

Board Practice Direction: Costs

This practice direction will come into force on 1 July and will apply to all matters that are determined after that date.

- 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 set tariffs as the starting point for assessing costs. 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. The tariffs take into account:
- (a) the complexity of the investigation;
 - (b) the hearing method used, recognising that certain methods involve less cost; and
 - (c) the duration of in-person hearings.
- 1.3 The tariffs for draft decisions, on-the-papers decisions and audio-visual link hearings have been set at less than 50% of actual to incentivise the use of those more efficient determination methods.
- 1.4 The Board may, at its discretion, adjust any tariff up or down according to the circumstances of each matter and to take into account any additional factors, such as the Licensed Building Practitioner approach toward the proceedings, including whether there is an early acceptance of responsibility. Costs may also be reduced for individual practitioners when a hearing is consolidated (two or more related matters heard in a single hearing).
- 1.5 The current starting point tariffs are:

Complexity	Draft decision: 25% of actual	On-the-papers decision: 35% of actual	Half-day audio- visual hearing: 40% of actual	Half-day in- person hearing: 50% of actual	Full-day in- person hearing: 50% of actual
Simple	\$700	\$1,100	\$1,500	\$2,100	\$3,150
Moderate	\$1,150	\$1,700	\$2,150	\$2,950	\$3,900
Complex	\$1,700	\$2,350	\$3,100	\$4,150	\$4,850

- 1.6 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 an 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 an 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.

- 1.7 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 11th day of June 2024.



M Orange, BPB Chair