
- c. The Respondent accepts he carried out PEW at the Property and accepts the disciplinary offences as outlined in the Notice of Proceeding. The Respondent accepts each of the three alternative wordings of the first disciplinary offence i.e. that in respect of each example of non-compliant work identified his work was both contrary to an enactment and negligent or incompetent, and that he created a risk of serious harm to people or property by failing to adequately protect live conductors inside an accessible ceiling cavity in a manner preventing inadvertent contact with live parts.
- d. The Respondent was engaged to complete PEW associated with the removal of old heaters, changing of power points, installing a new towel rail, replacing old lights with downlights and replacing old switches at the Property. He did not issue the required certification for the work and was responsible for the non-compliant PEW that was carried out.
- e. The Respondent is a licensed Electrician (EW144665 / EE282921) and at all relevant times was the holder of a current practising license.
- f. The PEW was carried out on or between 31 August 2024 – 27 October 2024.
- g. The Respondent installed wiring between newly installed recessed downlights and energised the downlights. He did not provide protective earthing conductors at all lighting points.

³ *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1.

- h. The Respondent connected a 2.5mm² 2C+E TPS cable to the flexible supply cable of an electric hob and failed to ensure that the electrical joint was insulated appropriately or that the joint was enclosed in a junction box. The electric hob was energised.
- i. The Respondent replaced light switches and energised them, having incorrectly used conductors with green/yellow combination coloured insulation as active conductors.
- j. The Respondent left live conductors in an accessible ceiling cavity which were only covered with electrical tape and not enclosed, meaning there was inadequate protection from inadvertent contact with live parts.
- k. The Respondent terminated newly installed recessed downlights in a manner that left primary insulation exposed. The downlights were energised. The Respondent failed to ensure that the insulated unsheathed cables were enclosed inside a wiring enclosure throughout their entire length i.e. they were exposed where the sheath had been removed for termination.
- l. The Respondent accepts he did not issue the required certification for the PEW carried out at the Property. The failure to issue a Certificate of Compliance and an Electrical Safety Certificate constitutes a failure to provide a return under the Act.
- m. The Respondent has not previously appeared before the Board for any other matter.
- n. The Respondent has cooperated with the Investigator throughout the investigation and proceedings.

Board's Decision

- [13] Based on the ASOF and having considered all relevant factors and the evidence given at the hearing, the Board finds that the Respondent has committed disciplinary offences under sections 143(a)(i) and 143(f) of the Act.
- [14] While the first charge included three alternatives under sections 143(b)(ii), 143(a)(i), and 143(a)(ii), the Board finds that the conduct is most appropriately dealt with under section 143(a)(i).
- [15] In order to make a finding under section 143(a)(i), the Board has to be satisfied that the Respondent had conducted himself in a negligent or incompetent manner.
- [16] The Board notes that during the hearing, the Respondent gave evidence distinguishing between pre-existing cables in the ceiling cavity that had been left by previous electricians and the work he had personally undertaken. While the Respondent had signed an ASOF accepting responsibility for all particulars including the ceiling cavity cables, his oral evidence provided material clarification that these cables were pre-existing and that he had discovered them during his work and attempted remedial measures. The Board found this additional evidence to be credible, being supported by photographic evidence showing the aged condition of the cables and consistent

with the Respondent's immediate attempts to make them safe with available materials. Accordingly, the Board clarified to the Respondent that particular (a) relating to the ceiling cavity cables was not a finding against him. Particulars (b) to (e) relating to the work he personally undertook were proven on the balance of probabilities.

- [17] The Board further notes that while the Respondent had initially accepted in the ASOF that he had created a risk of serious harm under section 143(b)(ii), the clarifying evidence given at the hearing regarding the pre-existing nature of the ceiling cavity cables materially affected this assessment. Based on this evidence, the Board concluded that the threshold for section 143(b)(ii) was not met.

Negligence

- [18] Negligence, in a disciplinary context, 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*⁴ test of negligence which has been adopted by the New Zealand Courts.⁵
- [19] The New Zealand Courts have stated that an assessment of negligence in a disciplinary context is a two-stage test⁶. 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.
- [20] 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 Act,⁷ which includes protecting the health and safety of members of the public in connection with the supply and use of electricity, and promoting the prevention of damage to property in connection with the supply and use of electricity. 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 practitioner.⁸
- [21] In this case, the Respondent's failures relating to the work he personally undertook (particulars (b) through (e)) constituted significant departures from the standard expected of a licensed electrical worker. These breaches of fundamental electrical safety requirements were compounded by the fact that the Respondent energised these non-compliant installations and left the Property with the installations live.

⁴ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

⁵ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

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

⁷ *Martin v Director of Proceedings* [2010] NZAR 333 at p.33

⁸ *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

- [22] Similarly, by failing to issue a Certificate of Compliance prior to connection to an electricity supply and failing to issue an Electricity Safety Certificate within 20 working days of connection, the Respondent failed to provide a return under section 143(f).

Section 143(b)(ii) – Risk of Serious Harm?

- [23] The Board considered whether the conduct constituted an offence under section 143(b)(ii) - negligently creating a risk of serious harm to any person, or a risk of significant property damage, through having carried out PEW.
- [24] The Technical Advisor concluded that the manner in which live conductors were left in the ceiling cavity was electrically unsafe and that when enlivened they would have presented a risk of serious harm through inadvertent contact with live parts by persons entering the ceiling cavity.
- [25] However, having regard to the specific circumstances of this case and the evidence given by the Respondent at the hearing, the Board was satisfied that particular (a) relating to the live conductors in the ceiling cavity was not made out against the Respondent. The Board found that these were pre-existing cables left by previous electricians that the Respondent had discovered and attempted to make safe with available resources, including turning off circuit breakers before leaving the property. Since the section 143(b)(ii) charge was particularised only in relation to the ceiling cavity cables under particular (a), and the Board found the Respondent was not responsible for creating a risk of serious harm or damage to property, the threshold for section 143(b)(ii) was not met. The remaining proven particulars (b) to (e) were not particularised under the serious harm charge and were appropriately addressed under section 143(a)(i).
- [26] Accordingly, while the section 143(b)(ii) charge was not established, the Board found the charge under section 143(a)(i) was made out based on the proven particulars (b) to (e).

Penalty, Costs and Publication

- [27] Having found that one or more of the grounds in section 143 applies, the Board must, under section 147M of the Act,ⁱ consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay a fine, any costs and whether the decision should be published.
- [28] The Board received submissions from the parties at the hearing regarding penalty, costs, and publication.

Penalty

- [29] The Board has the discretion to impose a range of penalties, which are set out in section 147M of the Act. Exercising that discretion and determining the appropriate penalty requires that the Board balance various factors, including the seriousness of the conduct and any mitigating or aggravating factors present.⁹ It is not a formulaic

⁹ *Ellis v Auckland Standards Committee* 5 [2019] NZHC 1384 at [21]; cited with approval in *National Standards Committee (No1) of the New Zealand Law Society v Gardiner-Hopkins* [2022] NZHC 1709 at [48]

exercise, but there are established underlying principles that the Board should take into consideration. They include:¹⁰

- (a) protection of the public and consideration of the purposes of the Act;
- (b) deterring Respondent and other Electrical Workers from similar offending;¹¹
- (c) setting and enforcing a high standard of conduct for the industry;¹²
- (d) penalising wrongdoing;¹³ and
- (e) rehabilitation (where appropriate).¹⁴

- [30] Overall, the Board should assess the conduct against the range of penalty options available in section 147M of the Act, reserving the maximum penalty for the worst cases¹⁵ and applying the least restrictive penalty available for the particular offending.¹⁶ In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty¹⁷ that is consistent with other penalties imposed by the Board for comparable offending.¹⁸
- [31] The Investigator submitted that a fine or training may be appropriate penalties, noting as mitigating factors the Respondent's cooperation with the investigator and that this was his first appearance before the Board.
- [32] The Respondent, when asked about the impact of various penalties, indicated that losing his licence would create significant problems for him and his family as he is self-employed and relies on electrical work for income. He indicated he could pay a fine by instalments if required. He expressed concern that publication would affect his work and create problems in future if he needed to find different employment.
- [33] In general, when determining the appropriate penalty, the Board adopts a starting point based on the principles outlined above prior to it considering any aggravating and/or mitigating factors present.¹⁹
- [34] In determining the appropriate penalty, the Board considered the following mitigating factors:
- a. The Respondent's cooperation with the investigation and proceeding by way of an ASOF;
 - b. This was his first appearance before the Board;
 - c. The Respondent accepted responsibility for the non-compliant work;

¹⁰ Cited with approval in *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28] and [29]

¹¹ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹² *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724

¹³ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

¹⁴ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354; *Shousha v A Professional Conduct Committee* [2022] NZHC 1457

¹⁵ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹⁶ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

¹⁷ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹⁸ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹⁹ In *Lochhead v Ministry of Business Innovation and Employment* 3 November [2016] NZDC 21288 the District Court recommended that the Board adopt the approach set out in the Sentencing Act 2002.

d. The Respondent's personal circumstances as a self-employed electrician.

[35] The Board also considered the following aggravating factors:

- a. Multiple serious breaches of electrical safety standards, as represented by the particulars (b)-(e);
- b. The installation was left energised despite being non-compliant;
- c. The Respondent appears to lack understanding of some fundamental electrical safety requirements
- d. The Board specifically noted that the use of green/yellow conductors as active conductors is generally something that would result in suspension of licence. However, it was only because this particular matter was not charged under section 143(b)(ii) that a more lenient approach was taken on this occasion.

[36] The Board considered whether suspension or other restrictive penalties were appropriate but determined that the Respondent's apparent lack of understanding of the regulatory requirements was better addressed through education and training rather than purely punitive measures.

[37] The Board warned the Respondent that if he were to appear before the Board again for similar offending, particularly involving the use of green/yellow conductors as active conductors, the Board would not be able to be as lenient.

[38] Accordingly, pursuant to sections 147M(1)(e) and 147M(2)(a) and (c) of the Act, the Board orders that the Respondent must:

- a. Attend a regulations course;
- b. Sit and pass the regulations examination;
- c. The above must be done within 12 months of this decision.

Costs

[39] 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, the prosecution and the hearing.

[40] 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 case.²⁰

[41] 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:

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.

- [42] 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.

- [43] 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.
- [44] Based on the above, the Respondent is to pay costs of \$250, which is the minimum amount of costs that can be imposed and reflects both the streamlined nature of the proceedings through the ASOF process and the Respondent's cooperation.

Publication

- [45] 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 Act.²³ 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.
- [46] The Investigator submitted that they were largely neutral on publication matters but noted that there is a strong interest in open justice and it would be for the Respondent to provide grounds for publication to be withheld.
- [47] 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

²² CIV-2011-485-000227 8 August 2011

²³ Refer sections 128 of the Act

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

- [48] 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 jurisdiction.²⁵ Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive.²⁶ 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
- [49] 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.²⁸ 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.
- [50] In this case, the Board has decided that while the Respondent will be named in this decision, which will be publicly available on the Board's website, and his name will be recorded on the Public Register for three years, he will not be named in the Electron publication. This reflects the educational nature of the penalty imposed and takes into account the Respondent's cooperation with the investigation, his first appearance before the Board, and the concerns he expressed about the impact of publication on his ability to secure future employment. The Board considers that the public interest is adequately served by the decision being publicly available and the Register notation, without additional publication of the Respondent's name in the Electron.

Penalty, Costs and Publication Orders

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

Penalty:	Pursuant to sections 147M(1)(e) and 147M(2)(a) and (c) of the Act, the Respondent is ordered to attend: A regulations course and sit and pass the regulations examination within 12 months from the date of this decision.
Costs:	Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$250 (GST included) towards the costs of, and incidental to, the inquiry of the Board.
Publication:	The Registrar shall record the Board's action in the Register of Electrical Workers in accordance with section 128(1)(c)(viii) of the Act.

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

The Respondent will be named in this decision, which will be publicly available on the Board's website.

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.

Right of Appeal

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

Signed and dated this 10th day of September 2025



R Keys
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.