

## Before the Building Practitioners Board

BPB Complaint No. 26720

Licensed Building Practitioner:

James Robert Daniel Johnson (the Respondent)

Licence Number:

BP 115285

Licence(s) Held:

Roofing, Profiled Metal Roof and/or Wall Cladding

---

### Recall and Reissue of Penalty Order

---

Decision Date:

23 October 2025

Board Members Present:

Mr M Orange, Chair, Barrister (Presiding)

Mrs F Pearson-Green, Deputy Chair, LBP, Design AoP 2

Mr G Anderson, LBP, Carpentry and Site AoP 2

#### Appearances:

F Divich and D Buckley for the Respondent

#### 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.

#### Introduction

[1] The Board made the following penalty order:

**Penalty:** Pursuant to section 318(1)(e) of the Building Act 2004, the Respondent is ordered to undertake and complete Level 4 New Zealand Certificate in Construction Related Trades (Supervisor) course by 30 January 2027.

If the Respondent fails to successfully complete the training specified in this order then pursuant to s 318(1)(b) of the Act, the Respondent's licence will be suspended until the earlier of the Respondent completing the training to the satisfaction of the Registrar or the expiry of a period of 12 months and the Registrar will be directed to record the suspension in the register of Licensed Building Practitioners.

[2] On 25 November 2025, Counsel for the Respondent emailed, noting:

*Paragraph 46 of the Decision also states that Mr Johnson is required to undertake a Level 4 New Zealand Certificate in Construction Related Trades (Supervisor). However, the NZQA lists that qualification as discontinued. Mr Johnson would also greatly appreciate if the Board could provide clarity as to the status of this course and/or its Decision in light of this discontinuance.*

### **Grounds for Recall**

- [3] It is well established that an applicant seeking to recall a judgment faces a high threshold.<sup>1</sup> It is also well established that there are three categories of cases where recall may be granted:<sup>2</sup>
- (a) since the hearing, there has been a change to a relevant statute or regulation, or a new judicial decision of relevance and high authority has been issued;
  - (b) a legislative provision or authoritative decision of plain relevance has not been taken into account; or
  - (c) some other “very special reason” requires the judgment be recalled.
- [4] The withdrawal of the course that the Respondent was directed to undertake as a ground for the recall of the Board’s penalty order.

### **Reissued Penalty Order**

[5] The Board has investigated alternative training options. It has been identified that Related Trades On Site Supervision strand/elective US33042, part of NZ Construction Trades Supervision Level 5, is an appropriate alternative. Accordingly, the following revised penalty order is issued:

**Penalty:** Pursuant to section 318(1)(e) of the Building Act 2004, the Respondent is ordered to undertake and complete the Related Trades On Site Supervision strand/elective US33042, part of NZ Construction Trades Supervision Level 5 course by 31 March 2027.

**If the Respondent fails to successfully complete the training specified in this order then pursuant to s 318(1)(b) of the Act, the Respondent’s licence will be suspended until the earlier of the Respondent completing the training to the satisfaction of the Registrar or the expiry of a period of 12 months and the Registrar will be directed to record the suspension in the register of Licensed Building Practitioners.**

---

<sup>1</sup> *Cummins v Body Corporate 172108* [2022] NZCA 153 at [12].

<sup>2</sup> *Horowhenua County v Nash (2)* [1968] NZLR 632 (HC) at 633 approved in *Saxmere Ltd v Wool Board Disestablishment Co Ltd* [2009] NZSC 122, [2010] 1 NZLR 76 at [2].

- [6] All other matters in the Board's substantive decision issued on 24 November 2025 remain as stated.

Signed and dated this 17<sup>th</sup> day of December 2025

A handwritten signature in black ink, appearing to be 'M Orange', written in a cursive style.

**Mr M Orange**  
Presiding Member