

Before the Electrical Workers Registration Board

CE No. 22165
Electrical Worker: Blair McFarlane (the Respondent)
Registration Number: E 265527
Electrical Worker Number: EW 126443
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 Date: 16 December 2019
Decision Date: 06 January 2020

Board Members Present:

Mel Orange (Presiding)
Michael Macklin, Registered Inspector
Monica Kershaw, Registered Electrician
Mac McIntyre, Registered Electrician
Jane Davel, Lay Member
Russell Keys, Registered Inspector
Ashley Yan, Registered Electrical Engineer

Appearances: Sarah Blick 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), 143(a)(i) and 143(f) of the Act.

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Introduction

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

First Alleged Disciplinary Offence

1. On or around 12 April 2018 at [REDACTED] Mr Blair McFarlane 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. installed/certified cabling with an exposed live end without mechanical protection; and/or
 - b. He installed/certified fittings incorrectly placed or IP rated for use in damp situations.

Or in the Alternative

2. On or around 12 April 2018 at [REDACTED] Mr Blair McFarlane 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/certified an inadequate sub-circuit circuit breaker for double wall oven; and/or
 - b. installed/certified the outside lights that were not secure and reliable; and/or
 - c. installed/certified cabling with an exposed live end without mechanical protection; and/or
 - d. installed/certified an inappropriate junction/joint which was not secure and reliable; and/or
 - e. failed to ensure an installation or part of an installation was compatible with the supply system and verify that there was a main earthing system; and/or
 - f. failed to ensure the main switchboard had an earthing system; and/or
 - g. installed/certified the terminals in the distribution board that were not secure and reliable; and/or
 - h. certified the cable entry into the distribution switchboard which was too large to prevent fire escaping to the building structure; and/or
 - i. installed/certified cabling with incorrect protective devices; and/or
 - j. installed cabling with inadequately mechanical protection or support; and/or
 - k. installed/certified under tile heating cables with signage not seen in the locations required; and/or
 - l. installed/certified bathroom electrical fittings which were not rated correctly for damp situations; and/or
 - m. installed/certified wiring systems which can be subjected to mechanical damage and were not secure and reliable; and/or
 - n. installed/certified an extension cord sockets as a permanent installation; and/or
 - o. installed/certified power cables in contact with cables of other voltages; and/or
 - p. issued a certificate of compliance and electrical safety certificate which was inadequate for the work performed.

Or in the Alternative

3. On or around at 12 April 2018 at [REDACTED] Mr Blair McFarlane 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/certified an inadequate sub-circuit circuit breaker for double wall oven; and/or
 - b. installed/certified the outside lights that connections were not secure and reliable; and/or
 - c. installed/certified cabling with an exposed live end without mechanical protection; and/or
 - d. installed/certified an inappropriate junction/joint which was not secure and reliable; and/or
 - e. failed to ensure an installation or part of an installation was compatible with the supply system and verify that there was a main earthing system; and/or
 - f. failed to ensure the main switchboard had an earthing system; and/or
 - g. installed/certified the terminals in the distribution board that were not secure and reliable; and/or
 - h. certified the cable entry into the distribution switchboard which was too large to prevent fire escaping to the building structure; and/or
 - i. installed/certified cabling with incorrect protective devices; and/or
 - j. installed cabling with inadequately mechanical protection or support; and/or
 - k. installed/certified under tile heating cables with signage not seen in the locations required; and/or
 - l. installed/certified bathroom electrical fittings which were not rated correctly for damp situations; and/or
 - m. installed/certified wiring systems which can be subjected to mechanical damage and were not secure and reliable; and/or
 - n. installed/certified an extension cord sockets as a permanent installation; and/or
 - o. installed/certified power cables in contact with cables of other voltages; and/or
 - p. issued a certificate of compliance and electrical safety certificate which was inadequate for the work performed.

In breach of regulations 20, 66, 67, and 74A of the Electricity (Safety) Regulations 2010.

Second Alleged Disciplinary Offence

4. On or around 12 April 2018 at [REDACTED] Mr Blair McFarlane has provided a false return being an offence under section 143(f) of the Act, IN THAT, he:
- a. completed a certificate of compliance which certified electrical work as lawful and safe, when it was not; and/or
 - b. completed an electrical safety certificate which certified electrical work as safe to connect to a power supply, when it was not.
- [3] Prior to the hearing the Respondent and the Board were provided with all of the documents the Investigator had in his/her power or possession.
- [4] No Board Members declared any conflicts of interest in relation to the matters under consideration.

Function of Disciplinary Action

- [5] The common understanding of the purpose of professional discipline is to uphold the integrity of the profession. The focus is not punishment, but the protection of the public, the maintenance of public confidence and the enforcement of high standards of propriety and professional conduct. Those purposes were recently reiterated by the Supreme Court of the United Kingdom in *R v Institute of Chartered Accountants in England and Wales*¹ and in New Zealand in *Dentice v Valuers Registration Board*².
- [6] Disciplinary action under the Act is not designed to redress issues or disputes between a complainant and a respondent. In *McLanahan and Tan v The New Zealand Registered Architects Board*³ Collins J. noted that:
- “... the disciplinary process does not exist to appease those who are dissatisfied The disciplinary process ... exists to ensure professional standards are maintained in order to protect clients, the profession and the broader community.”*
- [7] The Board can only inquire into “the conduct of an electrical worker” with respect to the grounds for discipline set out in section 143 of the Act. It does not have any jurisdiction over contractual matters.

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

Procedure

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

Evidence

[9] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed⁴. The Board notes that as regards evidence in proceedings before it that the provisions of section 147W of the Act apply. This section states:

In all proceedings under this Part, the Board may, subject to section 156, receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectively with the matter before it, whether or not it would be admissible as evidence in a court of law.

[10] The matter proceeded on the basis of an Agreed Statement of Facts. The Respondent also appeared and gave evidence.

[11] The complaint related to prescribed electrical work carried out as part of a renovation of a downstairs area of a dwelling into a self-contained flat. [REDACTED] was contracted to do the electrical work. The work was carried out by [REDACTED] the director of [REDACTED], an apprentice under the supervision of [REDACTED], and the Respondent. The Respondent was a contractor for, not an employee of, [REDACTED].

[12] When the work was finished the Respondent completed a certificate of compliance for all of the prescribed electrical work dated 12 April 2018.

[13] Following the issue of the certification the homeowner laid a complaint with the Board in respect of [REDACTED]. The investigation into the matter revealed that the Respondent had certified the work and a complaint was progressed in respect of his conduct.

[14] An independent assessment of the completed work was completed by David Olsen, Electrical Inspector (I 245614). His findings resulted in the charges put before the Board.

[15] The Respondent accepted that he had certified the prescribed electrical work and that, in doing so, he had accepted responsibility for the safety and compliance of that work. He further accepted that he had:

- (a) negligently created a risk of serious harm to any person, or a risk of significant property damage in respect of the allegations that he had installed/certified cabling with an exposed live end without mechanical protection and had installed/certified fittings incorrectly placed or IP rated for use in damp situations; and

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

- (b) carried out or caused to be carried out prescribed electrical work in a negligent manner with regard to the remaining allegations; and
- (c) provided a false certificate of compliance.

[16] The general rule is that all facts in issue or relevant to the issue in a case must be proved by evidence. As the Investigator and Respondent agreed to the facts as outlined above it was not necessary to call any further evidence or to test the evidence as outlined in the summary.

[17] The Respondent gave further evidence at the hearing noting a commercial dispute arose between [REDACTED] and the homeowner which meant that he was not able to return to rectify the matters complained about. He accepted that he had not adequately checked the work that had been carried out by others prior to him certifying it and noted that a lack of coordination between workers and a lack of a clear plan had lead to many of the issues.

Board's Conclusion and Reasoning

[18] The Board has decided that the Respondent **has** negligently created a risk of serious harm to any person 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 installed/certified:

- (a) cabling with an exposed live end without mechanical protection; and
- (b) fittings incorrectly placed or IP rated for use in damp situations.

[19] The Board has also decided that the Respondent **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/certified an inadequate sub-circuit circuit breaker for double wall oven;
- (b) installed/certified the outside lights that were not secure and reliable;
- (c) installed/certified an inappropriate junction/joint which was not secure and reliable;
- (d) failed to ensure an installation or part of an installation was compatible with the supply system and verify that there was a main earthing system;
- (e) failed to ensure the main switchboard had an earthing system;
- (f) installed/certified the terminals in the distribution board that were not secure and reliable;
- (g) certified the cable entry into the distribution switchboard which was too large to prevent fire escaping to the building structure;
- (h) installed/certified cabling with incorrect protective devices;
- (i) installed cabling with inadequately mechanical protection or support;

- (j) installed/certified under tile heating cables with signage not seen in the locations required;
- (k) installed/certified wiring systems which can be subjected to mechanical damage and were not secure and reliable;
- (l) installed/certified an extension cord sockets as a permanent installation;
- (m) installed/certified power cables in contact with cables of other voltages; and
- (n) issued a certificate of compliance and electrical safety certificate which was inadequate for the work performed.

[20] The Board has also decided that the Respondent **has** provided a false return being an offence under section 143(f) of the Act, IN THAT, he completed a certificate of compliance which certified electrical work as lawful and safe, when it was not and completed an electrical safety certificate which certified electrical work as safe to connect to a power supply, when it was not.

Reasons for the Board's Decisions

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

[22] Whilst the Respondent did not carry out all of the prescribed electrical work he did, by certifying the work, take responsibility for it. This is due to the provisions of regulation 66 of the Safety Regulations which provides:

66 Content of certificate of compliance

(1) *Every certificate of compliance for prescribed electrical work must—*

(a) *contain a statement confirming that the person issuing the certificate is satisfied that—*

(i) *the prescribed electrical work has been done lawfully and safely; and*

(ii) *the information in the certificate is correct;*

[23] Had the Respondent limited his certification to the prescribed electrical work that he did then he would have also limited his accountability. He is cautioned, in the future, to take care in certifying work that he did not carry out and to ensure that detailed testing and inspection of it is completed prior to him certifying it.

[24] The findings on the level of disciplinary offending are based on the following.

Serious Harm

[25] Serious harm is defined in section 2 of the Act. It means:

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

[26] Actual serious harm 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 will occur. A real risk has also been described as one that a reasonable person would not brush aside as being far-fetched or fanciful⁵.

[27] The Board was satisfied that both leaving an exposed live end without mechanical protection and installing fittings that were not IP rated for use in a damp situation did create a risk of serious harm. Both created the potential for an electric shock to occur.

Negligence

[28] Negligence is the departure by an electrical worker, whilst carrying out or supervising prescribed electrical work, from an accepted standard of conduct. It is judged against those of the same class of licence as the person whose conduct is being inquired into. This is described as the *Bolam*⁶ test of negligence which has been adopted by the New Zealand Courts⁷.

[29] The New Zealand Courts have stated that 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.

[30] When considering what an acceptable standard is the Board must have reference to the conduct of other competent and responsible practitioners and the Board's own assessment of what is appropriate conduct, bearing in mind the purpose of the 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

⁵ Overseas Tankship (UK) Ltd v Miller Steamship Co Pty Ltd (The Wagon Mound No 2) [1967] 1 AC 617

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

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.

[31] The Board notes that the purposes of the Act are:

1A Purposes

The purposes of this Act are—

- (a) *to provide for the regulation, supply, and use of electricity in New Zealand; and*
- (b) *Repealed.*
- (c) *to protect the health and safety of members of the public in connection with the supply and use of electricity in New Zealand; and*
- (d) *to promote the prevention of damage to property in connection with the supply and use of electricity in New Zealand; and*
- (da) *to provide for the regulation of fittings and electrical appliances that are, or may be, exported pursuant to an international trade instrument; and*
- (e) *to provide for the regulation of electrical workers.]*

[32] The Board also notes, as regards acceptable standards, that all prescribed electrical work must comply with the Electricity (Safety) Regulation 2010 and the cited Standards and Codes of Practice in Schedule 2 of the Regulations. As such, when considering what is and is not an acceptable standard they must be taken into account.

[33] 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.

[34] The Board noted that regulation 59 of the Electrical (Safety) Regulations 2010 requires that the prescribed electrical work had to be carried out in accordance with the provisions of AS/NZS 3000. There were multiple contraventions of AS/NZS 3000. The contraventions were not minor or merely technical in nature. They were serious and whilst they did not reach the threshold of creating a risk of serious harm or significant property damage, they did create safety risks. Moreover, the manner in which the installation was completed was not completed to the standard to be expected of an electrician.

[35] Given those factors the Board, which includes persons with extensive expertise in the electrical industry, considered that the Respondent had displayed a lack of

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

¹¹ [2001] NZAR 74

reasonably expected care and that the conduct was sufficiently serious enough to warrant a disciplinary outcome.

- [36] The Board also considered that the Respondent's acted in a negligent manner when he certified prescribed electrical work without first ensuring that it was compliant. As noted above the Board considers that a reasonable practitioner would have carried out careful and thorough checks including visual inspections and testing of the prescribed electrical work prior to certifying it.

Certification

- [37] The final charge related to the provision of a false return. In determining whether a return is false or misleading is a question of fact to be decided objectively and the intention of the issuer is irrelevant¹².
- [38] The return referred to, a certificate of compliance, is issued under the Regulations. There is a requirement that one is issued for high and general risk prescribed electrical work prior to an installation being connected to a power supply. 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.
- [39] As the prescribed electrical had not been completed in accordance with AS/NZS 3000 as was required and because the manner in which it had been completed had created a risk of serious harm the Board found that it was a false return.

Penalty, Costs and Publication

- [40] Having found that one or more of the grounds in section 143 applies the Board must, under section 147M of the Act¹, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [41] The Respondent made submissions at the hearing as regards penalty, costs and publication.

Penalty

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

¹² *Taylor Bros Ltd v Taylor Group Ltd* [1988] 2 NZLR 1

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

punishment and deterrence must also be taken into account in selecting the appropriate penalty to be imposed.

- [43] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*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 penalty based on the seriousness of the disciplinary offending prior to considering any aggravating and/or mitigating factors. The same applies to disciplinary proceedings under the Electricity Act.
- [44] The matters before the Board were serious. A finding that the Respondent had created a risk of serious harm has been made. A commensurate penalty is required. Notwithstanding the Board does note that the Respondent has, as a result of his certification, taken responsibility for the failings of others. He has also been very cooperative throughout the investigation and has accepted his wrongdoing. He is entitled to reductions in the penalty in recognition of the cooperation and his pleading to the charges.
- [45] The Respondent also outlined the changes he has made to his practices noting that in future he would ensure that the work is planned and that changes to the plan are noted and dealt with. He stated he had learnt from the complaint and that he will take more care with his own work and with certifying the work of others.
- [46] The Board considered a fine was the appropriate form or penalty. It adopted a starting point of \$2,000. This was lower than the starting point it would normally take for a section 143(b)(ii) matter. The lower starting point was considered to be appropriate given the general circumstances of the case.
- [47] The Board has applied a 50% discount to the starting point to recognise the cooperation and acceptance of responsibility. The final penalty is, therefore, \$1,000.

Costs

- [48] 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.
- [49] 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.

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

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.

[50] 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.

[51] Based on the above the Board's costs order is that the Respondent is pay the sum of \$500 toward the costs of and incidental to the matter. In setting the amount of costs the Board took into account that the Respondent had agreed to the matter proceeding by way of an Agreed Statement of Facts.

Publication

[52] 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 Act¹⁷. 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.

[53] 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.

[54] Within New Zealand there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990¹⁸. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction¹⁹. Within the disciplinary hearing jurisdiction the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive²⁰. 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*²¹.

[55] 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 interest²². 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.

¹⁶ [2001] NZAR 74

¹⁷ Refer sections 128 of the Act

¹⁸ Section 14 of the Act

¹⁹ Refer sections 200 and 202 of the Criminal Procedure Act

²⁰ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

²¹ *ibid*

²² *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

- [56] Based on the above the Board will not order further publication.
- [57] 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

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

Penalty: Pursuant to section 147M(1)(f) of the Electricity Act 1992, the Respondent is ordered to pay a fine of \$1,000.

Costs: Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$500 (GST included) towards the costs of, and incidental to, the inquiry of the Board.

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

The Respondent will be named in this decision.

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

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

- [59] 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

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

Signed and dated this 6th day of January 2020



Mel Orange
Presiding Member

ⁱ **Section 147M of the Act**

- (1) *If the Board, after conducting a hearing, is satisfied that a person to whom this Part applies is guilty of a disciplinary offence, the Board may—*
- (a) *do 1 or more of the following things:*
- (i) *order that the person's registration or practising licence (or both) be cancelled:*

-
- (ii) order that the person's provisional licence be cancelled:
 - (iii) order that the person may not apply to be reregistered or re-licensed before the expiry of a specified period:
 - (b) order that the person's registration or practising licence (or both), or the person's provisional licence, be suspended—
 - (i) for any period that the Board thinks fit; or
 - (ii) until that person does 1 or more of the things specified in subsection (2):
 - (c) order that the person's registration or practising licence (or both), or the person's provisional licence, be restricted for any period that the Board thinks fit, in either or both of the following ways:
 - (i) by limiting the person to the work that the Board may specify:
 - (ii) by limiting the person to doing, or assisting in doing, work in certain circumstances (for example, by limiting the person to work only on approved premises or only in the employ of an approved employer):
 - (d) order that the person be disqualified from doing or assisting in doing prescribed electrical work that the person would otherwise be authorised to do in that person's capacity as a person to whom this Part applies—
 - (i) permanently, or for any period that the Board thinks fit; or
 - (ii) until that person does 1 or more of the things specified in subsection (2):
 - (e) order the person to do 1 or more of the things specified in subsection [\(2\)](#) within the period specified in the order:
 - (f) order the person to pay a fine not exceeding \$10,000:
 - (g) order that the person be censured:
 - (h) make no order under this subsection.
 - (2) The things that the person can be required to do for the purposes of subsection (1)(b), (d), and (e) are to—
 - (a) pass any specified examination:
 - (b) complete any competence programme or specified period of training:
 - (c) attend any specified course of instruction.
 - (3) The Board may take only 1 type of action in subsection (1) in relation to a case, except that it may impose a fine under subsection (1)(f) in addition to taking the action under subsection (1)(b), (c), (e) or (g).
 - (4) No fine may be imposed under subsection (1)(f) in relation to an act or omission that constitutes an—
 - (a) offence for which the person has been convicted by a court; or
 - (b) infringement offence for which the person has been issued with an infringement notice and has paid an infringement fee.
 - (5) The Board must not exercise any authority conferred by this section in respect of any offence committed by any person before the date of that person's registration or, as the case may be, the date on which that person's provisional licence was issued if at that date the Board was aware of that person's conviction for that offence.
 - (6) If a person is registered under Part 10 in respect of more than 1 class of registration, the Board may exercise its powers under subsection (1)(a) to (e) in respect of each of those classes or 1 or more of those classes as the Board thinks fit.]

ⁱⁱ Section 147ZA Appeals

- (1) A person who is dissatisfied with the whole or any part of any of the following decisions, directions, or orders may appeal to the District Court against the decision, direction, or order:
 - (e) any decision, direction, or order under any of sections 108, 109, 120, 133, 137, and 153 or Part 11 (except section 147C).

Section 147ZB Time for lodging appeal

An appeal under section 147ZA must be brought within—

- (a) 20 working days after notice of the decision, direction, or order was given to, or served on, the appellant; or*
- (b) any further time that the District Court may allow on application made before or after the expiration of that period.*