

## Before the Electrical Workers Registration Board

CE No. 22572

**In the matter of:**

A disciplinary hearing before the Electrical Workers Registration Board

**Between:**

The Ministry of Business Innovation and Employment

**And**

Bryce Sims, a registered and licensed electrical worker (EI 13251, EW 025897, Electrical Installer) (the Respondent)

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

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Hearing Location:

Auckland

Hearing Type:

In Person

Hearing and Decision Date:

21 September 2023

Board Members Present:

Mr R Keys, Registered Inspector (Presiding)

Ms A Yan, Registered Electrical Engineer

Mr M Orange, Barrister

Ms S Cameron, Registered Electrician

Mr T Wiseman, Registered Inspector

Appearances:

M Denyer for the Investigator

**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(d) of the Act.

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## Summary of the Board’s Decision

- [1] The Respondent carried out prescribed electrical work without a current practising licence. He did not engage in the disciplinary process. Given his age and the need to protect the public, the Board decided that it would cancel the Respondent’s registration and order that he could not apply to be reregistered for a period of two years. Given the significance of the penalty imposed, the Board did not make a costs order. It did decide that the decision should be published, and that the Respondent should be named in that publication.

## 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 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 13 August 2020, at [OMITTED], Mr Bryce Sims has done prescribed electrical work that, under the terms of any restriction or limitation that applies to the prescribed electrical work that the person may do, the person is not authorised to do being an offence under section 143(d) of the Act, IN THAT, he carried out and certified prescribed electrical work without holding a current practising licence.

### **Second Alleged Disciplinary Offence**

2. On or around 26 August 2020, at [OMITTED], Mr Bryce Sims has done prescribed electrical work that, under the terms of any restriction or limitation that applies to the prescribed electrical work that the person may do, the person is not authorised to do being an offence under section 143(d) of the Act, IN THAT, he carried out and certified prescribed electrical work without holding a current practising licence.

### **Third Alleged Disciplinary Offence**

3. On or around 22 December 2020, at [OMITTED], Mr Bryce Sims has done prescribed electrical work that, under the terms of any restriction or limitation that applies to the prescribed electrical work that the person may do, the person is not authorised to do being an offence under section 143(d) of the Act, IN THAT, he carried out and certified prescribed electrical work without holding a current practising licence.

### **Fourth Alleged Disciplinary Offence**

4. On or around 22 December 2020, at [OMITTED], Mr Bryce Sims has done prescribed electrical work that, under the terms of any restriction or limitation that applies to the prescribed electrical work that the person may do, the person is not authorised to do being an offence under section 143(d) of the Act, IN THAT, he carried out and certified prescribed electrical work without holding a current practising licence.

### **Fifth Alleged Disciplinary Offence**

5. On or around 28 March 2022, at [OMITTED], Mr Bryce Sims has done prescribed electrical work that, under the terms of any restriction or limitation that applies to the prescribed electrical work that the person may do, the person is not authorised to do being an offence under section 143(d) of the Act, IN THAT, he carried out and certified prescribed electrical work without holding a current practising licence.

### **Sixth Alleged Disciplinary Offence**

6. On or around 29 March 2022, at [OMITTED], Mr Bryce Sims has done prescribed electrical work that, under the terms of any restriction or limitation that applies to the prescribed electrical work that the person may do, the person is not authorised to do being an offence under section 143(d) of the Act, IN THAT, he carried out and certified prescribed electrical work without holding a current practising licence.

[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*<sup>1</sup> and in New Zealand in *Dentice v Valuers Registration Board*<sup>2</sup>.

[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*,<sup>3</sup> 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.

### Service

[9] Prior to considering the disciplinary charge, the Board needs to determine whether the Respondent has been provided with notice of the complaint and with an opportunity to respond to it. This is to ensure that he is afforded his right to natural justice as section 156 of the Act stipulates that the Board “must observe the rules of natural justice”.

[10] The principles of natural justice require that hearings are conducted in a manner that ensures that a respondent is given a fair opportunity to be heard, to contradict the evidence and that the decision-making process is conducted fairly, transparently and in good faith. In terms of a fair hearing, a respondent should be given the opportunity to respond to an allegation which, with adequate notice, might be effectively refuted. The Act recognises those principles and prescribe a process that must be complied with when a complaint is made. That process includes providing the Respondent with a copy of the complaint and an opportunity to respond to it<sup>4</sup> and the opportunity to appear and be heard at a hearing.<sup>5</sup>

[11] In this matter, the Respondent did not appear at the hearing, and he did engage in the investigation process in that he responded to the complaint.

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

<sup>2</sup> [1992] 1 NZLR 720 at p 724

<sup>3</sup> [2016] HZHC 2276 at para 164

<sup>4</sup> Section 146(4) of the Act.

<sup>5</sup> Section 147 of the Act.

- [12] Section 147H of the Act requires that the Respondent be served with a notice of the disciplinary hearing (Notice of Hearing).
- [13] Section 156B of the Act stipulates how notices can be served by the Board. The methods of service include sending it by email to the person's email address, which was how the notice was served.
- [14] Under section 128(2)(b) of the Act, the Register of Electrical Workers must contain contact details, which can include an email address. The email address that was used was the address that the Respondent provided and maintained on the Register. It is also noted that section 126(1)(c) of the Act states that the purposes of the Act includes "to facilitate the administrative, disciplinary, and other functions of the Board, under this Act."
- [15] Given the above, the Board finds that the required notice was validly served.
- [16] It is noted that the Respondent is not obliged to attend a hearing. The requirement is that he is given the opportunity to do so. As that has occurred, natural justice requirements have been met. The Board, therefore, decided that it would consider the matter.
- [17] The Board also notes that the purposes of the disciplinary provisions in the Act would be defeated if an electrical worker was able to avoid complaints by not engaging in investigations or appearing at hearings. As such, it is appropriate that it deals with the matter.

### **Evidence**

- [18] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed<sup>6</sup>. 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.*
- [19] The matter proceeded as a formal proof hearing in which the Investigator produced evidence from witnesses in order to prove the allegations made. To assist the Board, briefs of evidence were filed.
- [20] The briefs, which were confirmed under oath or affirmation, and oral evidence received established that the Respondent's licence expired on 30 June 2019 but that between 13 August 2020 and 29 March 2022, the Respondent carried out prescribed electrical work (PEW) on the six properties for a rental agent. On each occasion, he personally picked up the keys for the properties, carried out the electrical work and then supplied an invoice to [OMITTED], setting out the work completed. The invoices

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<sup>6</sup> *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

were provided to the Board. As the Respondent's licence had expired, the allegation was that he had carried out PEW that he was not authorised to do.

- [21] The Board received evidence from the person who contracted from the work, which established, on the balance of probabilities, that the Respondent was the person who carried out the PEW that was invoiced.
- [22] The Investigator sought the opinion of Mr Mark Carter, an Electrical Inspector. His opinion was that the work was PEW and that the Respondent was not licensed to carry it out.

### **Board's Conclusion and Reasoning**

[23] The Board has decided that the Respondent did prescribed electrical work that he was not authorised to do, being an offence under section 143(d) of the Act in that he carried out and certified prescribed electrical work without holding a current practising licence on the following dates and at the stated addresses:

- On or around 13 August 2020, at [OMITTED]
- On or around 26 August 2020, at [OMITTED]
- On or around 22 December 2020, at [OMITTED]
- On or around 22 December 2020, at [OMITTED]
- On or around 28 March 2022, at [OMITTED]
- On or around 29 March 2022, at [OMITTED]

[24] The Respondent's licence expired on 30 June 2019. He did not renew it. Practising licenses are issued for a period of two years. Electrical workers are responsible for maintaining the currency of their practising licences. Notwithstanding, renewal notices are issued.

[25] The uncontested evidence established that the Respondent carried out PEW after his licence had expired. Section 74 of the Act places restrictions on who can carry out PEW. Under section 74, a person cannot do any PEW unless they are authorised. In terms of a registered person, the section states that to be authorised, they must hold a current practising licence.<sup>7</sup> There are various exemptions,<sup>8</sup> none of which

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<sup>7</sup> **74 Restrictions on doing or assisting with prescribed electrical work**

- (1) *A person must not do any prescribed electrical work, or assist in doing any prescribed electrical work, unless that person is authorised to do so under this section.*
- (2) *The following persons may do prescribed electrical work, or assist in doing prescribed electrical work, within the limits prescribed in regulations (if any):*
- (a) *a registered person who is authorised to do, or assist in doing, the work under a current practising licence:*
  - (b) *a person who is authorised to do, or assist in doing, the work under a provisional licence:*
  - (c) *a person who is authorised to do, or assist in doing, the work under an employer licence.*

<sup>8</sup> Sections 75 to 80 of the Act provide for various exemptions. Section 75 covers exemptions granted by the Board, section 76 an exemption for work carried out under supervision and sections 77 and 78 exemptions for

apply. Section 98 of the Act also states that a registered person cannot carry out PEW without a practising licence.<sup>9</sup>

- [26] Given the restrictions and the fact that the Respondent's licence had expired, the Board was satisfied that the disciplinary offences had been committed.
- [27] The Board also notes that the disciplinary offence is a strict liability one. The Investigator does not have to prove any intention, and the Board does not need to find that there was intention, fault or negligence<sup>10</sup> in order to make a decision. It is enough that the elements of the offence have been committed.
- [28] The Respondent should note that unauthorised persons carrying out prescribed electrical work is a serious matter. The restrictions created in the Act are put in place so as to ensure that prescribed electrical work is only carried out or supervised by competent persons. This ensures that the purposes of the Act are promoted. Those purposes are set out in section 1A of the Act, and they include:<sup>11</sup>
- (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*
- [29] The conduct also comes within the provisions of section 162 of the Act, which states:

**162 Offence to engage in prescribed electrical work in breach of section 74**

*Every person who does, or assists in doing, any prescribed electrical work in breach of section 74 commits an offence and is liable on conviction to a fine not exceeding \$50,000 in the case of an individual, or \$250,000 in the case of a body corporate.*

- [30] As such, it would have been open to the Board to pursue the matter in the courts.

### **Penalty, Costs and Publication**

- [31] Having found that one or more of the grounds in section 143 applies, the Board must, under section 147M of the Act<sup>i</sup>, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.

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trainees. Sections 79 and 80 cover exemptions for domestic wiring work and the maintenance of domestic appliances.

<sup>9</sup> **98 Practising licence required**

- (1) *A registered person is not authorised to do, or assist in doing, prescribed electrical work that the person is otherwise authorised to do by virtue of that person's registration unless that person is the holder of a current practising licence issued under this subpart that authorises the person to do, or assist in doing, the work.*

<sup>10</sup> *Blewman v Wilkinson* [1979] 2 NZLR 208

[32] The Board heard evidence during the hearing relevant to penalty, costs and publication and has decided to make indicative orders and give the Respondent an opportunity to provide further evidence or submissions relevant to the indicative orders.

### Penalty

[33] 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.<sup>12</sup> It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:<sup>13</sup>

- (a) protection of the public and consideration of the purposes of the Act;<sup>14</sup>
- (b) deterring other electrical workers from similar offending;<sup>15</sup>
- (c) setting and enforcing a high standard of conduct for the industry;<sup>16</sup>
- (d) penalising wrongdoing;<sup>17</sup> and
- (e) rehabilitation (where appropriate).<sup>18</sup>

[34] Overall, the Board should assess the conduct against the range of penalty options available in section 318 of the Act, reserving the maximum penalty for the worst cases<sup>19</sup> and applying the least restrictive penalty available for the particular offending.<sup>20</sup> In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty<sup>21</sup> that is consistent with other penalties imposed by the Board for comparable offending.<sup>22</sup>

[35] 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.<sup>23</sup>

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<sup>12</sup> *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]

<sup>13</sup> Cited with approval in *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28] and [29]

<sup>14</sup> Section 3 Building Act

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

<sup>16</sup> *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724

<sup>17</sup> *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

<sup>18</sup> *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

<sup>19</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

<sup>20</sup> *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

<sup>21</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

<sup>22</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

<sup>23</sup> 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.



- [36] The licensing regime exists to ensure the public can have confidence in those who carry out prescribed electrical. It is integral to the purposes of the Act,<sup>24</sup> which include the protection of the health and safety of members of the public in connection with the supply and use of electricity and the promotion of the prevention of damage to property in connection with the supply and use of electricity. Carrying out PEW when not licensed puts those purposes at risk, and it is an aggravating factor.
- [37] The Respondent's approach to the matters under inquiry is also an aggravating feature as how a licensed person responds to a disciplinary complaint and conducts their defence can be considered by the Board. In *Daniels v Complaints Committee*,<sup>25</sup> the High Court held that it was permissible to take into account as an adverse factor when determining penalty that the practitioner had responded to the complaints and discipline process in a belligerent way. The Respondent has not been belligerent. He has not, however, engaged in the disciplinary process.
- [38] The Respondent is 76 years old. He has knowingly carried out prescribed electrical work when not licenced. There is a risk that he will continue to do so.
- [39] There is no evidence that the Respondent has completed a competency course since his licence expired.<sup>26</sup> Competence programmes provide confidence that an electrical worker retains the required competencies for the reissue of a licence. As such, there is no assurance that he retains those competencies.
- [40] In determining the appropriate penalty, the Board was mindful of the need to protect the public and to deter others from similar conduct. As noted, the Respondent does not hold a practising licence. As such, the Board cannot, to protect the public, order that it be suspended or cancelled. It can order that the Respondent's registration be cancelled. Cancellation of his registration will ensure that there is no confusion over his authorisation. It will also ensure, should he seek to be registered once again, that his competence to carry out prescribed electrical work is once again established.
- [41] Taking all of the above factors into account, the Board considers that a cancellation of the Respondent's registration is necessary. As noted, cancellation will provide the appropriate punishment, protect the public and deter others from such conduct.
- [42] Accordingly, the Board will cancel the Respondent's registration and order that he may not apply to be reregistered for a period of two years.

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<sup>24</sup> Section 1A of the Act.

<sup>25</sup> [2011] 3 NZLR 850.

<sup>26</sup> Under section 108 of the Act, an electrical worker must complete and pass a competency course prior to their licence being renewed.

## Costs

- [43] 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.
- [44] 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.<sup>27</sup>
- [45] In *Collie v Nursing Council of New Zealand*,<sup>28</sup> 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.*
- [46] In *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*,<sup>29</sup> 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.*
- [47] The cancellation of the Respondent's registration is a significant penalty. It is not undertaken lightly, and it may have a significant impact on the Respondent. Given those factors, and taking into account the Respondent's age, the Board has decided that it will not impose a costs order.

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<sup>27</sup> *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.

<sup>28</sup> [2001] NZAR 74

<sup>29</sup> CIV-2011-485-000227 8 August 2011

## Publication

- [48] 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<sup>30</sup>. 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.
- [49] 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.
- [50] Within New Zealand, there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990<sup>31</sup>. The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction<sup>32</sup>. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive<sup>33</sup>. 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*<sup>34</sup>.
- [51] 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<sup>35</sup>. 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.
- [52] Based on the above, the Board will publish a general article in the Electron summarising the matter. The Respondent will be named.

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<sup>30</sup> Refer sections 128 of the Act

<sup>31</sup> Section 14 of the Act

<sup>32</sup> Refer sections 200 and 202 of the Criminal Procedure Act

<sup>33</sup> *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

<sup>34</sup> *ibid*

<sup>35</sup> *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

## Penalty, Costs and Publication Orders

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

**Penalty:** Pursuant to section 147M(1)(a)(i) of the Electricity Act 1992, the Respondent's registration is cancelled, and pursuant to section 147M(1)(a)(iii) of the Act, he may not apply to be reregistered for a period of two years.

**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 be named in the publication.**

[54] 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.

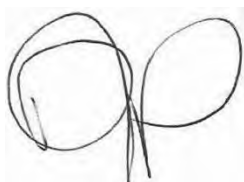
## Submissions on Penalty, Costs and Publication

[55] The Board invites the Respondent to make written submissions on the matters of disciplinary penalty, costs and publication up until close of business on 16 November 2023. The submissions should focus on mitigating matters as they relate to the penalty, costs and publication orders. If no submissions are received then this decision will become final. If submissions are received then the Board will meet and consider those submissions prior to coming to a final decision on penalty, costs and publication.

## Right of Appeal

[56] The right to appeal Board decisions is provided for in sections 147ZA and 147ZB of the Act<sup>i</sup>.

Signed and dated this 26<sup>th</sup> day of October 2023



R Keys  
Presiding Member

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<sup>i</sup> **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—*

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- (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.*