

Before the Electrical Workers Registration Board

CE No. 22931

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
electrical worker ([OMITTED], [OMITTED],
Electrician; and [OMITTED], Electrician
Endorsed Mains Parallel Generation Systems)
(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:

Wellington

Hearing Type:

In person and by Audio Visual Link

Hearing Date:

20 November 2025

Decision Date:

20 November 2025

Board Members Present:

Mr T Wiseman, Registered Inspector (Presiding)

Mr J Hutton, Registered Inspector

Mr S Rogers, Registered Electrician

Ms L Wright, Barrister

Mr T Tran, Barrister

Appearances:

J Ellison, counsel for the Investigator, T Wilkinson, Investigator

[OMITTED], 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 disciplinary offences alleged against the Respondent are not proven.

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Summary of the Board's Decision

- [1] The Board has determined that the disciplinary offences alleged against the Respondent are not proven to the requisite standard.
- [2] No order as to costs is made.
- [3] The Respondent's name is permanently suppressed.

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 25 March 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 18 July 2022 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:

(a) Failed to ensure that the existing low voltage electrical installation worked upon by him was left in a state that was compliant with AS/NZS 3000:2007 (he had failed to undertake the visual inspection of the MEN connection as forming the protective earthing system); and/or

(b) Failed to ensure that the existing electrical installation worked upon by him was connected to a properly functioning earthing system; and/or

(c) Failed to ensure that the work performed by him did not adversely affect the electrical safety of the existing electrical installation.

In breach of regulations 13, 59 and 73A of the Electricity (Safety) Regulations 2010.

Or in the Alternative

On or around 18 July 2022 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:

(a) Failed to ensure that the existing low voltage electrical installation worked upon by him was left in a state that was compliant with AS/NZS 3000:2007; and/or

(b) Failed to ensure that the existing electrical installation worked upon by him was connected to a properly functioning earthing system; and/or

(c) Failed to ensure that the work performed by him did not adversely affect the electrical safety of the existing electrical installation.

Or in the Alternative

On or around 18 July 2022 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 ensure the protective earthing system at the Property remained compliant with AS/NZS 3000:2007.

Second Alleged Disciplinary Offence

On or around 18 July 2022 at [OMITTED], [OMITTED] has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he falsely declared prescribed electrical work undertaken was lawful and electrically safe when it was non-compliant and electrically unsafe.

- [7] Before the hearing, the Respondent and the Board were provided with the documents in the Investigator's possession, including the Investigator's opening submissions dated 14 November 2025.

Function of Disciplinary Action

- [8] The Board's disciplinary jurisdiction under Part 11 of the Act is protective, not punitive: its purpose is to protect the public, to maintain public confidence in the profession, and to enforce high standards of propriety and professional conduct. The Board can only inquire into "the conduct of an electrical worker" with respect to the grounds for discipline in section 143 of the Act, which relate to carrying out or supervising prescribed electrical work (PEW).

Evidence, Onus of Proof and Standard

- [9] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed.
- [10] The burden of proof rests on the Investigator throughout; the Respondent does not bear the burden of proving his innocence. As the Supreme Court confirmed in *Z v Dental Complaints Assessment Committee*, the standard itself does not change with the seriousness of the allegation: it remains, in every case, more probable than not. What changes, as the gravity of the allegation rises, is the strength - or cogency - of the evidence the Board will look for before being satisfied to that standard.¹
- [11] In all proceedings under Part 11 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 in a court of law: section 147W of the Act.

Procedure

- [12] The matter proceeded as a defended hearing. The Investigator filed written opening submissions dated 14 November 2025. The Respondent was self-represented and did not file written submissions.

Evidence at the hearing

- [13] The Investigator called four witnesses. Their evidence is briefly summarised as follows:
- a. [OMITTED] (the complainant; registered electrician). [OMITTED] gave evidence that he attended the Property on 12 September 2024 to relocate the internal sub-board, found the MEN link disconnected and hanging from the main earth busbar, and found the 6mm² protective earthing conductor between the meter box and the internal distribution board disconnected and taped up. He performed earth-loop impedance and continuity tests, confirmed that the installation was non-compliant, reinstated the MEN link, connected a new earthing conductor, and lodged a complaint.
 - b. [OMITTED] (the property owner). [OMITTED] gave evidence that the Respondent was the electrician who completed the solar PV installation in July 2022 and signed off the work; that she had owned the Property for ten years and had engaged only two other electrical companies in that time - [OMITTED] (the complainant's company) and [OMITTED] (for water and septic pump repairs, which did not involve switchboard work); and that a new smart meter was installed for the solar PV system but she was not aware of the [OMITTED] sticker or the exact date on which the meter was installed.
 - c. Mr Mark Carter (Technical Advisor; registered Electrical Inspector of Torque IP Ltd). Mr Carter confirmed his technical report dated 5 December 2024. He gave evidence that the MEN link is fundamental to the safe operation of an MEN earthing system, and that interruption of the MEN link will obstruct the flow

¹ *Z v Dental Complaints Assessment Committee* [2008] NZSC 55.

of fault current via the main neutral, potentially energising earthed conductive surfaces and creating a risk of serious electric shock. Mr Carter also gave evidence on the [OMITTED] certification sticker located inside the meter box, dated 8 September 2022. He explained that, as a standard operating procedure, technicians installing revenue (smart) meters do not carry out work on the main earth and neutral busbars or the MEN link; he had consulted with a technical supervisor at WEL Networks who confirmed that meter technicians deliberately avoid working on or altering the MEN link during meter installations.

[OMITTED] (Electrical Inspector of [OMITTED]). [OMITTED] gave evidence that he

- d. had inspected the solar PV system after installation as high-risk PEW, but that his inspection was limited to the solar PV system itself and did not extend to the main earth or neutral busbars or to the MEN link in the external meter box. He confirmed that all the physical electrical connections had been completed before his arrival.

[14] Under questioning from the Board, Mr Carter accepted a number of matters that qualified his evidence:

- a. he had spoken only to a technical supervisor at [OMITTED], and not to the technician who in fact attended the meter box on 8 September 2022;
- b. that technician was unavailable to be interviewed;
- c. he had not requested photographs from [OMITTED] of the work performed on that occasion, despite acknowledging that meter technicians typically photograph their work;
- d. in his experience, persons sometimes deviate from standard procedures; and
- e. without direct evidence from the technician who had attended, the Board could not discount the possibility that the technician had deviated from standard [OMITTED] procedures.

[15] The Respondent gave evidence on his own behalf. The substance of his evidence was:

- a. that he had completed many similar solar PV installations for [OMITTED] - well in excess of 30 - without any prior complaint;
- b. that his standard testing procedure was to remove the MEN link at the external meter box in order to perform insulation resistance testing (recorded on the commissioning sheet as “Earth continuity 1 - Earth busbar to earth rod, MEN link removed”), and then to reconnect the MEN link before performing the polarity and earth continuity tests that follow (recorded as “Earth continuity 2 – Main earth conductor to array frame”);
- c. that, without the MEN link reconnected, the subsequent continuity tests could not return a valid reading;
- d. that he was 99 per cent certain he had reconnected the MEN link, qualifying that he could not say 100 per cent only because of the passage of time;

- e. that he understood the safety implications of a disconnected MEN link - he agreed “absolutely” when asked if a disconnected MEN link poses a serious risk.
- [16] The Investigator’s counsel did not put any questions to the Respondent following his evidence. The Respondent’s account of his standard testing procedure, his recollection of having reconnected the MEN link, and his explanation of the test results recorded on his commissioning sheet were not challenged in cross-examination and stand on the record uncontradicted.
- [17] Drawing on the evidence and the documents before the Board, the Board records the following:
- a. At all material times the Respondent was a registered and licensed Electrician (holding a current practising licence, with an endorsement for Mains Parallel Generation Systems).
 - b. On 18 July 2022 the Respondent installed a solar PV system with battery storage at [OMITTED], on behalf of [OMITTED]. He issued a Certificate of Compliance dated 18 July 2022 in respect of the work, accompanied by a commissioning sheet which recorded an earth continuity test 1 of 0.22 ohms (with the MEN link removed) and an earth continuity test 2 of 0.4 ohms.
 - c. The installation was inspected as high-risk PEW by [OMITTED] on 28 July 2022. [OMITTED] inspection was limited to the PV system; he did not inspect the main earth or neutral busbars or the MEN link in the external meter box.
 - d. The photographic evidence before the Board shows a [OMITTED] certification sticker inside the meter box dated 8 September 2022, indicating that a meter technician attended the meter box on that date to install or commission a smart meter.
 - e. [OMITTED] attended the Property on 12 September 2024 to relocate the internal sub-board. He found the MEN link disconnected and hanging from the main earth busbar, and the 6mm² protective earthing conductor between the meter box and the internal distribution board disconnected and taped up. He lodged a complaint with the Registrar on 16 September 2024.

Board’s Decision

- [18] The Board accepts that the condition of the installation discovered by [OMITTED] in September 2024 was non-compliant. A disconnected MEN link compromises the protective earthing system and presents a risk of electric shock under fault conditions. The technical effect of that non-compliance, as set out in Mr Carter’s evidence, is not in dispute.
- [19] The question for the Board is whether the Investigator has proved, on the balance of probabilities, that the Respondent was the person who left the installation in that non-compliant state. The burden of proof on that question rests on the Investigator.

- [20] The starting point is the Respondent's own evidence. He described a settled testing procedure: the MEN link is removed for insulation resistance testing, then reconnected before the polarity and earth continuity tests that follow. Without the MEN link in place, the second earth continuity test cannot return a valid reading. His commissioning sheet records a reading of 0.4 ohms for that test. The result is therefore evidence, on its face, that the MEN link was reconnected by the time the Respondent completed his testing. His account of his procedure, his recollection of having reconnected the link, and his explanation of the test results were not challenged in cross-examination. The Board found him to be a credible witness and accepts his evidence.
- [21] That, however, is not the end of the matter. The photographic evidence shows a [OMITTED] certification sticker inside the meter box dated 8 September 2022 - some seven weeks after the Respondent completed his work, and just over two years before [OMITTED] discovery of the non-compliance. The sticker establishes that a meter technician engaged by or on behalf of [OMITTED] attended the meter box on that date. It does not record what work was done. The Board accepts Mr Carter's evidence that meter technicians do not, as a standard operating procedure, work on the MEN link or the main earth and neutral busbars. Evidence of general practice is not, however, evidence of what was in fact done on this particular occasion, and Mr Carter himself accepted under questioning that, without direct evidence from the technician who attended on 8 September 2022, the Board could not discount the possibility of deviation from standard [OMITTED] procedures.
- [22] The Investigator called no evidence from the meter technician, or from [OMITTED], as to what was in fact done at the meter box on that date. The Investigator instead relied on [OMITTED] statement that no other electrical work had been carried out at the Property in the intervening period. The Board accepts [OMITTED] as an honest witness, but on her own evidence she was unaware of the [OMITTED] sticker or of the date on which the smart meter was installed. She was therefore not in a position to give evidence about what was, or was not, done at the meter box on the occasion of that attendance. The evidentiary gap as to what occurred on 8 September 2022 remains unfilled.
- [23] The significance of that gap is heightened by the passage of time. More than two years elapsed between the Respondent's work on 18 July 2022 and [OMITTED] discovery of the non-compliance on 12 September 2024. During that period, at least one other party attended the meter box. The Board does not speculate that the MEN link was disturbed on that occasion; equally, on the evidence before it, the Board cannot rule out the possibility that it was. The combination of an intervening attendance, the absence of evidence as to what was then done, and the lapse of more than two years before the discovery of the non-compliance materially weakens any inference that the condition [OMITTED] found in September 2024 reflects the state in which the Respondent left the installation in July 2022.
- [24] The allegations against the Respondent are serious. A finding under section 143(a)(i), section 143(a)(ii), or in particular section 143(b)(ii) (negligently creating a risk of serious harm) would carry significant consequences for his professional standing.

The standard, of course, remains the balance of probabilities; it is not to be elevated to proof beyond reasonable doubt. But, applying the principle described above, the Board looks for evidence of corresponding cogency before being satisfied that an allegation of this gravity is made out. The burden of producing that evidence rests, throughout, on the Investigator.

[25] Taking the evidence as a whole:

- a. the Respondent's account of his standard testing procedure was credible and was not challenged in cross-examination;
- b. the earth continuity test 2 result of 0.4 ohms on his commissioning sheet is consistent with the MEN link being in place when he completed his work;
- c. Mr Carter accepted that, without direct evidence from the technician who attended on 8 September 2022, the Board could not discount the possibility of deviation from standard [OMITTED] procedures;
- d. the Investigator led no evidence as to what was done at the meter box on that intervening attendance; and
- e. more than two years elapsed between the Respondent's work and the discovery of the non-compliance.

[26] Taken together, those matters mean that the evidence falls well short of the cogency required, given the seriousness of the allegation, to satisfy the Board that the Respondent was the person responsible for the condition [OMITTED] discovered some two years after the work was completed. The Investigator has not discharged the burden of proof.

Application to the charges

[27] Both charges turn on the same proposition: that the Respondent left the installation in the non-compliant condition [OMITTED] discovered.

[28] The first disciplinary offence and its alternatives - under section 143(a)(ii), section 143(a)(i) and section 143(b)(ii) - all depend on the Respondent being responsible for that condition. The second disciplinary offence, under section 143(f), alleges that the Respondent falsely certified the work as lawful and electrically safe; that charge depends on the installation being non-compliant at the time the Certificate of Compliance was issued.

[29] The Board having found, for the reasons set out above, that it is not established that the Respondent left the installation in the condition later discovered, the foundation for both charges falls away. The first disciplinary offence and its alternatives, and the second disciplinary offence, are all not proven.

Publication and Name Suppression

[30] Although suppression was not addressed at the hearing, the Board has, of its own motion, considered whether the Respondent should be named. Open justice is the starting point: an adverse disciplinary finding will ordinarily be published, and the practitioner named, so that the public and the profession may be informed of the

outcome. Where, as here, the charges are not proven, the public interest points the other way. There is no adverse finding to be communicated, no professional standard to be vindicated by naming, and no protective purpose served by it. Naming the Respondent in connection with charges that have not been made out would, by contrast, carry real and lasting consequences for his personal and professional reputation. The Board is satisfied there is no public interest in naming him, and orders that the Respondent's name be permanently suppressed.

- [31] The fact that no disciplinary offence has been established does not, however, mean that the case is without value to the profession. The matter raises issues of importance to electrical workers carrying out solar PV installations, including the proper use and re-instatement of the MEN link during commissioning, the limits of inspections directed only to the PV system, and the evidentiary difficulties that can arise when non-compliance is discovered long after the work has been completed. The Board considers that there is a public and professional interest in publishing the decision and in a general article in the Electron drawing out the lessons of the case.
- [32] The Board accordingly directs that the decision be published on the Board's website with the Respondent's name suppressed, and that a general article be published in the Electron focusing on the lessons to be drawn from the case, without naming the Respondent.

Orders For the reasons set out above, the Board makes the following orders:

- [33]
- a. the first disciplinary offence under section 143(a)(ii) of the Act, and its alternatives under sections 143(a)(i) and 143(b)(ii), are not proven;
 - b. the second disciplinary offence under section 143(f) of the Act is not proven;
 - c. the Respondent's name is permanently suppressed;
 - d. the decision will be published on the Board's website with the Respondent's name suppressed;
 - e. a general article will be published in the Electron focusing on the lessons of the case, without naming the Respondent; and
 - f. no order as to costs is made.

Right of Appeal

- [34] The right to appeal Board decisions is provided for in sections 147ZA and 147ZB of the Act.¹

Signed and dated this 11th day of June 2026.

A handwritten signature in black ink, appearing to read 'T. Wiseman', written in a cursive style.

T Wiseman

Presiding Member

ⁱ **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.*