

Before the Building Practitioners Board

BPB Complaint No. 26684

Licensed Building Practitioner: Peta Evan Taukiri (the Respondent)

Licence Number: BP 126623

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 Complainant-initiated complaint

Hearing Location Online Via Zoom

Hearing Type: In Person

Hearing and Decision Date: 30 October 2025

Board Members Present:

Mr M Orange, Chair, Barrister (Presiding)

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

Mr G Pearson, Barrister and Solicitor – Legal Member

Mr C Lang, Building Surveyor and Quantity Surveyor

Appearances:

Mr Philip Cornege 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 not** committed a disciplinary offence under section 317(1)(a) of the Act.

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Summary of the Board's Decision

[1] The Respondent was convicted of criminal offending and sentenced to a period of imprisonment. However, having considered the nature and circumstances of the offending, the evidence before it, and the purposes of the Building Act 2004, the Board is not satisfied that the conviction reflects adversely on the Respondent's fitness to carry out or supervise building work. Accordingly, the Board finds that no disciplinary offence has been established.

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 charge the Board resolved to further investigate² was whether the Respondent may have been convicted by any court in New Zealand or elsewhere of any offence punishable by imprisonment for a term of 6 months or more, and the commission of the offence reflects adversely on the person's fitness to carry out or supervise building work or building inspection work contrary to section 317(1)(a) of the Act.

Evidence

[4] 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.

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

[5] The Respondent accepted, and the evidence before the Board established that:

- (a) The Respondent was convicted of offences punishable by imprisonment for a term exceeding six months. The charges comprised participation in an organised criminal group and conspiracies to import Class A controlled drugs, contrary to the Crimes Act 1961 and the Misuse of Drugs Act 1975.
- (b) He was sentenced to a term of imprisonment of two years and six months.
- (c) The factual background, as outlined in the sentencing notes, involved the Respondent's participation over a defined period in arrangements relating to the planned importation of large quantities of controlled drugs. The offending did not result in the drugs entering New Zealand. The Respondent withdrew from the enterprise prior to its conclusion.

[6] The contentious element of the facts concerned whether the Respondent's conviction reflected adversely on the Respondent's fitness to carry out or supervise building work or building inspection work.

[7] The Complainant submitted:

- (a) They were serious criminal offences, involving multiple offences punishable by imprisonment exceeding six months.
- (b) Scale and gravity of the offending was high, as it involved connection with an international criminal enterprise relating to unprecedented quantities of methamphetamine and cocaine, evidencing high seriousness.
- (c) The offending was deliberate and profit-driven conduct, that was planned, sustained, and motivated by substantial anticipated financial gain, rather than impulsive or situational conduct.
- (d) The multiplicity and duration added to the gravity, as the offending involved multiple charges over an extended period, indicating entrenched decision-making rather than an isolated lapse.
- (e) The nature of the offending was said to demonstrate a lack of honesty, integrity, and respect for the law inconsistent with the trust and responsibilities of a Licensed Building Practitioner.
- (f) The offending was alleged to undermine public confidence in the Licensed Building Practitioner regime and pose an unacceptable reputational risk.

[8] The Complainant also contended that more recent conduct on the part of the Respondent demonstrated a propensity to make inappropriate choices, consistent with that which led to the offending.

[9] The Respondent relied on sentencing material indicating that he decided to cease his involvement in the importation offending prior to its completion, and the passage of time between his conviction and the lodging of the complaint.

[10] Concerning the Complainant's rehabilitation, current circumstances and values, he submitted:

- (a) The Respondent stated that he was released early from his sentence due to exemplary behaviour while in custody. He had then recommenced building work following his release. He now employed between five and six staff, including two apprentices. The Respondent stated that he had invested significant personal funds to re-establish his building business. The Respondent provided a list of current building projects he was overseeing.
- (b) The Respondent relied on written references attesting to his character and professional competence. The Respondent stated that some clients were aware of his conviction and continued to engage him regardless.
- (c) The Respondent stated that he had reflected on his offending and expressed regret for his involvement. The Respondent stated that he was undertaking ongoing personal work with professionals to understand his past decision-making. The Respondent acknowledged the potential harm that the offending could have caused to the community.

Section 317(1)(a) – Criminal Convictions

[11] The disciplinary provision in section 317(1)(a) of the Act requires two matters to be satisfied. The first is whether the Respondent has been convicted, whether before or after he is licensed, by any court in New Zealand or elsewhere of any offence punishable by imprisonment for a term of 6 months or more. The second element of the disciplinary charge is whether the commission of that offence reflects adversely on the person's fitness to carry out or supervise building work or building inspection work.

The Conviction

[12] The charges the Respondent was convicted of meet the first criteria in that each is punishable by imprisonment for a term of more than six months. Accordingly, the Board will consider the second element, his fitness.

Fitness

[13] This element requires consideration by the Board of the interrelationship between the convictions and the Respondent's fitness to be a licensed person.

[14] The Supreme Court decision *New Zealand Law Society v Stanley*⁴ is the leading case. It involved a person seeking to be admitted as a barrister and solicitor who had previous convictions, and consideration of whether he was a fit and proper person. The decision noted:

[35] The first point to note is the obvious one. That is, the fit and proper person standard has to be interpreted in light of the purposes of the Act.

⁴ [2020] NZSC 83

- [15] The purposes of the Building Act include providing for the establishment of a licensing regime for building practitioners, and 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.⁵ To further those purposes, the disciplinary regime was established, and more recently, a Code of Ethics has been introduced by Order in Council.⁶
- [16] The Supreme Court also noted that the fit and proper person evaluation is a forward-looking exercise and that it is a matter of undertaking an “evaluation as to the risks to the public or of damage to the reputation of the profession” if, in the Respondent’s case, he was to retain his licence.⁷ The evaluation is an objective exercise in that the Board should not be influenced by sympathy for the Respondent,⁸ and it is a protective exercise, not a punitive one.⁹
- [17] The Supreme Court summarised the relevant principles as follows:

- [54] *From this discussion, the relevant principles can be summarised in this way:*
 - (a) *The purpose of the fit and proper person standard is to ensure that those admitted to the profession are persons who can be entrusted to meet the duties and obligations imposed on those who practise as lawyers.*
 - (b) *Reflecting the statutory scheme, the assessment focusses on the need to protect the public and to maintain public confidence in the profession.*
 - (c) *The evaluation of whether an applicant meets the standard is a forward looking exercise. The Court must assess at the time of the application the risk of future misconduct or of harm to the profession. The evaluation is accordingly a protective one. Punishment for past conduct has no place.*
 - (d) *The concept of a fit and proper person in s 55 involves consideration of whether the applicant is honest, trustworthy and a person of integrity.*
 - (e) *When assessing past convictions, the Court must consider whether that past conduct remains relevant. The inquiry is a fact-specific one and the Court must look at all of the evidence in the round and make a judgement as to the present ability of the applicant to meet his or her duties and obligations as a lawyer.*

⁵ Section 3 of the Building Act 2004.

⁶ Building (Code of Ethics for Licensed Building Practitioners) Order 2021 which came into effect on 25 October 2022.

⁷ *New Zealand Law Society v Stanley* [2020] NZSC 83 at [38]

⁸ *New Zealand Law Society v Stanley* [2020] NZSC 83 at [39]

⁹ *Ibid* [40]

- (f) *The fit and proper person standard is necessarily a high one, although the Court should not lightly deprive someone who is otherwise qualified from the opportunity to practise law.*
- (g) *Finally, the onus of showing that the standard is met is on the applicant. Applications are unlikely to turn on fine questions of onus.*

[18] The Board also notes that whilst the Supreme Court stated that the onus is on the applicant to show that the fitness standard has been met, the Board considers, within the context of a disciplinary matter, that it is for the Board to determine, on the balance of probabilities, whether the Respondent is or is not a fit person. Put another way, the Respondent does not carry the burden of proof.

Consideration of Fitness

- [19] An assessment of fitness under section 317(1)(a) of the Act is a forward-looking exercise that takes into account past conduct only to the extent that it remains relevant to present and future risk. As the Supreme Court explained in *New Zealand Law Society v Stanley*, the inquiry requires consideration of whether past convictions continue to bear on the fit and proper person standard at the time of the decision, including whether the individual can be seen to have moved on through reform or rehabilitation. The inquiry is necessarily fact-specific.
- [20] An assessment of fitness is not an evaluation of technical competence. Rather, the relevant considerations include whether the Respondent can be entrusted to meet the duties and obligations imposed on a Licensed Building Practitioner, whether the public is adequately protected and public confidence in the Licensed Building Practitioner regime is maintained, whether there is a risk of future misconduct or harm to the regime, and whether the Respondent is honest, trustworthy, and a person of integrity.
- [21] Turning to the criminal offending, the Board has the benefit of the Judge's sentencing notes and relies on that evaluation to give proper dimension and perspective to the offending. The sentence imposed was significantly discounted, but the offending was plainly serious. It involved conduct that, like any serious criminal conviction, necessarily raises questions about an offender's judgment and integrity.
- [22] The Board notes, however, that the offending was not related to building work, nor did it arise in a professional or regulatory context. There is no evidential basis before the Board to conclude that the offending was other than an isolated series of events in which the Respondent fell under the influence of others and failed to exercise the judgment that should have been expected of him. There is no evidence of similar conduct either before or since.
- [23] Accordingly, the Board has placed particular weight on the evidence of rehabilitation. Having reviewed that material, the Board is satisfied that there is no evidential basis to doubt the Respondent's rehabilitative process. The Respondent

gave evidence that he has gained insight into his offending, accepted responsibility for his conduct, and taken sustained steps to re-establish himself as a responsible and law-abiding member of the community. The Board has no reason to doubt that evidence.

- [24] The Board also attaches significance to the Respondent's evidence concerning his post-release conduct and current circumstances. The Respondent gave oral evidence that he has re-established himself in the building industry, has undertaken work involving a significant level of responsibility, and has been open with those with whom he works, including clients, employees, and family members, about his conviction. Others rely on him, including his family and employees, and the Board has no reason, on the evidence before it, to doubt the Respondent's evidence that he has discharged those responsibilities appropriately.
- [25] The Board further notes that written testimonials were submitted on the Respondent's behalf. Those testimonials addressed the Respondent's character and his conduct in professional and working relationships. The Board has taken that material into account as part of the overall evidential record. While such material is necessarily approached with appropriate caution, there is nothing in the testimonials that is inconsistent with the Respondent's oral evidence or the other material before the Board.
- [26] Having considered the evidence as a whole, and applying the relevant fitness considerations, the Board is satisfied that there is no evidential basis to doubt the Respondent's account of the insight he has gained into his offending or the steps he has taken toward rehabilitation. That evidence was not contradicted by other material before the Board.
- [27] From a licensing perspective, the Board has focused on the need to protect the public, maintain public confidence in the Licensed Building Practitioner regime, and minimise the risk of future misconduct. While the offending was serious, it was unrelated to building work and occurred in a discrete context. The Board has no reason, on the evidence before it, to doubt the Respondent's evidence that his post-release conduct does not present an ongoing risk that would justify an adverse disciplinary outcome.
- [28] Taking the evidence as a whole, and in the absence of substantiated contrary material, the Board is satisfied that the facts do not support a conclusion that the Respondent presently lacks the fitness required to carry out or supervise building work.

Board's Decision

[29] The Respondent **has not breached** section 317(1)(a) of the Act.

Signed and dated this 12th day of January 2026.

A handwritten signature in black ink, appearing to read "M Orange".

Mr M Orange
Presiding Member