

Before the Building Practitioners Board

	BPB Complaint No. CB26199
Licensed Building Practitioner:	Mohammed Imran Khan (the Respondent)
Licence Number:	BP129627
Licence(s) Held:	Design AoP 1 and 3

Decision of the Board in Respect of the Conduct of a Licensed Building Practitioner Under section 315 of the Building Act 2004

Complaint or Board Inquiry	Complaint
Hearing Location	Auckland
Hearing Type:	In Person
Hearing and Decision Date:	27 March 2024
Board Members Present:	
	Mr M Orange, Chair, Barrister (Presiding)
	Mrs F Pearson-Green, Deputy Chair, LBP, Design AoP 2
	Ms K Reynolds, Construction Manager

Procedure:

The matter was considered by the Building Practitioners Board (the Board) under the provisions of Part 4 of the Building Act 2004 (the Act), the Building Practitioners (Complaints and Disciplinary Procedures) Regulations 2008 (the Complaints Regulations) and the Board's Complaints and Inquiry Procedures.

Disciplinary Finding:

The Respondent **has** committed a disciplinary offence under section 317(1)(b) of the Act.

The Respondent is fined \$2,000 and ordered to pay costs of \$3,500. A record of the disciplinary offending will be recorded on the Public Register for a period of three years.

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Summary

- [1] The Respondent was engaged to carry out design work. A complaint was made about the number of RFIs (Requests for Information) issued and the time it took to respond to them. The Board appointed a Special Advisor to review the design work. The Special Advisor noted that there were inconsistencies in the Respondent’s design, that it contained design errors, and that aspects of the design would not have met Building Code requirements.
- [2] The Board found that the Respondent had carried out his design work in a negligent manner. The design, as submitted for a Building Consent, was substandard and, in many aspects, may not have achieved Building Consent or met Building Code requirements. The design issues and deficiencies noted were significant and should have been identified and dealt with by the Respondent prior to him submitting his designs for a Building Consent. It was clear to the Board that the Building Consent was not ready for submission and that the Respondent should have reviewed and amended it to ensure consistency, but that he had not.
- [3] The Board fined the Respondent \$2,000 and ordered that he pay costs of \$3,500. It reduced the fine from a starting point of \$3,000 on the basis that there was a late acceptance that the work was not to an acceptable standard.

The Charges

- [4] The prescribed investigation and hearing procedure is inquisitorial, not adversarial. There is no requirement for a complainant to prove the allegations. The Board sets the charges and decides what evidence is required.¹
- [5] In this matter, the disciplinary charges the Board resolved to further investigate² were that the Respondent may, in relation to building work at [OMITTED], Auckland, have carried out or supervised building work (design work) in a negligent or incompetent manner contrary to section 317(1)(b) of the Act.
- [6] The Board had previously directed that a Special Advisor be appointed to assist the Board in its inquiries. The Special Advisor, Mr John Rennie, a Design AoP 3 licence holder, was instructed to review the documentation submitted for Building Consent and the complaint file to provide his expert opinion on:
- (a) whether the building, if built in accordance with the original drawings submitted for Building Consent, would comply with the building code and, if not, in what respects would the building fail to meet the building code;
 - (b) whether the original drawings submitted for Building Consent were accurate, complete and internally consistent;
 - (c) whether the Requests for Information from the Auckland City Council were answered adequately and in a timely manner; and
 - (d) any further issues noted and raised by the Special Advisor.
- [7] The Board gave notice that, in further investigating the Respondent's conduct under section 317(1)(b) of the Act, the Board will be inquiring into the issues noted in the Special Advisor's report.

Evidence

- [8] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed³. Under section 322 of the Act, the Board has relaxed rules of evidence which allow it to receive evidence that may not be admissible in a court of law.
- [9] The Respondent was engaged to develop plans and specifications and to obtain a Building Consent for the demolition of a dwelling on a site that had two pre-existing dwellings and the construction of a two-story duplex building in its place.

¹ Under section 322 of the Act, the Board has relaxed rules of evidence which allow it to receive evidence that may not be admissible in a court of law. The evidentiary standard is the balance of probabilities, *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1.

² The resolution was made following the Board's consideration of a report prepared by the Registrar in accordance with regulation 10 of the Complaints Regulations.

³ *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

[10] The Complainant raised the number of RFIs (Requests for Information) issued after the Building Consent had been submitted and the Respondent's failure to deal with them in a timely manner.

[11] The hearing proceeded on the basis of the issues outlined in the Special Advisor's report. The Special Advisor noted, amongst other things:

6.1.4 *The initial RFI, and subsequent RFI's issued by Comply NZ identified a number of Building Code Clauses where additional information was required to be able to demonstrate compliance with the Building Code. Of those items where additional information was requested, some required the respondent to revise and amend the plans and specifications as the original submission would have resulted in non-compliance.*

6.1.5 *Of the items, raised by Comply NZ, the following list includes items where the plans and specification did not comply with the Building code:*

- (a) *Roof plane braces shown incorrectly as they were drawn at an angle greater than 45deg*
- (b) *Ceiling access hatch unusable as it was in a position too close to the roof covering.*
- (c) *Inter-tenancy wall did not reflect a tested system, and therefore compliance could not be established.*
- (d) *Floor plans included timber lintels, while the engineering drawings showed steel portals.*
- (e) *Laundries did not include provisions for safeguarding the neighbouring unit from flooding.*
- (f) *The Kitchens reflected floor coverings to be carpet, when they ought to have been impervious and readily cleanable.*
- (g) *Floor waste gullies within the en-suites were not located centrally to the appliances, to ensure they could service all appliances within the space.*

6.1.6 *The areas of non-compliance identified if constructed in accordance with the plans and specification would have resulted in non-compliance with the following clauses of the Building Code:*

- (a) *Clause B1: Structure*
- (b) *Clause C3: Fire Affecting Areas Beyond the Fire Source*
- (c) *Clause C6: Structural Stability*
- (d) *Clause E3: Internal Moisture*

6.1.8 *The plans and specifications as submitted to council in support of the Building Consent application were inadequate and did not include*

sufficient information for Council to be able to rely on to issue a Building Consent. Furthermore, the plans as submitted would not have been sufficient for a competent builder to follow on site.

- [12] The Special Advisor noted that, with regard to the inter-tenancy firewall, there were four options in the documentation, but the Respondent had not specified which of the four options was to be used. The Respondent had also stipulated 10mm plasterboard, whereas 13mm was required as part of a fire-rated system.
- [13] Additionally, the Special Advisor noted issues with regard to:
- (a) coordination between architectural plans and structural engineering plans, with the latter not being accurately reflected on the former;
 - (b) inconsistency between the specifications provided and the detail on drawings, including specifications for materials that did not match what was drawn on plans, such as incorrect roofing material; and
 - (c) a lack of due care and attention when submitting additional information required through the RFI and Building Consent process, which resulted in additional time and cost being incurred.
- [14] A copy of the Special Advisor's report was provided to the Respondent. He disagreed with the findings but did not address the matters noted in paragraph [9] above. His response tended to focus on the steps he had taken after the RFIs had been issued rather than addressing why the original Building Consent submission had not adequately dealt with the issues raised.
- [15] At the hearing, the Respondent maintained that he had prepared the Building Consent application with due care and diligence. He did accept that the steel portal specified by the engineer had not been reflected in his architectural drawings but submitted that it was a timing issue. It was noted, however, that the Respondent was in possession of the engineering detail prior to the Building Consent being lodged. He should have changed his designs to reflect what the engineer had specified but did not.
- [16] The Board put to him several issues regarding his Building Consent application, including:
- (a) the engineer had specified 180PFC Portal Frames, whereas the Respondent showed timber lintels. He changed this when responding to an RFI to reflect "180PFC AS PER ENGINEERS DRAWINGS" but then provided a Steel Beam Fixing Detail for a 300PFC, not a 180PFC portal frame as specified by the engineer;
 - (b) the truss design that the Respondent had obtained detailed specified load paths. The Respondent's design did not show those walls as load-bearing walls. Rather, he used different walls for the truss load paths. This resulted in the structure being unsupported in some areas because

loads were not transferred down through the building to supporting foundations. This result was that the truss design and the Respondent's design were inconsistent;

- (c) when drawing and specifying the joists for the second floor, the Respondent, in his First Floor Framing Plan, detailed three different joist sizes (190x45, 240x45, and 290x45), some spans were greater than that allowed in NZS3604, which meant a specific engineering design would have been needed. Because three different sizes of joists were used, the floor levels of the different areas would not have aligned;
- (d) the Respondent's cross-section drawings showed joists running in different directions, whereas his First Floor Framing Plan did not;
- (e) foundation details had not been provided for a post that was carrying the load of an area of the second floor; and
- (f) specific soffit detail showed a 400mm soffit, whereas the roof plan showed a 160mm soffit.

[17] The Respondent was not aware of the above issues until they were drawn to his attention. He accepted that what he had submitted was not correct and that it would have created confusion for those persons who were engaged to build the design.

[18] The Board questioned the Respondent about his design practice. When he completed the Building Consent application, he was employed full-time as a designer and also doing cleaning work. The design was completed in his spare time. He did his own quality assurance check before the design was submitted for a consent.

[19] The Respondent also submitted that he was impacted by Covid lockdowns, the arrival of a newborn baby, and software issues with the system he used to produce his design. It was noted that the Covid lockdowns predated much of the work and that the child was born after the work had been started. The Respondent accepted that he was overcommitted at the time.

[20] The Respondent also submitted that he was delayed in responding to RFIs because of a stormwater drainage issue. The evidence, however, showed that it was raised some six months prior to responses to the RFIs being submitted.

Negligence or Incompetence

[21] The Board's decision was that the Respondent had been negligent. To make a finding of negligence, the Board needs to determine, on the balance of probabilities,⁴ that the Respondent departed from an accepted standard of conduct

⁴ *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1. Under section 322 of the Act, the Board has relaxed rules of evidence which allow it to receive evidence that may not be admissible in a court of law.

when carrying out or supervising building work as judged against those of the same class of licence. This is described as the *Bolam*⁵ test of negligence.⁶

- [22] A threshold test applies. Even if the Respondent has been negligent, the Board must also decide if the conduct fell seriously short of expected standards.⁷ If it does not, then a disciplinary finding cannot be made.

Has the Respondent departed from an acceptable standard of conduct?

- [23] When considering what an acceptable standard is, the Board must consider the purpose of the Building Act¹ as well as the requirement that all building work must comply with the Building Code⁸ and any Building Consent issued.⁹ The test is an objective one.¹⁰

- [24] Section 3 of the Act sets out its purposes. Included is

This Act has the following purposes:

- (b) *to promote the accountability of owners, designers, builders, and Building Consent authorities who have responsibilities for ensuring that building work complies with the building code.*

- [25] The Board also notes the provisions of section 14D of the Act, which states:

14D Responsibilities of designer

- (1) *In subsection (2), designer means a person who prepares plans and specifications for building work or who gives advice on the compliance of building work with the building code.*
- (2) *A designer is responsible for ensuring that the plans and specifications or the advice in question are sufficient to result in the building work complying with the building code, if the building work were properly completed in accordance with those plans and specifications or that advice.*

- [26] Also, under section 45(3) of the Act, the Respondent provided a certificate of work that stated that the design complied with the Building Code. Section 45(3) states:

⁵ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

⁶ Adopted in New Zealand in various matters including: *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

⁷ *Collie v Nursing Council of New Zealand* [2001] NZAR 74 - [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".

⁸ Section 17 of the Building Act 2004

⁹ Section 40(1) of the Building Act 2004

¹⁰ *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71 noted that the tribunal does not have to take into account the Respondent's subjective considerations.

- (3) *The plans and specifications that contain the design work referred to in subsection (2) must be accompanied by a certificate of work—*
- (a) *provided by 1 or more licensed building practitioners who carried out or supervised that design work; and*
 - (b) *that identifies that design work; and*
 - (c) *that states—*
 - (i) *that the design work complies with the building code; or*
 - (ii) *whether waivers or modifications of the building code are required and, if so, what those waivers or modifications are.*

[27] Looking at the Respondent's design work, there was clear evidence in the Special Advisor's report that the design work had been carried out in a substandard manner and that aspects of the designs may not have achieved Building Consent or met Building Code requirements. Also, the design issues noted in paragraph [14] were significant issues that should have been identified and dealt with by the Respondent prior to him submitting his designs for a Building Consent. It was clear to the Board that the Building Consent was not ready for submission and that the Respondent should have reviewed and amended it to ensure consistency, but that he did not.

[28] A designer should not be relying on others to identify and fix their mistakes. A Builder is entitled to rely on a design that has been consented. The introduction of the Licensed Building Practitioner regime was aimed at improving the skills and knowledge of those involved in residential construction. The following was stated as the intention of the enabling legislation¹¹:

The Government's goal is a more efficient and productive sector that stands behind the quality of its work; a sector with the necessary skills and capability to build it right first time and that takes prides in its work; a sector that delivers good-quality, affordable homes and buildings and contributes to a prosperous economy; a well-informed sector that shares information and quickly identifies and corrects problems; and a sector where everyone involved in building work knows what they are accountable for and what they rely on others for.

We cannot make regulation more efficient without first getting accountability clear, and both depend on people having the necessary skills and knowledge. The Building Act 2004 will be amended to make it clearer that the buck stops with the people doing the work. Builders and designers must make sure their

¹¹ Hansard volume 669: Page 16053

work will meet building code requirements; building owners must make sure they get the necessary approvals and are accountable for any decisions they make, such as substituting specified products; and Building Consent authorities are accountable for checking that plans will meet building code requirements and inspecting to make sure plans are followed.

- [29] It was on this basis, and noting that the design work was deficient and substandard, that the Board made its decision that the Respondent had been negligent.

Was the conduct serious enough?

- [30] The conduct was serious. The divergence from acceptable standards was not mere oversight or carelessness. The Respondent had not completed his designs and reviewed them with due care and diligence. If he had, most of the issues would have been identified. They were not, and it was disconcerting that, at the hearing, the Respondent was not fully aware of the issues or their seriousness and was of the view, until the Board pointed out his errors and failings, that he had done a good job.

Has the Respondent been negligent or incompetent?

- [31] The Respondent has carried out building work (design work) in a negligent manner.

Penalty, Costs and Publication

- [32] Having found that one or more of the grounds in section 317 applies, the Board must, under section 318 of the Actⁱⁱ, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [33] The Respondent made submissions at the hearing as regards penalty, costs and publication.

Penalty

- [34] The Board has the discretion to impose a range of penalties.ⁱⁱⁱ 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.¹² It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:¹³
- (a) protection of the public and consideration of the purposes of the Act,¹⁴

¹² *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]

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

¹⁴ Section 3 Building Act

- (b) deterring other Licensed Building Practitioners from similar offending;¹⁵
 - (c) setting and enforcing a high standard of conduct for the industry;¹⁶
 - (d) penalising wrongdoing;¹⁷ and
 - (e) rehabilitation (where appropriate).¹⁸
- [35] 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 cases¹⁹ and applying the least restrictive penalty available for the particular offending.²⁰ In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty²¹ that is consistent with other penalties imposed by the Board for comparable offending.²²
- [36] In general, when determining the appropriate penalty, the Board adopts a starting point based on the principles outlined above prior to considering any aggravating and/or mitigating factors present.²³
- [37] In this matter, the Board adopted a starting point of a fine of 3,000. The starting point reflected the seriousness of the matter and was consistent with other penalties imposed by the Board.
- [38] There were some mitigating factors. Principally, the Respondent, albeit belatedly at the hearing after multiple design errors had been pointed out to him, accepted that his design work was substandard. He also outlined that he is now in full-time practice (as opposed to employment) and has made changes to how he conducts his design practice, including having another design practitioner involved who can peer review his work and who has better software skills. Taking those factors into account, the Board reduced the fine to \$2,000.

Costs

- [39] Under section 318(4) of the Act, the Board may require the Respondent to pay the costs and expenses of, and incidental to, the inquiry by the Board. The rationale is

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

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

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

¹⁸ *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

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

²⁰ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

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

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

²³ 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.

that other Licensed Building Practitioners should not be left to carry the financial burden of an investigation and hearing.²⁴

- [40] The courts have indicated that 50% of the total reasonable costs should be taken as a starting point in disciplinary proceedings²⁵. The starting point can then be adjusted up or down, having regard to the particular circumstances of each case²⁶.
- [41] 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 are then made.
- [42] Based on the above, the Board's costs order is that the Respondent is to pay the sum of \$3,500 toward the costs of and incidental to the Board's inquiry. This is the Board's scale amount of costs for a matter of this type, and it is less than 50% of actual costs.

Publication

- [43] As a consequence of its decision, the Respondent's name and the disciplinary outcomes will be recorded in the public Register maintained as part of the Licensed Building Practitioners' scheme as is required by the Act,²⁷ and he will be named in this decision, which will be available on the Board's website. The Board is also able, under section 318(5) of the Act, to order further publication.
- [44] Within New Zealand, there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990.²⁸ Further, as a general principle, publication 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, and the courts have stated that an adverse finding in a disciplinary case usually requires that the name of the practitioner be published.²⁹
- [45] Based on the above, a summary of the decision will be published. The Respondent will be named in that publication.
- [46] Based on the above, the Board will not order any publication over and above the record on the Register, the Respondent being named in this decision, and the publication of the decision on the Board's website. The Respondent should note, however, that as the Board has not made any form of suppression order, other entities, such as the media or the Ministry of Business Innovation and Employment, may publish under the principles of open justice reporting.

²⁴ *Collie v Nursing Council of New Zealand* [2001] NZAR 74

²⁵ *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society* CIV-2011-485-000227 8 August 2011

²⁶ *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.

²⁷ Refer sections 298, 299 and 301 of the Act

²⁸ Section 14 of the Act

²⁹ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

Section 318 Order

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

Penalty: Pursuant to section 318(1)(f) of the Building Act 2004, the Respondent is ordered to pay a fine of \$2,000.

Costs: Pursuant to section 318(4) of the Act, the Respondent is ordered to pay costs of \$3,500 (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 Licensed Building Practitioners in accordance with section 301(I)(iii) of the Act.

In terms of section 318(5) of the Act, the Respondent will be named in this decision, which will be published on the Board's website.

[48] The Respondent should note that the Board may, under section 319 of the Act, suspend or cancel a licensed building practitioner's licence if fines or costs imposed as a result of disciplinary action are not paid.

Right of Appeal

[49] The right to appeal Board decisions is provided for in section 330(2) of the Act^{iv}.

Signed and dated this 16th day of April 2024



M Orange
Presiding Member

ⁱ Section 3 of the Act

This Act has the following purposes:

- (a) *to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that—*
- (i) *people who use buildings can do so safely and without endangering their health; and*
 - (ii) *buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and*
 - (iii) *people who use a building can escape from the building if it is on fire; and*
 - (iv) *buildings are designed, constructed, and able to be used in ways that promote sustainable development:*

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- (b) *to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the building code.*

ii Section 318 of the Act

- (1) *In any case to which section 317 applies, the Board may*
- (a) *do both of the following things:*
 - (i) *cancel the person’s licensing, and direct the Registrar to remove the person’s name from the register; and*
 - (ii) *order that the person may not apply to be relicensed before the expiry of a specified period:*
 - (b) *suspend the person’s licensing for a period of no more than 12 months or until the person meets specified conditions relating to the licensing (but, in any case, not for a period of more than 12 months) and direct the Registrar to record the suspension in the register:*
 - (c) *restrict the type of building work or building inspection work that the person may carry out or supervise under the person’s licensing class or classes and direct the Registrar to record the restriction in the register:*
 - (d) *order that the person be censured:*
 - (e) *order that the person undertake training specified in the order:*
 - (f) *order that the person pay a fine not exceeding \$10,000.*
- (2) *The Board may take only one type of action in subsection 1(a) to (d) 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) or (d).*
- (3) *No fine may be imposed under subsection (1)(f) in relation to an act or omission that constitutes an offence for which the person has been convicted by a court.*
- (4) *In any case to which section 317 applies, the Board may order that the person must pay the costs and expenses of, and incidental to, the inquiry by the Board.*
- (5) *In addition to requiring the Registrar to notify in the register an action taken by the Board under this section, the Board may publicly notify the action in any other way it thinks fit.”*

iii Section 318 Disciplinary Penalties

- (1) *In any case to which section 317 applies, the Board may—*
- (a) *do both of the following things:*
 - (i) *cancel the person’s licensing and direct the Registrar to remove the person’s name from the register; and*
 - (ii) *order that the person may not apply to be relicensed before the expiry of a specified period:*
 - (b) *suspend the person’s licensing for a period of no more than 12 months or until the person meets specified conditions relating to the licensing (but, in any case, not for a period of more than 12 months) and direct the Registrar to record the suspension in the register:*
 - (c) *restrict the type of building work or building inspection work that the person may carry out or supervise under the person’s licensing class or classes and direct the Registrar to record the restriction in the register:*
 - (d) *order that the person be censured:*
 - (e) *order that the person undertake training specified in the order:*

- (f) order that the person pay a fine not exceeding \$10,000.*
- (2) The Board may take only 1 type of action in subsection (1)(a) to (d) 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) or (d).*
- (3) No fine may be imposed under subsection (1)(f) in relation to an act or omission that constitutes an offence for which the person has been convicted by a court.*
- (4) In any case to which section 317 applies, the Board may order that the person must pay the costs and expenses of, and incidental to, the inquiry by the Board.*
- (5) In addition to requiring the Registrar to notify in the register an action taken by the Board under this section, the Board may publicly notify the action in any other way it thinks fit.*

iv Section 330 Right of appeal

- (2) A person may appeal to a District Court against any decision of the Board—*
 - (b) to take any action referred to in section 318.*

Section 331 Time in which appeal must be brought

An appeal must be lodged—

- (a) within 20 working days after notice of the decision or action is communicated to the appellant; or*
- (b) within any further time that the appeal authority allows on application made before or after the period expires.*