

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

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:	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.

Disciplinary Finding:

The Respondent **has** committed disciplinary offences under sections 317(1)(b) and (d) of the Act.

The Respondent is ordered to undertake training and to pay costs of \$2,950. 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’s company was contracted to install a roof on a new residential dwelling. The work was restricted building work that required supervision by a Licensed Building Practitioner (LBP). The Respondent, as the supervising LBP, did not attend the site to check the quality and compliance of the building work during or after its completion. Subsequent investigative reports showed that there was building work that was contrary to the building consent, and which had not been completed to an acceptable standard. The Respondent accepted that he had negligently supervised building work and that he had supervised building work that was contrary to a building consent. The Board decided that it would order the Respondent to undertake the Level 4 New Zealand Certificate in Construction Related Trades (Supervisor) at his own expense, and that he would be ordered to pay costs of \$2,950. A record of the disciplinary offending will be recorded in the Public Register for a period of three years.

The Charges

- [2] 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
- [3] 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:
- (a) carried out or supervised building work in a negligent or incompetent manner contrary to section 317(1)(b) of the Act; and
 - (b) carried out or supervised building work that does not comply with a building consent contrary to section 317(1)(d) of the Act.
- [4] The Board gave notice that, in further investigating the Respondent's conduct under sections 317(1)(b) and (d) of the Act, it would be inquiring into the quality and compliance of the following building work:
- (a) the type of roofing underlay installed and the manner of its installation;
 - (b) the installation of roof sheets;
 - (c) installation of flashings, laps and clearances;
 - (d) changes to the Building Consent, including roof sheet turn downs, foam closers and eave flashings; and
 - (e) issues noted in Insite's Roof Inspection Report (pages 1901 - 1903 of the Board's file).

Evidence

- [5] The Board must be satisfied on the balance of probabilities that the alleged disciplinary offences 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.
- [6] The Respondent's company was contracted by the Complainants, who as the homeowners, were acting as the main contractor and project managers, to install the roof on a new residential build. The roof installation was carried out by the Respondent's staff, none of whom were licensed. The Respondent accepted that he was the supervising Licensed Building Practitioner (LBP).

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

- [7] The building work was restricted building work in that it was work on the external moisture management system of a residential dwelling. There was a legal requirement under section 84 of the Act that the work be supervised by an LBP.
- [8] The Respondent gave evidence that he attended the building site to complete a measure up for materials. Thereafter, he left the installation of the roof to his staff. He did not check on his supervised staff as the building work progressed. He did not complete a review of the work upon its completion.
- [9] Following the completion of the roof, a commercial dispute arose, and reports on the quality and compliance of the roofing work were obtained. Included was a report from Insite, which included a defect table that noted:

1. *Roof underlay not installed in accordance with the consented plans:*

The roof underlay installed is not fire rated Thermacraft 401 and not the specified fire rated Thermacraft 405.

The roof underlay does not extend to the full width of the roof.

The roof underlay does not extend out past the fascia.

2. *Roof flashings not installed in accordance with the consented plans and good trade practice:*

Barge flashings have not been installed with a drip edge and have insufficient cover onto the roof sheet.

Eave flashings have not been installed.

Expansion joints have not been installed in the ridge flashings causing rivets to pop out providing a path for moisture ingress.

Ridge flashings have not been made weathertight and allowed moisture ingress and are not of the correct profile to provide the required coverage for the wind zone.

3. *Roof sheets have been poorly installed:*

Roof sheets have been damaged during installation with poorly executed patch/paint repairs.

Due to the foot traffic from numerous repair attempts and/or the out of plane purlins, the roof sheets have extensive purlin creasing.

Edges of roof sheets have creases due to poor installation and/or excessive foot traffic.

Roof sheets have not been turned down at the gutter termination.

4. *Valley gutters have been poorly constructed:*

There is insufficient cover from the roof sheet to the valley flashing.

Roof sheets have not been cut straight down the line of the valley flashing.

5. *Screw fixings have been poorly installed:*

In locations fixings have missed the purlins, have been over and under tightened and have greater than required fixing spacings.

A 60mm self-tapping screw has been used which doesn't provide 30mm screw shank embedment into the timber purlin when the cutting end is allowed for.

6. *Profile foam closers have not been installed*

Foam closers have not been installed at the ridge or eave as detailing in the consented plans.

- [10] The commercial dispute has been settled, with the Respondent's company paying the Complainant's \$87,500. The Complainants outlined the impact that the roofing issue and the commercial dispute had on them. Written submissions also outlined the attempts to rectify the noted issues prior to the settlement.
- [11] The Respondent accepted that the roofing work had been carried out in a substandard manner and that his supervision was lacking, and he did not dispute the issues alleged in the Notice of Proceeding. He also acknowledged that he should have obtained and worked from a full set of consented plans and specifications to ensure the work complied with what had been consented.
- [12] The Respondent noted that he was disappointed with the manner in which his staff completed the work, whom he had confidence in at the time but who no longer work for him, and that he had implemented process changes to address the issue. At the time, he had 12-15 staff and was working simultaneously on 3-4 jobs. He has since downscaled his business to allow him to focus more closely on quality and supervisory requirements, including daily checks and final compliance reviews. He also noted that he now understands the need to have changes to a building consent approved prior to the associated work being carried out.

Negligence or Incompetence

- [13] To find that the Respondent was negligent, the Board needs to determine, on the balance of probabilities,⁴ 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*⁵ test of negligence.⁶ To make a finding of incompetence, the Board has to determine that the Respondent

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.

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)

has demonstrated a lack of ability, skill, or knowledge to carry out or supervise building work to an acceptable standard.⁷ 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.⁸ If it does not, then a disciplinary finding cannot be made.

Has the Respondent departed from an acceptable standard of conduct

- [14] When considering what an acceptable standard is, the Board must consider the purpose of the Building Actⁱ as well as the requirement that all building work must comply with the Building Code⁹ and any building consent issued.¹⁰ The test is an objective one.¹¹
- [15] The building work (roofing work) had not been completed in accordance with the building consent, the Building Code, or in accordance with acceptable trade practices. The issue was whether those failings arose as a result of the Respondent's supervision, noting that the work was restricted building work that had to be carried out or supervised by a Licensed Building Practitioner. The Respondent was that supervisor.
- [16] There are varying types of supervision. The Ministry of Business Innovation and Employment has issued a supervision guidance document.¹² It notes the different types of supervision: direct, general, and remote. It also provides a matrix to assist in determining the appropriate form of supervision to be used. Generally, the greater the complexity of the work, the higher the need for direct supervision. Considerations as to the skill level of the person being supervised also need to be taken into consideration.
- [17] The question for it is whether the Respondent has been negligent, or incompetent as regards his supervision of the building work.
- [18] The definition of supervise in section 7 of the Act defines it as follows:

supervise, in relation to building work, means provide control or direction and oversight of the building work to an extent that is sufficient to ensure that the building work—

⁷ 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”

⁸ *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”.

⁹ Section 17 of the Building Act 2004

¹⁰ Section 40(1) of the Building Act 2004

¹¹ *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.

¹² Practice Note: Supervision, August 2017, issued under section 175 of the Act.

- (a) *is performed competently; and*
- (b) *complies with the building consent under which it is carried out.*

- [19] When considering supervision, the Board must assess the type of supervision required and the effectiveness with which it was implemented. The Board also needs to consider whether the work met the requirements of the building code and, if not, the level of non-compliance.
- [20] The Respondent accepted that his supervision was not adequate. Based on that acceptance, and given that the Respondent did not attend the site when the work was carried out to check its quality and compliance when it was completed, and the high number of substantial defects with the building work that had been completed, the Board finds that the Respondent's supervision did not meet an acceptable standard and that he has conducted himself in a negligent manner.

Was the conduct serious enough

- [21] The conduct was serious, and it exceeded the threshold for disciplinary action to be taken. The reality was that the Respondent did not supervise. He left the work to his staff and trusted that they would complete the job to an acceptable standard, which did not occur. Because of this, the Board finds that the departure was at the higher end of seriousness and that a disciplinary outcome is warranted.

Has the Respondent been negligent or incompetent

- [22] The Respondent has supervised building work in a negligent manner.

Contrary to a Building Consent

- [23] 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.¹³ Once issued, the building work must be carried out in accordance with the building consent.¹⁴ Building consents also stipulate the number and type of inspections the issuing authority will carry out during the build.¹⁵ Inspections ensure independent verification that the building consent is being complied with.
- [24] 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.¹⁶ 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

¹³ Section 49 of the Act

¹⁴ Section 40 of the Act

¹⁵ Section 222 of the Act

¹⁶ *Blewman v Wilkinson* [1979] 2 NZLR 208

decide if the conduct fell seriously short of expected standards.¹⁷ If it does not, then a disciplinary finding cannot be made.

Was there building work that differed from the building consent

- [25] The issues noted in the Notice of Proceeding were, in addition to not meeting Building Code compliance, departures from the building consent. On that basis, the elements of the offence have been made out.
- [26] It should also be noted that once a building consent has been granted, any changes to it must be dealt with in the appropriate manner. There are two ways in which changes can be dealt with: by way of a minor variation under section 45A of the Act, or as an amendment to the building consent. Because changes were made, and a process for those changes had not been used, then a finding can be made that the work was not completed in accordance with the building consent.

Was the conduct serious enough

- [27] The departures were not minimal and were not the result of simple error or oversight. They resulted from the Respondent's failure to supervise and, for the reasons set out in relation to the negligence finding, the conduct was serious.

Has the Respondent breached section 317(1)(d) of the Act

- [28] The Respondent has supervised building work that was contrary to the building consent.
- [29] The Board acknowledges that there is a high degree of commonality between the findings under section 317(1)(b) and (d) of the Act. Because of this commonality, it will treat the two disciplinary offences as a single transgression when determining the appropriate penalty.

Board Decisions

- [30] The Respondent has breached section 317(1)(b) and (d) of the Act.

Penalty, Costs and Publication

- [31] 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.
- [32] The Respondent made submissions at the hearing as regards penalty, costs and publication.

¹⁷ *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".

Penalty

- [33] 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.¹⁸ It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:¹⁹
- (a) protection of the public and consideration of the purposes of the Act;²⁰
 - (b) deterring the Respondent and other Licensed Building Practitioners from similar offending;²¹
 - (c) setting and enforcing a high standard of conduct for the industry;²²
 - (d) penalising wrongdoing;²³ and
 - (e) rehabilitation (where appropriate).²⁴
- [34] 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 cases²⁵ and applying the least restrictive penalty available for the particular offending.²⁶ In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty²⁷ that is consistent with other penalties imposed by the Board for comparable offending.²⁸
- [35] In general, when determining the appropriate penalty, the Board adopts a starting point based on the principles outlined above prior to it considering any aggravating and/or mitigating factors present.²⁹
- [36] The Board noted and took into account the amount paid to settle the commercial dispute, as well as the steps taken by the Respondent to improve his business operations and enhance his own supervisory capabilities and a trade reference he had presented.
- [37] The Respondent's failings related to his supervision, and whilst he had undertaken some training, the Board was of the view that he would benefit from further

¹⁸ *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]

¹⁹ Cited with approval in *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28] and [29]

²⁰ Section 3 Building Act

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

²² *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724

²³ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

²⁴ *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

²⁵ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

²⁶ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

²⁷ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

²⁸ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

²⁹ 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.

training. Accordingly, it ordered that he attend and successfully complete at his own cost the Level 4 New Zealand Certificate in Construction Related Trades (Supervisor). The course is to be completed by 30 January 2027.

- [38] The Respondent should note that if the Respondent fails to comply with the Board's penalty order within the time frame indicated, then it will suspend the Respondent's licence in accordance with section 318(1)(b) until the earlier of the training being satisfactorily completed or the expiry of a period of 12 months.

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 that other Licensed Building Practitioners should not be left to carry the financial burden of an investigation and hearing.³⁰
- [40] The courts have indicated that 50% of the total reasonable costs should be taken as a starting point in disciplinary proceedings³¹. The starting point can then be adjusted up or down, having regard to the particular circumstances of each case³².
- [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 moderately complex and had been set down for a full day, but only half a day was required, given the cooperative approach taken by the Respondent.
- [42] Based on the above, the Board's costs order is that the Respondent is to pay the sum of \$2,950 toward the costs of and incidental to the Board's inquiry.

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,³³ 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 1990.³⁴ 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

³⁰ *Collie v Nursing Council of New Zealand* [2001] NZAR 74

³¹ *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society* CIV-2011-485-000227 8 August 2011

³² *Coaray 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.

³³ Refer sections 298, 299 and 301 of the Act

³⁴ Section 14 of the Act

stated that an adverse finding in a disciplinary case usually requires that the name of the practitioner be published.³⁵

- [45] 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.

Section 318 Order

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

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.

Costs: Pursuant to section 318(4) of the Act, the Respondent is ordered to pay costs of \$2,950 (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(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.

- [47] 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.

³⁵ Kewene v Professional Conduct Committee of the Dental Council [2013] NZAR 1055

Right of Appeal

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

Signed and dated this 24th day of November 2025.



Mr 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:*
- (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.*