



Australian Capital Territory

Construction Occupations (Licensing) Regulation 2004

SL2004-36

made under the

Construction Occupations (Licensing) Act 2004

Republication No 8

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Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Construction Occupations (Licensing) Regulation 2004*, made under the *Construction Occupations (Licensing) Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 July 2006. It also includes any amendment, repeal or expiry affecting the republished law to 1 July 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
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The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Part 1 Preliminary

1 Name of regulation

This regulation is the *Construction Occupations (Licensing) Regulation 2004*.

2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

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

For example, the signpost definition ‘*specialist building work*—see the *Building Act 2004*, section 9.’ means that the term ‘specialist building work’ is defined in that section and the definition applies to this regulation.

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

3 Notes

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

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

4 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

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

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

Note 2 Penalty units

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

Part 2 Licences

5 Licence applications—Act, s 17 (3)

A licence application must contain the following information:

- (a) the applicant's name;
- (b) the construction occupation and class of construction occupation the application relates to;
- (c) any endorsement being applied for;
- (d) if the applicant is an individual—
 - (i) the applicant's date of birth; and
 - (ii) the applicant's residential address; and
 - (iii) if the applicant is applying for a principal building surveyor employee or general building surveyor employee licence—the name of the applicant's employer or proposed employer;
- (e) if the applicant is a partnership—
 - (i) evidence of the existence of the partnership; and
 - (ii) the name of each partner; and
 - (iii) if a partner is a corporation—the partner's ACN (if any); and
 - (iv) the name, business address, telephone and fax number and email address (if any) of each of the applicant's nominees;
- (f) if the applicant is a corporation—
 - (i) its ACN (if any); and

- (ii) the name, business address, telephone and fax number and email address (if any) of each of the applicant's nominees; and
- (iii) if the history of the corporation is on a database kept by the Australian Securities and Investments Commission—an extract about the history of the corporation from the database;
- (g) the applicant's business telephone and fax number and email address (if any);
- (h) if the application is for a licence as an asbestos assessor, building surveyor or plumbing plan certifier—the name of the insurer who will provide the insurance mentioned in section 16A (Eligibility to be asbestos assessor), section 17 (Eligibility to be building surveyor) or section 18 (Eligibility to be plumbing plan certifier);
- (i) evidence that the applicant is eligible to be licensed in the construction occupation or class of construction occupation applied for;
- (j) if an endorsement is being applied for—evidence that the applicant is capable of providing each construction service allowed to be provided under the endorsement;
- (k) whether the applicant has been licensed before and, if so, details of each previous licence;
- (l) whether the applicant has been convicted or found guilty of any offence involving fraud, dishonesty or violence, punishable by imprisonment for 1 year or more and, if so, details of each conviction or finding;

- (m) evidence that the applicant has, or has access to, financial resources adequate to complete any work that will be authorised under the licence that the applicant can otherwise do.

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

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

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

7 Term of licences generally—Act, s 24

- (1) The maximum period for which a licence in the following construction occupations may be issued or renewed is 3 years:
 - (a) builder;
 - (b) electrician;
 - (c) plumber;

- (d) drainer;
 - (e) gasfitter.
- (2) However, an applicant for the issue or renewal of the licence may apply for a 1-year licence and, if the applicant does apply, the maximum period for which the licence may be issued or renewed is 1 year.

8 Term of licence for asbestos assessors, building surveyors and plumbing plan certifiers—Act, s 24

- (1) This section applies to a licence in the construction occupation of asbestos assessor, building surveyor or plumbing plan certifier.
- (2) The maximum period for which a licence may be issued is 1 year.
- (3) However, if the applicant for the issue or renewal of the licence has insurance required under this regulation for a period of less than 1 year, the maximum period for which the licence may be issued or renewed is the period for which the applicant has insurance.

Part 3 Register

9 Particulars in register

- (1) The register must contain the following particulars in relation to a licensee:
 - (a) the details included in the licensee's licence;
 - (b) the licensee's business telephone and fax number and email address (if any);
 - (c) if the licensee is an asbestos assessor, building surveyor or plumbing plan certifier—the name of the insurer who provides the insurance mentioned in section 16A (Eligibility to be asbestos assessor), section 17 (Eligibility to be building surveyor) or section 18 (Eligibility to be plumbing plan certifier) or the regulations;
 - (d) if the licensee is a corporation or partnership—the name, business address, telephone and fax number and email address (if any) of each of the licensee's nominees;
 - (e) if the licensee's licence is suspended—details of the suspension;
 - (f) if the licensee has ever had a licence suspended—details of the suspension, if available;
 - (g) details of any suspension of the licence, whether or not the suspension has ended, if available;
 - (h) details of any disciplinary action taken against the licensee, if available;
 - (i) whether any disciplinary action is being taken against the licensee.

- (2) The registrar may enter in the register any other details the registrar considers appropriate, including information about former licensees.

10 Keeping register

The registrar may—

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

Part 4 General eligibility requirements

Division 4.1 Eligibility to be licensed

11 Not eligible because of suspension

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

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

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

12 Individuals not eligible

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

13 Qualifications for individuals

- (1) The registrar may, in writing, declare the qualifications necessary for an individual to be eligible to be licensed in a construction occupation or occupation class.

- (2) Before making a declaration in relation to a construction occupation or occupation class, the registrar must consult the advisory board for the occupation or class.
- (3) A declaration is a notifiable instrument.

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

14 Skill assessment of individuals

- (1) This section applies if the registrar is not satisfied that an applicant has a qualification required to be eligible for the licence applied for.
- (2) The registrar may require the applicant to undertake an assessment to find out whether the applicant has a skill reasonably necessary to satisfactorily exercise the functions of a construction occupation or class of construction occupation under the licence applied for.
- (3) An assessment may consist of 1 or more of the following:
 - (a) an assessment by a person who the registrar is satisfied is competent to make the assessment;
 - (b) an examination, which may have practical, written and oral aspects, by a registered training organisation that the registrar is satisfied is competent to set and assess the examination;
 - (c) an examination of a record of the applicant's experience provided by the applicant;
 - (d) the undertaking of a test, or a series of tests, approved by the registrar.
- (4) The applicant must pay to the Territory the reasonable costs incurred by the Territory in arranging or carrying out an assessment.
- (5) An applicant is not eligible to be licensed if the applicant has not complied with subsection (4).

(6) In this section:

registered training organisation—see the *Tertiary Accreditation and Registration Act 2003*, dictionary.

15 Corporations and partnerships eligible for some occupations

- (1) A corporation or partnership is eligible to be licensed only in the following construction occupations or occupation classes:
 - (a) asbestos removalist;
 - (b) builder;
 - (c) building surveyor;
 - (d) drainer;
 - (e) electrician, electrical contractor class;
 - (f) gasfitter;
 - (g) plumber;
 - (h) plumbing plan certifier.
- (2) Also, a corporation or partnership is eligible to be licensed in a construction occupation or occupation class only if the corporation or partnership has a nominee who is licensed in the occupation or class.
- (3) However, a partnership is not eligible to be licensed in a construction occupation or occupation class if a partner has been found guilty, whether in the ACT or anywhere else, of an offence involving fraud, dishonesty or violence punishable by imprisonment for at least 1 year.

15A Eligibility to be asbestos removalist

- (1) An applicant for a licence as an asbestos removalist is eligible for the licence only if the applicant satisfies the registrar that the applicant has qualifications or experience necessary for the applicant to provide, and understand the minimum health and safety requirements in relation to, the asbestos removal services for which the licence is sought.
- (2) In this section:
asbestos removal service—see the Act, section 7B (2).

16 Eligibility to be owner-builder

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

- (a) the individual owns the land where the building work allowed under the owner-builders licence is proposed to be undertaken; and
- (b) the building work has building approval under the *Building Act 2004*; and
- (c) the individual has not been granted an owner-builders licence in relation to other land in the previous 5 years before applying for the owner-builders licence.

U 16A Eligibility to be asbestos assessor

U 17 Eligibility to be building surveyor

- (1) An applicant for a licence as a building surveyor (other than a principal government building surveyor or government building surveyor) is eligible for the licence only if the applicant satisfies the registrar that the applicant is adequately insured.
- (2) A person is *adequately insured* if the person has professional indemnity insurance that provides—

- (a) indemnity against claims for breach of professional duty as a building certifier; and
 - (b) a minimum limit of indemnity of \$1 000 000 for any 1 claim; and
 - (c) a minimum limit of indemnity of \$1 000 000 for the total of all claims against the insured made in the period of cover; and
 - (d) in addition to the indemnities mentioned in paragraphs (b) and (c), a minimum limit of indemnity for the costs and expenses of defending or settling a claim of 20% of the limit of indemnity for the claim.
- (3) For subsection (2), a person is taken to have professional indemnity insurance if the person is an applicant for a principal building surveyor employee or general building surveyor employee licence and the person's employer has the insurance.
- (4) In subsection (2) (d)—
- costs and expenses* means costs and expenses incurred with the insurer's consent.

U 18 Eligibility to be plumbing plan certifier

- (1) An applicant for a licence as a plumbing plan certifier is eligible for the licence only if the applicant satisfies the registrar that the applicant is adequately insured.
- (2) An individual is *adequately insured* to be a plumbing plan certifier if the person has professional indemnity insurance that provides—
 - (a) indemnity against claims for breach of professional duty as a plumbing plan certifier; and
 - (b) a minimum limit of liability of \$1 000 000 for each period of insurance.

Division 4.2 Nominees

19 Eligibility to be nominee—Act, s 28 (4)

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

- (a) for a corporation—the individual is a director or employee of the corporation; and
- (b) for a partnership—the individual—
 - (i) is a partner; or
 - (ii) is the nominee of a corporation that is a partner in the partnership; and
- (c) the individual is licensed in a construction occupation that the corporation or partnership is licensed in or applying to be licensed in; and
- (d) the individual is otherwise able to exercise the functions of a nominee on a daily basis; and

Note For functions of nominees, see the Act, s 31.

- (e) for a construction occupation divided into classes—either—
 - (i) the individual is licensed in the same class as, or a class that allows the exercising of the same functions as, the class the corporation or partnership is licensed in or applying to be licensed in; or
 - (ii) the corporation or partnership has a nominee mentioned in subparagraph (i).

Part 5 Licence conditions and endorsements

Division 5.1 Licence conditions on licences

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

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

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

21 Change of register information

- (1) The licensee must tell the registrar in writing of any change in a detail relating to the licensee that is recorded in the register.
- (2) The notice must be given within 2 weeks after—
 - (a) the day of the change to which it relates happened; or
 - (b) the day the licensee became aware of the change.

22 Corporate licences

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

23 Partnership licences

- (1) This section applies if the licensee is a partnership.
- (2) The partnership must tell the registrar in writing if a person becomes or stops being a partner or nominee.

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

24 Individual licences

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

25 Operative drainers

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

26 Journeyperson gasfitters

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

27 Journeyperson plumbers

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

28 Certain building surveyors

- (1) This section applies to licensees in the following classes in the construction occupation of building surveyor:
- (a) principal building surveyor employee;
 - (b) general building surveyor employee.

- (2) The licensee may only provide a construction service in that occupation class as an employee of a licensee who—
- (a) is licensed as—
 - (i) a principal building surveyor; or
 - (ii) a general building surveyor; and
 - (b) holds insurance of a kind mentioned in section 17 in relation to the employee.

Division 5.2 Miscellaneous

29 Return of licence

- (1) This section applies if the registrar decides to—
- (a) amend a condition on a licence; or
 - (b) endorse a licence.
- (2) The registrar may require a licensee to return the licence to the registrar in relation to the amendment or endorsement.

Note The registrar may, but need not, include a condition on a licence (see s 6 (2)).

- (3) If the registrar requires the licensee to return the licence—
- (a) the licensee must return the licence; and
 - (b) the registrar must return the licence to the licensee as soon as the licence is amended (whether by including the condition on the licence or otherwise) or endorsed, unless the licence is suspended or cancelled.
- (4) A licensee commits an offence if the licensee fails to return a licence under subsection (3) (a).

Maximum penalty: 5 penalty units.

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

30 Endorsing builders licences for building work—Act, s 22

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

Note If deciding whether to endorse a licence under this section, the registrar must consider the considerations in s 32.

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

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

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

Note If deciding whether to endorse a licence under this section, the registrar must consider the considerations in s 32.

- (2) In this section:

backflow prevention device test work means—

- (a) work in accordance with Australian Standard 2845.3, *Water Supply—Backflow prevention devices—Field testing and maintenance*, to test, or supervise the testing of, a backflow prevention device that forms part of a water service, hot-water system, irrigation system or fire sprinkler system; or
- (b) the production of a report about a test under paragraph (a).

U 32 Considerations for endorsing under s 30 and s 31

- (1) In deciding whether to endorse a person's licence under section 30 or section 31, the registrar must consider the following:

- (a) the person's physical ability or skill;

- (b) the person's qualifications, training and knowledge;
 - (c) the extent, quality, relevance and recency of the person's experience doing similar work to, or work that is equally complex as, the work to be allowed by the proposed endorsement;
 - (d) whether any disciplinary action has ever been taken in relation to the person;
 - (e) whether the person has incurred any demerit points that have not been deleted from the register.
- (2) The registrar may consider anything else that is relevant.

33 Replacement licences

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

Note 1 A fee may be determined under the Act, s 127 for this provision.

Note 2 If a form is approved under the Act, s 128 for this provision, the form must be used.

34 Matters that may be published—Act, s 64 (1)

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

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

Examples

- 1 the licensee's name and ACN (if any)
- 2 if the licensee is a partnership—the name and ACN (if any) of each partner
- 3 any name (and, if relevant, ACN) used in the past by the licensee or, if the licensee is a partnership, a partner in the licensee while providing a service in a construction occupation

4 the licensee's current and previous business addresses

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

- (b) particulars of the licence and the construction occupation and occupation class (if any) in relation to which the disciplinary action is being, or was, taken;
- (c) particulars of the disciplinary action;
- (d) details that allow the public to identify when the decision to take disciplinary action was taken, when the disciplinary action will start and finish and, if applicable, the amount of any fine imposed on the licensee;
- (e) why the disciplinary action is being, or was, taken.

Example for par (e)

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

35 Services that may be provided without licence

- (1) The following construction services may be provided by an individual without a licence if done under the supervision of a licensed individual, or the nominee of a licensed corporation or partnership, authorised by the licence to provide the service:
 - (a) building services;
 - (b) if the individual providing the service is a trainee—
 - (i) electrical wiring services; or
 - (ii) gasfitting services; or
 - (iii) plumbing services; or
 - (iv) sanitary drainage services.

(2) However, if the building services involve asbestos removal, subsection (1) applies to the building services only if the individual providing the services has a relevant asbestos qualification.

(3) In this section:

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

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

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

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

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

relevant asbestos qualification—see the *Building Regulation 2004*, section 7A (4).

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

trainee, for a service, means an individual who—

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

Part 6 Construction occupation classes

36 Classes of licence generally

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

36A Classes of asbestos assessor

The construction occupation of asbestos assessor is divided into the classes in schedule 1, part 1.1, column 2.

36B Classes of asbestos removalist

The construction occupation of asbestos removalist is divided into the classes in schedule 1, part 1.2, column 2.

37 Classes of builder

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

38 Classes of building surveyor

The construction occupation of building surveyor is divided into the classes in schedule 1, part 1.4, column 2.

39 Classes of drainer

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

40 Classes of electrician

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

41 Classes of gasfitters

The construction occupation of gasfitter is divided into the classes in schedule 1, part 1.7, column 2.

42 Classes of plumber

The construction occupation of plumber is divided into the classes in schedule 1, part 1.8, column 2.

Part 7 Miscellaneous

43 Short descriptions and demerit points

- (1) The short description for a demerit disciplinary ground that is a contravention of the Act or an operational Act mentioned in schedule 2, column 2 is the description mentioned in the item, column 3.
- (2) The short description for a demerit disciplinary ground under the Act, section 54 (1) (other than paragraph (a)) that is mentioned in schedule 3, column 2 is the description mentioned in the item, column 3.
- (3) The number of demerit points mentioned in schedule 2, column 4 or schedule 3, column 4 is prescribed in relation to a demerit disciplinary notice based on the demerit disciplinary ground mentioned in the item, column 2.

44 Information in report to Minister—Act, s 112

- (1) The registrar's report to the Minister about complaints for a financial year must include the following information:
 - (a) the total number of complaints made in the year;
 - (b) the number of complaints made about former licensees;
 - (c) the number of complaints made about current licensees;
 - (d) a description of the kinds of complaints made about licensees and former licensees in each construction occupation.
- (2) The registrar's report to the Minister about disciplinary action for a financial year must include the following information:
 - (a) the name of each licensee or former licensee against whom disciplinary action was taken during the financial year;

- (b) for each licensee or former licensee mentioned in paragraph (a)—
 - (i) the contravention; and
 - (ii) the construction occupation or class of construction occupation in which the licensee or former licensee was licensed when the contravention happened; and
 - (iii) the disciplinary action taken; and
 - (iv) the result of any review of the decision to take disciplinary action.

- (3) In this section:

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

45 Reviewable decisions—Act, s 124

- (1) The following decisions of the registrar are ***reviewable decisions***:
 - (a) refusing to issue a licence under the Act, section 19 (1) (Decision on licence application);
 - (b) issuing a licence other than the licence applied for under the Act, section 19 (2);
 - (c) amending a licence by putting a condition on the licence or by amending or cancelling a condition on the licence under the Act, section 21 (2) (Licence conditions);
 - (d) refusing to amend a licence under the Act, section 21 (2);
 - (e) refusing to endorse a licence under the Act, section 22 (Endorsements on licences);
 - (f) issuing or renewing a licence for a period other than the maximum period for which the licence may be issued or renewed;

- (g) refusing to renew a licence under the Act, section 25 (2) (Licence renewal);
- (h) refusing to cancel a licence under the Act, section 26 (Voluntary licence cancellation);
- (i) refusing to approve the resignation of a nominee under the Act, section 29 (Resignation of nominee);
- (j) deciding to authorise a licensee under the Act, section 37 (Rectification order inappropriate);
- (k) deciding to make a rectification order under the Act, section 38 (Rectification orders);
- (l) refusing to revoke the automatic suspension of a licence under the Act, section 53 (2) (End of automatic licence suspension);
or
- (m) suspending a licence under the Act, section 57 (2) (Interim licence suspension);
- (n) refusing to revoke a suspension under the Act, section 59 (2) (Revocation of interim suspension);
- (o) taking disciplinary action under the Act, section 60 (Decision about disciplinary action);
- (p) including details of the contravention of a rectification order in the register under the Act, section 109 (3) (Recording contravention of rectification orders);
- (q) refusing to endorse a builders licence under section 30 (Endorsing builders licences for building work—Act, s 22);
- (r) endorsing a licence under section 30 subject to conditions.
- (s) refusing to endorse a plumbers licence under section 31 (Endorsing plumbers licences for backflow prevention device test work—Act, s 22);

Part 7 Miscellaneous

Section 45

- (t) refusing to issue a replacement licence under section 33 (Replacement licences).

Part 8 Transitional

46 Meaning of *repealed Act* for pt 8

In this part:

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

47 Meaning of *licence* for s 9 (1) (g)

In section 9 (1) (g):

licence includes—

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

48 Meaning of *disciplinary action* and *licensee* for s 9 (1) (h)

In section 9 (1) (h):

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

licensee includes a person registered under the repealed Act.

49 Requirement to consult under s 13

- (1) The registrar need not consult the advisory board for a construction occupation before making a declaration about qualifications for the construction occupation or an occupation class under section 13 on or before the commencement of this section.

- (2) However, the registrar must consult the advisory board for the construction occupation about the qualification for the construction occupation within 1 year after the commencement of this section.

50 Meaning of owner-builders licence for s 16

In section 16:

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

51 Meaning of licence for s 34

In section 34:

licence includes—

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

Schedule 1 Classes of construction occupation licence and functions

(see pt 6)

Part 1.1 Asbestos assessor

column 1 item	column 2 construction occupation class	column 3 construction work
1	class A	(a) providing an asbestos assessment service; and (b) doing anything allowed to be done under a class B licence <i>Note 1</i> <i>Asbestos assessment service</i> —see the Act, s 7A (2). <i>Note 2</i> An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Schedule 1
Part 1.1

Classes of construction occupation licence and functions
Asbestos assessor

column 1 item	column 2 construction occupation class	column 3 construction work
2	class B	undertake field surveys to identify the location, type and condition of asbestos in buildings for this Act, the <i>Building Act 2004</i> , the <i>Civil Law (Sale of Residential Property) Act 2003</i> , the <i>Dangerous Substances Act 2004</i> or the <i>Residential Tenancies Act 1997</i> , including, for example, by bulk sampling

Part 1.2 Asbestos removalist

column 1 item	column 2 construction occupation class	column 3 construction work
1	class A	providing an asbestos removal service <i>Note</i> <i>Asbestos removal service</i> —see the Act, s 7B (2).
2	class B	providing an asbestos removal service for bonded asbestos

U **Part 1.3** **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	(a) building work (other than specialist building work) in relation to a building that is 3 storeys or lower; and (b) basic building work
3	class C	(a) building work (other than specialist building work) in relation to a building that is 2 storeys or lower and is a class 1, class 2 or class 10a building; and (b) building work (other than specialist building work) in relation to a building that is a class 10b structure (other than a swimming pool or swimming pool fence) and is ancillary to a building mentioned in paragraph (a); and (c) basic building work

column 1 item	column 2 construction occupation class	column 3 construction work
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 10 building that is, or is to be, the licensee's main home or ancillary to it

Part 1.4 Building surveyor

column 1 item	column 2 construction occupation class	column 3 construction work
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 ² 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 ² 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 ² or less

Part 1.5 **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 1.6 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
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

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

Part 1.7 Gasfitters

column 1 item	column 2 construction occupation class	column 3 construction work
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

column 1 item	column 2 construction occupation class	column 3 construction work
9	restricted automotive—NGV forklifts	gasfitting for NGV forklifts

U **Part 1.8** **Plumbers**

column 1 item	column 2 construction occupation class	column 3 construction work
1	sanitary plumber	sanitary plumbing work without supervision
2	water supply plumber	water supply plumbing work including fire sprinkler work for class 1 and 2 buildings in relation to pipework of 25mm diameter or less
3	journeyperson plumber	sanitary plumbing work under supervision of licensee with sanitary plumbers licence
4	fire sprinkler fitter	fire sprinkler work and work on a fire hydrant or fire hose connection point
5	journeyperson fire sprinkler fitter	fire sprinkler work, and work on a fire hydrant or fire hose connection point, under supervision of licensee with fire sprinkler fitter licence

Schedule 2 **Demerit disciplinary grounds**

(see s 43)

Part 2.1 **Builders licence demerit disciplinary grounds under Act, s 54 (1) (a)**

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

Schedule 2
Part 2.1

Demerit disciplinary grounds
Builders licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
	(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		

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

Schedule 2
Part 2.1

Demerit disciplinary grounds
Builders licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

Schedule 2
Part 2.1

Demerit disciplinary grounds
Builders licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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— <ul style="list-style-type: none">(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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

Schedule 2
Part 2.1

Demerit disciplinary grounds
Builders licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

Schedule 2
Part 2.1

Demerit disciplinary grounds
Builders licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.1.17	fail to comply with <i>Building Act 2004</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
2.1.18	fail to comply with <i>Building Act 2004</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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.1.19	fail to comply with <i>Building Act 2004</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 2004</i> , s 42 (1) (c)— floor, ceiling or beam erected so surface not flat	creation of floor, ceiling or beam without flat surface	1
2.1.21	fail to comply with <i>Building Act 2004</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

Schedule 2
Part 2.1

Demerit disciplinary grounds
Builders licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.1.22	fail to comply with <i>Building Act 2004</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 2004</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
2.1.24	fail to comply with <i>Building Act 2004</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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.1.25	fail to comply with <i>Building Act 2004</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

Schedule 2
Part 2.1

Demerit disciplinary grounds
Builders licence demerit disciplinary grounds under Act, s 54 (1) (a)

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 2004</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 2004</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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.1.28	fail to comply with <i>Building Act 2004</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 2004</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

Schedule 2
Part 2.1

Demerit disciplinary grounds
Builders licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.1.30	fail to comply with <i>Building Act 2004</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 2004</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 2004</i> , s 64—did not comply with notice to produce survey plan	failure to comply with notice to provide survey plan	2

Part 2.2 **Building surveyors licence demerit disciplinary grounds under Act, s 54 (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 2004</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 2004</i>	1
2.2.2	fail to comply with <i>Building Act 2004</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

Schedule 2
Part 2.2

Demerit disciplinary grounds
Building surveyors licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.2.3	fail to comply with <i>Building Act 2004</i> , s 28 (3) or (4)—certifier issued building approval that was not, or not entirely— (a) marked on, attached to, or partly marked on and partly attached to, plans in relation to which approval was issued; or (b) marked on plans and certifier did not indicate on plans that approval, or part of approval, in separate document	failure to mark, attach or annotate building approval required detail on approved plan	1

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.2.4	fail to comply with <i>Building Act 2004</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 2004</i> , s 37 (4)—certifier failed to issue building commencement notice as required	failure to issue building commencement notice as required	2

Schedule 2
Part 2.2

Demerit disciplinary grounds
Building surveyors licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.2.6	fail to comply with <i>Building Act 2004</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
2.2.7	fail to comply with <i>Building Act 2004</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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.2.8	fail to comply with <i>Building Act 2004</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
2.2.9	fail to comply with <i>Building Act 2004</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 2004</i>	2

Schedule 2
Part 2.3

Demerit disciplinary grounds
Drainers licence demerit disciplinary grounds under Act, s 54 (1) (a)

Part 2.3 **Drainers licence demerit disciplinary grounds under Act,
s 54 (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 Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (a)—sanitary drainage system using waterborne 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.3.2	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (b)—sanitary drainage system using waterborne 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 Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (c)—sanitary drainage system using waterborne 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

Schedule 2
Part 2.3

Demerit disciplinary grounds
Drainers licence demerit disciplinary grounds under Act, s 54 (1) (a)

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 Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (d)—sanitary drainage system using waterborne 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 Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (e)—sanitary drainage system using waterborne 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.3.6	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (f)—sanitary drainage system using waterborne 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 Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (g)—sanitary drainage system using waterborne 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

Schedule 2
Part 2.3

Demerit disciplinary grounds
Drainers licence demerit disciplinary grounds under Act, s 54 (1) (a)

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 Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (h)—sanitary drainage system using waterborne 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 Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (i) or (j)—sanitary drainage system using waterborne 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.3.10	fail to comply with <i>Water and Sewerage Act 2000</i> , s 16—provided sanitary drainage service without giving required notice	failure to give required notice of intention to start or completion of sanitary drainage work	1
2.3.11	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 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

Schedule 2
Part 2.3

Demerit disciplinary grounds
Drainers licence demerit disciplinary grounds under Act, s 54 (1) (a)

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 Regulation 2001</i> , s 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 Regulation 2001</i> , s 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.3.14	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 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 Regulation 2001</i> , s 10—did not give registrar required information, evidence of fee payment and plan within required time for sanitary drainage work completed in accordance with AS 3500	failure to give required information, fee payment evidence and plan for completed sanitary drainage work	1

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

Part 2.4 **Electricians licence demerit disciplinary grounds under Act, s 54 (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 5, 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.2	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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
2.4.3	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.4	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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
2.4.5	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.6	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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 5, 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
2.4.8	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.9	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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 5, 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
2.4.11	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.12	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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 5, 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
2.4.14	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.15	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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 5, 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

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 5, 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 5, 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

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.19	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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
2.4.20	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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 5, 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.22	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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
2.4.23	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.24	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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
2.4.25	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.26	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

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 5, 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 5, 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.29	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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 5, 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

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.31	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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 5, 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 5, 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.34	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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 5, 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 5, 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

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.37	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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 5, 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.39	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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
2.4.40	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.41	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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
2.4.42	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.43	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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
2.4.44	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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

Schedule 2
Part 2.4

Demerit disciplinary grounds
Electricians licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.45	fail to comply with <i>Electricity Safety Act 1971</i> , s 5, 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 5, 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
2.4.47	fail to comply with <i>Electricity Safety Act 1971</i> , s 6—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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.4.48	fail to comply with <i>Electricity Safety Act 1971</i> , s 8 (4)—contravention of direction under Electricity Safety Act, s 8 (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 12 or s 13—prescribed article of electrical equipment installed in, or connected to, electrical installation in stated circumstances	creation of connection to unapproved electrical appliance	3

Schedule 2
Part 2.5

Demerit disciplinary grounds
Gasfitters licence demerit disciplinary grounds under Act, s 54 (1) (a)

Part 2.5 **Gasfitters licence demerit disciplinary grounds under Act, s 54 (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 noncompliant joint	creation of noncompliant 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 2
Part 2.5

Demerit disciplinary grounds
Gasfitters licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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
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 2
Part 2.5

Demerit disciplinary grounds
Gasfitters licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

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 2
Part 2.5

Demerit disciplinary grounds
Gasfitters licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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	failure to provide gas appliance with compliant air ventilation or adequate combustion air supply	2

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
	<p>required for combustion or caused air pressure to be less 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</p>		

Schedule 2
Part 2.5

Demerit disciplinary grounds
Gasfitters licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
	vapours that could have affected combustion; or (e) gas appliance in room or enclosure required to have 1 or more of following, but did not: (i) natural ventilation direct from outside the room or enclosure; (ii) natural ventilation from nearby room or enclosure; (iii) mechanical ventilation		

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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
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 2
Part 2.5

Demerit disciplinary grounds
Gasfitters licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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— <ul style="list-style-type: none">(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

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 style="margin-left: 2em;">(a) so that supported on, or secured to, structure that not durable, or otherwise inappropriate; or</p> <p style="margin-left: 2em;">(b) so that supported or secured in way that does not minimise strain on any gas pipe connection; or</p>	creation of gas appliance with noncompliant support, security, restraint or stability	2

Schedule 2
Part 2.5

Demerit disciplinary grounds
Gasfitters licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
	(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		
	(d) but not restrained, or restrained in noncompliant way if required to be restrained against rolling on wheels, rollers or castors		

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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— <ul style="list-style-type: none"> (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

Schedule 2
Part 2.5

Demerit disciplinary grounds
Gasfitters licence demerit disciplinary grounds under Act, s 54 (1) (a)

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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

Schedule 2
Part 2.5

Demerit disciplinary grounds
Gasfitters licence demerit disciplinary grounds under Act, s 54 (1) (a)

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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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 8, 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

Schedule 2
Part 2.5

Demerit disciplinary grounds
Gasfitters licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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

Part 2.6 Plumbers licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.1	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.1 (b)—sanitary plumbing system using waterborne 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

Schedule 2
Part 2.6

Demerit disciplinary grounds
Plumbers licence demerit disciplinary grounds under Act, s 54 (1) (a)

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 Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.1 (c)—sanitary plumbing system using waterborne 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 Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.1 (d)—sanitary plumbing system using waterborne 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.4	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under AS 3500.2.1, cl 7.1 (e)—sanitary plumbing system using waterborne 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 Regulation 2001</i> , s 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

Schedule 2
Part 2.6

Demerit disciplinary grounds
Plumbers licence demerit disciplinary grounds under Act, s 54 (1) (a)

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 Regulation 2001</i> , s 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 Regulation 2001</i> , s 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

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

Schedule 2
Part 2.6

Demerit disciplinary grounds
Plumbers licence demerit disciplinary grounds under Act, s 54 (1) (a)

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 (2) or (3)— (a) contravened direction of registrar about how water supply plumbing service is to be provided; or (b) installed a thing to which MP52 applies and the thing was not certified under MP52	failure to provide service as directed by registrar or installing MP52 thing not certified under MP52	2

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.10	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 19— <div style="margin-left: 20px;">(a) did not tell registrar when water supply plumbing work ready for inspection; or</div> <div style="margin-left: 20px;">(b) did not leave water supply plumbing work ready for inspection as required</div>	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 Regulation 2001</i> , s 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

Schedule 2
Part 2.6

Demerit disciplinary grounds
Plumbers licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.12	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 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 Regulation 2001</i> , s 21—did not give registrar required information, evidence of fee payment and plan within required time for water supply plumbing work completed in accordance with AS 3500	failure to give required information, fee payment evidence and plan for completed water supply plumbing work	1

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.14	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 22 (4)—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
2.6.15	fail to comply with <i>Water and Sewerage Act 2000</i> , s 16—provided sanitary plumbing service without giving required notice	failure to give required notice of intention to start or complete sanitary plumbing work	1

Schedule 2
Part 2.6

Demerit disciplinary grounds
Plumbers licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.16	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 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
2.6.17	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 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

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.18	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 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
2.6.19	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 9 (3)—did not rectify sanitary plumbing work found to be defective	failure to rectify defective sanitary plumbing work found by test	2

Schedule 2
Part 2.6

Demerit disciplinary grounds
Plumbers licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.20	fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 10—did not give registrar required information, evidence of fee payment and plan within required time for sanitary plumbing work completed in accordance with AS 3500	failure to give required information, fee payment evidence and plan for completed sanitary plumbing work	1

Part 2.7 **Plumbing plan certifiers licence demerit disciplinary grounds under Act, s 54 (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 2
Part 2.7

Demerit disciplinary grounds
Plumbing plan certifiers licence demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
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 if 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 (4)—certifier did not keep all documents relating to approved plumbing or drainage plan for at least 12 months	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)	failure to notify loss of appointment as certifier within 7 days after loss	1

Part 2.8 **All licences demerit disciplinary grounds under Act,
s 54 (1) (a)**

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.8.1	fail to comply with Act, s 40—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 40—contravention of emergency rectification order	contravention of emergency rectification order	4
2.8.3	fail to comply with Act, s 47—did not give client evidence of relevant insurance before providing construction service	failure to give client insurance evidence	1

Schedule 2
Part 2.8

Demerit disciplinary grounds
All licences demerit disciplinary grounds under Act, s 54 (1) (a)

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.8.4	fail to comply with Act, s 87 (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 87 (3)—contravention of applicable code of practice	failure to comply with applicable code of practice	1

Schedule 3 Licence demerit disciplinary grounds under Act, s 54 (1) (other than par (a))

(see s 43)

column 1 item	column 2 provision	column 3 short description	column 4 demerit points
3.1	s 54 (1) (b)	giving false or misleading information	2

Dictionary

(see s 2)

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

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

- Act.

Note 3 Terms used in this regulation have the same meaning that they have in the *Construction Occupations (Licensing) Act 2004* (see Legislation Act, s 148). For example, the following terms are defined in the *Construction Occupations (Licensing) Act 2004*, dict:

- AS 3500
- building certifier
- disciplinary action
- demerit disciplinary ground
- endorsement
- nominee
- registrar.

AS 3000 means Australian/New Zealand Standard 3000 (Wiring Rules), as in force from time to time.

AS 3017 means Australian/New Zealand Standard 3017 (Electrical Installations—Testing and Inspection Guidelines), as in force from time to time.

AS 5601 means Australian Standard 5601 (Gas Installations), as in force from time to time.

basic building work—see the *Building Act 2004*, section 10.

bonded asbestos—see the *Building Act 2004*, dictionary.

building certification work—see the Act, section 9 (3) (What is a *building surveyor*?).

electrical installation—see the *Electricity Safety Act 1971*, dictionary.

electrical wiring work—see the Act, section 11 (3) (What is an *electrician*?).

fire sprinkler work—see the *Water and Sewerage Act 2000*, dictionary.

friable asbestos—see the *Building Act 2004*, dictionary.

gasfitting work—see the Act, section 12 (3) (What is a *gasfitter*?).

incidental electrical work means work carried out by a person whose main occupation is not as an electrician if the work—

- (a) either—
 - (i) involves the disconnection and reconnection of an appliance, or fitting, that is an electrical installation; or
 - (ii) involves finding and fixing faults in components of an appliance, or fitting, that is an electrical installation; and
- (b) is incidental to the person's main occupation.

sanitary drainage work—see the Act, section 10 (3) (What is a *drainer*?).

sanitary plumbing work—see the Act, section 13 (3) (What is a *plumber*?).

specialist building work—see the *Building Act 2004*, section 9.

type B gas appliance means a gas appliance that—

- (a) consumes more than 10MJ/h of gas; and
- (b) is not covered by an approval scheme for gas appliances recognised by an entity appointed by the government of a State or Territory to administer the gas safety legislation for the State or Territory.

water supply plumbing work—see the Act, section 13 (3) (What is a *plumber*?).

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was made as part of the *Construction Occupations (Licensing) Act 2004* (see A2004-12, s 151 and sch 1) and was originally the *Construction Occupations (Licensing) Regulations 2004*. It was renamed under the *Legislation Act 2001*.

Construction Occupations (Licensing) Regulation 2004 SL2004-36

taken to have been notified LR 26 March 2004 (A2004-12, s 151 (3) (a))
s 1 taken to have commenced 26 March 2004 (LA s 75 (1))
remainder commenced 1 September 2004 (A2004-12, s 151 (3) (b))

as amended by

Construction Occupations (Licensing) Amendment Regulations 2004 (No 1) SL2004-44

notified LR 8 September 2004
s 1, s 2 commenced 8 September 2004 (LA s 75 (1))
remainder commenced 9 September 2004 (s 2)

Construction Occupations Legislation Amendment Act 2005 A2005-34 sch 1 pt 1.4

notified LR 6 July 2005
s 1, s 2 commenced 6 July 2005 (LA s 75 (1))
sch 1 pt 1.4 commenced 27 July 2005 (s 2)

Construction Occupations (Licensing) Amendment Regulation 2005 (No 1) SL2005-18

notified LR 26 August 2005
s 1, s 2 commenced 26 August 2005 (LA s 75 (1))
remainder commenced 27 August 2005 (s 2)

Construction Occupations Legislation Amendment Act 2006 A2006-15 sch 1 pt 1.3

notified LR 6 April 2006
s 1, s 2 commenced 6 April 2006 (LA s 75 (1))
sch 1 pt 1.3 awaiting commencement (s 2)

Note default commencement under LA s 79: 6 October 2006

Endnotes

4 Amendment history

Asbestos Legislation Amendment Act 2006 A2006-16 sch 1 pt 1.5 (as am by A2006-24 s 4)

notified LR 18 May 2006

s 1, s 2 commenced 18 May 2006 (LA s 75 (1))

amdt 1.39, amdt 1.44 awaiting commencement (s 2 (2))

sch 1 pt 1.5 remainder commenced 1 July 2006 (s 2 (1) as am by A2006-24 s 4))

Note default commencement under LA s 79: 18 November 2006

Asbestos Legislation Amendment Act 2006 (No 2) A2006-24

notified LR 18 May 2006

s 1, s 2 commenced 18 May 2006 (LA s 75 (1))

remainder commenced 19 May 2006 (s 2)

Note This Act only amends the Asbestos Legislation Amendment Act 2006 A2006-16.

4 Amendment history

Name of regulation

s 1 am R3 LA

Licence applications—Act, s 17 (3)

s 5 am A2005-34 amdt 1.30, amdt 1.31; A2006-16 amdt 1.34

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

s 6 am A2005-34 amdt 1.32

Term of licence for asbestos assessors, building surveyors and plumbing plan certifiers—Act, s 24

s 8 sub A2006-16 amdt 1.35

Particulars in register

s 9 am A2006-16 amdt 1.36

Corporations and partnerships eligible for some occupations

s 15 am A2005-34 amdt 1.33; A2006-16 amdt 1.37

Eligibility to be asbestos removalist

s 15A ins A2006-16 amdt 1.38

Eligibility to be asbestos assessor

s 16A ins A2006-16 amdt 1.39

Eligibility to be building surveyor

s 17 am A2005-34 amdt 1.34; A2006-15 amdt 1.23
sub A2006-16 amdt 1.39

Eligibility to be plumbing plan certifier

s 18 [am A2006-15 amdt 1.23](#)

Certain building surveyors

s 28 [am SL2004-44 s 4](#)

Endorsing builders licences for building work—Act, s

s 30 hdg [sub A2005-34 amdt 1.35](#)

s 30 [am A2005-34 amdt 1.36](#)

Considerations for endorsing under s 30 and s 31 etc

s 32 [sub A2006-16 amdt 1.20](#)

Services that may be provided without licence

s 35 [am A2006-16 amdt 1.40, amdt 1.41; ss renum R8 LA](#)

Classes of asbestos assessor

s 36A [ins A2006-16 amdt 1.42](#)

Classes of asbestos removalist

s 36B [ins A2006-16 amdt 1.42](#)

Reviewable decisions—Act, s 124

s 45 [pars renum R3 LA](#)
[am A2005-34 amdt 1.37](#)

Modification of Act, s 149—Act, s 152

s 52 [ins SL2004-44 s 5](#)
[om R4 LA](#)
[ins SL2005-18 s 4](#)
[exp 1 September 2005 \(s 52\)](#)

Modification of Act, pt 13, s 137 (2)—Act, s 152

s 53 [ins SL2004-44 s 5](#)
[om A2005-34 amdt 1.38](#)

Modification of Act, pt 13—Act, s 152

s 54 [ins SL2004-44 s 5](#)
[om A2005-34 amdt 1.38](#)

Modification of Act, dictionary, definition of AS 3500—Act, s 152

s 55 [ins SL2004-44 s 5](#)
[om A2005-34 amdt 1.38](#)

Asbestos assessor

[sch 1 pt 1.1A](#) [renum as sch 1 pt 1.1](#)

Asbestos removalist

[sch 1 pt 1.1B](#) [renum as sch 1 pt 1.2](#)

Endnotes

4 Amendment history

Asbestos assessor

sch 1 pt 1.1 orig sch 1 pt 1.1 renum as sch 1 pt 1.3
(prev sch 1 pt 1.1A) ins A2006-16 amdt 1.43
renum R8 LA (see A2006-16 amdt 1.45)

Asbestos removalist

sch 1 pt 1.2 orig sch 1 pt 1.2 renum as sch 1 pt 1.4
(prev sch 1 pt 1.1B) ins A2006-16 amdt 1.43
renum R8 LA (see A2006-16 amdt 1.45)

Builder

sch 1 pt 1.3 orig sch 1 pt 1.3 renum as sch 1 pt 1.5
(prev sch 1 pt 1.1) am SL2004-44 s 6
renum R8 LA (see A2006-16 amdt 1.45)
am A2006-16 amdt 1.44

Building surveyor

sch 1 pt 1.4 orig sch 1 pt 1.4 renum as sch 1 pt 1.6
(prev sch 1 pt 1.2) renum R8 LA (see A2006-16 amdt 1.45)

Drainer

sch 1 pt 1.5 orig sch 1 pt 1.5 renum as sch 1 pt 1.7
(prev sch 1 pt 1.3) renum R8 LA (see A2006-16 amdt 1.45)

Electrician

sch 1 pt 1.6 orig sch 1 pt 1.6 renum as sch 1 pt 1.8
(prev sch 1 pt 1.4) am SL2004-44 s 7
renum R8 LA (see A2006-16 amdt 1.45)

Electrician

sch 1 pt 1.7 (prev sch 1 pt 1.5) renum R8 LA (see A2006-16 amdt 1.45)

Plumbers

sch 1 pt 1.8 (prev sch 1 pt 1.6) am SL2004-44 s 8, s 9
renum R8 LA (see A2006-16 amdt 1.45)
am A2006-15 amdt 1.21, amdt 1.22

Drainers licence demerit disciplinary grounds under Act, s 54 (1) (a)

sch 2 pt 2.3 am A2005-34 amdts 1.39-1.42

Plumbers licence demerit disciplinary grounds under Act, s 54 (1) (a)

sch 2 pt 2.6 am A2005-34 amdts 1.43-1.49

Dictionary

dict def ***bonded asbestos*** ins A2006-16 amdt 1.46
def ***electrical installation*** ins A2005-34 amdt 1.50
def ***fire sprinkler work*** sub SL2004-44 s 10
def ***friable asbestos*** ins A2006-16 amdt 1.46
def ***incidental electrical work*** sub A2005-34 amdt 1.51

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Sept 2004	1 Sept 2004– 8 Sept 2004	not amended	new regulation
R2 9 Sept 2004	9 Sept 2004– 2 Nov 2004	SL2004-44	amendments by SL2004-44
R3 3 Nov 2004	3 Nov 2004– 9 Mar 2005	SL2004-44	editorial amendments under Legislation Act
R4 10 Mar 2005	10 Mar 2005– 26 July 2005	SL2004-44	commenced expiry
R5 27 July 2005	27 July 2005– 26 Aug 2005	A2005-34	amendments by A2005-34
R6 27 Aug 2005	27 Aug 2005– 1 Sept 2005	SL2005-18	amendments by SL2005-18
R7 2 Sept 2005	2 Sept 2005– 30 June 2006	SL2005-18	commenced expiry

Endnotes

6 Uncommenced amendments

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

<p>Construction Occupations Legislation Amendment Act 2006 A2006-15 sch 1 pt 1.3</p>

Part 1.3 Construction Occupations (Licensing) Regulation 2004

[1.20] Section 32

substitute

32 Considerations for endorsing under s 30 and s 31 etc

- (1) In deciding whether to endorse an individual's licence under section 30 or section 31, the registrar must consider the following:
 - (a) the individual's physical ability or skill;
 - (b) the individual's qualifications, training and knowledge;
 - (c) the extent, quality and relevance of the individual's experience, and how recent that experience is, in doing similar work to, or work that is equally complex as, the work to be allowed by the proposed endorsement;
 - (d) whether any disciplinary action has ever been taken in relation to the individual;
 - (e) whether the individual has incurred any demerit points that have not been deleted from the register.
- (2) In deciding whether to endorse the licence of a corporation or partnership, the registrar must consider the following:
 - (a) whether any disciplinary action has ever been taken in relation to the entity;

- (b) whether the entity has incurred any demerit points that have not been deleted from the register.
- (3) However, the registrar may endorse the licence of the corporation or partnership only if nominees of the entity have licences that are endorsed in the way applied for.
- (4) The registrar may consider anything else that is relevant.

[1.21] Schedule 1, part 1.8, new item 3

insert

- 3 irrigation plumber installation of irrigation networks and related equipment

[1.22] Schedule 1, part 1.8, items 3 to 5

renumber as items 4 to 6

[1.23] Further amendments, mentions of *person* etc

column 1 item	column 2 provision	column <i>omit</i>	column 4 <i>substitute</i>
1	section 17 (2)	A person	An entity
2	section 17 (2)	the person	the entity
3	section 17 (3)	a person	an entity
4	section 17 (3)	the person	the entity
5	section 17 (3)	person's	entity's
6	section 18 (2)	individual	applicant
7	section 18 (2)	person	applicant

**Asbestos Legislation Amendment Act 2006 A2006-16
amdt 1.39, amdt 1.44**

**Part 1.5 Construction Occupations
(Licensing) Regulation 2004**

[1.39] Section 17

substitute

16A Eligibility to be asbestos assessor

An applicant for a licence to be an asbestos assessor is eligible for the licence only if the applicant satisfies the registrar that the applicant is adequately insured.

17 Eligibility to be building surveyor

- (1) An applicant for a licence as a building surveyor is eligible for the licence only if the applicant satisfies the registrar that—
 - (a) the applicant has successfully undertaken asbestos management training that has been approved by the registrar under subsection (2); and
 - (b) the applicant is adequately insured.
- (2) The registrar may approve asbestos management training for subsection (1) (a) if the registrar considers that successful undertaking of the training will give an applicant for a licence as a building surveyor adequate knowledge of the requirements to deal appropriately with asbestos.
- (3) Subsection (1) (b) does not apply to an application for a licence as principal government building surveyor or government building surveyor.
- (4) A person is *adequately insured* if the person has professional indemnity insurance that provides—

-
- (a) indemnity against claims for breach of professional duty as a building surveyor; and
- (b) a minimum limit of indemnity of \$1 000 000 for a single claim; and
- (c) a minimum limit of indemnity of \$1 000 000 for the total of all claims made against the person during the period of cover; and
- (d) in addition to the indemnities mentioned in paragraphs (b) and (c), a minimum limit of indemnity for the costs and expenses of defending or settling a claim of 20% of the limit of indemnity for the claim.
- (5) For subsection (4), a person is taken to have professional indemnity insurance if the person is an applicant for a principal building surveyor employee licence, or general building surveyor employee licence, and the person's employer has the insurance.
- (6) In subsection (4) (d):
- costs and expenses* means costs and expenses incurred with the insurer's consent.
- (7) An approval under subsection (2) is a notifiable instrument.

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

(commencement: on a day fixed by the Minister by written notice)

[1.44] Schedule 1, part 1.3

omit

specialist building work

substitute

specialist building work or handling asbestos

(commencement: on a day fixed by the Minister by written notice)

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