

Before the Building Practitioners Board

	BPB Complaint No. 26435
Licensed Building Practitioner:	Tewehi Anderson (the Respondent)
Licence Number:	BP 133369
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	Various locations around New Zealand
Hearing Type:	Audio Visual Link
Hearing Date:	19 December 2024
Decision Date:	4 March 2025

Board Members Present:

Mr M Orange, Chair, Barrister (Presiding)
Mrs F Pearson-Green, Deputy Chair, LBP, Design AoP 2
Mr T Tran, Barrister – Legal Member
Mr P Thompson, LBP, Carpentry and Site AoP 3, Quantity Surveyor
Ms S Chetwin CNZM, Barrister and Solicitor, Professional Director

Appearances:

T Anderson, Self-represented

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)(b), (d) and (da)(ii) of the Act. The Respondent **has not** committed a disciplinary offence under section 317(1)(g) of the Act.

The Respondent is ordered to pay a total fine of \$4,000 and costs of \$2,950. A record of the disciplinary offending will be recorded on the Public Register for a period of three years.

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Summary

- [1] The Respondent has been found to have carried out or supervised building work in a negligent manner, carried out building work that does not comply with a building consent, and failed to provide a Record of Work as required under the Act. The disciplinary proceeding arose from building work carried out at [OMMITTED] (the Property) between September 2022 and July 2023.
- [2] The charges related primarily to defective installation of cladding and exterior joinery, which resulted in multiple failed inspections and ultimately compromised the weathertightness of the building. A report from an independent building surveyor, [o, documented numerous defects which were further substantiated by Council inspection records and engineering reports.
- [3] While concerns were raised about health and safety practices, particularly regarding working at height methodology, the Board found the evidence did not meet the threshold required to establish a breach of the Code of Ethics, especially given competing evidence from Council inspections indicating compliance with safety requirements.

The Charges

- [4] 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
- [5] This disciplinary proceeding concerns alleged breaches of the Act related to building work carried out by the Respondent. The work in question involved the installation of cladding and exterior joinery at the Property. These elements are crucial for ensuring the weathertightness and structural integrity of a building, and any deficiencies can have significant consequences for the homeowner.
- [6] In this matter, the Board resolved to further investigate the allegations as particularised in the disciplinary charges contained in the Notice of Proceeding dated 2 July 2024.
- [7] In summary, the first disciplinary charge alleges that the Respondent carried out or supervised building work in a negligent manner pursuant to section 317(1)(b) of the Act. The second disciplinary charge alleges that the Respondent carried out or supervised building work that did not comply with a building consent pursuant to 317(1)(d) of the Act. The third disciplinary charge relates to the Respondent's failure to provide a Record of Work pursuant to section 317(1)(da)(ii) of the Act. The fourth disciplinary charge alleges the Respondent breached the Code of Ethics in relation to health and safety practices pursuant to section 317(1)(g) of the Act.

Procedure

- [8] A hearing was held on 19 December 2024. At the conclusion of the hearing, the Board reserved its decision.
- [9] Having considered the evidence and the disciplinary charges, the Board's reasons are set out in this decision. The Board has also set out an indicative decision on penalty, costs and publication.
- [10] The Board will give the Respondent an opportunity to provide submissions on penalty, costs and publication within **15 working days** from the date of this decision.

Evidence

- [11] The Board must be satisfied on the balance of probabilities that the disciplinary offences alleged have been committed.² 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.
- [12] The Board received documentary evidence from several sources. Particularly significant was a report dated 28 August 2023 from [OMITTED] of Building Compliance

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

Services Limited, which detailed an assessment of the cladding and joinery installation. This report identified significant issues with the quality of work and compliance with building standards.

- [13] Council inspection records, particularly from a site meeting on 2 June 2023 and a cladding inspection on 7 August 2023, provided further evidence of defective work and non-compliance with the building consent. The Board also considered an RFI (Request for Further Information) from Kirk Roberts Consulting dated 26 July 2023, which raised serious concerns about structural elements of the build.
- [14] The photographic evidence presented to the Board through the [OMITTED] report dated 28 August 2023 (pages 2.1.63 - 2.1.74) showed multiple instances of defective work. The report included 17 photographs documenting specific faults, including improper installation of cladding sheets, inadequate flashings, and non-compliant joinery installation. These defects were not isolated incidents but represented a pattern of substandard work affecting the weathertightness and durability of the building. The Board reviewed each photograph and found that Photos 1-4, 5-6, 8, 11-12, and 15 demonstrated particularly serious defects, while Photos 7, 13, and 14 were either accepted as temporary measures or did not provide conclusive evidence of defective work or work by others.

The Specific Allegations

- [15] The Board will address each of the detailed allegations set out in the Notice of Proceeding in turn below.

Section 317(1)(b) – Negligent Work

- [16] To find the Respondent was negligent, the Board needs to determine, on the balance of probabilities,³ that the Respondent departed from an accepted standard of conduct when carrying out or supervising building work as judged against those of the same class of licence. This is described as the *Bolam*⁴ test of negligence.⁵ Even if the Respondent has been negligent, the Board must also decide if the conduct fell seriously short of expected standards.⁶ If it does not, then a disciplinary finding cannot be made.
- [17] When considering what an acceptable standard is, the Board must consider the purpose of the Building Actⁱ as well as the requirement that all building work must

³ *Z v Dental Complaints Assessment Committee* [2009] 1 NZLR 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.

⁴ *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

⁵ Adopted in New Zealand in various matters including: *Martin v Director of Proceedings* [2010] NZAR 333 (HC), *F v Medical Practitioners Disciplinary Tribunal* [2005] 3 NZLR 774 (CA)

⁶ *Collie v Nursing Council of New Zealand* [2001] NZAR 74 - [21] “Negligence or malpractice may or may not be sufficient to constitute professional misconduct and the guide must be standards applicable by competent, ethical and responsible practitioners and there must be behaviour which falls seriously short of that which is to be considered acceptable and not mere inadvertent error, oversight or for that matter carelessness”.

comply with the Building Code⁷ and any building consent issued.⁸ The test is an objective one.⁹ If there has been a departure from an acceptable standard, the Board will need to consider whether they are serious enough to warrant disciplinary action.

- [18] In this case, the [OMITTED] report documented fundamental issues with the cladding installation. The amount of scratching on the sheets was extensive enough to likely void the manufacturer's warranty. The installation contravened both the Building Consent documentation and the New Zealand Metal Roof and Wall Cladding Code of Practice 2008.
- [19] The Board's examination of the photographic evidence provided in the [OMITTED] report (pages 2.1.63 - 2.1.74) confirmed serious workmanship issues. Photos 1 through 4 showed fundamental installation errors, including sheet joints installed back to front, roughly cut edges likely to rust and damage adjoining components, head flashings that were too short and did not extend past vertical facings, and vertical facing flashings that failed to extend beyond the required two corrugations. Photos 5 and 6 revealed poor workmanship where short pieces of sheet and patch-up pieces of flashing were used to correct errors rather than properly replacing defective elements. Photos 11 and 12 demonstrated irregular window facings and insufficient side flashings that compromised weathertightness. Photo 15 showed excessive and irregular gaps between head flashings and cladding above that did not comply with requirements.
- [20] The Council's cladding inspection on 7 August 2023 was particularly concerning, noting that "serious concern can be had by the detailing sighted today". The Inspector found that the work was not suitable to approve and pass. These were not minor technical breaches but serious defects affecting fundamental aspects of the building's weathertightness.
- [21] The structural elements of the build also raised significant concerns. The Kirk Roberts RFI dated 26 July 2023 identified multiple issues requiring rectification, including inadequate hold-down for bracing elements, issues with portal frame size and associated connections, and various other structural elements requiring verification. These matters went to the heart of the building's structural integrity.
- [22] Having considered all the evidence, the Board is satisfied that the conduct fell seriously short of expected standards warranting disciplinary action under section 317(1)(b) of the Act.
- [23] For completeness, the Board also considered the issue of the foundation piles. However, the Board found that this was not a significant issue and did not warrant a disciplinary finding. The Board noted that the square piles were not concreted in and

⁷ Section 17 of the Building Act 2004.

⁸ Section 40(1) of the Building Act 2004.

⁹ *McKenzie v Medical Practitioners Disciplinary Tribunal* [2004] NZAR 47 at p.71 noted that the tribunal does not have to take into account the Respondent's subjective considerations.

were simply resting in the holes and there were no safety issues of concern to the Board.

Section 317(1)(d) – Non-compliant Building Work

- [24] Building consents provide detailed plans and specifications for building work. They are issued by Territorial or Building Consent Authorities on the basis that the building work will meet the provisions of the Building Code.¹⁰ Once issued, the building work must be carried out in accordance with the building consent.¹¹
- [25] If the building work departs from the building consent issued, the Board can find that a disciplinary offence under section 317(1)(d) of the Act has been committed. The Board does not have to find that departure was deliberate or a result of negligent conduct.¹² The Board does, however, consider that the seriousness of the conduct under investigation does have to be taken into account. As such, even if the Respondent's building work departed from the building consent, the Board must also decide if the conduct fell seriously short of expected standards.¹³ If it does not, then a disciplinary finding cannot be made.
- [26] At a site meeting on 2 June 2023, the Council Inspector noted that some of the works were not matching the consented details. The Inspector made it clear that any changes from the consented details could only be supplied/approved by the designer and then consented by the Council as suitable to comply with the Act. This clear direction put the Respondent on notice that any deviations from the consented plans would require formal approval. Despite this, the evidence demonstrates that multiple unauthorised departures from the consented plans subsequently occurred.
- [27] The cladding inspection of 7 August 2023 documented specific departures from consented details and E2/AS1 requirements. These included head flashings protruding well beyond the specified distance from joinery, inconsistent installation of vents, non-compliant holes and roof wall junctions, and flashings that did not meet the consented specifications. The Inspector specifically noted that these departures made passing the inspection very difficult, underscoring the severity of the deviations.
- [28] Having considered all the evidence, including the clear direction given by the Council, which was not followed, and the numerous variations from the consented documents identified at the cladding inspection, the Board is satisfied that the Respondent's conduct in carrying out and supervising non-compliant building work fell seriously short of the standards expected of an LBP. It therefore warrants disciplinary action under section 317(1)(d) of the Act.

¹⁰ Section 49 of the Building Act 2004.

¹¹ Section 40 of the Building Act 2004.

¹² *Blewman v Wilkinson* [1979] 2 NZLR 208.

¹³ *Collie v Nursing Council of New Zealand* [2001] NZAR 74 - [21] "Negligence or malpractice may or may not be sufficient to constitute professional misconduct and the guide must be standards applicable by competent, ethical and responsible practitioners and there must be behaviour which falls seriously short of that which is to be considered acceptable and not mere inadvertent error, oversight or for that matter carelessness".

Section 317(1)(da)(ii) – Record of Work

- [29] Section 88(1) of the Act requires that each LBP who carries out or supervises restricted building work under a building consent must, on completion of the restricted building work, provide a Record of Work to both the owner and the territorial authority.
- [30] The Respondent held a Carpentry licence throughout the period when the restricted building work was carried out at the Property. The work involved the installation of external cladding, which constitutes restricted building work as it forms part of the external moisture management system of a residential dwelling.
- [31] The Respondent's involvement in the project ended when he was last on site on 31 July 2023, with the contract being terminated on 25 October 2023. The obligation to provide a Record of Work arises when an LBP's involvement in restricted building work ends, regardless of whether the overall project is complete.
- [32] The Board has received no evidence that a Record of Work has been provided to either the owner or the territorial authority as required under section 88(1) of the Act.
- [33] The Respondent's stated reason for not providing a Record of Work was that he was waiting for invoices to be paid first. The Board has consistently stated that a record of work must be provided regardless of whether there is a payment dispute, as it is a statutory obligation that exists independently of any commercial matters.
- [34] Based on the above, the Board finds that the Respondent had an obligation to provide a Record of Work upon completion of his involvement in the restricted building work. His failure to do so constitutes a disciplinary offence under section 317(1)(da)(ii) of the Act.

Section 317(1)(g) – Code of Ethics

- [35] The Board considered the allegation that the Respondent breached Clause 7 of the Code of Ethics regarding health and safety practices. While there were concerns about the adequacy of health and safety plans and methodology for working at height, the Board must also consider the Council Inspector's finding that the work was compliant and safe.
- [36] The competing evidence creates doubt about whether the Respondent's conduct fell seriously short of expected standards in this regard. While the health and safety planning could have been more robust, and the Board notes this should be addressed in future work, the evidence does not establish the serious departure from standards required for a disciplinary finding.

Conclusion on Charges

- [37] For the reasons set out above, the Board finds that the Respondent has committed the following disciplinary offences as set out in the Notice of Proceeding dated 2 July 2024:

- (a) Disciplinary offence under section 317(1)(b) of the Act for carrying out/supervised building work in a negligent and incompetent manner;
- (b) Disciplinary offence under section 317(1)(d) of the Act for carrying out/supervised building work that does not comply with a building consent; and
- (c) Disciplinary offence under section 317(1)(da)(ii) for failing to provide a Record of Work.

[38] The Board did not make a disciplinary finding under section 317(1)(g) in relation to the allegation of breaching the Code of Ethics.

Penalty, Costs and Publication

[39] Having found three of the grounds in section 317 apply, the Board must, under section 318 of the Act,ⁱⁱ consider the appropriate disciplinary penalty, whether the Respondent should be ordered to pay any costs and whether the decision should be published.

Penalty

[40] The Board has the discretion to impose a range of penalties.ⁱⁱⁱ Exercising that discretion and determining the appropriate penalty requires that the Board to balance various factors, including the seriousness of the conduct and any mitigating or aggravating factors present.¹⁴ It is not a formulaic exercise, but there are established underlying principles that the Board should take into consideration. They include:¹⁵

- (a) Protection of the public and consideration of the purposes of the Act;¹⁶
- (b) Deterring the Respondent and other Licensed Building Practitioners from similar offending;¹⁷
- (c) Setting and enforcing a high standard of conduct for the industry;¹⁸
- (d) Penalising wrongdoing;¹⁹ and
- (e) Rehabilitation (where appropriate).²⁰

[41] Overall, the Board should assess the conduct against the range of penalty options available in section 318 of the Act, reserving the maximum penalty for the worst cases²¹ and applying the least restrictive penalty available for the particular

¹⁴ *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].

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

¹⁶ Section 3 Building Act 2004.

¹⁷ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354.

¹⁸ *Dentice v Valuers Registration Board* [1992] 1 NZLR 720 (HC) at 724.

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

²⁰ *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.

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

offending.²² In all, the Board should be looking to impose a fair, reasonable, and proportionate penalty²³ that is consistent with other penalties imposed by the Board for comparable offending.²⁴

- [42] In general, when determining the appropriate penalty, the Board adopts a starting point based on the principles outlined above prior to it considering any aggravating and/or mitigating factors present.²⁵
- [43] When considering the penalty in this case, the Board set a starting point of \$3,500 for the negligence and non-compliance findings. This reflects the seriousness of the conduct, particularly regarding weathertightness issues that could have long-term consequences for the building owner. However, considering mitigating factors, including the Respondent's willingness to address issues when raised, this was reduced to \$2,500.
- [44] For the failure to provide a Record of Work, the Board imposes the standard penalty of \$1,500. This reflects the importance of the Record of Work in the regulatory scheme and the strict liability nature of the offence.
- [45] The total fine is \$4,000.

Costs

- [46] Under section 318(4) of the Act, the Board may require the Respondent to pay the costs and expenses of, and incidental to, the inquiry by the Board. The rationale is that other Licensed Building Practitioners should not be left to carry the financial burden of an investigation and hearing.²⁶
- [47] The courts have indicated that 50% of the total reasonable costs should be taken as a starting point in disciplinary proceedings.²⁷ The starting point can then be adjusted up or down with regard to the particular circumstances of each case.²⁸
- [48] The Board has adopted an approach to costs that uses a scale based on 50% of the average costs of different categories of hearings: simple, moderate and complex. The Board has categorised this hearing as moderate. Adjustments are then made.
- [49] Based on the above, the costs order of \$2,950 reflects the standard scale amount for this type of hearing. The Board considers this amount appropriate given the serious nature of the established charges and the extent of investigation required.

²² *Patel v Complaints Assessment Committee* HC Auckland CIV-2007-404-1818.

²³ *Roberts v A Professional Conduct Committee of the Nursing Council of New Zealand* [2012] NZHC 3354.

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

²⁵ 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.

²⁶ *Collie v Nursing Council of New Zealand* [2001] NZAR 74.

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

²⁸ *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.

Publication

- [50] As a consequence of its decision, the Respondent's name and the disciplinary outcomes will be recorded in the public Register maintained as part of the Licensed Building Practitioners' scheme as is required by the Act,²⁹ and he will be named in this decision, which will be available on the Board's website.
- [51] The Board is also able, under section 318(5) of the Act, to order further publication.
- [52] Within New Zealand, there is a principle of open justice and open reporting, which is enshrined in the Bill of Rights Act 1990.³⁰ 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.³¹
- [53] In this case, the Board will not order any publication over and above the record on the Public 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

- [54] For the reasons set out above, the Board directs:
- | | |
|---------------------|---|
| Penalty: | Pursuant to section 318(1)(f) of the Building Act 2004, the Respondent is ordered to pay a fine of \$4,000. |
| Costs: | Pursuant to section 318(4) of the Act, the Respondent is ordered to pay costs of \$2,950 (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(1)(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. |
- [55] The Respondent should note 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

- [56] The Board invites the Respondent to:

²⁹ Refer sections 298, 299 and 301 of the Building Act 2004.

³⁰ Section 14 of the Building Act 2004.

³¹ *Kewene v Professional Conduct Committee of the Dental Council* [2013] NZAR 1055.

- (a) Make written submissions on the Board's findings on penalty, costs and publication.
- (b) Submissions must be filed with the Board **15 working days** from the date of this decision.
- (c) If submissions are received, then the Board will meet and consider those submissions.
- (d) 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 on penalty, costs and publication.

[57] If no submissions are received within the time frame specified, then this decision will become final.

Right of Appeal

[58] The right to appeal Board decisions is provided for in section 330(2) of the Act^{iv}.

Signed and dated this 17th day of March 2025



Mr/M Orange
Presiding Member

ⁱ Section 3 of the Act

This Act has the following purposes:

- (a) *to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that—*
 - (i) *people who use buildings can do so safely and without endangering their health; and*
 - (ii) *buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and*
 - (iii) *people who use a building can escape from the building if it is on fire; and*
 - (iv) *buildings are designed, constructed, and able to be used in ways that promote sustainable development:*
- (b) *to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the building code.*

ⁱⁱ 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.”*

iii 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.*

^{iv} **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.*