



Application for
Construction
Occupation Licence
Partnership

**Builder and Building
Surveyor**

*Construction Occupations (Licensing) Act 2004,
s128*

This approved form is to be used for partnerships applying under the *Construction Occupations (Licensing) Act 2004* to the Construction Occupations Registrar for a partnership licence to provide licensable services in the ACT. This application will not be considered unless it is complete and all supporting documentation provided.

This form must be completed by a partner of the partnership.

Note: All partners must sign a declaration for this application to be complete.

All supporting documentation must:

- be originals or certified true copies of original documents where relevant; and
- be in English. If original documents are not in English, you must provide a certified copy of the original document and an official translation of the document.

Privacy Notice

The personal information on this form is provided to Access Canberra of the ACT Government to enable the processing of your application. If all or some of the personal information is not collected, Access Canberra cannot process your application. The personal information you provide may be disclosed to the other ACT Government Directorates, and third parties external to the ACT Government, as required by specific legislations administered by Access Canberra. The [Information Privacy Policy Annex](#) contains information in regard to what information Access Canberra collects and to whom it is disclosed. The policy also contains information about how you may access or seek to correct your personal information held by Access Canberra, and how you may complain about an alleged breach of the Territory Privacy Principles. The Information Privacy Policy can be found at the <http://www.cmd.act.gov.au/legal/privacy>.

Section A —Partnership Details

Entity Name _____

Australian Business Number (ACN/ABN) _____

Business Address _____

Suburb _____ State _____ Postcode _____

Postal Address _____

Suburb _____ State _____ Postcode _____

Phone Number (Business Hours) _____ Fax _____

Mobile Number* _____ Email* _____

**Please note that under s170 of the Construction Occupations (Licensing) Act 2004 it is a requirement to provide a valid mobile telephone number and email address.*

Contact Person:**

***Please note licence applications will only be discussed with the relevant contact person for the application or a partner.*

Given Name _____ Surname _____

Mobile Number* _____ Email* _____

I understand that it is a requirement under law that should the licence be issued that the Construction Occupations Registrar must be notified of any changes to licence details within two weeks of the change.

☐ I understand

Section B — Partnership occupation

A corporation or partnership is eligible to be licensed only in the following construction occupations or occupation classes:

- a) builder
- b) building surveyor
- c) drainer (apply using other than building and building surveyor form)
- d) electrical contractor (apply using other than building and building surveyor form)
- e) gasfitter (apply using other than building and building surveyor form)
- f) plumber (apply using other than building and building surveyor form)
- g) plumbing plan certifier (apply using other than building and building surveyor form)
- h) works assessor (apply using other than building and building surveyor form)

A partnership is only eligible to be licensed in a construction occupation or occupation class if the partnership has a nominee who is licensed in the occupation or class being applied for.

Please indicate what type of licence you are applying for:

☐ Builder

☐ Building surveyor

Section C — Partnership agreement

A partnership agreement must be provided with the application. The partnership agreement must state as a minimum:

- the name of all of the partners entering into the agreement, even if they are not involved in the construction services;
- the ACNs of any partners that are corporations;
- the trading (business) name of the partnership;
- the term of the agreement and partnership;
- primary occupation of the partnership;
- the location where the partnership will be primarily located i.e. the physical address of the partnership;
- for partnerships involving more than 4 individuals, a list of staff within the organisation, which must include names and position held in the organisation (organisational diagrams will suffice for this requirement; and
- a clause surrounding what actions would occur from potential insolvency of the partnership i.e. voluntary termination, bankruptcy, death or missing person.

☐ I have provided a copy of the partnership agreement meeting the requirements of this section.

☐ No — I have not provided a partnership agreement meeting the requirements of this section — please note that you may not be eligible for a licence.

Section D — Nominee details

The individual that will be the partnership's nominee must be licensed in a construction occupation that the partnership is applying to be licensed in.

Under the *Construction Occupations (Licensing) Act 2004*, it is a legal requirement that:

- a nominee must also be able to exercise functions of a nominee on a daily basis, which includes that the nominee is available to attend locations where the construction services the nominee will be responsible for supervising are being carried out;
- any individual being nominated as a nominee for a corporation or partnership must not have any conditions imposed on their individual licence that the cannot supervise trainees or licensees, or must be supervised by someone else, or must not be a nominee.

Title _____ Surname _____

Given Names _____ Date of Birth _____

Individual Licence _____ Expiry Date _____

Mobile Number _____ Email _____

Section E — Nominee eligibility to be appointed for a partnership

Requirement: To be eligible to be a nominee for a partnership the proposed nominee must be a **partner** in the partnership or a nominee of a corporation within the partnership.

Under the *Construction Occupations (Licensing) Act 2004*, it is a legal requirement that a nominee be able to exercise functions of a nominee on a daily basis, which includes that the nominee is available to attend locations where the construction services the nominee will be responsible for supervising are being carried out

An individual being nominated as a nominee for a corporation or partnership must not have any conditions imposed on their individual licence that the licensee cannot supervise trainees or licensees, or must be supervised by someone else, or must not be a nominee.

1. Is the proposed nominee a partner in the partnership?

☐ Yes — must be confirmed by the Partnership agreement.

☐ No —the proposed nominee is not eligible to be appointed.

2. Is the proposed nominee available to exercise the functions of a nominee on a daily basis, including that they are available to attend locations where the construction services the nominee will be responsible for supervising are being carried out?

☐ Yes —details will need to be provided of a partnership to prove the proposed nominee is a partner.

☐ No —the proposed nominee is not eligible to be appointed.

3. Does the proposed nominee have any conditions imposed on their individual licence that the licensee cannot supervise trainees or licensees, or must be supervised by someone else, or must not be a nominee?

☐ Yes —any licence conditions will be confirmed by Access Canberra.

☐ No —the proposed nominee is not eligible to be appointed.

4. Is the proposed nominee a nominee for any other corporation or partnership licensed under the *Construction Occupations (Licensing) Act*?

☐ No

☐ Yes —please provide details of other appointments.

Appointment 1

Entity Name _____

Licence Number _____

Appointment 2

Entity Name _____

Licence Number _____

Please attach further information for additional appointments

Section F — Nominee declarations (Proposed nominee to complete)

1. I have read and understood the *Construction Occupations Licensing Guide for Nominees of a corporation or partnership* available at <https://www.planning.act.gov.au/build-buy-renovate>

☐ Yes

☐ No

2. I am available to exercise the functions of a nominee on a daily basis, including being available to attend locations where the construction services the nominee will be responsible for supervising are being carried out.

☐ Yes

☐ No

3. I do not have any conditions imposed my individual licence that I cannot supervise trainees or licensees, or must be supervised by someone else, or must not be a nominee.

☐ Yes

☐ No

4. I understand that I will remain the nominee of the partnership until such time as I become ineligible to stay a nominee if I cease to be licensed in a construction or occupation class appropriate for any of the construction services for which I as the nominee am responsible.

☐ Yes

☐ No

5. I understand that as a nominee I am responsible for adequately supervising ensuring the compliance of work with relevant requirements undertaken on behalf of the partnership and that disciplinary action can be taken against my individual licence under the *Construction Occupations (Licensing) Act 2004*.

☐ Yes

☐ No

6. I understand that as a nominee I may give the partnership a written requirement that the partnership do something, or not do something, in compliance with, or to achieve compliance with the Construction Occupations (Licensing) Act or an operational Act (a mandatory requirement), and that failing to comply with a mandatory requirement is grounds for me seeking resignation as a nominee.
- ☐ Yes ☐ No
7. I understand that if more than one nominee is appointed to the partnership I may wish to retain records that document the particular work I was responsible for on behalf of the partnership.
- ☐ Yes ☐ No
8. I understand that I can resign from being a nominee for the partnership only with approval from the Construction Occupations Registrar.
- ☐ Yes ☐ No
9. I understand that if I am a sole nominee for a partnership then the partnership will be automatically suspended and no longer eligible to hold a licence if I resign; and that the Construction Occupations Registrar will write to the partnership informing them of my resignation.
- ☐ Yes ☐ No
10. I understand that the partnership can revoke my appointment as a nominee only with approval by the Construction Occupations Registrar; and that the Construction Occupation Registrar will write to me in relation to any application for the of the revocation of my appointment.
- ☐ Yes ☐ No
11. I believe that the statements (1 - 10) in this declaration are true and correct.

Pursuant to section 28 of the *Construction Occupations (Licensing) Act 2004*, I,
_____ agree to being appointed as the nominee for the
_____ (insert corporation name or partnership) for
the construction services _____.

Signature of Proposed Nominee _____ Date _____

*Please note: If more than one nominee is to be appointed to the company at the time of submitting this application, please attach a completed Application for **Construction Occupation Licence – Appoint Nominees** form for each additional nominee. This form can be found at www.accesscanberra.act.gov.au.*

Section G — Partner Agreement

This section must be completed by a partner other than the proposed nominee.

As Partner I agree to the appointment of the above licensee to be nominee for the Partnership.

Partner Name _____

Signature Partner _____ Date _____

Section H — Financial Probity (partnership)

Evidence of financial resources is required to help demonstrate your ability to fulfil contractual obligations when providing construction services. Failure to provide information below may result in your licence being refused.

1. **Does the partnership have access to financial resources adequate to complete works performed under the licence applied for?**

☐ Yes

☐ No — you may not be eligible for a licence

2. **Are any of the partners currently, or have they previously been, deemed bankrupt or personally insolvent, being any of the following:**

- a. Bankrupt or party to a debt agreement as a debtor under Bankruptcy Act 1966 (Commonwealth);
- b. A party to a personal insolvency agreement as a debtor under the Bankruptcy Act 1966 (Commonwealth);
- c. Have authorised a controlling trustee to control the individual's property, whether or not the individual has entered into a personal insolvency agreement as a debtor under the Bankruptcy Act 1966 (Commonwealth);
- d. Having a status under a law of a foreign country substantially similar to a circumstance in (a) to (d)?
- e. Otherwise has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors?
- f. The director of a company that was an externally administered body corporate within the meaning of the Corporations Act 2001 (Commonwealth)?

☐ Yes — please attach details and official documentation of bankruptcy/insolvency – please note if a partner is bankrupt or personally insolvent you are not eligible for a partnership licence.

☐ No

3. **Are any of the partners aware of any actions being undertaken by them, the partnership or another entity to enter into arrangements, or bring about the any of the circumstances described in question 2 in this section in relation to a partner?**

☐ Yes — please attach details and any official documentation

☐ No.

4. **I understand that it is a requirement under law that should the corporation licence be issued, I must notify the Construction Occupations Registrar should any partners become bankrupt or personally insolvent.**

☐ I have read and understand the above statement.

Section I — Criminal convictions (partnership)

Partnerships are not eligible for a construction occupations licence if any of the partners have been convicted of an offence involving fraud, violence or dishonesty that is punishable by imprisonment for at least one year.

1. **Have any of the partners been convicted or found guilty of a criminal offence* that involves fraud, violence or dishonesty and is punishable by imprisonment of 1 year or more anywhere in Australia or in another country?**

☐ Yes – you must provide comprehensive details in an attachment to this application

☐ No

*Please note: Spent convictions under the *Spent Convictions Act 2000* do not need to be included in this declaration

2. **Are any of the partners currently being prosecuted for a criminal offence* that involves fraud or dishonesty and is punishable by imprisonment of 1 year or more anywhere in Australia or in another country?**

☐ Yes – you must provide comprehensive details in an attachment to this application ☐ No

*Please note: Spent convictions under the *Spent Convictions Act 2000* do not need to be included in this declaration

3. **I understand that it is a requirement under law that should the partnership be issued a licence, the corporation must notify the Construction Occupations Registrar of any convictions of such offences in the future.**

☐ I have read and understand the above statement.

4. **Do all partners authorise Access Canberra to obtain a criminal history check for each partner in relation to your licence application?**

☐ Yes – I authorise Access Canberra to obtain a criminal history check

☐ No – I do not authorise Access Canberra to obtain a criminal history check in relation to the corporation – please note that if you do not provide authorisation to confirm your criminal history, you may be ineligible for a licence.

Section J — Licence History Declarations

1. **Have any of the partners previously held a partnership licence in the relevant construction occupation in the ACT or elsewhere in Australia or overseas for this or another partnership?**

☐ Yes — provide details of the corporation/partnership including name, licence details and corporation/partnership status

☐ No

2. **Is your licence as a partnership, in Australia or overseas, currently suspended or cancelled?**

☐ Yes — you must attach details

☐ No

3. **Have you or any of the partners previously had a partnership licence cancelled, refused or suspended in Australia or overseas for this or another partnership?**

☐ Yes — you must provide comprehensive details in an attachment to this application

☐ No

4. **I understand that I should notify the Construction Occupations Registrar if my partnership licence is cancelled, refused or suspended in Australia or overseas.**

☐ I have read and understand the above statement.

5. **Has your partnership licence ever been subject to conditions, undertakings, limitations or restrictions in Australia or overseas?**

☐ Yes — you must provide comprehensive details in an attachment to this application

☐ No

6. Are any of the partners, or have they ever been, disqualified under the *Construction Occupations (Licensing) Act 2004*, or a corresponding prior Act, from applying for licence, or being licensed, in a construction occupation either personally or part of a licensed business?
- ☐ Yes – you must provide comprehensive details in an attachment to this application ☐ No
7. Have any of the partners ever been, or are currently, the subject of complaints, occupational discipline, demerit activity or rectification orders whilst licensed, or a director or partner of a licensed entity under the *Construction Occupations (Licensing) Act 2004*, a corresponding prior Act, or the law of another jurisdiction in Australia or overseas?
- ☐ Yes – you must provide comprehensive details in an attachment to this application ☐ No
8. Does the partnership or any partner have any outstanding debts in relation to a rectification order (or equivalent) or regulatory action or as a result of a decision of a Tribunal, Board, Commission, Court or Authority in the ACT or another jurisdiction in relation to a construction service you have provided?
- ☐ Yes – you must provide comprehensive details in an attachment to this application ☐ No

Please note: Licensed services may be audited by the Construction Occupations Registrar in the ACT for compliance against the relevant laws. Licensed entities identified performing non-compliant services may be subject to occupational discipline or other licensing action.

Section K — Consent and Application Declaration (all Partners to complete)

I,

Insert name, address and occupation of person making the declaration

make the following declaration as a partner of the partnership:

1. I declare:

- a) that all statements, and the documents/information provided in support of the application, are accurate, true and correct.

2. I authorise and consent:

- a) to the Construction Occupations Registrar and Access Canberra to make enquiries of, and exchange information with, the relevant regulatory authorities of any Australian State or Territory, or other country, regarding their construction occupation licence and practice in the relevant occupation or otherwise regarding matters relevant to this application.
- b) to receiving information from the Construction Occupations Registrar relevant to the construction occupation licence or the construction industry electronically.

3. I acknowledge:

- a) that the Construction Occupations Registrar and Access Canberra may validate documents provided in support of this application or wish to confirm my identity or the identities of other partners.
- b) that the Construction Occupations Registrar and Access Canberra may request more information from the corporation or partnership to help it decide whether to grant this application for a partnership licence.

- c) that failure to complete all relevant sections of this application and enclose all supporting documentation may result in this application not being accepted or additional fees being applied as per the statutory instrument authorising fees to be taken under the *Construction Occupations (Licensing) Act 2004*.
- d) that the Construction Occupations Registrar has the legal right to refuse the licence if not satisfied that the partnership is eligible to hold a licence, or impose a condition on the licence if it is deemed necessary or desirable to protect the public.
- e) that it is an offence to make any false or misleading statement or provide any false or misleading information

4. Should the partnership be issued with a construction occupations licence I undertake:

- a) to comply with the *Construction Occupations (Licensing) Act 2004* (and its operational Acts) and the codes, standards and guidelines relevant to my construction occupation licence when providing, or offering to provide, a relevant construction service.

5. I understand that the partnership must advise the registrar within 1 business day after any change in partners or nominees, or changes in eligibility requirements.

6. I understand that it is a requirement under law that should the licence be issued the partnership must not perform any licensable work that is outside the scope of what the licence authorises.

7. I understand that it is a requirement under law that should the licence be issued evidence must be given to clients of the insurance the partnership may hold in relation to any relevant licensable construction service the partnership intends to undertake prior to providing the services.

8. I understand that it is a requirement under law that should the licence be issued the partnership must only advertise licensable construction services with the full name of the licensed entity (as it appears on the licence) and the licence number.

9. I understand that it is a requirement under law that should the licence be issued, all licensable services performed under the licence must comply with all relevant legislation, codes and standards.

10. I understand that partners in a licensed partnership commit an offence if the partnership's nominees fail to adequately supervise the relevant construction services or the relevant construction services fail to comply with the Construction Occupations (Licensing) Act or an operational Act.

11. I understand that a nominee may give the partnership a written requirement that the partnership do something, or not do something, in compliance with, or to achieve compliance with the Construction Occupations (Licensing) Act or an operational Act (a mandatory requirement), and that failing to comply with a mandatory requirement is grounds for the nominee seeking resignation as a nominee.

12. I understand that if more than one licensed nominee is appointed to the partnership, the partnership must retain records that document the work each nominee was responsible for.

13. I understand that if there is a sole nominee for the construction services for the partnership and they stop being a nominee, the partnership licence will be automatically suspended.

14. I believe that the statements (1 - 13) in this declaration are true and correct.

Signature of Partner _____

Date: ____/____/____

Section L — Payment Details

Upon lodgement of your application you will be required to pay an application assessment fee. This fee is **non-refundable**. You will be provided with a notice of decision in relation to your application. If your application is approved a licence term fee will be payable prior to the issue of your licence.

View the [Access Canberra Website](#) for licence application fee and charges.

Section M — Lodgement and Contact Information

Access Canberra Environment Planning and Land Shopfront

GPO Box 1908, Canberra City 2601

16 Challis Street, Dickson ACT 2602

Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)

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