

Before the Electrical Workers Registration Board

CE No. 23014

In the matter of:

A disciplinary hearing before the Electrical Workers Registration Board

Between:

The Ministry of Business Innovation and Employment

And

[Omitted] a registered and licensed electrician ([Omitted]) (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:

Palmerston North

Hearing Type:

By Audio Visual Link

Hearing Date:

18 September 2025

Decision Date:

18 September 2025

Board Members Present:

Mr R Keys, Registered Inspector (Presiding)

Mr J Hutton, Registered Inspector

Ms S Cameron, Registered Electrician

Ms L Wright, Barrister

Mr T Tran, Barrister

Appearances: Ms S Hendren, counsel for the Investigator and Mr W Mathias, Investigator
[Omitted], accompanied by [Omitted], Industry Representative

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 and Electrical Safety Certificate certifying compliance when the installation did not meet the required standards.

[2] The Board ordered:

- a. A fine of \$2,000 (reduced from \$4,000 starting point);
- b. Costs of \$250;
- c. Name suppression is granted. The Respondent’s name, business name, company name, the location of the work, the client’s name, and any other identifying particulars will not be disclosed in the Electron newsletter or in this written decision when made publicly available on the Board’s website. The disciplinary finding will, however, be recorded on the Public Register for a period of 3 years.

Introduction

- [3] 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.
- [4] The Respondent was served with a Notice of Proceeding dated 29 July 2025 setting out the alleged disciplinary offences the Investigator reported should be considered by the Board.
- [5] The following disciplinary charges were alleged in the Notice of Proceeding:

First Alleged Disciplinary Offence

On or around 24 April 2023 at [Omitted], [Omitted] has negligently created a risk of serious harm to any person, or a risk of significant property damage, through having carried out or caused to be carried out prescribed electrical work being an offence under section 143(b)(ii) of the Act, IN THAT, he failed to undertake adequate electrical testing and visual inspection to verify the integrity and connection of the submain protective earthing conductor for electrical switchboard DB-G2 at electrical distribution switchboard PB-1.

Or in the Alternative

On or around 24 April 2023 at [Omitted], [Omitted] 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 undertake adequate electrical testing and visual inspection to verify the integrity and connection of the submain protective earthing conductor for electrical switchboard DB-G2 at electrical distribution switchboard PB-1.

Or in the Alternative

On or around 24 April 2023 at [Omitted], [Omitted] 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 undertake adequate electrical testing and visual inspection to verify the integrity and connection of the submain protective earthing conductor for electrical switchboard DB-G2 at electrical distribution switchboard PB-1, in breach of regulations 13, 59 and 63 of the Electricity (Safety) Regulations 2010.

Second Alleged Disciplinary Offence

On or around 24 April 2023 at [Omitted], [Omitted] has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he falsely certified the prescribed electrical work completed by him when there were elements of the work that were not lawful.

- [6] 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

- [7] 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
- [8] The Board can only inquire into “the conduct of an electrical worker” with respect to the grounds for discipline set out in section 143 of the Act. Those grounds relate to carrying out or supervising PEW.

Evidence

- [9] 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

- [10] The matter proceeded on the basis of an Agreed Statement of Facts dated 10 September 2025 (ASOF).
- [11] In summary, the ASOF established that:
- a. At all relevant times, [Omitted] was a licensed electrician ([Omitted]) and held a current practising licence. He was first issued his Electrical Workers Practising Licence on [Omitted] and has held it continuously to the present day.
 - b. [Omitted] is a Director of [Omitted].
 - c. [Omitted] is located at [Omitted] (the Property).
 - d. [Omitted] faces two disciplinary offence allegations as outlined in the Notice of Proceeding dated 29 July 2025. The first disciplinary offence is worded in three alternatives.
 - e. The disciplinary offences relate to PEW carried out at the Property on or around 24 April 2023.
 - f. [Omitted] accepts that he carried out, or was responsible for, non-compliant PEW at the Property that forms the basis of the disciplinary offences.

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.

- g. On or around 24 April 2023, [Omitted] was engaged to carry out general PEW at the Property. This included the replacement and general electrical upgrade of fittings and conductors.
- h. [Omitted] was with a staff member who is a qualified electrician. The staff member mainly worked on PB-1. [Omitted] did not directly supervise the electrician working on PB-1. However, he was responsible for general oversight of the site, and moved around the Property during the course of the work.
- i. [Omitted] team replaced an electricity supply pillar called PB-1.
- j. PB-1 supplied electricity to DB-G2.
- k. [Omitted] disconnected the wire in PB-1 that supplied power to DB-G2.
- l. [Omitted] was present on site for the entire duration of PEW being carried out. When it started to rain, he asked his staff to complete the work quickly. He was ultimately the last to leave the Property.
- m. Before leaving the Property, [Omitted] inspected PB-1 but failed to notice that the earth wire was disconnected. [Omitted] therefore failed to ensure that the earthing conductor was reconnected. This meant the earth wire was not connected and it was not lugged. This left a critical safety wire disconnected and compromised the integrity of the installation's earthing system.
- n. The failure to ensure the earthing conductor was connected resulted in breaches of mandatory installation standards (AS/NZS 3000:2007) and the Electricity (Safety) Regulations because:
 - i. [Omitted] failed to ensure the integrity of the submain protective earthing conductor for switchboard (DB-G2) when replacing the electricity supply pillar PB-1; and
 - ii. [Omitted] failed to complete adequate visual inspection and electrical testing prior to re-energising the electricity supply to DB-G2 following the replacement of PB-1.
- o. On 24 April 2023, [Omitted] certified (via issuing a Compliance and Electrical Safety Certificate) that the PEW carried out was:
 - i. Lawful and safe.
 - ii. Had been satisfactorily tested in accordance with Electricity (Safety) Regulations 2010; and
 - iii. The installation, or part of the installation, to which the Electrical Safety Certificate applies is connected to a power supply and is safe to use.
- p. This certification was false and misleading, because [Omitted] certified the completed PEW was lawful and safe, when in fact it was not.
- q. On 25 March 2025 [Omitted] (the Complainant) visited the Property to attend to a power issue in classroom G2 and G2R. The Complainant (who is a licensed

electrician) had been informed that the power had tripped at the pillar box recently (which supplied power to the sub board within G2).

- r. The Complainant observed that the pillar box had recently been replaced. Upon inspection, he identified that the main protective earthing conductor supplying the distribution board in G2 had not been connected and was left loose within the pillar box.
- s. Further investigation confirmed that the protective earthing conductor was connected to the earth busbar within DB-G2, and that the MEN link inside DB-G2 remained intact. DB-G2 is a switchboard located inside classroom G2.
- t. Concerned about the electrical safety of DB-2, the Complainant proceeded to reconnect the submain protective earthing conductor at PB-1 and removed the MEN link from DB-G2. PB-1 is an electrical switchboard located inside an external supply pillar box outside classrooms G6/G7.
- u. A technical adviser, Mr Mark Carter, was engaged by the Investigator to review the PEW carried out. Mr Carter's technical review is before the Board and his findings form the basis of the disciplinary offences accepted by [Omitted], as set out in the Notice of Proceeding.
- v. Mr Carter concluded that [Omitted] breached Electricity (Safety) Regulations 2010 13, 59, and 63, and AS/NZS 3000:2007 Section 8.
- w. Notable findings by Mr Carter in his report are that:
 - i. "The absence of a submain protective earthing conductor will have compromised the protective earthing system for DB G2." (page 4);
 - ii. "As it had been left between April 2023 and March 2025, the protective earthing system was completely reliant on the MEN connection between the neutral and earth busbars inside DB-G2." (page 4);
 - iii. "It is the TA opinion that these deficiencies created a risk of serious harm to a person." (page 4);
 - iv. "In its compromised state, any inadvertent removal of the MEN connection, a disconnection or a loosening of the submain neutral supplying DB-G2 will have resulted in hazardous fault currents flowing within the protective earthing conductors connected to the earth busbar at this switchboard. Under these circumstances, any exposed conductive earthed or bonded surfaces attributed to this switchboard will have become live (energised) posing a risk of fatal electric shock to people occupying said building." (page 4).
 - v. "It is the TA opinion that [Omitted] had falsely certified the prescribed electrical work completed by him in that there were elements of the work that were not lawful i.e. had breached mandatory installation requirements. Additionally, some aspects of the work are to have been defined as electrically unsafe." (page 5).

- x. In a supplementary opinion, Mr Carter stated: “It is my opinion that a failure to identify that the submain protective earth conductor was disconnected, had created a risk of serious harm to a person. In the absence of a protective earthing conductor that supplied switchboard DB-G2, any inadvertent removal of the MEN connection (link) at this switchboard, a disconnection or a loosening of the submain neutral supplying DB-G2 will have resulted in hazardous fault currents flowing within the protective earthing conductors connected to the earth busbar at this switchboard. Under these circumstances, exposed conductive earthed or bonded surfaces attributed to this switchboard will have become live (energised) posing a risk of fatal electric shock to people occupying said building. Examples include metallic earth electrical appliances, equipotentially bonded or earthed metal pipes, equipotentially bonded or earthed metal benchtops, hot water cylinder casings etc.”
- y. These supplementary opinions are also accepted by [Omitted].
- z. In response to the allegations, [Omitted] accepted responsibility for wrongdoing, and conceded that the submain protective earthing conductor intended for DB-G2 had been inadvertently left disconnected inside PB-1.
 - aa. [Omitted] stated that he has worked in the electrical industry for over 50 years, takes great pride in his work, and has always upheld high standards of safety, quality, and compliance. He is known for being thorough and methodical, and until now, has never been the subject of a complaint or accused of substandard or unsafe work.
 - bb. [Omitted] accepts that he acted negligently and accepts that his actions created a risk of serious harm to any person, or significant property damage.
 - cc. [Omitted] has cooperated fully with the Investigator throughout the investigation and proceedings.
 - dd. [Omitted] has not previously appeared before the Board.

Board’s Decision

First Disciplinary Offence

- [12] Based on the ASOF and having considered all the evidence, the Board finds that the Respondent negligently created a risk of serious harm to any person, or a risk of significant property damage through having carried out or caused to be carried out PEW being an offence under section 143(b)(ii) of the Act.
- [13] While the first disciplinary charge was laid in three alternatives, with section 143(b)(ii) being the primary charge and sections 143(a)(i) and 143(a)(ii) being alternative charges, the Board finds that the conduct is most appropriately dealt with under section 143(b)(ii). This is because the evidence establishes not only that the Respondent’s conduct was negligent, but that this negligence created a serious risk of harm.

Negligence

- [14] 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*⁴ test of negligence which has been adopted by the New Zealand Courts.⁵
- [15] The New Zealand Courts have stated that an assessment of negligence in a disciplinary context is a two-stage test.⁶ 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.
- [16] 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,⁷ 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 this could not be met if, in every case, the Board was required to take into account subjective considerations relating to the practitioner.⁸

Risk of Serious Harm or Significant Property Damage

- [17] 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.*
- [18] It is noted that actual serious harm need not occur for the Board to make a finding. It is the *risk* of serious harm.
- [19] In this case, the Respondent was engaged to carry out PEW including the replacement of an electricity supply pillar. The evidence establishes that the Respondent failed to:
- a. Undertake adequate visual inspection to verify the integrity and connection of the submain protective earthing conductor;

⁴ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

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

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

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

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

- b. Identify that the protective earthing conductor for DB-G2 had been left disconnected inside PB-1;
- c. Ensure the earthing conductor was properly connected and lugged;
- d. Conduct adequate electrical testing before re-energising the electricity supply to DB-G2; and
- e. Ensure that the electrical installation was electrically safe before issuing certification.

[20] The Respondent has acknowledged that he acted negligently and accepts that his actions created a risk of serious harm to any person, or significant property damage. During the hearing, the Respondent expressed genuine remorse, stated that he should have done the proper testing by removing the MEN link in DB-G2, and acknowledged this was the first time in 50 years in the trade that he had faced such proceedings.

[21] The Technical Advisor confirmed that the absence of the protective earthing conductor compromised the protective earthing system for DB-G2. Between April 2023 and March 2025, the system was completely reliant on the MEN connection between neutral and earth busbars inside DB-G2. Any inadvertent removal of the MEN connection, disconnection, or loosening of the submain neutral would have resulted in hazardous fault currents flowing within the protective earthing conductors, causing exposed conductive earthed or bonded surfaces to become live (energised), posing a risk of fatal electric shock to building occupants.

[22] The Board notes that the work was carried out at a [Omitted], and the installation remained in this compromised and unsafe state from April 2023 until March 2025, nearly two years, exposing [Omitted], [Omitted], and other persons to an unacceptable risk of serious harm.

[23] The Board finds that the risk of serious harm was real. The fact that no actual harm occurred during this period does not diminish the seriousness of the risk that was created by the Respondent's negligent conduct.

Second Disciplinary Offence

[24] 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 and Electrical Safety Certificate on 24 April 2023 certifying that the PEW was lawful and safe, and that it had been satisfactorily tested in accordance with the Electricity (Safety) Regulations 2010, when it had not.

[25] The accuracy of certification documentation is crucial to maintaining the integrity of electrical safety systems. By certifying compliance when the installation was unsafe due to the disconnected protective earthing conductor, the Respondent provided misleading information about the state of the installation.

[26] The Respondent has accepted this finding in the ASOF, acknowledging that the certification was false because elements of the work were not lawful and the installation was not electrically safe.

Penalty, Costs and Publication

[27] 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.

[28] The Board received submissions at the hearing regarding penalty, costs, and publication.

Penalty

[29] 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.⁹ It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:¹⁰

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

[30] 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 cases¹⁵ and applying the least restrictive penalty available for the particular offending.¹⁶ In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty¹⁷ that is consistent with other penalties imposed by the Board for comparable offending.¹⁸

⁹ *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]

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

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

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

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

¹⁴ *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

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

¹⁶ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

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

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

- [31] 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.¹⁹
- [32] In terms of penalty, the Board considered a fine is warranted in the circumstances. The failure to properly inspect and test an electrical installation at a school created serious risks to public safety, and the issuance of false certification undermines confidence in the electrical industry.
- [33] The Board considered the following aggravating factors: the work was at a [Omitted], placing [Omitted] and [Omitted] at risk; the installation was left in an unsafe state for nearly two years (April 2023 to March 2025); and there was a risk of serious harm.
- [34] The Board also considered the following mitigating factors: the Respondent's acceptance of responsibility and genuine remorse; his cooperation with the investigation; his unblemished record over 50 years in the trade; this was his first appearance before the Board; and he voluntarily enrolled in a refresher electrical testing course (scheduled for [Omitted]).
- [35] The Board adopted a starting point of \$4,000 for the fine. This was reduced by 50% to \$2,000 taking into account the mitigating factors set out above.
- [36] Accordingly, a fine of \$2,000 is imposed.

Costs

- [37] 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.
- [38] 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.²⁰
- [39] In *Collie v Nursing Council of New Zealand*,²¹ 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.*
- [40] In *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*,²² 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*

¹⁹ 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.

²⁰ *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.

²¹ [2001] NZAR 74

²² CIV-2011-485-000227 8 August 2011

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.

- [41] 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.
- [42] 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

- [43] 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.²³ 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.
- [44] 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.
- [45] Within New Zealand, there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990²⁴. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction.²⁵ Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive.²⁶ 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*.²⁷

²³ Refer sections 128 of the Act

²⁴ Section 14 of the Act

²⁵ Refer sections 200 and 202 of the Criminal Procedure Act

²⁶ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

²⁷ *ibid*

- [46] 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.²⁸ 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
- [47] The Respondent sought name suppression on the following grounds: his name is unusual and closely associated with his business “[Omitted]”, making him immediately identifiable; publication of either his name or the company name would be detrimental to his staff and business; the current difficult economic climate means loss of clients would likely force closure of the business; this would affect his employees who depend on the business; and he has experienced significant emotional and psychological distress throughout this process. The Respondent stated he would prefer to lose his practising licence rather than have his name published, as he cannot subject his staff to the consequences of publication.
- [48] The Board heard evidence from the Respondent regarding the impact this matter has had on his mental health and wellbeing. The Board was satisfied that the Respondent’s distress was genuine and that publication would have a significant impact on both his business and his employees.
- [49] The Investigator took a neutral position on publication, acknowledging both the principle of open justice and the Respondent’s submissions on the impact publication would have on him and his business.
- [50] Having carefully considered all submissions, the Board has determined that name suppression should be granted in this case. The Board recognises the psychological and emotional impact on the Respondent and the potential business impact and effect on the Respondent’s employees.
- [51] However, the Board notes that it does not have the power to prevent the disciplinary finding from being recorded on the Public Register for a period of three years. This notation will be visible to anyone who searches the register.
- [52] Accordingly, the Respondent’s name, business name, company name, the location of the work, the client’s name, and any other identifying particulars will not be disclosed in the Electron newsletter or in this written decision when published on the Board’s website. However, the disciplinary finding will be recorded on the Public Register for three years in accordance with section 128(1)(c)(viii) of the Act.

Penalty, Costs and Publication Orders

- [53] 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 \$2,000.

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.

²⁸ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055.

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's name, business name, company name, the location of the work, the client's name, and any other identifying particulars will not be disclosed 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's name, business name, company name, the location of the work, the client's name, and any other identifying particulars will not be disclosed in the publication.

Right of Appeal

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

Signed and dated this 30th day of September 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.