



**Electrical Workers
Registration Board**
SAFETY | COMPETENCY | COMPLIANCE

Interim Suspensions and Disqualifications

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1. Introduction

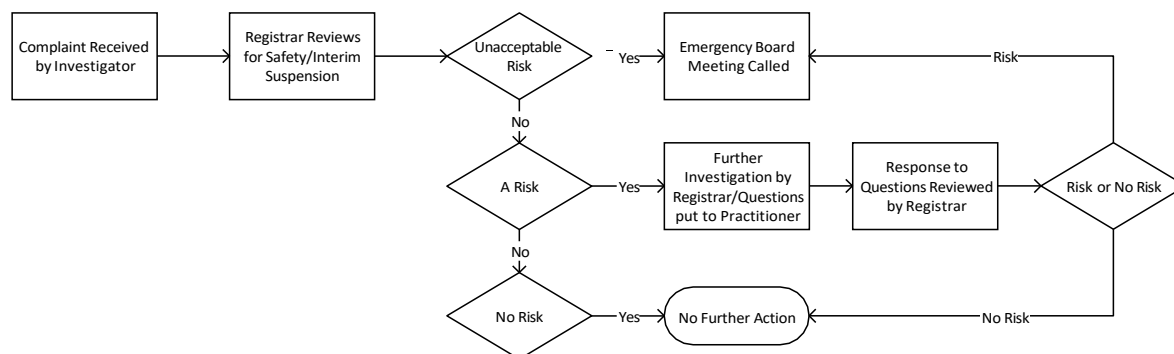
- 1.1 From time to time the Electrical Workers Registration Board (“the Board”) is notified of complaints (“Complaints”) under the Electricity Act 1992 (“the Act”) which involve unsafe electrical work where the Board needs to take early action to protect public safety.
- 1.2 Section 147I of the Act provides the Board with the power to suspend an Electrical Workers practising licence or provisional licence or to disqualify a person from doing, or assisting in doing, prescribed electrical work prior to a Complaint being notified to an Electrical Worker under section 147H of the Act.
- 1.3 This Policy applies to those persons who are subject to the disciplinary provisions of Part 11 of the Act which are, pursuant to section 142 of the Act:
 - (a) every registered person; and
 - (b) every provisional licence holder.

For the purposes of this Policy those persons are referred to as Electrical Workers.
- 1.4 To enable a consistent and transparent approach to be taken to the consideration of interim suspensions and disqualifications the Board has developed the following policy.

2. Interim Suspension and Disqualification

- 2.1 When the Registrar or the Board is notified of a Complaint involving unsafe electrical work which, in the opinion of the Registrar or the Board, may require the Board to take early action to protect public safety the following process will be followed:

Interim Suspensions Process



- 2.2 If an Emergency Meeting is required then it will be called in accordance with the Board's Standing Orders (refer B-PO-01 Standing Orders).
- 2.3 The Registrar will provide a report and recommendation to the Board in relation to the Complaint prior to the Emergency Meeting being held or he may present an Investigator's report (as defined by the Act).
- 2.4 If the Registrar puts questions to the Electrical Worker as part of the Registrar's investigation (where the Registrar is of the opinion that there is a risk (but not an unacceptable risk) that any Electrical Worker involved in the Complaint might carry out or cause further unsafe electrical work) then those questions will be to enable the Electrical Worker to provide the Registrar with reasons why the Board should not suspend or disqualify the Electrical Worker and:
- the Registrar may question the Electrical Worker orally or in writing; and
 - If the Electrical Worker is questioned in writing then answers must be received by the Registrar in writing no later than five working days after the Electrical Worker is questioned.
- 2.5 The Board will consider any report and recommendation at its Emergency Meeting which will be conducted in accordance with the Board's Standing Orders. The meeting will be held as soon as is practicable after the notification of the Complaint. Ideally the Emergency Meeting will be held no later than five working days after the notification.
- 2.6 Any such Emergency Meeting may, in accordance with section 147I(5), be held without giving notice to the Electrical Worker concerned unless the Board, in its sole discretion, decides otherwise.
- 2.7 If the Board at its Emergency Meeting is:
- satisfied there is an unacceptable risk that any Electrical Worker involved in the Complaint may carry out or cause further unsafe electrical work then, having regard to the need to protect the safety of the public, the Board may immediately suspend the Electrical Workers licence or immediately disqualify them from doing or assisting with prescribed electrical work; or

- (b) a risk that any Electrical Worker involved in the Complaint may carry out or cause further unsafe electrical work then the Board may having regard to the need to protect the safety members of the public, at its discretion, either immediately suspend the Electrical Workers licence or immediately disqualify them from doing or assisting with prescribed electrical work or the Board may invite any Electrical Worker involved to provide the Board with reasons why the Board should not suspend or disqualify the Electrical Worker; or
 - (c) no or minimal risk that any Electrical Worker involved in the Complaint may carry out or cause further unsafe electrical work then the Board may having regard to the need to protect the safety members of the public decide to take no further action.
- 2.8 If the Board invites an Electrical Worker to provide submissions as to why they should not be suspended or disqualified then:
- (c) submissions must be received by the Board in writing no later than five working days after the Electrical Worker is notified; and
 - (d) if no submissions are received within the prescribed time frame the Board may, without further notice, proceed to suspend or disqualify the Electrical Worker; and
 - (e) if submissions are received within the prescribed time frame then the Board will call a further Emergency Meeting to consider the submissions and may thereafter decide to either suspend or disqualify or to take no further action.
- 2.9 Any suspension or disqualification ordered by the Board will take immediate effect. The suspension or disqualification will be notified on the Register of Electrical Workers and notice of the order will be served on the Electrical Worker in accordance with section 147J of the Act. A suspension or disqualification will be effective notwithstanding that the Electrical Worker disqualified or suspended may not have received any notice of the suspension or disqualification. An example letter and order is attached in the Appendices.
- 2.10 The order and notice to the Electrical Worker will include a statement as to the reasons for the suspension or disqualification and their right to apply for a revocation under section 147K of the Act. The Board's policies for revocations follows.
- 2.11 A suspension or disqualification ordered by the Board will, in accordance with section 147I(3) remain in place and be effective until such time as it is revoked by the Board or any complaint laid under the Act into the matter is dealt with in accordance with section 147M of the Act.

3. Application for Revocation of Suspension or Disqualification

- 3.1 Under section 147K of the Act an Electrical Worker who has been suspended or disqualified under by the Board under section 147I of the Act may make an application to the Board in writing for the revocation of an interim suspension or disqualification order.
- 3.2 The Board will on receipt of an application for a revocation call an Emergency Meeting within five working days of its receipt in accordance with section 147K.
- 3.3 Any application must include written reasons as to why the interim suspension or disqualification should be revoked and the Electrical Worker is to notify the Board whether or not they wish to be heard.
- 3.4 If the Electrical Worker wants to be heard then the Board will facilitate this at their Emergency Meeting which may be by way of telephone conference.
- 3.5 In accordance with section 147K(4) the Board may, of its own motion and without an application, revoke an interim suspension or disqualification order.

4. Disciplinary Hearing

- 4.1 The Board will, in accordance with section 147L of the Act, hold a disciplinary hearing into any complaint relating to a suspension or disqualification as soon as is practicable after the order is made provided that if the order is revoked then the complaint will be heard in the ordinary course of events.
- 4.2 The Registrar shall notify the Investigator of an order made under section 147I of the Act as soon as the order is made and of the need to complete an investigation and schedule a hearing as soon as is practicable.

Appendices

Example Letter

Name

Address

Address

Dear Sir/Madam

NOTIFICATION OF INTERIM SUSPENSION ORDER

This letter, sent in accordance with section 147J of the Electricity Act 1992 (the Act), is to provide you with a copy of an order for the interim suspension of your practising licence.

The order for suspension was made after the Electrical Workers Registration Board (the Board) considered a recommendation from the Registrar, arising out of a complaint details of which are set out in the Order.

Your practising licence has been suspended as of [Date] and will remain suspended until revoked as set out in the Order.

While the order remains in force you are not authorised to do or assist in doing prescribed electrical work.

Your right to apply for a revocation of the suspension is set out in the Order.

A copy of the Board's Interim Suspensions Policy is attached for your reference.

If you require any further information or clarification of the interim suspension order please contact me.

Yours faithfully,

Registrar

ACKNOWLEDGEMENT OF RECEIPT OF LETTER

I, [Name], acknowledge receipt of this letter dated [Date] titled "Notification of Interim Suspension Order".

[Name]

Date

Example Order

Order Under the Electricity Act 1992

Suspending the Practising Licence of [Name]

On [Date] the Electrical Workers Registration Board (the Board) was advised of a complaint which had been received under section 144 of the Electricity Act 1992 (the Act) from [Complainant]. The complaint related to prescribed electrical work carried out at [address].

The complaint received indicates there are reasonable grounds for the Board to believe the person named in this order was responsible for [detail of the grounds for the complaint].

Pursuant to section 147I of the Act the Board, on the basis of the above, makes an order suspending the practising licence, with immediate effect, of:

Name

Licence Number

The Board makes this order for practising licence suspension being satisfied that it is necessary to do so, having regard to the need to protect the safety of members of the public.

This order continues in force until -

- (a) an investigator determines that the complaint should not be considered by the Board; or
- (b) the Board determines that it should not exercise its disciplinary powers under section 147M of the Act; or
- (c) the Board does any of the things authorised by section 147M of the Act.

The person named in this order has the right under section 147K of the Act, to apply to the Board for a revocation of this order.

Any application for the revocation of this order will be heard within 5 working days after it is received by the Board. The Board may, in hearing a request for a revocation, grant or refuse the application as it thinks fit.

This Order is made on [Date]

Presiding Member
Electrical Workers Registration Board

Schedules

Electricity Act 1992

147I Interim suspension or disqualification

- (1) The Board may make an order under subsection (2)—
 - (a) before or after a notice has been served on a person under section 147H; and
 - (b) if it is satisfied that it is necessary to do so having regard to the need to protect the safety of members of the public.
- (2) An order under this subsection is either—
 - (a) an order suspending the person's practising licence or provisional licence; or
 - (b) an order disqualifying a person from doing, or assisting in doing, prescribed electrical work that the person would otherwise be authorised to do or assist in doing.
- (3) An order under subsection (2) continues in force until—
 - (a) the investigator determines that the complaint should not be considered by the Board; or
 - (b) the Board determines that it should not exercise its disciplinary powers under section 147M; or
 - (c) the Board does any of the things authorised by section 147M.
- (4) The Board may make an order under subsection (2) on the recommendation of the investigator or on its own motion.
- (5) Despite section 156, the Board is not required to give any notice to a person that it intends to make an order under subsection (2) in respect of that person.

147J Form of interim suspension or disqualification order

- (1) Every order made under section 147I must—
 - (a) be in writing; and
 - (b) contain a statement of the reasons on which it is based; and
 - (c) contain a clear statement of the right of the person in respect of whom it is made to apply to the Board for the revocation of the order; and
 - (d) be signed by the Presiding Member of the Board.
- (2) A copy of an order made under section 147I must be served by the Registrar on the person in respect of whom it is made.

147K Revocation of interim suspension or disqualification

- (1) A person in respect of whom an order is made under section 147I may apply to the Board for the revocation of the order.
- (2) An application under subsection (1) must be heard within 5 working days after it is received by the Board.

(3) The Board may grant or refuse the application as it thinks fit.

(4) The Board may, on its own motion, revoke an order made under section 147I.

147L Board must take reasonable steps to hold hearing as soon as practicable if it makes interim suspension or disqualification order

(1) If the Board has made an order under section 147I in respect of a person, the Board must take reasonable steps to hold a hearing as soon as practicable after the making of that order.

(2) Subsection (1) does not apply after the order made under section 147I is no longer in force.

(3) This section is subject to section 147H