

Before the Electrical Workers Registration Board

CE No. 22900

**In the matter of:**

A disciplinary hearing before the Electrical Workers Registration Board

**Between:**

The Ministry of Business Innovation and Employment

**And**

Joseph Moses a registered and licensed electrical (EW081447, E241260, Electrician) (the Respondent)

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

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Hearing Location:

Auckland

Hearing Type:

Audio Visual Link

Hearing Date:

16 July 2025

Decision Date:

16 July 2025

Board Members Present:

Mr R Keys, Registered Inspector (Presiding)

Mr T Wiseman, Registered Inspector

Ms S Cameron, Registered Electrician

Mr J Hutton, Registered Inspector

Mr T Tran, Barrister

Appearances: Mr B Palethorpe, counsel for the Investigator and Mr T Wilkinson, Investigator

Ms J Stafford, counsel for the Respondent

**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 section 143(b)(ii) and 143(f) of the Act.

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## Summary of the Board's Decision

- [1] The Board determined that the Respondent committed the following disciplinary offences:
- a. Under section 143(b)(ii) of the Act, negligently created a risk of serious harm through having carried out prescribed electrical work (PEW).
  - b. Under section 143(f) of the Act, provided a false or misleading return by issuing a Certificate of Compliance certifying disconnection when the installation remained electrically live.
- [2] Key points that led to this finding:
- a. The Respondent failed to adequately test and disconnect a low voltage equipment fitting at **[Omitted]**;
  - b. The Respondent left steel conduit and lighting pole electrically live after certified disconnection;
  - c. The inadequate disconnection created a significant risk of serious harm to persons who might come into contact with the live equipment;

- d. The Respondent issued a Certificate of Compliance falsely stating that the outside pole light was disconnected when it remained electrically live;
- e. This resulted in the Complainant receiving an electric shock causing permanent injury to his hand when he attempted to remove the pole as planned.

[3] The Board ordered:

- a. A fine of \$3,000 (reduced from \$5,000 starting point);
- b. Costs of \$250;
- c. There will be publication in the Electron newsletter (named in the newsletter), a record of the disciplinary finding on the Public Register for 3 years and the written decision where the Respondent will be named in the decision to be published on the Board website.

### Introduction

- [4] 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.
- [5] The Respondent was served with a Notice of Proceeding dated 7 January 2025 setting out the alleged disciplinary offences the Investigator reported should be considered by the Board.
- [6] The following disciplinary charges were alleged in the Notice of Proceeding:

#### **First Alleged Disciplinary Offence**

*On or around 6 May 2024 at [Omitted], Mr Joseph Moses 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 failed to adequately test a low voltage equipment fitting, leaving the steel conduit, and lighting pole live after certified disconnection, leading to electrocution of [Omitted].*

#### **Or in the Alternative**

*On or around 6 May 2024 at [Omitted], Mr Joseph Moses 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 failed to adequately test a low voltage equipment fitting, leaving the steel conduit, and lighting pole live after certified disconnection, leading to electrocution of [Omitted].*

#### **Or in the Alternative**

*On or around 6 May 2024 at [Omitted], Mr Joseph Moses 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, failed to adequately test a low*

*voltage equipment fitting, leaving the steel conduit, and lighting pole live after certified disconnection, leading to electrocution of [Omitted].*

### **Second Alleged Disciplinary Office**

*On or around 6 May 2024 at [Omitted], Mr Joseph Moses 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 stating the light pole was disconnected when it was live, leading to electrocution of [Omitted].*

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

### **Function of Disciplinary Action**

- [8] The common understanding of the purpose of professional discipline is to uphold the integrity of the profession. The focus is not punishment but the protection of the public, the maintenance of public confidence and the enforcement of high standards of propriety and professional conduct. Those purposes were reiterated by the Supreme Court of the United Kingdom in *R v Institute of Chartered Accountants in England and Wales*<sup>1</sup> and in New Zealand in *Dentice v Valuers Registration Board*.<sup>2</sup>
- [9] The Board can only inquire into “the conduct of an electrical worker” with respect to the grounds for discipline set out in section 143 of the Act. Those grounds relate to carrying out or supervising PEW.

### **Evidence**

- [10] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed.<sup>3</sup> The Board notes, as regards evidence in proceedings before it, that the provisions of section 147W of the Act apply. This section states:

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

### **Procedure**

- [11] The matter proceeded on the basis of an Agreed Statement of Facts (ASOF). While the parties had reached agreement on the facts, the matter also proceeded with both counsel making submissions to the Board on the basis of the ASOF.
- [12] In summary, the ASOF established that:
- a. Mr Joseph Moses faces two disciplinary offences under the Electricity Act 1992, the first being laid in the alternative under sections 143(a)(i), 143(a)(ii) or 143(b)(ii), as set out in the Notice of Proceeding dated 7 January 2025.

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

<sup>2</sup> [1992] 1 NZLR 720 at p 724.

<sup>3</sup> *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1.

- b. Mr Moses is a registered electrician (EW081447 / E241260) and held a current practising licence at the time of the work.
- c. On 6 May 2024, Mr Moses was engaged to carry out PEW at **[Omitted]**, which included installing one new power point in the laundry on an RCD, installing one sensor light, and disconnecting the outside pole light.
- d. The complainant had instructed Mr Moses that he intended to completely remove the pole by angle grinding it at the bottom, requiring complete electrical disconnection for safety.
- e. Upon opening the light switch, Mr Moses found multiple controls which led him to disconnect the pole light at the junction box rather than at the switch. The technical evidence suggests that Mr Moses may have disconnected the red control wire from the sensor terminal but left the neutral and earth wires connected, meaning the pole remained electrically live. He should have physically removed the pole lighting cable from the junction box to achieve complete disconnection.
- f. Mr Moses issued a Certificate of Compliance on 6 May 2024 certifying that he had disconnected the outside pole light and that all testing was satisfactory when the pole remained electrically live.
- g. On 26 May 2024, when the complainant attempted to remove the pole using an angle grinder, he received an electric shock resulting in permanent injury to his right hand including coagulation, necrosis (tissue death), muscle and nerve damage, reduced mobility and ongoing pain requiring specialist treatment.
- h. Mr Moses acknowledged there was a miscommunication and that his communication with the complainant could have been better. He has implemented improved procedures including written follow-up communications with clients.
- i. Mr Moses has been an electrician for approximately 25 years with over 12,000 completed jobs and no previous safety incidents.
- j. Mr Moses cooperated with the investigation and has not previously appeared before the Board.

## **Board's Decision**

### Submissions on Liability

- [13] Counsel for the Investigator submitted that both disciplinary offences should be considered by the Board based on the facts established in the ASOF. Counsel noted that the first disciplinary offence was charged in the alternative under sections 143(a)(i), 143(a)(ii), or 143(b)(ii) of the Act, and submitted that it was for the Board to decide which of those offences the Respondent had committed. The full factual context was set out in the ASOF and it was from that context that the alleged disciplinary offences arose.

- [14] Counsel for the Respondent confirmed in her written submissions that the Respondent wished to proceed by way of an ASOF on both the first and second alleged disciplinary offences. Counsel stated that she did not propose to make any submissions on the offences themselves, other than to reiterate what was stated in the ASOF - that it was open to the Board to make findings in relation to each of the three alternative offences under the first charge.

#### First Disciplinary Offence

- [15] Based on the ASOF and having considered submissions from the respective parties, the Board finds that the Respondent negligently created a risk of serious harm to any person through having carried out PEW being an offence under section 143(b)(ii) of the Act.
- [16] While the first charge was laid in the alternative under sections 143(a)(i), 143(a)(ii) or 143(b)(ii), the Board finds that the conduct is most appropriately characterised under section 143(b)(ii) because the evidence establishes not only that the Respondent's conduct was negligent, but that this negligence created a serious risk of harm which materialised when the Complainant was electrocuted.

#### Negligence

- [17] Negligence, in a disciplinary context, is the departure by an electrical worker whilst carrying out or supervising prescribed electrical work from an accepted standard of conduct. It is judged against those of the same class of licence as the person whose conduct is being inquired into. This is described as the *Bolam*<sup>4</sup> test of negligence which has been adopted by the New Zealand Courts.<sup>5</sup>
- [18] The New Zealand Courts have stated that an assessment of negligence in a disciplinary context is a two-stage test.<sup>6</sup> The first is for the Board to consider whether the practitioner has departed from the acceptable standard of conduct. The second is to consider whether the departure is significant enough to warrant a disciplinary sanction.
- [19] When considering what an acceptable standard is, the Board must have reference to the conduct of other competent and responsible practitioners and the Board's own assessment of what is appropriate conduct, bearing in mind the purpose of the Act,<sup>7</sup> which includes protecting the health and safety of members of the public in connection with the supply and use of electricity, and promoting the prevention of damage to property in connection with the supply and use of electricity. The test is an objective one and, in this respect, it has been noted that the purpose of discipline is the protection of the public by the maintenance of professional standards and that

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<sup>4</sup> *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

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

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

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

this could not be met if, in every case, the Board was required to take into account subjective considerations relating to the practitioner.<sup>8</sup>

[20] The evidence establishes that the Respondent:

- a. Failed to carry out adequate testing of the lighting pole after disconnection work;
- b. Failed to ensure complete electrical isolation despite instructions that the pole would be physically removed;
- c. Left the steel conduit and lighting pole electrically live after certified disconnection;
- d. Failed to adequately communicate the extent of disconnection work completed.

[21] The Respondent acknowledged his negligence, stating he should have done better and has implemented procedures to prevent similar incidents.

#### Risk of Serious Harm or Significant Property Damage

[22] Turning to risk of serious harm, the term 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.*

[23] It is noted that actual serious harm need not occur for the Board to make a finding. It is the *risk* of serious harm.

[24] The evidence establishes that the inadequate disconnection work created an unacceptable risk of serious harm. When the complainant came into contact with the live pole while using an angle grinder, he suffered the permanent injuries described above.

[25] The Board notes that the complainant was fortunate not to have suffered more severe consequences, including potential fatality, from contact with live electrical conductors while using metal cutting equipment in circumstances where he believed the equipment to be electrically safe.

#### Second Disciplinary Offence

[26] The Board finds that the Respondent has committed a disciplinary offence under section 143(f) of the Act by providing a false or misleading return. The evidence shows that the Respondent issued a Certificate of Compliance certifying that he had disconnected the outside pole light when the pole remained electrically live.

[27] The accuracy of certification documentation is crucial to maintaining the integrity of electrical safety systems. The complainant relied upon this certification when

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

proceeding with his planned removal of the pole. By certifying disconnection when the installation remained live, the Respondent provided misleading information that directly contributed to the complainant's injury.

### **Penalty, Costs and Publication**

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

### **Impact on the Complainant**

- [30] During the penalty phase of the hearing, counsel for the Investigator shared an email from the complainant dated 11 July 2025 outlining the ongoing physical impacts of the prescribed electrical work on him. The complainant attended the hearing as an observer and had provided this statement to highlight the continuing effects of his injuries.
- [31] The complainant's statement detailed that he has sustained permanent injury and damage to his right hand, including coagulation, necrosis (tissue death), muscle and nerve damage. This has resulted in lack of mobility and functionality of fingers and reduced grip strength in his writing hand. He has permanently swollen and disfigured joints on one finger and experiences ongoing pain and discomfort from time to time.
- [32] The complainant advised that he had made an ACC claim, had specialist examinations, and was on a waiting list for further specialist treatment which may involve surgery to remove dead tissue and attempt to improve finger mobility and nerve damage.
- [33] The Board acknowledges the serious and ongoing impact this incident has had on the complainant, both physically and in terms of his quality of life. The permanent nature of the injuries serves as a stark reminder of the potential consequences when electrical work is not carried out to the required standard.
- [34] The Respondent, when given the opportunity to address the Board, acknowledged the impact the incident had on the complainant and expressed his heartfelt apologies. He recognised his responsibility for the incident and assured the Board that he had implemented steps to ensure nothing similar would ever happen again.

### **Penalty**

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

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



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

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

[36] Overall, the Board should assess the conduct against the range of penalty options available in section 147M of the Act, reserving the maximum penalty for the worst cases<sup>15</sup> and applying the least restrictive penalty available for the particular offending.<sup>16</sup> In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty<sup>17</sup> that is consistent with other penalties imposed by the Board for comparable offending.<sup>18</sup>

[37] In general, when determining the appropriate penalty, the Board adopts a starting point based on the principles outlined above prior to it considering any aggravating and/or mitigating factors present.<sup>19</sup>

[38] Counsel for the Investigator submitted that a fine be imposed and suggested a starting point of \$5,000 based on previous Board decisions involving electric shock incidents.<sup>20</sup> The Investigator acknowledged that mitigating factors were present, including the Respondent's cooperation with the investigation, his agreement to proceed by way of an ASOF, his apology to the Complainant, and his clean disciplinary record.

[39] Counsel for the Respondent did not contest the appropriateness of a fine as the penalty, nor did she take issue with the suggested starting point. She highlighted the significant mitigating factors present in the case, including:

- a. The Respondent's 25-year career with over 12,000 completed jobs;
- b. His previously unblemished safety record;
- c. His genuine cooperation throughout the investigation;
- d. His immediate acknowledgment of responsibility and expression of remorse;

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

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

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

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

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

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

<sup>16</sup> *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

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

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

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

<sup>20</sup> See for example, *Macdonald* [2020] EWRB 22215.

- e. The implementation of improved communication procedures to prevent future incidents;
  - f. His willingness to learn from the incident.
- [40] The parties were effectively in agreement on the appropriate penalty range, with both recognising the seriousness of the conduct while acknowledging the substantial mitigating factors present.
- [41] The Board adopted a starting point of \$5,000 for the fine, consistent with previous Board decisions involving electric shock incidents and as submitted by counsel. This was reduced by \$2,000 to \$3,000 taking into account the mitigating factors outlined by both counsel, particularly:
- a. The Respondent's cooperation with the investigation;
  - b. His genuine remorse and acceptance of responsibility;
  - c. His agreement to proceed by way of ASOF;
  - d. His previously unblemished record over 25 years;
  - e. The implementation of improved communication procedures.
- [42] The Board also took into account the Respondent's personal statement during the hearing, where he expressed his heartfelt apologies to the complainant, acknowledged the impact of the incident, and assured the Board that he had implemented steps to ensure such an incident would never happen again.
- [43] Accordingly, a fine of \$3,000 is imposed.

#### Costs

- [44] Under section 147N of the Act, the Board may require the Respondent to pay the Board any sum that it considers just and reasonable towards the costs and expenses of and incidental to the investigation, the prosecution and the hearing.
- [45] The Respondent should note that the High Court has held that 50% of total reasonable costs should be taken as a starting point in disciplinary proceedings and that the percentage can then be adjusted up or down having regard to the particular circumstances of each case.<sup>21</sup>
- [46] In *Collie v Nursing Council of New Zealand*,<sup>22</sup> 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.*
- [47] In *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*,<sup>23</sup> the High Court noted:

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<sup>21</sup> *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.

<sup>22</sup> [2001] NZAR 74

<sup>23</sup> CIV-2011-485-000227 8 August 2011

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

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

- [48] 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.
- [49] Counsel for the Investigator submitted that costs of \$250 would be appropriate, taking into account that the matter proceeded by way of an ASOF. Counsel for the Respondent did not oppose this submission.
- [50] The Board accepted the agreed position of counsel and ordered costs of \$250, reflecting the reduced costs associated with proceeding by way of an ASOF.

#### Publication

- [51] As a consequence of its decision, the Respondent's name and the disciplinary outcomes will be recorded in the Public Register as required by the Act.<sup>24</sup> 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.
- [52] 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.
- [53] Within New Zealand, there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990<sup>25</sup>. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction.<sup>26</sup> Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal

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<sup>24</sup> Refer sections 128 of the Act

<sup>25</sup> Section 14 of the Act

<sup>26</sup> Refer sections 200 and 202 of the Criminal Procedure Act

Procedure Act do not apply but can be instructive.<sup>27</sup> 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*<sup>28</sup>.

- [54] The courts have also stated that an adverse finding in a disciplinary case usually requires that the name of the practitioner be published in the public interest.<sup>29</sup> 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.
- [55] Counsel for the Investigator took a neutral position on publication, deferring to the Board to consider publication in light of the overall circumstances of the case.
- [56] Counsel for the Respondent submitted that the Respondent's name should not be published in the Electron newsletter. She acknowledged that the Board would make its own decision regarding publication in the written decision and on the Board's website but specifically requested that his name not appear in the Electron newsletter due to the potential negative impact on his business and the employees who work with him.
- [57] When questioned by the Board, the Respondent explained that publication in the Electron could harm his business and affect the people working with his company, given his position as head of the business.
- [58] The Board considered the submissions by the parties but determined that publication is appropriate given the serious nature of the safety breach and the importance of ensuring the electrical industry maintains proper disconnection and certification standards. The purpose of publication is educative for the profession and serves the public interest in maintaining confidence in electrical safety standards.
- [59] While the Board acknowledges the potential impact on the Respondent's business, this must be balanced against the public interest in ensuring that serious safety breaches are brought to the attention of the profession to prevent similar incidents. The Board notes that this was a serious safety incident that resulted in permanent injury to a member of the public, with ongoing consequences for the complainant.
- [60] The Board therefore determined that publication in the Electron newsletter is warranted, and the Respondent will be named in both the newsletter and in this decision which will be published on the Board's website.

### **Penalty, Costs and Publication Orders**

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

**Penalty:** Pursuant to section 147M(1)(f) of the Act, the Respondent is ordered to pay a fine of \$3,000.

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<sup>27</sup> *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

<sup>28</sup> *ibid*

<sup>29</sup> *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

- 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, which will be publicly available on the Board's website.
- A summary of the matter will be published by way of an article in the Electron which will focus on the lessons to be learnt from the case. The Respondent will be named in the publication.

### Right of Appeal

- [62] The right to appeal Board decisions is provided for in sections 147ZA and 147ZB of the Act<sup>ii</sup>.

Signed and dated this 7<sup>th</sup> day of August 2025



R Keys  
Presiding Member

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#### <sup>i</sup> **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):*

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- (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.