

Before the Electrical Workers Registration Board

CE No. 22437

Electrical Worker: Bryan Martin (the Respondent)

Registration Number: E 13136

Electrical Worker Number: EW 036823

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: Rotorua

Hearing Type: In Person

Hearing Date: 23 June 2022

Decision Date: 22 July 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

Appearances: Mr M Hall 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 a disciplinary offence under section 143(b)(ii) of the Act.

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Summary of the Board’s Decision

- [1] The Respondent negligently created a risk of serious harm or significant property damage when carrying out prescribed electrical work. The Respondent voluntarily cancelled his licence. On that basis, he is censured and ordered to pay costs of \$250. The Board’s decision 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:
1. On or around 28 July 2020 at [OMITTED], Mr Bryan Martin 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 has failed to carry out adequate electrical testing resulting in a 400v potential between the phase and neutral conductors of final sub circuits supplied from the switchboard resulting in damage to a heat pump and other electrical equipment in breach of regulations 23, 59(1), 13(3) and 73A (1) (e) of the Electricity (Safety) Regulations 2010.

Or in the Alternative

2. On or around 28 July 2020 at [OMITTED], Mr Bryan Martin 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 has failed to carry out adequate electrical testing resulting in a 400v potential between the phase and neutral conductors of final sub circuits supplied from the switchboard resulting in damage to a heat pump and other electrical equipment.

Or in the Alternative

3. On or around 28 July 2020 at [OMITTED], Mr Bryan Martin 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 has failed to carry out adequate electrical testing resulting in a 400v potential between the phase and neutral conductors of final sub circuits supplied from the switchboard resulting in damage to a heat pump and other electrical equipment.

[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*¹ and in New Zealand in *Dentice v Valuers Registration Board*².

[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*,³ 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.”

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

² [1992] 1 NZLR 720 at p 724

³ [2016] HZHC 2276 at para 164

- [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.

Evidence

- [10] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed⁴. 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.

- [11] As noted, the matter proceeded on the basis of an Agreed Statement of Facts. The Statement set out that the Respondent had been engaged, as an employee, to install a heat-pump. On 17 July 2022, he installed a dedicated final sub-circuit from the intended location of the heat pump to the house electrical switchboard via the ceiling cavity. On 28 July 2022, he connected the heat-pump. Issues were experienced with the install. The Respondent removed and bypassed the circuit’s residual current device (RCD) as it was constantly tripping. The homeowner noted that fuses kept tripping and that there was a burnt smell at both the circuit board and the heat-pump unit. The owner alleged that the Respondent demonstrated to him that by contacting the red (phase) conductor of the final sub-circuit onto the terminals of an existing fuse holder, arcing occurred. The owner asked that the Respondent use testing equipment to identify the fault. The owner reported his concerns to the Respondent’s employer.
- [12] A different electrical worker attended the site. He diagnosed the cause of the fault and identified that the phase and neutral conductors of the newly installed subcircuit that had been installed and connected by the Respondent had been carried out in a manner that resulted in a potential difference of 400V applied across the phase and neutral conductors of the newly installed final sub-circuit. The error introduced a 400V potential difference across other existing final sub-circuits within the house. The heat pump was terminally damaged as were other electrical appliances as a result.
- [13] The Investigator engaged Mr Mark Carter, an Electrical Inspector, to review the complaint file. Mr Carter discussed the events with the Respondent and noted the Respondent:

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

- (a) was not aware that the electrical supply to the house was twin phase and had not confirmed this prior to the connection of said wiring;
- (b) connected the red (phase) conductor of the new circuit to an existing surface-mount fuse holder;
- (c) stated access to the neutral busbar was not possible or was extremely difficult due to the congested state of wiring behind the switchboard panel; and
- (d) due to the difficulties accessing the main neutral busbar, opted to connect the neutral conductor of the newly installed circuit at a more accessible location, this being the load side of the RCD neutral.

[14] Mr Carter provided a technical report of his findings which resulted in the charges. He noted:

- (a) a failure to carry out adequate visual inspection and electrical testing prior to connection to the electrical supply contrary to regulation 59(1) of the Electricity (Safety) Regulations 2010 59(1) and AS/NZS 3000:2007 clauses 8.1.2, 8.2.1, 8.2.2 and 8.3.3; and
- (b) a failure to ensure correct polarity and applicable phase rotation of connected electrical conductors and failure to ensure, so far as is reasonably practicable, that electrical equipment at the property was protected from dangers arising from the work contrary to regulations 13(3) and 73A(1)(e) of the Electricity (Safety) Regulations 2010.

[15] In Mr Carter's opinion, the Respondent failed to detect that the house was supplied via a two-phase supply and had carried out incorrect electrical connections when connecting the newly installed electrical wiring to the electricity supply. Those factors resulted in a potential difference of 400V applied across the phase and neutral conductors of final sub-circuits supplied from the switchboard. He further noted that, in his opinion, it was evident that the Respondent had failed to ensure the correct polarity of electrical connections carried out by him, specifically the presence of a two-phase electrical supply and the importance of correct phase rotation in making the connections.

[16] The Respondent accepted that he had carried out prescribed electrical work that breached the Regulations and did not meet the requirements AS/NZS 300:2007.

[17] At the hearing, the Respondent accepted his wrongdoing and apologised.

[18] 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

- [19] 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 carry out adequate electrical testing resulting in a 400 volt potential between the phase and neutral conductors of final sub circuits supplied from the switchboard resulting in damage to a heat pump and other electrical equipment.
- [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). The Board's finding was that the Respondent had committed the most serious of the alternatives
- [21] 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.
- [22] 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 negligence⁵. There were clear breaches of regulations 59(1)(a), which requires that all prescribed electrical work on a low-voltage installation is carried out in accordance with AS/NZS3000 and regulations 73A(1)(a),(b) and (e)(i) and (iii) of the Safety Regulations which state:

73A Before connecting installations to power supply

- (1) *Before connecting to a power supply a low or extra-low voltage installation or part installation on which prescribed electrical work has been done, the person doing the connection must—*
- (a) *be satisfied that the installation or part installation is safe to connect; and*
 - (b) *be satisfied that the testing required by these regulations has been done; and*
 - (e) *in the case of a low voltage installation or part installation, do all of the following:*

⁵ *Blewman v Wilkinson* [1979] 2 NZLR 208

- (i) *ensure that the polarity and phase rotation of the supply are correct:*
- (iii) *ensure that the installation or part installation to be connected is compatible with the supply system:*

- [23] Turning to negligence, it 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*⁶ test of negligence which has been adopted by the New Zealand Courts⁷.
- [24] The New Zealand Courts have stated that an assessment of negligence in a disciplinary context is a two-stage test⁸. 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.
- [25] 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 Act⁹. 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 practitioner¹⁰.
- [26] 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*

⁶ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

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

⁸ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

⁹ *Martin v Director of Proceedings* [2010] NZAR 333 at p.33

¹⁰ *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

(e) *to provide for the regulation of electrical workers.]*

[27] 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.

[28] Turning to seriousness in *Collie v Nursing Council of New Zealand*,¹¹ 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.

[29] The conduct before the Board was serious. The failings were fundamental. They should not have been made by a competent electrical worker. The Respondent was negligent.

[30] 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.*

[31] 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:*

¹¹ [2001] NZAR 74

(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:*

[32] 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.

[33] 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).

[34] 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 fanciful¹².

[35] The voltage differential was such that there was a risk of significant property damage. Moreover, significant property damage did occur. There was also a risk that protection devices would not operate and that a fire could have resulted from heat build-up. Those factors mean that there was also a risk of serious harm.

[36] Given the above factors, the Board, which includes persons with expertise in the electrical industry, decided that the Respondent had negligently created a risk of serious harm or significant property damage.

Penalty, Costs and Publication

[37] Having found that one or more of the grounds in section 143 of the Act 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.

[38] The Respondent made submissions at the hearing as regards penalty, costs and publication.

¹² *Overseas Tankship (UK) Ltd v Miller Steamship Co Pty Ltd (The Wagon Mound No 2)* [1967] 1 AC 617

Penalty

[39] 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*¹³ 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.

[40] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*,¹⁴ 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.

[41] The Board received a victim impact statement from the Complainant. It noted that significant damage to the electrical appliances and equipment occurred as a result of the Respondent’s actions. The Board cannot order reparation to compensate a Complainant. It can, however, take any impact of the offending into account as an aggravating factor.

[42] The Respondent apologised for his actions. He noted that he had made a “big mistake” for which he was sorry. The Respondent gave evidence about his medical condition and stated that he had retired and would not be carrying out any further prescribed electrical work. The Board noted that he still held a current practising licence.

[43] The conduct was serious. The Board considered that, if the Respondent was to retain his licence, he would pose a risk to himself and others. The Board considered that the cancellation of his licence was, therefore, warranted. The Board noted, however, that the Respondent was retiring and that he did not intend to carry out any further electrical work. On that basis, and recognising that the Respondent had cooperated with the investigation and hearing, had not previously appeared and had acknowledged and was remorseful for his conduct, the Board decided that it would afford him the opportunity to voluntarily cancel his licence under section 110(1)(a) of the Act instead of the Board ordering a cancellation.

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

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

- [44] On 15 July 2022, the Registrar received a letter from the Respondent dated 1 July 2022 requesting that his licence be cancelled. That request was actioned on the same date.
- [45] On the basis that the Respondent is no longer a licensed electrical worker, the Board has decided that it will censure the Respondent. A censure is a public expression of disapproval of the Respondent's conduct. If the Respondent had not voluntarily suspended his licence, the Board would have cancelled it.
- [46] The Respondent should note that, should he decide to seek a new practising licence, then the Board's Fit and Proper Person rules will come into effect and that it may be determined, on the basis of his offending, that he does not meet the requirements to be relicensed.

Costs

- [47] 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.
- [48] 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 case¹⁵.
- [49] In *Collie v Nursing Council of New Zealand*,¹⁶ where the order for costs in the tribunal was 50% of actual costs and expenses, the High Court noted that:

But for an order for costs made against a practitioner, the profession is left to carry the financial burden of the disciplinary proceedings, and as a matter of policy that is not appropriate.

- [50] In *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*,¹⁷ 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.

¹⁵ *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.

¹⁶ [2001] NZAR 74

¹⁷ CIV-2011-485-000227 8 August 2011

[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.*

- [51] 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.
- [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 Act¹⁸. 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.
- [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 1990¹⁹. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction²⁰. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive²¹. 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*²².
- [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 interest²³. It is,

¹⁸ Refer sections 128 of the Act

¹⁹ Section 14 of the Act

²⁰ Refer sections 200 and 202 of the Criminal Procedure Act

²¹ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

²² *ibid*

²³ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

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.
- [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)(d) of the Electricity Act 1992, the Respondent is censured.

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.

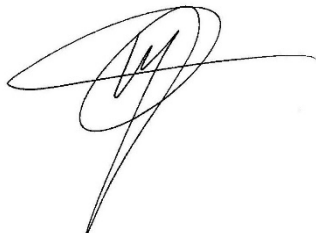
A summary of the matter will be published by way of an article in the Electron which will focus on the lessons to be learnt from the case. The Respondent will not be named in the publication.

- [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 twenty-second day of July 2022



Mr 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):*
 - (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.*