



Australian Capital Territory

Construction Occupations (Licensing) Act 2004

A2004-12

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Australian Capital Territory

Construction Occupations (Licensing) Act 2004

A2004-12

An Act to regulate construction occupations, and for other purposes

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

2002 239B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Construction Occupations (Licensing) Act 2004*.

2 Commencement

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

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

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

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

3 Dictionary

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

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

For example, the signpost definition ‘*building work*—see the *Building Act 2004*, section 6.’ means that the term ‘building work’ is defined in that section and the definition applies to this Act.

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

4 Notes

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

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

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (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 Important concepts

6 What is a *construction practitioner*?

- (1) A *construction practitioner* is an entity that provides, has provided or proposes to provide a construction service.
- (2) A *construction service* is the doing or supervision of work in a construction occupation.

Note *Supervise*—see dict.

- (3) For this Act, the regulations may—
 - (a) prescribe work as work in a construction occupation; and
 - (b) exclude work from a construction occupation.

7 What is a *construction occupation*?

Each of the following is a *construction occupation*:

- (a) builder;
- (b) building surveyor;
- (c) drainer;
- (d) electrician;
- (e) gasfitter;
- (f) plumber;
- (g) plumbing plan certifier.

8 What is a *builder*?

- (1) A *builder* is an entity that provides, has provided or proposes to provide a building service.
- (2) A *building service* is the doing or supervision of building work.

Note *Building work*—see dict.

9 What is a *building surveyor*?

- (1) A *building surveyor* is an entity that provides, has provided or proposes to provide a building certification service.
- (2) A *building certification service* is the doing of building certification work.
- (3) In this section:

building certification work means anything a building certifier may or must do under the *Building Act 2004*.

Note The *Building Act 2004* requires a building surveyor to be appointed as a certifier before doing building certification work. It also restricts the building certification work certain building surveyors may do depending on their occupation class.

10 What is a *drainer*?

- (1) A *drainer* is an entity that provides, has provided or proposes to provide a sanitary drainage service.
- (2) A *sanitary drainage service* is the doing or supervision of sanitary drainage work.
- (3) In this section:

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

11 What is an *electrician*?

- (1) An *electrician* is an entity that provides, has provided or proposes to provide electrical wiring services.
- (2) An *electrical wiring service* is the doing or supervision of electrical wiring work.
- (3) In this section:
electrical wiring work—see the *Electricity Safety Act 1971*, dictionary.

12 What is a *gasfitter*?

- (1) A *gasfitter* is an entity that provides, has provided or proposes to provide a gasfitting service.
- (2) A *gasfitting service* is the doing or supervision of gasfitting work.
- (3) In this section:
gasfitting work—see the *Gas Safety Act 2000*, dictionary.

13 What is a *plumber*?

- (1) A *plumber* is an entity that provides, has provided or proposes to provide a plumbing service.
- (2) A *plumbing service* is the doing or supervision of—
 - (a) sanitary plumbing work; or
 - (b) water supply plumbing work.
- (3) In this section:
sanitary plumbing work—see *Water and Sewerage Act 2000*, dictionary.
water supply plumbing work—see *Water and Sewerage Act 2000*, dictionary.

14 What is a *plumbing plan certifier*?

- (1) A *plumbing plan certifier* is an entity that provides a plumbing plan certification service.
- (2) A *plumbing plan certification service* is the doing of plumbing plan certification work.
- (3) In this section:

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

15 Classes of construction occupations

The regulations may divide a construction occupation into classes.

16 What is an *operational Act*?

Each of the following is an *operational Act*:

- *Building Act 2004*
- *Electricity Safety Act 1971*
- *Gas Safety Act 2000*
- *Utilities Act 2000*
- *Water and Sewerage Act 2000*.

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

Part 3 Construction practitioners licences

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

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

Division 3.1 General

17 Licence applications

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

Note 1 If a form is approved under s 128 for an application, the form must be used.

Note 2 A fee may be determined under s 127 for this section.

Note 3 A person's entitlement to apply for a licence may be affected by a disqualification (see s 98 (3)).

- (2) However, a corporation or partnership may apply under subsection (1) in relation to a construction occupation or occupation class only if the regulations allow a corporation or partnership to be licensed in the occupation or class.
- (3) The regulations may prescribe the requirements for applications.

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

18 Eligibility for licence

- (1) The regulations may prescribe when an entity is eligible, or not eligible, to be licensed in a construction occupation or occupation class, including the qualifications the entity must have to be eligible to be licensed in the occupation or class.
- (2) The regulations may prescribe how an applicant may, or must, demonstrate that the applicant satisfies a requirement in relation to an application.

Examples

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

Note An example is part of the Act, 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).

19 Decision on licence application

- (1) If an entity applies for a licence for a construction occupation or occupation class, the registrar must issue, or refuse to issue, the licence.
- (2) However, the registrar may issue a licence other than the licence applied for if—
- (a) the applicant is not eligible for the licence applied for; and
 - (b) the applicant is eligible for the other licence; and
 - (c) the licence issued is in the same construction occupation as, but a different occupation class from, the licence applied for; and
 - (d) the applicant agrees to the issue of the licence.

- (3) The registrar must refuse to issue a licence for a construction occupation or occupation class to an applicant if—
 - (a) the registrar is not satisfied that the applicant is eligible to be licensed in the occupation or class; or
 - (b) the applicant is disqualified from holding a licence under section 98 (Licence disqualification).
- (4) If disciplinary action against an applicant or a nominee of an applicant is being taken under this Act, the registrar need not decide whether to licence the applicant until the disciplinary action, and any appeal or review arising from the disciplinary action, is finished.

20 Multiple occupations, classes and authorisation

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

21 Licence conditions

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

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

22 Endorsements on licences

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

23 Form of licence

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

Note A licence may be endorsed under s 22.

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

24 Term of licence

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

25 Licence renewal

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

26 Voluntary licence cancellation

The registrar must cancel a licensee's licence if—

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

Division 3.2 Nominees

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

In this division:

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

28 **Nominees of corporations and partnerships**

- (1) A corporation or partnership is eligible to be licensed only if it complies with subsection (2) or (3).
- (2) The corporation or partnership complies with this subsection if—
 - (a) it has a single nominee appointed by it; and
 - (b) the nominee is responsible for the supervision of the construction services provided by it.
- (3) The corporation or partnership complies with this subsection if—
 - (a) it has 2 or more nominees appointed by it; and
 - (b) each nominee is responsible for the supervision of different construction services (whether in a different construction occupation or occupation class or otherwise) provided by it; and
 - (c) between them, the nominees are responsible for the adequate supervision of all the construction services to be provided by the corporation or partnership.
- (4) A corporation or partnership may, in writing, appoint an eligible individual to be a nominee.

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

29 Resignation of nominee

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

- (c) the nominee, or entity that appointed the nominee, has arranged for another nominee to take over the nominee's functions; or
- (d) it is otherwise appropriate to approve the resignation.

30 Revocation of nominee's appointment

- (1) A corporation or partnership may revoke a nominee's appointment only with the registrar's approval.
- (2) The registrar may approve the revocation of the nominee's appointment only if satisfied that—
 - (a) the nominee cannot exercise his or her functions because of mental or physical incapacity; or
 - (b) the nominee, or entity that appointed the nominee, has arranged for another nominee to take over the nominee's functions; or
 - (c) it is otherwise appropriate to approve the resignation.

31 Role of nominees

- (1) A nominee of a licensed corporation or partnership has the following functions:
 - (a) to supervise the construction services of the corporation or partnership for which the nominee is responsible (the *relevant construction service*);
 - (b) to ensure that the relevant construction services comply with this Act and the operational Acts.
- (2) The nominee commits an offence if the nominee fails to—
 - (a) adequately supervise the relevant construction services; or

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

Maximum penalty: 50 penalty units.

- (3) Subsection (2) does not apply to a failure of a nominee of a corporation or partnership (the *nominee's firm*) if—
 - (a) the nominee had given the nominee's firm a mandatory requirement in relation to the matter that made up the failure; and
 - (b) the nominee had given the registrar a copy of the mandatory requirement; and
 - (c) the failure would not have happened if the mandatory requirement had been complied with.
- (4) The licensed corporation or partnership commits an offence if the nominee fails to—
 - (a) adequately supervise the relevant construction services; or
 - (b) ensure that the relevant construction services comply with this Act and the operational Acts.

Maximum penalty: 50 penalty units.

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

32 Legislation Act and nominee appointments

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

Part 4 Rectification orders and other obligations on licensees

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

In this part:

authorised action, for an authorised licensee, means what the licensee is authorised to do under section 41 (Failure to comply with order) or section 42 (Action on emergency rectification order).

authorised licensee means a licensee authorised under section 41 or section 42.

34 **Intention to make rectification order**

- (1) This section applies if the registrar believes on reasonable grounds that—
- (a) a licensee or former licensee (the *entity*) has provided a construction service otherwise than in accordance with this Act or an operational Act; and
 - (b) it may be appropriate to make a rectification order.

Examples of licensee or former licensee

- 1 a licensed builder does building work
- 2 a drainer who was licensed, does sanitary drainage work while unlicensed
- 3 a licensed gasfitter does gasfitting work and then becomes unlicensed

Note 1 If deciding under this section whether it may be appropriate to make a rectification order, the registrar must consider the considerations mentioned in s 36.

Note 2 An example is part of the Act, 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).

Section 35

- (2) The registrar may give the entity, and the land owner in relation to whose land the construction service was provided, a written notice that—
- (a) gives details of the rectification order that may be made; and
 - (b) explains why the registrar intends to make the order; and
 - (c) invites submissions about the making of the order within the time stated in the notice that is not less than 5 working days after the day the entity or land owner receives the notice.

35 When rectification order may be made

- (1) This section applies if—
- (a) the registrar has given an entity (other than the land owner) notice under section 34; and
 - (b) after considering any submissions made within the time mentioned in the notice, the registrar is satisfied—
 - (i) the entity is contravening, or has contravened, this Act or an operational Act; and
 - (ii) it is appropriate to make a rectification order in relation to the entity.

Note 1 If deciding under this section whether it is appropriate to make a rectification order, the registrar must consider the considerations mentioned in s 36.

Note 2 See s 149 for the extended meaning in this section of a *contravention* of this Act.

- (2) The registrar may make an order under section 38 (Rectification orders) in relation to the entity.

- (3) However, the registrar may not make an order under section 38 in relation to the entity if a submission is made that satisfies the registrar that the act that caused the contravention happened, or ended, more than 10 years before the day the registrar proposes to make the order.

Example of contravention

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

Note An example is part of the Act, 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).

36 Considerations for deciding under s 34 and s 35

- (1) In deciding whether it is, or may be, appropriate to make a rectification order in relation to an entity that is contravening, or has or may have contravened, this Act, the registrar must consider the following:
- (a) any injury, loss or damage caused, or that could have been caused, by the contravention;
 - (b) if a rectification order is proposed—how the proposed order may affect people affected by the contravention.

Examples of effect of contravention, including injury, loss and damage

- 1 reduction in safety, reliability, durability, soundness, functionality, accessibility, serviceability, service life, usability, usefulness, amenity, aesthetic quality, value or efficiency of thing affected by contravention
- 2 adverse affect on health of user of thing affected by contravention

Note An example is part of the Act, 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).

- (2) The registrar may consider anything else that is relevant.

37 Rectification order inappropriate

- (1) This section applies if the registrar—
- (a) has given an entity (other than the land owner) notice under section 34 (Intention to make rectification order); and
 - (b) after considering any submissions made within the time mentioned in the notice, is satisfied that the entity is contravening or has contravened this Act or an operational Act; and
 - (c) is not satisfied that—
 - (i) it is appropriate to make a rectification order in relation to the entity, because of the relationship between the entity and the land owner; and
 - (ii) the act that caused the contravention happened, or ended, more than 10 years before the day the Territory proposes to authorise someone under this section.
- Note* See s 149 for the extended meaning in this section of a *contravention* of this Act.
- (2) The Territory may, in writing, authorise a licensee to enter the land where the work to which the notice under section 34 related was to be done and—
- (a) take the action stated in the notice; or
 - (b) start or finish the work stated in the notice.
- (3) The authorised licensee must—
- (a) give the owner of the land written notice that the licensee intends to enter the land at least 24 hours before the licensee enters the land; and
 - (b) give a copy of the notice to the entity before entering the land.

- (4) However, the Territory must not authorise someone until—
- (a) if the entity applied for review of the decision to authorise a licensee under this section within the period for review (the *review period*) of the decision allowed under the *Administrative Appeals Tribunal Act 1989*—the review is finally disposed of; or
 - (b) the review period has ended.
- (5) The entity is liable for the reasonable cost incurred in doing anything under subsection (2) and the cost is taken to be a debt owing to the Territory.

38 Rectification orders

- (1) The registrar may make an order (a *rectification order*) in relation to an entity requiring the entity—
- (a) to take stated action to rectify work done as part of a construction service; or
 - (b) to demolish a building or part of a building where a construction service has been provided and provide the construction service under this Act or an operational Act; or
 - (c) to start or finish stated work in relation to which a construction service has been, is being or was proposed to be provided.
- (2) If the entity is not licensed to do something required to be done under the order, the entity must arrange, and pay for, the thing to be done.
- (3) The rectification order must state a period within which what is required to be done must be done.

- (4) The stated period for a rectification order other than an emergency rectification order must not be less than 1 month after the day the rectification order is given to the entity.

Note Details of the rectification order must be included in the register (see s 108).

- (5) A copy of the rectification order must be given to the land owner.

39 Emergency rectification order

- (1) The registrar may make a rectification order (an *emergency rectification order*) under section 38 in relation to a licensee or former licensee (the *entity*), without giving the entity notice under section 34, if the registrar is satisfied that—
- (a) the entity has provided a construction service other than in accordance with this Act or an operational Act; and
 - (b) it is appropriate to make a rectification order; and
 - (c) it is not appropriate to give notice under section 34 of the registrar's intention to make a rectification order because the need to act promptly to protect the health or safety of people, public or private property or the environment, outweighs the importance of giving the notice before making an order.
- (2) A rectification order that is an emergency rectification order must also include the following:
- (a) a statement explaining that the order is an emergency rectification order;
 - (b) a statement explaining that, if the thing ordered to be done is not done within the period (the *completion period*) stated in the order—
 - (i) the Territory may authorise a licensee to enter the land where the thing is to be done to do the thing ordered; and

- (ii) neither the Territory nor the authorised licensee need give the land owner or entity against whom the order is made further notice of the authorised licensee doing the thing on the land; and
 - (iii) the entity against which the order has been made will be liable for the reasonable cost incurred in doing the thing ordered.
- (3) The completion period must not be less than 24 hours.

40 Rectification order offence

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

Maximum penalty: 200 penalty units.

- (2) Each partner commits an offence if—
- (a) the partnership is given a rectification order; and
 - (b) the partners, or some of them, intentionally fail to comply with the rectification order.

Maximum penalty: 200 penalty units.

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

41 Failure to comply with order

- (1) This section applies if an entity (the *ordered entity*) in relation to whom a rectification order is made contravenes the rectification order.
- (2) The Territory may, in writing, authorise a licensee to enter the land where the work to which the rectification order relates is to be done and—
 - (a) take the action stated in the rectification order; or
 - (b) start or finish the work stated in the rectification order.
- (3) The authorised licensee must—
 - (a) give the owner of the land written notice that the licensee intends to enter the land at least 24 hours before the licensee enters the land; and
 - (b) give a copy of the notice to the ordered entity before entering the land.
- (4) However, the Territory must not authorise someone until—
 - (a) if the ordered entity applied for review of the decision within the period for review (the *review period*) of the decision to make the rectification order allowed under the *Administrative Appeals Tribunal Act 1989*—the review is finally disposed of; or
 - (b) the review period has ended.
- (5) The ordered entity is liable for the reasonable cost incurred in doing anything under subsection (2) and the cost is taken to be a debt owing to the Territory.

42 Action on emergency rectification order

- (1) This section applies if—
 - (a) the registrar has made an emergency rectification order; and
 - (b) the emergency rectification order includes the information mentioned in section 39 (2); and
 - (c) the ordered entity has contravened the order.
- (2) The Territory may, in writing, authorise a licensee to enter the land where the work to which the rectification order is to be done and—
 - (a) take the action stated in the rectification order; or
 - (b) start or finish the work stated in the rectification order.
- (3) The ordered entity is liable for the reasonable cost incurred in doing anything under subsection (2) and the cost is taken to be a debt owing to the Territory.

43 Hindering or obstructing authorised licensee

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

Maximum penalty: 50 penalty units.

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

44 Damage etc by authorised licensee to be minimised

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

- (2) If an authorised licensee, or a person assisting an authorised licensee, damages anything in the exercise or purported exercise of a function under this part, the authorised licensee must give written notice of the particulars of the damage to the person whom the authorised licensee believes on reasonable grounds is the owner of the thing.
- (3) If the damage occurs on premises entered under this part in the absence of the occupier, the notice may be given by securing it in a conspicuous place on the premises.

45 Compensation

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

46 Protection of authorised licensees from liability

- (1) An authorised licensee does not incur civil liability for an authorised action done honestly for this Act.
- (2) A civil liability that would, apart from this section, attach to the authorised licensee attaches instead to the Territory.

- (3) This section does not prevent disciplinary action being taken against an authorised licensee in relation to an authorised action done by the licensee.

47 Licensee to give evidence of insurance

- (1) Before providing a construction service to a person (the *client*), a licensee must give the client evidence of what insurance the licensee holds in relation to the service the licensee is to provide.
- (2) The licensee may ask the client to sign an acknowledgment that the client has been told about the licensee's insurance.
- (3) The acknowledgment must state the time and date it was given.

Note If a form is approved under s 128 for an acknowledgment, the form must be used.

- (4) If the client signs the acknowledgment, the licensee must immediately give the client a copy of it.
- (5) The registrar may assume that the client was not told about the insurance the licensee holds if—
- (a) a question arises whether the client was told about the licensee's insurance; and
 - (b) an acknowledgment under this section is not produced; and
 - (c) it is not proved that the licensee told the client about the insurance.
- (6) The licensee is taken to have given evidence of what insurance the licensee holds before providing a construction service to a person if the licensee advertised the insurance held at the time of providing the services in a way likely to come to the attention of the client.

Example of advertising insurance held

- 1 Including details of insurance in the telephone directory, if the details are correct at the time the service is provided.

Part 4 Rectification orders and other obligations on licensees

Section 47

- 2 Having details of insurance on the vehicle used to provide the service or transport to the location to provide the service, if the details are correct at the time the service is provided.

Note An example is part of the Act, 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).

- (7) In this section:

evidence of insurance includes a fidelity certificate.

fidelity certificate—see the *Building Act 2004*, section 84.

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

Division 5.1 **Automatic licence suspension**

48 **Automatic suspension of individual licence**

- (1) This section applies to an individual who is licensed.
- (2) The individual's licence is automatically suspended if the individual—
 - (a) provides, or proposes to provide, a construction service for a fee; and
 - (b) becomes bankrupt or applies to take the benefit of any law for the relief of insolvent debtors.
- (3) However, if the individual is a nominee or employee of a licensed entity the licence is not suspended.

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

49 **Automatic suspension of corporate licence**

- (1) This section applies to a corporation that is licensed.
- (2) The corporation's licence is automatically suspended if the licensee—
 - (a) enters into a winding-up; or
 - (b) is found guilty, whether in the ACT or anywhere else, of an offence that—
 - (i) involves fraud, dishonesty or violence; and
 - (ii) is punishable by imprisonment for at least 1 year.

50 Automatic suspension of partnership licence

- (1) This section applies to a partnership that is licensed in a construction occupation or occupation class.
- (2) The partnership's licence in the construction occupation or occupation class is automatically suspended if—
 - (a) a partner's licence in the same occupation or class is suspended or cancelled; or
 - (b) a partner who is not a licensee is found guilty, whether in the ACT or anywhere else, of an offence that—
 - (i) involves fraud, dishonesty or violence; and
 - (ii) is punishable by imprisonment for at least 1 year.

51 Automatic suspension of building surveyors licence

- (1) This section applies if a person who is a licensed building surveyor stops being eligible to be a building surveyor because the person is not insured in accordance with the regulations.
- (2) The person's building surveyors licence is automatically suspended when the insurance cover stops.

52 Automatic suspension of plumbing plan certifiers licence

- (1) This section applies if a person who is a licensed plumbing plan certifier stops being eligible to be a plumbing plan certifier because the person is not insured in accordance with the regulations.
- (2) The person's plumbing plan certifiers licence is automatically suspended when the insurance cover stops.

53 End of automatic licence suspension

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

- section 48 (Automatic suspension of individual licence);
 - section 49 (Automatic suspension of corporate licence);
 - section 50 (Automatic suspension of partnership licence);
 - section 51 (Automatic suspension of building surveyors licence);
 - section 52 (Automatic suspension of plumbing plan certifiers licence).
- (2) The registrar must revoke the suspension if satisfied that the cause of the suspension no longer exists.
- (3) The registrar may revoke the suspension if satisfied that the circumstance that caused the suspension will not put consumers of the construction practitioner's construction services at a greater risk from using the services than if the thing had not happened.
- (4) A revocation must be in writing given to the licensee.
- (5) The suspension ends 3 months after the day it begins, unless otherwise revoked.

Note The suspension on a licence may be held over to a new licence if the suspended licence expires without being renewed (see s 65).

Division 5.2 Disciplinary action by registrar

54 Disciplinary grounds

- (1) Each of the following is a *disciplinary ground* in relation to a licensee:
- (a) the licensee, or a nominee or employee of the licensee, contravened, or is contravening, this Act or an operational Act (including a direction given to the licensee under an operational Act);

- (b) the licensee, knowingly or recklessly, gave someone information in relation to a construction service provided, or to be provided, by the licensee that was false or misleading in a material particular;
- (c) the licensee or a director, partner or nominee of the licensee, has been found guilty, whether in the Territory or anywhere else, of an offence that—
 - (i) involves fraud, dishonesty or violence; and
 - (ii) is punishable by imprisonment for at least 1 year;
- (d) if the licensee is an individual—the licensee has compounded with creditors or made an assignment of remuneration for their benefit;
- (e) if the licensee is a corporation—
 - (i) the licensee enters into a scheme of arrangement; or
 - (ii) a receiver, manager, receiver and manager or administrator is appointed over the licensee or any of its assets;
- (f) if the licensee is a corporation or partnership—the licensee has, or had, no nominee;
- (g) the licensee's licence has been automatically suspended under division 5.1 (Automatic licence suspension) and the cause of the suspension still exists.

Note See s 149 for the extended meaning in this section of a **contravention** of this Act.

- (2) In subsection (1) (a), a reference to a contravention of this Act or an operational Act includes a reference to the following:
- (a) a contravention of the Criminal Code, part 2.4 (Extensions of criminal responsibility) in relation to an offence against this Act or an operational Act or otherwise in relation to this Act or an operational Act;
 - (b) a contravention of the Criminal Code in relation to a document given, or required to be given, under this Act or an operational Act;
 - (c) a contravention of the Criminal Code in relation to anything done, or not done, under this Act or an operational Act.
- (3) A disciplinary ground applies to a former licensee if the disciplinary ground applied to the former licensee while licensed.

55 When disciplinary notice may be given

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

56 Disciplinary notices

- (1) A notice (a *disciplinary notice*) given to a licensee or former licensee must—
- (a) state each disciplinary ground which caused the notice to be given; and
 - (b) if the disciplinary ground is that the licensee, or a nominee or employee of the licensee, contravened, or is contravening, this Act or an operational Act (including a direction given to the licensee under an operational Act)—describe the contravention or, if a short description is prescribed under the regulations for the contravention, give the short description; and

- (c) if the disciplinary ground is not the ground mentioned in paragraph (b)—state details of each ground that the registrar is satisfied would allow a reasonable person to identify the circumstances that give rise to the ground; and
 - (d) tell the licensee or former licensee that he or she may, within 12 business days after the day the licensee is given the notice, give a written response to the registrar about the matters in the notice.
- (2) If a notice mentions a ground based on a construction service provided or not provided, or alleged to have been provided or not provided, the registrar may, and must if asked, give a copy of the notice to—
- (a) the owner of any premises to which the service relates; and
 - (b) to any certifier appointed under the *Building Act 2004*, section 19 (Appointment of certifiers) in relation to the service.

57 Interim licence suspension

- (1) This section applies if the registrar has given, or proposes to give, a disciplinary notice to a licensee.
- (2) The registrar may suspend (an *interim suspension*) the licensee's licence by written notice given to the licensee.

Note For how documents may be served, see Legislation Act, pt 19.5. Under that part, a person's business address is the last address shown in the administering authority's records for the person (see Legislation Act, s 246, def *business address*).

- (3) However, the registrar may only suspend the licence under subsection (2) if—
 - (a) the registrar has taken into account the circumstances leading to the decision to send the disciplinary notice and the grounds stated, or to be stated, in the notice; and

- (b) the registrar believes, on reasonable grounds, that it is in the public interest to suspend the licence before making a decision under section 60.
- (4) An interim suspension may be for a period of 2 weeks or shorter, but may be extended once for 1 week if the registrar is satisfied that it is in the public interest to extend the suspension.

Note An interim suspension must be recorded on the register (see s 110).

58 Effect of interim suspension

- (1) This section applies if the registrar suspends a licence under section 57.
- (2) The licence is suspended as soon as the licensee receives the notice.
- (3) The suspension ends when the earlier of the following happens:
 - (a) the licensee receives a notice of revocation under section 59;
 - (b) the registrar makes a decision under section 60 in relation to the licensee.

59 Revocation of interim suspension

- (1) This section applies if the registrar suspends a licence under section 57 (Interim licence suspension).
- (2) The registrar may, at any time before making a decision under section 60, revoke the suspension by written notice given to the licensee.
- (3) If the registrar revokes the suspension of a licensee licensed as a builder, the registrar must notify in writing each person notified of the suspension under section 63.

60 Decision about disciplinary action

- (1) This section applies if the registrar has given a licensee or former licensee a disciplinary notice.

- (2) The registrar may take disciplinary action in relation to the licensee or former licensee if satisfied on reasonable grounds that a disciplinary ground is established in relation to the licensee or former licensee.

Note The registrar may also take action under s 95 (2) (c).

- (3) In making a decision about whether to take disciplinary action in relation to the licensee or former licensee, the registrar—
- (a) must take into account—
 - (i) any response given to the registrar in accordance with the disciplinary notice; and
 - (ii) the considerations under section 62.
 - (b) may hold an inquiry under division 5.3 (Disciplinary inquiries).
- (4) If the registrar takes disciplinary action against a licensee or former licensee—
- (a) the registrar must notify the licensee or former licensee in writing about the registrar's decision; and
 - (b) the action takes effect when the notice is given to the licensee or former licensee or on the later date stated in the notice.

61 Disciplinary action

- (1) If the registrar may take disciplinary action in relation to a licensee or former licensee, the registrar may do 1 or more of the following:
- (a) reprimand the licensee or former licensee;
 - (b) require the licensee, or, if the licensee is a corporation or partnership, a nominee of the licensee, to complete a stated course of training to the satisfaction of the registrar or another stated person;
 - (c) impose a condition on the licence, or amend an existing condition;

- (d) order the licensee to pay to the Territory a financial penalty of not more than \$1 000;
- (e) suspend the licence for a stated period (whether longer than the remaining period of the licence or otherwise) or until a stated thing happens;
- (f) cancel the licence;
- (g) cancel the licence and disqualify the licensee from applying for a licence for a stated period or until a stated thing happens;
- (h) disqualify the former licensee from applying for a licence for a stated period, until the former licensee completes a stated course to the satisfaction of the registrar or another stated person or until a stated thing happens.

Note If deciding what disciplinary action to take under this section, the registrar must consider the considerations mentioned in s 62.

- (2) If the registrar orders a licensee to pay a financial penalty under subsection (1) (d), the licensee owes the amount of the financial penalty to the Territory.

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

62 Considerations for deciding what disciplinary action to take

- (1) In deciding what disciplinary action to take in relation to the person under section 61, the registrar must consider the following:
 - (a) the degree of responsibility of the person for the act or omission that made up the disciplinary ground;
 - (b) any injury, loss or damage caused, or that could have been caused, by the act or omission that made up the disciplinary ground;

- (c) the number of people detrimentally affected by the doing of something, or not doing something, that made up the disciplinary ground;
 - (d) how any proposed disciplinary action will affect people detrimentally affected by something that made up the disciplinary ground;
 - (e) the extent to which it is necessary to discourage the person and others from doing something, or not doing something, that made up the disciplinary ground;
 - (f) whether, and the extent to which, it is necessary to protect the public from the person;
 - (g) the desirability of making the person responsible for the consequences of the person's actions or omissions;
 - (h) the desirability of maintaining public confidence in the regulatory system set up by this Act;
 - (i) the person's regard, or disregard, for public safety and protection of the environment when doing something, or not doing something, that made up the disciplinary ground.
- (2) The registrar may consider anything else that is relevant.

63 Builders licence affected by disciplinary or other action

- (1) This section applies if a licensee has a builders licence and—
- (a) the registrar becomes aware that the licence has been automatically suspended under division 5.1; or
 - (b) the registrar suspends the licence under section 57 (Interim licence suspension); or
 - (c) disciplinary action is taken against the licensee under section 61 (1) (c), (e), (f) or (g) in relation to the licence.

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

64 Public notice of decision

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

65 Effect of non-renewal on suspended licence

- (1) This section applies if—
 - (a) a licence (the *original licence*) for a construction occupation or occupation class has been suspended for a period; and

- (b) the original licence expires before the end of the suspension period without being renewed; and
 - (c) the entity that was the licensee is issued with a licence (the *new licence*) in the same construction occupation or occupation class within 3 years after the day the original licence expired.
- (2) The new licence is suspended for the remainder of the suspension period.

Division 5.3 Disciplinary inquiries

66 Notice of inquiry

- (1) If the registrar decides to hold an inquiry in relation to a licensee or former licensee under section 60 (3), the registrar must give the licensee or former licensee at least 2 weeks written notice of the inquiry.
- (2) A notice under subsection (1) must—
- (a) be accompanied by a copy of the disciplinary notice given to the licensee or former licensee; and
 - (b) state whether the registrar considers that any disciplinary ground no longer applies, or has changed, because of any written response made by the licensee or former licensee and, if a ground has changed, how the ground has changed; and
 - (c) explain that the inquiry may result in the taking of disciplinary action against the licensee or former licensee; and
 - (d) tell the licensee or former licensee where and when the inquiry will be held.

Note If a form is approved under s 128 for a notice, the form must be used.

67 Inquiry procedure

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

- (2) The registrar may adjourn an inquiry.

68 Evidence at inquiry

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

69 Legal representation at inquiry

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

70 Advisory board assistance at inquiry

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

71 Registrar may require appearance, information or documents

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

- (b) to give evidence and produce any document or thing in the possession, custody or control of the person; or
- (c) to produce any document or thing in the possession, custody or control of the person.

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

- (2) The registrar may give a party to the inquiry leave, subject to any stated condition, to—
 - (a) inspect a document or thing produced under this section; and
 - (b) make copies of a produced document for the inquiry.
- (3) A person is taken to have complied with a requirement under subsection (1) (c) if the person delivers the document or thing to the registrar before the date stated in the requirement.
- (4) The registrar may set aside a requirement under subsection (1).
- (5) A person commits an offence if the person fails to comply with a requirement made of the person under section 71 (Registrar may require appearance, information or documents).

Maximum penalty: 50 penalty units.

- (6) An offence against this section is a strict liability offence.

72 Witness expenses

- (1) A requirement under section 71 (1) (a) or (b) must be accompanied by—
 - (a) an undertaking to appear to be signed by the person and returned to the registrar by the stated date; and
 - (b) a form to be completed by the person to claim the reasonable costs and expenses of attendance at the inquiry.
- (2) A person is not entitled to refuse to comply with the requirement because the requirement was not accompanied by the form.

Division 5.4 Miscellaneous

73 Multiple occupation or class licences

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

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

74 Requirement to return surrendered licence

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

Part 6 Enforcement

75 Meaning of *compliance auditor* for pt 6

In this part:

compliance auditor means a compliance auditor appointed under section 76.

76 Compliance auditors

- (1) The registrar may appoint a public servant to be a compliance auditor for this Act.

Note 1 For the making of appointments (including acting appointments), see Legislation Act, pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) An appointment must not be for longer than 5 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

77 Role of compliance auditor

- (1) A compliance auditor is responsible for auditing the forms and other paperwork required to be provided by licensees for this Act and the operational Acts.
- (2) A compliance auditor has any other function given to the compliance auditor by the registrar.

78 Identity cards

- (1) The registrar must issue a compliance auditor with an identity card that states the person is a compliance auditor for this Act, or stated provisions of this Act, and shows—
 - (a) a recent photograph of the person; and
 - (b) the name of the person or the particulars that are prescribed under the *Magistrates Court Act 1930* as the identifying particulars for the person (or both); and
 - (c) the date of issue of the card; and
 - (d) a date of expiry for the card; and
 - (e) anything else prescribed under the regulations.
- (2) A person commits an offence if—
 - (a) the person ceases to be a compliance auditor; and
 - (b) the person does not return the person's identity card to the registrar as soon as practicable (but within 7 days) after the day the person ceases to be a compliance auditor.

Maximum penalty: 1 penalty unit.

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

79 Functions not to be exercised before identity card shown

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

80 Functions of compliance auditors

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

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

Examples of documents

plan, map, book, drawing

Note 1 The Legislation Act, s 170 and s 171 deal with the application of the privilege against selfincrimination and client legal privilege.

Note 2 An example is part of the Act, 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).

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

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

Part 7 Offences

81 Pretending to be licensed

- (1) A person commits an offence if the person—
 - (a) is not licensed in a construction occupation or occupation class; and
 - (b) pretends to be licensed in the occupation or class.Maximum penalty: 50 penalty units.
- (2) An offence against this section is a strict liability offence.

82 No nominee

- (1) A corporation commits an offence if the corporation—
 - (a) advertises or otherwise offers to provide a service in a construction occupation or occupation class; and
 - (b) does not have a nominee who has a licence that authorises the nominee to provide the service.Maximum penalty: 50 penalty units.
- (2) Each partner in a partnership commits an offence if the partnership—
 - (a) advertises or otherwise offers to provide a service in a construction occupation; and
 - (b) does not have a nominee who has a licence that authorises the nominee to provide the service.Maximum penalty: 50 penalty units.

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

83 Advertising without details

- (1) A person commits an offence if the person—
- (a) advertises that the person provides, or will provide, a service in a construction occupation or occupation class; and
 - (b) does not include the following in the advertisement:
 - (i) the person's name as recorded on the person's licence;
 - (ii) the person's licence number;
 - (iii) if the person is a corporation—the person's ACN.

Maximum penalty: 5 penalty units.

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

84 Certain entities not to provide construction services

- (1) A person commits an offence if the person—
- (a) provides a service (whether as an employee or otherwise) in a construction occupation or occupation class; and

- (b) either—
 - (i) is not licensed in the occupation or class; or
 - (ii) there is no endorsement on the licence that authorises the person to provide the service provided.

Maximum penalty: 50 penalty units.

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

85 Allowing unlicensed people to provide construction service

- (1) A person commits an offence if—
 - (a) the person engages someone else (the *worker*), or allows an employee (the *worker*), to provide a construction service for the person; and
 - (b) the worker is not licensed to provide the service; and
 - (c) the person is reckless about whether the worker is licensed to provide the service.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to an individual who provides a service if—
- (a) the service is provided under the supervision of a licensee; and
 - (b) the licensee is not required by a condition or endorsement on the licence to provide the service as an employee or under supervision; and
 - (c) the regulations allow the service to be provided by an individual without a licence if provided under the supervision of a licensee.

86 Surrender of licences

- (1) A person commits an offence if—
- (a) the person's licence has been suspended or cancelled; and
 - (b) the person does not surrender the licence to the registrar within 2 weeks after the day of suspension or cancellation.

Maximum penalty: 5 penalty units.

- (2) Each partner commits an offence if—
- (a) the partnership's licence has been suspended or cancelled; and
 - (b) the licence is not surrendered to the registrar within 2 weeks after the day of suspension or cancellation.

Maximum penalty: 5 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant proves that the licence has been destroyed, lost or stolen.

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

87 Breach of licence conditions or codes

- (1) A licensee commits an offence if the licensee contravenes a condition of the licence.

Maximum penalty: 50 penalty units.

- (2) Each partner in a partnership commits an offence if—
- (a) the partnership is a licensee; and
 - (b) the licensee contravenes a condition of the licence.
- (3) A person who is a licensee commits an offence if the person contravenes a code of practice applicable to the person.

Maximum penalty: 50 penalty units.

- (4) Each partner in a partnership commits an offence if the partnership—
- (a) is a licensee; and
 - (b) contravenes a code of practice applicable to the licensee.

Maximum penalty: 50 penalty units.

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

88 Notification of cancellation of insurance

- (1) An insurer commits an offence if—
- (a) the insurer provides a policy of insurance to a person who is, or is applying to be, a licensed building surveyor or plumbing plan certifier; and
 - (b) the insurance is required under the regulations for the person to be eligible for the licence; and
 - (c) the insurer cancels the policy of insurance; and
 - (d) fails to give the registrar written notice of the cancellation within 3 days after the day of cancellation.

Maximum penalty: 50 penalty units.

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

Part 8 Demerit points system

Note In this part, *licensee* has an extended meaning (see s 89, def *licensee*).

89 Definitions for pt 8

In this part:

demerit disciplinary ground, in relation to a licensee—

- (a) means a disciplinary ground in relation to the licensee for which the registrar may take disciplinary action under section 60 (Decision about disciplinary action); but
- (b) does not include a disciplinary ground if—
 - (i) the disciplinary ground is a contravention of this Act or an operational Act; and
 - (ii) an infringement notice may be issued in relation to the contravention.

demerit points register means the register under section 91.

disciplinary incident, for a demerit disciplinary ground, means the circumstances that gave rise to the disciplinary ground.

infringement notice—see the *Magistrates Court Act 1930*, section 117.

licensee, in relation to a demerit disciplinary ground, includes a person who was licensed when the disciplinary incident for the demerit disciplinary ground happened.

90 Meaning of *previous 3 years* for pt 8

- (1) In this part:

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

- (2) For this section, *3 year period* does not include a period of less than 3 years during which a licensee is unlicensed.
- (3) Also, if a licensee incurs demerit points while unlicensed and becomes licensed within 3 years after incurring them, for the purpose of working out the *3 year period* in relation to the licensee the demerit points are taken to have been incurred when the licensee next becomes licensed.

91 Recording demerit points

- (1) If a demerit disciplinary ground exists in relation to a licensee, the registrar must record, in the demerit points register, against the licensee or former licensee, and for the relevant construction occupation, the number of demerit points prescribed under the regulations for the demerit disciplinary ground.
- (2) The demerit points must be recorded in the demerit points register for the day when they are incurred.
- (3) In this section:

relevant construction occupation, for a demerit disciplinary ground, means—

- (a) the construction occupation in relation to the disciplinary incident happened; or
- (b) if the disciplinary incident did not happen in relation to a construction occupation—the main construction occupation in which the licensee was providing construction services when the disciplinary incident happened.

92 When demerit points are *incurred*

- (1) This section applies to demerit points to be recorded against a licensee for a construction occupation in the demerit points register for a demerit disciplinary ground.
- (2) A demerit point is taken to have been *incurred* by the licensee for the demerit disciplinary ground on the day when the registrar first becomes aware of the disciplinary incident.

93 Deleting demerit points

- (1) This section applies to demerit points incurred by a licensee for a construction occupation, recorded in the register and taken into account for—
 - (a) a notice of licence suspension under section 97 or
 - (b) a notice of licence disqualification under section 98; or
 - (c) other disciplinary action allowed to be taken under section 95 (2) (c).
- (2) The demerit points are deleted from the register at the beginning of the period of suspension or disqualification, or on the imposition of the disciplinary action, relating to the licence for the construction occupation.
- (3) Subsection (2) does not prevent the registrar keeping a record of deleted demerit points.

94 Warning notices

- (1) This section applies if—
 - (a) the registrar records a demerit point against a licensee for a construction occupation; and
 - (b) in the previous 3 years, the licensee has incurred at least 10 other demerit points for the construction occupation; and

- (c) the registrar has not sent the licensee a notice under this section within the 3 month period ending on the day the demerit point is incurred.
- (2) The registrar must tell the licensee in writing how many points the licensee has and the effect of this part.

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

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

95 Consequences of incurring demerit points—licensees

- (1) This section applies to a licensee if the licensee—
 - (a) has a licence; and
 - (b) incurred 15 or more demerit points for a construction occupation within the previous 3 years.
- (2) The registrar must consider the disciplinary incidents for which the licensee incurred the demerit points and—
 - (a) serve a notice of licence suspension under section 97 on the licensee in relation to the licensee’s licence in the construction occupation; or
 - (b) serve a notice of licence disqualification under section 98 on the licensee in relation to the licensee’s licence in the construction occupation; or
 - (c) take any other disciplinary action against the licensee that the registrar considers appropriate.
- (3) In considering what action to take under subsection (2), the registrar must take into account the following considerations:
 - (a) the need to protect public safety;
 - (b) the desirability of not allowing people to undertake work which they are financially unable to complete;

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

96 Consequences of incurring demerit points—applicant for issue or renewal of licence

- (1) This section applies to a licensee if—
- (a) the licensee applies to the registrar for a licence (including the renewal of a licence) for a construction occupation; and
 - (b) the licensee has incurred 15 or more demerit points for the construction occupation within the previous 3 years.
- (2) The registrar may refuse the licensee’s application and serve a notice of licence disqualification on the licensee under section 98.
- (3) The registrar may only take action under subsection (2) if satisfied that the public would be at risk if the licensee were allowed to provide the construction services authorised by the licence.

97 Licence suspension

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

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

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

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

98 Licence disqualification

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

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

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

- (2) If the licensee has a licence, the licence is cancelled in relation to each construction occupation or occupation class mentioned in the notice on the date of effect.
- (3) The licensee is disqualified from holding a licence in each construction occupation or occupation class during the period of licence disqualification and is not entitled to apply for, or be issued with, a licence in the construction occupation or occupation class during the period.
- (4) To remove any doubt, a licence may be cancelled in relation to all construction occupations or occupation classes it relates to.

99 Demerit points incurred but not taken into account for notice of licence suspension etc

- (1) This section applies to—
 - (a) demerit points incurred by a licensee on or before the date of a notice of licence suspension or licence disqualification served on the licensee under this part that were not taken into account for the notice; and
 - (b) demerit points incurred by the licensee after the date of the notice and before the period of licence suspension or licence disqualification applying under the notice begins.
- (2) The demerit points are only taken into account in relation to the licensee from the end of the period of licence suspension or licence disqualification applying under the notice.

100 Issue of licence suspension notice etc

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

101 Keeping demerit points register

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

102 Security and disclosure of information in demerit points register

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

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

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

Part 8 Demerit points system

Section 102

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

Part 9 Administration

103 Construction occupations registrar

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

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

- (2) However, the chief executive must not appoint a person under subsection (1) unless satisfied that the person has relevant experience or a relevant qualification in 1 or more of the following areas:
- (a) building;
 - (b) building surveying;
 - (c) draining;
 - (d) electrical;
 - (e) engineering;
 - (f) gasfitting;
 - (g) plumbing;
 - (h) administration of building or construction industry regulatory schemes.
- (3) The appointment must not be for longer than 3 years.

104 Registrar's functions

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

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

105 Delegation by registrar

The registrar may delegate the registrar's functions under this Act or another Territory law to a public servant.

Note For the making of delegations and the exercise of delegated functions, see Legislation Act, pt 19.4.

106 Deputy registrars

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

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

107 The register

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

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

- (2) The register may be kept in any form, including electronic form, that the registrar decides.
- (3) The register may be divided into parts.
- (4) The registrar must make the register available to the public.

108 Recording rectification orders

- (1) If the registrar makes a rectification order, the registrar must include the following in the register in relation to the order:
- (a) the date the order was made;
 - (b) what the rectification order required.
- (2) However, the registrar may only include information under subsection (1) if the licensee to whom the rectification order relates—
- (a) has not applied for review of the decision to make the order within the period allowed under the *Administrative Appeals Tribunal Act 1989*; or
 - (b) has applied for review of the decision but the AAT has not set aside the rectification order.

109 Recording contravention of rectification orders

- (1) This section applies if—
 - (a) the registrar is satisfied that a person has contravened a rectification order; and
 - (b) the registrar proposes to include the details of the contravention in the register.
- (2) The registrar must tell the person in writing that—
 - (a) the registrar proposes to include the details of the contravention in the register; and
 - (b) the person may make a submission to the registrar about the inclusion of the details within the time (the *stated time*) stated in the notice that is not less than 2 weeks.
- (3) The registrar may include details of the contravention in the register if, after considering any submission made within the stated time, the registrar is satisfied that—
 - (a) the person contravened the rectification order; and
 - (b) it is appropriate to include the details in the register.

110 Recording interim licence suspension

- (1) If the registrar suspends a licence under section 57 (Interim licence suspension), the registrar must immediately include the following in the register in relation to the suspension:
 - (a) the date of suspension;
 - (b) the length of the suspension;
 - (c) whether the suspension has been extended.

111 Removal of information from register

- (1) This section applies to information included in the register under the following sections:
 - (a) section 108 (Recording rectification orders);
 - (b) section 109 (Recording contravention of rectification orders);
 - (c) section 110 (Recording interim licence suspension).
- (2) A person may apply for the removal of the information from the register if the information relates to something the person did or did not do.
- (3) On receiving an application from a person, the registrar may remove the information from the register if satisfied that—
 - (a) no further information to which this section applies has been recorded in relation to the person; and
 - (b) it is 5 years or longer since the day, or last day, that the event to which the information relates happened.
- (4) Subsection (3) does not prevent the registrar keeping a record of information removed from the register.

112 Annual report by registrar

- (1) The registrar is a public authority for the *Annual Reports (Government Agencies) Act 2004*.
- (2) A report prepared by the registrar under the *Annual Report (Government Agencies) Act 2004* for a financial year must include the details prescribed under the regulations.

113 Evidentiary certificates

- (1) The registrar may issue a certificate, signed by the registrar, stating that on a date or during a period stated that—
 - (a) an entity named in the certificate was or was not licensed; and

- (b) if the entity was licensed—
 - (i) the entity was licensed in the construction occupation, and occupation class (if any), in which the entity was licensed; and
 - (ii) the licence was, or was not, suspended.
- (2) A licence or certificate under this section is evidence of the matters stated in it.
- (3) Unless the contrary is proved, a document that purports to be a licence or certificate under this section is taken to be such a document.

Part 10 Advisory boards

114 Establishment of advisory boards

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

115 Constitution of advisory board

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

116 Advisory board functions

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

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

Part 11 Complaints

117 Who may complain?

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

118 Form of complaint

- (1) A complaint must be—
 - (a) in writing; and
 - (b) signed by the person making the complaint (the *complainant*); and
 - (c) include the complainant's name and address.
- (2) However, the registrar may accept a complaint for consideration even if it does not comply with subsection (1).
- (3) If the registrar accepts for consideration a complaint that is not in writing, the registrar must require the complainant to put the complaint in writing unless there is a good reason for not doing so.

119 Withdrawal of complaints

- (1) A complainant may withdraw the complaint at any time by written notice to the registrar.
- (2) If the complainant withdraws the complaint, the registrar—
 - (a) need take no further action on the complaint; and
 - (b) may continue to act on the complaint if the registrar considers it appropriate to do so; and

- (c) need not report to the complainant under section 123 (Action after investigating complaint) on the results of any action on the complaint.

120 Further information about complaint etc

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

121 Investigation of complaint

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

Note A complaint must be in writing, but the registrar may accept a complaint that is not in writing (see s 118).

122 No further action

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

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

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

Note The registrar may also take no further action on a complaint if the complainant has not complied with a requirement made under s 120 (1) (see s 120 (3)).

123 Action after investigating complaint

- (1) After investigating a complaint against a licensee or former licensee, the registrar must—
- (a) if the registrar is satisfied that a disciplinary ground exists in relation to the complaint—
 - (i) give the licensee or former licensee a disciplinary notice; and
 - (ii) tell the complainant in writing that the notice has been given; or
 - (b) if the registrar is not satisfied that a disciplinary ground exists in relation to the complaint—
 - (i) tell the complainant in writing that the registrar will take no further action on the complaint; and
 - (ii) take no further action on the complaint.
- (2) Subsection (1) (b) (ii) does not prevent the registrar from taking further action in relation to a complaint if the registrar becomes satisfied that a disciplinary ground exists in relation to the complaint.

Note The registrar need not notify the complainant under subsection (1) if the complainant has withdrawn the complaint (see s 119).

Part 12 Miscellaneous

124 Review of decisions

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

125 Protection of registrar, advisory boards etc

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

126 AS 3500 and Legislation Act, s 47

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

127 Determination of fees

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

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

- (2) A determination is a disallowable instrument.

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

128 Approved forms

- (1) The registrar may approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.

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

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

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

129 Regulation-making power

- (1) The Executive may make regulations for this Act.
- (2) The regulations may make provision in relation to—
- (a) licences; and
 - (b) the keeping of the register, including the particulars that must or may be entered in the register; and
 - (c) the supervision of licensees' activities; and

- (d) rectification orders; and
 - (e) codes of practice.
- (3) The regulations may create offences for contraventions of the regulations and fix maximum penalties of not more than 10 penalty units for offences against the regulations.
- (4) The regulations may adopt an Australian Standard as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

- (5) The Legislation Act, section 47 (6) does not apply to an Australian Standard mentioned in subsection (4).

Part 13 Repeals and transitional provisions

130 Definitions for pt 13

In this part:

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

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

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

131 Review of Act

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

132 Legislation repealed

The following legislation is repealed:

- *Construction Practitioners Registration Act 1998* A1998-53
- *Construction Practitioners Registration Regulations 1998* SL1998-38.

133 End of licences or registration of people taken to be licensed or registered

- (1) If a person is taken to be licensed under this part because the person held a licence or was registered under another Act, the licence under this Act expires at the time when the person's licence or registration would have expired under the other Act.

Section 134

- (2) Subsection (1) does not apply if the person’s licence is cancelled under this Act before it expires.

134 Building surveyors

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

135 Electricians

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

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

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

Part 13 Repeals and transitional provisions

Section 135

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

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

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

136 Plumbers, drainers and gasfitters

- (1) A person who, immediately before commencement day, was licensed under the *Plumbers, Drainers and Gasfitters Board Act 1982* as a plumber, drainer or gasfitter, is taken to be licensed under this Act in the same occupation.
- (2) If, immediately before commencement day, a person mentioned in subsection (1) held a certificate of competency, the person is taken to be licensed in the occupation class that is equivalent to the certificate.

137 Fire sprinkler's licence

- (1) This section applies if, immediately before commencement day, a person held a sprinkler fitter's licence under the *Plumbers, Drainers and Gasfitters Board Act 1982* (repealed).
- (2) The person is taken to hold a plumbers licence in the occupation class water supply plumber, with a condition that the licence only authorises fire sprinkler work.

138 Plumbing plan certifiers

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

139 Suspensions under repealed Act

- (1) This section applies if, immediately before commencement day, a person's registration under the repealed Act was suspended.
- (2) This part, apart from this section, applies to the registration as if the registration were not suspended.
- (3) If the person is taken to be licensed under this part, the licence is taken to be suspended until the time when the suspension would have ended under the repealed Act.
- (4) A right to appeal against the suspension that existed immediately before commencement day is taken to be a right to appeal under this Act.

140 Suspended electricians

- (1) This section applies if, immediately before commencement day, a person's licence or permit under the *Electricity Safety Act 1971* was suspended.
- (2) This part, apart from this section, applies to the licence or permit as if it were not suspended.
- (3) If the person is taken to be licensed under this part, the licence is taken to be suspended until the time when the suspension would have ended under the *Electricity Safety Act 1971* as in force immediately before commencement day.
- (4) A right to appeal against the suspension that existed immediately before commencement day is taken to be a right to appeal under this Act.

141 Application of rectification orders

For section 34 (Intention to make rectification order)—

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

142 Applications for registration under repealed Act

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

143 Former licensee in s 54 (3)

- (1) In section 54 (3):

former licensee includes a person who was registered or licensed, or who held a permit, under—

- (a) the repealed Act; or
- (b) an operational Act, as in force at any time before the commencement of this Act; or

- (c) the *Building Act 1972*, as in force at anytime before the commencement of this Act; or
 - (d) the *Plumbers, Drainers and Gasfitters Board Act 1982*, as in force at anytime before the commencement of this Act.
- (2) Also, for section 54 (3), a reference to *while licensed*, in relation to a former licensee who was registered or held a permit, is taken to be a reference to when the licensee was registered or held the permit.

144 Applications for builders' licences under Building Act

- (1) This section applies if, immediately before commencement day, a person had applied under the Building Act, section 15 for a builder's licence, but the application had not been decided.
- (2) The application is taken to be an application for a builders licence made under this Act.
- (3) If, because the application was made under the Building Act, the application does not include something that is required for an application under this Act, the registrar may ask the applicant for the further information.
- (4) If the application is for a licence, or a class of licence, that does not exist, the registrar may grant the applicant a licence that corresponds to the licence applied for, if satisfied that it is appropriate to do so.

145 Eligible applicants for builders' licences without qualifications

- (1) This section applies if—
 - (a) immediately before commencement day, a person had applied under the Building Act, section 15 for a builder's licence; and
 - (b) the application was not decided before the repeal of that Act; and

- (c) the person would have been eligible for the licence under the Building Act had that Act not been repealed; and
 - (d) the person is not eligible for a builders licence under this Act only because the person does not have a qualification (including experience) required under this Act.
- (2) The registrar may issue the person a builders licence under this Act, even though the person does not have the qualification.

146 Current builder's licence

- (1) This section applies if, immediately before commencement day—
- (a) a person had been granted a builder's licence under the Building Act; and
 - (b) the licence was in force.
- (2) The licence is taken to have been issued under this Act and authorises the person to do anything that the person was authorised to do under the Building Act.
- (3) However, the licence cannot be renewed.

147 Applications for licence or permit under Electricity Safety Act

- (1) This section applies if, immediately before commencement day, a person had applied under the *Electricity Safety Act 1971* for a licence or permit, but the application had not been decided.
- (2) The application is taken to be an application for a licence under this Act of the kind worked out under section 135.
- (3) If, because the application was made under the *Electricity Safety Act 1971*, the application does not include something that is required for an application under this Act, the registrar may ask the applicant for the further information.

148 Applications for licence or certificate of competency under Plumbers, Drainers and Gasfitters Board Act

- (1) This section applies if, immediately before commencement day, a person had applied under the *Plumbers, Drainers and Gasfitters Board Act 1982* for a licence or certificate of competency, but the application had not been decided.
- (2) The application is taken to be an application for a plumbers, drainers or gasfitters licence under this Act.
- (3) If, because the application was made under the *Plumbers, Drainers and Gasfitters Board Act 1982* (repealed), the application does not include something that is required for an application under this Act, the registrar may ask the applicant for the further information.
- (4) If the application is for a licence, or a class of licence, that does not exist, the registrar may grant the applicant a licence that corresponds to the licence applied for, if satisfied that it is appropriate to do so.

149 Contraventions before commencement day

A reference in section 35 (When rectification order may be made), section 37 (Rectification order inappropriate) or section 54 (Disciplinary grounds) to a contravention of this Act includes a reference to a contravention, before commencement day, of—

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

150 Meaning of *demerit disciplinary ground* for pt 8

- (1) In part 8 (Demerit points system):

demerit disciplinary ground does not include a disciplinary ground if the disciplinary incident for the demerit disciplinary ground happened more than 3 years before the day this section commenced.

- (2) In this section:

disciplinary incident—see section 89 (Definitions for pt 8).

151 New regulations

- (1) The provisions set out in schedule 1 are taken, on the commencement of this section, to be regulations made under this Act, section 129 (Regulation-making power).
- (2) To remove any doubt and without limiting subsection (1), the provisions set out in schedule 1 may be amended or repealed as if they had been made as regulations by the Executive under this Act, section 129.
- (3) To remove any doubt, the regulations mentioned in subsection (1) are taken—
- (a) to have been notified under the Legislation Act on the day this Act is notified; and
 - (b) to have commenced on commencement day; and
 - (c) not to be required to be presented to the Legislative Assembly under the Legislation Act, section 64 (1).
- (4) Subsections (1), (2) and (3) are laws to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) This section expires on the day it commences.

152 Transitional regulations

- (1) The regulations may prescribe savings or transitional matters necessary or convenient to be prescribed because of the enactment of the *Construction Occupations Legislation Amendment Act 2004* or this Act.
- (2) The regulations may modify the operation of this Act to make provision with respect to any matter that is not, or not adequately, dealt with in this Act or the *Construction Occupations Legislation Amendment Act 2004*.

153 Expiry of pt 13

- (1) This part, other than section 131, expires 1 year after commencement day.
- (2) Section 131 expires 3 years and 6 months after commencement day.

Schedule 1 New regulations

(see s 151)



Australian Capital Territory

Construction Occupations (Licensing) Regulations 2004

Subordinate Law SL2004-

made under the

Construction Occupations (Licensing) Act 2004

Part 1 Preliminary

1 Name of regulations

These regulations are the *Construction Occupations (Licensing) Regulations 2004*.

2 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary at the end of these regulations defines certain terms used in this Act, 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 these regulations.

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

3 Notes

A note included in these regulations is explanatory and is not part of these regulations.

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

4 Offences against regulations—application of Criminal Code etc

Other legislation applies in relation to offences against these regulations.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against these regulations (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;
 - (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; 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; and

- (ii) the name, business address, telephone and fax number and email address (if any) of each of the applicant's nominees; and
- (iii) an extract about the history of the corporation from a database kept by the Australian Securities and Investments Commission;
- (g) the applicant's business telephone and fax number and email address (if any);
- (h) if the application is for a licence as a building surveyor or a plumbing plan certifier—the name of the insurer who will provide the insurance mentioned in regulation 17 (Eligibility to be building surveyor) or regulation 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;
 - (d) if the licensee is a corporation—its ACN;
 - (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 building surveyors and plumbing plan certifiers—Act, s 24

- (1) The maximum period for which a licence in the construction occupation of building surveyor or plumbing plan certifier may be issued is 1 year.
- (2) However, if the applicant for the issue or renewal of the licence has insurance required under these regulations for a period 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 a building surveyor or a plumbing plan certifier—the name of the insurer who provides the insurance mentioned in regulation 17 (Eligibility to be building surveyor) or regulation 18 (Eligibility to be plumbing plan certifier);
 - (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 regulation 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.

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- (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 subregulation (4).
 - (6) In this regulation:
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) builder;
 - (b) building surveyor;
 - (c) drainer;
 - (d) electrician, electrical contractor class;
 - (e) gasfitter;
 - (f) plumber.
- (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.

16 Eligibility to be owner-builder

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

- (a) the individual owns the land on which 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.

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 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.

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- (3) For subregulation (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 subregulation (2) (d)—
- costs and expenses* means costs and expenses incurred with the insurer's consent.

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 (3)

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 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 regulation 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 holds insurance of a kind mentioned in regulation 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 reg 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 specialist building work—Act, s 22

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

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

- (2) In this regulation:

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).

32 Considerations for endorsing under reg 30 and reg 31

- (1) In deciding whether to endorse a person's licence under regulation 30 or regulation 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 regulations, 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;

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- (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) In this regulation:
- 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).
- 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.

37 Classes of builder

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

38 Classes of building surveyor

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

39 Classes of drainer

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

40 Classes of electrician

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

41 Classes of gasfitters

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

42 Classes of plumber

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

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- (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 regulation:

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);
- (j) deciding to make a rectification order under the Act, section 38 (Rectification orders);
- (k) refusing to revoke the automatic suspension of a licence under the Act, section 53 (2) (End of automatic licence suspension);
or
- (l) suspending a licence under the Act, section 57 (2) (Interim licence suspension);
- (m) refusing to revoke a suspension under the Act, section 59 (2) (Revocation of interim suspension);
- (n) taking disciplinary action under the Act, section 60 (Decision about disciplinary action);
- (o) including details of the contravention of a rectification order in the register under the Act, section 109 (3) (Recording contravention of rectification orders);
- (p) refusing to endorse a builders licence under regulation 30 (Endorsing builders licences for specialist building work—Act, s 22);

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- (q) endorsing a licence under regulation 30 subject to conditions.
 - (r) refusing to endorse a plumbers licence under regulation 31 (Endorsing plumbers licences for backflow prevention device test work—Act, s 22);
 - (s) refusing to issue a replacement licence under regulation 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 reg 9 (1) (g)**

In regulation 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 reg 9 (1) (h)**

In regulation 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 reg 13**

- (3) 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 regulation 13 on or before the commencement of this regulation.

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- (4) 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 regulation.

50 Meaning of owner-builders licence for reg 16

In regulation 16:

owner-builders licence includes an owner-builders 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 reg 34

In regulation 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 Builder

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

Part 1.2 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 1.3 Drainer

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

Part 1.4 Electrician

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

column 1 item	column 2 construction occupation class	column 3 construction 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
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

Schedule 1 New regulations

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

Part 1.5 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

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

Part 1.6 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, without supervision
3	journey person plumber	sanitary plumbing work under supervision of licensee with sanitary plumbers licence

Schedule 2 Demerit disciplinary grounds

(see reg 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 1 New regulations

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	<p>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—</p> <p>(a) crack or split wider than 5mm; or</p> <p>(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</p>	creation of defective single concrete element—cracked or split more than 5mm	1

Schedule 1 New regulations

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 1 New regulations

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— (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 1 New regulations

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
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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

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

Schedule 1 New regulations

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
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

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

Schedule 1 New regulations

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

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 Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.2 (a)—sanitary drainage system using water-borne waste disposal designed or constructed so that does not carry sewage from sanitary plumbing system to approved disposal system	creation of sanitary drainage system that does not carry sewage from sanitary plumbing system to approved disposal system	1

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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—altered, removed or interfered with sanitary drain without giving required notice	failure to give required notice of intention to start or complete drainage work	1
2.3.11	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 7 (1)—did work on sanitary drainage system other than in accordance with approved plan	creation of sanitary drainage work other than in accordance with approved plan	1

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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (ii)—earth electrode defect	creation of defective earth electrode	3
2.4.35	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (iii)—earthing conductor defect (eg size, identification)	creation of defective earthing conductor	3
2.4.36	fail to comply with <i>Electricity Safety Act 1971</i> , s 33, compliance with AS 3000, as indicated by testing under AS 3017, cl 2.2 (f) (iv)—equipotential bonding conductor defect (eg size, identification)	creation of defective equipotential bonding conductor	3

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

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

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 non-compliant joint	creation of non-compliant joint in, or connection to, consumer piping system	1

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

Schedule 1 New regulations

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
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

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

Schedule 1 New regulations

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 1 New regulations

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 required for combustion or caused air pressure to be less	failure to provide gas appliance with compliant air ventilation or adequate combustion air supply	2

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
	than atmospheric pressure at appliance or otherwise adversely affected appliance's operation; or		
	(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		
	(d) air supply to gas appliance contaminated with gases produced by fuel combustion, or contained chemicals or flammable vapours that could have affected combustion; or		
	(e) gas appliance in room or enclosure required to		

Schedule 1 New regulations

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
	have 1 or more of following, but did not: <ul style="list-style-type: none"> (i) natural ventilation direct from outside the room or enclosure; (ii) natural ventilation from nearby room or enclosure; (iii) mechanical ventilation 		
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

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

Schedule 1 New regulations

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

Schedule 1 New regulations

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	<p>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—</p> <p>(a) of required dimensions from point of access into roof space to gas appliance and around appliance; and</p> <p>(b) with no duct intruding on it; and</p> <p>(c) capable of supporting person’s weight; and</p> <p>(d) permanently fixed to building</p>	failure to provide compliant walkway to roof space gas appliance	3

Schedule 1 New regulations

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 1 New regulations

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 9, but— (a) compliance indicator not attached to the consumer piping in accordance with Gas Safety Act; or (b) certificate of compliance for work not given in accordance with Gas Safety Act	failure to attach appropriate indicator to completed gas pipework or to give appropriate certificate of compliance for pipework	3

Schedule 1 New regulations

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 Regulations 2001</i> , reg 6 (1), performance requirement under AS 3500.2.1, cl 7.1 (b)—sanitary plumbing system using water-borne waste disposal designed or constructed in a way that failed to avoid likelihood of blockage or leakage	creation of sanitary plumbing system with likelihood of blockage or leakage	2

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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 (2) or s 15 (1) (a) and <i>Water and Sewerage Regulations 2001</i>, reg 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 1 New regulations

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.9	fail to comply with <i>Water and Sewerage Act 2000</i> , s 15 (1) (b) and (c)— (a) contravened direction of registrar about alteration, repair or replacement of pipe or fitting; or (b) laid pipe communicating with water network other than as authorised under MP52	failure to do work connecting to water network in accordance with registrar’s direction or MP52	2
2.6.10	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 19— (a) did not tell registrar when water supply plumbing work ready for inspection; or (b) did not leave water supply plumbing work ready for inspection as required	failure to tell registrar water supply plumbing work ready for inspection or to leave work uncovered for test	1

column 1 item	column 2 demerit disciplinary ground	column 3 short description	column 4 demerit points
2.6.11	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 20 (1)—did not test water supply plumbing in accordance with AS 3500 before it was to be passed by an inspector or, if the water supply plumbing was altered or repaired, before the alteration or repair was to be passed	failure to test water supply plumbing before inspection	1
2.6.12	fail to comply with <i>Water and Sewerage Regulations 2001</i> , reg 20 (3)—did not rectify water supply plumbing work found to be defective	failure to rectify defective water supply plumbing work found by test	2

Schedule 1 New regulations

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

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

Schedule 1 New regulations

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

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

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

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

**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

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 reg 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 reg 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to these regulations.

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

- Act.

Note 3 Terms used in these regulations have the same meaning that they have in the *Construction Occupations (Licensing) Act 2004* (see Legislation Act, s 148). In particular, 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.

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

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

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

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

incidental electrical work—see the *Electricity Safety Act 1971*, section 3 (1).

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?*).

Dictionary

(see s 3)

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

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

- entity
- Legislation Act
- under
- working day.

AS 3500—

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

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

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

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

builder—see section 8.

building certifier—see the *Building Act 2004*, dictionary, definition of *certifier*.

building surveyor—see section 9.

building work—see the *Building Act 2004*, section 6.

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

compliance auditor, for part 6 (Enforcement)—see section 76.

construction occupation—see section 7.

construction practitioner—see section 6.

daily ACT newspaper means a daily newspaper published and circulating in the ACT.

demerit disciplinary ground, for part 8 (Demerit points system)—see section 89.

demerit points register, for part 8 (Demerit points system)—see section 89.

disciplinary action means action the registrar may take under section 61 (1).

disciplinary ground—see section 54.

disciplinary incident, for part 8 (Demerit points system)—see section 89.

disciplinary notice—see section 56.

drainer—see section 10.

electrician—see section 11.

emergency rectification order—see section 39.

endorsement means an endorsement under section 22.

former licensee means a person who has been a licensee.

gasfitter—see section 12.

infringement notice—see *Magistrates Court Act 1930*, section 117.

inquiry means an inquiry under division 5.3 (Disciplinary inquiries).

licence means a licence under this Act.

licensee, for part 8 (Demerit points system)—see section 89.

licence number, for a licence—see section 23 (1) (c).

mandatory requirements, for division 3.2 (Nominees)—see section 27.

nominee, of a corporation or partnership, means a person who is appointed as a nominee of the corporation or partnership under section 28 (Nominees of corporations and partnerships).

occupation class means a class into which a construction occupation is divided under section 15.

operational Act—see section 16.

plumber—see section 13.

plumbing plan certifier—see section 14.

previous 3 years, for part 8 (Demerit points system)—see section 90.

rectification order—see section 38 (1).

register means the register kept under section 107.

registrar—see section 103.

reviewable decisions means a decision prescribed under the regulations for section 124.

storey—see the *Building Act 2004*, dictionary.

supervise includes direct.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 20 November 2003.

2 Notification

Notified under the Legislation Act on 26 March 2004.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Construction Occupations (Licensing) Bill 2004, which originated in the Assembly as the Construction Occupations (Licensing) Bill 2003 and was passed by the Legislative Assembly on 11 March 2004.

Clerk of the Legislative Assembly

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