

Before the Electrical Workers Registration Board

CE No. 22893

In the matter of:

A disciplinary hearing before the Electrical Workers Registration Board

Between:

The Ministry of Business Innovation and Employment

And

Neil Tobin a registered and licensed electrical worker (E 16429, EW 061634, Electrician) (the Respondent)

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

Hearing Location: Auckland
Hearing Type: Audio Visual Link
Hearing Date: 16 October 2025
Decision Date: 16 October 2025

Board Members Present:

Mr R Keys, Registered Inspector (Presiding)
Mr T Wiseman, Registered Inspector
Ms S Cameron, Registered Electrician
Mr J Hutton, Registered Inspector
Ms L Wright, Barrister
Mr T Tran, Barrister
Mr S Rogers, Registered Electrician

Appearances: A Gordon, counsel for the Investigator, R Thomas for the Investigator
N Tobin, self represented

Procedure:

The matter was considered by the Electrical Workers Registration Board (the Board) under the provisions of Part 11 of the Electricity Act 1992 (the Act), the Electricity (Safety) Regulations 2010 (the Regulations) and the Board's Disciplinary Hearing Rules.

Board Decision:

The Respondent **has** committed disciplinary offences under sections 143(a)(ii) and 143(f) of the Act.

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Summary of the Board’s Decision

- [1] The Board determined the Respondent committed disciplinary offences under:
- a. Section 143(a)(ii) of the Act (the alternative charge), by carrying out prescribed electrical work (PEW) in a manner contrary to any enactment;
 - b. Section 143(f) of the Act by providing a false or misleading return.
- [2] Key points that led to this finding:
- a. The Respondent installed a photovoltaic system with five solar panels having a combined voltage of 279.2VDC between 7 and 14 December 2023;
 - b. This work constituted high-risk PEW in accordance with regulation 6A(2)(a)(iv) of the Electricity (Safety) Regulations 2010;
 - c. The Respondent failed to have the high-risk PEW inspected before connection, in breach of regulations 70 and 73A of the Regulations;
 - d. The Respondent provided a false or misleading Certificate of Compliance (COC) by issuing a COC for high-risk PEW without obtaining the mandatory inspection required by regulation 70 of the Regulations. The COC also incorrectly indicated that the work had been installed in accordance with a certified design when no such design existed.
- [3] The Board ordered:
- a. A fine of \$500 (reduced from a starting point of \$1,000);

- b. Costs of \$250;
- c. Publication of the Respondent's name in the Board's written decision and in the Electron;
- d. Recording on the Public Register for a period of three years.

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 registered as an electrician under the Electricity Act 1992 (the Act) and held a current practising licence at the time of the conduct that is the subject of this decision.
- [6] The Respondent was served with a Notice of Proceeding dated 26 August 2025 setting out the alleged disciplinary offences the Investigator reported should be considered by the Board.
- [7] The following disciplinary charges were alleged in the Notice of Proceeding:

First Alleged Disciplinary Offence

- a. On or around 7 December 2023 at [OMITTED], Mr Neil Tobin 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:
 - i. Completed high-risk PEW without the work being inspected and/or,
 - ii. Installed PV modules and pump controllers without following the manufacturers' instructions and/or,
 - iii. Installed PV arrays and a disconnection device where the disconnection device is not readily accessible to operate.

In breach of regulations 6A, 73A, and 60 of the Electricity (Safety) Regulations 2010.

Or in the Alternative

- b. On or around 7 December 2023 at [OMITTED], Mr Tobin 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:
 - i. Completed high-risk PEW without the work being inspected and/or,
 - ii. Installed PV modules and pump controllers without following the manufacturers' instructions and/or,

- iii. Installed PV arrays and a disconnection device where the disconnection device is not readily accessible to operate.

Or in the Alternative

- c. On or around 7 December 2023 at [OMITTED], Mr Neil Tobin 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:
 - i. Installed PV modules and pump controllers without following the manufacturers' instructions and/or,
 - ii. Installed PV arrays and a disconnection device where the disconnection device is not readily accessible to operate.

Second Alleged Disciplinary Offence

- a. On or around 7 December 2023 at [OMITTED], the Respondent has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he failed to provide correct information on the COC.

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

Withdrawal of certain particulars and alternative charge

[9] Following further discussions between the Investigator, the Respondent, and the Technical Advisor after the Notice of Proceeding was issued on 26 August 2025, the Investigator advised that evidence would not be offered in relation to the following particulars originally included in the First Charge:

- a. Installed PV modules and pump controllers without following the manufacturers' instructions; and
- b. Installed PV arrays and a disconnection device where the disconnection device is not readily accessible to operate.

[10] Consequently, the Investigator also withdrew the alternative charge under section 143(b)(ii) of the Act (negligently creating a risk of serious harm to any person, or a risk of significant property damage) which relied on those two particulars.

[11] The Board notes these withdrawals and has considered only the remaining alternatives under the First Charge: section 143(a)(ii) (breach of enactment) or section 143(a)(i) (negligence or incompetence), and the Second Charge under section 143(f) (false or misleading return).

Function of Disciplinary Action

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

- [13] 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 prescribed electrical work (PEW).

Evidence

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

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

Procedure

- [15] The hearing proceeded by way of an agreed statement of facts (ASOF) dated 10 October 2025 and signed by both the Investigator and the Respondent sets out the material facts relating to the remaining charges. The key facts are summarised below.
- [16] The Respondent is a licensed electrician (EW061634 / E 16429) and at all relevant times was the holder of a current practising licence.
- [17] The Respondent was engaged to complete PEW, including the installation of a photovoltaic system (solar powered pumping system), at the Property on or around 7 December 2023.
- [18] Between 7 and 14 December 2023, the Respondent installed the photovoltaic system at the Property.
- [19] The work involved the installation of a photovoltaic system with voltages greater than 120V DC.
- [20] The work was classified as high-risk PEW. Regulation 6A(2)(a)(iv) of the Electricity (Safety) Regulations 2010 states that high-risk PEW includes the installation, or adjustment of the settings, of a photovoltaic system in an installation.
- [21] High-risk PEW requires an electrical inspection before final energisation. The Respondent did not have the installation inspected before connection and energisation.
- [22] The Respondent stated that he was unaware that standalone power supplies required inspection if over 120V DC. However, the Respondent agreed that he connected and

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

energised a low voltage electricity system without electrical inspection. He advised that he has since had it inspected.

- [23] On 14 December 2023, the Respondent completed a COC for the work.
- [24] The COC further stated that the work was installed in accordance with a Certified Design. However, this part of the COC was ticked by mistake and no certified design was supplied. Therefore, the COC contained incorrect information.
- [25] The Respondent stated that he unintentionally provided a false and misleading COC, as he accidentally ticked the section to state that it was installed according to a Certified Design. He advised that he meant to remove the tick in the Certified Design box but that a small tick accidentally remained. Additionally, the Respondent maintains he did not submit a certified design or an as-built document.
- [26] Technical Advisor, Mr Glen McDonald (I 265954) was engaged by the Investigator to provide a technical review of the complaint and the PEW undertaken. Mr McDonald's technical review is before the Board and his findings form the basis of the disciplinary offences.
- [27] Mr McDonald's report found that the Respondent did not have the installation inspected when the COC stated certified design, installation, and connection of a new electrical water pumping system with voltages greater than 120V DC. This constituted high-risk PEW which requires an electrical inspection before final energisation, however, this did not occur. This was in breach of regulations Schedule 1(1)(a), 6A(iv), and 73A(da) of the Electricity (Safety) Regulations 2010.
- [28] Mr McDonald's report also found that the COC states that a Certified Design was relied upon for this installation. Mr McDonald noted that Mr Tobin should not have stated that the installation relied on a Certified Design. This was in breach of regulation 58 of the Electricity (Safety) Regulations 2010.
- [29] The Respondent has accepted responsibility for the disciplinary offences as outlined in the ASOF and has cooperated with the Investigator throughout the investigation and proceedings. An ASOF was reached, which avoided the need for a contested hearing. The Respondent has not previously appeared before the Board.

Board's Decision

The Section 143(a)(ii) Offence

- [30] The Board has carefully considered which of the alternative charges under the First Charge is established on the facts. As set out in the ASOF, the primary charge was under section 143(a)(i) (negligence or incompetence), with section 143(a)(ii) (breach of enactment) as the alternative. The Board finds that the Respondent's conduct is more appropriately characterised as a breach of enactment under section 143(a)(ii) rather than negligence or incompetence under section 143(a)(i).

- [31] The work undertaken by the Respondent was high-risk PEW as defined in regulation 6A(2)(a)(iv) of the Regulations. The system had a maximum voltage of 279.2V DC, which exceeded the threshold of 120 volts ripple-free DC specified in the Regulation.
- [32] The requirement for inspection of such work is clearly set out in regulation 70 of the Regulations: "All high risk prescribed electrical work done on a low or extra-low voltage installation or part installation must be inspected..." before the installation or part installation is connected to a power supply.
- [33] The requirement to inspect or sight a record of inspection before connection is also clearly set out in regulation 73A(da) of the Regulations.
- [34] The Respondent did not comply with these regulatory requirements. He connected and energised the system without having it inspected or sighting a record of inspection.
- [35] This constitutes a breach of the relevant enactments. The Respondent carried out PEW in a manner contrary to enactments that were in force at the time the work was done.
- [36] The Board has given careful consideration to whether this conduct should be characterised as negligence under section 143(a)(i) or as a breach of enactment under section 143(a)(ii). The Board concludes that section 143(a)(ii) is the more appropriate characterisation for the following reasons.
- [37] The Board has considered the Respondent's explanation for why he did not obtain an inspection. The Respondent genuinely believed that the work did not require inspection because, in his view, it did not meet the characteristics of high-risk work (no main switch, no MEN point, earthing from an earth peg rather than a main earth system).
- [38] However, the Board notes that the Regulations define high-risk work by reference to voltage thresholds, not by reference to the presence or absence of particular system components. The installation of a low voltage electricity system (including a photovoltaic array) with a voltage exceeding 120 volts ripple-free DC is high-risk work, regardless of the configuration of other system components.
- [39] While the Respondent's stated lack of awareness of the inspection requirements demonstrates a misunderstanding of the regulatory framework, the Board considers that the offence is fundamentally one of failing to comply with a clear statutory requirement rather than negligent work practices. The question is not whether the Respondent knew of the requirement, but whether he complied with it. He did not. This is more accurately characterised as a breach of enactment.
- [40] The Board therefore finds the Respondent guilty of the alternative charge under section 143(a)(ii) of the Act - that he 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.

The Section 143(f) Offence

- [41] The Board finds that the Respondent provided a false or misleading Certificate of Compliance, contrary to section 143(f) of the Act.
- [42] The primary basis for this finding is that the Respondent issued a COC for high-risk PEW that had not been inspected as required by regulation 70 of the Regulations.
- [43] When a practitioner issues a COC, they certify that the PEW has been carried out in accordance with all applicable requirements. This includes both the substantive technical standards and the procedural requirements set out in the Regulations.
- [44] For high-risk PEW, inspection before connection is a mandatory requirement under regulation 70. A COC issued for such work without the required inspection having been obtained represents that the work complies with applicable requirements when a fundamental requirement has not been met.
- [45] This makes the COC false or misleading in a material particular. The certificate misrepresents the compliance status of the work. Those who rely on a COC - including building consent authorities, electrical inspectors, and subsequent owners or occupiers of premises - are entitled to assume that all applicable requirements, including inspection requirements, have been met when a COC is issued. The issue of a COC without the required inspection undermines the integrity of the certification system.
- [46] The Board notes that this is not a case where there was any intention to mislead or any dishonesty. The Respondent genuinely believed that the work did not require inspection. However, the statutory offence under section 143(f) does not require proof of an intention to mislead. The provision of false or misleading information is sufficient, regardless of the practitioner's state of mind.
- [47] In addition to the fundamental issue of issuing a COC for uninspected high-risk work, the Board notes that the COC also contained other incorrect information. Specifically, the Respondent ticked the box indicating that the work had been "installed in accordance with a certified design" when no such certified design existed or was relied upon.
- [48] The Board accepts the Respondent's explanation that this box was ticked by mistake. The Respondent did not intend to represent that the Grundfos sizing document or the single-line schematic diagram were certified designs. Nevertheless, the ticking of this box constituted additional incorrect information on the COC.
- [49] While this additional incorrect information is less serious than the issue of certifying uninspected high-risk work, it further demonstrates a lack of care in the completion of the COC. The COC is a critical regulatory document and practitioners must take care to ensure that all information provided is accurate.
- [50] The Board therefore finds the Respondent guilty of the charge under section 143(f) of the Act - that he provided to the Board a return (being a COC) that was false or misleading in a material particular.

Penalty, Costs and Publication

- [51] Having found that one or more of the grounds in section 143 applies, the Board must, under section 147M of the Act,ⁱ consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay a fine, any costs and whether the decision should be published.
- [52] The Board received submissions at the hearing regarding penalty, costs, and publication.
- [53] Counsel for the Investigator submitted that the Investigator was in the Board's hands as to the appropriate penalty, but noted the following matters in mitigation:
- a. The Respondent's cooperation and early acceptance of responsibility;
 - b. That an ASOF had been reached, which avoided the need for a contested hearing;
 - c. That the Respondent had not previously appeared before the Board.
- [54] Counsel for the Investigator also submitted that the Investigator was in the Board's hands as to costs and as to publication, but noted that there was nothing to displace the presumption of open justice in relation to publication.
- [55] The Respondent addressed the Board and made submissions on penalty. The Respondent expressed his frustration with the length of time the investigation had taken (approximately 18 months from the initial complaint to the hearing) and with aspects of the investigative process. The Respondent stated that he had been caused considerable stress and lost sleep over the matter.
- [56] The Respondent stated that his initial concern and worry about the complaint had turned to anger and frustration. He criticised the fact that technical conclusions had been reached by the Technical Advisor remotely, without a site visit, and that charges had initially been laid in relation to practical aspects of the installation which were subsequently withdrawn.
- [57] The Respondent submitted that the process should have involved someone from the Board visiting the site and inspecting the work, which would have provided a factual basis for any charges.
- [58] However, the Respondent also accepted that he had not had the work inspected when he should have done. He stated that the matter had now been reduced to that core issue.
- [59] In response to a question from the Board about publication, the Respondent expressed his view that the Board's procedures were more problematic than his failure to obtain the required inspection.

Penalty

- [60] 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.⁴ It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:⁵

- (a) protection of the public and consideration of the purposes of the Act;
- (b) deterring Respondent and other Electrical Workers from similar offending;⁶
- (c) setting and enforcing a high standard of conduct for the industry;⁷
- (d) penalising wrongdoing;⁸ and
- (e) rehabilitation (where appropriate).⁹

- [61] 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 cases¹⁰ and applying the least restrictive penalty available for the particular offending.¹¹ In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty¹² that is consistent with other penalties imposed by the Board for comparable offending.¹³
- [62] 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.¹⁴
- [63] The Board has considered the seriousness of the offending, the mitigating factors, the need for deterrence, and consistency with previous decisions. The failure to obtain inspection for high-risk work undermines the regulatory framework designed to protect public safety. However, this is the Respondent's first appearance before the Board, he cooperated fully and reached an ASOF and he subsequently had the work inspected.
- [64] Taking these matters into account, the Board determines that an appropriate starting point for a fine is \$1,000. The Board considers this starting point appropriate because the failure to inspect high-risk PEW is a serious breach of a fundamental regulatory requirement and the issuing of an incorrect COC undermines the integrity of the certification system.

⁴ *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]

⁵ Cited with approval in *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28] and [29]

⁶ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

⁷ *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724

⁸ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

⁹ *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

¹⁰ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹¹ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

¹² *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹³ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹⁴ 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.

- [65] For the two offences, the Board reduces the starting point fine of \$1,000 by 50% to \$500 to reflect the following mitigating factors:
- a. The Respondent's cooperation throughout the investigation;
 - b. The Respondent's early acceptance of responsibility;
 - c. The reaching of an ASOF which avoided a contested hearing;
 - d. This being the Respondent's first appearance before the Board;
 - e. The Respondent subsequently having the work inspected.

Costs

[66] 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.

[67] 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.¹⁵

[68] 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.

[69] 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.*

[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.*

[70] 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

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

current matter was simple. Adjustments based on the High Court decisions above are then made.

- [71] Based on the above, the Respondent is to pay costs of \$250, which is the minimum amount of costs that can be imposed and represents a significant reduction from actual costs in recognition of his cooperation through the ASOF process.

Publication

- [72] 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.¹⁸ 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.
- [73] 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.
- [74] 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 jurisdiction.²⁰ Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive.²¹ 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
- [75] 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.²³ 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
- [76] The Board has considered whether there are any grounds that would warrant departure from the usual practice of publication with the Respondent's name included. The Board has identified no such grounds. The nature of the offending does not warrant name suppression, and there are no circumstances that would support a direction for non-publication. The Board therefore directs publication in accordance with its usual practice.

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.

Penalty, Costs and Publication Orders

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

Penalty: Pursuant to section 147M(1)(f) the Respondent is ordered to pay a fine of \$500.00

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

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

Signed and dated this 25th day of November 2025



R Keys
Presiding Member

ⁱ Section 147M of the Act

- (1) If the Board, after conducting a hearing, is satisfied that a person to whom this Part applies is guilty of a disciplinary offence, the Board may—
- (a) do 1 or more of the following things:
 - (i) order that the person's registration or practising licence (or both) be cancelled;
 - (ii) order that the person's provisional licence be cancelled;
 - (iii) order that the person may not apply to be reregistered or re-licensed before the expiry of a specified period;
 - (b) order that the person's registration or practising licence (or both), or the person's provisional licence, be suspended—
 - (i) for any period that the Board thinks fit; or
 - (ii) until that person does 1 or more of the things specified in subsection (2):

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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.