

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 (2)

Decision Date:

23 October 2025

Revised Penalty Order Date:

29 April 2026

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] Following a disciplinary hearing, the Board made a disciplinary finding and imposed a penalty that consisted of a training order. The penalty decision was subsequently recalled and reissued because the training ordered was no longer available. A replacement course was stipulated. It has subsequently been found that what was substituted, a strand of a Level 5 course, cannot be undertaken as a standalone unit.
- [2] The Board presented the Respondent with two alternative penalty orders: either completing the full Related Trades On-Site Supervision course or paying a fine of \$2,000.

- [3] On 15 April 2026, Counsel for the Respondent confirmed that the Respondent had elected the option of a fine.

Grounds for Recall

- [4] It is well established that an applicant seeking to recall a judgment faces a high threshold.¹ It is also well established that there are three categories of cases where recall may be granted:²
- (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.
- [5] The unavailability of the course as a standalone unit is a ground for the recall of the Board’s penalty order.

Reissued Penalty Order

- [6] Based on the above, the following revised penalty order is issued:

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

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

Signed and dated this 29th day of April 2026



Mr M Orange
Presiding Member

¹ *Cummins v Body Corporate 172108* [2022] NZCA 153 at [12].

² *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].