

Before the Electrical Workers Registration Board

	CE No. 22358
Electrical Worker:	Deonarain Sunisuraj Mahabir (the Respondent)
Registration Number:	E 243756
Electrical Worker Number:	EW 102466
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:	Auckland
Hearing Type:	In Person
Hearing and Decision Date:	21 May 2021

Board Members Present:

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

Appearances: Mr M Denyer 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(b)(ii) and 143(f) of the Act.

Contents

Summary of the Board’s Decision	2
Introduction	2
Interim Suspension	4
Function of Disciplinary Action	4
Procedure	5
Evidence	5
Board’s Conclusion and Reasoning	6
Serious Harm.....	7
False or Misleading Returns.....	10
Penalty, Costs and Publication	10
Penalty	10
Costs.....	11
Publication	12
Penalty, Costs and Publication Orders	13
Right of Appeal	13

Summary of the Board’s Decision

- [1] The Respondent negligently created a risk of serious harm and significant property damage when he failed to adequately earth a heat pump. He is ordered to pass the Board’s stage 3 practical assessment and to pay costs of \$250. He may not be relicensed until such time as he has passed the stage 3 practical assessment.

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 3 August 2020 at [Omitted], Mr Sunisuraj Mahabir 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 conductors with incorrect colour identification;

- b. Failed to enclose a joined cable in the installation wiring by connecting the cables with connector block;
- c. Failed to provide adequate support and mechanical protection of installed wiring;
- d. Failed to provide adequate mechanical protection of installed wiring when passing through a sharp metal edge;
- e. Failure to provide readily available isolators at system components in the ceiling, main indoor A/C unit and system controller; and/or
- f. Failed to provide an adequate earth to a high wall air supply unit.

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

Or in the Alternative

2. On or around 3 August 2020 at [Omitted], Mr Sunisuraj Mahabir 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 conductors with incorrect colour identification;
- b. Failed to enclose a joined cable in the installation wiring by connecting the cables with connector block;
- c. Failed to provide adequate support and mechanical protection of installed wiring;
- d. Failed to provide adequate mechanical protection of installed wiring when passing through a sharp metal edge;
- e. Failure to provide readily available isolators at system components in the ceiling, main indoor A/C unit and system controller; and/or
- f. Failed to provide an adequate earth to a high wall air supply unit.

Or in the Alternative

3. On or around 3 August 2020 at [Omitted], Mr Sunisuraj Mahabir 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 failed to provide an adequate earth to a high wall air supply unit.

Second Alleged Disciplinary Offence

4. On or around 3 August 2020 at [Omitted], Mr Sunisuraj Mahabir has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he issued a certificate of compliance certifying work as being done lawfully and safely when it was not.

Third Alleged Disciplinary Offence

5. On or around 3 August 2020 at [Omitted], Mr Sunisuraj Mahabir has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he issued an electricity safety certificate certifying it is connected to a power supply and is safe to use.

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

Interim Suspension

- [6] The Board had, on 18 November 2020, reviewed the complaint to consider whether an interim suspension of the Respondent's licence was warranted. At that time, the Respondent was not licensed¹. As such, he was not, at the time the Board considered whether to interim suspend him, authorised to carry out or supervise prescribed electrical work. The Board did order that, in the event that the Respondent sought to be relicensed, then the Board would order that his licence would, immediately on being relicensed, be suspended.
- [7] Under section 147I(3)(c) of the Act, an interim suspension continues in force until such time as the Board exercises its powers under section 147M of the Act. As the Board has now exercised its powers, the order of 18 November 2020 ceases.

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*² and in New Zealand in *Dentice v Valuers Registration Board*³.

¹ The Respondent's practising licence expired on 30 September 2020.

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

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

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

Procedure

- [11] The matter proceeded on the basis of an Agreed Statement of Facts.

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] As noted, the matter proceeded on the basis of an Agreed Statement of Facts. It set out that the Respondent carried out work on the installation of a ducted air conditioning system and two high wall heat pumps. The work was carried out in conjunction with five associated workers. The Respondent assisted with the installation of the ducted system, which had zone control and a Lossnay (heat transfer) system. He ran the 4mm² cable from the switchboard into the ceiling and to the outdoor unit, installed zone controlled panels using a junction box with two by 2.5mm² feeds to the zone control panel and to the Lossnay system, and ran Cat. 6 cables wired to Dampers for zone control. He also wired the switchboard and provided the electrical certification.
- [14] The Investigator obtained a report from Mr Mark Carter, an Electrical Inspector, who noted the following issues with the installation certified by the Respondent:

- a) Incorrect colour identification of conductors: Breach: Electricity (Safety) Regulations 2010 (ESR) 20, 59 and AS/NZS 3000;

⁴ [2016] HZHC 2276 at para 164

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

- b) Failure to enclose a joint in the installation wiring: Breach: ESR 59 and AS/NZS 3000;
- c) Failure to provide adequate support and mechanical protection of installed wiring: Breach: ESR 20, 59 and AS/NZS 3000;
- d) Failure to provide adequate mechanical protection of installed wiring by passing it through a sharp metal edge: Breach: ESR 20, 29 and AS/NZS 3000;
- e) Failure to provide readily available isolators at system components in the ceiling, main indoor A/C unit and system controller: Breach: ESR 59 and AS/NZS 3000;
- f) Failure to provide adequate earth to equipment with exposed conductive parts: Breach: ESR 2, 59 and AS/NZS 3000; and
- g) Certified work left in an unlawful and unsafe state: Breach: ESR 66, 69, and 74A.

[15] The Respondent accepted that he had committed the disciplinary offences as outlined in the Notice of Proceeding and that he was responsible for the breaches listed above in paragraph [14] above. He also accepted, in the Agreed Statement of Facts, that he was the only registered electrician responsible for the PEW involved in the job, and he had certified all of the PEW. At the hearing he gave evidence that there was one other registered person on site but that he had taken responsibility for all of the PEW.

[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 Statement.

Board's Conclusion and Reasoning

[17] The Board has decided that the Respondent 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 failed to provide an adequate earth to a high wall air supply unit.

[18] The Board has also decided that the Respondent provided a false or misleading returns (certificate of compliance and electrical safety certificate) being an offence under section 143(f) of the Act, IN THAT, he issued a certificate of compliance certifying work as being done lawfully and safely when it was not.

[19] The reasons for the Board's decisions follow.

Serious Harm

- [20] The charges put before the Board were laid in the alternatives of negligently creating a risk of serious harm to any person, or a risk of significant property damage under section 143(b)(ii) and, as alternatives, negligence or incompetence under section 143(a)(i) and contrary to an enactment under section 143(a)(ii).
- [21] The Board decided that a finding under section 143(b)(ii) of the Act was the most appropriate, notwithstanding that it did not cover all of the allegations that were made. The reason for this was that it is the most serious of the allegations that were put before the Board.
- [22] In making the finding the Board notes that 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. If that threshold is met, the Board then needs to consider whether a risk of serious harm or significant property damage was created.
- [23] Contrary to an enactment 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.
- [24] The Respondent accepted that the prescribed electrical work noted in paragraph [14] had been carried out in a manner that was not in accordance with the Electrical (Safety) Regulations or AS/NZS3000, a cited standard which must, under regulation 59, be complied with in respect of prescribed electrical work on installations. As such, the elements of the disciplinary offence of contrary to an enactment have been satisfied.
- [25] 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.*
- [26] 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

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

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

being inquired into. This is described as the *Bolam*⁸ test of negligence which has been adopted by the New Zealand Courts⁹.

- [27] 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*”.
- [28] The New Zealand Courts have stated that 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.
- [29] 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.
- [30] 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.
- [31] In terms of 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.*
- [32] The work was carried out in a negligent manner. Earthing is a fundamental aspect of electrical safety in an installation. A competent electrical worker would have ensured

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]

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

¹⁴ [2001] NZAR 74

that the appliance installed was adequately earthed. Given the fundamental nature of the failing the conduct was sufficiently serious enough to warrant disciplinary action.

- [33] With respect to a risk of serious harm or significant property damage, serious harm is defined in section 2 of the Act. It means:

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.

- [34] The relevant parts of Section 23 of the Health and Safety at Work Act 2015 are:

23 Meaning of notifiable injury or illness

(1) *In this Act, unless the context otherwise requires, a notifiable injury or illness, in relation to a person, means—*

(a) *any of the following injuries or illnesses that require the person to have immediate treatment (other than first aid):*

(i) *the amputation of any part of his or her body:*

(ii) *a serious head injury:*

(iii) *a serious eye injury:*

(iv) *a serious burn:*

(v) *the separation of his or her skin from an underlying tissue (such as degloving or scalping):*

(vi) *a spinal injury:*

(vii) *the loss of a bodily function:*

(viii) *serious lacerations:*

(b) *an injury or illness that requires, or would usually require, the person to be admitted to a hospital for immediate treatment:*

(c) *an injury or illness that requires, or would usually require, the person to have medical treatment within 48 hours of exposure to a substance:*

- [35] 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.

- [36] 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).

- [37] 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 fanciful¹⁵.

- [38] Without an adequate earth, there was a risk, under fault conditions, of an electric shock or of a fire occurring. As such, there was a risk of serious harm or significant property damage, and it follows that the Respondent has committed an offence under section 143(b)(ii) of the Act.

False or Misleading Returns

- [39] There were two charges under section 143(f) of the Act. One related to a certificate of compliance, the other to an electrical safety certificate. The Board decided that the two charges would be consolidated into a single charge.
- [40] The finding relates to the provision of false or misleading returns. 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 irrelevant¹⁶.
- [41] 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.
- [42] As noted in paragraph [14], there were multiple instances of non-compliant work. Given this, and the Respondent's certification statements in his certification that the work had been done lawfully, safely and was safe to use when it was not, the Board finds that an offence under section 143(f) of the Act has been committed.

Penalty, Costs and Publication

- [43] Having found that one or more of the grounds in section 143 applies, the Board must, under section 147M of the Actⁱ, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [44] The Respondent made submissions at the hearing as regards penalty, costs and publication.

Penalty

- [45] The purpose of professional discipline is to uphold the integrity of the profession; the focus is not punishment, but the enforcement of a high standard of propriety and professional conduct. The Board does note, however, that the High Court in

¹⁵ Overseas Tankship (UK) Ltd v Miller Steamship Co Pty Ltd (The Wagon Mound No 2) [1967] 1 AC 617

¹⁶ Taylor Bros Ltd v Taylor Group Ltd [1988] 2 NZLR 1

*Patel v Complaints Assessment Committee*¹⁷ commented on the role of “punishment” in giving penalty orders stating that punitive orders are, at times, necessary to provide a deterrent and to uphold professional standards. The Court noted:

[28] I therefore propose to proceed on the basis that, although the protection of the public is a very important consideration, nevertheless the issues of punishment and deterrence must also be taken into account in selecting the appropriate penalty to be imposed.

- [46] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*,¹⁸ the Court noted that whilst the statutory principles of sentencing set out in the Sentencing Act 2002 do not apply to the Electricity Act, they have the advantage of simplicity and transparency. The Court recommended adopting a starting point for a penalty based on the seriousness of the disciplinary offending prior to considering any aggravating and/or mitigating factors. The same applies to disciplinary proceedings under the Electricity Act.
- [47] The Board noted, and took into consideration as a mitigating factor, that the Respondent’s employment had been terminated and that he had to pay for remedial work.
- [48] The Board decided, given the extent of the non-compliant prescribed electrical work, and taking into account the mitigating factors, that the imposition of a training order would be appropriate. It decided that the Respondent is to undertake and pass the Board’s stage 3 practical assessment and that he may not be relicensed until such time as he has completed the training order. The assessment is to be completed at his own cost.

Costs

- [49] 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.
- [50] 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 case¹⁹.
- [51] In *Collie v Nursing Council of New Zealand*,²⁰ where the order for costs in the tribunal was 50% of actual costs and expenses, the High Court noted that:

¹⁷ HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

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

¹⁹ *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.

²⁰ [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.

- [52] Based on the above the Board's costs order is that the Respondent is to pay the sum of \$250 toward the costs of and incidental to the matter. In setting the amount of costs the Board took into account that the Respondent had agreed to the matter proceeding by way of an Agreed Statement of Facts.

Publication

- [53] 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 Act²¹. The Board can, pursuant to section 147Z of the Act, also order publication over and above the public register notation. Under section 147Z of the Act, 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.
- [54] 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.
- [55] Within New Zealand, there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990²². The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction²³. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive²⁴. 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*²⁵.
- [56] 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 interest²⁶. 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.
- [57] 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 not be identified in the Electron.

²¹ Refer sections 128 of the Act

²² Section 14 of the Act

²³ Refer sections 200 and 202 of the Criminal Procedure Act

²⁴ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

²⁵ *ibid*

²⁶ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

[58] 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

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

Penalty: Pursuant to section 147M(1)(e) of the Electricity Act 1992, the Respondent is ordered to undertake, pursuant to section 147M(2)(a) of the Act pass the Board's stage three practical assessment; and

Pursuant to section 147M(1)(b)(ii) the Respondent's licence is suspended until such time as the stage three assessment has been completed.

Costs: Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$250 (GST included) towards the costs of, and incidental to, the inquiry of the Board.

Publication: The Registrar shall record the Board's action in the Register of Electrical Workers in accordance with section 128(1)(c)(viii) of the Act.

The Respondent will be named in this decision.

A summary of the matter will be published by way of an article in the Electron which will focus on the lessons to be learnt from the case. The Respondent will not be named in the publication.

[60] 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.

Right of Appeal

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

Signed and dated this 10th day of June 2021



Mr 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

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- (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.*