

2003

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Planning)

# Construction Occupations (Licensing) Bill 2003

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FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Planning)

# **Construction Occupations (Licensing) Bill 2003**

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## **A Bill for**

An Act to regulate construction occupations, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Construction Occupations (Licensing) Act 2003*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written  
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on  
8 the notification day (see Legislation Act, s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be  
10 fixed, for the commencement of different provisions (see Legislation  
11 Act, s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the  
13 notification day, it automatically commences on the first day after that  
14 period (see Legislation Act, s 79).

15 **3 Dictionary**

16 The dictionary at the end of this Act is part of this Act.

17 *Note 1* The dictionary at the end of this Act defines certain terms used in this  
18 Act, and includes references (*signpost definitions*) to other terms  
19 defined elsewhere.

20 For example, the signpost definition '*building work*—see the *Building*  
21 *Act 2003*, section 6.' means that the term 'building work' is defined in  
22 that section and the definition applies to this Act.

23 *Note 2* A definition in the dictionary (including a signpost definition) applies to  
24 the entire Act unless the definition, or another provision of the Act,  
25 provides otherwise or the contrary intention otherwise appears (see  
26 Legislation Act, s 155 and s 156 (1)).

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1 **4 Notes**

2 A note included in this Act is explanatory and is not part of this Act.

3 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 **5 Offences against Act—application of Criminal Code etc**

5 Other legislation applies in relation to offences against this Act.

6 *Note 1 Criminal Code*

7 The Criminal Code, ch 2 applies to all offences against this Act (see  
8 Code, pt 2.1).

9 The chapter sets out the general principles of criminal responsibility  
10 (including burdens of proof and general defences), and defines terms  
11 used for offences to which the Code applies (eg *conduct*, *intention*,  
12 *recklessness* and *strict liability*).

13 *Note 2 Penalty units*

14 The Legislation Act, s 133 deals with the meaning of offence penalties  
15 that are expressed in penalty units.

1 **Part 2 Important concepts**

2 **6 What is a *construction practitioner*?**

3 (1) A *construction practitioner* is an entity that provides, has provided  
4 or proposes to provide a construction service.

5 (2) A *construction service* is the doing or supervision of work in a  
6 construction occupation.

7 *Note Supervise*—see dict.

8 (3) For this Act, the regulations may—

9 (a) prescribe work as work in a construction occupation; and

10 (b) exclude work from a construction occupation.

11 **7 What is a *construction occupation*?**

12 Each of the following is a *construction occupation*:

13 (a) builder;

14 (b) building surveyor;

15 (c) drainer;

16 (d) electrician;

17 (e) gasfitter;

18 (f) plumber;

19 (g) plumbing plan certifier.

1   **8    What is a *builder*?**

2    (1) A *builder* is an entity that provides, has provided or proposes to  
3    provide a building service.

4    (2) A *building service* is the doing or supervision of building work.

5       *Note*    *Building work*—see dict.

6   **9    What is a *building surveyor*?**

7    (1) A *building surveyor* is an entity that provides, has provided or  
8    proposes to provide a building certification service.

9    (2) A *building certification service* is the doing of building certification  
10   work.

11   (3) In this section:

12       *building certification work* means anything a building certifier may  
13   or must do under the *Building Act 2003*.

14       *Note*    The *Building Act 2003* requires a building surveyor to be appointed as a  
15   certifier before doing building certification work. It also restricts the  
16   building certification work certain building surveyors may do  
17   depending on their occupation class.

18   **10   What is a *drainer*?**

19    (1) A *drainer* is an entity that provides, has provided or proposes to  
20    provide a sanitary drainage service.

21    (2) A *sanitary drainage service* is the doing or supervision of sanitary  
22    drainage work.

23    (3) In this section:

24       *sanitary drainage work*—see *Water and Sewerage Act 2000*,  
25   dictionary.

1 **11 What is an *electrician*?**

2 (1) An *electrician* is an entity that provides, has provided or proposes to  
3 provide electrical wiring services.

4 (2) An *electrical wiring service* is the doing or supervision of electrical  
5 wiring work.

6 (3) In this section:

7 *electrical wiring work*—see the *Electricity Safety Act 1971*,  
8 dictionary.

9 **12 What is a *gasfitter*?**

10 (1) A *gasfitter* is an entity that provides, has provided or proposes to  
11 provide a gasfitting service.

12 (2) A *gasfitting service* is the doing or supervision of gasfitting work.

13 (3) In this section:

14 *gasfitting work*—see the *Gas Safety Act 2000*, dictionary.

15 **13 What is a *plumber*?**

16 (1) A *plumber* is an entity that provides, has provided or proposes to  
17 provide a plumbing service.

18 (2) A *plumbing service* is the doing or supervision of—

19 (a) sanitary plumbing work; or

20 (b) water supply plumbing work.

21 (3) In this section:

22 *sanitary plumbing work*—see *Water and Sewerage Act 2000*,  
23 dictionary.

24 *water supply plumbing work*—see *Water and Sewerage Act 2000*,  
25 dictionary.

1 **14 What is a *plumbing plan certifier*?**

2 (1) A *plumbing plan certifier* is an entity that provides a plumbing plan  
3 certification service.

4 (2) A *plumbing plan certification service* is the doing of plumbing plan  
5 certification work.

6 (3) In this section:

7 *plumbing plan certification work* means anything a certifier  
8 appointed under the *Water and Sewerage Act 2000* may or must do  
9 under that Act.

10 **15 Classes of construction occupations**

11 The regulations may divide a construction occupation into classes.

12 **16 What is an *operational Act*?**

13 Each of the following is an *operational Act*:

- 14 • *Building Act 2003*
- 15 • *Electricity Safety Act 1971*
- 16 • *Gas Safety Act 2000*
- 17 • *Utilities Act 2000*
- 18 • *Water and Sewerage Act 2000*.

19 *Note* A reference to an Act includes a reference to the statutory instruments  
20 made or in force under the Act, including regulations (see Legislation  
21 Act, s 104).

1 **Part 3 Construction practitioners**  
2 **licences**

3 *Note about application of the Mutual Recognition Act 1992 (Cwlth) and the*  
4 *Trans-Tasman Mutual Recognition Act 1997 (Cwlth)*

5 These Commonwealth Acts allow people licensed in certain occupations in a local  
6 jurisdiction to carry on the occupations in another local jurisdiction and provide  
7 an alternate way of applying for licences in the ACT or another local jurisdiction.  
8 Because of the Self-Government Act, s 28, the requirements for licences under  
9 this Act cannot validly require anything of people being licensed under the  
10 Commonwealth Acts that would be inconsistent with those Acts. Accordingly,  
11 provisions of this Act, such as the requirements for applications, do not apply to  
12 the licensing of people under the Commonwealth Acts. Also, the Commonwealth  
13 Acts set out when conditions may be placed on people licensed under those Acts.  
14 For more information, see the Commonwealth Acts.

15 **Division 3.1 General**

16 **17 Licence applications**

- 17 (1) An individual, corporation or partnership may apply to the registrar  
18 to be licensed in a construction occupation or, for a construction  
19 occupation that is divided into classes, in an occupation class.

20 *Note 1* If a form is approved under s 126 for an application, the form must be  
21 used.

22 *Note 2* A fee may be determined under s 125 for this section.

23 *Note 3* A person's entitlement to apply for a licence may be affected by a  
24 disqualification (see s 96 (3)).

- 25 (2) However, a corporation or partnership may apply under  
26 subsection (1) in relation to a construction occupation or occupation  
27 class only if the regulations allow a corporation or partnership to be  
28 licensed in the occupation or class.

- 29 (3) The regulations may prescribe the requirements for applications.



- 1 (4) If this Act or the regulations prescribe requirements for applications,  
2 the registrar need not consider an application that does not comply  
3 with the requirements.

## 4 **18 Eligibility for licence**

- 5 (1) The regulations may prescribe when an entity is eligible, or not  
6 eligible, to be licensed in a construction occupation or occupation  
7 class, including the qualifications the entity must have to be eligible  
8 to be licensed in the occupation or class.

- 9 (2) The regulations may prescribe how an applicant may, or must,  
10 demonstrate that the applicant satisfies a requirement in relation to  
11 an application.

### 12 **Examples**

- 13 1 by requiring the applicant to hold a qualification  
14 2 by requiring the applicant to pass a practical or written test

15 *Note* An example is part of the Act, is not exhaustive and may extend, but  
16 does not limit, the meaning of the provision in which it appears (see  
17 Legislation Act, s 126 and s 132).

## 18 **19 Decision on licence application**

- 19 (1) If an entity applies for a licence for a construction occupation or  
20 occupation class, the registrar must issue, or refuse to issue, the  
21 licence.

- 22 (2) However, the registrar may issue a licence other than the licence  
23 applied for if—

- 24 (a) the applicant is not eligible for the licence applied for; and  
25 (b) the applicant is eligible for the other licence; and  
26 (c) the licence issued is in the same construction occupation as,  
27 but a different occupation class from, the licence applied for;  
28 and  
29 (d) the applicant agrees to the issue of the licence.

- 1 (3) The registrar must refuse to issue a licence for a construction  
2 occupation or occupation class to an applicant if—
- 3 (a) the registrar is not satisfied that the applicant is eligible to be  
4 licensed in the occupation or class; or
- 5 (b) the applicant is disqualified from holding a licence under  
6 section 96 (Licence disqualification).
- 7 (4) If disciplinary action against an applicant or a nominee of an  
8 applicant is being taken under this Act, the registrar need not decide  
9 whether to licence the applicant until the disciplinary action, and  
10 any appeal or review arising from the disciplinary action, is  
11 finished.

12 **20 Multiple occupations, classes and authorisation**

- 13 (1) A licence may authorise the licensee to provide construction  
14 services in 1 or more construction occupations and 1 or more  
15 occupation classes.
- 16 (2) A licence authorises the licensee to provide construction services in  
17 each construction occupation or occupation class to which it relates,  
18 subject to any condition, and in accordance with any endorsement,  
19 on the licence.

20 **21 Licence conditions**

- 21 (1) The regulations may prescribe—
- 22 (a) conditions on licences; and
- 23 (b) when conditions on licences (whether imposed under the  
24 regulations or by the registrar) take effect.
- 25 (2) The registrar may amend a licence by putting a condition on the  
26 licence, or by amending or cancelling a condition the registrar has  
27 put on the licence, at any time by written notice given to the  
28 licensee, unless the regulations provide otherwise.

- 1 (3) The registrar may amend a licence by putting a condition on the  
2 licence, or amending the licence, only if satisfied that it is necessary  
3 or desirable to protect the public.

## 4 **22 Endorsements on licences**

- 5 (1) The registrar may, in accordance with the regulations, endorse a  
6 licence.
- 7 (2) An endorsement authorises the licensee to provide a stated kind of  
8 construction service that the licensee would not otherwise be  
9 allowed to provide under the licence.

## 10 **23 Form of licence**

- 11 (1) A licence must be signed by the registrar and contain the following  
12 details in relation to the licensee:
- 13 (a) the licensee's full name;
- 14 (b) each construction occupation, and occupation class (if any), in  
15 which the licensee is licensed;
- 16 (c) a unique identifying number (the *licence number*) for each  
17 construction occupation and occupation class in which the  
18 licensee is licensed.

19 *Note* A licence may be endorsed under s 22.

- 20 (2) The regulations may require or allow other information to be  
21 included on a licence.

## 22 **24 Term of licence**

23 The regulations may prescribe the maximum period for which a  
24 licence is issued or renewed.

1 **25 Licence renewal**

- 2 (1) A licensee may apply to the registrar for renewal of the licence  
3 before the licence term ends.
- 4 (2) The registrar must renew a licence on application if satisfied that the  
5 applicant would be eligible to be licensed if the application were for  
6 a new licence of the same kind.
- 7 (3) The renewal of a licence begins on the day after the licence being  
8 renewed ends.
- 9 (4) A suspended licence may be renewed, but the renewed licence is  
10 suspended until the suspension ends.

11 **26 Voluntary licence cancellation**

12 The registrar must cancel a licensee's licence if—

- 13 (a) the licensee asks, in writing, for the cancellation; and
- 14 (b) the licensee gives the licence to the registrar or satisfies the  
15 registrar that the licence has been lost, stolen or destroyed; and
- 16 (c) the registrar is satisfied that—
- 17 (i) the licensee cannot exercise his or her functions because  
18 of mental or physical incapacity; or
- 19 (ii) another licensee is to take over the licensee's functions in  
20 relation to construction services that have not been  
21 completely provided; or
- 22 (iii) it is otherwise appropriate to approve the cancellation.

1     **Division 3.2                      Nominees**

2     **27     Meaning of *mandatory requirement* for div 3.2**

3             In this division:

4             *mandatory requirement* of the nominee means a written  
5             requirement by the nominee that the corporation or partnership do  
6             something, or not do something, in compliance with, or to achieve  
7             compliance with, this Act or an operational Act.

8     **28     Nominees of corporations and partnerships**

9             (1) A corporation or partnership is eligible to be licensed only if it  
10            complies with subsection (2) or (3).

11            (2) The corporation or partnership complies with this subsection if—

12               (a) it has a single nominee appointed by it; and

13               (b) the nominee is responsible for the supervision of the  
14               construction services provided by it.

15            (3) The corporation or partnership complies with this subsection if—

16               (a) it has 2 or more nominees appointed by it; and

17               (b) each nominee is responsible for the supervision of different  
18               construction services (whether in a different construction  
19               occupation or occupation class or otherwise) provided by it;  
20               and

21               (c) between them, the nominees are responsible for the adequate  
22               supervision of all the construction services to be provided by  
23               the corporation or partnership.

24            (4) A corporation or partnership may, in writing, appoint an eligible  
25            individual to be a nominee.

- 1 (5) If the nominee is to be responsible for the adequate supervision of  
2 only some of the construction services to be provided by the  
3 corporation or partnership, the appointment must state the services  
4 for which the nominee is responsible.
- 5 (6) For subsection (4), an individual is an *eligible individual* if the  
6 individual—
- 7 (a) is eligible under the regulations to be appointed as a nominee;  
8 and
- 9 (b) is licensed in the construction occupation and occupation class  
10 (if any) appropriate for each of the construction services for  
11 which the individual is to be responsible; and
- 12 (c) agrees in writing to the appointment.
- 13 (7) A nominee of a corporation or partnership automatically stops being  
14 a nominee if the nominee—
- 15 (a) ceases to be eligible under the regulations to be appointed as a  
16 nominee; or
- 17 (b) ceases to be licensed in a construction or occupation class (if  
18 any) appropriate for any of the construction services for which  
19 the nominee is responsible.

20 **29 Resignation of nominee**

- 21 (1) A nominee of a corporation or partnership may resign his or her  
22 appointment only with the registrar's approval.
- 23 (2) The registrar may approve the resignation of the nominee only if  
24 satisfied that—
- 25 (a) the corporation or partnership has refused to comply with a  
26 mandatory requirement of the nominee; or
- 27 (b) the nominee cannot exercise his or her functions because of  
28 mental or physical incapacity; or

1 (c) the nominee, or entity that appointed the nominee, has  
2 arranged for another nominee to take over the nominee's  
3 functions; or

4 (d) it is otherwise appropriate to approve the resignation.

5 **30 Revocation of nominee's appointment**

6 (1) A corporation or partnership may revoke a nominee's appointment  
7 only with the registrar's approval.

8 (2) The registrar may approve the revocation of the nominee's  
9 appointment only if satisfied that—

10 (a) the nominee cannot exercise his or her functions because of  
11 mental or physical incapacity; or

12 (b) the nominee, or entity that appointed the nominee, has  
13 arranged for another nominee to take over the nominee's  
14 functions; or

15 (c) it is otherwise appropriate to approve the resignation.

16 **31 Role of nominees**

17 (1) A nominee of a licensed corporation or partnership has the  
18 following functions:

19 (a) to supervise the construction services of the corporation or  
20 partnership for which the nominee is responsible (the *relevant*  
21 *construction service*);

22 (b) to ensure that the relevant construction services comply with  
23 this Act and the operational Acts.

24 (2) The nominee commits an offence if the nominee fails to—

25 (a) adequately supervise the relevant construction services; or

1 (b) ensure that the relevant construction services comply with this  
2 Act and the operational Acts.

3 Maximum penalty: 50 penalty units.

4 (3) The licensed corporation or partnership commits an offence if the  
5 nominee fails to—

6 (a) adequately supervise the relevant construction services; or

7 (b) ensure that the relevant construction services comply with this  
8 Act and the operational Acts.

9 Maximum penalty: 50 penalty units.

10 (4) It is a defence to a prosecution for an offence against this section if  
11 the nominee proves that the nominee had—

12 (a) given the nominee's corporation or partnership a mandatory  
13 requirement and written notice that the nominee had given a  
14 copy of the requirement to the registrar; and

15 (b) given the registrar a copy of the mandatory requirement.

16 (5) An offence against this section is a strict liability offence.

17 **32 Legislation Act and nominee appointments**

18 The Legislation Act, part 19.3 (Appointments) does not apply to the  
19 appointment of a nominee of a corporation or partnership.



1 **Part 4** **Rectification orders and other**  
2 **obligations on licensees**

3 **33** **Meaning of *authorised action* and *authorised licensee* in**  
4 **pt 4**

5 In this part:

6 *authorised action*, for an authorised licensee, means what the  
7 licensee is authorised to do under section 40 (Failure to comply with  
8 order) or section 41 (Action on emergency rectification order).

9 *authorised licensee* means a licensee authorised under section 40 or  
10 section 41.

11 **34** **Intention to make rectification order**

12 (1) This section applies if the registrar believes on reasonable grounds  
13 that—

14 (a) a licensee or former licensee (the *entity*) has provided a  
15 construction service otherwise than in accordance with this Act  
16 or an operational Act; and

17 (b) it may be appropriate to make a rectification order.

18 **Examples of licensee or former licensee**

19 1 a licensed builder does building work

20 2 a drainer who was licensed, does sanitary drainage work while unlicensed

21 3 a licensed gasfitter does gasfitting work and then becomes unlicensed

22 *Note* An example is part of the Act, is not exhaustive and may extend, but  
23 does not limit, the meaning of the provision in which it appears (see  
24 Legislation Act, s 126 and s 132).

25 (2) The registrar may give the entity, and the land owner in relation to  
26 whose land the construction service was provided, a written notice  
27 that—

- 1 (a) gives details of the rectification order that may be made; and  
2 (b) explains why the registrar intends to make the order; and  
3 (c) invites submissions about the making of the order within the  
4 time stated in the notice that is not less than 5 working days  
5 after the day the entity or land owner receives the notice.

6 **35 When rectification order may be made**

- 7 (1) This section applies if—  
8 (a) the registrar has given an entity (other than the land owner)  
9 notice under section 34; and  
10 (b) after considering any submissions made within the time  
11 mentioned in the notice, the registrar is satisfied—  
12 (i) the entity is contravening, or has contravened, this Act or  
13 an operational Act; and  
14 (ii) it is appropriate to make a rectification order in relation  
15 to the entity.  
16 (2) The registrar may make an order under section 37 (Rectification  
17 orders) in relation to the entity.  
18 (3) However, the registrar may not make an order under section 37 in  
19 relation to the entity if a submission is made that satisfies the  
20 registrar that the act that caused the contravention happened, or  
21 ended, more than 10 years before the day the registrar proposes to  
22 make the order.

23 **Example of contravention**

24 A builder built a house without a building approval. The registrar is satisfied that  
25 the building of the house started 12 years ago and finished 9 years ago. The  
26 registrar may make a rectification order in relation to the construction service of  
27 building the house.

28 *Note* An example is part of the Act, is not exhaustive and may extend, but  
29 does not limit, the meaning of the provision in which it appears (see  
30 Legislation Act, s 126 and s 132).

- 1 **36 Rectification order inappropriate**
- 2 (1) This section applies if the registrar—
- 3 (a) has given an entity (other than the land owner) notice under
- 4 section 34 (Intention to make rectification order); and
- 5 (b) after considering any submissions made within the time
- 6 mentioned in the notice, is satisfied that the entity is
- 7 contravening or has contravened this Act or an operational Act;
- 8 and
- 9 (c) is not satisfied that it is appropriate to make a rectification
- 10 order in relation to the entity because of the relationship
- 11 between the entity and the land owner.
- 12 (2) The Territory may, in writing, authorise a licensee to enter the land
- 13 where the work to which the notice under section 34 related was to
- 14 be done and—
- 15 (a) take the action stated in the notice; or
- 16 (b) start or finish the work stated in the notice.
- 17 (3) The authorised licensee must—
- 18 (a) give the owner of the land written notice that the licensee
- 19 intends to enter the land at least 24 hours before the licensee
- 20 enters the land; and
- 21 (b) give a copy of the notice to the entity before entering the land.
- 22 (4) However, the Territory must not authorise someone until—
- 23 (a) if the entity applied for review of the decision to authorise a
- 24 licensee under this section within the period for review (the
- 25 *review period*) of the decision allowed under the
- 26 *Administrative Appeals Tribunal Act 1989*—the review is
- 27 finally disposed of; or
- 28 (b) the review period has ended.

- 1 (5) The entity is liable for the reasonable cost incurred in doing  
2 anything under subsection (2) and the cost is taken to be a debt  
3 owing to the Territory.

4 **37 Rectification orders**

- 5 (1) The registrar may make an order (a *rectification order*) in relation to  
6 an entity requiring the entity—
- 7 (a) to take stated action to rectify work done as part of a  
8 construction service; or
- 9 (b) to demolish a building or part of a building where a  
10 construction service has been provided and provide the  
11 construction service under this Act or an operational Act; or
- 12 (c) to start or finish stated work in relation to which a construction  
13 service has been, is being or was proposed to be provided.
- 14 (2) If the entity is not licensed to do something required to be done  
15 under the order, the entity must arrange, and pay for, the thing to be  
16 done.
- 17 (3) The rectification order must state a period within which what is  
18 required to be done must be done.
- 19 (4) The stated period for a rectification order other than an emergency  
20 rectification order must not be less than 1 month after the day the  
21 rectification order is given to the entity.
- 22 *Note* Details of the rectification order must be included in the register (see  
23 s 106).
- 24 (5) A copy of the rectification order must be given to the land owner.

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1   **38   Emergency rectification order**

- 2   (1) The registrar may make a rectification order (an *emergency*  
3   *rectification order*) under section 37 in relation to a licensee or  
4   former licensee (the *entity*), without giving the entity notice under  
5   section 34, if the registrar is satisfied that—
- 6       (a) the entity has provided a construction service other than in  
7       accordance with this Act or an operational Act; and
- 8       (b) it is appropriate to make a rectification order; and
- 9       (c) it is not appropriate to give notice under section 34 of the  
10      registrar's intention to make a rectification order because the  
11      need to act promptly to protect the health or safety of people,  
12      public or private property or the environment, outweighs the  
13      importance of giving the notice before making an order.
- 14   (2) A rectification order that is an emergency rectification order must  
15   also include the following:
- 16       (a) a statement explaining that the order is an emergency  
17       rectification order;
- 18       (b) a statement explaining that, if the thing ordered to be done is  
19       not done within the period (the *completion period*) stated in the  
20       order—
- 21           (i) the Territory may authorise a licensee to enter the land  
22           where the thing is to be done to do the thing ordered; and
- 23           (ii) neither the Territory nor the authorised licensee need give  
24           the land owner or entity against whom the order is made  
25           further notice of the authorised licensee doing the thing  
26           on the land; and
- 27           (iii) the entity against which the order has been made will be  
28           liable for the reasonable cost incurred in doing the thing  
29           ordered.
- 30   (3) The completion period must not be less than 24 hours.

1    **39    Rectification order offence**

2    (1) A person commits an offence if the person intentionally fails to  
3    comply with a rectification order given to the person.

4    Maximum penalty: 200 penalty units.

5    (2) Each partner commits an offence if—

6    (a) the partnership is given a rectification order; and

7    (b) the partners, or some of them, intentionally fail to comply with  
8    the rectification order.

9    Maximum penalty: 200 penalty units.

10   (3) It is a defence to a prosecution for an offence against subsection (2)  
11   if the partner proves—

12   (a) that—

13       (i) the partner did not know about the failure to comply; and

14       (ii) reasonable precautions were taken and appropriate  
15       diligence was exercised to avoid the contravention; or

16   (b) that the partner was not in a position to influence the other  
17   partners in relation to the failure to comply.

18   **40    Failure to comply with order**

19   (1) This section applies if an entity (the *ordered entity*) in relation to  
20   whom a rectification order is made contravenes the rectification  
21   order.

22   (2) The Territory may, in writing, authorise a licensee to enter the land  
23   where the work to which the rectification order relates is to be done  
24   and—

25   (a) take the action stated in the rectification order; or

26   (b) start or finish the work stated in the rectification order.

- 1 (3) The authorised licensee must—
- 2 (a) give the owner of the land written notice that the licensee
- 3 intends to enter the land at least 24 hours before the licensee
- 4 enters the land; and
- 5 (b) give a copy of the notice to the ordered entity before entering
- 6 the land.
- 7 (4) However, the Territory must not authorise someone until—
- 8 (a) if the ordered entity applied for review of the decision within
- 9 the period for review (the *review period*) of the decision to
- 10 make the rectification order allowed under the *Administrative*
- 11 *Appeals Tribunal Act 1989*—the review is finally disposed of;
- 12 or
- 13 (b) the review period has ended.
- 14 (5) The ordered entity is liable for the reasonable cost incurred in doing
- 15 anything under subsection (2) and the cost is taken to be a debt
- 16 owing to the Territory.

#### 17 **41 Action on emergency rectification order**

- 18 (1) This section applies if—
- 19 (a) the registrar has made an emergency rectification order; and
- 20 (b) the emergency rectification order includes the information
- 21 mentioned in section 38 (2); and
- 22 (c) the ordered entity has contravened the order.
- 23 (2) The Territory may, in writing, authorise a licensee to enter the land
- 24 where the work to which the rectification order is to be done and—
- 25 (a) take the action stated in the rectification order; or
- 26 (b) start or finish the work stated in the rectification order.

- 1 (3) The ordered entity is liable for the reasonable cost incurred in doing  
2 anything under subsection (2) and the cost is taken to be a debt  
3 owing to the Territory.

4 **42 Hindering or obstructing authorised licensee**

- 5 (1) An entity commits an offence if—  
6 (a) the entity knows someone is an authorised licensee; and  
7 (b) the entity hinders or obstructs the authorised licensee in the  
8 exercise of an authorised action.

9 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
10 both.

- 11 (2) Strict liability applies to subsection (1) (b).

12 **43 Damage etc by authorised licensee to be minimised**

13 (1) In the exercise of an authorised action, an authorised licensee must  
14 take reasonable steps to ensure that the licensee, and anyone helping  
15 the licensee, causes as little inconvenience, detriment and damage as  
16 is practicable.

17 (2) If an authorised licensee, or a person assisting an authorised  
18 licensee, damages anything in the exercise or purported exercise of a  
19 function under this part, the authorised licensee must give written  
20 notice of the particulars of the damage to the person whom the  
21 authorised licensee believes on reasonable grounds is the owner of  
22 the thing.

23 (3) If the damage occurs on premises entered under this part in the  
24 absence of the occupier, the notice may be given by securing it in a  
25 conspicuous place on the premises.



1    **44    Compensation**

- 2       (1) A person may claim reasonable compensation from the Territory if  
3       the person suffers loss or expense because of the exercise, or  
4       purported exercise, of a function under this part by an authorised  
5       licensee or person assisting an authorised licensee.
- 6       (2) Compensation may be claimed and ordered in a proceeding for—
- 7           (a) compensation brought in a court of competent jurisdiction; or
- 8           (b) an offence against this Act brought against the person making  
9           the claim for compensation.
- 10      (3) A court may order the payment of reasonable compensation for the  
11      loss or expense only if it is satisfied it is just to make the order in the  
12      circumstances of the particular case.
- 13      (4) The regulations may prescribe matters that may, must or must not be  
14      taken into account by the court in considering whether it is just to  
15      make the order.

16    **45    Protection of authorised licensees from liability**

- 17      (1) An authorised licensee does not incur civil liability for an authorised  
18      action done honestly for this Act.
- 19      (2) A civil liability that would, apart from this section, attach to the  
20      authorised licensee attaches instead to the Territory.
- 21      (3) This section does not prevent disciplinary action being taken against  
22      an authorised licensee in relation to an authorised action done by the  
23      licensee.

24    **46    Licensee to give evidence of insurance**

- 25      (1) Before providing a construction service to a person (the *client*), a  
26      licensee must give the client evidence of what insurance the licensee  
27      holds in relation to the service the licensee is to provide.

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- 1 (2) The licensee may ask the client to sign an acknowledgment that the  
2 client has been told about the licensee's insurance.
- 3 (3) The acknowledgment must state the time and date it was given.
- 4 *Note* If a form is approved under s 126 for an acknowledgment, the form  
5 must be used.
- 6 (4) If the client signs the acknowledgment, the licensee must  
7 immediately give the client a copy of it.
- 8 (5) The registrar may assume that the client was not told about the  
9 insurance the licensee holds if—
- 10 (a) a question arises whether the client was told about the  
11 licensee's insurance; and
- 12 (b) an acknowledgment under this section is not produced; and
- 13 (c) it is not proved that the licensee told the client about the  
14 insurance.
- 15 (6) The licensee is taken to have given evidence of what insurance the  
16 licensee holds before providing a construction service to a person if  
17 the licensee advertised the insurance held at the time of providing  
18 the services in a way likely to come to the attention of the client.
- 19 **Example of advertising insurance held**
- 20 1 Including details of insurance in the telephone directory, if the details are  
21 correct at the time the service is provided.
- 22 2 Having details of insurance on the vehicle used to provide the service or  
23 transport to the location to provide the service, if the details are correct at the  
24 time the service is provided.
- 25 *Note* An example is part of the Act, is not exhaustive and may extend, but  
26 does not limit, the meaning of the provision in which it appears (see  
27 Legislation Act, s 126 and s 132).
- 28 (7) In this section:
- 29 *evidence of insurance* includes a fidelity certificate.
- 30 *fidelity certificate*—see the *Building Act 2003*, section 84.

1 **Part 5** **Automatic licence suspension**  
2 **and disciplinary action**

3 **Division 5.1** **Automatic licence suspension**

4 **47 Automatic suspension of individual licence**

5 (1) This section applies to an individual who is licensed.

6 (2) The individual's licence is automatically suspended if the  
7 individual—

8 (a) provides, or proposes to provide, a construction service for a  
9 fee; and

10 (b) becomes bankrupt or applies to take the benefit of any law for  
11 the relief of insolvent debtors.

12 (3) However, if the individual is a nominee or employee of a licensed  
13 entity the licence is not suspended.

14 *Note* The regulations impose a condition on the individual's licence.

15 **48 Automatic suspension of corporate licence**

16 (1) This section applies to a corporation that is licensed.

17 (2) The corporation's licence is automatically suspended if the  
18 licensee—

19 (a) enters into a winding-up; or

20 (b) is found guilty, whether in the ACT or anywhere else, of an  
21 offence that—

22 (i) involves fraud, dishonesty or violence; and

23 (ii) is punishable by imprisonment for at least 1 year.

- 1 **49 Automatic suspension of partnership licence**
- 2 (1) This section applies to a partnership that is licensed in a construction  
3 occupation or occupation class.
- 4 (2) The partnership's licence in the construction occupation or  
5 occupation class is automatically suspended if—
- 6 (a) a partner's licence in the same occupation or class is suspended  
7 or cancelled; or
- 8 (b) a partner who is not a licensee is found guilty, whether in the  
9 ACT or anywhere else, of an offence that—
- 10 (i) involves fraud, dishonesty or violence; and  
11 (ii) is punishable by imprisonment for at least 1 year.
- 12 **50 Automatic suspension of building surveyors licence**
- 13 (1) This section applies if a person who is a licensed building surveyor  
14 stops being eligible to be a building surveyor because the person is  
15 not insured in accordance with the regulations.
- 16 (2) The person's building surveyors licence is automatically suspended  
17 when the insurance cover stops.
- 18 **51 Automatic suspension of plumbing plan certifiers licence**
- 19 (1) This section applies if a person who is a licensed plumbing plan  
20 certifier stops being eligible to be a plumbing plan certifier because  
21 the person is not insured in accordance with the regulations.
- 22 (2) The person's plumbing plan certifiers licence is automatically  
23 suspended when the insurance cover stops.

1 **52 End of automatic licence suspension**

2 (1) This section applies if the licence of a construction practitioner has  
3 been automatically suspended under 1 or more of the following  
4 sections:

- 5 • section 47 (Automatic suspension of individual licence);
- 6 • section 48 (Automatic suspension of corporate licence);
- 7 • section 49 (Automatic suspension of partnership licence);
- 8 • section 50 (Automatic suspension of building surveyors  
9 licence);
- 10 • section 51 (Automatic suspension of plumbing plan certifiers  
11 licence).

12 (2) The registrar must revoke the suspension if satisfied that the cause  
13 of the suspension no longer exists.

14 (3) The registrar may revoke the suspension if satisfied that the  
15 circumstance that caused the suspension will not put consumers of  
16 the construction practitioner's construction services at a greater risk  
17 from using the services than if the thing had not happened.

18 (4) A revocation must be in writing given to the licensee.

19 (5) The suspension ends 3 months after the day it begins, unless  
20 otherwise revoked.

21 *Note* The suspension on a licence may be held over to a new licence if the  
22 suspended licence expires without being renewed (see s 63).

23 **Division 5.2 Disciplinary action by registrar**

24 **53 Disciplinary grounds**

25 (1) Each of the following is a *disciplinary ground* in relation to a  
26 licensee:

- 27 (a) the licensee, or a nominee or employee of the licensee,  
28 contravened, or is contravening, this Act or an operational Act

- 1 (including a direction given to the licensee under an  
2 operational Act);
- 3 (b) the licensee, knowingly or recklessly, gave someone  
4 information in relation to a construction service provided, or to  
5 be provided, by the licensee that was false or misleading in a  
6 material particular;
- 7 (c) the licensee or a director, partner or nominee of the licensee,  
8 has been found guilty, whether in the Territory or anywhere  
9 else, of an offence that—
- 10 (i) involves fraud, dishonesty or violence; and  
11 (ii) is punishable by imprisonment for at least 1 year;
- 12 (d) if the licensee is an individual—the licensee has compounded  
13 with creditors or made an assignment of remuneration for their  
14 benefit;
- 15 (e) if the licensee is a corporation—
- 16 (i) the licensee enters into a scheme of arrangement; or  
17 (ii) a receiver, manager, receiver and manager or  
18 administrator is appointed over the licensee or any of its  
19 assets;
- 20 (f) if the licensee is a corporation or partnership—the licensee has,  
21 or had, no nominee;
- 22 (g) the licensee's licence has been automatically suspended under  
23 division 5.1 (Automatic licence suspension) and the cause of  
24 the suspension still exists.
- 25 (2) In subsection (1) (a), a reference to a contravention of this Act or an  
26 operational Act includes a reference to the following:
- 27 (a) a contravention of the Criminal Code, part 2.4 (Extensions of  
28 criminal responsibility) in relation to an offence against this

- 1 Act or an operational Act or otherwise in relation to this Act or  
2 an operational Act;
- 3 (b) a contravention of the Criminal Code in relation to a document  
4 given, or required to be given, under this Act or an operational  
5 Act;
- 6 (c) a contravention of the Criminal Code in relation to anything  
7 done, or not done, under this Act or an operational Act.
- 8 (3) A disciplinary ground applies to a former licensee if the disciplinary  
9 ground applied to the former licensee while licensed.

10 **54 When disciplinary notice may be given**

11 If the registrar is satisfied that a disciplinary ground exists, or may  
12 exist, in relation to a licensee or former licensee, the registrar may  
13 give the licensee or former licensee a disciplinary notice.

14 **55 Disciplinary notices**

- 15 (1) A notice (a *disciplinary notice*) given to a licensee or former  
16 licensee must—
- 17 (a) state each disciplinary ground which caused the notice to be  
18 given; and
- 19 (b) if the disciplinary ground is that the licensee, or a nominee or  
20 employee of the licensee, contravened, or is contravening, this  
21 Act or an operational Act (including a direction given to the  
22 licensee under an operational Act)—describe the contravention  
23 or, if a short description is prescribed under the regulations for  
24 the contravention, give the short description; and
- 25 (c) if the disciplinary ground is not the ground mentioned in  
26 paragraph (b)—state details of each ground that the registrar is  
27 satisfied would allow a reasonable person to identify the  
28 circumstances that give rise to the ground; and

- 1 (d) tell the licensee or former licensee that he or she may, within  
2 12 business days after the day the licensee is given the notice,  
3 give a written response to the registrar about the matters in the  
4 notice.
- 5 (2) If a notice mentions a ground based on a construction service  
6 provided or not provided, or alleged to have been provided or not  
7 provided, the registrar may, and must if asked, give a copy of the  
8 notice to—
- 9 (a) the owner of any premises to which the service relates; and  
10 (b) to any certifier appointed under the *Building Act 2003*,  
11 section 19 (Appointment of certifiers) in relation to the service.

## 12 **56 Interim licence suspension**

- 13 (1) This section applies if the registrar has given, or proposes to give, a  
14 disciplinary notice to a licensee.
- 15 (2) The registrar may suspend (an *interim suspension*) the licensee's  
16 licence by written notice given to the licensee.
- 17 *Note* For how documents may be served, see Legislation Act, pt 19.5. Under  
18 that part, a person's business address is the last address shown in the  
19 administering authority's records for the person (see Legislation Act,  
20 s 246, def *business address*).
- 21 (3) However, the registrar may only suspend the licence under  
22 subsection (2) if—
- 23 (a) the registrar has taken into account the circumstances leading  
24 to the decision to send the disciplinary notice and the grounds  
25 stated, or to be stated, in the notice; and
- 26 (b) the registrar believes, on reasonable grounds, that it is in the  
27 public interest to suspend the licence before making a decision  
28 under section 59.



- 1 (4) An interim suspension may be for a period of 2 weeks or shorter,  
2 but may be extended once for 1 week if the registrar is satisfied that  
3 it is in the public interest to extend the suspension.

4 *Note* An interim suspension must be recorded on the register (see s 108).

### 5 **57 Effect of interim suspension**

- 6 (1) This section applies if the registrar suspends a licence under  
7 section 56.
- 8 (2) The licence is suspended as soon as the licensee receives the notice.
- 9 (3) The suspension ends when the earlier of the following happens:
- 10 (a) the licensee receives a notice of revocation under section 58;
- 11 (b) the registrar makes a decision under section 59 in relation to  
12 the licensee.

### 13 **58 Revocation of interim suspension**

- 14 (1) This section applies if the registrar suspends a licence under  
15 section 56 (Interim licence suspension).
- 16 (2) The registrar may, at any time before making a decision under  
17 section 59, revoke the suspension by written notice given to the  
18 licensee.
- 19 (3) If the registrar revokes the suspension of a licensee licensed as a  
20 builder, the registrar must notify in writing each person notified of  
21 the suspension under section 61.

### 22 **59 Decision about disciplinary action**

- 23 (1) This section applies if the registrar has given a licensee or former  
24 licensee a disciplinary notice.
- 25 (2) The registrar may take disciplinary action in relation to the licensee  
26 or former licensee if satisfied on reasonable grounds that a

1 disciplinary ground is established in relation to the licensee or  
2 former licensee.

3 *Note* The registrar may also take action under s 93 (2) (c).

4 (3) In making a decision about whether to take disciplinary action in  
5 relation to the licensee or former licensee, the registrar—

6 (a) must take into account any response given to the registrar in  
7 accordance with the disciplinary notice; and

8 (b) may hold an inquiry under division 5.3 (Disciplinary inquiries).

9 (4) If the registrar takes disciplinary action against a licensee or former  
10 licensee—

11 (a) the registrar must notify the licensee or former licensee in  
12 writing about the registrar's decision; and

13 (b) the action takes effect when the notice is given to the licensee  
14 or former licensee or on the later date stated in the notice.

## 15 **60 Disciplinary action**

16 (1) If the registrar may take disciplinary action in relation to a licensee  
17 or former licensee, the registrar may do 1 or more of the following:

18 (a) reprimand the licensee or former licensee;

19 (b) require the licensee, or, if the licensee is a corporation or  
20 partnership, a nominee of the licensee, to complete a stated  
21 course of training to the satisfaction of the registrar or another  
22 stated person;

23 (c) impose a condition on the licence, or amend an existing  
24 condition;

25 (d) order the licensee to pay to the Territory a financial penalty of  
26 not more than \$1 000;

- 1 (e) suspend the licence for a stated period (whether longer than the  
2 remaining period of the licence or otherwise) or until a stated  
3 thing happens;
- 4 (f) cancel the licence;
- 5 (g) cancel the licence and disqualify the licensee from applying for  
6 a licence for a stated period or until a stated thing happens;
- 7 (h) disqualify the former licensee from applying for a licence for a  
8 stated period, until the former licensee completes a stated  
9 course to the satisfaction of the registrar or another stated  
10 person or until a stated thing happens.
- 11 (2) If the registrar orders a licensee to pay a financial penalty under  
12 subsection (1) (d), the licensee owes the amount of the financial  
13 penalty to the Territory.

14 *Note* Legislation Act, s 177 provides for recovery of amounts owing under  
15 laws.

16 **61 Builders licence affected by disciplinary or other action**

- 17 (1) This section applies if a licensee has a builders licence and—
- 18 (a) the registrar becomes aware that the licence has been  
19 automatically suspended under division 5.1; or
- 20 (b) the registrar suspends the licence under section 56 (Interim  
21 licence suspension); or
- 22 (c) disciplinary action is taken against the licensee under  
23 section 60 (1) (c), (e), (f) or (g) in relation to the licence.
- 24 (2) The registrar must notify each building certifier, in writing, about  
25 the disciplinary action or other action taken in relation to the licence  
26 as soon as practicable.

- 1 (3) The registrar must notify each building certifier, in writing, if—  
2 (a) the registrar notified the building certifiers about the taking of  
3 disciplinary action or other action; and  
4 (b) the decision to take the action is reversed or the action is  
5 reversed, stayed, varied or set aside.

6 **62 Public notice of decision**

- 7 (1) If the registrar decides to take disciplinary action against a licensee  
8 or former licensee, the registrar may notify the public of the matters  
9 prescribed under the regulations by publishing details of those  
10 matters in relation to the decision in a daily ACT newspaper and in  
11 any other way the registrar considers appropriate.  
12 (2) However, the decision may be publicly notified only if—  
13 (a) the time for any review of the decision has ended and no  
14 application for appeal or review has been made; or  
15 (b) an application for review has been made, the decision has been  
16 confirmed on review and the time for further appeal has ended.  
17 (3) If the decision has been reversed or vacated, the decision must not  
18 be publicly notified.  
19 (4) If the decision has been changed (for example, by substitution), this  
20 section applies in relation to the decision as changed.

21 **63 Effect of non-renewal on suspended licence**

- 22 (1) This section applies if—  
23 (a) a licence (the *original licence*) for a construction occupation or  
24 occupation class has been suspended for a period; and  
25 (b) the original licence expires before the end of the suspension  
26 period without being renewed; and

1 (c) the entity that was the licensee is issued with a licence (the *new*  
2 *licence*) in the same construction occupation or occupation  
3 class within 3 years after the day the original licence expired.

4 (2) The new licence is suspended for the remainder of the suspension  
5 period.

## 6 **Division 5.3 Disciplinary inquiries**

### 7 **64 Notice of inquiry**

8 (1) If the registrar decides to hold an inquiry in relation to a licensee or  
9 former licensee under section 59 (3), the registrar must give the  
10 licensee or former licensee at least 2 weeks written notice of the  
11 inquiry.

12 (2) A notice under subsection (1) must—

13 (a) be accompanied by a copy of the disciplinary notice given to  
14 the licensee or former licensee; and

15 (b) state whether the registrar considers that any disciplinary  
16 ground no longer applies, or has changed, because of any  
17 written response made by the licensee or former licensee and,  
18 if a ground has changed, how the ground has changed; and

19 (c) explain that the inquiry may result in the taking of disciplinary  
20 action against the licensee or former licensee; and

21 (d) tell the licensee or former licensee where and when the inquiry  
22 will be held.

23 *Note* If a form is approved under s 126 for a notice, the form must be used.

### 24 **65 Inquiry procedure**

25 (1) The registrar may decide any procedure for an inquiry that is not  
26 prescribed under this Act.

27 (2) The registrar may adjourn an inquiry.

1 **66 Evidence at inquiry**

- 2 (1) At an inquiry, the registrar—  
3 (a) may take evidence on oath or affirmation; and  
4 (b) is not bound by rules of evidence but may inform himself or  
5 herself in the way the registrar considers appropriate.  
6 (2) At an inquiry, a licensee or former licensee whose actions are being  
7 inquired into may call witnesses.

8 **67 Legal representation at inquiry**

- 9 (1) A licensee or former licensee may be represented at an inquiry by a  
10 lawyer who may examine witnesses and address the registrar on  
11 behalf of the licensee or former licensee.  
12 (2) The registrar may appoint a lawyer to examine witnesses in an  
13 inquiry and advise the registrar on any matter relating to the inquiry.

14 **68 Advisory board assistance at inquiry**

- 15 (1) This section applies if the registrar is satisfied that a matter to be  
16 considered at an inquiry in relation to a licensee or former licensee  
17 is complex or technical.  
18 (2) The registrar may require the advisory board responsible for the  
19 construction occupation in which the licensee is, or former licensee  
20 was, licensed to advise the registrar in relation to the complex or  
21 technical issues.

22 **69 Registrar may require appearance, information or  
23 documents**

- 24 (1) For an inquiry, the registrar may require, in writing, a person to  
25 appear before the inquiry on a stated date—  
26 (a) to give evidence; or

- 1 (b) to give evidence and produce any document or thing in the  
2 possession, custody or control of the person; or
- 3 (c) to produce any document or thing in the possession, custody or  
4 control of the person.
- 5 (2) The registrar may give a party to the inquiry leave, subject to any  
6 stated condition, to—
- 7 (a) inspect a document or thing produced under this section; and  
8 (b) make copies of a produced document for the inquiry.
- 9 (3) A person is taken to have complied with a requirement under  
10 subsection (1) (c) if the person delivers the document or thing to the  
11 registrar before the date stated in the requirement.
- 12 (4) The registrar may set aside a requirement under subsection (1).
- 13 (5) A person commits an offence if the person fails to comply with a  
14 requirement made of the person under section 69 (Registrar may  
15 require appearance, information or documents).
- 16 Maximum penalty: 50 penalty units.
- 17 (6) An offence against this section is a strict liability offence.

18 **70 Witness expenses**

- 19 (1) A requirement under section 69 (1) (a) or (b) must be accompanied  
20 by—
- 21 (a) an undertaking to appear to be signed by the person and  
22 returned to the registrar by the stated date; and
- 23 (b) a form to be completed by the person to claim the reasonable  
24 costs and expenses of attendance at the inquiry.
- 25 (2) A person is not entitled to refuse to comply with the requirement  
26 because the requirement was not accompanied by the form.

1 **Division 5.4** **Miscellaneous**

2 **71 Multiple occupation or class licences**

3 If a licensee is licensed in more than 1 construction occupation or  
4 more than 1 occupation class, the licence may be suspended or  
5 cancelled, or a condition varied or imposed, under this part in  
6 relation to a single occupation or occupation class, or each  
7 occupation or class, as the registrar considers appropriate.

8 *Note* A licence may authorise the licensee to work in 1 or more construction  
9 occupations and 1 or more occupation classes (see s 20).

10 **72 Requirement to return surrendered licence**

- 11 (1) This section applies if an entity surrendered the entity's licence  
12 because the licence was suspended.
- 13 (2) The registrar must return the licence to the licensee no later than the  
14 last day of the suspension.
- 15 (3) If the licence is varied during the suspension, the licence as varied  
16 must be returned.
- 17 (4) However, the registrar need not return the licence if the licence  
18 expires, or is cancelled, during the suspension.





1 **76 Identity cards**

2 (1) The registrar must issue a compliance auditor with an identity card  
3 that states the person is a compliance auditor for this Act, or stated  
4 provisions of this Act, and shows—

- 5 (a) a recent photograph of the person; and  
6 (b) the name of the person or the particulars that are prescribed  
7 under the *Magistrates Court Act 1930* as the identifying  
8 particulars for the person (or both); and  
9 (c) the date of issue of the card; and  
10 (d) a date of expiry for the card; and  
11 (e) anything else prescribed under the regulations.

12 (2) A person commits an offence if—

- 13 (a) the person ceases to be a compliance auditor; and  
14 (b) the person does not return the person's identity card to the  
15 registrar as soon as practicable (but within 7 days) after the day  
16 the person ceases to be a compliance auditor.

17 Maximum penalty: 1 penalty unit.

18 (3) An offence against this section is a strict liability offence.

19 **77 Functions not to be exercised before identity card shown**

20 A compliance auditor may exercise a function under this Act in  
21 relation to a person only if the compliance auditor first shows the  
22 person his or her identity card.

23 **78 Functions of compliance auditors**

24 (1) A compliance auditor may, during ordinary business hours and with  
25 any assistance that is necessary and reasonable, enter premises  
26 (other than residential premises) used by a licensed construction  
27 practitioner.

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- 1 (2) The compliance auditor is not authorised to remain on the premises  
2 if, on request by or on behalf of the occupier or person apparently in  
3 charge of the premises, the compliance auditor does not produce his  
4 or her identity card.
- 5 (3) The compliance auditor may do 1 or more of the following in  
6 relation to the premises:
- 7 (a) inspect any document on the premises that relates to the  
8 licensee's activities;
- 9 (b) take an extract from or make a copy of any document that  
10 relates to the licensee's activities;
- 11 (c) require anyone on the premises to give the compliance auditor  
12 information about a document that relates to the licensee's  
13 activities;
- 14 (d) require a person apparently in charge of the premises—
- 15 (i) to produce a document that relates to the licensee's  
16 activities; or
- 17 (ii) to give the compliance auditor access to a computer on  
18 the premises in which information relevant to the  
19 licensee's activities is stored; or
- 20 (iii) to print information mentioned in subparagraph (ii).

21 **Examples of documents**

22 plan, map, book, drawing

23 *Note* An example is part of the Act, is not exhaustive and may extend, but  
24 does not limit, the meaning of the provision in which it appears (see  
25 Legislation Act, s 126 and s 132).

**Part 6** Enforcement

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1 (4) The occupier or person in charge of the premises must give the  
2 compliance auditor all reasonable facilities and assistance the  
3 compliance auditor needs for the effective exercise of his or her  
4 functions under this section.

5 *Note* The Legislation Act, s 170 and s 171 deal with the application of the  
6 privilege against selfincrimination and client legal privilege.

## 1 **Part 7** **Offences**

### 2 **79 Pretending to be licensed**

3 (1) A person commits an offence if the person—

4 (a) is not licensed in a construction occupation or occupation  
5 class; and

6 (b) pretends to be licensed in the occupation or class.

7 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
8 both.

9 (2) An offence against this section is a strict liability offence.

### 10 **80 No nominee**

11 (1) A corporation commits an offence if the corporation—

12 (a) advertises or otherwise offers to provide a service in a  
13 construction occupation or occupation class; and

14 (b) does not have a nominee who has a licence that authorises the  
15 nominee to provide the service.

16 Maximum penalty: 250 penalty units.

17 (2) Each partner in a partnership commits an offence if the  
18 partnership—

19 (a) advertises or otherwise offers to provide a service in a  
20 construction occupation; and

21 (b) does not have a nominee who has a licence that authorises the  
22 nominee to provide the service.

23 Maximum penalty: 250 penalty units.

- 1 (3) It is a defence to a prosecution for an offence against subsection (2)  
2 if the partner proves that—
- 3 (a) the partner did not know about the advertising or other offer;  
4 and
- 5 (b) either—
- 6 (i) reasonable precautions were taken and appropriate  
7 diligence was exercised to avoid the advertising or other  
8 offer; or
- 9 (ii) the partner was not in a position to influence the  
10 partnership in relation to the advertising or offers made  
11 by the partnership to provide the construction service.
- 12 (4) An offence against this section is a strict liability offence.

13 **81 Advertising without details**

- 14 (1) A person commits an offence if the person—
- 15 (a) advertises that the person provides, or will provide, a service in  
16 a construction occupation or occupation class; and
- 17 (b) does not include the following in the advertisement:
- 18 (i) the person's name as recorded on the person's licence;
- 19 (ii) the person's licence number;
- 20 (iii) if the person is a corporation—the person's ACN.
- 21 Maximum penalty: 5 penalty units.
- 22 (2) An offence against this section is a strict liability offence.

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1    **82    Certain entities not to provide construction services**

- 2    (1) A person commits an offence if the person—
- 3       (a) provides a service (whether as an employee or otherwise) in a
- 4             construction occupation or occupation class; and
- 5       (b) either—
- 6             (i) is not licensed in the occupation or class; or
- 7             (ii) there is no endorsement on the licence that authorises the
- 8                 person to provide the service provided.

9       Maximum penalty: 50 penalty units, imprisonment for 6 months or

10       both.

- 11   (2) Subsection (1) does not apply if—
- 12       (a) an individual provides the service; and
- 13       (b) the individual is working under the supervision of a licensee
- 14             whose licence authorises the provision of the service; and
- 15       (c) the licensee is not required by a condition or endorsement on
- 16             the licence to provide the service as an employee or under
- 17             supervision; and
- 18       (d) the regulations allow the service to be provided by an
- 19             individual without a licence if provided under the supervision
- 20             of a licensee.
- 21   (3) An offence against this section is a strict liability offence.

22   **83    Allowing unlicensed people to provide construction**

23    **service**

- 24   (1) A person commits an offence if—
- 25       (a) the person engages someone else (the *worker*), or allows an
- 26             employee (the *worker*), to provide a construction service for
- 27             the person; and

- 1 (b) the worker is not licensed to provide the service; and  
2 (c) the person is reckless about whether the worker is licensed to  
3 provide the service.  
4 Maximum penalty: 50 penalty units.
- 5 (2) This section does not apply to an individual who provides a service  
6 if—  
7 (a) the service is provided under the supervision of a licensee; and  
8 (b) the licensee is not required by a condition or endorsement on  
9 the licence to provide the service as an employee or under  
10 supervision; and  
11 (c) the regulations allow the service to be provided by an  
12 individual without a licence if provided under the supervision  
13 of a licensee.

14 **84 Surrender of licences**

- 15 (1) A person commits an offence if—  
16 (a) the person's licence has been suspended or cancelled; and  
17 (b) the person does not surrender the licence to the registrar within  
18 2 weeks after the day of suspension or cancellation.  
19 Maximum penalty: 5 penalty units.
- 20 (2) Each partner commits an offence if—  
21 (a) the partnership's licence has been suspended or cancelled; and  
22 (b) the licence is not surrendered to the registrar within 2 weeks  
23 after the day of suspension or cancellation.  
24 Maximum penalty: 5 penalty units.
- 25 (3) It is a defence to a prosecution for an offence against subsection (1)  
26 or (2) if the defendant proves that the licence has been destroyed,  
27 lost or stolen.



- 1 (4) It is a defence to a prosecution for an offence against subsection (2)  
2 if the partner proves—
- 3 (a) that—
- 4 (i) the partner did not know about the failure to surrender the  
5 licence; and
- 6 (ii) reasonable precautions were taken and appropriate  
7 diligence was exercised to avoid the failure; or
- 8 (b) that the partner was not in a position to influence the other  
9 partners in relation to the failure to surrender the licence.

10 **85 Breach of licence conditions or codes**

- 11 (1) A licensee commits an offence if the licensee contravenes a  
12 condition of the licence.
- 13 Maximum penalty: 50 penalty units.
- 14 (2) Each partner in a partnership commits an offence if—
- 15 (a) the partnership is a licensee; and
- 16 (b) the licensee contravenes a condition of the licence.
- 17 (3) A person who is a licensee commits an offence if the person  
18 contravenes a code of practice applicable to the person.
- 19 Maximum penalty: 50 penalty units.
- 20 (4) Each partner in a partnership commits an offence if the  
21 partnership—
- 22 (a) is a licensee; and
- 23 (b) contravenes a code of practice applicable to the licensee.
- 24 Maximum penalty: 50 penalty units.

- 1 (5) It is a defence to a prosecution for an offence against subsection (2)  
2 or (4) if the partner proves—  
3 (a) that—  
4 (i) the partner did not know about the contravention; and  
5 (ii) reasonable precautions were taken and appropriate  
6 diligence was exercised to avoid the contravention; or  
7 (b) the partner was not in a position to influence the other partners  
8 in relation to the contravention.  
9 (6) An offence against this section is a strict liability offence.

10 **86 Notification of cancellation of insurance**

- 11 (1) An insurer commits an offence if—  
12 (a) the insurer provides a policy of insurance to a person who is, or  
13 is applying to be, a licensed building surveyor or plumbing  
14 plan certifier; and  
15 (b) the insurance is required under the regulations for the person to  
16 be eligible for the licence; and  
17 (c) the insurer cancels the policy of insurance; and  
18 (d) fails to give the registrar written notice of the cancellation  
19 within 3 days after the day of cancellation.  
20 Maximum penalty: 50 penalty units.  
21 (2) An offence against this section is a strict liability offence.



1 **88 Meaning of *previous 3 years* for pt 8**

2 (1) In this part:

3 *previous 3 years*, in relation to a licensee with demerit points, means  
4 the 3 year period ending on the day the licensee last incurred a  
5 demerit point.

6 (2) For this section, *3 year period* does not include a period of less than  
7 3 years during which a licensee is unlicensed.

8 (3) Also, if a licensee incurs demerit points while unlicensed and  
9 becomes licensed within 3 years after incurring them, for the  
10 purpose of working out the *3 year period* in relation to the licensee  
11 the demerit points are taken to have been incurred when the licensee  
12 next becomes licensed.

13 **89 Recording demerit points**

14 (1) If a demerit disciplinary ground exists in relation to a licensee, the  
15 registrar must record, in the demerit points register, against the  
16 licensee or former licensee, and for the relevant construction  
17 occupation, the number of demerit points prescribed under the  
18 regulations for the demerit disciplinary ground.

19 (2) The demerit points must be recorded in the demerit points register  
20 for the day when they are incurred.

21 (3) In this section:

22 *relevant construction occupation*, for a demerit disciplinary ground,  
23 means—

24 (a) the construction occupation in relation to the disciplinary  
25 incident happened; or

26 (b) if the disciplinary incident did not happen in relation to a  
27 construction occupation—the main construction occupation in  
28 which the licensee was providing construction services when  
29 the disciplinary incident happened.

1    **90    When demerit points are *incurred***

2       (1) This section applies to demerit points to be recorded against a  
3       licensee for a construction occupation in the demerit points register  
4       for a demerit disciplinary ground.

5       (2) A demerit point is taken to have been *incurred* by the licensee for  
6       the demerit disciplinary ground on the day when the registrar first  
7       becomes aware of the disciplinary incident.

8    **91    Deleting demerit points**

9       (1) This section applies to demerit points incurred by a licensee for a  
10       construction occupation, recorded in the register and taken into  
11       account for—

12       (a) a notice of licence suspension under section 95 or

13       (b) a notice of licence disqualification under section 96; or

14       (c) other disciplinary action allowed to be taken under  
15       section 93 (2) (c).

16       (2) The demerit points are deleted from the register at the beginning of  
17       the period of suspension or disqualification, or on the imposition of  
18       the disciplinary action, relating to the licence for the construction  
19       occupation.

20       (3) Subsection (2) does not prevent the registrar keeping a record of  
21       deleted demerit points.

22    **92    Warning notices**

23       (1) This section applies if—

24       (a) the registrar records a demerit point against a licensee for a  
25       construction occupation; and

26       (b) in the previous 3 years, the licensee has incurred at least  
27       10 other demerit points for the construction occupation; and

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1 (c) the registrar has not sent the licensee a notice under this section  
2 within the 3 month period ending on the day the demerit point  
3 is incurred.

4 (2) The registrar must tell the licensee in writing how many points the  
5 licensee has and the effect of this part.

6 *Note* For how documents may be served, see Legislation Act, pt 19.5.

7 (3) Failure to comply with subsection (2) does not affect the validity of  
8 anything done by the registrar or a court.

9 **93 Consequences of incurring demerit points—licensees**

10 (1) This section applies to a licensee if the licensee—

11 (a) has a licence; and

12 (b) incurred 15 or more demerit points for a construction  
13 occupation within the previous 3 years.

14 (2) The registrar must consider the disciplinary incidents for which the  
15 licensee incurred the demerit points and—

16 (a) serve a notice of licence suspension under section 95 on the  
17 licensee in relation to the licensee's licence in the construction  
18 occupation; or

19 (b) serve a notice of licence disqualification under section 96 on  
20 the licensee in relation to the licensee's licence in the  
21 construction occupation; or

22 (c) take any other disciplinary action against the licensee that the  
23 registrar considers appropriate.

24 (3) In considering what action to take under subsection (2), the registrar  
25 must take into account the following considerations:

26 (a) the need to protect public safety;

27 (b) the desirability of not allowing people to undertake work  
28 which they are financially unable to complete;

- 
- 1 (c) the regularity of the disciplinary incidents to which the demerit  
2 points relate;
- 3 (d) the seriousness of the disciplinary incidents to which the  
4 demerit points relate;
- 5 (e) the likelihood of further disciplinary incidents relating to the  
6 licensee.
- 7 (4) The registrar may take into account any other relevant  
8 consideration.

9 **94 Consequences of incurring demerit points—applicant for**  
10 **issue or renewal of licence**

- 11 (1) This section applies to a licensee if—
- 12 (a) the licensee applies to the registrar for a licence (including the  
13 renewal of a licence) for a construction occupation; and
- 14 (b) the licensee has incurred 15 or more demerit points for the  
15 construction occupation within the previous 3 years.
- 16 (2) The registrar may refuse the licensee’s application and serve a  
17 notice of licence disqualification on the licensee under section 96.
- 18 (3) The registrar may only take action under subsection (2) if satisfied  
19 that the public would be at risk if the licensee were allowed to  
20 provide the construction services authorised by the licence.

21 **95 Licence suspension**

- 22 (1) A notice of licence suspension served on a licensee by the registrar  
23 under this section—
- 24 (a) must state the date of the notice; and
- 25 (b) must state each construction occupation or occupation class to  
26 which the notice relates; and

- 1 (c) must state the date, at least 21 days after the day the notice is  
2 served on the licensee, when the suspension of the licensee's  
3 licence is to begin; and
- 4 (d) must state the period of licence suspension; and
- 5 (e) must include any other information required under the  
6 regulations; and
- 7 (f) may include any additional information the registrar considers  
8 appropriate.

9 *Note* For how documents may be served, see Legislation Act, pt 19.5.

- 10 (2) The licensee's licence is suspended for the period of licence  
11 suspension.
- 12 (3) To remove any doubt, a licence may be suspended in relation to all  
13 construction occupations or occupation classes it relates to.

14 **96 Licence disqualification**

- 15 (1) A notice of licence disqualification served on a licensee by the  
16 registrar under this section—
- 17 (a) must state the date of the notice; and
- 18 (b) must state each construction occupation or occupation class to  
19 which the notice relates; and
- 20 (c) must state the date, at least 21 days after the day the notice is  
21 served on the licensee, when the disqualification of the licensee  
22 to obtain a licence is to begin (the *date of effect*); and
- 23 (d) if the licensee has a licence—must state that the licence is  
24 cancelled on the date of effect; and
- 25 (e) must state the period of licence disqualification; and
- 26 (f) must include any other information required under the  
27 regulations; and



1 (g) may include any additional information the registrar considers  
2 appropriate.

3 *Note* For how documents may be served, see Legislation Act, pt 19.5.

4 (2) If the licensee has a licence, the licence is cancelled in relation to  
5 each construction occupation or occupation class mentioned in the  
6 notice on the date of effect.

7 (3) The licensee is disqualified from holding a licence in each  
8 construction occupation or occupation class during the period of  
9 licence disqualification and is not entitled to apply for, or be issued  
10 with, a licence in the construction occupation or occupation class  
11 during the period.

12 (4) To remove any doubt, a licence may be cancelled in relation to all  
13 construction occupations or occupation classes it relates to.

14 **97 Demerit points incurred but not taken into account for**  
15 **notice of licence suspension etc**

16 (1) This section applies to—

17 (a) demerit points incurred by a licensee on or before the date of a  
18 notice of licence suspension or licence disqualification served  
19 on the licensee under this part that were not taken into account  
20 for the notice; and

21 (b) demerit points incurred by the licensee after the date of the  
22 notice and before the period of licence suspension or licence  
23 disqualification applying under the notice begins.

24 (2) The demerit points are only taken into account in relation to the  
25 licensee from the end of the period of licence suspension or licence  
26 disqualification applying under the notice.

1    **98    Issue of licence suspension notice etc**

2           The registrar may give a notice of licence suspension or licence  
3           disqualification to a licensee under this part without giving the  
4           licensee an opportunity to make representations why the notice  
5           should not be given.

6    **99    Keeping demerit points register**

- 7           (1) The demerit points register may include information given to the  
8           registrar under this Act and any other information the registrar  
9           considers appropriate.
- 10          (2) The demerit points register may be kept in the form of, or as part of,  
11          1 or more computer databases or in any other form the registrar  
12          considers appropriate.
- 13          (3) The registrar may correct a mistake, error or omission in the demerit  
14          points register subject to the requirements (if any) of the regulations.
- 15          (4) This section does not limit the functions of the registrar in relation  
16          to the demerit points register.

17    **100   Security and disclosure of information in demerit points**  
18    **register**

- 19          (1) The registrar must ensure that information in the demerit points  
20          register is kept securely and may be disclosed only in accordance  
21          with this Act or another law in force in the ACT.

22           *Note 1*   The Information Privacy Principles apply to the registrar. Principle 4  
23           states requirements about the storage and security of personal  
24           information and principle 11 states when personal information may be  
25           disclosed by an agency (see *Privacy Act 1988* (Cwlth), s 14).

26           *Note 2*   Access to the register may be sought under the *Freedom of Information*  
27           *Act 1989* (which also provides that certain information is exempt from  
28           disclosure).

- 29          (2) The registrar must give information about a licensee's demerit  
30          points to the licensee on application.

## 1 **Part 9 Administration**

### 2 **101 Construction occupations registrar**

- 3 (1) The chief executive may appoint a public servant as the Australian  
4 Capital Territory Construction Occupations Registrar (the *registrar*).

5 *Note* For the making of appointments, see Legislation Act, div 19.3.1  
6 (Appointments—other than acting appointments).

- 7 (2) However, the chief executive must not appoint a person under  
8 subsection (1) unless satisfied that the person has relevant  
9 experience or a relevant qualification in 1 or more of the following  
10 areas:

- 11 (a) building;  
12 (b) building surveying;  
13 (c) draining;  
14 (d) electrical;  
15 (e) engineering;  
16 (f) gasfitting;  
17 (g) plumbing;  
18 (h) administration of building or construction industry regulatory  
19 schemes.

- 20 (3) The appointment must not be for longer than 3 years.

### 21 **102 Registrar's functions**

- 22 (1) The registrar has the following functions:  
23 (a) to keep the registers under this Act;  
24 (b) to administer operational legislation;

- 1 (c) to decide applications in relation to licences;
- 2 (d) to maintain the standard of construction occupations by—
- 3 (i) acting on complaints made about construction
- 4 practitioners, including by disciplining construction
- 5 practitioners if appropriate; and
- 6 (ii) developing and maintaining codes of practice; and
- 7 (iii) providing construction practitioners with information
- 8 about developments in the construction industry.
- 9 (2) The registrar has any other function given to the registrar under this
- 10 Act or another Territory law.

11 **103 Delegation by registrar**

12 The registrar may delegate the registrar's functions under this Act or

13 another Territory law to a public servant.

14 *Note* For the making of delegations and the exercise of delegated functions,

15 see Legislation Act, pt 19.4.

16 **104 Deputy registrars**

- 17 (1) The registrar may appoint a public servant as deputy registrar for
- 18 each construction occupation.
- 19 (2) The appointment must not be for longer than 2 years.
- 20 (3) A deputy registrar may exercise the functions of the registrar (other
- 21 than the power to delegate a function) in relation to the construction
- 22 occupation for which the deputy is appointed.
- 23 (4) However, the registrar may—
- 24 (a) limit the functions the deputy registrar may exercise, either in
- 25 the instrument of appointment or in writing later; and
- 26 (b) give the deputy registrar written directions about the exercise
- 27 of the functions.

- 1 (5) If the registrar gives the deputy registrar written directions about the  
2 exercise of a function, the deputy registrar may only exercise the  
3 function in accordance with the directions.

#### 4 **105 The register**

- 5 (1) The registrar must keep a register of licensees.

6 *Note* Particulars about licensees are prescribed under the regulations. This  
7 part includes a requirement to record other information in the register.

- 8 (2) The register may be kept in any form, including electronic form, that  
9 the registrar decides.

- 10 (3) The register may be divided into parts.

- 11 (4) The registrar must make the register available to the public.

#### 12 **106 Recording rectification orders**

- 13 (1) If the registrar makes a rectification order, the registrar must include  
14 the following in the register in relation to the order:

15 (a) the date the order was made;

16 (b) what the rectification order required.

- 17 (2) However, the registrar may only include information under  
18 subsection (1) if the licensee to whom the rectification order  
19 relates—

20 (a) has not applied for review of the decision to make the order  
21 within the period allowed under the *Administrative Appeals*  
22 *Tribunal Act 1989*; or

23 (b) has applied for review of the decision but the AAT has not set  
24 aside the rectification order.

1 **107 Recording contravention of rectification orders**

2 (1) This section applies if—

3 (a) the registrar is satisfied that a person has contravened a  
4 rectification order; and

5 (b) the registrar proposes to include the details of the  
6 contravention in the register.

7 (2) The registrar must tell the person in writing that—

8 (a) the registrar proposes to include the details of the  
9 contravention in the register; and

10 (b) the person may make a submission to the registrar about the  
11 inclusion of the details within the time (the *stated time*) stated  
12 in the notice that is not less than 2 weeks.

13 (3) The registrar may include details of the contravention in the register  
14 if, after considering any submission made within the stated time, the  
15 registrar is satisfied that—

16 (a) the person contravened the rectification order; and

17 (b) it is appropriate to include the details in the register.

18 **108 Recording interim licence suspension**

19 (1) If the registrar suspends a licence under section 56 (Interim licence  
20 suspension), the registrar must immediately include the following in  
21 the register in relation to the suspension:

22 (a) the date of suspension;

23 (b) the length of the suspension;

24 (c) whether the suspension has been extended.

1 **109 Removal of information from register**

2 (1) This section applies to information included in the register under the  
3 following sections:

4 (a) section 106 (Recording rectification orders);

5 (b) section 107 (Recording contravention of rectification orders);

6 (c) section 108 (Recording interim licence suspension).

7 (2) A person may apply for the removal of the information from the  
8 register if the information relates to something the person did or did  
9 not do.

10 (3) On receiving an application from a person, the registrar may remove  
11 the information from the register if satisfied that—

12 (a) no further information to which this section applies has been  
13 recorded in relation to the person; and

14 (b) it is 5 years or longer since the day, or last day, that the event  
15 to which the information relates happened.

16 (4) Subsection (3) does not prevent the registrar keeping a record of  
17 information removed from the register.

18 **110 Report about disciplinary action**

19 The registrar must give to the Minister within 2 months after the end  
20 of each financial year a report that sets out the information  
21 prescribed under the regulations in relation to disciplinary action  
22 taken under this Act during the year.

1 **111 Evidentiary certificates**

2 (1) The registrar may issue a certificate, signed by the registrar, stating  
3 that on a date or during a period stated that—

4 (a) an entity named in the certificate was or was not licensed; and

5 (b) if the entity was licensed—

6 (i) the entity was licensed in the construction occupation,  
7 and occupation class (if any), in which the entity was  
8 licensed; and

9 (ii) the licence was, or was not, suspended.

10 (2) A licence or certificate under this section is evidence of the matters  
11 stated in it.

12 (3) Unless the contrary is proved, a document that purports to be a  
13 licence or certificate under this section is taken to be such a  
14 document.



## 1 **Part 10** **Advisory boards**

### 2 **112 Establishment of advisory boards**

- 3 (1) The registrar must establish an advisory board for a construction  
4 occupation.
- 5 (2) An advisory board may, but need not, relate to more than  
6 1 construction occupation.
- 7 (3) Each construction occupation must have an advisory board, whether  
8 with another construction occupation or otherwise, by the end of the  
9 period of 6 months after the day this section commences.
- 10 (4) Subsection (3) and this section expire 1 year after the day this  
11 section commences.

### 12 **113 Constitution of advisory board**

- 13 (1) An advisory board must have at least 7, but not more than  
14 9 members.
- 15 (2) At least 4 of the advisory board members must be licensed in the  
16 construction occupation, or 1 of the construction occupations, for  
17 which the advisory board is established.
- 18 (3) Of the 4 advisory board members mentioned in subsection (2), not  
19 more than 2 of them may represent a body established to represent  
20 the interests of people working in the construction occupation or  
21 1 of the construction occupations.
- 22 (4) At least 1, but not more than 3, of the advisory board members must  
23 represent an educational institution, or industry training body,  
24 relevant to the construction occupation.
- 25 (5) At least 1 of the advisory board members must be a lawyer.
- 26 (6) At least 1 of the advisory board members must be a community  
27 representative who is not licensed.

1 **114 Advisory board functions**

2 An advisory board for a construction occupation has the following  
3 functions:

- 4 (a) to advise the registrar about qualifications for the construction  
5 occupation;
- 6 (b) to help with investigations and disciplinary hearings for the  
7 construction occupation if asked by the registrar;
- 8 (c) to help develop and maintain codes of practice for the  
9 construction occupation if asked by the registrar.

## 1 Part 11 Complaints

### 2 115 Who may complain?

3 Anyone who believes a licensee is contravening, or a licensee or  
4 former licensee has contravened, this Act, or an operational Act,  
5 may complain to the registrar.

### 6 116 Form of complaint

7 (1) A complaint must be—

8 (a) in writing; and

9 (b) signed by the person making the complaint (the *complainant*);  
10 and

11 (c) include the complainant's name and address.

12 (2) However, the registrar may accept a complaint for consideration  
13 even if it does not comply with subsection (1).

14 (3) If the registrar accepts for consideration a complaint that is not in  
15 writing, the registrar must require the complainant to put the  
16 complaint in writing unless there is a good reason for not doing so.

### 17 117 Withdrawal of complaints

18 (1) A complainant may withdraw the complaint at any time by written  
19 notice to the registrar.

20 (2) If the complainant withdraws the complaint, the registrar—

21 (a) need take no further action on the complaint; and

22 (b) may continue to act on the complaint if the registrar considers  
23 it appropriate to do so; and

- 1                      (c) need not report to the complainant under section 121 (Action  
2                                      after investigating complaint) on the results of any action on  
3                                      the complaint.

4                      **118 Further information about complaint etc**

- 5                      (1) The registrar may, at any time, require a complainant—  
6                                      (a) to give the registrar further information about the complaint; or  
7                                      (b) to verify all or part of the complaint by statutory declaration.  
8                      (2) When making a requirement under this section, the registrar must  
9                                      give the complainant a reasonable period of time within which the  
10                                     requirement is to be satisfied and may extend that period, whether  
11                                     before or after it ends.  
12                      (3) If the complainant does not comply with a requirement made of the  
13                                     complainant under subsection (1), the registrar may, but need not,  
14                                     take further action in relation to the complaint.

15                     **119 Investigation of complaint**

16                     The registrar must take reasonable steps to investigate each  
17                     complaint the registrar accepts for consideration.

18                     *Note*        A complaint must be in writing, but the registrar may accept a  
19                                     complaint that is not in writing (see s 116).

20                     **120 No further action**

21                     The registrar must not take further action on a complaint if satisfied  
22                     that—

- 23                                     (a) the complaint lacks substance; or  
24                                     (b) the complaint is frivolous, vexatious or was not made in good  
25                                     faith; or

1 (c) the complaint has been adequately dealt with.

2 *Note* The registrar may also take no further action on a complaint if the  
3 complainant has not complied with a requirement made under s 118 (1)  
4 (see s 118 (3)).

## 5 **121 Action after investigating complaint**

6 (1) After investigating a complaint against a licensee or former licensee,  
7 the registrar must—

8 (a) if the registrar is satisfied that a disciplinary ground exists in  
9 relation to the complaint—

10 (i) give the licensee or former licensee a disciplinary notice;  
11 and

12 (ii) tell the complainant in writing that the notice has been  
13 given; or

14 (b) if the registrar is not satisfied that a disciplinary ground exists  
15 in relation to the complaint—

16 (i) tell the complainant in writing that the registrar will take  
17 no further action on the complaint; and

18 (ii) take no further action on the complaint.

19 (2) Subsection (1) (b) (ii) does not prevent the registrar from taking  
20 further action in relation to a complaint if the registrar becomes  
21 satisfied that a disciplinary ground exists in relation to the  
22 complaint.

23 *Note* The registrar need not notify the complainant under subsection (1) if the  
24 complainant has withdrawn the complaint (see s 117).

## 1 **Part 12** **Miscellaneous**

### 2 **122 Review of decisions**

- 3 (1) Application may be made to the AAT for review of an reviewable  
4 decision.
- 5 (2) The regulations may prescribe which decisions are *reviewable*  
6 *decisions*.
- 7 (3) If the registrar makes a reviewable decision, the registrar must give  
8 a written notice of the decision to each person affected by the  
9 decision.
- 10 (4) The notice must be in accordance with the requirements of the code  
11 of practice in force under the *Administrative Appeals Tribunal Act*  
12 *1989*, section 25B (1).

### 13 **123 Protection of registrar, advisory boards etc**

- 14 (1) This section applies to a person who is, or has been—
- 15 (a) the registrar or a deputy registrar; or
- 16 (b) an advisory board member; or
- 17 (c) acting under the direction or authority of the registrar at an  
18 inquiry; or
- 19 (d) a public servant providing administrative assistance at an  
20 inquiry.
- 21 (2) A civil proceeding does not lie against a person to whom this  
22 section applies in relation to loss, damage or injury of any kind to  
23 someone else because of an act done, or omitted to be done honestly  
24 in the exercise (or purported exercise) of a function under this Act.

1 **124 AS 3500 and Legislation Act, s 47**

2 The Legislation Act, section 47 (6) does not apply to AS 3500 under  
3 this Act.

4 **125 Determination of fees**

5 (1) The Minister may, in writing, determine fees for this Act.

6 *Note* The Legislation Act contains provisions about the making of  
7 determinations and regulations relating to fees (see pt 6.3).

8 (2) A determination is a disallowable instrument.

9 *Note* A disallowable instrument must be notified, and presented to the  
10 Legislative Assembly, under the Legislation Act.

11 **126 Approved forms**

12 (1) The registrar may approve forms for this Act.

13 (2) If the registrar approves a form for a particular purpose, the  
14 approved form must be used for that purpose.

15 *Note* The Legislation Act contains provisions about forms (see s 255).

16 (3) An approved form is a notifiable instrument.

17 *Note* A notifiable instrument must be notified under the Legislation Act.

18 **127 Regulation-making power**

19 (1) The Executive may make regulations for this Act.

20 (2) The regulations may make provision in relation to—

21 (a) licences; and

22 (b) the keeping of the register, including the particulars that must  
23 or may be entered in the register; and

24 (c) the supervision of licensees' activities; and

25 (d) rectification orders; and

- 1                      (e) codes of practice.
- 2                      (3) The regulations may create offences for contraventions of the  
3                      regulations and fix maximum penalties of not more than 10 penalty  
4                      units for offences against the regulations.
- 5                      (4) The regulations may adopt an Australian Standard as in force from  
6                      time to time.
- 7                      *Note 1*    The text of an applied, adopted or incorporated law or instrument,  
8                      whether applied as in force from time to time or at a particular time, is  
9                      taken to be a notifiable instrument if the operation of the Legislation  
10                      Act, s 47 (5) or (6) is not disappplied (see s 47 (7)).
- 11                      *Note 2*    A notifiable instrument must be notified under the Legislation Act.
- 12                      (5) The Legislation Act, section 47 (6) does not apply to an Australian  
13                      Standard mentioned in subsection (4).



1 **Part 13** **Repeals and transitional**  
2 **provisions**

3 **128 Definitions for pt 13**

4 In this part:

5 *Building Act* means the *Building Act 1972* as in force immediately  
6 before commencement day.

7 *commencement day* means the day this Act, section 6 (What is a  
8 *construction practitioner?*) commences.

9 *repealed Act* means the *Construction Practitioners Registration Act*  
10 *1998*, as in force immediately before the commencement of this  
11 part.

12 **129 Review of Act**

13 The Minister must review the 1st 2 years of operation of this Act  
14 and present a report of the review to the Legislative Assembly not  
15 later than 3 years after commencement day.

16 **130 Legislation repealed**

17 The following legislation is repealed:

- 18 • *Construction Practitioners Registration Act 1998* A1998-53  
19 • *Construction Practitioners Registration Regulations 1998*  
20 SL1998-38.

1 **131 End of licences or registration of people taken to be**  
 2 **licensed or registered**

- 3 (1) If a person is taken to be licensed under this part because the person  
 4 held a licence or was registered under another Act, the licence under  
 5 this Act expires at the time when the person's licence or registration  
 6 would have expired under the other Act.
- 7 (2) Subsection (1) does not apply if the person's licence is cancelled  
 8 under this Act before it expires.

9 **132 Building surveyors**

- 10 (1) A person who, immediately before commencement day, was  
 11 registered as a building surveyor in the class building surveyor  
 12 under the repealed Act is taken to be licensed as a building surveyor  
 13 in the class general building surveyor under this Act.
- 14 (2) A person who, immediately before commencement day, was  
 15 registered as a building surveyor in the class principal building is  
 16 taken to be a building surveyor in the class principal building  
 17 surveyor.

18 **133 Electricians**

19 A person who, immediately before commencement day, held a  
 20 licence or permit under the *Electricity Safety Act 1971* mentioned in  
 21 the table, item 2 is taken to be licensed under this Act in the  
 22 occupation class mentioned in the table, item 3, subject to any  
 23 condition mentioned in column 4.

24 column 1 item	column 2 previous licence or permit	column 3 occupation class	column 4 condition
1	electrical contractor's licence	electrical contractor	

column 1 item	column 2 previous licence or permit	column 3 occupation class	column 4 condition
2	electrician's licence grade A	unrestricted	
3	electrician's licence grade B	unrestricted	licence only authorises doing of electrical work in the circumstances that the licensee was authorised to do electrical work under the <i>Electricity Safety Act 1971</i> , as in force immediately before commencement day
4	electrician's permit, grade A	electrotechnology systems	
5	restricted electrical licence authorising systems assembly and servicing electrical fitting	restricted— electrotechnology systems assembly and servicing electrical fitting	
6	restricted electrical licence authorising systems mechanical fitting	restricted— electrotechnology systems mechanical fitting	

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<b>column 1 item</b>	<b>column 2 previous licence or permit</b>	<b>column 3 occupation class</b>	<b>column 4 condition</b>
7	restricted electrical licence authorising systems plumbing and gas fitting	restricted— electrotechnology systems plumbing and gas fitting	
8	restricted electrical licence authorising systems refrigeration and air conditioning work	restricted— electrotechnology systems refrigeration and air conditioning	
9	restricted electrical licence authorising systems type B appliance work	restricted— electrotechnology systems type B gas appliances	
10	restricted electrical permit authorising systems assembly and servicing electrical fitting	electrotechnology systems restricted	licence only authorises work under supervision of licensee licensed in occupation class restricted— electrotechnology systems assembly and servicing electrical fitting

<b>column 1 item</b>	<b>column 2 previous licence or permit</b>	<b>column 3 occupation class</b>	<b>column 4 condition</b>
11	restricted electrical permit authorising systems mechanical fitting	electrotechnology systems restricted	licence only authorises work under supervision of licensee licensed in occupation class restricted— electrotechnology systems mechanical fitting
12	restricted electrical permit authorising systems plumbing and gas fitting	electrotechnology systems restricted	licence only authorises work under supervision of licensee licensed in occupation class restricted— electrotechnology systems plumbing and gas fitting
13	restricted electrical permit authorising systems refrigeration and air conditioning work	electrotechnology systems restricted	licence only authorises work under supervision of licensee licensed in occupation class restricted— electrotechnology systems refrigeration and air conditioning

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column 1 item	column 2 previous licence or permit	column 3 occupation class	column 4 condition
14	restricted electrical permit authorising systems type B appliance work	electrotechnology systems restricted	licence only authorises work under supervision of licensee licensed in occupation class restricted— electrotechnology systems type B gas appliances

1 **134 Plumbers, drainers and gasfitters**

2 (1) A person who, immediately before commencement day, was  
3 licensed under the *Plumbers, Drainers and Gasfitters Board Act*  
4 *1982* as a plumber, drainer or gasfitter, is taken to be licensed under  
5 this Act in the same occupation.

6 (2) If, immediately before commencement day, a person mentioned in  
7 subsection (1) held a certificate of competency, the person is taken  
8 to be licensed in the occupation class that is equivalent to the  
9 certificate.

10 **135 Fire sprinkler's licence**

11 (1) This section applies if, immediately before commencement day, a  
12 person held a sprinkler fitter's licence under the *Plumbers, Drainers*  
13 *and Gasfitters Board Act 1982* (repealed).

14 (2) The person is taken to hold a plumbers licence in the occupation  
15 class water supply plumber, with a condition that the licence only  
16 authorises fire sprinkler work.

1 **136 Plumbing plan certifiers**

2 A person registered as a plumbing plan certifier under the repealed  
3 Act immediately before commencement day is taken to be licensed  
4 as a plumbing plan certifier under this Act.

5 **137 Suspensions under repealed Act**

6 (1) This section applies if, immediately before commencement day, a  
7 person's registration under the repealed Act was suspended.

8 (2) This part, apart from this section, applies to the registration as if the  
9 registration were not suspended.

10 (3) If the person is taken to be licensed under this part, the licence is  
11 taken to be suspended until the time when the suspension would  
12 have ended under the repealed Act.

13 (4) A right to appeal against the suspension that existed immediately  
14 before commencement day is taken to be a right to appeal under this  
15 Act.

16 **138 Suspended electricians**

17 (1) This section applies if, immediately before commencement day, a  
18 person's licence or permit under the *Electricity Safety Act 1971* was  
19 suspended.

20 (2) This part, apart from this section, applies to the licence or permit as  
21 if it were not suspended.

22 (3) If the person is taken to be licensed under this part, the licence is  
23 taken to be suspended until the time when the suspension would  
24 have ended under the *Electricity Safety Act 1971* as in force  
25 immediately before commencement day.

26 (4) A right to appeal against the suspension that existed immediately  
27 before commencement day is taken to be a right to appeal under this  
28 Act.

1 **139 Application of rectification orders**

2 For section 34 (Intention to make rectification order)—

- 3 (a) a reference to a licensee or former licensee includes a reference  
4 to a person who was registered under the repealed Act; and
- 5 (b) a construction service includes a construction service provided  
6 before the commencement of this part.

7 **140 Applications for registration under repealed Act**

- 8 (1) This section applies if, immediately before commencement day, a  
9 person had applied under the repealed Act for registration, but the  
10 application had not been decided.
- 11 (2) The application is taken to be an application for a licence under this  
12 Act.
- 13 (3) If, because the application was made under the repealed Act, the  
14 application does not include something that is required for an  
15 application under this Act, the registrar may ask the applicant for the  
16 further information.
- 17 (4) If the application is for registration in a category or class, that does  
18 not exist, the registrar may grant the applicant a licence that  
19 corresponds to the registration applied for, if satisfied that it is  
20 appropriate to do so.

21 **141 Applications for builders' licences under Building Act**

- 22 (1) This section applies if, immediately before commencement day, a  
23 person had applied under the Building Act, section 15 for a builder's  
24 licence, but the application had not been decided.
- 25 (2) The application is taken to be an application for a builders licence  
26 made under this Act.



- 1 (3) If, because the application was made under the Building Act, the  
2 application does not include something that is required for an  
3 application under this Act, the registrar may ask the applicant for the  
4 further information.
- 5 (4) If the application is for a licence, or a class of licence, that does not  
6 exist, the registrar may grant the applicant a licence that corresponds  
7 to the licence applied for, if satisfied that it is appropriate to do so.

8 **142 Eligible applicants for builders' licences without**  
9 **qualifications**

- 10 (1) This section applies if—
- 11 (a) immediately before commencement day, a person had applied  
12 under the Building Act, section 15 for a builder's licence; and
- 13 (b) the application was not decided before the repeal of that Act;  
14 and
- 15 (c) the person would have been eligible for the licence under the  
16 Building Act had that Act not been repealed; and
- 17 (d) the person is not eligible for a builders licence under this Act  
18 only because the person does not have a qualification  
19 (including experience) required under this Act.
- 20 (2) The registrar may issue the person a builders licence under this Act,  
21 even though the person does not have the qualification.

22 **143 Current builder's licence**

- 23 (1) This section applies if, immediately before commencement day—
- 24 (a) a person had been granted a builder's licence under the  
25 Building Act; and
- 26 (b) the licence was in force.

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1 (2) The licence is taken to have been issued under this Act and  
2 authorises the person to do anything that the person was authorised  
3 to do under the Building Act.

4 (3) However, the licence cannot be renewed.

5 **144 Applications for licence or permit under Electricity Safety**  
6 **Act**

7 (1) This section applies if, immediately before commencement day, a  
8 person had applied under the *Electricity Safety Act 1971* for a  
9 licence or permit, but the application had not been decided.

10 (2) The application is taken to be an application for a licence under this  
11 Act of the kind worked out under section 133.

12 (3) If, because the application was made under the *Electricity Safety Act*  
13 *1971*, the application does not include something that is required for  
14 an application under this Act, the registrar may ask the applicant for  
15 the further information.

16 **145 Applications for licence or certificate of competency**  
17 **under Plumbers, Drainers and Gasfitters Board Act**

18 (1) This section applies if, immediately before commencement day, a  
19 person had applied under the *Plumbers, Drainers and Gasfitters*  
20 *Board Act 1982* for a licence or certificate of competency, but the  
21 application had not been decided.

22 (2) The application is taken to be an application for a plumbers, drainers  
23 or gasfitters licence under this Act.

24 (3) If, because the application was made under the *Plumbers, Drainers*  
25 *and Gasfitters Board Act 1982* (repealed), the application does not  
26 include something that is required for an application under this Act,  
27 the registrar may ask the applicant for the further information.

- 1 (4) If the application is for a licence, or a class of licence, that does not  
2 exist, the registrar may grant the applicant a licence that corresponds  
3 to the licence applied for, if satisfied that it is appropriate to do so.

4 **146 Contraventions before commencement day**

5 A reference in section 35 (When rectification order may be made) or  
6 section 36 (Rectification order inappropriate) to a contravention of  
7 this Act includes a reference to a contravention, before  
8 commencement day, of—

- 9 (a) the repealed Act; or  
10 (b) an operational Act; or  
11 (c) the Building Act; or  
12 (d) the *Plumbers, Drainers and Gasfitters Board Act 1982*  
13 (repealed).

14 **147 New regulations**

- 15 (1) The provisions set out in schedule 1 are taken, on the  
16 commencement of this section, to be regulations made under this  
17 Act, section 127 (Regulation-making power).
- 18 (2) To remove any doubt and without limiting subsection (1), the  
19 provisions set out in schedule 1 may be amended or repealed as if  
20 they had been made as regulations by the Executive under this Act,  
21 section 127.
- 22 (3) To remove any doubt, the regulations mentioned in subsection (1)  
23 are taken—
- 24 (a) to have been notified under the Legislation Act on the day this  
25 Act is notified; and
- 26 (b) to have commenced on commencement day; and
- 27 (c) not to be required to be presented to the Legislative Assembly  
28 under the Legislation Act, section 64 (1).

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1 (4) Subsections (1), (2) and (3) are laws to which the Legislation Act,  
2 section 88 (Repeal does not end effect of transitional laws etc)  
3 applies.

4 (5) This section expires on the day it commences.

5 **148 Transitional regulations**

6 (1) The regulations may prescribe savings or transitional matters  
7 necessary or convenient to be prescribed because of the enactment  
8 of the *Construction Occupations Legislation Amendment Act 2003*  
9 or this Act.

10 (2) The regulations may modify the operation of this Act to make  
11 provision with respect to any matter that is not, or not adequately,  
12 dealt with in this Act or the *Construction Occupations Legislation*  
13 *Amendment Act 2003*.

14 **149 Expiry of pt 13**

15 (1) This part, other than section 129, expires 1 year after  
16 commencement day.

17 (2) Section 129 expires 3 years and 6 months after commencement day.

1 **Schedule 1**      **New regulations**

2 (see s 147)



Australian Capital Territory

3 **Construction Occupations (Licensing)**  
4 **Regulations 2003**

5 **Subordinate Law SL2003-**

6 made under the

7 *Construction Occupations (Licensing) Act 2003*



- 
- 1 **4 Offences against regulations—application of Criminal**  
2 **Code etc**
- 3 Other legislation applies in relation to offences against these  
4 regulations.
- 5 *Note 1 Criminal Code*  
6 The Criminal Code, ch 2 applies to all offences against these regulations  
7 (see Code, pt 2.1).  
8 The chapter sets out the general principles of criminal responsibility  
9 (including burdens of proof and general defences), and defines terms  
10 used for offences to which the Code applies (eg *conduct*, *intention*,  
11 *recklessness* and *strict liability*).
- 12 *Note 2 Penalty units*  
13 The Legislation Act, s 133 deals with the meaning of offence penalties  
14 that are expressed in penalty units.





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- 1 (ii) the name, business address, telephone and fax number  
2 and email address (if any) of each of the applicant's  
3 nominees; and
- 4 (iii) an extract about the history of the corporation from a  
5 database kept by the Australian Securities and  
6 Investments Commission;
- 7 (g) the applicant's business telephone and fax number and email  
8 address (if any);
- 9 (h) if the application is for a licence as a building surveyor or a  
10 plumbing plan certifier—the name of the insurer who will  
11 provide the insurance mentioned in regulation 17 (Eligibility to  
12 be building surveyor) or regulation 18 (Eligibility to be  
13 plumbing plan certifier);
- 14 (i) evidence that the applicant is eligible to be licensed in the  
15 construction occupation or class of construction occupation  
16 applied for;
- 17 (j) if an endorsement is being applied for—evidence that the  
18 applicant is capable of providing each construction service  
19 allowed to be provided under the endorsement;
- 20 (k) whether the applicant has been licensed before and, if so,  
21 details of each previous licence;
- 22 (l) whether the applicant has been convicted or found guilty of  
23 any offence involving fraud, dishonesty or violence,  
24 punishable by imprisonment for 1 year or more and, if so,  
25 details of each conviction or finding;
- 26 (m) evidence that the applicant has, or has access to, financial  
27 resources adequate to complete any work that will be  
28 authorised under the licence that the applicant can otherwise  
29 do.

30 *Note* Under the *Spent Convictions Act 2000*, an applicant need not include in  
31 an application certain spent convictions.

1      **6      Information required on licence—Act, s 23 (2)**

- 2      (1) In addition to the information required by the Act, section 23 (2),  
3      the following information must be included on a licence:
- 4          (a) any endorsement relating to the licence;
- 5          (b) the period for which the licence is issued in relation to each  
6          construction occupation and class of construction occupation;
- 7          (c) if the licensee is a partnership—  
8              (i) the name of each partner; and  
9              (ii) if a partner is a corporation—the partner's ACN;
- 10          (d) if the licensee is a corporation—its ACN;
- 11          (e) whether the licence is subject to conditions and, if it is, which  
12          construction occupation or class of construction occupation the  
13          conditions apply to.
- 14      (2) A licence condition may, but need not, be included on the licence.

15      **7      Term of licences generally—Act, s 24**

- 16      (1) The maximum period for which a licence in the following  
17      construction occupations may be issued or renewed is 3 years:
- 18          (a) builder;
- 19          (b) electrician;
- 20          (c) plumber;
- 21          (d) drainer;
- 22          (e) gasfitter.
- 23      (2) However, an applicant for the issue or renewal of the licence may  
24      apply for a 1-year licence and, if the applicant does apply, the  
25      maximum period for which the licence may be issued or renewed is  
26      1 year.

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1 **8 Term of licence for building surveyors and plumbing plan**  
2 **certifiers—Act, s 24**

3 (1) The maximum period for which a licence in the construction  
4 occupation of building surveyor or plumbing plan certifier may be  
5 issued is 1 year.

6 (2) However, if the applicant for the issue or renewal of the licence has  
7 insurance required under these regulations for a period less than 1  
8 year, the maximum period for which the licence may be issued or  
9 renewed is the period for which the applicant has insurance.



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1 **10 Keeping register**

2 The registrar may—

- 3 (a) correct a mistake, error or omission in the register; or  
4 (b) correct or omit an entry that has become inaccurate.

1      **Part 4**                      **General eligibility**  
2                                      **requirements**

3      **Division 4.1**              **Eligibility to be licensed**

4      **11**      **Not eligible because of suspension**

5              An entity is not eligible to be licensed in a construction occupation  
6              or class of construction occupation if—

- 7              (a) the entity is licensed in another occupation or class of  
8                      occupation; and  
9              (b) the licence is suspended; and  
10             (c) the registrar is satisfied that, because of the grounds for the  
11                      suspension, it is not appropriate for the entity to be licensed in  
12                      the occupation or class of occupation.

13             *Note*      A suspended licence may be renewed (see Act, s 25 (4)).

14      **12**      **Individuals not eligible**

- 15             (1) An individual is not eligible to be licensed if—  
16                      (a) the application is for a licence that would allow the applicant to  
17                              provide a construction service without supervision; and  
18                      (b) the individual has been found guilty of an offence—  
19                              (i) that involves fraud or dishonesty; and  
20                              (ii) is punishable by imprisonment for at least 1 year.

---

**13 Qualifications for individuals**

- 1
- 2 (1) The registrar may, in writing, declare the qualifications necessary  
3 for an individual to be eligible to be licensed in a construction  
4 occupation or occupation class.
- 5 (2) Before making a declaration in relation to a construction occupation  
6 or occupation class, the registrar must consult the advisory board for  
7 the occupation or class.
- 8 (3) A declaration is a notifiable instrument.

9 *Note* A notifiable instrument must be notified under the Legislation Act.

**14 Skill assessment of individuals**

- 10
- 11 (1) This regulation applies if the registrar is not satisfied that an  
12 applicant has a qualification required to be eligible for the licence  
13 applied for.
- 14 (2) The registrar may require the applicant to undertake an assessment  
15 to find out whether the applicant has a skill reasonably necessary to  
16 satisfactorily exercise the functions of a construction occupation or  
17 class of construction occupation under the licence applied for.
- 18 (3) An assessment may consist of 1 or more of the following:
- 19 (a) an assessment by a person who the registrar is satisfied is  
20 competent to make the assessment;
- 21 (b) an examination, which may have practical, written and oral  
22 aspects, by a registered training organisation that the registrar  
23 is satisfied is competent to set and assess the examination;
- 24 (c) an examination of a record of the applicant's experience  
25 provided by the applicant;
- 26 (d) the undertaking of a test, or a series of tests, approved by the  
27 registrar.

- 1      (4) The applicant must pay to the Territory the reasonable costs  
2          incurred by the Territory in arranging or carrying out an assessment.
- 3      (5) An applicant is not eligible to be licensed if the applicant has not  
4          complied with subregulation (4).
- 5      (6) In this regulation:
- 6          *registered training organisation*—see the *Tertiary Accreditation*  
7          *and Registration Act 2003*, dictionary.
- 8      **15 Corporations and partnerships eligible for some**  
9          **occupations**
- 10     (1) A corporation or partnership is eligible to be licensed only in the  
11          following construction occupations or occupation classes:
- 12          (a) builder;
- 13          (b) building surveyor;
- 14          (c) drainer;
- 15          (d) electrician, electrical contractor class;
- 16          (e) gasfitter;
- 17          (f) plumber.
- 18     (2) Also, a corporation or partnership is eligible to be licensed in a  
19          construction occupation or occupation class only if the corporation  
20          or partnership has a nominee who is licensed in the occupation or  
21          class.
- 22     (3) However, a partnership is not eligible to be licensed in a  
23          construction occupation or occupation class if a partner has been  
24          found guilty, whether in the ACT or anywhere else, of an offence  
25          involving fraud, dishonesty or violence punishable by imprisonment  
26          for at least 1 year.



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1 **16 Eligibility to be owner-builder**

2 An individual is eligible to be an owner-builder only if—

- 3 (a) the individual owns the land on which the building work  
4 allowed under the owner-builders licence is proposed to be  
5 undertaken; and
- 6 (b) the building work has building approval under the *Building Act*  
7 *2003*; and
- 8 (c) the individual has not been granted an owner-builders licence  
9 in relation to other land in the previous 5 years before applying  
10 for the owner-builders licence.

11 **17 Eligibility to be building surveyor**

12 (1) An applicant for a licence as a building surveyor is eligible for the  
13 licence only if the applicant satisfies the registrar that the applicant  
14 is adequately insured.

15 (2) A person is *adequately insured* if the person has professional  
16 indemnity insurance that provides—

- 17 (a) indemnity against claims for breach of professional duty as a  
18 building certifier; and
- 19 (b) a minimum limit of indemnity of \$1 000 000 for any 1 claim;  
20 and
- 21 (c) a minimum limit of indemnity of \$1 000 000 for the total of all  
22 claims against the insured made in the period of cover; and
- 23 (d) in addition to the indemnities mentioned in paragraphs (b) and  
24 (c), a minimum limit of indemnity for the costs and expenses  
25 of defending or settling a claim of 20% of the limit of  
26 indemnity for the claim.

1      (3) For subregulation (2), a person is taken to have professional  
2      indemnity insurance if the person is an applicant for a principal  
3      building surveyor employee or general building surveyor employee  
4      licence and the person's employer has the insurance.

5      (4) In subregulation (2) (d)—

6      *costs and expenses* means costs and expenses incurred with the  
7      insurer's consent.

## 8      **18      Eligibility to be plumbing plan certifier**

9      (1) An applicant for a licence as a plumbing plan certifier is eligible for  
10      the licence only if the applicant satisfies the registrar that the  
11      applicant is adequately insured.

12      (2) An individual is *adequately insured* to be a plumbing plan certifier  
13      if the person has professional indemnity insurance that provides—

14      (a) indemnity against claims for breach of professional duty as a  
15      plumbing plan certifier; and

16      (b) a minimum limit of liability of \$1 000 000 for each period of  
17      insurance.

## 18      **Division 4.2      Nominees**

### 19      **19      Eligibility to be nominee—Act, s 28 (3)**

20      An individual is eligible to be a nominee of a corporation or  
21      partnership if—

22      (a) for a corporation—the individual is a director or employee of  
23      the corporation; and

24      (b) for a partnership—the individual—

25      (i) is a partner; or

26      (ii) is the nominee of a corporation that is a partner in the  
27      partnership; and

- 
- 1 (c) the individual is licensed in a construction occupation that the  
2 corporation or partnership is licensed in or applying to be  
3 licensed in; and
- 4 (d) the individual is otherwise able to exercise the functions of a  
5 nominee on a daily basis; and
- 6 *Note* For functions of nominees, see Act, s 31.
- 7 (e) for a construction occupation divided into classes—either—
- 8 (i) the individual is licensed in the same class as, or a class  
9 that allows the exercising of the same functions as, the  
10 class the corporation or partnership is licensed in or  
11 applying to be licensed in; or
- 12 (ii) the corporation or partnership has a nominee mentioned  
13 in subparagraph (i).

1      **Part 5**                      **Licence conditions and**  
2                                      **endorsements**

3      **Division 5.1**              **Licence conditions on licences**

4      **20**      **Prescribed licence conditions—Act, s 21 (1)**

5              The conditions a licence is subject to include the applicable  
6              requirements in this division.

7              *Note*      The registrar may also impose conditions on a licence (see Act,  
8                                      s 21 (2)).

9      **21**      **Change of register information**

10            (1) The licensee must tell the registrar in writing of any change in a  
11            detail relating to the licensee that is recorded in the register.

12            (2) The notice must be given within 2 weeks after—

13                    (a) the day of the change to which it relates happened; or

14                    (b) the day the licensee became aware of the change.

15      **22**      **Corporate licences**

16            (1) This section applies if the licensee is a corporation.

17            (2) The licensee must tell the registrar in writing if a person becomes or  
18            stops being a director or nominee.

19            (3) The notice must be given to the registrar within 2 weeks after the  
20            day the person becomes or stops being a director or nominee.

---

1   **23    Partnership licences**

- 2       (1) This section applies if the licensee is a partnership.
- 3       (2) The partnership must tell the registrar in writing if a person becomes  
4           or stops being a partner or nominee.
- 5       (3) The notice must be given to the registrar within 2 weeks after the  
6           day the person becomes or stops being a partner or nominee.

7   **24    Individual licences**

- 8       (1) This section applies if the licensee is an individual.
- 9       (2) The individual may provide construction services only as a nominee  
10           or employee of a licensed entity if—
- 11           (a) the individual becomes bankrupt or applies to take the benefit  
12               of any law for the relief of insolvent debtors; and
- 13           (b) the individual is a nominee or employee of a licensed entity.

14   **25    Operative drainers**

15       A licensee in the operative drainer class of the construction  
16       occupation drainer may only provide a construction service in that  
17       occupation class as an employee.

18   **26    Journeyperson gasfitters**

19       A licensee in the journeyperson gasfitter class in the construction  
20       occupation gasfitter may only provide a construction service in that  
21       occupation class as an employee.

22   **27    Journeyperson plumbers**

23       A licensee in the journeyperson plumber class in the construction  
24       occupation of plumber may only provide a construction service in  
25       that occupation class as an employee.

1    **28    Certain building surveyors**

2    (1) This regulation applies to licensees in the following classes in the  
3    construction occupation of building surveyor:

4    (a) principal building surveyor employee;

5    (b) general building surveyor employee.

6    (2) The licensee may only provide a construction service in that  
7    occupation class as an employee of a licensee who holds insurance  
8    of a kind mentioned in regulation 17 in relation to the employee.

9    **Division 5.2                    Miscellaneous**

10   **29    Return of licence**

11   (1) This section applies if the registrar decides to—

12   (a) amend a condition on a licence; or

13   (b) endorse a licence.

14   (2) The registrar may require a licensee to return the licence to the  
15   registrar in relation to the amendment or endorsement.

16   *Note*      The registrar may, but need not, include a condition on a licence (see  
17   reg 6 (2)).

18   (3) If the registrar requires the licensee to return the licence—

19   (a) the licensee must return the licence; and

20   (b) the registrar must return the licence to the licensee as soon as  
21   the licence is amended (whether by including the condition on  
22   the licence or otherwise) or endorsed, unless the licence is  
23   suspended or cancelled.

24   (4) A licensee commits an offence if the licensee fails to return a  
25   licence under subsection (3) (a).

26   Maximum penalty: 5 penalty units.

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1 (5) An offence against subsection (4) is a strict liability offence.

2 **30 Endorsing builders licences for specialist building**  
3 **work—Act, s 22**

4 (1) The registrar may, on application, endorse a builders licence to  
5 authorise the licensee to do specialist building work if satisfied that  
6 the licensee can competently do the work.

7 (2) The endorsement may be subject to any condition the registrar is  
8 satisfied protects the public.

9 **31 Endorsing plumbers licences for backflow prevention**  
10 **device test work—Act, s 22**

11 (1) The registrar may, on application, endorse a plumbers licence to  
12 authorise the licensee to do backflow prevention device test work if  
13 satisfied that the licensee can competently do the work.

14 (2) In this regulation:

15 *backflow prevention device test work* means—

16 (a) work in accordance with Australian Standard 2845.3, *Water*  
17 *Supply—Backflow prevention devices—Field testing and*  
18 *maintenance*, to test, or supervise the testing of, a backflow  
19 prevention device that forms part of a water service, hot-water  
20 system, irrigation system or fire sprinkler system; or

21 (b) the production of a report about a test under paragraph (a).

22 **32 Replacement licences**

23 The registrar may, on application, issue a replacement licence to a  
24 licensee if satisfied that the licence previously issued has been lost,  
25 stolen, damaged or destroyed.

26 *Note 1* A fee may be determined under the Act, s 125 for this provision.

27 *Note 2* If a form is approved under the Act, s 126 for this provision, the form  
28 must be used.

1      **33      Matters that may be published—Act, s 62 (1)**

2      Details of the following matters may be published in relation to a  
3      decision to take disciplinary action against a licensee or former  
4      licensee:

- 5      (a) particulars that allow the public to identify the licensee or  
6      former licensee;

7      **Examples**

- 8      1      the licensee's name and ACN (if any)  
9      2      if the licensee is a partnership—the name and ACN (if any) of each partner  
10     3      any name (and, if relevant, ACN) used in the past by the licensee or, if the  
11     licensee is a partnership, a partner in the licensee while providing a service in  
12     a construction occupation  
13     4      the licensee's current and previous business addresses

14     *Note*      An example is part of the regulations, is not exhaustive and may extend,  
15     but does not limit, the meaning of the provision in which it appears (see  
16     Legislation Act, s 126 and s 132).

- 17     (b) particulars of the licence and the construction occupation and  
18     occupation class (if any) in relation to which the disciplinary  
19     action is being, or was, taken;

- 20     (c) particulars of the disciplinary action;

- 21     (d) details that allow the public to identify when the decision to  
22     take disciplinary action was taken, when the disciplinary action  
23     will start and finish and, if applicable, the amount of any fine  
24     imposed on the licensee;

- 25     (e) why the disciplinary action is being, or was, taken.

26     **Example for par (e)**

27     if the disciplinary action is being taken because of the number of demerit points  
28     the licensee has incurred, a list of the short description of each offence for which  
29     demerit points were incurred



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1   **34   Services that may be provided without licence**

2   (1) The following construction services may be provided by an  
3   individual without a licence if done under the supervision of a  
4   licensed individual, or the nominee of a licensed corporation or  
5   partnership, authorised by the licence to provide the service:

- 6   (a) building services;
- 7   (b) if the individual providing the service is a trainee—
- 8       (i) electrical wiring services; or
- 9       (ii) gasfitting services; or
- 10      (iii) plumbing services; or
- 11      (iv) sanitary drainage services.

12   (2) In this regulation:

13       *accredited course*—see the *Tertiary Accreditation and Registration*  
14       *Act 2003*, dictionary.

15       *building service*—see the Act, section 8 (2).

16       *electrical wiring service*—see the Act, section 11 (2).

17       *gasfitting service*—see the Act, section 12 (2).

18       *plumbing service*—see the Act, section 13 (2).

19       *sanitary draining service*—see the Act, section 10 (2).

20       *trainee*, for a service, means an individual who—

- 21       (a) provides the service to gain experience in providing the service  
22           and training from the person supervising the provision of the  
23           service; and
- 24       (b) is undertaking an accredited course that provides instruction in  
25           relation to providing the service.

1      **Part 6**                              **Construction occupation**  
2    **classes**

3      **35**      **Classes of licence generally**

4                      A licence for a class authorises the licensee to provide each service  
5                      in schedule 1, column 3 for the class in the circumstances (if any)  
6                      stated in the column for the item.

7      **36**      **Classes of builder**

8                      The construction occupation of builder is divided into the classes in  
9                      schedule 1, part 1.1, column 2.

10     **37**      **Classes of building surveyor**

11                     The construction occupation of building surveyor is divided into the  
12                     classes in schedule 1, part 1.2, column 2.

13     **38**      **Classes of drainer**

14                     The construction occupation of drainer is divided into the classes in  
15                     schedule 1, part 1.3, column 2.

16     **39**      **Classes of electrician**

17                     The construction occupation of electrician is divided into the classes  
18                     in schedule 1, part 1.4, column 2.

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1 **40 Classes of gasfitters**

2 The construction occupation of gasfitter is divided into the classes in  
3 schedule 1, part 1.5, column 2.

4 **41 Classes of plumber**

5 The construction occupation of plumber is divided into the classes  
6 in schedule 1, part 1.6, column 2.



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1 (iv) the result of any review of the decision to take  
2 disciplinary action.

3 (3) In this regulation:

4 *contravention*, in relation to a licensee or former licensee, means  
5 what the licensee or former licensee did that caused disciplinary  
6 action to be taken.

#### 7 **44 Reviewable decisions—Act, s 122**

8 (1) The following decisions of the registrar are *reviewable decisions*:

- 9 (a) refusing to issue a licence under the Act, section 19 (1)  
10 (Decision on licence application);
- 11 (b) issuing a licence other than the licence applied for under the  
12 Act, section 19 (2);
- 13 (c) amending a licence by putting a condition on the licence or by  
14 amending or cancelling a condition on the licence under the  
15 Act, section 21 (2) (Licence conditions);
- 16 (d) refusing to amend a licence under the Act, section 21 (2);
- 17 (e) refusing to endorse a licence under the Act, section 22  
18 (Endorsements on licences);
- 19 (f) issuing or renewing a licence for a period other than the  
20 maximum period for which the licence may be issued or  
21 renewed;
- 22 (g) refusing to renew a licence under the Act, section 25 (2)  
23 (Licence renewal);
- 24 (h) refusing to cancel a licence under the Act, section 26  
25 (Voluntary licence cancellation);
- 26 (i) refusing to approve the resignation of a nominee under the Act,  
27 section 29 (Resignation of nominee);

- 1            (j) deciding to authorise a licensee under the Act, section 36  
2            (Rectification order inappropriate);
- 3            (j) deciding to make a rectification order under the Act, section 37  
4            (Rectification orders);
- 5            (k) refusing to revoke the automatic suspension of a licence under  
6            the Act, section 52 (2) (End of automatic licence suspension);  
7            or
- 8            (l) suspending a licence under the Act, section 56 (2) (Interim  
9            licence suspension);
- 10           (m) refusing to revoke a suspension under the Act, section 58 (2)  
11           (Revocation of interim suspension);
- 12           (n) taking disciplinary action under the Act, section 59 (Decision  
13           about disciplinary action);
- 14           (o) including details of the contravention of a rectification order in  
15           the register under the Act, section 107 (3) (Recording  
16           contravention of rectification orders);
- 17           (p) refusing to endorse a builders licence under regulation 30  
18           (Endorsing builders licences for specialist building work—Act,  
19           s 22);
- 20           (q) endorsing a licence under regulation 30 subject to conditions.
- 21           (r) refusing to endorse a plumbers licence under regulation 31  
22           (Endorsing plumbers licences for backflow prevention device  
23           test work—Act, s 22);
- 24           (s) refusing to issue a replacement licence under regulation 32  
25           (Replacement licences).

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## 1 **Part 8** **Transitional**

### 2 **45** **Meaning of *repealed Act* for pt 8**

3 In this part:

4 *repealed Act* means the *Construction Practitioners Registration Act*  
5 *1998* (repealed).

### 6 **46** **Meaning of *licence* for reg 9 (1) (g)**

7 In regulation 9 (1) (g):

8 *licence* includes—

- 9 (a) registration under the repealed Act; and
- 10 (b) a licence, permit or registration under an operational Act as in  
11 force immediately before commencement day; and
- 12 (c) a licence or certificate of competency under the *Plumbers,*  
13 *Drainers and Gasfitters Board Act 1982* (repealed).

### 14 **47** **Meaning of *disciplinary action* and *licensee* for** 15 **reg 9 (1) (h)**

16 In regulation 9 (1) (h):

17 *disciplinary action* is taken to include action taken under the  
18 repealed Act, section 22 (6) (Procedure).

19 *licensee* includes a person registered under the repealed Act.

1      **48      Requirement to consult under reg 13**

2      (3) The registrar need not consult the advisory board for a construction  
3      occupation before making a declaration about qualifications for the  
4      construction occupation or an occupation class under regulation 13  
5      on or before the commencement of this regulation.

6      (4) However, the registrar must consult the advisory board for the  
7      construction occupation about the qualification for the construction  
8      occupation within 1 year after the commencement of this regulation.

9      **49      Meaning of owner-builders licence for reg 16**

10      In regulation 16:

11      *owner-builders licence* includes an owner-builders licence granted  
12      under the *Building Act 1972* before the commencement of the Act,  
13      section 6 (What is a *construction practitioner*?).

14      **50      Meaning of licence for reg 33**

15      In regulation 33:

16      *licence* includes—

- 17      (a) registration under the repealed Act; and  
18      (b) a licence, permit or registration under an operational Act as in  
19      force immediately before commencement day; and  
20      (c) a licence or certificate of competency under the *Plumbers,*  
21      *Drainers and Gasfitters Board Act 1982* (repealed).



1 **Schedule 1**      **Classes of construction**  
 2 **occupation licence and**  
 3 **functions**  
 4 (see pt 6)

5 **Part 1.1**      **Builder**

column 1 item	column 2 construction occupation class	column 3 construction work
1	class A	building work other than specialist building work
2	class B	building work, other than specialist building work, in relation to a building that is 3 storeys or lower
3	class C	building work, other than specialist building work, in relation to a class 1, class 2 or class 10a building that has 2 or less storeys
4	class D	non-structural basic building work, other than specialist building work
5	owner-builder	building work, other than specialist building work, in relation to a class 1, class 2 or class 10a building that is, or is to be, the licensee's main home or ancillary to it

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## Part 1.2                      Building surveyor

<b>column 1 item</b>	<b>column 2 construction occupation class</b>	<b>column 3 construction work</b>
1	principal building surveyor	building certification work or, for a corporation, supervision of building certification work
2	principal building surveyor employee	building certification work as an employee of a principal building surveyor
3	general building surveyor	building certification work or, for a corporation, supervision of building certification work, in relation to a building that is 3 storeys or lower and that has a floor area of 2 000m <sup>2</sup> or less
4	general building surveyor employee	building certification work in relation to a building that is 3 storeys or lower and that has a floor area of 2 000m <sup>2</sup> or less, as an employee of a principal building surveyor or general building surveyor
5	principal government building surveyor	building certification work
6	government building surveyor	building certification work in relation to a building that is 3 storeys or lower and that has a floor area of 2 000m <sup>2</sup> or less

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## Part 1.3 Drainer

column 1 item	column 2 construction occupation class	column 3 construction work
1	advanced sanitary drainer	sanitary drainage work without supervision
2	journeyperson drainer	sanitary drainage work under supervision of licensee with advanced sanitary drainers licence
3	operative drainer	sanitary drainage work under supervision of licensee with advanced sanitary drainers licence

## Part 1.4 Electrician

column 1 item	column 2 construction occupation class	column 3 construction work
1	electrical contractor	1 electrical wiring work without supervision 2 supervision of electrical wiring work
2	unrestricted	1 electrical wiring work without supervision 2 supervision of electrical wiring work
3	electrotechnology systems permit	1 electrical wiring work under supervision 2 incidental electrical work

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**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 construction occupation class</b>	<b>column 3 construction work</b>
4	restricted— electrotechnology systems assembly and servicing electrical fitting	electrotechnology assembly and servicing incidental to electrical wiring work in relation to electrical fitting disconnection and reconnection work
5	restricted— electrotechnology systems mechanical fitting	electrotechnology systems incidental to electrical wiring work in relation to mechanical fitting disconnection and reconnection work
6	restricted— electrotechnology systems plumbing and gas fitting	electrotechnology systems incidental to electrical wiring work in relation to plumbing and gasfitting disconnection and reconnection work
7	restricted— electrotechnology systems refrigeration and air conditioning	incidental electrical wiring work in relation to refrigeration and air conditioning disconnection and reconnection work
8	restricted— electrotechnology systems type B gas appliances	incidental electrical wiring work in relation to disconnection and reconnection of type B gas appliances

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<b>column 1 item</b>	<b>column 2 construction occupation class</b>	<b>column 3 construction work</b>
9	electrotechnology systems restricted permit	<p>incidental electrical work under the supervision of a licensee with a licence in 1 or more of the following classes:</p> <ul style="list-style-type: none"><li>(a) restricted—electrotechnology systems assembly and servicing electrical fitting</li><li>(b) restricted—electrotechnology systems mechanical fitting</li><li>(c) restricted—electrotechnology systems plumbing and gas fitting</li><li>(d) restricted— electrotechnology systems refrigeration and air conditioning</li></ul>

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## Part 1.5                      Gasfitters

<b>column 1 item</b>	<b>column 2 construction occupation class</b>	<b>column 3 construction work</b>
1	advanced	gasfitting work, other than LP gas (liquid phase) installation, without supervision
2	general	1 gasfitting work for pressures below 21kPa without supervision 2 gasfitting work for pressures above 21kPa under the supervision of an advanced gasfitter
3	journeyperson gasfitter	gasfitting work under the general supervision of a licensee with an advanced gasfitters licence or unrestricted licence
4	LPG gasfitter (vapour phase)	LP gas (vapour phase) installation without supervision
5	LPG gasfitter (liquid phase)	LP gas (liquid phase) installation without supervision
6	restricted automotive—LPG	LP gas fuel installation on motor vehicles
7	restricted automotive—NGV	NGV fuel installation on motor vehicles
8	restricted automotive—LPG forklifts	gasfitting for LPG forklifts
9	restricted automotive—NGV forklifts	gasfitting for NGV forklifts

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## Part 1.6 Plumbers

<b>column 1 item</b>	<b>column 2 construction occupation class</b>	<b>column 3 construction work</b>
1	sanitary plumber	sanitary plumbing work without supervision
2	water supply plumber	water supply plumbing work, including fire sprinkler work, without supervision
3	journey person plumber	sanitary plumbing work under supervision of licensee with sanitary plumbers licence

1

## **Schedule 2      Demerit disciplinary grounds**

(see reg 42)

### **Part 2.1      Builders licence demerit disciplinary grounds under Act, s 53 (1) (a)**

<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.1	fail to comply with building code, vol 1, cl BP1.1 or vol 2, cl P2.1 in that building did not resist actions reasonably subject to—local damage not minimised as demonstrated by deformation in single element of brickwork, blockwork, or stonework, laid in mortar causing crack or split in joint if—	creation of defective single masonry element—cracked or split more than 3mm	1



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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
	(a) crack or split wider than 3mm; or (b) face of element on either side of crack or split out of alignment with opposite face across crack or joint by more than 3mm		

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**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.2	fail to comply with building code, vol 1, cl BP1.1 or vol 2, cl P2.1 in that building did not resist actions reasonably subject to—local damage not minimised as demonstrated by deformation in single element concrete floor or structural concrete element causing crack or split in joint if—  (a) crack or split wider than 5mm; or  (b) face of element on either side of crack or split out of alignment with opposite face across crack or joint by more than 5mm	creation of defective single concrete element—cracked or split more than 5mm	1

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.3	fail to comply with building code, vol 1, cl BP1.1 or vol 2, cl P2.1 in that building did not resist actions reasonably subject to—local damage not minimised as demonstrated by deformation in wall, wall render, wall lining, wall tiling, ceiling lining or cornice causing crack or split in joint	creation of defective wall or wall render, lining or tiling, or ceiling lining or cornice—cracked or split	1
2.1.4	fail to comply with building code, vol 1, cl BP1.1 or vol 2, cl P2.1 in that building did not resist actions reasonably subject to—local damage not minimised as demonstrated by possibility of instability or collapse of primary building element susceptible to termite attack because not provided with code-compliant termite risk management system	failure to protect primary building element with compliant termite management system	2

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.5	fail to comply with building code, vol 1, cl FP1.2, FP1.3 (b), FP1.4, FP1.5, FP1.6 or vol 2, cl P2.1(b), P2.2.1(c)(ii), P2.2.2, P2.2.3—surface water, water or dampness could occur in building other than under code	failure to protect a building from water or dampness	3
2.1.6	fail to comply with building code, vol 1, cl FP1.1 or vol 2, cl P2.2.1(a)—surface water collected or concentrated by building not disposed of in code-compliant way that avoids damage or nuisance to another property, or likelihood of damage or nuisance	creation of building with defective surface water collection or concentration disposal that damaged or caused nuisance or likelihood of either to other property	2

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.7	fail to comply with building code, vol 1, cl FP1.3 or vol 2, cl P2.2.1(c)—drainage system for disposal of surface water did not, in code-compliant way— (a) carry water to appropriate outfall; or (b) avoid entry of water to building; or (c) avoid water damaging building	creation of building with defective drainage system— failure to carry water to appropriate outfall, avoid entry of water to building or avoid water damaging building	3
2.1.8	fail to comply with building code, vol 1, cl EP2.1 or vol 2, cl P2.3.2—building without code-compliant automatic warning on smoke detection	creation of building without effective smoke alarm	3

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.9	fail to comply with building code, vol 1, cl FP1.7 or vol 2, cl P2.4.1—water not stopped from penetrating behind fittings, linings or concealed spaces of sanitary facilities, bathrooms, laundries and other wet area facilities	creation of building with defective wet area waterproofing or water containment	3
2.1.10	fail to comply with building code, vol 1, cl FP3.1 or vol 2, cl P2.4.2—height of room or other space more than 50mm less than code requires	creation of building with ceiling height more than 50mm too low	3
2.1.11	fail to comply with building code, vol 2, cl ACT 2.1—asbestos removed from building other than in code-compliant way	unsafe asbestos handling or disposal	3

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.12	fail to comply with building code, vol 1, cl FP5.1 to FP5.4 or vol 2, cl P2.4.6—floor, wall or floor or wall penetration do not comply with code sound transmission and insulation requirements	creation of building with defective sound transmission or insulation arrangements	2
2.1.13	fail to comply with building code, vol 1, cl DP2(c)(v) or vol 2, cl P2.5.1(b)(iii)—geometry of stairway risers or goings do not satisfy code safe passage requirements	creation of unsafe step or stairway	3
2.1.14	fail to comply with building code, vol 1, cl DP3 or vol 2, cl P2.5.2—barrier required under code to prevent people falling not provided	creation of building with defective or no safety barrier	3

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**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.15	fail to comply with building code, vol 1, cl GP1.2 or vol 2, cl P2.5.3—swimming pool over 300mm deep without code compliant safety barrier	creation of swimming pool with defective or no safety barrier	3
2.1.16	fail to comply with building code, vol 1, cl CP2 or vol 2, cl P2.3.1—building with element that does not comply with code to avoid spread of fire to exit, sole occupancy unit or public area or between buildings or in building	creation of building with defective or no fire spread avoidance measures	2
2.1.17	fail to comply with <i>Building Act 2003</i> , s 42 (1) (c)—mortar joint in mortar-jointed masonry element not between 8mm and 12mm wide or bed joint not horizontal	creation of defective masonry joint—mortar joint not between 8mm and 12mm wide or bed joint not horizontal	1

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column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.1.18	fail to comply with <i>Building Act 2003</i> , s 42 (1) (c)— beam, doorway, window, wall, column, post or truss erected out of plumb	creation of out of plumb beam, doorway, window, wall, column, post or truss	1
2.1.19	fail to comply with <i>Building Act 2003</i> , s 42 (1) (c)— floor, ceiling, beam or sill erected out of horizontal	creation of out of horizontal floor, ceiling, beam or sill	1
2.1.20	fail to comply with <i>Building Act 2003</i> , s 42 (1) (c)— floor, ceiling or beam erected so surface not flat	creation of floor, ceiling or beam without flat surface	1

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**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.21	fail to comply with <i>Building Act 2003</i> , s 42 (1) (d)— building erected more than 100mm but less than 300mm away from position relative to boundaries indicated on approved plans	failure to comply with building siting on approved plan by more than 100mm but less than 300mm	2
2.1.22	fail to comply with <i>Building Act 2003</i> , s 42 (1) (d)— building erected 300mm or more away from position relative to boundaries indicated on approved plans	failure to comply with building siting on approved plan by 300mm or more	3
2.1.23	fail to comply with <i>Building Act 2003</i> , s 42 (1) (d)— part of floor erected more than 100mm higher or lower than level indicated on approved plans	failure to comply with floor level on approved plan by more than 100mm	2

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.24	fail to comply with <i>Building Act 2003</i> , s 42 (1) (d)— top of building erected more than 300mm higher than height indicated on approved plans	failure to comply with building height requirements of approved plan by more than 300mm	2

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.25	fail to comply with <i>Building Act 2003</i> , s 42 (1) (d)— location of structural element, wall, window or door, relative to building erected more than 100mm away from position on building indicated on approved plans or in position where plans indicate other element to be erected	failure to comply with set out requirements of approved plan for structural element, wall, window or door by more than 100mm, or inclusion of unplanned structural element, wall, window or door	1

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column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.1.26	fail to comply with <i>Building Act 2003</i> , s 42 (1) (d)— lineal dimensions of window, door or doorway erected more than 100mm larger or smaller than lineal dimension of window, door or doorway indicated on approved plans	failure to comply with dimensional requirements of approved plan for window, door or doorway by more than 100mm	1
2.1.27	fail to comply with <i>Building Act 2003</i> , s 42 (1) (d)— beam, doorway, window, wall, column, post or truss in approved plan not erected	failure to include significant building element from approved plan	2

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.28	fail to comply with <i>Building Act 2003</i> , s 42 (1) (e)— carried out building work when not builder in commencement notice and not under supervision of builder in notice	carrying out building work when not in commencement notice or supervised by notice builder	2
2.1.29	fail to comply with <i>Building Act 2003</i> , s 43 (2)— proceeded with building work above dampcourse level although certifier has not received required document or is not satisfied that position of building or level of all floors comply with approved plan and any condition	failure to provide survey plan or document or comply with approved plan or condition before building above dampcourse	2

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.1.30	fail to comply with <i>Building Act 2003</i> , s 43 (3)— proceeded beyond stage of building work without notifying certifier or without certifier’s written permission to proceed	failure to notify certifier about reaching inspection stage or obtain written permission before proceeding	2
2.1.31	fail to comply with <i>Building Act 2003</i> , s 64—did not comply with stop notice	failure to comply with stop notice	2
2.1.32	fail to comply with <i>Building Act 2003</i> , s 64—did not comply with notice to produce survey plan	failure to comply with notice to provide survey plan	2

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## Part 2.2                      Building surveyors licence demerit disciplinary grounds under Act, s 53 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.2.1	fail to comply with <i>Building Act 2003</i> , s 24, s 28 (5) or s 37 (5)—certifier failed to give registrar required notice	failure to notify registrar as required under <i>Building Act 2003</i>	1
2.2.2	fail to comply with <i>Building Act 2003</i> , s 28—certifier failed to issue building approval when should have, or issued building approval when no grounds to issue	failure to issue required building approval, or issue of unauthorised building approval	2



column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.2.3	<p>fail to comply with <i>Building Act 2003</i>, s 28 (3) or (4)—certifier issued building approval that was not, or not entirely—</p> <p>(a) marked on, attached to, or partly marked on and partly attached to, plans in relation to which approval was issued; or</p> <p>(b) marked on plans and certifier did not indicate on plans that approval, or part of approval, in separate document</p>	<p>failure to mark, attach or annotate building approval required detail on approved plan</p>	1

Schedule 1      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.2.4	fail to comply with <i>Building Act 2003</i> , s 30—certifier issued building approval that allowed building work that would contravene law because of external design or siting of building	issuing improper building approval—building work would contravene law because of external design or siting	3
2.2.5	fail to comply with <i>Building Act 2003</i> , s 37 (4)—certifier failed to issue building commencement notice as required	failure to issue building commencement notice as required	2
2.2.6	fail to comply with <i>Building Act 2003</i> , s 44 (1)—received notice that licensee reached stage of building work but did not inspect the building work as soon as practicable	failure to do required inspection as soon as practicable after receiving notification about it	2

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column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.2.7	fail to comply with <i>Building Act 2003</i> , s 44 (2)— certifier satisfied that building work not compliant with Building Act, s 37, but did not give licensee in charge of building work reasonable, appropriate, written directions for compliance	failure to give directions about how to resolve noncompliant building work found during required inspection	2
2.2.8	fail to comply with <i>Building Act 2003</i> , s 44 (3)— building work complied with Building Act, s 42, but certifier did not certify compliant or give certificate of compliance to licensee in charge of work	failure to give certificate of compliance after finding compliant work during required inspection	2

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**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.2.9	fail to comply with <i>Building Act 2003</i> , s 50 (1)— certifier failed to notify registrar of contravention of Building Act as soon as practicable after becoming aware of contravention	failure to notify registrar as soon as practicable of known contravention of <i>Building Act 2003</i>	2

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## Part 2.3                      Drainers licence demerit disciplinary grounds under Act, s 53 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.3.1	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (a)—sanitary drainage system using water-borne waste disposal designed or constructed so that does not carry sewage from sanitary plumbing system to approved disposal system	creation of sanitary drainage system that does not carry sewage from sanitary plumbing system to approved disposal system	1

**Schedule 1**      New regulations

<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.3.2	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (b)—sanitary drainage system using water-borne waste disposal designed or constructed so that supported, jointed or protected in way that failed to avoid likelihood of blockages and leakages	creation of sanitary drainage system with likelihood of blockages or leakages	1
2.3.3	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (c)—sanitary drainage system using water-borne waste disposal designed or constructed so that supported, jointed or protected in way that failed to avoid likelihood of penetration of roots or entry of ground water	creation of sanitary drainage system with likelihood of penetration of roots or entry of ground water	1

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.3.4	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (d)—sanitary drainage system using water-borne waste disposal designed or constructed in way that failed to provide access for maintenance and for clearing blockages	creation of sanitary drainage system without access for maintenance or clearing blockages	1
2.3.5	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (e)—sanitary drainage system using water-borne waste disposal designed or constructed without ventilation adequate to avoid foul air and gases accumulating in the sanitary drainage system	creation of sanitary drainage system without adequate ventilation of foul air and gases	1

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.3.6	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (f)—sanitary drainage system using water-borne waste disposal designed or constructed in way that failed to avoid likelihood of damage from superimposed loads or normal ground movement	creation of sanitary drainage system with likelihood of damage from loads or ground movement	1
2.3.7	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (g)—sanitary drainage system using water-borne waste disposal designed or constructed in way that failed to protect system from entry of contaminants	creation of sanitary drainage system without protection from contamination	1

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column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.3.8	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (h)—sanitary drainage system using water-borne waste disposal designed or constructed in way that failed to prevent stormwater entering sewerage system	creation of sanitary drainage system that allowed entry of stormwater	1
2.3.9	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (i) or (j)—sanitary drainage system using water-borne waste disposal designed or constructed in way that failed to avoid likelihood of damage to existing building or sitework or sewerage system	creation of sanitary drainage system with likelihood of damaging existing building, sitework or sewerage system	1

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.3.10	fail to comply with <i>Water and Sewerage Act 2000</i> , s 16—altered, removed or interfered with sanitary drain without giving required notice	failure to give required notice of intention to start or complete drainage work	1
2.3.11	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 7 (1)—did work on sanitary drainage system other than in accordance with approved plan	creation of sanitary drainage work other than in accordance with approved plan	1

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.3.12	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 8—  (a) did not tell registrar when sanitary drainage work ready for inspection; or  (b) did not leave sanitary drainage work ready for inspection as required	failure to tell registrar sanitary drainage work ready for inspection or to leave work uncovered for test	1
2.3.13	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 9 (1)—did not test sanitary drain in accordance with AS 3500 before it was to be passed by an inspector or, if the sanitary drain was altered or repaired, before the alteration or repair was to be passed	failure to test sanitary drain before inspection	1

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.3.14	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 9 (3)—did not rectify sanitary drainage work found to be defective	failure to rectify defective sanitary drainage work found by test	2
2.3.15	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 10—did not give registrar required information, fee and plan within required time for sanitary drainage work completed in accordance with AS 3500	failure to give required information, fee and plan for completed sanitary drainage work	1

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## Part 2.4                      Electricians licence demerit disciplinary grounds under Act, s 53 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.1	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (a) (i)—inadequate or no protection (eg insulation and enclosure) against direct contact with live parts	inadequate or no protection against direct contact with live parts	3
2.4.2	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (a) (ii)—inadequate or no protection (eg double insulation or isolating transformers) against indirect contact with exposed conductive parts	inadequate or no protection against indirect contact with exposed conductive parts	2

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.3	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (a) (iii)—inadequate or no protection (eg enclosure, guarding or screening) against hazardous parts (eg flammable materials, hot surfaces or parts that may cause physical injury)	inadequate or no protection against hazardous parts	3
2.4.4	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (a) (iv)—inadequate or no protection (eg unimpaired fire barriers) against spread of fire	inadequate or no protection against fire spread	1

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column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.5	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (a) (v)—electrical equipment in poor general condition (eg signs of damage that could impair safe operation, failure to disconnect unused electrical equipment)	creation of electrical equipment in poor general condition	1
2.4.6	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (b) (i)—noncompliant consumer mains current carrying capacity	creation of consumer mains with noncompliant current carrying capacity	2
2.4.7	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (b) (ii)—noncompliant consumer mains voltage drop	creation of consumer mains with noncompliant voltage drop	1

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**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.8	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (b) (iii)—noncompliant consumer mains underground installation condition	creation of consumer mains with noncompliant underground installation condition	3
2.4.9	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (b) (iv)—noncompliant consumer mains aerial installation condition	creation of consumer mains with noncompliant aerial installation condition	3
2.4.10	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (b) (v)—noncompliant consumer mains wiring connection	creation of consumer mains with noncompliant wiring connection	3

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.11	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (b) (vi)—inadequate or no protection of consumer mains against external influences	failure to protect consumer mains against external influence	1
2.4.12	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (c) (i)—noncompliant switchboard location (eg access or egress)	creation of switchboard in noncompliant location	2
2.4.13	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (c) (ii)—switchboard protective device defect (eg overload and residual current rating, fault current rating)	creation of switchboard with protective device defect	3

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**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.14	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (c) (iii)—switchboard isolating device defect (eg main switch)	creation of switchboard with isolating device defect	3
2.4.15	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (c) (iv)—switchboard connecting device defect (eg neutral bars, earth bars or active link)	creation of switchboard with connective device defect	3
2.4.16	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (c) (v)—switchboard connection defect or fixing of switchboard wiring and switchgear defect	creation of switchboard with connection defect or fixing of wiring or switchgear defect	3

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column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.17	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (c) (vi)—switchboard identification defect or labelling of switchboard electrical equipment defect	creation of switchboard with labelling identification defect or labelling electrical equipment defect	1
2.4.18	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (c) (vii)—inadequate or no protection of switchboard against external influences	failure to protect switchboard against external influences	3
2.4.19	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (d) (i)—conductor size of wiring systems defect (eg current-carrying capacity or voltage drop)	creation of wiring system with conductor size defect	3

Schedule 1      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.20	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (d) (ii)—inadequate or no identification of cable core	creation of wiring system with cable core identification defect	1
2.4.21	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (d) (iii)—inadequate or no support or fixing of wiring systems	creation of wiring system with inadequate or no support or fixing	1
2.4.22	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (d) (iv)—connection or enclosure of wiring system defective	creation of wiring system with connection or enclosure defect	2

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.23	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (d) (v)—noncompliant installation of wiring system with installation condition (eg underground, aerial, emergency system)	creation of wiring system with installation condition in noncompliant way	3
2.4.24	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (d) (vi)—inadequate or no segregation of wiring system from other services and electrical installations	creation of wiring system with defective segregation from another service or electrical installation	3

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**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.25	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (d) (vii)—inadequate or no protection of wiring system against external influences (eg enclosure)	failure to protect wiring system against external influence	1
2.4.26	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (e) (i)—electrical equipment with isolation or switching devices not protected against injury from mechanical movement devices or motors	creation of electrical equipment with defect in isolation or switching device for protection against injury from mechanical movement device or motor	3

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column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.27	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (e) (ii)—electrical equipment with isolation or switching devices not protected against thermal effects (eg motors, room heaters, water heaters)	creation of electrical equipment with defect in isolation or switching device for protection against injury from thermal effect	2
2.4.28	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (e) (iii)—particular electrical equipment switching devices noncompliant (eg socket-outlets, cooking appliances)	creation of electrical equipment switching device noncompliant for particular electrical equipment	2

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.29	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (e) (iv)—electrical equipment switching devices noncompliant for use in installation conditions (eg locations affected by water, explosive atmospheres, extra-low voltage, high voltage)	creation of electrical equipment switching device noncompliant in conditions	3
2.4.30	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (e) (v)—electrical equipment noncompliant with required Australian Standard	creation of electrical equipment noncompliant with Australian Standard	3



<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.31	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (e) (vi)—electrical equipment connection, support or fixing defect	creation of electrical equipment with connection, support or fixing defect	2
2.4.32	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (e) (vii)—inadequate or no protection of electrical equipment against external influences	failure to protect electrical equipment against external influence	2
2.4.33	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (i)—MEN connection defect	creation of defective MEN connection	3

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.34	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (ii)—earth electrode defect	creation of defective earth electrode	3
2.4.35	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (iii)—earthing conductor defect (eg size, identification)	creation of defective earthing conductor	3
2.4.36	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (iv)—equipotential bonding conductor defect (eg size, identification)	creation of defective equipotential bonding conductor	3

<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.37	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (v)—earthing connection, joint or termination defect	creation of defective earthing connection, joint or termination	3
2.4.38	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (vi)—inadequate or no protection of earthing connection against external influences	failure to adequately protect earthing connection against external influence	2
2.4.39	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (vii)—noncompliant connection of earthing to earthing arrangements for another system	creation of earthing with noncompliant connection to earthing arrangements of another system	3

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.40	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (viii)—earthing situation required earthing of additional electrical equipment	creation of noncompliant earthing requiring earthing of additional electrical equipment	3
2.4.41	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 3.1—earthing system failed earth continuity and resistance test under AS 3017	creation of earthing system that failed earth continuity and resistance test under AS 3017	3

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.42	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 3.2—wiring or installation with inadequate or no insulation resistance between all live parts, including live conductors and the electrical installation earth, and each live conductor of consumer mains and submains	creation of wiring or installation that failed insulation resistance test under AS 3017	3
2.4.43	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 3.3—wiring or installation with defective polarity of active, neutral or earthing conductors	creation of wiring or installation that failed polarity test under AS 3017	3

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**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.44	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 3.4—wiring or installation with defective circuit connections	creation of wiring or installation that failed correct circuit connections test under AS 3017	3
2.4.45	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 3.5—wiring or installation with defective fault-loop impedance	creation of wiring or installation that failed fault-loop impedance test under AS 3017	3
2.4.46	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 3.6—wiring or installation with defective residual current device (RCD) operation	creation of wiring or installation that failed RCD test under AS 3017	3

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.4.47	fail to comply with <i>Electricity Safety Act 1971</i> , s 34—did not ensure electrical wiring work tested under AS 3017 or did not give registrar or owner of installation required report about test	failure to test installation or give required test report	2
2.4.48	fail to comply with <i>Electricity Safety Act 1971</i> , s 36 (4)—contravention of direction under Electricity Safety Act, s 36 (2) to take stated action to make installation or work safe and compliant	failure to comply with direction to make installation or work safe	3
2.4.49	fail to comply with <i>Electricity Safety Act 1971</i> , s 66 or s 67—prescribed article of electrical equipment installed in, or connected to, electrical installation in stated circumstances	creation of connection to unapproved electrical appliance	3

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## Part 2.5                      Gasfitters licence demerit disciplinary grounds under Act, s 53 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.5.1	fail to comply with <i>Gas Safety Act 2000</i> , s 8 requiring work to be done under AS 5601, cl 2.5.2—provided outlet not connected to appliance and not sealed with plug, cap or blank flange	failure to appropriately seal surplus gas outlet	3
2.5.2	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cls 3.2.1 and 3.3.6—material used to join components of consumer piping system, or to connect to consumer piping system, with incompatible mating screw threads or non-compliant joint	creation of non-compliant joint in, or connection to, consumer piping system	1



column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.5.3	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cls 4.1.3, 4.3.1 (c) and 4.4—material of consumer piping system, or connecting to consumer piping system, not adequately protected from corrosion or isolated from incompatible material	creation of part of consumer piping system, or connection to it, without compliant corrosion protection or isolation between incompatible material	2
2.5.4	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 4.1.12—pipework forming part of consumer piping system required to have compliant markings and did not have them	failure to adequately identify gas pipework	1

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.5.5	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 4.2.4—pipework forming part of consumer piping system with diameter too small to achieve required available gas pressure	creation of part of consumer piping system with noncompliant pipework size	3
2.5.6	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 4.3— inadequate spacing or strength of devices supporting or restraining, or intended to support or restrain, consumer piping system	failure to adequately support or restrain gas pipework	1
2.5.7	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 4.6— part of piping system required to have adequate pressure protection device	creation of consumer piping system with defective gas pressure protection	3

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.5.8	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 4.7— gas vent located in noncompliant position, or so could discharge gas in prohibited way, or no required gas vent provided	creation of noncompliant gas vent discharge point or failure to provide required gas vent	2

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.5.9	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cls 4.8.2 and 4.8.3—gas hose assembly connection point located—  (a) in bedroom, bathroom, sauna, toilet or hallway; or  (b) in place where traffic across hose; or  (c) if used for space heater—1m or less from doorway	creation of gas hose assembly connection in noncompliant location	1

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column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.5.10	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 4.9.2—quick-connect type gas connection point installed outside in way that possible for rainwater and debris to enter it	creation of quick-connect gas device outside with likelihood of entry of water or debris	1
2.5.11	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 4.11.3—part of consumer piping system located less than 25mm from metal electrical conduit, metal-armoured or metal-sheathed electrical wire or cable, or electrical earthing electrode	creation of part of gas pipework less than 25mm from electrical installation	1

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.5.12	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 4.11.11—part of consumer piping system exposed to potential liquid discharge (eg from water heater relief valve or condensate drain)	creation of part of gas pipework exposed to liquid discharge	1
2.5.13	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cls 5.2.4, 5.3.1 and 5.4—  (a) gas appliance’s ventilation inadequate to ensure appliance’s safe operation; or  (b) possibility that operation of ventilation system, air distribution system or air blower could deprive gas appliance of air required for combustion or caused air pressure to be less	failure to provide gas appliance with compliant air ventilation or adequate combustion air supply	2

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column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
	<p>than atmospheric pressure at appliance or otherwise adversely affected appliance's operation; or</p> <p>(c) gas appliance installed at location without adequate ventilation for complete combustion of gas, proper fluing or maintenance of ambient temperature of immediate surrounds at safe level, under normal operating conditions; or</p> <p>(d) air supply to gas appliance contaminated with gases produced by fuel combustion, or contained chemicals or flammable vapours that could have affected combustion; or</p> <p>(e) gas appliance in room or enclosure required to</p>		

**Schedule 1**      New regulations

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
	have 1 or more of following, but did not: <ul style="list-style-type: none"> <li>(i) natural ventilation direct from outside the room or enclosure;</li> <li>(ii) natural ventilation from nearby room or enclosure;</li> <li>(iii) mechanical ventilation</li> </ul>		
2.5.14	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 5.2.5—gas appliance installed other than in accordance with manufacturer’s instructions	creation of gas appliance installation not in accordance with manufacturer’s instructions	2



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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.5.15	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 5.2.6— gas appliance installed but failure to install component or install in compliant way may have affected safe operation	creation of potentially unsafe gas appliance installation	3

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.5.16	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cls 5.2.7, 5.3.4 and 5.12—gas appliance installed so that—  (a) surface temperature of nearby combustible surface could exceed 65°C above ambient temperature because of use of appliance; or  (b) appliance is hazard to walls, nearby surfaces, curtains, furniture or opened door; or  (c) clearance from appliance, including any flue, to anything else less than required	creation of gas appliance installation too close to combustible surface or other hazardous thing	3

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column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.5.17	<p>fail to comply with <i>Gas Safety Act 2000</i>, s 8, requiring work to be done under AS 5601, cls 5.2.13, 5.2.15, 5.2.18, 5.2.19 and 5.12—gas appliance installed—</p> <p>(a) so that supported on, or secured to, structure that not durable, or otherwise inappropriate; or</p> <p>(b) so that supported or secured in way that does not minimise strain on any gas pipe connection; or</p> <p>(c) so that not secured or stabilised in way suitable for its conditions of use or in accordance with manufacturer’s instruction (eg upright stove not prevented from tilting when oven door open and lent on; or</p>	creation of gas appliance with noncompliant support, security, restraint or stability	2
	<p>(d) but not restrained, or restrained in noncompliant way if required to be restrained against rolling on wheels, rollers or castors</p>	Construction Occupations (Licensing) Bill 2003	page 179

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.5.18	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 5.3.11 (c) and (d)—gas appliance in roof space not provided with compliant access walkway—  (a) of required dimensions from point of access into roof space to gas appliance and around appliance; and  (b) with no duct intruding on it; and  (c) capable of supporting person’s weight; and  (d) permanently fixed to building	failure to provide compliant walkway to roof space gas appliance	3

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.5.19	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 5.3.11 (f)—gas appliance in roof space without required artificial lighting or lighting switch located adjacent to, and within 600mm from closest edge of, access opening into roof space	failure to provide required compliant artificial light to roof-space gas appliance	2
2.5.20	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 5.3.11 (c) and (g)—roof-space gas appliance located so that cannot be readily lit or serviced, or so that components cannot be removed	creation of defective roof-space gas appliance installation—not readily lit or serviced, parts cannot be removed	2

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.5.21	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 5.3.11 (e)—roof-space gas appliance required to be installed in stated way on non-combustible platform or on combustible platform with compliant heat shielding was not installed that way	creation of roof-space gas appliance with platform inadequately protected from combustion	3
2.5.22	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 5.6—thing connected to consumer piping system did not have required compliant device to allow thing to be isolated or disconnected from gas supply	failure to provide required compliant way to disconnect or isolate gas supply	1

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.5.23	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 5.11— gas appliance installed without required automatic gas shut-off if operation of overhead automatic fire extinguishing equipment might extinguish appliance's flame	creation of gas appliance installation without automatic gas shut-off on automatic fire extinguishing	3
2.5.24	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl 5.13— gas appliance with flue made of noncompliant material or configured, located or supported in noncompliant way	creation of gas appliance installation with noncompliant flue	3

Schedule 1      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.5.25	fail to comply with <i>Gas Safety Act 2000</i> , s 8, requiring work to be done under AS 5601, cl E3.2.1—consumer piping system gas pressure dropped or gas leaked more than allowed	creation of consumer piping system or connection that leaked gas or dropped gas pressure	3
2.5.26	fail to comply with <i>Gas Safety Act 2000</i> , s 9 (1)—gasfitting work completed in accordance with Gas Safety Act, s 9, but—  (a) compliance indicator not attached to the consumer piping in accordance with Gas Safety Act; or  (b) certificate of compliance for work not given in accordance with Gas Safety Act	failure to attach appropriate indicator to completed gas pipework or to give appropriate certificate of compliance for pipework	3

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.5.27	fail to comply with <i>Gas Safety Act 2000</i> , s 24 (2)— gas appliance that not approved connected to consumer piping system	connection of unapproved appliance to consumer piping system	3

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**Part 2.6                      Plumbers licence demerit disciplinary grounds under  
Act, s 53 (1) (a)**

<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.6.1	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.1 (b)—sanitary plumbing system using water-borne waste disposal designed or constructed in a way that failed to avoid likelihood of blockage or leakage	creation of sanitary plumbing system with likelihood of blockage or leakage	2

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.2	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.1 (c)—sanitary plumbing system using water-borne waste disposal designed or constructed in way that failed to avoid the likelihood of water, foul air or gases entering a building	creation of sanitary plumbing system with likelihood of water, foul air or gas entering a building	2
2.6.3	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.1 (d)—sanitary plumbing system using water-borne waste disposal designed or constructed in a way that failed to provide access for maintenance and clearing blockages	creation of sanitary plumbing system without access for maintenance and clearing blockages	1

Schedule 1      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.6.4	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.1 (e)—sanitary plumbing system using water-borne waste disposal designed or constructed in a way that failed to avoid likelihood of damage from superimposed loads or normal building movement	creation of sanitary plumbing system with likelihood of damage from loads or building movement	1
2.6.5	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.1.1, cl 5 (a) and (e)—did not safeguard people from illness because of consumption of, or contact with, contaminated water, throughout design life of cold water supply installation	failure to safeguard people from illness because of consumption of, or contact with, contaminated water	2

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.6	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.1.1, cl 5 (b) and (e)—did not safeguard people from injury or loss of amenity because of failure of water supply installation throughout design life of cold water supply installation.	failure to safeguard people from injury or loss of amenity because of failure of water supply installation	2
2.6.7	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.1.1, cl 5 (c) and (e)—did not safeguard people from water supply that is offensive in appearance, taste or odour because of failure of water supply installation throughout design life of cold water supply installation.	failure to safeguard people from water supply with offensive appearance, taste or odour	1

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.6.8	fail to comply with <i>Water and Sewerage Act 2000</i> , s 11 (2) or s 15 (1) (a) and <i>Water and Sewerage Regulations 2001</i> , reg 17—  (a) installed or fitted sprinkler system or part of fire sprinkler service without giving required notice of start to registrar; or  (b) altered, repaired or replaced pipe or fitting communicating with water network without giving required notice (including required plumbing plan) of start to registrar or without required approval	failure to give required notice of intention to start sprinkler or fire sprinkler work or interfere with pipes communicating with water network	1

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.9	fail to comply with <i>Water and Sewerage Act 2000</i> , s 15 (1) (b) and (c)— (a) contravened direction of registrar about alteration, repair or replacement of pipe or fitting; or (b) laid pipe communicating with water network other than as authorised under MP52	failure to do work connecting to water network in accordance with registrar's direction or MP52	2

Schedule 1      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.6.10	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 19—  (a) did not tell registrar when water supply plumbing work ready for inspection; or  (b) did not leave water supply plumbing work ready for inspection as required	failure to tell registrar water supply plumbing work ready for inspection or to leave work uncovered for test	1
2.6.11	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 20 (1)—did not test water supply plumbing in accordance with AS 3500 before it was to be passed by an inspector or, if the water supply plumbing was altered or repaired, before the alteration or repair was to be passed	failure to test water supply plumbing before inspection	1



<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.6.12	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 20 (3)—did not rectify water supply plumbing work found to be defective	failure to rectify defective water supply plumbing work found by test	2
2.6.13	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 21—did not give registrar required information, fee and plan within required time for water supply plumbing work completed in accordance with AS 3500	failure to give required information, fee and plan for completed water supply plumbing work	1
2.6.14	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 22 (5)—installed testable backflow prevention device but did not tell registrar about installation or ensure device tested as required as soon as practicable	installation of testable backflow prevention device without notifying or testing	1

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.6.15	fail to comply with <i>Water and Sewerage Act 2000</i> , s 16—altered, removed or interfered with sanitary plumbing without giving required notice	failure to give required notice of intention to start or complete sanitary plumbing work	1
2.6.16	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 7 (1)—did work on sanitary plumbing system other than in accordance with approved plan	creation of sanitary plumbing work other than in accordance with approved plan	1

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.17	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 8—  (a) did not tell registrar when sanitary plumbing work ready for inspection; or  (b) did not leave sanitary plumbing work ready for inspection as required	failure to tell registrar sanitary plumbing work ready for inspection or to leave work uncovered for test	1
2.6.18	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 9 (1)—did not test sanitary plumbing in accordance with AS 3500 before it was to be passed by an inspector or, if the sanitary plumbing was altered or repaired, before the alteration or repair was to be passed	failure to test sanitary plumbing before inspection	1

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.6.19	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 9 (3)—did not rectify sanitary plumbing work found to be defective	failure to rectify defective sanitary plumbing work found by test	2
2.6.20	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 10—did not give registrar required information, fee and plan within required time for sanitary plumbing work completed in accordance with AS 3500	failure to give required information, fee and plan for completed sanitary plumbing work	1

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## Part 2.7 Plumbing plan certifiers licence demerit disciplinary grounds under Act, s 53 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.7.1	fail to comply with <i>Water and Sewerage Act 2000</i> , s 8 (1)—approved plumbing or sanitary drainage work plan without required approvals	failure to obtain required approval before approving plumbing or drainage plan	3
2.7.2	fail to comply with <i>Water and Sewerage Act 2000</i> , s 8 (2) (d)—certifier issued plan approval for proposed plumbing or sanitary drainage work, or approved amendment plan, where design of work did not comply with AS 3500	creation of plan approval or amendment for noncompliant plumbing or drainage work	2

Schedule 1      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.7.3	fail to comply with <i>Water and Sewerage Act 2000</i> , s 9 (2)—certifier approved amendment to plan approval for proposed plumbing or sanitary drainage work where reconsideration required	approved amended plan that required reconsideration	1
2.7.4	fail to comply with <i>Water and Sewerage Act 2000</i> , s 9 (3)—certifier did not keep all documents relating to approved plumbing or drainage plan for at least 1 year	failure to keep plan approval records for 1 year	1
2.7.5	fail to comply with <i>Water and Sewerage Act 2000</i> , s 10—certifier did not notify registrar within 7 days after end of appointment under <i>Water and Sewerage Act</i> , s 5 (3) or (4)	failure to notify loss of appointment as certifier within 7 days after loss	1

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**Part 2.8**                      **All licences demerit disciplinary grounds under Act,  
s 53 (1) (a)**

<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.8.1	fail to comply with Act, s 39—contravention of rectification order other than emergency rectification order	contravention of non-emergency rectification order	2
2.8.2	fail to comply with Act, s 39—contravention of emergency rectification order	contravention of emergency rectification order	4
2.8.3	fail to comply with Act, s 46—did not give client evidence of relevant insurance before providing construction service	failure to give client insurance evidence	1

**Schedule 1**      New regulations

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<b>column 1 item</b>	<b>column 2 demerit disciplinary ground</b>	<b>column 3 short description</b>	<b>column 4 demerit points</b>
2.8.4	fail to comply with Act, s 85 (1)—contravention of licence condition that—  (a) limited number or cost of construction services provided under licence; or  (b) required licensee to do something in a stated way in connection with the performance of a construction service	failure to comply with licence condition	2
2.8.5	fail to comply with Act, s 85 (3)—contravention of applicable code of practice	failure to comply with applicable code of practice	1





- 1      *AS 3017* means Australian Standard 3017 (Electrical Installations—  
2      Testing and Inspection Guidelines), as in force from time to time.
- 3      *AS 5601* means Australian Standard 5601 (Gas Installations), as in  
4      force from time to time.
- 5      *basic building work*—see the *Building Act 2003*, section 10.
- 6      *building certification work*—see the Act, section 9 (3) (What is a  
7      *building surveyor*?).
- 8      *electrical wiring work*—see the Act, section 11 (3) (What is an  
9      *electrician*?).
- 10     *fire sprinkler work*—see the Act, section 13 (3) (What is a  
11     *plumber*?).
- 12     *gasfitting work*—see the Act, section 12 (3) (What is a *gasfitter*?).
- 13     *incidental electrical work*—see the *Electricity Safety Act 1971*,  
14     section 3 (1).
- 15     *sanitary drainage work*—see the Act, section 10 (3) (What is a  
16     *drainer*?).
- 17     *sanitary plumbing work*—see the Act, section 13 (3) (What is a  
18     *plumber*?).
- 19     *specialist building work*—see the *Building Act 2003*, section 9.
- 20     *type B gas appliance* means a gas appliance that—
- 21     (a) consumes more than 10MJ/h of gas; and
- 22     (b) is not covered by an approval scheme for gas appliances  
23     recognised by an entity appointed by the government of a State  
24     or Territory to administer the gas safety legislation for the State  
25     or Territory.
- 26     *water supply plumbing work*—see the Act, section 13 (3) (What is a  
27     *plumber*?).

# Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- entity
- Legislation Act
- under
- working day.

**AS 3500**—

(a) means Australian Standard 3500 (National Plumbing and Draining Code), as in force from time to time; and

(b) includes AS/NZS 3500.1.2:1998 and AS/NZS 3500.4.2:1997.

**authorised action**, for part 4 (Rectification orders and other obligations on licensees)—see section 33.

**authorised licensee**, for part 4 (Rectification orders and other obligations on licensees)—see section 33.

**builder**—see section 8.

**building certifier**—see the *Building Act 2003*, dictionary, definition of *certifier*.

**building surveyor**—see section 9.

**building work**—see the *Building Act 2003*, section 6.

**class**, of a construction occupation, means a class into which the occupation is divided under the regulations (see section 15).

**compliance auditor**, for part 6 (Enforcement)—see section 74.

**construction occupation**—see section 7.

- 1            **construction practitioner**—see section 6.
- 2            **daily ACT newspaper** means a daily newspaper published and  
3            circulating in the ACT.
- 4            **demerit disciplinary ground**, for part 8 (Demerit points system)—  
5            see section 87.
- 6            **demerit points register**, for part 8 (Demerit points system)—see  
7            section 87.
- 8            **disciplinary action** means action the registrar may take under  
9            section 60 (1).
- 10           **disciplinary ground**—see section 53.
- 11           **disciplinary incident**, for part 8 (Demerit points system)—see  
12           section 87.
- 13           **disciplinary notice**—see section 55.
- 14           **drainer**—see section 10.
- 15           **electrician**—see section 11.
- 16           **emergency rectification order**—see section 38.
- 17           **endorsement** means an endorsement under section 22.
- 18           **former licensee** means a person who has been a licensee.
- 19           **gasfitter**—see section 12.
- 20           **infringement notice**—see *Magistrates Court Act 1930*, section 117.
- 21           **inquiry** means an inquiry under division 5.3 (Disciplinary inquiries).
- 22           **licence** means a licence under this Act.
- 23           **licensee**, for part 8 (Demerit points system)—see section 87.
- 24           **licence number**, for a licence—see section 23 (1) (c).
- 25           **mandatory requirements**, for division 3.2 (Nominees)—see  
26           section 27.

- 1        ***nominee***, of a corporation or partnership, means a person who is  
2        appointed as a nominee of the corporation or partnership under  
3        section 28 (Nominees of corporations and partnerships).
- 4        ***occupation class*** means a class into which a construction occupation  
5        is divided under section 15.
- 6        ***operational Act***—see section 16.
- 7        ***plumber***—see section 13.
- 8        ***plumbing plan certifier***—see section 14.
- 9        ***previous 3 years***, for part 8 (Demerit points system)—see  
10       section 88.
- 11       ***rectification order***—see section 37 (1).
- 12       ***register*** means the register kept under section 105.
- 13       ***registrar***—see section 101.
- 14       ***reviewable decisions*** means a decision prescribed under the  
15       regulations for section 122.
- 16       ***storey***—see the *Building Act 2003*, dictionary.
- 17       ***supervise*** includes direct.

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## Endnote

### Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).