Before the Building Practitioners Board

	BPB Complaint No. 26994
Licensed Building Practitioner:	Jean-Francois Emile Willi Klein (the Respondent)
Licence Number:	BP 112150
Licence(s) Held:	Carpentry

Draft 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 Type:	On the Papers
Hearing and Draft Decision Date:	11 June 2026
Finalised Draft Decision Date:	31 July 2026

Board Members Present:

Mr M Orange, Chair, Barrister (Presiding)
Mr G Pearson, Barrister and Solicitor – Legal Member
Mr G Anderson, LBP, Carpentry and Site AoP 2
Ms E Harvey McDouall, Registered Architect
Ms S Chetwin CNZM, Barrister and Solicitor, Professional Director

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), (d) and (da)(ii) of the Act.

The Respondent is fined $2,500 and ordered to pay costs of $700. A record of the disciplinary offending will be recorded on the Public Register for a period of three years.

Contents

Summary of the Board's Decision

[1] The Respondent carried out and supervised building work under a building consent on a new residential dwelling. During the build, changes were made to the construction methodology and the products installed without ensuring that those

changes had been approved. The Board found that the Respondent, as the responsible Licensed Building Practitioner (LBP) had carried out or supervised building work in a negligent manner and in a manner contrary to the consent issued, because he had failed to ensure either minor variations or amendments to the building consent for the changes had been processed and approved before the related building work was completed. Additionally, the Board found that the respondent had failed to provide a record of work on completion of his restricted building work.

[2] The Respondent is fined $2,500 for the disciplinary offending and is ordered to pay costs of $700. A record of the disciplinary offending will be recorded on the Public Register for a period of three years.

The Charges

[3] Under regulation 10 of the Complaints Regulations, the Board must, on receipt of the Registrar's Report, decide whether to proceed no further with the complaint because regulation 9 of the Complaints Regulations applies. Having received the report, the Board decided that regulation 9 applied to some but not to all of the allegations.

Regulation 10 Decision

[4] In this matter, the disciplinary charges the Board resolved to further investigate[1] were that the Respondent may, in relation to building work at [OMITTED], have:

(a) carried out or supervised building work in a negligent or incompetent manner (s 317(1)(b) of the Act);

(b) carried out or supervised building work that does not comply with a building consent (s 317(1)(d) of the Act); and

(c) failed, without good reason, in respect of a building consent that relates to restricted building work that he or she is to carry out or supervise, or has carried out or supervised, (as the case may be), to provide the persons specified in section 88(2) with a record of work, on completion of the restricted building work, in accordance with section 88(1) of the Act contrary to section 317(1)(da)(ii) of the Act.

Regulation 9 Decisions

[5] The complaint also contained allegations that the Respondent had:

(a) breached the code of ethics prescribed under section 314A of the Act (s 317(1)(g) of the Act); and

[1] 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.

(b) conducted himself or herself in a manner that brings, or is likely to bring, the regime under this Act for licensed building practitioners into disrepute (s 317(1)(i) of the Act).

[6] With regard to the allegations made, the Board decided that regulation 9(f)(ii) of the Complaints Regulations applied. It provides:

> ***Complaint not warranting further investigation***
> *A complaint does not warrant further investigation if—*
> *(f) the investigation of it is—*
> *(ii) unnecessary;*

[7] In considering whether the investigation of a complaint is necessary, the Board must consider the directions of the courts regarding the threshold for matters to be dealt with as a disciplinary matter. In short, the conduct has to fall seriously short of expected standards of conduct.[2]

[8] On this basis, the Board has decided that whilst there was some evidence of conduct that may have come within the grounds of discipline complained about, the matters raised did not reach the seriousness threshold as outlined in the above court decisions.

[9] The Board also considered that it was more appropriate to deal with the allegations under sections 317(1)(b) and (d) of the Act, which deal specifically with the conduct complained about.

Draft Decision Process

[10] The Board's jurisdiction is that of an inquiry. Complaints are not prosecuted before the Board. Rather, it is for the Board to carry out any further investigation that it considers necessary prior to it making a decision.

[11] Ordinarily, the Board makes a decision after holding a hearing.[3] The Board may, however, depart from its normal procedures if it considers that doing so would achieve the purposes of the Act, and it is not contrary to the interests of natural justice.[4]

[12] In this instance, the Board has decided that a formal hearing is not necessary. The Board considers that there is sufficient evidence before it to allow it to make a decision on the papers. There may, however, be further evidence in relation to the matter that the Board was not aware of. To that end, this decision is a draft Board decision. The Respondent will be provided with an opportunity to comment on the draft findings and to present further evidence prior to the Board making a final

[2] *Collie v Nursing Council of New Zealand* [2001] NZAR 74
[3] Regulation 10 of the Complaints Regulations.
[4] Under Clause 27 of Schedule 3 the Board may regulate its own procedure and it has summary jurisdiction, which allows for a degree of flexibility in how it deals with matters: *Castles v Standards Committee No.* [2013] NZHC 2289, *Orlov v National Standards Committee 1* [2013] NZHC 1955

decision. If the Respondent requests an in-person hearing, or the Board directs that one is required, this decision will be set aside, and a hearing will be scheduled.

Evidence

[13] The Board must be satisfied with the balance of probabilities that the alleged disciplinary offences have been committed[5]. 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.

[14] The complaint was made by the Building Consent Authority (BCA), which was dealing with the building consent. The Respondent, at the time, was the franchisee of a building business carrying out the build. He started, but did not complete the build.

[15] After his engagement in the project came to an end, he did not provide a record of work for the restricted building work that he had carried out or supervise. It also came to light that changes to the building consent had been made without an acceptable change process, such as obtaining a minor variation or an amendment, having been used. The specific changes that the Board considered met the threshold for further investigation were a change to the bracing system that had been developed by an engineer and a product change in relation to an internal membrane and the roof and cladding. Evidence of this was provided in the inspection reports by the Whakatane District Council dated 26 February 2024 and 11 December 2025.

Negligence or Incompetence

[16] To find that the Respondent was negligent, the Board needs to determine, on the balance of probabilities,[6] that the Respondent departed from an accepted standard of conduct when carrying out or supervising building work as judged against those of the same class of licence. This is described as the *Bolam*[7] test of negligence.[8] To make a finding of incompetence, the Board has to determine that the Respondent has demonstrated a lack of ability, skill, or knowledge to carry out or supervise building work to an acceptable standard.[9] A threshold test applies to both. Even if the Respondent has been negligent or incompetent, the Board must also decide if the conduct fell seriously short of expected standards.[10] If it does not, then a disciplinary finding cannot be made.

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

[6] *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.

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

[8] 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)

[9] In *Beattie v Far North Council* Judge McElrea, DC Whangarei, CIV-2011-088-313 it was described as *"a demonstrated lack of the reasonably expected ability or skill level".* In *Ali v Kumar and Others,* [2017] NZDC 23582 at [30] as "an inability to do the job"

[10] *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".

Has the Respondent departed from an acceptable standard of conduct

[17] When considering what an acceptable standard is, the Board must consider the purpose of the Building Act[i] as well as the requirement that all building work must comply with the Building Code[11] and any building consent issued.[12] The test is an objective one.[13]

[18] The issue under consideration is whether the Respondent followed an acceptable process for changing the building work that had been approved in the building consent. The Respondent, as the responsible LBP, had a duty, if the building work could not be carried out in accordance with the consented plans, to consult with the designer and/or the building consent authority to establish if any proposed changes would still meet building code compliance requirements before the related work was carried out. That did not occur because the Respondent did not, before the changes were made, apply for a building consent amendment or a minor variation under section 45A of the Act.

[19] In *Tan v Auckland Council*[14] the High Court, whilst dealing with a situation where no building consent had been obtained, stated the importance of the consenting process as follows:

> *[35] The building consent application process ensures that the Council can check that any proposed building work is sufficient to meet the purposes described in s 3 (of the Act). If a person fails to obtain a building consent that deprives the Council of its ability to check any proposed building work.*

[20] Justice Brewer in *Tan* also noted:

> *[37] … those with oversight (of the building consent process) are in the best position to make sure that unconsented work does not occur.*
>
> *[38] … In my view making those with the closest connection to the consent process liable would reduce the amount of unconsented building work that is carried out, and in turn would ensure that more buildings achieve s 3 goals.*

[21] The *Tan* case related to the prosecution of the project manager of a build. The project manager did not physically carry out any building work. The High Court, on appeal, however, found that his instructions to those who did physically carry out the work amounted to "carrying out" for the purposes of section 40 of the Act.

[22] The Board considers that the Court in *Tan* was envisaging that those in an integral position with regard to the building work, such as a licensed building practitioner, have a duty to ensure that a building consent (or an amended or varied building consent) is in place prior to the associated building work being carried out. It follows

[11] Section 17 of the Building Act 2004
[12] Section 40(1) of the Building Act 2004
[13] *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.
[14] [2015] NZHC 3299 [18 December 2015]

that failing to do so can fall below the standards of care expected of a licensed building practitioner.

[23] The Respondent, in his response to the complaint, stated that his responsibility for the building work ended when he was forced into liquidation, and the building was taken over by the franchise. Whilst that may have been the case, the conduct the Board is investigating took place when the Respondent was actively engaged in the building work. The Respondent should have obtained the necessary change approvals, as and when the need for them arose and before any building work associated with them was completed. As noted, that did not happen. The subsequent event of his removal did not excuse that conduct.

[24] Because the Respondent has not fulfilled his duty as an LBP to ensure building work is carried out in accordance with the building consent and, if it cannot be, to obtain the necessary change approvals, he has departed from what the Board considers to be an accepted standard of conduct and thereby has been negligent.

Was the conduct serious enough

[25] The building consent process is an important one. It ensures independent verification that the Building Code will meet the performance criteria in the Building Code. The process protects owners of works and the public, which his consistent with the purposes of the Act. Circumventing the consent process puts those purposes at risk.

[26] Looking at the respondent's conduct, there were multiple instances of changes to the building consent that were not dealt with appropriately. Significantly, to allay changes related to structural elements of the building that had been specified by an engineer. Changing those elements without following an approved process, which would have included engagement with the engineer, is serious, and the Board's view was that the conduct does reach the threshold for a disciplinary finding.

Has the Respondent been negligent or incompetent

[27] The Respondent has carried out and supervised building work in a negligent manner.

Contrary to a Building Consent

[28] Building consents provide detailed plans and specifications for building work. They are issued by Territorial or Building Consent Authorities on the basis that the building work will meet the provisions of the Building Code.[15] Once issued, the building work must be carried out in accordance with the building consent.[16] Building consents also stipulate the number and type of inspections the issuing authority will carry out during the build.[17] Inspections ensure independent verification that the building consent is being complied with.

[15] Section 49 of the Act
[16] Section 40 of the Act
[17] Section 222 of the Act

[29] If building work departs from the building consent issued, the Board can find that a disciplinary offence under section 317(1)(d) of the Act has been committed. The Board does not have to find that the departure was deliberate or a result of negligent conduct.[18] The Board does, however, consider that the seriousness of the conduct under investigation does have to be taken into account. As such, even if the Respondent's building work departed from the building consent, the Board must also decide if the conduct fell seriously short of expected standards.[19] If it does not, then a disciplinary finding cannot be made.

Was there building work that differed from the building consent

[30] As noted, the Respondent carried out or supervised building work that did not reflect what had been approved in the building consent.

Was the conduct serious enough

[31] for the same reasons set out regarding negligence, the Board finds that the conduct was serious and that a distant finding should be made.

[32] The commonality of the conduct under sections 317(b) and (d) of the Act is noted and it is a factor that will be taken into consideration by the Board considers the appropriate penalty to be imposed.

Failure to Provide a Record of Work

[33] A Licensed Building Practitioner must provide a record of work for any restricted building work that they have carried out or supervised to the owner and the Territorial Authority on completion of their restricted building work.[20]

[34] There is a statutory requirement under section 88(1) of the Building Act 2004 for a licensed building practitioner to provide a record of work to the owner and the territorial authority on completion of restricted building work[21] unless there is a good reason for it not to be provided.[22]

Did the Respondent carry out or supervise restricted building work

[35] The Respondent was engaged to carry out and/or supervise building work on a new residential dwelling under a building consent. His work included work on the primary structure and the external moisture management system of a residential dwelling, both of which are types of restricted building work.[23]

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[18] *Blewman v Wilkinson* [1979] 2 NZLR 208
[19] *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".
[20] Section 88(1) of the Act.
[21] Restricted Building Work is defined by the Building (Definition of Restricted Building Work) Order 2011
[22] Section 317(1)(da)(ii) of the Act
[23] Clause 5 of the Building (Definition of Restricted Building Work) Order 2011

Was the restricted building work complete

[36] The Respondent's engagement in the building work came to a premature end in circumstances where he would not be able to carry out any further restricted building work. As such, completion occurred. That was in or about July 2025, when his company was placed into liquidation.

Has the Respondent provided a record of work

[37] The Respondent has not provided a record of work.

Was there a good reason for the Respondent to withhold his records of work

[38] The Respondent has noted his company's liquidation. That is not a good reason. Even though the Respondent may not have had access to company records, a record of work is a simple document, and the Respondent should have been able to draft issue one without access to company records.

Did the Respondent fail to provide a record of work

[39] The Respondent has failed to provide a record of work on completion of restricted building work.

Board's Decision

[40] The Respondent **has** breached sections 317(1)(b), (d) and (da)(ii) of the Act.

Penalty, Costs and Publication

[41] Having found that one or more of the grounds in section 317 applies, the Board must, under section 318 of the Act[ii], consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.

[42] The matter was dealt with on the papers. Included was information relevant to penalty, costs, and publication. The Board has decided to make indicative orders and give the Respondent an opportunity to provide further evidence or submissions relevant to the indicative orders.

Penalty

[43] 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.[24] It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:[25]

[24] 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]

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

(a) protection of the public and consideration of the purposes of the Act;[26]

(b) deterring the Respondent and other Licensed Building Practitioners from similar offending;[27]

(c) setting and enforcing a high standard of conduct for the industry;[28]

(d) penalising wrongdoing;[29] and

(e) rehabilitation (where appropriate).[30]

[44] 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 cases[31] and applying the least restrictive penalty available for the particular offending.[32] In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty[33] that is consistent with other penalties imposed by the Board for comparable offending.[34]

[45] 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.[35]

[46] The conduct was in the mid-range of seriousness. The matter has been dealt with on the papers without an in-person hearing. That has been taken into account in setting the starting point for the disciplinary offending. Based on prior matters before the Board involving similar conduct, the Board has decided that a $2,500 fine is appropriate. There are no aggravating or mitigating factors present, and the Board sees no reason to depart from the starting point.

<u>Costs</u>

[47] 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 that other Licensed Building Practitioners should not be left to carry the financial burden of an investigation and hearing.[36]

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[26] Section 3 Building Act
[27] *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354
[28] *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724
[29] *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27
[30] *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
[31] *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354
[32] *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818
[33] *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354
[34] *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354
[35] 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.
[36] *Collie v Nursing Council of New Zealand* [2001] NZAR 74

[48] The courts have indicated that 50% of the total reasonable costs should be taken as a starting point in disciplinary proceedings.[37] The starting point can then be adjusted up or down, depending on the particular circumstances of each case.[38]

[49] 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 moderately complex. Adjustments are then made.

[50] Based on the above, the Board's costs order is that the Respondent is to pay the sum of $700 toward the costs of and incidental to the Board's inquiry. This is the Board's scale amount for a moderately complex matter that has been dealt with by way of a Draft Decision. It is significantly less than 50% of the actual costs.

<u>Publication</u>

[51] 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,[39] 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.

[52] Within New Zealand, there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990.[40] 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.[41]

[53] 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.

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

[38] *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.

[39] Refer sections 298, 299 and 301 of the Act

[40] Section 14 of the Act

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

Section 318 Order

[54] 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 $2,500.**

Costs: **Pursuant to section 318(4) of the Act, the Respondent is ordered to pay costs of $700 (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(1)(l)(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.

[55] 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.

Submissions on Draft Decision

[56] The Board invites the Respondent to:

(a) provide further evidence for the Board to consider; and/or

(b) make written submissions on the Board's findings. Submissions may be on the substantive findings and/or on the findings on penalty, costs and publication.

[57] Submissions and/or further evidence must be filed with the Board by no later than the close of business on **Thursday, 30th July 2026**.

[58] If submissions are received, then the Board will meet and consider those submissions.

[59] The Board may, on receipt of any of the material received, give notice that an in-person hearing is required prior to it making a final decision. Alternatively, the Board may proceed to make a final decision which will be issued in writing.

[60] If no submissions or further evidence is received within the time frame specified, then this decision will become final.

Request for In-Person Hearing

[61] If the Respondent, having received and considered the Board's Draft Decision, considers that an in-person hearing is required then one will be scheduled, and a notice of hearing will be issued.

[62] A request for an in-person hearing must be made in writing to the Board Officer no later than the close of business on **Thursday, 30th July 2026.**

[63] If a hearing is requested, this Draft Decision, including the Board's indicative position on penalty, costs and publication, will be set aside.

Right of Appeal

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

Signed and dated this 29th day of June 2026.

Mr M Orange
Presiding Member

This decision and the order herein were made final on 31 July 2026 on the basis that no further submissions were received.

Signed and dated this 31st day of July 2026.

G Pearson
Presiding Member

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[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:*

(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.