

## Before the Building Practitioners Board

	BPB Complaint No. 26593
Licensed Building Practitioner:	Sione Tonata Fauonuku (the Respondent)
Licence Number:	BP 137134
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 Location:	by audio-visual link
Hearing Type:	In Person
Hearing Date:	3 September 2025
Decision Date:	30 September 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  
Ms E Harvey McDouall, Registered Architect

#### 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)(da)(ii) and (g) of the Act.

The Respondent is fined \$2,500 and ordered to pay costs of \$2,750. A record of the disciplinary offending will be recorded on the Public Register for a period of three years.

## Contents

<b>Summary of the Board's Decision</b> .....	2
<b>The Charges</b> .....	3
<b>Procedure</b> .....	4
<b>Evidence</b> .....	4
<b>Failure to Provide a Record of Work</b> .....	5
Did the Respondent carry out or supervise restricted building work.....	5
Was the restricted building work complete .....	5
Has the Respondent provided a record of work.....	5
Was there a good reason .....	5
Did the Respondent fail to provide a record of work .....	6
<b>Code of Ethics</b> .....	6
Background .....	6
The conduct under investigation .....	7
Was the conduct serious enough .....	7
<b>Board Decisions</b> .....	8
<b>Penalty, Costs and Publication</b> .....	8
Penalty .....	8
Costs.....	9
Publication .....	10
<b>Section 318 Order</b> .....	11
<b>Right of Appeal</b> .....	11

## Summary of the Board's Decision

- [1] The Respondent was contracted to undertake building work for the Complainant. Before building work was undertaken, he did not provide prescribed disclosure information or a prescribed checklist, nor a written contract as per the requirements in Part 4A of the Building Act and the Building (Residential Consumer Rights and Remedies) Regulations 2014. The Respondent also failed to provide a record of work on the completion of his restricted building work.
- [2] The Board found that the Respondent had breached section 317(1)(da)(ii) of the Act with respect to the failure to provide a record of work and section 317(1)(g) of the Act in relation to 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. The Respondent is fined \$2,500 and ordered to pay costs of \$2,750. A record of the disciplinary offending will be recorded on the Public Register for a period of three years.

## The Charges

- [3] 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.<sup>1</sup>
- [4] In this matter, the disciplinary charge the Board resolved to further investigate<sup>2</sup> were whether the Respondent, in relation to building work at [OMITTED], had:
- (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 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; and
  - (b) breached the Code of Ethics prescribed under section 314A of the Act contrary to section 317(1)(g) of the Act. The specific provision of the Code the Board decided to investigate was:  
  
**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:*
- [5] 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 failure to provide the prescribed disclosure information and checklist; and
  - (b) section 362F of the Act and regulation 6 of the Consumer Regulations in respect of a failure to provide a written building contract.
- [6] The Board initially dealt with the complaint by way of a Draft Decision. The Respondent made a submission, the Draft Decision was set aside, and a hearing was scheduled. When doing so, the Board set out that the Respondent could, if he wished, revert to the Draft Decision. He did not take up that option.

---

<sup>1</sup> 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.

<sup>2</sup> 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.

## **Procedure**

- [7] The matter was set down to be heard on 30 July 2025. The Respondent sought and was granted an adjournment. A new hearing date of 3 September 2025 was set, and a Notice of Hearing was issued to the Respondent.
- [8] On the day of the hearing, the Respondent did not appear. He was sent a reminder text, and the Board attempted to ascertain the Respondent's whereabouts by phone.
- [9] The Board decided that it would not proceed with the hearing and that it would provide the Respondent with an opportunity to explain why he did not attend. It would then make a decision as to whether the Respondent had simply failed to attend, and it would proceed to make a decision on the basis of the evidence before it, or it would allow an adjournment on the basis that there was a good reason for the Respondent failing to attend. A Board Minute was issued providing directions.
- [10] The Respondent has not responded to the Minute and has not contacted the Board to explain why he did not attend the hearing.
- [11] The Board considers that the Respondent had been correctly served with the required notices and had been afforded his natural justice rights, as set out in section 283 of the Act, but has elected not to attend. The Board has, accordingly, made a final decision. In making that decision, the Board has considered the purposes of the disciplinary provisions in the Act and has noted that they would be defeated if Licensed Building Practitioners (LBPs) could avoid complaints by not appearing at hearings.

## **Evidence**

- [12] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed<sup>3</sup>. 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.
- [13] The Respondent was engaged to carry out and/or supervise building work on a relocated residential dwelling under a building consent. His work was on the foundations. A commercial dispute arose, and the Respondent's services were terminated on 28 February 2024. A complaint was made on 13 August 2024 alleging the Respondent had failed to provide a record of work on the completion of restricted building work.
- [14] The Respondent's initial response to the complaint was that he could not provide any information because of ongoing Dispute Tribunal proceedings. The Complainant confirmed that those proceedings have now been settled. Correspondence from their settlement discussions dated 26 March 2025 included a request from the Respondent that the Complainant withdraw her complaint.

---

<sup>3</sup> *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 1

- [15] In a submission to the Board made on 25 March 2025, the Respondent also noted the dispute and the resolution that had been reached. He did not respond to any of the disciplinary charges outlined in the Notice of Proceeding.

**Failure to Provide a Record of Work**

- [16] 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.<sup>4</sup>
- [17] 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 work<sup>5</sup> unless there is a good reason for it not to be provided.<sup>6</sup>

Did the Respondent carry out or supervise restricted building work

- [18] As noted, the Respondent was engaged to carry out and/or supervise building work on the foundations of a relocated residential dwelling under a building consent. His work was restricted building work because the foundations form part of the primary structure and external moisture management system of a residential dwelling.<sup>7</sup>

Was the restricted building work complete

- [19] The Respondent's building work took place between 3 June 2023 and 28 February 2024, when the contract was terminated. 28 February 2024 is, therefore, the completion date, and the date when a record of work was due.

Has the Respondent provided a record of work

- [20] The Respondent did not provide a record of work on completion in February 2024. The Complainant, who appeared and gave evidence, confirmed that a record of work has still not been provided to her or the Territorial Authority.
- [21] The Board notes that other LBP's noted on inspections as having carried out or supervised restricted building work may also have failed to provide records of work. If that is the case, they should provide them without delay.

Was there a good reason

- [22] There are no known good reasons.
- [23] The Respondent's initial response to the complaint was that he could not provide any information because of ongoing Dispute Tribunal proceedings, which have been settled. Commercial disputes are not a good reason for a failure to provide a record of work. The provision of a Record of Work is a statutory requirement, not a

---

<sup>4</sup> Section 88(1) of the Act.

<sup>5</sup> Restricted Building Work is defined by the Building (Definition of Restricted Building Work) Order 2011

<sup>6</sup> Section 317(1)(da)(ii) of the Act

<sup>7</sup> Clause 5 of the Building (Definition of Restricted Building Work) Order 2011

negotiable term of a contract. The requirement for it is not affected by the terms of a contract, nor by contractual disputes. LBPs should be aware of their obligations to provide them, and their provision should be a matter of routine.

Did the Respondent fail to provide a record of work

- [24] The Respondent **has** failed to provide a record of work on the completion of restricted building work.

**Code of Ethics**

Background

- [25] Prior to the building work commencing, the Respondent did not comply with the provisions of section 362D of the Act or regulation 5 of the Building (Residential Consumer Rights and Remedies) Regulations 2014.
- [26] 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 building work exceeded that amount by a long margin.
- [27] Regulation 5 of the regulations sets out what the “prescribed disclosure information” and a “prescribed checklist” are.
- [28] Overall, the statutory provisions are designed so that a consumer can make an informed choice before entering a building contract.
- [29] The Respondent also 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.<sup>8</sup> Regulation 6 of the Consumer Regulations sets out the prescribed content for residential building contracts.
- [30] The Code of Ethics for Licensed Building Practitioners was introduced by Order in Council.<sup>9</sup> It was introduced in October 2021 and came into force on 25 October 2022. The obligations are new, but there was a transition period of one year to allow practitioners to become familiar with the new obligations. Whilst the Code of Ethics is new, ethics have been a part of other regulatory regimes<sup>10</sup> for some time, and the Board has taken guidance from decisions made in other regimes.
- [31] The Code also differentiates between Licensed Building Practitioners who are in business and those who are employed, in that some ethical obligations only apply to those in business. In this matter, the Respondent was in business.

---

<sup>8</sup> Building (Residential Consumer Rights and Remedies) Regulations 2014

<sup>9</sup> Building (Code of Ethics for Licensed Building Practitioners) Order 2021

<sup>10</sup> Lawyers, Engineers, Architects and Accountants, for example

- [32] 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*,<sup>11</sup> 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.*

- [33] 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*,<sup>12</sup> 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.*

#### The conduct under investigation

- [34] 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.
- [35] Clause 10 of the Code of Ethics requires compliance with the Building Act and the Building (Residential Consumer Rights and Remedies) Regulations 2014. 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

- [36] The Board has decided that the conduct was serious enough.
- [37] Regarding the prescribed disclosure information and checklist, the Respondent was not aware of his obligations, and his failure to comply resulted in the consumer not

---

<sup>11</sup> [1992] 1 NZLR 720 at 724

<sup>12</sup> [2001] NZAR 74

being as informed as she should have been, which, in turn, may have impacted her decision-making.

- [38] Turning to the failure to provide a contract, 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 a dispute has since arisen, and its management and resolution will 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.
- [39] 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.<sup>13</sup> On that basis, the Respondent would have been liable for \$1,500 in infringement fines.

### **Board Decisions**

- [40] The Respondent has breached sections 3217(1)(da)(ii) and (g) of the Act.

### **Penalty, Costs and Publication**

- [41] Having found that one or more of the grounds in section 317 applies, the Board must, under section 318 of the Act<sup>i</sup>, consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.
- [42] The matter was dealt with after holding a hearing. The Respondent did not appear and has not engaged with the Board since he sought an adjournment. The Board has decided, in those circumstances, to make orders.

### **Penalty**

- [43] The Board has the discretion to impose a range of penalties.<sup>ii</sup> 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.<sup>14</sup> It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:<sup>15</sup>
- (a) protection of the public and consideration of the purposes of the Act;<sup>16</sup>

---

<sup>13</sup> Schedule 1 of the Building (Infringement Offences, Fees, and Forms) Regulations 2007

<sup>14</sup> *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]

<sup>15</sup> Cited with approval in *Robinson v Complaints Assessment Committee of Teaching Council of Aotearoa New Zealand* [2022] NZCA 350 at [28] and [29]

<sup>16</sup> Section 3 Building Act



- (b) deterring the Respondent and other Licensed Building Practitioners from similar offending;<sup>17</sup>
  - (c) setting and enforcing a high standard of conduct for the industry;<sup>18</sup>
  - (d) penalising wrongdoing;<sup>19</sup> and
  - (e) rehabilitation (where appropriate).<sup>20</sup>
- [44] 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 cases<sup>21</sup> and applying the least restrictive penalty available for the particular offending.<sup>22</sup> In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty<sup>23</sup> that is consistent with other penalties imposed by the Board for comparable offending.<sup>24</sup>
- [45] 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.<sup>25</sup>
- [46] In this matter, the Board adopted a starting point of a fine of \$2,500. In setting the starting point, the Board took into account its normal tariff for record of work matters (a fine of \$1,500) and that whilst the Code of Ethics is new and the Board has been taking an educative approach towards its enforcement, 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 \$2,500 (applying the totality principle given there are two aspect of the complaint upheld). There are no mitigating factors. The fine is set at \$2,500.

### Costs

- [47] 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

<sup>17</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

<sup>18</sup> *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724

<sup>19</sup> *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818, 13 August 2007 at p 27

<sup>20</sup> *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

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

<sup>22</sup> *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818

<sup>23</sup> *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354

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

<sup>25</sup> 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.

that other Licensed Building Practitioners should not be left to carry the financial burden of an investigation and hearing.<sup>26</sup>

- [48] The courts have indicated that 50% of the total reasonable costs should be taken as a starting point in disciplinary proceedings<sup>27</sup>. The starting point can then be adjusted up or down, depending on the circumstances of each case<sup>28</sup>.
- [49] 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.
- [50] The Respondent did not appear at the hearing, and additional costs were incurred as a result. The way a licensed person responds to a disciplinary complaint and conducts their defence can also be taken into consideration by the Board. In *Daniels v Complaints Committee*,<sup>29</sup> the High Court held that it was permissible to take the licensed person's approach to a complaint into account as an adverse factor.
- [51] The Board's scale costs for a moderately complex matter heard by an audio-visual link are \$2,150. Because of the Respondent's approach to the matter and the additional costs incurred because of his failure to attend, the Board has decided to lift the costs order to \$2,750. The amount is significantly less than 50% of the actual costs incurred.

#### Publication

- [52] 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,<sup>30</sup> 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.
- [53] Within New Zealand, there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990.<sup>31</sup> 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.<sup>32</sup>
- [54] 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

---

<sup>26</sup> *Collie v Nursing Council of New Zealand* [2001] NZAR 74

<sup>27</sup> *Kenneth Michael Daniels v Complaints Committee 2 of the Wellington District Law Society* CIV-2011-485-000227 8 August 2011

<sup>28</sup> *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.

<sup>29</sup> [2011] 3 NZLR 850.

<sup>30</sup> Refer sections 298, 299 and 301 of the Act

<sup>31</sup> Section 14 of the Act

<sup>32</sup> *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055

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

[55] 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 \$2,500.

**Costs:** Pursuant to section 318(4) of the Act, the Respondent is ordered to pay costs of \$2,750 (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.**

[56] 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 because of disciplinary action are not paid.

### Right of Appeal

[57] The right to appeal Board decisions is provided for in section 330(2) of the Act<sup>iii</sup>.

Signed and dated this 10<sup>th</sup> day of October 2025



**Mr M Orange**  
Presiding Member

---

<sup>i</sup> **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.