Before the Electrical Workers Registration Board

	CE No. CE23108
Electrical Worker:	Reece Furness (the Respondent)
Registration Number:	I 279915
Electrical Worker Number:	EW122490
Registration Class:	Electrical Inspector

Decision of the Board under section 147G and 147M of the Electricity Act 1992

Hearing Type:	Board in person (parties online)
Decision Date:	19 August 2026

Board Members Present:

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

Appearances: Ms Geary for the Investigator, Ms Stafford, Counsel 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 Policies.

Board Decision:

The Board has determined that Respondent has committed disciplinary offences pursuant to s 143 (b)(ii) and s 143(f) of the Act.

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Summary of the Board's Decision

[1] The Respondent was charged with an offence relating to carrying out prescribed electrical work (PEW).

[2] The Respondent accepted that he had committed the disciplinary offences. The Board determined that he would be fined pursuant s147M (1)(f) of the Act. The fine was reduced from a starting point of $7000.00 to a final fine of $3500.00, taking into account the mitigating factors present. The Respondent was also ordered to pay costs of $250.00. A record of the offending will be recorded on the public Register for a period of three years. An article will be published in the electron and the Respondent will be named in that article.

Introduction

[3] The hearing resulted from a complaint about the conduct of the Respondent and a report under s147G(1) of the Act from the Investigator that the complaint should be considered by the Board.

[4] The Respondent was served with a notice setting out the alleged disciplinary offences the Investigator reported should be considered by the Board.

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

[6] The complaint relates to work undertaken around 20 September 2024. The Respondent was engaged to carry out PEW. The Respondent inspected the electrical installation at the Property and issued a Record of Inspection (ROI) certifying it as compliant in circumstances where a phase/neutral transposition existed at the point of connection between the incoming overhead service lines and the consumer mains. This defect remained undetected and that, on 25 September 2024, a meter installation technician received an electric shock when opening the metallic

enclosure housing the main switchboard. The technician was taken to hospital and discharged without injury.

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] 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."*

[9] The Board can only inquire into "the conduct of an electrical worker" with respect to the grounds for discipline set out in s143 of the Act. It does not have any jurisdiction over contractual matters.

Procedure

[10] The matter proceeded on the basis of an Agreed Statement of Facts.

[11] The Board was assisted by oral submissions from Counsel for the Respondent.

Evidence

[12] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed[4]. The Board notes, as regards evidence in proceedings before it, that the provisions of s147W 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.*

[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

[13] The general rule is that all facts in issue, or relevant to the issue in a case, must be proved by evidence. As the Investigator and Respondent agreed to the facts, it was not necessary to call any further evidence or to test the evidence as outlined in the Statement.

[14] The alleged disciplinary offence that the investigator is proceeding with is as follows:

First Alleged Disciplinary Offence

1. On or around 20 September 2024 at [OMITTED], Mr Reece Furness 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 carry out adequate testing of phase and neutral conductors.

Or in the Alternative

2. On or around 20 September 2024 at [OMITTED], Mr Reece Furness 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 carry out adequate testing of phase and neutral conductors.

In breach of Electricity (Safety) Regulations 2010 63 (1), 70 (3) and 73.

Second Alleged Disciplinary Offence

On or around 20 September 2024 at [OMITTED], Mr Reece Furness has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he provided a record of inspection for electrically unsafe work.

In breach of Electricity (Safety) Regulations 2010

Board's Decision

[15] The first charge is charged in 2 alternatives. The Board determined that an offence had been committed and also determined that the actions of the Respondent were negligent or incompetent and created a risk of serious harm. The first alternative of the charge is proven, and the Respondent has committed a disciplinary offence pursuant to s 143 (b)(ii) of the Act. He also provided a record of inspection for electrically unsafe work in breach of s 143 (f).

<u>Negligence</u>

[16] 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*[5] test of negligence which has been adopted by the New Zealand Courts.[6]

[5] *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582
[6] *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

[17] The New Zealand Courts have stated that an assessment of negligence in a disciplinary context is a two-stage test[7]. 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.

[18] 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,[8] 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.[9]

[19] In the present case the Respondent's failure was significant and fundamental. The Respondent has acknowledged that he did not undertake an independent polarity test of the phase and neutral mains conductors. He explained that his omission was failing to double check the polarity by carrying out an independent earth test The transposition at the entry point created a significant risk, as there were no protective devices to minimise the risk.

Penalty, Costs and Publication

[20] Having found that one or more of the grounds in section 143 applies the Board must, under s147M of the Act[i], consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.

[21] Counsel for the investigator and the Respondent were invited to make submissions at the hearing as regards penalty, costs and publication. Counsel for the Investigator did not make any submissions.

[22] The Respondent has accepted responsibility and taken accountability for his conduct.

[23] The Board took into account that the Respondent co-operated, pleaded guilty and has not previously appeared in his 15 years as an electrical worker. He has made changes to his practice since this incident.

Penalty

[24] The Board has the discretion to impose a range of penalties, which are set out in s147M of the Act. Exercising that discretion and determining the appropriate penalty

[7] *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)
[8] *See s1A Electricity Act 1992*
[9] *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

requires that the Board balance various factors, including the seriousness of the conduct and any mitigating or aggravating factors present.[10] It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:[11]

(a) protection of the public and consideration of the purposes of the Act;[12]

(b) deterring the Respondent and other Electrical Workers from similar offending;[13]

(c) setting and enforcing a high standard of conduct for the industry;[14]

(d) penalising wrongdoing;[15] and

(e) rehabilitation (where appropriate). [16]

[25] Overall, the Board should assess the conduct against the range of penalty options available in s147M of the Act, reserving the maximum penalty for the worst cases[17] and applying the least restrictive penalty available for the particular offending.[18] In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty [19] that is consistent with other penalties imposed by the Board for comparable offending.[20]

[26] 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.[21]

[27] The offending was more serious than that in the cases referred to by Counsel for the Respondent. As an inspector, the Respondent is a senior electrical worker and as such is expected to know the basic fundamentals of testing and the risks when testing is not carried out correctly. The location of the transposition increased the risk and the seriousness of the offending due to the absence of protective devices. The earthing system was livened, so every part of the system became live creating a risk of exposure of live parts and electric shocks. The outcome could have been a fatality.

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[10] 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]
[11] Cited with approval in *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28] and [29]
[12] Section 1A Electricity Act 1992
[13] *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354
[14] *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724
[15] *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27
[16] *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
[17] *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354
[18] *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818
[19] *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354
[20] *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354
[21] 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.

[28] The Respondent accepted that he failed to carry out adequate testing. It was submitted that he did not fail to appreciate scope of testing, but he instead made assumptions about testing already having been carried out. The installation was more advanced than he anticipated, with one circuit already livened. He relied on the installing electrician but accepts that he made a fundamental error

[29] Based on the above, the Board's penalty decision is the starting point for the fine is $7000.00. Taking into account the significant mitigating factors present, the fine will be reduced to $3500.00.

Costs

[30] Under s147N 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.

[31] 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.[22]

[32] In *Collie v Nursing Council of New Zealand,*[23] 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.*

[33] In *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*,[24] the High Court noted:

> *[46] All cases referred to in Cooray were medical cases and the Judge was careful to note that the 50 per cent was the general approach that the Medical Council took. We do not accept that if there was any such approach, it is necessarily to be taken in proceedings involving other disciplinary bodies. Much will depend upon the time involved, actual expenses incurred, attitude of the practitioner bearing in mind that whilst the cost of a disciplinary action by a professional body must be something of a burden imposed upon its members, those members should not be expected to bear too large a measure where a practitioner is shown to be guilty of serious misconduct.*
>
> *[47] Costs orders made in proceedings involving law practitioners are not to be determined by any mathematical approach. In some cases, 50 per cent will be too high, in others insufficient.*

[22] *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.
[23] [2001] NZAR 74
[24] CIV-2011-485-000227 8 August 2011

[34] 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.

[35] Based on the above the Board's costs order is that the Respondent is to pay the sum of $250.00 toward the costs of and incidental to the matter. In setting the amount of costs the Board took into account that the Respondent had agreed to the matter proceeding by way of an Agreed Statement of Facts.

Publication

[36] 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[25]. The Board can, pursuant to s147Z of the Act, also order publication over and above the public register notation. Under s147Z 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.

[37] 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.

[38] Within New Zealand, there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990[26]. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction[27]. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive[28]. 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*[29].

[39] 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[30]. 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.

[40] The Respondent did not seek name suppression. Open justice requires publication. The Respondent will be named in the decision and in an article in the electron.

[25] Refer sections 128 of the Act
[26] Section 14 of the Act
[27] Refer sections 200 and 202 of the Criminal Procedure Act
[28] *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350
[29] ibid
[30] Kewene v Professional Conduct Committee of the Dental Council [2013] NZAR 1055

[41] The Respondent should also note that the Board has not made any form of order under section 153(3) of the Act which allows for prohibition of publication.

Penalty, Costs and Publication Orders

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

Penalty:	**Pursuant to s147M(1)(f) of the Electricity Act 1992, the Respondent is ordered to pay a fine of $3500.00.**
Costs:	**Pursuant to s147N of the Act, the Respondent is ordered to pay costs of $250.00 (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 s128(1)(c)(viii) of the Act.** **The Respondent will be named in this decision, which will be publicly available on the Board's website.** **A summary of the matter will be published by way of an article in the Electron which will focus on the lessons to be learnt from the case lessons. The Respondent will be named in the publication.**

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

Right of Appeal

[44] The right to appeal Board decisions is provided for in s147ZA and s147ZB of the Act[ii].

Signed and dated this 5th day of October 2026



R Keys
Presiding Member

[1] ***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.**]***

[1] ***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.