

Before the Electrical Workers Registration Board

CE No. 22275
Electrical Worker: Mark Williams (the Respondent)
Registration Number: I 242172
Electrical Worker Number: EW 044171
Registration Class: Inspector

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

Hearing Location: Auckland
Hearing Type: In Person
Hearing and Decision Date: 14 December 2020

Board Members Present:

Mr M Orange (Presiding)
Mr MMacklin, Registered Inspector
Ms M Kershaw, Registered Electrician
Ms J Davel, Lay Member
Mr R Keys, Registered Inspector
Ms A Yan, Registered Electrical Engineer
Mr M Perry, Registered Electrician

Appearances: Martin 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 sections 143(a)(i) and 143(f) of the Act.

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Summary of the Board’s Decision

- [1] The Respondent carried out prescribed electrical work in a negligent manner and provided a false or misleading return . He is fined the sum of \$500 and ordered to pay costs of \$225.

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 14 May 2018 Mr Mark Williams has carried out or caused to be carried out prescribed electrical work in a manner contrary to any enactment relating to prescribed electrical work that was in force at the time the work was done being an offence under section 143(a)(ii) of the Act, IN THAT, he has failed to carry out an adequate safety verification, prior to the issue of a Warrant of Electrical Fitness (WoEF), on the Caravan, Registration number [Omitted] resulting in the failure to identify exposed live terminals and basic insulation in breach of regulations 78(2) of the Electricity (Safety) Regulations 2010.*

Or in the Alternative

2. *On 14 May 2018 Mr Mark Williams 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 has failed to carry out an*

adequate safety verification, prior to the issue of a WoEF, on the Caravan, Registration number [Omitted] resulting in the failure to identify exposed live terminals and basic insulation.

Or in the Alternative

3. *On 14 May 2018 Mr Mark Williams 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 has failed to carry out an adequate safety verification, prior to the issue of a WoEF, on the Caravan, Registration number [Omitted] resulting in the failure to identify exposed live terminals and basic insulation.*

Second Alleged Disciplinary Offence

4. *On 4 May 2018 Mr Mark Williams has provided a false or misleading return being an offence under section 143(f) of the Act, IN THAT, he has failed to carry out an adequate safety verification, prior to the issue of a WoEF, on the Caravan, Registration number [Omitted].*

- [4] Prior to the hearing, the Respondent and the Board were provided with all of the documents the Investigator had in his/her power or possession.
- [5] No Board Members declared any conflicts of interest in relation to the matters under consideration.

Function of Disciplinary Action

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

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

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

- [8] The Board can only inquire into “the conduct of an electrical worker” with respect to the grounds for discipline set out in section 143 of the Act. It does not have any jurisdiction over contractual matters.

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

Procedure

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

Evidence

[10] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed⁴. 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.

[11] The matter proceeded on the basis of an Agreed Statement of Facts. The Statement set out that the Respondent was engaged to inspect and certify a caravan ("the Caravan"). Following its certification, a fridge freezer located in an annex to the Caravan was connected to a power supply from the Caravan by an extension lead. The owner noticed some of the power sockets had blue flames coming out of them, and the isolator switch did not operate. The power was shut off and an electrician was contacted to fix the issue. The electrician advised the owner that the prescribed electrical work that had been undertaken was non-compliant, unsafe and that the Caravan should not have passed its warrant of electrical fitness issued by the Respondent. The electrician installed a horizontal residual current device integrated double socket outlet within the annexe adjacent to the Caravan. He did not remediate other electrical issues identified but did contact the Respondent to advise him of his concerns. The Respondent was served with civil proceedings issued by the owner. He contacted the owner to follow up on her concerns but stated the offer, which was repeated a few weeks later, was declined.

[12] Mr Mark Carter, an Electrical Inspector, was engaged by the Investigator to carry out a technical review of file information. His technical report found that the Respondent had failed to identify exposed live terminals and basic insulation prior to issuing the warrant of electrical fitness and that the failure was the result of inadequate testing and/or inadequate visual inspection. The exposed live terminals had the potential to cause significant injury to persons through electric shock. The Respondent accepted that:

- (a) he had not documented any testing, or visual inspection carried that he had out, as he was required to do;
- (b) he should have identified existing non-compliance and safety issues when inspecting and certifying the Caravan;

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

- (c) he had failed to carry out testing and/or visual inspection to a level sufficient to identify the exposed live terminals and basic insulation when he inspected and certified the Caravan; and
- (d) the exposed live terminals had the potential to cause significant injury to persons through electric shock.

[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 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

[14] The Board has decided that the Respondent **has** carried out prescribed electrical work in a negligent manner being an offence under section 143(a)(i) of the Act, in that, he failed to carry out an adequate safety verification, prior to the issue of a warrant of electrical fitness, on a Caravan resulting in the failure to identify exposed live terminals and basic insulation.

[15] The Board has also decided that the Respondent has provided a false or misleading return being an offence under section 143(f) of the Act, in that, he provide a false or misledingh return.

[16] In [Omitted] [2020] EWRB 22184, the Board decided that the issue of an electrical warrant of fitness was prescribed electrical work in that it came within the definition of "maintenance"⁵. Specifically, the Board found that the actions required under AS/NZS 3001 to issue a warrant of electrical fitness came within the management actions intended to retain an item in the state in which it can perform as required. In particular, the testing requirements in C7 of AS/NZS3001 which require that the person issuing the warrant of electrical fitness carry out tests to ensure electrical fittings in a caravan can perform as required. The Board's view was that testing is the equivalent of "a management action". Moreover, the Board found that the issue of a warrant of electrical fitness came within the plain and ordinary meaning of the term "maintenance", that the interpretation was in accordance with the purpose of the Electricity Act, and was in line with the common dictionary meaning of the term

⁵ Maintenance is not defined in the Act or Regulations other than in section 2(1) of the Act which states that "maintain includes to repair; and maintenance has a corresponding meaning". Regulation 4(1) also states that "maintenance includes repair". The use of the term "includes" does not limit the term maintenance to repair. Rather it extends its meaning beyond maintenance so as to include repair. The Regulations do, however, include a provision in regulation 4(3) that:

A term used in these regulations and not defined in the Act or these regulations, and to which subclause (2) does not apply, has the meaning given (if any),—

- (a) *in the case of installations, in AS/NZS 3000; and*
- (b) *in all other cases, in IEC 60050⁵.*

Maintenance is not defined in AS/NZS3000. It is defined in IEC 60050 which defines maintenance as the "combination of all technical and management actions intended to retain an item in, or restore it to, a state in which it can perform as required"⁵.

maintain being the process of preserving a condition or the process of keeping something in good condition or enabling a condition to continue and to keep in good condition by regularly checking or repairing.

- [17] The charges put before the Board were laid in the alternatives of negligently creating a risk of serious harm to any person, or a risk of significant property damage under section 143(b)(ii) and, as alternatives, negligence or incompetence under section 143(a)(i) and contrary to an enactment under section 143(a)(ii) of the Act.
- [18] There is a hierarchy to the disciplinary charges in that the Board needs to first consider whether the prescribed electrical work was carried out or caused to be carried out in a manner that was contrary to an enactment. If the Board finds in the affirmative, it then needs to consider whether the conduct reaches the threshold for a finding of negligence or incompetence. If that threshold is met the Board then needs to consider whether a risk of serious harm or significant property damage was created.
- [19] Contrary to an enactment is a form of strict liability offence in that all that need be proven is that the relevant enactment has been breached – in the instance the Electricity (Safety) Regulations 2010 or any of the cited standards within Schedule 2 of the Regulations. The Board does not need to find that there was intention, fault or negligence⁶. In this respect the provisions of Regulation 11 are noted:

11 Strict liability offences

- (1) *Subclauses (2) and (3) apply to every offence in these regulations except those that specifically refer to a defendant's state of knowledge or intention regarding the facts constituting the offence.*
- (2) *In a prosecution for an offence to which this subclause applies, it is not necessary for the prosecution to prove that the defendant knew or intended the facts that constitute the offence.*

- [20] Turning to negligence and/or incompetence, there are no statutory definitions of the terms. It is noted, however, that they are not the same. In *Beattie v Far North Council*⁷ Judge McElrea noted:

[43] Section 317 of the Act uses the phrase "in a negligent or incompetent manner", so it is clear that those adjectives cannot be treated as synonymous.

- [21] Negligence is considered to be the departure by an electrical worker, whilst carrying out or supervising prescribed electrical work, from an accepted standard of conduct. It is judged against those of the same class of licence as the person whose conduct is

⁶ *Blewman v Wilkinson* [1979] 2 NZLR 208

⁷ Judge McElrea, DC Whangarei, CIV-2011-088-313

being inquired into. This is described as the *Bolam*⁸ test of negligence which has been adopted by the New Zealand Courts⁹.

- [22] Incompetence is a lack of ability, skill or knowledge to carry out or supervise prescribed electrical work to an acceptable standard. *Beattie* put it as “*a demonstrated lack of the reasonably expected ability or skill level*”. In *Ali v Kumar and Others*¹⁰ it was stated as “*an inability to do the job*”.
- [23] The New Zealand Courts have stated that an assessment of negligence and/or incompetence in a disciplinary context is a two-stage test¹¹. 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 Act¹². 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 practitioner¹³.
- [25] The Board notes that the purposes of the Act are:

1A Purposes

The purposes of this Act are—

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

- [26] The Board also notes, as regards acceptable standards, that all prescribed electrical work must comply with the Electricity (Safety) Regulation 2010 and the cited

⁸ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

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

¹⁰ *Ali v Kumar and Others* [2017] NZDC 23582 at [30]

¹¹ *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

¹² *Martin v Director of Proceedings* [2010] NZAR 333 at p.33

¹³ *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71

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.

- [27] Turning to seriousness in *Collie v Nursing Council of New Zealand*¹⁴, the Court's noted, as regards the threshold for disciplinary matters, that:

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

- [28] With respect to a risk of serious harm or significant property damage, serious harm is defined in section 2 of the Act. It means:

*death; or
injury that consists of or includes loss of consciousness; or
a notifiable injury or illness as defined in section 23 of the Health and Safety at Work Act 2015.*

- [29] The relevant parts of Section 23 of the Health and Safety at Work Act 2015 are:

23 Meaning of notifiable injury or illness

- (1) *In this Act, unless the context otherwise requires, a notifiable injury or illness, in relation to a person, means—*
- (a) *any of the following injuries or illnesses that require the person to have immediate treatment (other than first aid):*
- (i) *the amputation of any part of his or her body:*
 - (ii) *a serious head injury:*
 - (iii) *a serious eye injury:*
 - (iv) *a serious burn:*
 - (v) *the separation of his or her skin from an underlying tissue (such as degloving or scalping):*
 - (vi) *a spinal injury:*
 - (vii) *the loss of a bodily function:*
 - (viii) *serious lacerations:*
- (b) *an injury or illness that requires, or would usually require, the person to be admitted to a hospital for immediate treatment:*
- (c) *an injury or illness that requires, or would usually require, the person to have medical treatment within 48 hours of exposure to a substance:*

- [30] Significant property damage is not defined in the Act. Section 16(1)(b)(ii) of the Act, which relates to notification of accidents, also refers to serious harm and to property damage. In respect of damage, it requires notification where there is:

¹⁴ [2001] NZAR 74

damage to any place or part of a place that renders that place or that part of that place unusable for any purpose for which it was used or designed to be used before that accident.

- [31] As section 16 refers to both serious harm and to damage the Board considers significant property damage in section 143(b)(ii) should be interpreted in line with the definition in section 16(1)(b)(ii).
- [32] Actual serious harm or significant property damage need not occur. There need only be a risk that either might occur. The risk must be real in that there needs to be a material or substantial possibility, chance or likelihood that serious harm or significant property damage will occur. A real risk has also been described as one that a reasonable person would not brush aside as being far-fetched or fanciful¹⁵.
- [33] Looking at the agreed facts before the Board, whilst there was an acceptance by the Respondent that his failure to identify the exposed live terminals and basic insulation meant that there was the potential to cause significant injury to persons through electric shock, the Board did not consider that the tests for serious harm or significant property damage had been met. In particular, the Board noted that the Respondent had not carried out the prescribed electrical work that resulted in the exposed live terminals and basic insulation but that he had failed to identify that which had been carried out by others. The Board also noted that the exposed live terminals and basic insulation were not easily accessed and, as such, the risk was greatly reduced. In essence, the risk of serious harm or significant property damage was too remote to meet the tests under section 143(b)(ii) of the Act.
- [34] The Board did, however, find that the Respondent had contravened regulation 78(2) of the Safety Regulations and that he had departed from an acceptable standard of conduct when he failed to document his testing and visual inspection and when he failed to identify existing non-compliance and safety issues. As such the Board, which includes persons with expertise in the electrical industry, found that the Respondent had been negligent and that the Respondent's conduct was sufficiently serious enough to warrant a disciplinary outcome.

Certification

- [35] The second charge related to the provision of a false or misleading return. In determining whether a return is false or misleading is a question of fact to be decided objectively and the intention of the issuer is irrelevant¹⁶.
- [36] The return referred to was an electrical warrant of fitness. The Board made a finding that the caravan was not compliant. It follows that the electrical warrant of fitness issued was false or misleading.

¹⁵ Overseas Tankship (UK) Ltd v Miller Steamship Co Pty Ltd (The Wagon Mound No 2) [1967] 1 AC 617

¹⁶ Taylor Bros Ltd v Taylor Group Ltd [1988] 2 NZLR 1

Penalty, Costs and Publication

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

Penalty

- [39] The purpose of professional discipline is to uphold the integrity of the profession; the focus is not punishment, but the enforcement of a high standard of propriety and professional conduct. The Board does note, however, that the High Court in *Patel v Complaints Assessment Committee*¹⁷ commented on the role of “punishment” in giving penalty orders stating that punitive orders are, at times, necessary to provide a deterrent and to uphold professional standards. The Court noted:

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

- [40] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*¹⁸ the Court noted that whilst the statutory principles of sentencing set out in the Sentencing Act 2002 do not apply to the Electricity Act they have the advantage of simplicity and transparency. The Court recommended adopting a starting point for a penalty based on the seriousness of the disciplinary offending prior to considering any aggravating and/or mitigating factors. The same applies to disciplinary proceedings under the Electricity Act.
- [41] The Board’s finding was that the Respondent had been negligent. The negligence was at the lower end of the disciplinary scale. The Board, on the basis of the above principles, adopted a starting point of a fine of \$1,000.
- [42] The Board noted that the Respondent had accepted responsibility, was remorseful, had developed check sheets to ensure future compliance and had undertaken self-education. He is entitled to a reduction in the penalty in recognition of those mitigating factors. The fine will, therefore, be reduced to \$500.

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.

¹⁷ HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

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

- [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 case¹⁹.
- [45] In *Collie v Nursing Council of New Zealand*²⁰ 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] Based on the above the Board's costs order is that the Respondent is to pay the sum of \$225 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

- [47] 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 Act²¹. 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.
- [48] 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.
- [49] Within New Zealand there is a principle of open justice and open reporting which is enshrined in the Bill of Rights Act 1990²². The Criminal Procedure Act 2011 sets out grounds for suppression within the criminal jurisdiction²³. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive²⁴. The High Court provided

¹⁹ *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.

²⁰ [2001] NZAR 74

²¹ Refer sections 128 of the Act

²² Section 14 of the Act

²³ Refer sections 200 and 202 of the Criminal Procedure Act

²⁴ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

guidance as to the types of factors to be taken into consideration in *N v Professional Conduct Committee of Medical Council*²⁵.

- [50] 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 interest²⁶. 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.
- [51] The Respondent submitted that naming him in the Board's publication would have a disproportionate impact on him given the small community in which he resides and works. The Board agreed.
- [52] 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*.
- [53] 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

- [54] 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 \$225 (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.

- [55] 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.

²⁵ *ibid*

²⁶ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

Right of Appeal

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

Signed and dated this 15th day of January 2021



Mr M Orange
Presiding Member

ⁱ **Section 147M of the Act**

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

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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.