

Before the Building Practitioners Board

	BPB Complaint No. 26892
Licensed Building Practitioner:	Peter Jacques (the Respondent)
Licence Number:	BP 137491
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:	30 January 2026
Finalised Draft Decision Date:	9 March 2026

Board Members Present:

Mr M Orange, Chair, Barrister (Presiding)
Ms S Chetwin CNZM, Barrister and Solicitor, Professional Director
Mr C Lang, Building Surveyor and Quantity Surveyor
Mr S Hammond, LBP, Carpentry NZDip BCS, Regulatory Consultant

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)(g) of the Act.

The Respondent is fined \$1,500 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.

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Summary of the Board’s Decision

- [1] The Respondent was contracted to undertake building work for the Complainant. He did not, prior to building work being undertaken, provide prescribed disclosure information or a prescribed checklist, or a written contract as per the requirements in Part 4A of the Building Act and the Building (Residential Consumer Rights and Remedies) Regulations 2014.
- [2] The Board found that the Respondent had breached clause 10 of the Code of Ethics for Licensed Building Practitioners (LBPs), which requires that LBPs comply with the

Building Act and the Building (Residential Consumer Rights and Remedies) Regulations 2014.

- [3] The Respondent is fined \$1,500 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.

The Charges

- [4] 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

- [5] 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
- [6] In this matter, the disciplinary charge the Board resolved to further investigate² was whether the Respondent may, in relation to building work at [OMITTED], have breached the Code of Ethics prescribed under section 314A of the Act contrary to section 317(1)(g) of the Act. The specific provisions of the Code that the Board decided to investigate are:

10. You must comply with the law

(1) *When you carry out or supervise building work, you must ensure that the building work complies with the following:*

(a) *the Building Act 2004;*

(c) *the Building (Residential Consumer Rights and Remedies) Regulations 2014:*

- [7] The specific matters to be investigated under Principle 10 are the alleged failures to comply with:
- (a) section 362D of the Act and regulation 5 of the Building (Residential Consumer Rights and Remedies) Regulations 2014 (the Consumer Regulations) with respect to the alleged failure to provide the prescribed disclosure information and checklist; and

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.

- (b) section 362F of the Act and regulation 6 of the Consumer Regulations in respect of the alleged failure to provide a written building contract.

Regulation 9 Decisions

- [8] 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);
 - (b) carried out (other than as an owner-builder) or supervised restricted building work of a type that he or she is not licensed to carry out or supervise (s 317(c) of the Act);
 - (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;
 - (d) held himself or herself out as being licensed to carry out or supervise building work of a type that, at that time, he or she was not licensed to carry out or supervise (s 317(1)(db) of the Act);
 - (e) breached the code of ethics prescribed under section 314A of the Act (s 317(1)(g) of the Act) in relation to matters that are not under investigation; and
 - (f) 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).
- [9] With regard to the above allegations, the Board decided that, on the basis that the matter is being dealt with using a Draft Decision process, regulations 9(a) and (f)(ii) of the Complaints Regulations applied. They provide:

Complaint not warranting further investigation

A complaint does not warrant further investigation if—

- (a) it does not come within the grounds for discipline; or*
- (b) it does not meet the requirements of regulation 5; or*
- (c) it is frivolous, vexatious, or not made in good faith; or*
- (d) its subject matter is minor or trivial, or both; or*
- (e) there is insufficient evidence to warrant the investigation of the complaint; or*
- (f) the investigation of it is—*
 - (i) not practicable; or*
 - (ii) unnecessary; or*

- (iii) not possible (for example, because the licensed building practitioner has died or cannot be located); or*
- (g) its subject matter has been considered previously by the Board, and the Board—*
 - (i) considered that the complaint did not warrant further investigation, because 1 or more of paragraphs (a) to (f) applied to it; or*
 - (ii) otherwise made a decision on the complaint.*

Regulation 9(a)

- [10] The Board decided that regulation 9(a) applied to the allegations under sections 317(1)(c), (da)(ii), and (db) of the Act.
- [11] The building work was not carried out under a building consent. As such, it was not restricted building work as defined in legislation. Because it was not restricted building work, there were no legal restrictions on who could carry out or supervise the work. Nor was there a requirement for a record of work to be provided on its completion. Because of those factors, it follows that what has been alleged under sections 317(1)(c), (da)(ii), and (db) of the Act does not come within the stated grounds of discipline. Accordingly, the Board will not further investigate those allegations.

Regulation 9(f)(ii)

- [12] Regarding the remaining allegations, the Board decided that regulation 9(f)(ii) applied on the basis that what had been alleged did not reach the required threshold for the Board to conduct further investigations. In this respect, when 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
- [13] On this basis, the Board has decided that whilst there was some evidence of conduct and/or building work that may not have been completed to an acceptable standard, the matters raised did not reach the seriousness threshold.
- [14] The Respondent should note, however, that if the matter proceeds to an in-person hearing, the Board may review its regulation 9(f)(ii) decision.

Draft Decision Process

- [15] 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.

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

- [16] Ordinarily, the Board makes a decision after holding a hearing.⁴ 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.⁵
- [17] 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.

Evidence

- [18] The Board must be satisfied on the balance of probabilities that the alleged disciplinary offences have been committed.⁶ 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.

Background

Prescribed Disclosure Information and Checklist

- [19] The Board noted that there was no evidence that the Respondent had, prior to the building work commencing, complied with the provisions of section 362D of the Act or regulation 5 of the Building (Residential Consumer Rights and Remedies) Regulations 2014
- [20] Section 362D requires a building contractor, which the Respondent was, to provide “prescribed disclosure information” and a “prescribed checklist” for building work that exceeds the prescribed minimum price. The prescribed minimum price is \$30,000. The Board noted that invoices provided by the Complainant indicated that the total value of the work exceeded that amount.
- [21] Regulation 5 of the regulations sets out what the “prescribed disclosure information” and a “prescribed checklist” are.
- [22] Overall, the statutory provisions are designed so that a consumer can make an informed choice before entering into a building contract.

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

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

Contract

- [23] On the basis that the work exceeded the prescribed minimum price, it also appeared that the Respondent failed to provide a building contract prior to undertaking the building work. Section 362F of the Act mandates a contract if the price for residential building work exceeds the prescribed minimum price. It also states that the residential building contract must be in writing, dated and comply with the regulations.⁷ Regulation 6 of the Consumer Regulations sets out the prescribed content for residential building contracts.

Code of Ethics

- [24] The Code of Ethics for Licensed Building Practitioners was introduced by Order in Council.⁸ It was introduced in October 2021 and came into force on 25 October 2022.
- [25] The Code also differentiates between Licensed Building Practitioners who are in business and those who are employed, in that some of the ethical obligations only apply to those who are in business. In this matter, the Respondent was in business.
- [26] The disciplinary provision in the Act simply states, “has breached the code of ethics”. Most disciplinary regimes frame the charge as some form of malpractice or misconduct, and the Board has considered the allegations within such a framework and with reference to superior court decisions. Within this context, in *Dentice v Valuers Registration Board*,⁹ Chief Justice Eichelbaum stated the purposes of disciplinary processes are to:

Enforce a high standard of propriety and professional conduct; to ensure that no person unfitted because of his or her conduct should be allowed to practice the profession in question; to protect both the public, and the profession itself, against persons unfit to practice; and to enable the professional calling, as a body, to ensure that the conduct of members conforms to the standards generally expected of them.

- [27] The Board also notes that the courts have applied a threshold test to disciplinary matters, and it has applied those tests. In *Collie v Nursing Council of New Zealand*,¹⁰ the test was stated as:

[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.

- [28] Finally, when considering alleged breaches of the Code of Ethics, the Board needs to consider whether the conduct, if upheld as a breach of the Code, reaches the

⁷ Building (Residential Consumer Rights and Remedies) Regulations 2014

⁸ Building (Code of Ethics for Licensed Building Practitioners) Order 2021

⁹ [1992] 1 NZLR 720 at 724

¹⁰ [2001] NZAR 74

threshold for a disciplinary finding of disrepute, which is a more serious disciplinary finding.

The conduct under investigation

- [29] Two Code of Ethics provisions were under investigation. Both are related to the provision of statutorily required documentation. In total, three statutorily required documents were not provided. They were the prescribed disclosure information, the prescribed checklist and a contract. With respect to the first two, the Respondent was not aware of the obligation to provide those documents. Regarding the contract, the Respondent knew of the obligation but proceeded with the building work without one.
- [30] Clause 10 of the Code of Ethics requires compliance with the Building Act and the Building (Residential Consumer Rights and Remedies) Regulations 2014. It is clear that the Respondent has not, insofar as he has not provided mandatory documentation, complied with those legislative provisions. It follows that he has breached the Code of Ethics. The question then becomes one of whether the conduct was serious enough to warrant a disciplinary outcome.

Was the conduct serious enough

- [31] The Board has decided that the conduct was serious enough. The Respondent, as a person who is in business, should be aware of his regulatory obligations. Also, it is to be noted that contracts provide certainty and ensure that the parties know what their contractual rights and obligations are. They also make the enforcement of those contractual rights and obligations easier. In this respect, the Board also notes that the disputes that have since arisen, and their management and resolution, would have been made more difficult by the absence of a contract. The legislative provisions were put in place to protect consumers because building contracts are prone to disputes and are of high value and importance to them.
- [32] It should be noted, as regards seriousness, that under subsections 362D(4) and 362F(3) of the Act, a person who contravenes either section commits an infringement offence and is liable to a fine not exceeding \$2,000. The current prescribed infringement fine is \$500 for each contravention.¹¹ On that basis, the Respondent would have been liable for \$1,500 in infringement fines.

Board Decision

- [33] The Respondent has breached clause 10 of the Code of Ethics.

Penalty, Costs and Publication

- [34] 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,

¹¹ Schedule 1 of the Building (Infringement Offences, Fees, and Forms) Regulations 2007

whether the Respondent should be ordered to pay any costs and whether the decision should be published.

- [35] 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

- [36] 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.¹² It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:¹³
- (a) protection of the public and consideration of the purposes of the Act;¹⁴
 - (b) deterring the Respondent and other Licensed Building Practitioners from similar offending;¹⁵
 - (c) setting and enforcing a high standard of conduct for the industry;¹⁶
 - (d) penalising wrongdoing;¹⁷ and
 - (e) rehabilitation (where appropriate).¹⁸
- [37] 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 cases¹⁹ and applying the least restrictive penalty available for the particular offending.²⁰ In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty²¹ that is consistent with other penalties imposed by the Board for comparable offending.²²

¹² *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]

¹³ Cited with approval in *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28] and [29]

¹⁴ Section 3 Building Act

¹⁵ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

¹⁶ *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724

¹⁷ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

¹⁸ *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

¹⁹ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

²⁰ *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

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

²² *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

- [38] 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.²³
- [39] In this matter, the Board adopted a starting point of a fine of \$2,000. In setting the starting point, the Board took into account that the requirements to provide prescribed disclosure information, checklists, and contracts have been in place since 2014, so practitioners should be well aware of them and be complying with those requirements. Also, under Schedule 1 of the Building (Infringement Offences, Fees, and Forms) Regulations 2007, the fines that would have been imposed if the matter had been dealt with by way of infringement notices would have been \$1,500. On that basis, and having taken into consideration other penalty decisions made and the fact that this matter is being dealt with as a disciplinary matter following a complaint, the Board arrived at the starting point of \$2,000.
- [40] The matter has been dealt with by way of a Draft Decision. On that basis, the Board has applied a 25% penalty reduction. The fine is reduced to \$1,500.

Costs

- [41] 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.²⁴
- [42] The courts have indicated that 50% of the total reasonable costs should be taken as a starting point in disciplinary proceedings²⁵. The starting point can then be adjusted up or down, depending on the particular circumstances of each case²⁶.
- [43] 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.
- [44] 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 actual costs.

Publication

- [45] 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

²³ 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.

²⁴ *Collie v Nursing Council of New Zealand* [2001] NZAR 74

²⁵ *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society* CIV-2011-485-000227 8 August 2011

²⁶ *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.

Building Practitioners' scheme as is required by the Act,²⁷ 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.

- [46] Within New Zealand, there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990.²⁸ 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.²⁹
- [47] 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

- [48] 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 \$1,500.

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(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.

- [49] 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

- [50] The Board invites the Respondent to:

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

²⁷ Refer sections 298, 299 and 301 of the Act

²⁸ Section 14 of the Act

²⁹ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

(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.

- [51] Submissions and/or further evidence must be filed with the Board by no later than the close of business on **Friday, 6 March 2026**.
- [52] If submissions are received, then the Board will meet and consider those submissions.
- [53] 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.
- [54] If no submissions or further evidence is received within the time frame specified, then this decision will become final.

Request for In-Person Hearing

- [55] 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.
- [56] A request for an in-person hearing must be made in writing to the Board Officer no later than the close of business on **Friday, 6 March 2026**.
- [57] 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

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

Signed and dated this 13th day of February 2026.



Mr M Orange
Presiding Member

This decision and the order herein were made final on 9 March 2026 on the basis that no further submissions were received

Signed and dated this 9th day of March 2026.



Mr 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.*
- (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.