

Before the Building Practitioners Board

	BPB Complaint No. CB25952
Licensed Building Practitioner:	Weixin Shen (the Respondent)
Licence Number:	BP 101037
Licence(s) Held:	Carpentry; Site – AOP 1

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 Date:	9 February 2023
Decision Date:	24 February 2023

Board Members Present:

Mrs J Clark, Barrister and Solicitor, Legal Member (Presiding) Mr D Fabish, LBP, Carpentry and Site AoP 2

Mrs F Pearson-Green, LBP, Design AoP 2

Mrs K Reynolds, Construction Manager

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)(da)(ii) of the Act.

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Summary of the Board’s Decision

[1] The Respondent failed to provide a record of work on completion of restricted building work. He is fined \$1,500 and ordered to pay costs of \$500. The decision will be recorded in the Register of Licensed Building Practitioners for a period of three years.

The Hearing

- [2] The Board, on receiving a Registrar’s Report in respect of the matter, reviewed the file and decided to deal with it by way of a Draft Decision.
- [3] The Respondent disputed the findings in the Draft Decision and sought a hearing. The Draft Decision was set aside, and a hearing was scheduled.

The Charges

- [4] The hearing resulted from a Complaint about the conduct of the Respondent and a Board resolution under regulation 10 of the Complaints Regulations¹ to hold a hearing in relation to building work at [OMITTED], Auckland. The alleged disciplinary offences the Board resolved to investigate were that the Respondent:
- (a) failed, without good reason, in respect of a building consent that relates to restricted building work that he or she is to carry out (other than as an owner-builder) or supervise, or has carried out (other than as an owner-builder) or supervised, (as the case may be), to provide the persons specified in section 88(2)

¹ The resolution was made following the Board’s consideration of a report prepared by the Registrar in accordance with the Complaints Regulations.

with a record of work, on completion of the restricted building work, in accordance with section 88(1) (s 317(1)(da)(ii) of the Act).

Function of Disciplinary Action

[5] The common understanding of the purpose of professional discipline is to uphold the integrity of the profession. The focus is not punishment, but the protection of the public, the maintenance of public confidence and the enforcement of high standards of propriety and professional conduct. Those purposes were recently reiterated by the Supreme Court of the United Kingdom in *R v Institute of Chartered Accountants in England and Wales*² and in New Zealand in *Dentice v Valuers Registration Board*³.

[6] Disciplinary action under the Act is not designed to redress issues or disputes between a complainant and a respondent. In *McLanahan and Tan v The New Zealand Registered Architects Board*,⁴ Collins J. noted that:

“... the disciplinary process does not exist to appease those who are dissatisfied The disciplinary process ... exists to ensure professional standards are maintained in order to protect clients, the profession and the broader community.”

[7] In a similar vein, the Board’s investigation and hearing process is not designed to address every issue that is raised in a complaint or by a complainant. The disciplinary scheme under the Act and Complaint’s Regulations focuses on serious conduct that warrants investigation and, if upheld, disciplinary action. Focusing on serious conduct is consistent with decisions made in the New Zealand courts in relation to the conduct of licensed persons⁵:

... the statutory test is not met by mere professional incompetence or by deficiencies in the practice of the profession. Something more is required. It includes a deliberate departure from accepted standards or such serious negligence as, although not deliberate, to portray indifference and an abuse.

[8] Finally, the Board can only inquire into “the conduct of a licensed building practitioner” with respect to the grounds for discipline set out in section 317 of the Act. Those grounds do not include contractual breaches other than when the conduct reaches the high threshold for consideration under section 317(1)(i) of the Act, which deals with disrepute.

[9] The above commentary on the limitations of the disciplinary process are important to note as, on the basis of it, the Board’s inquiries, and this decision, focus on and deal with the serious conduct complained about.

Inquiry Process

[10] The investigation and hearing procedure under the Act and Complaints Regulations is inquisitorial, not adversarial. There is no requirement for a complainant to prove the allegations. Rather the Board sets the charges, and it decides what evidence is required

² *R v Institute of Chartered Accountants in England and Wales* [2011] UKSC 1, 19 January 2011.

³ [1992] 1 NZLR 720 at p 724

⁴ [2016] HZHC 2276 at para 164

⁵ *Pillai v Messiter (No 2)* (1989) 16 NSWLR 197 (A) at 200

at a hearing to assist it in its investigations. In this respect, the Board reviews the available evidence when considering the Registrar's Report and determines the witnesses that it believes will assist at a hearing. The hearing itself is not a review of all of the available evidence. Rather it is an opportunity for the Board to seek clarification and explore certain aspects of the charges in greater depth.

- [11] Whilst a complainant may not be required to give evidence at a hearing, they are welcome to attend and, if a complainant does attend, the Board provides them with an opportunity to participate in the proceedings.

Evidence

- [12] 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 that allow it to receive evidence that may not be admissible in a court of law.
- [13] The procedure the Board uses is inquisitorial, not adversarial. The Board examines the documentary evidence available to it prior to the hearing. The hearing is an opportunity for the Board, as the inquirer and decision-maker, to call and question witnesses to further investigate aspects of the evidence and to take further evidence from key witnesses. The hearing is not a review of all of the available evidence.
- [14] In addition to the documentary evidence before it, the Board heard evidence at the hearing from the Respondent and the Complainant.
- [15] The Board also received a post-hearing submission from the Respondent dated 15 February 2023, and this has been reviewed and considered by the Board in reaching this decision.
- [16] The Board and the Respondent were assisted at the hearing by an interpreter.
- [17] The Respondent was contracted by the Complainant to construct a new double garage and boat shed with a mezzanine loft under a building consent issued on 25 November 2019. It was a labour-only contract to complete the carpentry work, including framing & trusses, installing aluminium windows and skylights, building wrap and cavity system and timber weatherboards, soffit linings and fascia (Document 2.1.19, Page 32 of the Board's file).
- [18] In her written complaint, the Complainant said that work started on 15 November 2020 and finished on 15 January 2021. In an email to the Complainant dated 9 February 2021, the Respondent agreed that his work finished on 15 January 2021 (Document 7.2, Page 571 Of the Board's file). Final inspection was passed by the Auckland Council on 28 January 2022 (Document 4.4, Page 442 of the Board's file).
- [19] At the hearing, both parties referred to the Respondent's work as finishing on 29 January 2021, and the Respondent referred to leaving the site at "*the end of January 2021*" (document 7.2, Page 567 of the Board's file).

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

- [20] The Complainant gave evidence that she asked the Respondent for his record of work on 30 January 2022 (Document 9.1.1, Page 604 of the Board's file) and then emailed again on 2 and 8 February 2022 (Document 2.1, Page 44 of the Board's file).
- [21] The Respondent replied by email dated 2 February 2022 stating –
- “Our work payment hasn't been fully paid. Before we supply any paper works or documents, you need to clear the remaining payment please ...”* (Document 9.1.1, Page 604 of the Board's file).
- [22] The Respondent further emailed the Complainant on 8 February 2022 stating –
- “Just to make it clear, we have sent you message regarding this matter already. We urge you clear the payment immediately...The project hasn't been complete without full payment paid...We have to make clear for the documents as well. We have never refused to supply the documents to you. Will council supply ccc to you without clearing the full payment?...Despite of the unpaid payment, you should supply council's permit for the two entrances columns from the weather boards changing to brick veneer, as brick veneer for columns did not show in the building plans you passed to me...”* (Document 7.2, Page 574 of the Board's file)
- [23] At the hearing the Complainant confirmed that no record of work had been received to date from the Respondent. The Auckland City Council property file was obtained on 26 April 2022, and it did not contain a record of work from the Respondent.
- [24] In his written response to the Investigator the Respondent on 18 April 2022 stated –
- “The owner ... still hasn't paid in full of this project. We can't supply documents unless full payment has been made/ cleared. ... [OMITTED] also changed building consent plan without council's permit, this affected me issuing documents as well. I have asked [OMITTED] supplying council's permit, she hasn't taken any action too.”* (Document 2.2, Page 51 of the Board's file).
- [25] Further, the Respondent wrote -
- “I have always been supplying related documents like ROW while finish works according to the building act for many years since I become LBP, but this project actually has not been finished from my side, **it's NOT COMPLETE.** [OMITTED] [sic] asked me to stop working and leave the site in the end of January 2021. The reasons of preventing me from issuing the ROW document are not only the payment issues you have seen, the other main issue is the unfinished work which has been changed without council's permit.”* (Document 7.2, Page 567 of the Board's file).
- [26] At the hearing, the Respondent explained that several aspects of the work concerned him and had caused him to be unable to provide the record of work. In particular, the Respondent set out the items of work which he believed had been changed by others after he had done his work, and/or required minor variations. These included:
- weatherboard cladding for the front two columns that was on the building consent documents was changed to brick cladding;

- the Complainant's partner, who was not a Licensed Building Practitioner, making changes to the Respondent's work without his knowledge or permission. The Complainant maintained her partner only did minor things, for example, skirting boards;
- three doors allegedly being cut into bracing walls. The Complainant denied this; and
- referencing the building consent plans, the Respondent highlighted a roof space (Document 4.3, Page 360 of the Board's file). He said a door had been put in to access this space, and the Complainant's partner had added flooring to enable it to be used for storage. He described this as "100% *wrong thing*". The Complainant confirmed that her partner had laid flooring sheets in the roof space indicated for storage.

[27] Further reasons given at the hearing for the non-provision of the record of work were that this all happened in December 2020 and "*Christmas got in the way*" and he did not know what happened after he finished on the project and whether changes were made to his work.

[28] The Respondent expressed that he had done records of work for many jobs but had never been in a situation before where the owner stopped the job before he had completed all of his work. The Respondent was concerned as to how to do a record of work when he had not completed the job, and others had or may have changed his work. The Board explained the ability to record in a record of work what he did not do as well as what he did do. The Respondent was not aware he could do this.

[29] The Respondent sought advice from the Auckland Council on the provision of the record of work on 13 September 2022 (Document 7.2, Page 572 of the Board's file). This was after the complaint had been made on 21 February 2022 and after the Board's draft decision of 26 July 2022.

[30] In closing, the Complainant said that all the Respondent had given was excuses and that he was wasting everyone's time. She considered that he was deliberately not giving the record of work because he just wanted money. However, when he realised he could not use that as a reason, he dragged in other reasons.

[31] In closing, the Respondent said he had been a Licensed Building Practitioner for over 10 years. He did not know how to complete the record of work in the situation where he did not finish the job, and others may have altered his work. He said that he also did not know that he could state on the record of work the work that he did not do.

Board's Conclusion and Reasoning

[32] The Board has decided that the Respondent **has** failed, without good reason, in respect of a building consent that relates to restricted building work that he or she is to carry out (other than as an owner-builder) or supervise, or has carried out (other than as an owner-builder) 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) (s 317(1)(da)(ii) of the Act) and **should** be disciplined.

- [33] 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 work⁷.
- [34] Failing to provide a record of work is a ground for discipline under section 317(1)(da)(ii) of the Act. In order to find that ground for discipline proven, the Board need only consider whether the Respondent had “good reason” for not providing a record of work on “completion” of the restricted building work.
- [35] The Board discussed issues with regard to records of work in its decision C2-01170⁸ and gave guidelines to the profession as to who must provide a record of work, what a record of work is for, when it is to be provided, the level of detail that must be provided, who a record of work must be provided to and what might constitute a good reason for not providing a record of work.
- [36] The starting point with a record of work is that it is a mandatory statutory requirement whenever restricted building work under a building consent is carried out or supervised by a licensed building practitioner (other than as an owner-builder). Each and every licensed building practitioner who carries out restricted building work must provide a record of work. The obligation is to provide the record of work to the owner and the Territorial Authority.
- [37] The statutory provisions do not stipulate a timeframe for the licenced person to provide a record of work. The provisions in section 88(1) simply states “on completion of the restricted building work ...”. As was noted by Justice Muir in *Ministry of Business Innovation and Employment v Bell*⁹ “... the only relevant precondition to the obligations of a licenced building practitioner under s 88 is that he/she has completed their work”.
- [38] As to when completion will have occurred is a question of fact in each case. In most situations, issues with the provision of a record of work do not arise. The work progresses, and records of work are provided in a timely fashion.
- [39] In this case the evidence varied slightly as to the date the Respondent left the site between 15, 29 and “the end of” January 2021. However, as at the end of January at the latest, the Respondent, by his own evidence, knew the job was over and he was not returning to the site. The completion date applies notwithstanding that all of the intended work had not been completed as the Respondent did not return and carry out any further restricted building work. Completion, therefore, occurred in or around the end of January 2021. A record of work had not been provided as of the date of the hearing. On this basis, the Board finds that the record of work was not provided on completion as required, and the disciplinary offence has been committed.
- [40] Section 317(1)(da)(ii) of the Act provides for a defence of the licenced building practitioner having a “good reason” for failing to provide a record of work. If they can, on the balance of probabilities, prove to the Board that one exists, then it is open to the

⁷ Restricted Building Work is defined by the Building (Definition of Restricted Building Work) Order 2011

⁸ *Licensed Building Practitioners Board Case Decision C2-01170* 15 December 2015

⁹ [2018] NZHC 1662 at para 50

Board to find that a disciplinary offence has not been committed. Each case will be decided by the Board on its own merits, but the threshold for a good reason is high.

- [41] In this case, the Respondent had concerns as to how to record work he did not do or work which may have been altered by someone else and concerns for minor variations which had not been acquired. The Board appreciated the frustration the Respondent felt and the passion for wanting to ensure minor variations were correctly handled from a procure perspective. However, those matters in themselves do not alter the statutory obligation to provide the record of work on completion of his restricted building work.
- [42] In this respect, it is important to note that a record of work provides an opportunity to not only record what was carried out or supervised but also what was not done, completed, or supervised. By providing adequate detail within the record of work, Licensed Building Practitioners can afford themselves a degree of protection against future liability by limiting the record to only that which they have completed.
- [43] As such, if the Respondent had concerns about future liability for work that he had not carried out or supervised, he could have used the record of work to capture those concerns.
- [44] Further, the Respondent, in his submissions, has not understood what a record of work is for. It is not a statement as to the quality or compliance of the restricted building work. It is not any form of sign-off or undertaking. It is not a statement as to any person's work other than that carried out by the Respondent himself. In this respect, it is to be noted that a record of work given by a licensed building practitioner does not, of itself create any liability that would not otherwise exist, as section 88(4) provides:
- (4) *A record of work given under subsection (1) does not, of itself, —*
- (a) *create any liability in relation to any matter to which the record of work relates; or*
- (b) *give rise to any civil liability to the owner that would not otherwise exist if the licensed building practitioner were not required to provide the record of work.*
- [45] There was also an ongoing payment dispute. The Board has repeatedly stated that a Record of Work is a statutory requirement, not a negotiable term of a contract. The requirement for it is not affected by the terms of a contract, nor by contractual disputes. Licensed building practitioners should now be aware of their obligations to provide them, and their provision should be a matter of routine.
- [46] The Respondent should also 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. He is required to act of his own accord and not wait for others to remind him of his obligations.
- [47] Accordingly, the Board finds that no "good reason" for failing to provide a record of work has been established.

- [48] Based on the above, the Board finds that the Respondent has committed the disciplinary offence under section 317(1)(da)(ii) of the Act of failing without good reason to provide a record of work on completion of restricted building work.

Penalty, Costs and Publication

- [49] Having found that one or more of the grounds in section 317 applies, the Board must, under section 318 of the Act¹, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [50] The Board heard evidence during the hearing relevant to penalty, costs and publication and has decided to make indicative orders and give the Respondent an opportunity to provide further evidence or submissions relevant to the indicative orders.

Penalty

- [51] The purpose of professional discipline is to uphold the integrity of the profession; the focus is not punishment, but the enforcement of a high standard of propriety and professional conduct. The Board does note, however, that the High Court in *Patel v Complaints Assessment Committee*¹⁰ commented on the role of “punishment” in giving penalty orders stating that punitive orders are, at times, necessary to provide a deterrent and to uphold professional standards. The Court noted:

[28] I therefore propose to proceed on the basis that, although the protection of the public is a very important consideration, nevertheless the issues of punishment and deterrence must also be taken into account in selecting the appropriate penalty to be imposed.

- [52] The Board also notes that in *Lochhead v Ministry of Business Innovation and Employment*,¹¹ the Court noted that whilst the statutory principles of sentencing set out in the Sentencing Act 2002 do not apply to the Building Act, they do have the advantage of simplicity and transparency. The Court recommended adopting a starting point for a penalty based on the seriousness of the disciplinary offending prior to considering any aggravating and/or mitigating factors.
- [53] Record of work matters are at the lower end of the disciplinary scale. The Board’s normal starting point for a failure to provide a record of work is a fine of \$1,500, an amount which it considers will deter others from such behaviour.
- [54] The Respondent explained that this was the first time that he had been in a situation of having to supply a record of work for a job which he did not complete. He did seek advice on how to deal with this situation but this was not until 15 months after he completed the work and after the complaint was made.
- [55] The Board considers that, on balance, the above factors are not reasons to depart from the starting point. Based on the above, the Board’s penalty decision is a fine of \$1,500.

¹⁰ HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

¹¹ 3 November 2016, CIV-2016-070-000492, [2016] NZDC 21288

Costs

- [56] Under section 318(4) the Board may require the Respondent “to pay the costs and expenses of, and incidental to, the inquiry by the Board.”
- [57] The Respondent should note that the High Court has held that 50% of total reasonable costs should be taken as a starting point in disciplinary proceedings and that the percentage can then be adjusted up or down having regard to the particular circumstances of each case¹².
- [58] In *Collie v Nursing Council of New Zealand*,¹³ where the order for costs in the tribunal was 50% of actual costs and expenses the High Court noted that:
- But for an order for costs made against a practitioner, the profession is left to carry the financial burden of the disciplinary proceedings, and as a matter of policy that is not appropriate.*
- [59] Initially this matter was dealt with by the Board by way of a draft decision. The Respondent then elected to have an in-person hearing. In those circumstances the draft decision, including the orders for penalty, costs and publication is set aside. In requesting the in-person hearing, the Respondent queried the additional cost of having an in-person hearing. The costs order in the draft decision was \$500. The standard costs for a half-day in-person hearing are \$3,500. It does not appear that the Respondent was apprised of this exposure to potential additional costs by electing an in-person hearing. In those circumstances, therefore, the Board has decided to retain the costs at the on-the-papers level of \$500.
- [60] Based on the above, the Board’s costs order is that the Respondent is to pay the sum of \$500 toward the costs of and incidental to the Board’s inquiry.

Publication

- [61] 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 Act¹⁴. The Board is also able, under section 318(5) of the Act, to order publication over and above the public register:
- 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.*
- [62] As a general principle, such further public notification 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. This is in addition to the Respondent being named in this decision.
- [63] Within New Zealand, there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990¹⁵. The Criminal Procedure Act 2011 sets out

¹² *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.

¹³ [2001] NZAR 74

¹⁴ Refer sections 298, 299 and 301 of the Act

¹⁵ Section 14 of the Act

grounds for suppression within the criminal jurisdiction¹⁶. Within the disciplinary hearing jurisdiction, the courts have stated that the provisions in the Criminal Procedure Act do not apply but can be instructive¹⁷. The High Court provided guidance as to the types of factors to be taken into consideration in *N v Professional Conduct Committee of Medical Council*¹⁸.

[64] The courts have also stated that an adverse finding in a disciplinary case usually requires that the name of the practitioner be published in the public interest¹⁹. It is, however, common practice in disciplinary proceedings to protect the names of other persons involved as naming them does not assist the public interest.

[65] Based on the above, the Board **will not** order further publication.

Section 318 Order

[66] 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 \$1500.

Costs: Pursuant to section 318(4) of the Act, the Respondent is ordered to pay costs of \$500 (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, there will not be action taken to publicly notify the Board's action, except for the note in the Register and the Respondent being named in this decision.

[67] 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 Penalty, Costs and Publication

[68] The Board invites the Respondent to make written submissions on the matters of disciplinary penalty, costs and publication up until close of business on **31 March 2023**. The submissions should focus on mitigating matters as they relate to the penalty, costs and publication orders. If no submissions are received, then this decision will become final. If submissions are received, then the Board will meet and consider those submissions prior to coming to a final decision on penalty, costs and publication.

[69] In calling for submissions on penalty, costs and mitigation, the Board is not inviting the Respondent to offer new evidence or to express an opinion on the findings set out in this decision. If the Respondent disagrees with the Board's findings of fact and/or its

¹⁶ Refer sections 200 and 202 of the Criminal Procedure Act

¹⁷ *N v Professional Conduct Committee of Medical Council* [2014] NZAR 350

¹⁸ *ibid*

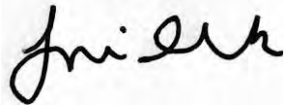
¹⁹ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

decision that the Respondent has committed a disciplinary offence, the Respondent can appeal the Board's decision.

Right of Appeal

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

Signed and dated this 9th day of March 2023



Mrs J Clark
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 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.*