

Before the Building Practitioners Board

	BPB Complaint No. CB26522
Licensed Building Practitioner:	Nicholas Paul Craggs (the Respondent)
Licence Number:	BP128957
Licence(s) Held:	Carpentry

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:	16 August 2024
Finalised Draft Decision Date:	8 November 2024

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

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

The Respondent is censured for the breach of section 317(1)(d) and fined \$1,000 for the breach of section 317(1)(da)(ii). He 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.

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Summary of the Board’s Decision

[1] The Respondent carried out or supervised building work that was contrary to a building consent and failed to provide a record of work on completion of restricted building work. He is censured for the building consent finding and fined \$1,000 for the record of work finding. He 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

- [2] 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

- [3] In this matter, the disciplinary charges the Board resolved to further investigate¹ were that the Respondent may, in relation to building work at [OMITTED], have:
- (a) carried out or supervised building work that does not comply with a building consent contrary to section 317(1)(d) of the Act; and
 - (b) 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

- [4] The complaint to the Board also contained allegations that the Respondent had:
- (a) carried out or supervised building work in a negligent or incompetent manner (s 317(1)(b) of the Act); and
 - (b) breached the code of ethics prescribed under section 314A of the Act (s 317(1)(g) of the Act).
- [5] With regard to the allegations made, the Board decided that a combination of regulations 9(e) and (f)(ii) of the Complaints Regulations applied. They provide:

Complaint not warranting further investigation

A complaint does not warrant further investigation if—

- (e) there is insufficient evidence to warrant the investigation of the complaint; or*
- (f) the investigation of it is—*
 - (ii) unnecessary;*

- [6] With respect to regulation 9(e), the Board needs to inquire whether there is evidence which, if un-contradicted, would, having regard to the degree of proof demanded², justify consideration of the complaint. The Board, on reviewing the evidence provided in support of the complaint, considered that whilst there was

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.

² The burden in complaints is on the balance of probabilities per *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

some evidence of the matters complained about, there was insufficient evidence to support the further investigation of the allegations.

- [7] The Board also noted that, 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.³ If it does not, then regulation 9(f)(ii) can apply.
- [8] On this basis, the Board has decided that whilst there may have been some evidence of building work that may not have been completed to an acceptable standard and which may have come within the grounds of negligence or incompetence under section 317(1)(b) of the Act, the matters raised did not reach the seriousness threshold as outlined in the above court decisions.
- [9] The same applied to the allegations made of a breach of the Code of Ethics. Whilst there may have been instances of conduct that could have come within the ground for discipline, looking at the conduct from an objective standpoint, the Board has decided that it was not serious enough to warrant further investigation. The Respondent is, however, cautioned as regards his interactions and dealings with clients and reminded that the Code is now in force and that a high level of professionalism is expected of Licensed Building Practitioners.

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 having held a hearing.⁴ The Board may, however, depart from its normal procedures if it considers doing so would achieve the purposes of the Act, and it is not contrary to the interests of natural justice to do so.⁵
- [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 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.

³ *Collie v Nursing Council of New Zealand* [2001] NZAR 74

⁴ Regulation 10 of the Complaints Regulations.

⁵ 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

Evidence

[13] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed⁶. 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.

Contrary to a Building Consent

[14] 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.⁷ Once issued, there is a requirement that the building work be carried out in accordance with the building consent.⁸ Building consents also stipulate the number and type of inspections the issuing authority will carry out during the build.⁹ Inspections ensure independent verification that the building consent is being complied with.

[15] 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 departure was deliberate or a result of negligent conduct.¹⁰ 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.¹¹ If it does not, then a disciplinary finding cannot be made.

Was there building work that differed from the building consent

[16] The building work involved replacing the existing cladding with Palliside. Inspection records noted:

6 November 2023:

Inspection Summary:

- Majority of the existing joinery has been taken out and re-jambed. New Building underlay, flashing tape and support bars will be installed. The External mitres will need to be sealed with approved sealant and weep holes blown out. Nick has stated the detail around the joinery will not be completed as per the consented plan, an Amendment to the consent will be required showing new detail around joinery. (page 331)

E2:Wall Cladding system:-

⁶ *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

⁷ Section 49 of the Act

⁸ Section 40 of the Act

⁹ Section 222 of the Act

¹⁰ *Blewman v Wilkinson* [1979] 2 NZLR 208

¹¹ *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".

Amendment required for the following

- *Change in cladding details around joinery*
- *3x joinery units will remain in place (front door, dining room door and bathroom window) detail required on how these will be flashed*
- *Alternative solution for ground-level clearance to FFL outside games room*

Please have this submitted through Objective Build.

This will need to be approved before a cavity inspection can be carried out.

9 November 2023 – No consented approved documents on-site to undertake inspection so inspection did not proceed

10 November 2023 – Post Wrap / Cavity inspection:

Formal Directive: OK to continue with cavity construction on condition that Amendment has been applied for relating to failed items. Inspection can not continue with cavity until Amendment has been approved.

21 November 2023 – Post Wrap / Cavity – outcome fail required amendment items still outstanding. Specific reinspection of these matters is required before building work may proceed (page 357)

27 November 2023 – Post Wrap / Cavity – outcome fail required amendment items still outstanding (page 359)

28 November 2023 – Post Wrap / Cavity – pass / MV approved on-site for joinery details altered to typical palliside details

- [17] In summary, a minor variation was issued by Tauranga City Council on 28 November 2023 due to the majority of the joinery units being taken out and re-jambed. The work that was subsequently completed did not comply with the minor variation that had been issued. At a final inspection on 2 July 2024, the inspection record noted:

Some head flashings are flush with window facings, refer photos. Joinery installation is not in accordance with the building consent & minor variation, please rectify.

- [18] A further minor variation was required to reflect the as-built detailing around the joinery units that had been completed on-site. At a subsequent final inspection on 2 July 2024, the requested as-built monetary action was approved on-site.
- [19] On the basis of the above, it follows that the Respondent carried out or supervised building work that did not comply with the building consent.

Was the conduct serious enough

- [20] Seriousness was described in *Collie v Nursing Council of New Zealand*¹² in the following way:

¹² [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.

- [21] As there was a repeated failure to complete the work as per the building consent the Board finds that it was not *inadvertent error, oversight or carelessness* the Board finds that the conduct was serious enough.

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

- [22] The Respondent has carried out building work in a manner that was contrary to a building consent.

Failure to Provide a Record of Work

- [23] 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.¹³
- [24] 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 work¹⁴ unless there is a good reason for it not to be provided.¹⁵

Did the Respondent carry out or supervise restricted building work

- [25] The Respondent was engaged to carry out and/or supervise building work on the replacement of external cladding under a building consent. His work included work on the external moisture management system of a residential dwelling, which is restricted building work.¹⁶

Was the restricted building work complete

- [26] The Respondent's work occurred between October 2023 and January 2024. Further, the Respondent issued a Notice of Practical Completion on 18 December 2023, in which he stated: "I ... believe on reasonable grounds that (the building company) has carried out and completed all building works in accordance with the contract".
- [27] A commercial dispute followed. A Construction Contracts Act adjudication took place and was completed on or about 20 March 2024. Following the adjudication, on 24 March 2024, the Complainant emailed the Respondent stating:

Also, if you can please let me know whether you are comfortable finishing the defects and or otherwise please send through your Record of Works

¹³ Section 88(1) of the Act.

¹⁴ Restricted Building Work is defined by the Building (Definition of Restricted Building Work) Order 2011

¹⁵ Section 317(1)(da)(ii) of the Act

¹⁶ Clause 5 of the Building (Definition of Restricted Building Work) Order 2011

[28] The Respondent replied on 26 March 2024. He stated:

*No further work will be completed by Kingswood homes.
Record of work will be provided in due course*

[29] Then, on 18 April 2024, the Complainant emailed the Respondent stating:

*Please advise when we will receive the Record of Works
as per your email re the adjudication, you stated that would be sent once the
adjudication was finished.*

[30] On 20 April 2023, the Complainant made inquiries with the Territorial Authority to ascertain whether a record of work had been provided by the Respondent. The Complainant ascertained that one had not been provided.

[31] A record of work was not forthcoming.

[32] On the basis of the above, completion, as regards the date when a record of work was due, occurred on 26 March 2024, when the Respondent stated that no further work would be undertaken. A record of work was due then or soon thereafter.

Has the Respondent provided a record of work

[33] The Respondent stated that there was a dispute between the parties and a delay in the final inspection of the building work. Those factors impacted the issuance of a record of work. The Respondent noted that the Complainant had requested the record of work by email on 18 April 2024. He stated that he sent the document to the Complainant's address on 19 April 2024. He did not provide any evidence to substantiate his statement. Neither the Complainant nor the Territorial Authority (the Council) had any records of a record of work having been sent to them.

[34] On the basis of the above, the Board finds that the Respondent did not provide a record of work on completion. He did provide one that was dated 5 May 2024 on 8 May 2024, but only after a complaint had been made on 3 May 2024.

Was there a good reason

[35] No good reasons have been put forward, and the Board finds that there are no good reasons.

Did the Respondent fail to provide a record of work

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

Board's Decision

[37] The Respondent **has** breached:

- (a) section 317(1)(d) of the Act; and
- (b) section 317(1)(da)(ii) of the Act.

Penalty, Costs and Publication

- [38] Having found that one or more of the grounds in section 317 applies, the Board must, under section 318 of the Actⁱ, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [39] 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

- [40] The Board has the discretion to impose a range of penalties.ⁱⁱ 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.¹⁷ It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:¹⁸
- (a) protection of the public and consideration of the purposes of the Act;¹⁹
 - (b) deterring other Licensed Building Practitioners from similar offending;²⁰
 - (c) setting and enforcing a high standard of conduct for the industry;²¹
 - (d) penalising wrongdoing;²² and
 - (e) rehabilitation (where appropriate).²³
- [41] 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 cases²⁴ and applying the least restrictive penalty available for the particular offending.²⁵ In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty²⁶ that is consistent with other penalties imposed by the Board for comparable offending.²⁷

¹⁷ *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]

¹⁸ Cited with approval in *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28] and [29]

¹⁹ Section 3 Building Act

²⁰ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

²¹ *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724

²² *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

²³ *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

²⁴ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

²⁵ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

²⁶ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

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

- [42] 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.²⁸
- [43] Regarding the contrary to a building consent finding, the conduct was at the lower end of the scale, and the Board has decided that a censure will suffice as a penalty. A censure is a public expression of disapproval.
- [44] Turning to the record of work finding, whilst record of work matters are at the lower end of the disciplinary scale, the Board has adopted a starting point for a failure to provide of a fine of \$1,500, an amount which it considers will deter others from such behaviour. Records or work are important documents, and the failure to provide them causes inconvenience for those who are entitled to them. Further, persons who are entitled to them should not have to make complaints to receive them. In this respect, the Respondent, who stated in response to the complaint: *A phone call would let us know it's not received and we could rectify but instead it's been blown out of proportion*, should note that the requirement is on the Licensed Building Practitioner to provide a record of work, not on the owner or Territorial Authority to demand one.
- [45] Notwithstanding the above, the Board finds that there are no aggravating factors present. The late provision of a record of work is a mitigating factor. On the basis that one has now been provided, the Board has reduced the fine by \$500 to a fine of \$1,000.

Costs

- [46] 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.²⁹
- [47] The courts have indicated that 50% of the total reasonable costs should be taken as a starting point in disciplinary proceedings³⁰. The starting point can then be adjusted up or down, depending on the particular circumstances of each case³¹.
- [48] 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 simple. Adjustments are then made.
- [49] 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

²⁸ 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.

²⁹ *Collie v Nursing Council of New Zealand* [2001] NZAR 74

³⁰ *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society* CIV-2011-485-000227 8 August 2011

³¹ *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.

scale amount for a simple matter that has been dealt with by way of a Draft Decision. It is significantly less than 50% of actual costs.

Publication

- [50] 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,³² 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.
- [51] Within New Zealand, there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990.³³ 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.³⁴
- [52] 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

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

Penalty: Pursuant to section 318(1)(d) of the Building Act 2004, the Respondent is censured in respect of the finding under section 317(1)(d) of the Act; and

Pursuant to section 318(1)(f) of the Building Act 2004, the Respondent is fined \$1,000 in respect of the finding under section 317(1)(da)(ii) of the Act.

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(I)(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.

³² Refer sections 298, 299 and 301 of the Act

³³ Section 14 of the Act

³⁴ Kewene v Professional Conduct Committee of the Dental Council [2013] NZAR 1055

- [54] 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

- [55] 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.
- [56] Submissions and/or further evidence must be filed with the Board by no later than the close of business on **7 November 2024**.
- [57] If submissions are received, then the Board will meet and consider those submissions.
- [58] 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.
- [59] If no submissions or further evidence is received within the time frame specified, then this decision will become final.

Request for In-Person Hearing

- [60] 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.
- [61] A request for an in-person hearing must be made in writing to the Board Officer no later than the close of business on **7 November 2024**.
- [62] 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

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

Signed and dated this 17th day of October 2024.



M Orange
Presiding Member

This decision and the order herein were made final on 8 November 2024 on the basis that no further submissions were received.

Signed and dated this 16th day of December 2024.



M Orange
Presiding Member

ⁱ **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.*

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- (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.”*

ii 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.*

iii 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.*