

Board Practice Direction: Costs

- 1.1 The Board has the power, under section 318(4) of the Act, to order that a Licensed Building Practitioner (LBP) that it has disciplined pay the costs and expenses of, and incidental to, the inquiry by the Board.
- 1.2 The Board uses notional half-day tariffs as the starting point for assessing costs.¹ The tariffs are based on:
- the complexity of the investigation;
 - the hearing method used, recognising that certain methods involve less cost; and
 - the duration of in-person hearings.
- 1.3 The tariffs may then, at the Board's discretion, be adjusted upwards or downwards according to the circumstances of each matter and to take into account any additional factors, such as whether a special advisor was appointed and the Licensed Building Practitioner approach toward the proceedings, including whether there is an early acceptance of responsibility. Costs may also be reduced when a hearing is consolidated (two or more related matters heard in a single hearing).
- 1.4 The current starting point tariffs are:

Hearing and/or investigation complexity	Draft decision	On the papers decision	Half-day audio-visual hearing	Half-day in-person hearing
Simple	\$500	\$1,000	\$1,500	\$2,000
Moderate	\$875	\$1,750	\$2,625	\$3,500
Complex	\$1,375	\$2,750	\$4,125	\$5,500

- 1.5 The following definitions apply to the table above:

Draft decision – a decision issued by the Board after it has received and considered a Registrar's Report. It is the earliest point in the complaint process at which a decision can be made. Draft decisions are suitable for matters where there is no viable defence and/or no contested evidence. The draft decision process can also be used where a LBP accepts, in their response to a complaint, that they have committed a disciplinary offence.

On the papers decision – a decision issued by the Board after a matter has been set down for a hearing but before an actual hearing is held. An on the papers decision is often used where a LBP accepts that they have committed a disciplinary offence, files submissions and asks that the matter be dealt with on the papers. It is not suitable for matters where there is contested evidence.

Audio-visual hearing – a hearing that is conducted solely by way of an audio-visual link.

In person hearing – a hearing where some or all of the participants appear in person.

- 1.6 If a person who is to appear before the Board wants to obtain further information about how the costs are set, they may ask the Presiding Member during a pre-hearing conference.

Signed and dated this 10th day of July 2023.



M Orange, BPB Chair

¹ The tariffs are based on 50% of the average actual costs that are incurred by the Board in investigating and hearing matters, which is consistent with court directions as regards the starting point for costs in disciplinary matters.