

Before the Electrical Workers Registration Board

CE No. 22252

Electrical Worker: Anthony Parish (the Respondent)

Registration Number: E 16010

Electrical Worker Number: EW 063153

Registration Class: Electrician

Decision of the Board in Respect of the Conduct of an Electrical Worker

Under section 147G and 147M of the Electricity Act 1992

Hearing Location: Christchurch

Hearing Type: In Person

Hearing and Decision Date: 19 November 2020

Board Members Present:

Mel Orange (Presiding)

Monica Kershaw, Registered Electrician

Jane Davel, Lay Member

Russell Keys, Registered Inspector

Ashley Yan, Registered Electrical Engineer

Martin Perry, Registered Electrician

Appearances: Oscar Upperton for the Investigator
Matthew Booth for the Respondent

Procedure:

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

Board Decision:

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

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Summary of the Board’s Decision

[1] The Respondent has carried out or caused to be carried out prescribed electrical work in a negligent manner and has provided a false or misleading Electrical Safety Certificate. The Respondent is fined \$1,250 and ordered to pay costs of \$1,125.

Introduction

[2] 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.

[3] The Respondent was served with a Notice of Proceeding and Hearing setting out the alleged disciplinary offences the Investigator reported should be considered by the Board. They were:

First Alleged Disciplinary Offence

1. *On or around June 2016 at [Omitted], Mr Anthony Parish has carried out or caused to be carried out prescribed electrical work in a manner contrary to any enactment relating to prescribed electrical work that was in force at the time the work was done being an offence under section 143(a)(ii) of the Act, IN THAT, he;*

a) *Installed socket outlets in a classified damp area zone without the correct IP rating; and/or*

- b) *Installed switches and fittings in a classified damp zone without the correct IP rating; and/or*
- c) *Installed a light fitting that was not provided with a switch for isolation.*

Or in the Alternative

2. *On or around June 2016 at [Omitted], Mr Anthony Parish has carried out or caused to be carried out prescribed electrical work in a negligent or incompetent manner being an offence under section 143(a)(i) of the Act, IN THAT, he;*
- a) *Installed socket outlets in a classified damp area zone without the correct IP rating; and/or*
 - b) *Installed switches and fittings in a classified damp zone without the correct IP rating; and/or*
 - c) *Installed a light fitting that was not provided with a switch for isolation.*

Or in the Alternative

3. *On or around June 2016 at [Omitted], Mr Anthony Parish has negligently created a risk of serious harm to any person, or a risk of significant property damage, through having carried out or caused to be carried out prescribed electrical work being an offence under section 143(b)(ii) of the Act, IN THAT, he;*
- a) *Installed socket outlets in a classified damp area zone without the correct IP rating; and/or*
 - b) *Installed switches and fittings in a classified damp zone without the correct IP rating.*

Second Alleged Disciplinary Offence

4. *On or around June 2016 at [Omitted], Mr Anthony Parish has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he certified prescribed electrical work by issuing and Electricity Safety Certificate as being safe when it was not.*

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

[5] No Board Members declared any conflicts of interest in relation to the matters under consideration.

Function of Disciplinary Action

[6] The common understanding of the purpose of professional discipline is to uphold the integrity of the profession. The focus is not punishment, but the protection of the public, the maintenance of public confidence and the enforcement of high standards of propriety and professional conduct. Those purposes were recently reiterated by the Supreme Court of the United Kingdom in *R v Institute of Chartered Accountants in England and Wales*¹ and in New Zealand in *Dentice v Valuers Registration Board*².

[7] Disciplinary action under the Act is not designed to redress issues or disputes between a complainant and a respondent. In *McLanahan and Tan v The New Zealand Registered Architects Board*³ Collins J. noted that:

“... the disciplinary process does not exist to appease those who are dissatisfied The disciplinary process ... exists to ensure professional standards are maintained in order to protect clients, the profession and the broader community.”

[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. It does not have any jurisdiction over contractual matters.

Background to the Complaint

[9] The matter proceeded as a defended hearing.

[10] The charges were amended prior to the hearing. Various allegations were withdrawn by the Investigator.

Evidence

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

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

[12] The Board received briefs of evidence and heard evidence from:

[Omitted]	The Complainant
David Olsen	Electrical Inspector, expert witness for the

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

² [1992] 1 NZLR 720 at p 724

³ [2016] HZHC 2276 at para 164

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

Investigator

Brendan Erasmuson The Investigator

- [13] The Board also heard evidence from the Respondent.
- [14] The Investigator's case was that the Respondent was engaged to install electrical wiring and fit-out of a new residential build. The property was subsequently purchased by the Complainant, a registered and licensed electrician, and others. The Complainant, following a post-purchase inspection of the residence, made a complaint about what he alleged was non-compliant prescribed electrical work. The Complainant also raised the issues with the Respondent, who took action to remediate the items noted. In doing so, the Respondent did not accept that he was responsible for the allegedly non-compliant work.
- [15] The Investigator engaged Mr Olsen to review the complaint file and provide his opinion. He did not complete a site visit. His report, together with the complaint, resulted in the charges laid.
- [16] The Respondent accepted that he had installed a light fitting that was not provided with a switch for isolation. He also accepted, as regards the section 143(f) charge that he had committed an offence in so far as it related to the isolation switch.
- [17] With respect to the socket outlets and switches in a damp zone, the Respondent gave evidence and provided corroborating evidence from the builder, that the electrical fit out was completed prior to the plumbing fit. Plumbing was in place, but joinery and taps had not been installed. The Respondent stated he based the fit-out on the building consent plans that had been provided. The plans did not include electrical plans. They did show the intended position of bathroom joinery. He submitted that, on the basis of the plans, the electrical fit-out in the bathroom, when completed and certified, was compliant. The essence of the argument was that the non-compliance only arose as a result of the plumbing fittings being installed in different positions to those that were shown on the plans.
- [18] The Respondent also gave evidence that at the time the prescribed electrical work was carried out, he was experiencing health issues that impacted on his ability to work. The actual install was carried out by two trainees in his employ. He supervised their work. The Certificate of Compliance that he issued did not, as per regulatory requirements, record that he had supervised trainees or who they were. The Respondent described his supervision as remote supervision. He stated he had confidence in the two trainee's abilities. He stated that he checked the work prior to completing his certification.
- [19] The Respondent was questioned as to whether he carried out any checks after the plumbing install had been completed. He stated that he had not and accepted that he should have done another check and that he regretted not going back to check.

Board's Conclusion and Reasoning

[20] The Board has decided that the Respondent **has** carried out or caused to be carried out prescribed electrical work in a negligent manner being an offence under section 143(a)(i) of the Act, in that, he:

- a) Installed socket outlets in a classified damp area zone without the correct IP rating; and
- b) Installed switches and fittings in a classified damp zone without the correct IP rating; and
- c) Installed a light fitting that was not provided with a switch for isolation.

[21] The Board has decided that the Respondent **has** provided a false or misleading return being an offence under section 143(f) of the Act, in that, he certified prescribed electrical work by issuing and Electricity Safety Certificate as being safe when it was not.

[22] The reasons for the Board's decision follows.

Negligence

[23] The Board's finding of negligence relates to the Respondent's failure to adequately supervise and to his failure to take steps to ensure the electrical work would still be compliant once the bathroom plumbing fit-out was complete.

[24] The charge was laid in the alternatives of negligence or incompetence under section 143(a)(i) and contrary to an enactment under section 143(a)(ii).

[25] There is a hierarchy to the disciplinary charges in that the Board needs to first consider whether the prescribed electrical work was carried out or caused to be carried out in a manner that was contrary to an enactment. If the Board finds in the affirmative, it then needs to consider whether the conduct reaches the threshold for a finding of negligence or incompetence.

[26] Contrary to an enactment is a form of strict liability offence in that all that need be proven is that the relevant enactment has been breached – in the instance the Electricity (Safety) Regulations 2010 or any of the cited standards within Schedule 2 of the Regulations. The Board does not need to find that there was intention, fault or negligence⁵. In this respect the provisions of Regulation 11 are noted:

11 Strict liability offences

- (1) *Subclauses (2) and (3) apply to every offence in these regulations except those that specifically refer to a defendant's state of knowledge or intention regarding the facts constituting the offence.*

⁵ *Blewman v Wilkinson* [1979] 2 NZLR 208

(2) *In a prosecution for an offence to which this subclause applies, it is not necessary for the prosecution to prove that the defendant knew or intended the facts that constitute the offence.*

- [27] Looking at the prescribed electrical work in question, the Respondent accepted that he had not installed an insulation switch. The socket outlet and switch that were alleged to have been in a damp zone were, on the basis of the evidence received, within the zones stipulated in AS/NZS 3000⁶ and were, therefore, not compliant. The question for the Board, in respect of the bathroom fittings, was whether the work was at the time of the certification compliant. Consideration of that question requires a consideration of whether the Respondent was negligent.
- [28] Negligence is considered to be 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*⁷ test of negligence which has been adopted by the New Zealand Courts⁸.
- [29] The New Zealand Courts have stated that an assessment of negligence in a disciplinary context is a two-stage test⁹. The first is for the Board to consider whether the practitioner has departed from the acceptable standard of conduct of a professional. The second is to consider whether the departure is significant enough to warrant a disciplinary sanction.
- [30] When considering what an acceptable standard is the Board must have reference to the conduct of other competent and responsible practitioners and the Board's own assessment of what is appropriate conduct, bearing in mind the purpose of the Act¹⁰. 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 practitioner¹¹.
- [31] The Board notes that the purposes of the Act are:

1A Purposes

The purposes of this Act are—

(a) *to provide for the regulation, supply, and use of electricity in New Zealand; and*

⁶ AS/NZS 3000:2007 is a cited standard that must be complied with under the Regulations when carrying out prescribed electrical work on an installation.

⁷ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

⁸ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

⁹ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

¹⁰ *Martin v Director of Proceedings* [2010] NZAR 333 at p.33

¹¹ *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

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

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

[33] Looking at the conduct in question, the Respondent checked and certified the prescribed electrical work at a time when there was no assurance that the bathroom fittings would still be compliant once the plumbing fit-out was complete. He relied on very generic plans. He did not make any inquiries into what the actual bathroom joinery would be, where it would be placed, or where the plumbing fittings would be placed or what type of fittings would be installed. In doing so, he created a very real risk that the electrical fittings would cease to be compliant following the plumbing fit-out. As it transpired, that is what occurred.

[34] The Board considers that an electrical worker would, in such circumstances, delay the issue of a certificate of compliance until such time as the plumbing fit-out had been completed. At the very least, it considers an electrical worker would not base compliance on assumptions and would carry out further checks to ensure actual compliance.

[35] The Respondent is also responsible for non-compliant work that was carried out under his supervision – the installation of a light fitting without a means of isolation. Supervision is defined in section 2 of the Act as:

Supervision, in relation to any work, means that the work is undertaken under such control and direction of a person authorised under this Act to do the work [or, in the case of section 76, a person authorised to supervise work under that section] as is sufficient to ensure—

- (a) *That the work is performed competently; and*
- (b) *That while the work is being undertaken, appropriate safety measures are adopted; and*
- (c) *That the completed work complies with the requirements of any regulations made under section 169 of this Act:*

- [36] The definition was considered in *Electrical Workers Registration Board v Gallagher*¹². Judge Tompkins stated at paragraph 24:

As is made apparent by the definition of “supervision” in the Act, that requires control and direction by the supervisor so as to ensure that the electrical work is performed competently, that appropriate safety measures are adopted, and that when completed the work complies with the requisite regulations. At the very least supervision in that context requires knowledge that work is being conducted, visual and other actual inspection of the work during its completion, assessment of safety measures undertaken by the person doing the work on the site itself, and, after completion of the work, a decision as to compliance of the work with the requisite regulations.

- [37] The Board also maintains and publishes Supervision Procedures for Trainees and Supervision Guidelines. These provide guidance as to the responsibilities of the supervisor and supervisee.
- [38] The Board considers the level of supervision required will depend on the circumstances under which the prescribed electrical work is being undertaken and the abilities of the trainee being supervised. A supervisor needs to assess each situation and determine the level of appropriate supervision. Consideration should be given to factors including but not limited to:
- (a) the type and complexity of the prescribed electrical work to be supervised;
 - (b) the experience of the person being supervised;
 - (c) the supervisor’s experience in working with the person being supervised and their confidence in their abilities;
 - (d) the number of persons or projects being supervised; and
 - (e) the geographic spread of the prescribed electrical work being supervised.
- [39] The Board will also look at, and take into consideration, the standard and compliance of the prescribed electrical work completed under supervision when considering the adequacy of the supervision provided.
- [40] In this instance, the Respondent used remote supervision. That may have been appropriate in the circumstances. Remote supervision does, however, require that the work completed is checked for compliance. In respect of the isolation switch that did not occur, the Board considers that a competent practitioner would have made such checks and would have identified the non-compliance.
- [41] Turning to seriousness in *Collie v Nursing Council of New Zealand*¹³ the Court’s noted, as regards the threshold for disciplinary matters, that:

¹² *Electrical Workers Registration Board v Gallagher* Judge Tompkins, District Court at Te Awamutu, 12 April 2011

¹³ [2001] NZAR 74

[21] Negligence or malpractice may or may not be sufficient to constitute professional misconduct and the guide must be standards applicable by competent, ethical and responsible practitioners and there must be behaviour which falls seriously short of that which is to be considered acceptable and not mere inadvertent error, oversight or for that matter carelessness.

- [42] The Respondent submitted that, as regards the isolation switch that was not installed, that it was not serious as it would only impact other electrical workers and would know that they had to make the fitting safe prior to carrying out any work. With respect to the bathroom fittings he submitted that persons would be protected by an RCD and, as such, the risks were minimal.
- [43] Looking at the isolation switch, there is a homeowner exemption which allows them to carry out prescribed electrical work on the fittings of the type that was installed. As such, there was a risk to them. Turning to the submission on RCDs it is to be remembered that they are a last line of defence and there is no guarantee that RCDs will always operate as intended. The primary means of ensuring electrical safety is the competent and compliant completion of prescribed electrical work.
- [44] On the above basis the Board, which includes persons with expertise in the electrical industry, considered the Respondent has departed from accepted standards of conduct and that the failings were serious enough to warrant a disciplinary outcome.

Certification

- [45] The second charge related to the provision of a false or misleading return. In determining whether a return is false or misleading is a question of fact to be decided objectively and the intention of the issuer is irrelevant¹⁴.
- [46] The return referred to in the charge is issued under the Regulations. There is a requirement that an Electrical Safety Certificate be issued for all prescribed electrical work. It must contain a statement to the effect that the installation or part installation is connected to a power supply and is safe to use. In this instance, on the basis of the findings in the first charge, the statement was not true. As such, the disciplinary offence has been committed.

Penalty, Costs and Publication

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

¹⁴ *Taylor Bros Ltd v Taylor Group Ltd* [1988] 2 NZLR 1

Penalty

[49] The purpose of professional discipline is to uphold the integrity of the profession; the focus is not punishment, but the enforcement of a high standard of propriety and professional conduct. The Board does note, however, that the High Court in *Patel v Complaints Assessment Committee*¹⁵ commented on the role of “punishment” in giving penalty orders stating that punitive orders are, at times, necessary to provide a deterrent and to uphold professional standards. The Court noted:

[28] I therefore propose to proceed on the basis that, although the protection of the public is a very important consideration, nevertheless the issues of punishment and deterrence must also be taken into account in selecting the appropriate penalty to be imposed.

[50] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*¹⁶ the Court noted that whilst the statutory principles of sentencing set out in the Sentencing Act 2002 do not apply to the Electricity Act they have the advantage of simplicity and transparency. The Court recommended adopting a starting point for a penalty based on the seriousness of the disciplinary offending prior to considering any aggravating and/or mitigating factors. The same applies to disciplinary proceedings under the Electricity Act.

[51] The Board adopted a starting point of a fine of \$2,000. The amount reflected the nature and seriousness of the offending and was consistent with other matters that have come before the Board.

[52] The Respondent was remorseful. The Board took into consideration that the Respondent had taken action to rectify non-compliant prescribed electrical work when it was brought to his attention, including work that was not his own. It also took into account the Respondent’s health at the time the prescribed electrical work was carried out.

[53] On the basis of the mitigation, the Board reduced the fine to \$1,250.

Costs

[54] Under section 147N of the Act, the Board may require the Respondent to pay the Board any sum that it considers just and reasonable towards the costs and expenses of, and incidental to the investigation, prosecution and the hearing.

[55] 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

¹⁵ HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

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

that the percentage can then be adjusted up or down having regard to the particular circumstances of each case¹⁷.

- [56] In *Collie v Nursing Council of New Zealand*¹⁸ 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.

- [57] Based on the above, the Board's costs order is that the Respondent is pay the sum of \$1,125 toward the costs of and incidental to the matter. This is the Board's scale amount of costs for a half-day hearing. It is significantly less than 50% of actual costs.

Publication

- [58] 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 Act¹⁹. 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.
- [59] 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.
- [60] Within New Zealand, there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990²⁰. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction²¹. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive²². 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*²³.

¹⁷ *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.

¹⁸ [2001] NZAR 74

¹⁹ Refer sections 128 of the Act

²⁰ Section 14 of the Act

²¹ Refer sections 200 and 202 of the Criminal Procedure Act

²² *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

²³ *ibid*

- [61] 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 interest²⁴. 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.
- [62] A request was made for suppression under section 153 of the Act. The Board noted the Respondent's health issues and the time that had passed since the events occurred. It did not, however, consider that the tests for an order under section 153 of extreme hardship had been made out.
- [63] Ordinarily, the Board publishes disciplinary matters in the Electron and on its website. It will do so in respect of this matter, but will not name the Respondent in the Electron. The Respondent will be named in this decision which will be published on the website.

Penalty, Costs and Publication Orders

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

Penalty: Pursuant to section 147M(1)(f) of the Electricity Act 1992, the Respondent is ordered to pay a fine of \$1,250.

Costs: Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$1,125 (GST included) towards the costs of, and incidental to, the inquiry of the Board.

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

The Respondent will be named in this decision.

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

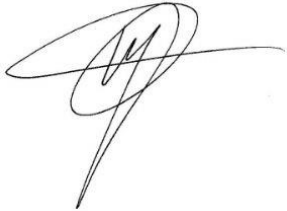
- [65] The Respondent should note that the Board may refuse to relicence an electrical worker who has not paid any fine or costs imposed on them.

²⁴ Kewene v Professional Conduct Committee of the Dental Council [2013] NZAR 1055

Right of Appeal

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

Signed and dated this 4th day of December 2020



M. J Orange
Presiding Member

ⁱ **Section 147M of the Act**

- (1) *If the Board, after conducting a hearing, is satisfied that a person to whom this Part applies is guilty of a disciplinary offence, the Board may—*
- (a) *do 1 or more of the following things:*
 - (i) *order that the person's registration or practising licence (or both) be cancelled:*
 - (ii) *order that the person's provisional licence be cancelled:*
 - (iii) *order that the person may not apply to be reregistered or re-licensed before the expiry of a specified period:*
 - (b) *order that the person's registration or practising licence (or both), or the person's provisional licence, be suspended—*
 - (i) *for any period that the Board thinks fit; or*
 - (ii) *until that person does 1 or more of the things specified in subsection (2):*
 - (c) *order that the person's registration or practising licence (or both), or the person's provisional licence, be restricted for any period that the Board thinks fit, in either or both of the following ways:*
 - (i) *by limiting the person to the work that the Board may specify:*
 - (ii) *by limiting the person to doing, or assisting in doing, work in certain circumstances (for example, by limiting the person to work only on approved premises or only in the employ of an approved employer):*
 - (d) *order that the person be disqualified from doing or assisting in doing prescribed electrical work that the person would otherwise be authorised to do in that person's capacity as a person to whom this Part applies—*
 - (i) *permanently, or for any period that the Board thinks fit; or*
 - (ii) *until that person does 1 or more of the things specified in subsection (2):*
 - (e) *order the person to do 1 or more of the things specified in subsection (2) within the period specified in the order:*
 - (f) *order the person to pay a fine not exceeding \$10,000:*
 - (g) *order that the person be censured:*
 - (h) *make no order under this subsection.*

-
- (2) *The things that the person can be required to do for the purposes of subsection (1)(b), (d), and (e) are to—*
 - (a) *pass any specified examination:*
 - (b) *complete any competence programme or specified period of training:*
 - (c) *attend any specified course of instruction.*
 - (3) *The Board may take only 1 type of action in subsection (1) in relation to a case, except that it may impose a fine under subsection (1)(f) in addition to taking the action under subsection (1)(b), (c), (e) or (g).*
 - (4) *No fine may be imposed under subsection (1)(f) in relation to an act or omission that constitutes an—*
 - (a) *offence for which the person has been convicted by a court; or*
 - (b) *infringement offence for which the person has been issued with an infringement notice and has paid an infringement fee.*
 - (5) *The Board must not exercise any authority conferred by this section in respect of any offence committed by any person before the date of that person's registration or, as the case may be, the date on which that person's provisional licence was issued if at that date the Board was aware of that person's conviction for that offence.*
 - (6) *If a person is registered under Part 10 in respect of more than 1 class of registration, the Board may exercise its powers under subsection (1)(a) to (e) in respect of each of those classes or 1 or more of those classes as the Board thinks fit.]*

ii Section 147ZA Appeals

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

Section 147ZB Time for lodging appeal

An appeal under section 147ZA must be brought within—

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