

## Before the Electrical Workers Registration Board

CE No. 22552

### In the matter of:

A disciplinary hearing before the Electrical Workers Registration Board

### Between:

The Ministry of Business Innovation and Employment

### And

Peter Wakefield a registered and licensed electrical worker (E 261129, EW 104487, Electrician) (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:

Christchurch

Hearing Type:

In Person

Hearing and Decision Date:

21 April 2023

Board Members Present:

Mr R Keys, Registered Inspector (Presiding)

Ms M Kershaw, Registered Electrician

Mr M Macklin, Registered Inspector

Ms A Yan, Registered Electrical Engineer

Mr M Perry, Registered Electrician

Mr M Orange, Barrister

**Appearances:**

M Jones 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 sections 143(a)(i) and 143(f) of the Act.

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## Summary of the Board’s Decision

- [1] The Respondent supervised prescribed electrical work in a negligent manner and provided a false Certificate of Compliance. He is fined \$500 and ordered to pay costs of \$250. A record of the disciplinary offending will be recorded on the Public Register for a period of three years.

## The Board

- [2] The Board is a statutory body established under the Electricity Act.<sup>1</sup> Its functions include hearing complaints about and disciplining persons to whom Part 11 of the Act.

## Introduction

- [3] The hearing resulted from a complaint about the conduct of the Respondent and a report under section 147G(1) of the Act from the Investigator<sup>2</sup> that the complaint should be considered by the Board. Under section 147T of the Act, the Investigator must prosecute the matter at a Board hearing who may be represented by counsel.
- [4] The Respondent was served with a notice setting out the alleged disciplinary offences the Investigator reported should be considered by the Board. They were:

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<sup>1</sup> Section 148 of the Act.

<sup>2</sup> Under section 145 of the Act, an Investigator is appointed by the Chief Executive of the Ministry

### **First Alleged Disciplinary Offence**

1. On or around 29 March 2022 at [OMITTED], Mr Peter Wakefield 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 Electricity Act (“the Act”), IN THAT, he carried out inadequate supervision of two holders of Trainee Limited Certificates during the installation of a Mitsubishi MSZ-AP42 heat pump by failing to:
  - a. Inspect the prescribed electrical work;
  - b. Visit the site of the prescribed electrical work;
  - c. Test the Trainee’s prescribed electrical work;
  - d. Undertake verification on completion of the prescribed electrical work; and
  - e. Undertake testing and verification of the prescribed electrical work prior to certification.

In breach of regulation 59(2) of the Electricity (Safety) Regulations 2010.

Or in the Alternative:

2. On or around 29 March 2022 at [OMITTED], Mr Peter Wakefield has carried out or caused to be carried out prescribed electrical work in a negligent and incompetent manner being an offence under section 143(a)(i) of the Act, IN THAT, he carried out inadequate supervision of two holders of Trainee Limited Certificates during the installation of a Mitsubishi MSZ-AP42 heat pump by failing to:
  - a. Inspect the prescribed electrical work;
  - b. Visit the site of the prescribed electrical work;
  - c. Test the Trainee’s prescribed electrical work;
  - d. Undertake verification on completion of the prescribed electrical work; and
  - e. Undertake testing and verification of the prescribed electrical work prior to certification.

In breach of regulation 59(2) of the Electricity (Safety) Regulations 2010.

### **Second Alleged Disciplinary Offence**

3. On or around 29 March 2022 at [OMITTED], Mr Peter Wakefield has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he provided a Certificate of Compliance for prescribed electrical work that he did not inspect or test and was not compliant with AS/NZS 3000:2007.

[5] 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.

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

### 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 recently reiterated by the Supreme Court of the United Kingdom in *R v Institute of Chartered Accountants in England and Wales*<sup>3</sup> and in New Zealand in *Dentice v Valuers Registration Board*<sup>4</sup>.
- [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*,<sup>5</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.”*
- [9] 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.

### Procedure

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

### Evidence

- [11] 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.*

- [12] The Board heard from the Respondent prior to it making a decision.
- [13] As noted, the matter proceeded on the basis of an Agreed Statement of Facts. The Statement set out that the Respondent’s company (Wakefield Electrical) was engaged to carry out prescribed electrical work (PEW) being the installation of a heat pump. The actual work was carried out by two trainees. A registered and licensed electrician was assigned to carry out the installation with them but called in sick. The Respondent allowed the trainees to proceed with the installation. He then issued a Certificate of Compliance (COC) and Electrical Safety Certificate (ESC), certifying the

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<sup>3</sup> *R v Institute of Chartered Accountants in England and Wales* [2011] UKSC 1, 19 January 2011.

<sup>4</sup> [1992] 1 NZLR 720 at p 724

<sup>5</sup> [2016] HZHC 2276 at para 164

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

work as having been done lawfully and safely. The Respondent was not present during the installation and did not attend the site or check the work prior to issuing the COC and ESC.

- [14] The Complainant identified several workmanship issues with the installation carried out by Mr Rollinson and Mr Knowles. No electrical safety issues were identified.
- [15] The investigator engaged David Olsen, an Electrical Inspector, to provide a technical review and opinion of the PEW. His opinion was that the Respondent had not complied with supervision requirements as regards inspection, testing, visitation, and verification and that the Respondent had issued a COC that was inaccurate, incomplete, false and misleading.
- [16] The Respondent accepted the disciplinary offences as outlined in a revised Notice of Proceeding in that he had failed to adequately supervise the prescribed electrical work carried out by two trainee limited certificate holders in that he did not visit the site to review the work or undertake testing and verification prior to certification. He also accepted that he had provided a false and misleading return when he provided a COC for PEW that he did not inspect or test.
- [17] The Respondent has expressed remorse for allowing the installation to proceed without a registered electrician present and stated it would not happen again.
- [18] 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 as outlined above, it was not necessary to call any further evidence or to test the evidence as outlined in the Statement.

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

- [19] The Board has decided that the Respondent **has** carried out or caused to be carried out prescribed electrical work in a negligent and incompetent manner being an offence under section 143(a)(i) of the Act, IN THAT, he carried out inadequate supervision of two holders of Trainee Limited Certificates.
- [20] The Board has also decided that the Respondent provided a false or misleading return contrary to section 143(f) of the Act.
- [21] The reasons for the Board's decisions follow.

#### **Negligence**

- [22] The charges put before the Board were laid in the alternatives of negligence or incompetence under section 143(a)(i) and contrary to an enactment under section 143(a)(ii).
- [23] The Board decided that the conduct amounted to negligence, which 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*<sup>7</sup> test of negligence which has been adopted by the New Zealand Courts<sup>8</sup>. An assessment of negligence in a disciplinary context is a two-stage test<sup>9</sup>. 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.

- [24] 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<sup>10</sup>. 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<sup>11</sup>.
- [25] Further, as regards acceptable standards, 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.
- [26] On the basis of the evidence before the Board, including the Respondent's acceptance of the allegations and the expert's opinion that the work had not been completed to an acceptable standard, the Board finds that the prescribed electrical work had been carried out in a negligent manner.
- [27] In particular, the Board noted that section 74 of the Act restricts the carrying out of prescribed electrical work to certain authorised persons. The Act also creates various exemptions, including an exemption under section 77(1) for trainees<sup>12</sup>. It provides:
- (1) A person may do, or assist in doing, any prescribed electrical work if—
- (a) that work is within the limits prescribed in regulations made for the purposes of this section; and
- (b) the person is a trainee in relation to the work; and
- (c) the work done by that person is carried out in accordance with a limited certificate issued by the Board to the trainee under section 78.
- [28] Under section 78(2) of the Act the Board may issue a limited certificate "*subject to any terms and conditions that the Board thinks fit*". The Board, as a matter of course,

<sup>7</sup> *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

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

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

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

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

<sup>12</sup> Under s 77(2) a trainee is defined as:

(2) In this section, trainee—

- (a) means a person who is undergoing instruction or training in any class of prescribed electrical work for the purpose of obtaining registration as a registered person; and
- (b) includes an apprentice who is working in the electricity industry.

issues all limited certificates with the condition that all prescribed electrical work is carried out under the supervision of a licensed person who is authorised to carry out the work being supervised.

- [29] Regulation 93 of the Electrical (Safety) Regulations 2010 (the Regulations) sets the limits of work a trainee may do:

**93 Limits of work that trainees may do**

*For the purposes of section 77(1)(a) of the Act, the prescribed electrical work that a trainee may do, or assist in doing, is any work that is within the particular class of work for which the trainee is seeking registration, and that is within the scope of work that the trainee's supervisor is authorised to do.*

- [30] It follows that a trainee holding a Limited Certificate and training to be an electrician must be supervised by a person holding the class of registration of an electrician or electrical inspector or electrical engineer and a current practising licence.

- [31] Supervision in turn 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:*

- [32] The definition was considered in *Electrical Workers Registration Board v Gallagher*<sup>13</sup>. 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.*

- [33] Finally, the Board maintains Supervision Procedures for Trainees<sup>14</sup>. These provide guidance as to the responsibilities of the supervisor and supervisee.

- [34] Given the requirements of the Act and Regulations and noting the Boards Supervision Procedures, the Board finds that the Respondent did not actively or

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<sup>13</sup> *Electrical Workers Registration Board v Gallagher* Judge Tompkins, District Court at Te Awamutu, 12 April 2011

<sup>14</sup> Dated October 2010

adequately supervise the prescribed electrical work. As such, he failed to meet the acceptable standard of supervision for an electrical worker.

### **Certification**

- [35] The charge under section 143(f) of the Act 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 irrelevant<sup>15</sup>.
- [36] The returns referred to are issued under the Regulations. There is a requirement that a Certificate of Compliance is issued for high and general-risk prescribed electrical work. A Certificate of Compliance must state that the prescribed electrical work has been done lawfully and safely and that the information in the certificate is correct.
- [37] The specific allegation was that the Respondent issued a CoC for work that he had not supervised. The Respondent accepted the allegations. As the certificate indicated that he had supervised the work when he had not, the offence has been committed.

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

- [38] Having found that one or more of the grounds in section 143 applies, the Board must, under section 147M of the Act<sup>1</sup>, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [39] The Respondent made submissions at the hearing as regards penalty, costs and publication.

### **Penalty**

- [40] 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>16</sup> It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:<sup>17</sup>
- (a) protection of the public and consideration of the purposes of the Act;<sup>18</sup>
  - (b) deterring other Licensed Building Practitioners from similar offending;<sup>19</sup>
  - (c) setting and enforcing a high standard of conduct for the industry;<sup>20</sup>

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<sup>15</sup> *Taylor Bros Ltd v Taylor Group Ltd* [1988] 2 NZLR 1

<sup>16</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>17</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>18</sup> Section 3 Building Act

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

<sup>20</sup> *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724



- (d) penalising wrongdoing;<sup>21</sup> and
- (e) rehabilitation (where appropriate).<sup>22</sup>

- [41] 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>23</sup> and applying the least restrictive penalty available for the particular offending.<sup>24</sup> In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty<sup>25</sup> that is consistent with other penalties imposed by the Board for comparable offending.<sup>26</sup>
- [42] 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>27</sup>
- [43] The Board's starting point was a fine. It set the amount at \$1,000, an amount which is consistent with other penalties imposed by the Board for similar offending. The Board noted that the Respondent had attended to remediation and that he had accepted responsibility for his failings. Taking those mitigating factors into account, the Board decided that it would reduce the fine to \$500.

#### Costs

- [44] 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.
- [45] 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>28</sup>.
- [46] In *Collie v Nursing Council of New Zealand*,<sup>29</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.*

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<sup>21</sup> *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

<sup>22</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>23</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

<sup>24</sup> *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

<sup>25</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

<sup>26</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

<sup>27</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.

<sup>28</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>29</sup> [2001] NZAR 74

[47] In *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society*,<sup>30</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.*

[48] 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 moderate. Adjustments based on the High Court decisions above are then made.

[49] Based on the above, the Board's costs order is that the Respondent is to pay the sum of \$250 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

[50] 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>31</sup>. The Board can, pursuant to section 147Z of the Act, also order publication over and above the public register notation. Under section 147Z of the Act, 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.

[51] 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.

[52] Within New Zealand, there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990<sup>32</sup>. The Criminal Procedure Act 2011 sets out

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<sup>30</sup> CIV-2011-485-000227 8 August 2011

<sup>31</sup> Refer sections 128 of the Act

<sup>32</sup> Section 14 of the Act

grounds for suppression within the criminal jurisdiction<sup>33</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>34</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>35</sup>.

- [53] 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>36</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.
- [54] Based on the above, the Board will publish a general article in the Electron summarising the matter but will not order further publication. The Respondent will not be identified in the Electron.
- [55] 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**

- [56] 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 \$500.

**Costs:** Pursuant to section 147N of the Act, the Respondent is ordered to pay costs of \$250 (GST included) towards the costs of, and incidental to, the inquiry of the Board.

**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 not 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.**

- [57] 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.

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<sup>33</sup> Refer sections 200 and 202 of the Criminal Procedure Act

<sup>34</sup> *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

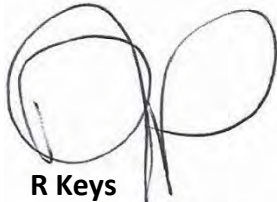
<sup>35</sup> *ibid*

<sup>36</sup> *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

## Right of Appeal

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

Signed and dated this 8<sup>th</sup> day of May 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—
- (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:

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- (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.